

SOCIAL WELFARE AND LEGISLATION FOR THE CHILDREN IN INDIA DURING IYC 1979

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DECLARING 1979 to be the International Year of the Child, the U.N. General Assembly has set out its general objectives as follows:—

- (a) "To provide a framework for advocacy on behalf of children and for enhancing the awareness of the special needs of children on the part of decision-makers and the public;
- (b) To promote recognition of the fact that the programmes for children should be an integral part of economic and social development plans, with a view to achieving in both the long-term and the short-term, sustained activities for the benefit of children at the national and international levels."

India has always been a strong advocate of the cause of the child and played a notable role in getting the United Nations General Assembly to pass a Resolution declaring the Universal Children's Day which is observed in India on 14 November, every year. India has also been staunch supporter for declaring 1979 as the International Year of the Child and was the first country to announce its contribution of Rs. 900,000 to UNICEF for the purpose.

The needs of children and our duties towards them are enshrined in our Constitution. Article 39 of the Constitution proclaims that the State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that children are not forced by economic necessity to enter a vocation unsuited to their age or strength. It further declares that childhood and youth are to be protected against exploitation and against moral and material abandonment. Constitution also enjoins upon the State to provide free and compulsory education for all children until they complete the age of fourteen years.

Keeping in view the constitutional provisions and the United Nations Declaration of the Rights of the child, Government of India adopted a National Policy for children in 1974. The Policy recognizes children as the "nation's supremely important asset" and declares that the nation is responsible for their 'nature and solicitude'. It further spells out various measures to be adopted and priorities to be assigned to children's programmes with a focus on areas like child health, child nutrition and welfare of handicapped and destitute children. The Policy also provides for setting up of a high-level National Children's Board to focus attention on child welfare and child development and to ensure, at different levels, continuous planning, review and coordination of all essential services directed towards children.

OBJECTIVES

The specific objectives of the observance of the International Year of the Child shall be as under:—

- To make concrete efforts to significantly reduce the incidence of maternal and child mortality and morbidity by providing effective programmes and services for their health and nutritional needs.
- To promote community awareness and education about the crucial importance of the healthy development of the child and a happy family life as the foundation for the child's security and well-being.
- To facilitate optimum psycho-social development of pre-school children so as to prepare them for schooling by providing a network of Balwadis/Anganwadis/Creches/Day-care Centres/Nursery Schools.
- To strive for the speedy realisation of the goal of universal elementary education and

to substantially reduce the rates of school drop-out.

- To secure the basic rights of children and to protect them against neglect, cruelty, hazards and exploitation by promoting effective implementation of existing legislation and enacting new ones where necessary.
- To secure entitlement of all children in the poverty groups born on/after 1st January 1979 to public assistance for their survival, growth and development.

THE APPROACH STRATEGY

The objective of IYC are of a global nature encompassing all children in the age group of 0-14 years and call for massive input and viable infrastructures. The following guidelines may be kept in view while formulating action programmes for the observance of the IYC in this country:—

- The general theme of IYC in India is "Reaching the deprived child."
- The IYC should not be construed as a one year programme. A perspective plan for the next two decades (1979-99) should be evolved. The goals & objectives as spelled out should positively be achieved by the end of the century.
- The emphasis during this period shall be on on children of weaker sections of society, namely, Scheduled Castes, Scheduled Tribes and other poverty groups located in rural areas and urban slums. Within this target group, greater attention should be bestowed on children in the age group of 0-6 years, primary school children as also pregnant and nursing mothers. It has been estimated that out of 115 million children (1971 census) between the ages of 0 and 6 years in India, at least 46 million are below the poverty line. Of these, 9.2 million live in the teeming urban slums, 2.8 million in tribal areas, and 34 million in rural areas, often inaccessible and beset by drought, flood and other hazards of marginal existence.
- Since it will be difficult to cover, during IYC, all children under health and nutrition programmes, priority should be given to cater

to the needs of children below the age of 6 years, pregnant and nursing mothers.

