

Review of the National Policy for Children 2013

Feedback from The Concerned For Working Children (CWC)

The Concerned for Working Children (CWC) is a not-for-profit, secular, democratic development agency, working for over three decades as a pioneering organisation in the field of children's rights and civil society participation in Asia. CWC has been thrice nominated for the Nobel Peace Prize in 2012, 2013, 2014 for its pioneering work in the field of children's participation globally and for its engagement with highly marginalised communities with a child rights focus.

Please find enclosed a humble submission of our review of the National Policy for Children 2013 from a child rights perspective. We sincerely urge you to consider the same when planning further action on the Policy. Our review comments are bifurcated in the following sections:

Section I – Overarching Comments

Section II - Section-wise Comments

SECTION I

Overarching Comments

1. The process of reviewing the National Policy for Children 2013 must imbibe in its spirit a comprehensive review of recent relevant national and state policies, including **The Karnataka State Child Protection Policy 2016**, which state upfront the non-negotiable principles as well as the structural and micro contexts that will strengthen actioning of the policy.



As a member of the drafting committee of the Karnataka State Child Protection Policy, CWC requests the Ministry of Women and Child Development to take serious note of both the content of the policy, as well as the extensive consultative processes, which were followed prior to the development of both these documents. Most importantly, over 1000 children from across the state of Karnataka were consulted for their inputs and suggestions.

You can find the copy of the Karnataka State Child Protection Policy along with the Operational Guidelines and Procedures for Educational Institutions under the policy here:

<http://dwcd.kar.nic.in:8080/.../Children%20Protection%20Polic...>

You can find more details with regard to CWC's stance with respect to the policy here:

<http://www.concernedforworkingchildren.org/.../educ.../advocacy/>

2. Overall, **the National Policy for Children 2013 has had a lukewarm approach towards the right to participation**, as it is mostly framed in an isolated and fragmented manner. **Right to participation, which gives effect to right to self-determination of children, is very much organically integrated with the right to protection and right to provision of the children.** By deemphasizing on right to participation, the NCP 2013 is very much on the collision mode with the fundamental principles of the UNCRC including indivisibility and inalienability of rights, best interest of children etc.
3. The complaint mechanism in draft policy enforcement has only been explained in terms of monitoring, there is no mention of a complaint mechanism for children to hold duty bearers accountable. **A bottom up complaint and accountability mechanism must be in built in policy. It should be developed in a manner that ensures easy and speedy accessibility for children in a child-friendly manner.** With this it must also incorporate the path of escalation which should be set keeping in mind the principle of conflict of interest.
4. The National Policy for Children 2013 has **attributed very little focus to community participation in enforcement, monitoring and implementation of various laws related to children.** It fails to recognise the efficacy of existing best participatory practices and operational mechanisms at the community level and is sluggish in its attempt to revive, strengthen, replicate and use existing community participatory spaces such as makkala (Children) gram sabha, task force, watchdog committee etc.
5. **Comments related to Structure of Policy:** The structural template of The National Policy for Children 2013 is not holistic, as it does not include all components of policy. In order to make it inclusive, the following policy framework is suggested;



- First segment should include the revisiting of the policy commitment related to children at state, national and global level for example; **The Karnataka State Child Protection Policy & Karnataka State Child Protection Guidelines for Educational Institutions 2016**, UNCRRC 1989, MDG, National policy for the children 2013, Constitutional provisions like Art.21A, Right to education act 2009, POCSO etc. This will give us insights to understand the gaps in existing policy and in its implementation.
- Second part should include the context of policy framework which should cover the introduction, definition of related terminology, contextual understanding of children, current policy framework etc.
- Third chapter should include the key guiding principles for current policy that cover best interest of children, participation and inclusiveness, non-discrimination with affirmative action, non-judgmental, pro socioeconomic marginalized children etc.
- Fourth chapter should contain the statement of problem and broad areas of issues faced by children. In addition, it should clearly state the objective of framing the current policy.
- Fifth Chapter should include the recommendation to address the challenges, by designing a system of preventive and preemptive action, actual redressal of issues by setting up of an efficient data management system, strengthening the mechanism of coordination of inter and intra state government departments at various levels , effective system of implementation and enforcement, creation of a participatory system that redresses the protection, participation, provision related issues affecting the children, strengthening the system of monitoring and course correction, setting up an effective system of complaint mechanism, accountability and path to escalation etc.

