



Notes

### 3

## NEEDS AND RIGHTS OF CHILDREN

India has made significant commitments towards ensuring the basic rights of children. These are the right to survival, right to protection, right to development and right to participation. Presently, infant mortality rate is down, child survival rate is up, literacy rate has improved, and school dropout rate has fallen. Despite these achievements, there are gaps in terms of unmet needs due to which children feel neglected and vulnerable. They do not feel safe, protected and free. One reason may be that children and even adults are not aware of the needs and rights of children due to which they are not able to realize their strength and right approach to deal with vulnerability around them. There is a lot to know about child rights and government initiatives in this regard. Let us read about the needs of children and government initiatives towards children's rights.



### LEARNING OUTCOMES

After studying this lesson, you will be able to:

- describe the psychological, social, health and educational needs of children;
- describe how unmet needs impact the development of children;
- discuss the rights of children;
- describe the rights of children as per the United Nations Convention on the Rights of the Child (UNCRC); and
- discuss rights of the girl child and CWSN.



## Notes

### 3.1 NEEDS OF CHILDREN

You have studied in an earlier lesson the need and importance of providing stimulating experiences to promote the overall development of the child. Hence, parents and other caregivers are required to create a conducive environment and provide ample opportunities to children for their development and learning. During the process of growth and development, children have certain needs like psychological, social, health and educational which need to be timely fulfilled. A need can be defined as something that is essential for a person to lead a healthy and productive life. One should understand that there is a difference between 'needs' and 'wants'. The latter may be desirable but they are not essential for an individual. Let us study some of these needs.

#### 3.1.1 Psychological Needs

- (i) **Security, safety and protection:** Children need to grow up as positive-minded, happy, healthy and contributing citizens of the nation. For this, it is essential that they grow up in an environment where they feel physically, psychologically and emotionally safe and secure. When children feel safe and secure, they learn to trust other people and their environment. Children who do not feel safe and secure can become anxious, insecure and unhappy. This can affect their development, health and learning. Lack of safety may lead to issues of trust and attachment with others. Such children may grow up into socially maladjusted adults.
- (ii) **Love and affection:** Every child needs to be loved. The need for love and affection is the foundation for developing healthy relations and establishing trust with others. Children brought up in a caring and loving environment



Fig. 3.1 Love and affection between parents and child



grow up to be confident and socially well-adjusted individuals. On the other hand, children who do not receive such an environment feel lonely, ignored, lack initiative and are withdrawn. Unmet needs of love and affection lead to maladjustment due to the inability to connect emotionally with others.

**(iii) Understanding and acceptance:** Understanding and acceptance of the child by the parents and caregivers is another psychological need of children. A feeling of being valued, boosts the confidence of children.

Children's understanding about the self is formed on the basis of their daily life experiences and interactions within their families and communities. This includes their relationships with people, places and things and also the behavior and responses of others. Fulfillment of the above-mentioned psychological needs of children help develop a positive self concept. Hence, developing a positive self concept among children is a must for which, healthy family environment, supportive neighbourhood and positive school experiences are important. To fulfill the psychological needs of children, caregivers must ensure a safe, secure, loving environment in which they must call them by their names, greet them with a smile, praise and encourage them, and also support them in their day-to-day activities.

### 3.1.2 Need of Health and Nutrition Including Supplementary Nutrition

A healthy and happy childhood is the basis for a stable and strong adulthood. Foundation of good health is laid during the early years of life. Physical health is influenced by many factors, such as biology/ genes, and environmental factors like nutrition, immunisation, and opportunities for physical activities and exercise. Normal growth of children gets affected, if they do not get good nutrition and medical care during their early years. Lack of healthy and nutritious food may lead to poor growth and health problems like weakness, illness and diseases. This will further affect physical stamina and cognitive development of children. Parents and caregivers need be aware of the health and nutritional needs of children during these years. For this they should regularly monitor their child's health and physical development and take necessary measures.

Given below are a few guidelines to ensure the health and nutritional needs of children:

- Age appropriate gain in height and weight indicates normal health of children. Therefore, a monthly or at least a quarterly record of the height and weight of children may be maintained in a growth chart. If a child is losing or not gaining weight, the child should be shown to a doctor. The basic purpose of monitoring growth is to prevent malnutrition.
- Malnutrition occurs if the child does not get the right kind of food, i.e.,



## Notes

a balanced diet. Every child must be given a nutritional supplement to avoid nutritional deficiencies in diet.

- Medical check-up of all children is a must at least once a year. It must be ensured that they have received the necessary immunization on time.

### 3.1.3 Play, Early Stimulation and Learning Needs

Play, early stimulation and opportunities for learning are yet another set of needs for the proper development of children. An environment that is full of praise and encouragement, opportunities to play, explore and experiment helps children grow and learn. Apart from this, playing provides children with an outlet for emotions. It helps develop imagination, problem-solving and decision-making skills. Through play, children also develop good relationships and learn to care and share. Lack of a stimulating environment and opportunities to learn through play may delay growth and development of children.

Children must be exposed to an enriching learning environment that provides opportunities for various age-appropriate activities and learning material. Free conservation, storytelling and rhymes contribute immensely in developing language, creativity and imagination which are essential for learning. Similarly, playtime is as important to their development as food and good care.