In the light of objectives and approach strategy as outlined above, the action plan has been divided into the following six broad heads:—

1. Health and Nutrition including environmental sanitation and supply of safe drinking water.
2. Education including pre-school, elementary and community education.
3. Social welfare.
4. Legislation.
5. Publicity.
6. Fund raising.

In this paper more of emphasis is laid on social welfare & legislation:—

SOCIAL WELFARE

Social Welfare covers the entire spectrum of needs of children who by reason of some handicap—social, economic, physical or mental—are unable to avail of services provided by the community. Social Welfare programmes thus seek to provide supportive services to the families of these children because one of the important responsibilities of the society and State is to assist the family to fulfil the natural obligation for the welfare of children.

The problems and the related remedial action needed are unlimited whereas the resources available are very limited. The socially and economically weaker sections of society will not be able with their present level of earnings, to buy for themselves the basic necessities for healthy growth and development of their children.

There are three categories of children in the poverty groups who need particular attention, namely, children of working mothers, destitute children and handicapped children. As such, priorities are to be assigned and the most vulnerable among country's child population shown special consideration. The following actions are suggested:—

The child population, below 6 years, of working mothers in urban and rural areas is estimated to be around 2 million and 16.6 million respectively. With a view to helping the working mother dis-

charge her duties—both as a mother and worker and ensuring that her children are not deprived of the basic essentials which are crucial for their formative years, better family-aid services like anganwadis, balwadis, creches and day-care centres are to be provided. The available pre-school facilities, though impressive in absolute numbers, are inadequate for the pre-school children to be covered. The majority of people cannot afford the luxury of sending their children to a private fee-charging nursery school. Pre-school programme, therefore, has to be a government-funded/aided programme, if the benefits have to flow to the vulnerable sections of the population.

More day-care centres/creches/balwadis/anganwadis should be opened and operated on low cost, giving preference to infants of working mothers and poorer sections of the community, both in urban and rural and tribal areas.

Health and nutrition should be integral components of all pre-school programmes. The institution of balwadi/anganwadi has a great potential in this regard and needs to be strengthened and expanded on a much wider scale. The target should be at least one balwadi/anganwadi in every village run by women selected from among the community and given the necessary training.

It is estimated that there are more than one million destitute children in the country. The girls among them need particular attention as they are likely to be exposed to social and moral danger when they grow up. Institutional and non-institutional (foster care) services may be provided for these destitute children.

Efforts should be made, as far as possible, for running existing orphanages and child care institutions on a pattern so effectively demonstrated by the S.O.S. Children's Villages in India, wherein 8-10 orphan children of different age groups are kept in a cottage under the affectionate care of a house mother and in a home-like environment. The S.O.S. Children's Villages in India can play a crucial role in opening more such homes and villages all over the country and in guiding organisations.

Well-to-do persons and families may be motivated to accept children from institution, under foster care, so that these children get care and affection in a family atmosphere so that they may enjoy growth opportunities, within family setting.

It should be recognised that handicapped children, despite their handicaps, have far more abilities. It should be emphasised that with integrated education, training medical and allied services, these children can develop their abilities and become useful citizens. As some handicaps are the results of preventable causes, emphasis should be laid on preventive programmes too. Adequate food and nutrition, proper health care and environmental sanitation have to be ensured.

Health check-up of both school going and pre-school children should be thorough so as to detect handicaps early. The follow-up treatment should be carried out systematically.

In order to facilitate social assimilation of the handicapped children in society, greater emphasis should be laid on integrated education and vocational training of handicapped children in regular schools and training centres. If necessary, special facilities like compensatory education programme, scholarships, reservation of seats, hostels, transport and educational aids should be provided to these children. More inputs should be made available to organisations working in this field. The four national institutes for the handicapped set up by the Government of India should extend technical help and expertise to such integrated educational institutions.