SECTION II

Section-wise Comments

#	National Policy for Children 2013	2018 Review	
	<u>NPC Text</u>	<u>CWC's Review findings & Comments</u>	<u>CWC's Recommendation</u>
	<i>A starting observation / comment is given under each paragraph of the policy.</i>		<i>'Stet' means no change is recommended.</i>
1	1. Introduction		

	<p>1.1. India is home to the largest child population in the world. The Constitution of India guarantees fundamental rights to all children in the country and empowers the State to make special provisions for children.</p> <p>The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.</p>		Stet.
	<p>Observation: India's accession to the UN-CRC (1992), and its acceptance of the UDHR and its covenants make it responsible to extend its respect and protections to <u>all children within its territory and jurisdiction</u>.</p> <p>While some provisions of the Constitution of India apply only to citizens, many others apply to all persons (children included) within its borders and ambit of governance.</p>		<p>Stet.</p> <p>Consider inclusion in UN-CRC review & report (2019)</p>

	<p>1.2. Declaring its children as the nation’s “supremely important asset” in the National Policy for Children 1974, the Govt of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties. These include the Declaration of the Rights of the Child, the UDHR and its Covenants, the Convention on the Rights of the Child & its two Optional Protocols, the UN Convention on the Rights of Persons with Disabilities, the UN Convention Against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Women & Children, the Hague Convention on Protection of Children & Cooperation in respect of Inter-Country Adoption, and CEDAW.</p>	<p>The declaring children as ‘supremely important asset’ reduces children to ‘economic agent’ devoid of social, political and cultural characteristics and rights. This lopsided emphasis on economic aspects overshadow the image of children as future citizen endowed with social, economic, civil, political and cultural rights and responsibilities.</p>	<p>The usage of 1974 NPC ‘Supremely important asset’ can be replaced with ‘robust citizen’.</p>

	<p>1.3. The National Policy for Children 1974 recognised that programmes for children should find prominent place in national plans for the development of human resources, so that children grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society. The Policy also laid emphasis on equal opportunities for the development of all children during the period of growth.</p>	<p>Children’s conceptualization as ‘human resources’ again put economy and market consideration on driving seat which in turn side-lines the agency of children in terms of their social, political, cultural and civil rights and responsibility.</p> <p>The right to participation is neglected as it is the cardinal aspect to become a robust citizen.</p> <p>It is not only providing the equal opportunity for all children but creation of the condition for all children to avail/access the opportunity.</p>	<p>Consider replacing the human resource with ‘responsible and agentic citizen’.</p> <p>Consider revising; ‘So that children grow up to become robust citizens having ability and opportunity to claim their right to participation, physically fit, mentally alert and morally healthy, endowed with the skills and motivations provided by society.’</p> <p>Consider adding ‘The Policy also laid emphasis on equal opportunities for the development of all children by creating the condition for all children to avail this opportunity’.</p>

	<p>1.4. The National Charter for Children, 2003, adopted on 9th February 2004, underlined 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.</p>	<p>This conceptualization of ‘childhood’ mainly focus on developmental and protection aspects of children whereas ignore the autonomy and agentic elements of childhood which is one of the most cardinal principles of the UNCRC 1989. The right to development and protection is inherently linked with the right to participation.</p> <p>Further, childhood is a relative and dynamic concept and very much determines by its context in different spatial, temporal and cultural settings. Thus, the NCP 2013 should reflect the flexible contextual understanding of childhood rooted in universal child rights framework.</p>	<p>Consider revising following;</p> <p>‘...underlined the intent to secure for every child its inherent right to be a child by enabling him/her to exercise the right to self-determination in order to enjoy a healthy and happy childhood in tune with different temporal, spatial and cultural contexts’</p>
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	<p>1.5. To affirm the Government’s commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Govt of India hereby adopts this Resolution as the National Policy for Children, 2013.</p>		Stet.
		<p>There are many statutory provisions such as JJ Act, Right to Education Act 2009, POCSO etc.which would be guided by this policy framework need to be incorporated.</p>	
2	Preamble		

<p>Observation: Need to clarify the status of a preamble in terms of obligation to apply it.</p>		
<p>2.1 Recognising that: - a child is any person below the age of 18 years; - childhood is an integral part of life with a value of its own; - children are not a homogeneous group and their different needs need different responses, especially the multi-dimensional vulnerabilities experienced by children in different circumstances; - a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the overall and harmonious development and protection of children;</p>	<p>The right to participation and agency aspect of children is ignored.</p>	<p>a long term, sustainable, multi-sectoral, integrated, participatory and inclusive approach is necessary for the overall and harmonious development and protection of children;</p>
<p>Observation: Check use of the word 'different' in 3rd sub-point.</p>		<p>Replace 'different' with 'difficult.'</p>
<p>2.2. Reaffirming that: - every child is unique and a supremely important national asset+++++++; - special measures and affirmative action are required to diminish or eliminate conditions that cause discrimination; - all children have the right to grow in a family environment, in an atmosphere of love and understanding; - families are to be supported by a strong social safety net in caring for and nurturing their children; The Government of India reiterates its commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.</p>	<p>The declaring children as 'important asset' reduces children to 'economic agent' devoid of social, political and cultural characteristics and rights. This lopsided emphasis on economic aspects overshadow the image of children as future citizen endowed with social, economic, civil, political and cultural rights and responsibilities.</p>	<p>'important national asset' can be replaced with 'robust citizen'.</p>

	Observation: A question can arise about the implication of '...as a national asset'. and about universal applicability of the final 3 lines. ??unclear		The wording could be changed as follows: (Lines 3 and 4): Replace 'and as a national asset' with ' ...and as assets to the nation.' ??
	2.3. This Policy is to guide and inform all laws, policies, plans and programmes affecting children. All actions and initiatives of the national, state and local government in all sectors must respect and uphold the principles and provisions of this policy.		No change recommended.
	Observation: This proviso clearly infers that the Preamble has official applicability .		
3	Guiding Principles:		
	(i)every child has universal, inalienable and indivisible human rights		Stet.
	(ii)the rights of children are inter-related and inter- dependent, and each one of them is equally important and fundamental to the well-being and dignity of every child		Stet.
	(iii)every child has the right to life, survival, development, education, protection and participation		Stet.
	(iv) right to life, survival and development goes (go) beyond the physical existence of the child and also encompasses the right to identity and nationality		Stet.
	(v) mental, emotional , cognitive, social and cultural development of the child is to be addressed in totality		Stet.
	(vi)all children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, place of birth, class, language, and disability, social, economic or any other status		Stet.

	(vii) the best interest of the child is a primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, religious or cultural institutions	Need to qualify the best interest of child in terms of the participatory process and agency of child, which has both intrinsic and instrumental value. In absence of such qualification, there is possibility of misinterpretation of the principle of best interest.	Stet.
	(viii) family or family environment is most conducive for the all- round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest	Again, we need to qualify best interest of child in light of agency and participation of child.	Stet.
	(ix) every child has the right to a dignified life, free from exploitation		Stet.
	(x) safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, creches, families and communities		Stet.
	(xi) children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them		Stet.
	(xii) children's views, especially those of girls, children from disadvantaged groups and marginalised communities, are to be heard in all matters affecting them, in particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities		Stet.
4	Key Priorities		

	Survival, health, nutrition, development, education, protection and participation are the undeniable right of every child and are the key priorities of this Policy.		Stet.
	Survival, Health and Nutrition		
	4.1. The right to life, survival, health and nutrition is an inalienable right of every child and will receive the highest priority.		Stet.
	4.2. The State stands committed to ensure equitable access to comprehensive and essential, preventive, promotive, curative and rehabilitative health care, of the highest standard for all children before, during and after birth, and throughout the period of their growth and development.	Consider to include Pre-emptive also	...comprehensive and essential, preventive, pre-emptive, promotive, curative and rehabilitative health care.
	Observation: The inclusion of the 'before birth' period infers the total foetal period, once fertilisation has taken place. This has merit, but also has programmatic implications for policy application.		Stet. ?? can we try a formulation that overcomes this conflict??
	4.3. Every child has a right to adequate nutrition and to be safeguarded against hunger, deprivation and malnutrition. The State commits to securing this right for all children through access, provision and promotion of required services and supports for holistic nurturing, wellbeing and nutritive attainment of all children, keeping in mind their individual needs at different stages of life in a life-cycle approach.		Stet.
	4.4. The State shall take all necessary measures to :		Stet.
	(i) Improve maternal health care, including antenatal care, safe delivery by skilled health personnel, post natal care and nutritional support		Stet.
	(ii) Provide universal access to information and services for making informed choices related to birth and spacing of children		Stet. ??see above – how reconcile??