Health visitors, community health workers and para-medical workers should be properly oriented and trained in extending social welfare service along with preventive, curative and follow-up services to children.

LEGISLATION

While many legislations have been undertaken to protect, promote and safeguard the interests of children, their implementation leaves much to be desired. Besides strengthening the enforcement machinery, there is also the need to review and suitably amend the relevant enactments and to promote new legislation in uncovered areas. The problem of effective implementation should be tackled during IYC to ensure adequate protection and assistance to the child in need.

As, in the present context, it is not feasible to abolish child labour entirely, it would be expedient to improve working conditions of such children and protect them against abuse, exploitation and health hazards.

A comprehensive study of laws relating to children has been prepared by the Indian Law Institute at the request of the Department of Social Welfare, Government of India. This report is currently being revived by an expert committee and a series of recommendations for legislative action in favour of children are likely to emerge as a result of this review. Action on points so suggested could be developed with IYC programme.

A two-pronged approach is, therefore, suggested at present in this field: (i) to promote community awareness on the need for understanding and effective implementation of a existing child legislation and (ii) to create public opinion in favour of new and progressive legislation in some of the fields listed as follows:—

ADOPTION—The need for a suitable legislation for adoption has been keenly felt for alleviating the conditions of destitute, neglected, homeless and abandoned children who could be placed in a substitute family for their proper care and upbringing. Such a legislation may be brought up at an early date.

CHILDREN ACTS—The Children Act approach provides for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected and delinquent children and for the trial of the latter. The Children Acts contain elaborate provisions for the establishment of a machinery in terms of juvenile/children's courts, remand/observation homes, certified/approved/special schools, probation and after-care services. Besides, the Acts envisage an effective utilisation of voluntary welfare agencies at various stages of apprehension, treatment and rehabilitation of children in need of care and protection.

UNIVERSAL ELEMENTARY EDUCATION—The State Governments must review and strengthen existing legislations relating to compulsory elementary education and provide adequate measures to implement universalisation of elementary education as well as dealing with the problem of school-drop-out.

CHILD LABOUR—All State Governments and Union Territories should be requested to adopt a comprehensive piece of legislation to protect the health, safety and welfare of working children below the age of 18. Such a legislation may

cover working hours and conditions, rest pause, wages, leave, health, education, prevention of cruelty, hazards to and exploitation of children in employment or under apprenticeship training.

EFFECTIVE IMPLEMENTATION—The Ministries of Law and Labour in the Government of India and States may set up committees of experts to review all legislations relating to children in their respective areas to consider steps for effective enforcement of relevant ACTS such as the Shop and Commercial Establishments Act, Mines Act, Factory Act.

IMPLEMENTATION OF MINIMUM WAGE ACT AND EQUAL REMUNERATION ACT—In order to improve the economic status of the family which has a vital bearing on the welfare and well-being of children, it is essential to ensure effective implementation of the Minimum Wage Act and Equal Remuneration Act in letter and spirit throughout the country.

EQUALITY AND NON-DISCRIMINATION IN RESPECT OF PERSONS BORN OUT OF WEDLOCK—It is recommended that during the IYC, a legislation should be enacted incorporating general principles on equality and non-discrimination in respect of persons born out of wedlock as adopted by the U.N. Economic and Social Council and endorsed by the Government of India.

Summary

In the International Year of the Child, the States which have not enacted Children Acts may do so. Efforts should be made to ensure a uniform extension and coverage of the Children Act services all over the country so that no child is sent to prison for any offence. The institutional services as contemplated in the Acts, should be expanded and developed on the basis of certain minimum standards. Side by side, voluntary welfare agencies should be encouraged to play their role in the implementation of the Children Act services more actively. The provisions of the Children Act, 1960 which is appropriately cited as a model legislation in the field should be incorporated in the State Children Acts.

Nurses working in the urban or the rural health centres or hospitals or with the voluntary organisation should know the Children Acts in order to create awareness in the Community whenever and wherever it is required.