	(iii) Secure the right of the girl child to life, survival, health and nutrition		Stet. But augmentation to be considered.
	Observation: Should this proviso go beyond these 4 aims? Should it mention right to safety/protection ? Yes. What about sex selection??		Q: Does the policy need to have a clearer assertion and commitment, elsewhere in the text?
	(iv) Address key causes and determinants of child mortality through interventions based on continuum of care, with emphasis on nutrition, safe drinking water, sanitation and health education		Stet. To consider: Whether to add 'shelter and security of location.'
	(v) Encourage focused behaviour change communication efforts to improve new born and child care practices at the household and community level	The behaviour change communication efforts should be based on dialogue intended to bring change not only in community but also in service providers and professionals.	Stet. Consider replacing 'Encourage focused behaviour change communication efforts' with 'Encourage dialogue between service providers, professional and community to improve new born and child care practices at the household and community level'
	(vi) Provide universal and affordable access to services for prevention, treatment, care and management of neo-natal and childhood illnesses, and protect children from all water-borne, vector-borne, blood- borne, communicable and other childhood diseases	Quality service is important to add here. Psychological wellbeing of children is excluded here.	Consider revising 'Provide universal and affordable access to quality healthcare services..' Consider revising, 'protect children from all water-borne, vector-borne, blood- borne, communicable and other childhood diseases including psychological trauma'

	(vii) Prevent disabilities, both mental and physical, through timely measures for pre-natal, peri-natal and post-natal health and nutrition care of mother and child, provide services for early detection, treatment and management, including interventions to minimise and prevent further disabilities, prevent discrimination faced by children with disabilities (mental and physical), and provide services for rehabilitation and social support.	Here need to add universal and affordable services Though intention is noble, we miss implementation and accountability aspects provision of services.	Stet. Consider revising provide universal and affordable services for early detection, treatment and management, including interventions to minimise and prevent further disabilities, prevent discrimination faced by children with disabilities (mental and physical), and provide services for rehabilitation and social support.
	Observation: It may be necessary to assess whether this provision is comprehensive enough. Causes of disability? Family counselling?		
	(viii) Ensure availability of essential services, supports and provisions for nutritive attainment in a life-cycle approach, including infant and young child feeding (IYCF) practices, special focus on adolescent girls and other vulnerable groups, and special measures for the health, care, and nutrition, including nutrition education, of expectant and nursing mothers	With Availability, accessibility and affordability of the service should be added here. As availability of services does not automatically mean the accessibility and affordability.	Stet. Consider revising , Ensure availability, accessibility and affordability of essential services...,
	Observation: Makes no reference to age bar on child marriage.	See with Protection (4.7 –4.13).	
	(ix) Provide adolescents access to information, support and services essential for their health and development, including information and support on appropriate life style and healthy choices and awareness on the ill effects of alcohol and substance abuse	The term appropriate life style and healthy choices need qualification here, as it is relative term. It ignores the agency and participation children in this respect.	Review for reference to safeguards against early marriage/early pregnancy & motherhood. [“healthy choices” I ambiguous.] citepcma act and role of cpoficers – mention stronger cluses in state acts.

	(x) Prevent HIV infections at birth and ensure infected children receive medical treatment, adequate nutrition and after-care, and are not discriminated against in accessing their rights.	With medical support, these children need social support also.	Stet. Consider revising, receive medical treatment, adequate nutrition, after-care and social support
	(xi) Ensure that only child-safe products and services are available in the country and put in place mechanisms to enforce safety standards for products and services designed for children.		Review for a more logical and specific provision. It could include these provisos, but 'child-safe' can mean many things. We endorse this comment.
	Observation: There is a strong case for pediatric dosage provision of important drugs/medicines/vaccines. Not clear what kind of 'products' are meant here.		
	(xii) Provide adequate safeguards and measures against false claims relating to growth, development and nutrition.		Review. Should specify: Is it talking about food supplements?
	4.5 Education and Development		
	Every child has equal right(s) to learning, knowledge and education. The State recognises its responsibility to secure this right for every child, with due regard for special needs, through access, provision and promotion of (the) required environment, information, infrastructure, services and supports, towards the development of the child's fullest potential.		Entire section requires careful review. Refer query to RTE Forum, Pratham, Oxfam India /A.Taneja). Now, need to bring in SamagraShikshaAbhiyan Also review it in light of National Curriculum Framework 2005
	4.6.		
	The State shall take all necessary measures to:		

	(i) Provide universal and equitable access to Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children	See National Policy for ECCE (2013). It is flawed. ??	Review: ECCE needs to be couched within ECCD concept. Discuss with Alliance for Right to ECCD
	Observation: ECCE is a distortion of the ECCD priority .	ECCE in the national policy and as interpreted in Restructured ICDS = ECCD	
	(ii) Ensure that every child in the age group of 6-14 years is in school and enjoys the fundamental right to education as enshrined in the Constitution		Review. Reformulate. 3—17 yrs. Expand the younger and older age span for learning rights. SamagraShikshaAbhiyan to be commented upon We endorse it.
	Observation: Reference required to RTE Act ? Reference required to both pre-school and 2ndary school stages ?	See EFA and E-9 commitments as relevant ?	Review: Policy should uphold the RTE fundamental right, not the more recent reincarnation. ditto
	(i) Promote affordable and accessible quality education up to the secondary level for all children	The term quality education need to be defined.	Review wording. Right should extend from pre-school to end of 12 th standard. Ditto.Salsobring in age-appropriate learning of children under 4 [left out in Samagra...] We endorse this comment.
	(ii) Foster and support inter-sectoral networks and linkages to provide vocational training options including comprehensively addressing age-specific and gender-specific issues of children's career choices through career counselling and vocational guidance.	It must be operationalized in participatory manner keeping the agency of children as a guiding principle.	Review. The basic right to full formal education should be available to all children. What are gender-specific choices? Could strait-jacket girls' choices.

	<p>(iii) Ensure that all out of school children such as child labourers, migrant children, trafficked, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners, etc., are tracked, rescued, rehabilitated, and have access to their right to education</p>	<p>It is the violation of the rights of the children as in this process right to participation is totally excluded and agency of children is ignored.</p> <p>Further, rescue of children many time make the situation of children worse as it does not take into account the context of children from children’s perspective and exclude the socio-economic factors that strengthen the resilience capacity to children and help them to survive.</p> <p>After rescue, putting children into school without understanding the children’s need and context make their situation more vulnerable as they neither get quality education nor develop any skill. Thus right to education need to be seen through the lens of agency of children.</p>	<p>Review. Check Protection section. How does the school education sector in governance prepare and enable the ‘rescued’ child to join school?</p> <p>The policy needs a suitable provision elsewhere on how these children are to be salvaged from settings listed here, and enabled to enter a “normal” childhood environment. This infers access to many rights and protections, with going to school just one of them.</p>
	<p>Observation: This provision needs careful review (a) for its positioning of such vulnerable children’s rights only in this section of the policy, (b) for its apparent assumption that some form of access to education will overcome their many hurts and vulnerabilities. To be seen with 4.11</p>	<p>We resonates the same view.</p>	<p>To be seen with 4.11. Role of Child protection officers from all sectors.</p>

	(vi)Address discrimination of all forms in schools and foster equal opportunity, treatment and participation, irrespective of place of birth, sex, religion, disability, language, region, caste, health, social, economic or any other status	We need to see discrimination in terms of the socio-economic status of children as a whole and not in fragmented spaces and institution such as school, family, marriage etc.Also, Relational aspect of discrimination need to be included.	Stet.
	Observation: See with provisions on protection.		
	(vii)Prioritise education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions	We need to qualify the term 'prioritize'.	Stet.
	(viii) Ensure physical safety of the child and provide safe and secure learning environment		Stet.
	(ix) Ensure that all processes of teaching and learning are child-friendly	Consider adding , Child friendly, respectful and based on equality	Stet.
	(x) Ensure formulation and practice of pedagogy that delights children, with a special focus on mental health, from a social and gender-just, life skills and age-appropriate perspective		Stet.
	(xi) Provide access to ICT tools for equitable, inclusive, and affordable education for all children, especially in remote, tribal and hard-to-reach areas	Is ICT tools is analogous to equitable, inclusive, and affordable education?	Review.
	(xii)Promote safe and enjoyable engagement of children's experiences with new technology in accordance with their age and level of maturity, even as there is respect for their own culture and roots		Review. Not just respect but knowledge of their own and other cultures.
	Observation: Important to review this reference to new technology in light of on-line targeting of children to exploit them.		

	(xiii)Review, develop and sustain age-specific initiatives, services and programmes for safe spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions	Safe and inclusive spaces	Review, develop and sustain age-specific initiatives, services and programmes for safe and inclusive spaces for play, sports, recreation, leisure, cultural and scientific activities for children in neighbourhoods, schools and other institutions
	(xiv)Enable children to develop holistically, bringing out their aspirations, with focus on their strengths, empowering them to take control of their lives, bodies and behaviours		Review ‘empowering them to take control of their lives, bodies and behaviours.’
	Observation: Needs to be reviewed in context of children being negatively or harmfully influenced by other lines of communication reaching them.		
	(xv)Ensure no child is subjected to any physical punishment or mental harassment. Promote positive engagement to impart discipline so as to provide children with a good learning experience	The positive engagement need to be qualified in terms of children’s participation. In addition, discipline as a terms reflects the asymmetrical power relation between children and adults where adults are in role of disciplining children in interest of children to inculcate good learning in them. It is in collision with the right to participation of children.	Stet .Consider reviewing this section
	(xvi)Ensure that children’s health is regularly monitored through the school health programme and arrangements are made for health and emergency care of children		Stet. Add and nutrition’

	(xvii) Provide services to children with special needs in regular schools and ensure that these are inclusive and have all facilities such as trained teachers and special educators, appropriate pedagogy and education material, barrier-free access for mobility, functional toilets and co-curricular activities towards the development of (the) child's fullest potential and autonomy and sense of dignity and self-worth	Again, here terms such as trained teacher, appropriate pedagogy etc. need to be defined in terms of agency of children. Inclusive, safe and equitable	Stet.
	(xviii) Promote engagement of families and communities with schools for all-round development of children, with emphasis on good health, hygiene and sanitation practices, including sensitisation on ill-effects of alcohol and substance abuse	Here engagement with family and community must be equitable, dialogue based and respectful.	
	Observation: The issues flagged for attention are too limited. The risks to children require further consideration.		Review for risks, and consider what today's children need to be safeguarded against.
	(xix) Facilitate concerted efforts by local governments, non-governmental organisations /community-based organisations to map gaps in availability of educational services, especially in backward, child labour-intensive areas, areas of civil unrest, and in situations of emergency, and efforts for addressing them	Migrant and mobile communities, dysfunctional family, remote areas, urban slums?	
	Observation: The listing is insufficient. Children in institutions?		Review. Add remote areas; outlying habitations in larlgevillages
	(xx) Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes	Gifted children need to define??	Stet.

	(xxi) Provide and promote crèche and day care facilities for children of working mothers, mothers belonging to poor families, ailing mothers and single parents		Review: If right to learning opportunity is to be addressed from an early age, this provision has to be enhanced. The provision should be for universal early child care not only for such specific categories. Agree with this comment.
	Observation: Is this correctly placed here? The section needs to refer clearly to pre-school stage in Educ.		Review placement & content.
	(xxii) Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in (the) public, private and unorganised sector(s)		
	Observation: Does this proviso fit in this section? Applies to all sectoral situations for all working mothers.		Review.
	Protection		
	Observation: The policy is weak on Risk Awareness, and on coping with dangerous situations caused by a wider range of causative factors. Observation: Note relevance of climate change/ natural hazards and damage. Various forms of pollution; child-unfriendly environments, cyber risks, substance abuse should be specifically mentioned. Observation: This entire section fails to address VAC in terms of programming for prevention and active protection.	This issue of child labour should be discussed with some more sensitivity? Why is work being demeaned in this fashion? Does it have no connection with learning and enjoyment? If the reference is to forced and unsafe labour then that is understandable. But all labour? How many of the child labourers who have been heroically “rescued” have been able to stay away from labouring for sheer survival?	Review entire section on settings of risk, preventives if any, specific safeguards and recovery measures. Children in Need of Care and Protection. Changing scenarios of risk ? References to child marriage missing. Policy needs clear commitment to stop child labour, child marriage, misuse of children in “entertainment.” Policy needs to address issues of portrayal, and the harmful effect.
	4.7. A safe, secure and protective environment is a precondition for the realisation of all other rights of children. Children have the right to be protected wherever they are.		Stet.

	4.8. The State shall create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces	Children is vulnerable in child care institutions and children’s home (as HIGHLIGHTED in many recent studies such as a study conducted by TISS)	Stet.
	Observation: Since children can also be at risk at home, this may need review, to position the important ce of safety/respect in the home or family setting.		Review.
	4.9.The State shall protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation, including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them, or harms their personhood or affects their development.		Stet.
	4.10 To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements, including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interests of the child, and guaranteeing quality standards of care and protection.	The alternative care need to be promoted which is rooted in the idea that institutional care as a short-term measure to rehabilitate children. It should also be based on agency of children.	Stet. Care and protection are not enough; child must have access to education, health, further academic and/or vocational training in later childhood and preparation to face ther world upon leaving shelters. Ensure participation of children in any institutional setup.

	<p>4.11 The State commits to taking special protection measures to secure the rights and entitlements of children in need of special protection, characterised by their specific social, economic, and geo-political situations, including their need for rehabilitation and reintegration, in particular but not limited to children affected by migration, displacement, communal or sectarian violence, civil unrest, disasters and calamities, street children, children of sex workers, children forced into commercial sexual exploitation, abused and exploited children, children forced into begging, children in conflict and contact with the law, children in situations of labour, children of prisoners, children infected/ affected by HIV/AIDS, children with disabilities, children affected by alcohol and substance abuse, children of manual scavengers, and children from any other socially excluded group, children affected by armed conflict, and any other category of children requiring care and protection.</p>	<p>This section of policy should be in tandem with the specific policy on each vulnerability such as displacement/ migration/ disasters/ calamities.</p>	<p>Stet. Review whether the reference to children affected by displacement/ migration/ disasters/ calamities/ loss of shelter and security of location is enough, or whether the policy requires a specific provision on disasters from climate change. Q: Is there need to list some/any of these causative factors, rise of certain kinds of risks?</p>
	<p>4.12. The State shall promote child-friendly jurisprudence, enact progressive legislation, build a preventive and responsive child protection system, including emergency outreach services, and promote effective enforcement of punitive legislative and administrative measures against all forms of child abuse and neglect to comprehensively address issues related to child protection.</p>		<p>Stet.</p>
	<p>4.13. The State shall promote and strengthen legislative, administrative and institutional redressal mechanisms at the National and State level for the protection of child rights. For local grievances, effective and accessible grievance redressal mechanisms shall be developed at the programme level.</p>	<p>It is also equally crucial to setting up accountability mechanism to fix the responsibility of duty bearers in case of non-compliance of this policy.</p>	<p>Stet. Is redressal enough or do we need watchdog functions with suomoto powers??</p>
	<p>Participation</p>		

	4.14. The State has the primary responsibility to ensure that children are made aware of their rights, and provided with an enabling environment, opportunities and support to develop skills, to form aspirations and express their views in accordance with their age, level of maturity and evolving capacities, so as to enable them to be actively involved in their own development, and in all matters concerning and affecting them.	The right to participation and agency of children as reflected in this part should have been engrained in all other sections of this policy.	Stet.
	4.15. The State shall promote and strengthen respect for the views of the child, especially those of the girl child, children with disabilities, and of children from minority groups or marginalised communities, within the family, community, schools and institutions, different levels of governance, as well as in judicial and administrative proceedings that concern them.		Stet. Adolescent boys also need their views to be heard and respected. In our focus on vulnerable groups, we may ignore this vulnerable stage at their and society's peril [even more peril of the girls and women]
At			
	4.16. The State shall engage all stakeholders in developing mechanisms for children to share their grievances without fear in all settings; monitor effective implementation of children's participation through monitorable indicators, develop different models of child participation and undertake research and documentation of best practices.	Develop a community based bottom-up grievance mechanism for children	Stet. Consider revising 'The State shall engage all stakeholders in developing a community based bottom-up mechanisms for children
5.	Advocacy and Partnerships		
	5.1. The State shall encourage the active involvement, participation and collective action of stakeholders such as individuals, families, local communities, non-governmental organisations, civil society organisations, media and private sector, including government, in securing the rights of the child.	Include the participation of children	Stet. The State shall encourage the active involvement, participation and collective action of stakeholders such as children ...
	Observation: Nature and purpose of portrayal needs review		Review newer channels & forms.

	5.2.The State shall make planned, coordinated and concerted efforts to raise public awareness on child rights and entitlements amongst the parents and caregivers/guardians, as well as functionaries and duty-bearers. All stakeholders are to promote the use of rights-based and equity-focused strategies, platforms, programmes, communications and other tools to generate awareness on child rights and the commitment to their achievement.		Review. Consider need for a separate sub-section on exploitative portrayal, & the targeting of children with dangerous messaging.
	5.3. This Policy is to be given wide publicity and supported by focused advocacy measures to ensure that children’s best interests and rights are accorded the highest priority in areas of policy, planning, resource allocation, governance, monitoring and evaluation, and children’s voices and views are heard in all matters and actions which impact their lives.	The publicity must be based on care full participatory analysis of policy formulation and its implementation.	Stet.
	5.4.The State shall ensure that service delivery and justice delivery mechanisms and structures, are participatory, responsive, and child-sensitive, thereby enhancing transparency and ensuring public accountability. Synergistic linkages will be created with other progressive and successful experiments to learn from best practices across regions.	Compliance mechanism need to be set up to hold state accountable in terms of implementation of this policy.	Stet.
6	Coordination, Action & Monitoring		
	6.1 .Addressing the rights and needs of children requires programming across different sectors, and integrating their impact on the child in a synergistic way. (A) rights based approach to survival, development and protection calls for conscious, convergent and collateral linkages among different sectors and settings, with indicators for tracking progress.	It should be seen in light of agency and participation of the children.	Stet. ‘A rights-based approach...’
	Observation: English error.		

	6.2. Community and local governance play a significant role in Ensuring the child's optimum development and social integration. Ensuring coordination among Central Government ministries/departments, between Central and State governments, between different levels of governance, and between government and civil society is crucial for effective implementation of this Policy.	A review of this aspect need to be done from the inception of the policy and factors, which limits the efficacy of convergence, should be identified.	Stet.
	6.3. The Ministry of Women and Child Development (MWCD) will be the nodal Ministry for overseeing and coordinating the implementation of this Policy. A National Coordination and Action Group (NCAG) for Children, under the Minister in charge of the Ministry of Women and Child development will monitor the progress with other concerned Ministries as its members. Similar Coordination and Action Groups will be formed at the State and District level.	Again, a bottom-up compliance mechanism in which children and community has right to hold MWCD accountable need to be included in the policy	Stet.
	6.4. The Ministry of Women and Child Development, in consultation with all related Ministries and Departments will formulate a National Plan of Action for Children. Similar Plans at the State, District and local level will be formulated to ensure action on the provisions of this Policy. The National, State and District Coordination and Action Groups will monitor the prgress of action under these Plans.	Participation of children must be central in formulation of NPAC and at different level all stakeholders including children should be part of monitoring.	Stet.
	6.5. The National Commission for Protection of Child Rights and State Comissions for Protection of Child Rights will ensure that the principles of this Policy are respected in all sectors at all levels in formulating laws, policies and programmes affecting children.	Role of NCPCR as watchdog need to be strengthened as due to many limiting factors its efficacy is compromised.	Stet.
7	Research, Documentation & Capacity Building		

	7.1.The implementation of this Policy will be supported by a comprehensive and reliable knowledge base on all aspects of the status and condition of children. Establishing such a knowledge base would be enabled through child-focused research and documentation, both quantitative as well as qualitative. A continuous process of indicator-based child impact assessment and evaluation will be developed, and assessment and evaluation will be carried out on the situation of children in the country, which will inform policies and programmes for children.	What is its status ?	Stet.
	7.2. Professional and technical competence and capability in all aspects of programming, managing, working, and caring for children at all levels in all sectors will be ensured through appropriate selection and well-planned capacity development initiatives. All duty bearers working with children will be sensitised and oriented on child rights and held accountable for their acts of omission and commission.	What is its status now?	Stet.
8	Resource Allocation		
	8.1. The State commits to allocate the required financial, material and human resources, and their efficient and effective use, with transparency and accountability, to implement this Policy.	Have we done the evaluation of it? Is it optimal?	Stet.
	8.2. Child budgeting will track allocation and utilisation of resources, and their impact on outcomes for children with regard to budgets and expenditures on children by all related Ministries and Departments.		Stet. Review for possible amendment on the fund commitment to go into a central pool, with NCAG to oversee.
	Observation : The Section 22/ now Section 12 provision for each ministry/dept to earmark a sum to be used for/on children is faulty since it leaves the sums to be managed by the said Ministry/Dept inside its own system. There is a case to be made for a sum to be allotted by each Ministry/Dept into a Central Pool, to be used as required under the NCAG's decision and guidance.		Review.

9.	Review of Policy		
	9.1. A comprehensive review of this Policy will be taken up once in five years in consultation with all stakeholders, including children. The Ministry of Women and Child Development will lead the review process	The first such review has come due in 2018. Who is responsible for this review and in case of its non-compliance what would be the consequences?	