To sum up, we can say that all these needs are interrelated and interdependent on each other.



#### INTEXT QUESTIONS 3.1

Match Column A with Column B:

##### Column A

- (i) Psychological needs
- (ii) Health and nutrition
- (iii) Stimulating environment
- (iv) Activities

##### Column B

- (a) Age and developmentally appropriate
- (b) Love and affection
- (c) Physical development
- (d) Opportunities to play, explore and experiment



#### ACTIVITY 3.1

Interact with your neighborhood children about their needs and enlist their responses according to the categories of needs discussed above.



## 3.2 RIGHTS OF CHILDREN

### 3.2.1 What are Children's Rights?

According to the United Nations Convention on the Rights of the Child (UNCRC), 'children's rights' are the human rights of children primarily pertaining to the rights of protection and care to the minor. They are the minimum entitlements and freedom that should be accorded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, wealth, birth status or ability and therefore apply to all people everywhere.

### 3.2.2 Inter-relationship of Children's Needs and Children's Rights

All children have common needs irrespective of their socio-economic and cultural background. They need a protective home environment, good family life, adequate food, health care and respect. Children's needs should be fulfilled for their holistic development.

Needs and '*rights*' are mutually interdependent. '*Right*' is a recognition of children's entitlement to have their '*needs*' fulfilled. This, in turn, places specific obligations on adults at all levels of society to take the necessary action to ensure that those rights are implemented for every child.

Not all children are lucky to live a normal life. There are many children who live under difficult circumstances or in emergency situations. A big population of Indian children live in situations where their basic needs of food, shelter, education, medical care and protection etc. are not met. Due to this, they are at greater risk of suffering from malnutrition, illiteracy and ill health etc. Also, at times, children face emergency situations in their lives due to factors such as natural calamities (floods, earthquakes, fire etc.), accidents, loss of parents. Such children face a lot of hardships in their lives. Due to such circumstances and crises in their lives, these children suffer a lot of hardships and somewhere their childhood is lost.

### 3.2.3 United Nations Convention on the Rights of the Child (UNCRC)

On 20 November 1989, the United Nations (UN) General Assembly adopted the Convention on the Rights of the Child or United Nations Convention on the Rights of the Child (UNCRC). This is the most widely ratified human rights treaty in the world. This Convention formulated the standards for physical, moral, mental, spiritual, and social development of children. India adopted the convention in December 1992. The Convention through its 54 Articles views the child as an individual entitled to a number of economic, civil, social, political and cultural rights wherever children are. It also describes how people and the government work jointly to make sure children enjoy all their rights. The right



## Notes

to Survival, Protection, Development and Participation form the core of the Convention. Let us know about these core rights.

- **Right to Survival:** The right to survival includes the right to life, the best attainable standards of health, nutrition and an adequate standard of living. It also includes the right to registration of birth, name and nationality.
- **Right to Protection:** The right includes freedom from all forms of exploitation, abuse, inhuman and degrading treatment including the right to special protection in the situations of emergency and armed conflicts. Protection against drug abuse, disease and disability and protection to children on the other side of the law also is an integral part of the right to protection.
- **Right to Development:** It consists of the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities.
- **Right to Participation:** The right to participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion.



## INTEXT QUESTIONS 3.2

Answer the following questions:

- (a) Write the full form of 'UNCRC': .....
- (b) Write any two core rights of the child as per UNCRC.
  1. ....
  2. ....

### 3.3 GOVERNMENT ACTS AND PLANS TO ACHIEVE CHILDREN'S RIGHTS

A number of policies and plans were formulated for the welfare and development of children to ensure children's economic, political and social rights. Let us find out more about some of the flagship policies and plans.

#### 3.3.1 Samagra Shiksha Abhiyan (SSA) – An Integrated Scheme for School Education, 2018

Samagra Shiksha Abhiyan (SSA) or Integrated Scheme for School Education is an overarching programme for the school education extending from pre-school to class 12. Its main goal is to improve school effectiveness measured in terms of equal opportunities for schooling to all children and equitable learning



outcomes. It subsumes three schemes: Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE). The scheme visualizes the ‘school’ as a continuum from pre-school, primary, upper primary, secondary to senior secondary levels. The vision of the Scheme is to ensure inclusive and equitable quality education from pre-school to senior secondary stage synchronized with the Sustainable Development Goal (SDG) for Education. The major objectives of the Scheme are provision of quality education and enhancing learning outcomes of students; bridging social and gender gaps in school education; ensuring equity and inclusion at all levels of school education; ensuring minimum standards in schooling provisions; promoting vocationalisation of education; support States in the implementation of Right to Education; and strengthening and up-gradation of SCERTs/State Institutes of Education (SIEs) and DIETs as a nodal agencies for teacher training.

### **3.3.2 National Minimum Guidelines for Setting up and Running Crèches under Maternity Benefit Act, 2017**

Ministry of Women and Child Development (MWCD) has released National Minimum Guidelines for setting up and running crèches in 2018 under Maternity Benefit Act, 2017 mandating that “every establishment having 50 or more employees shall have the facility of crèche”. These guidelines are meant to facilitate the employer in establishing and managing crèche facility for their employees having children mainly from 6 months to 6 years against key parameters such as location, timings, infrastructure, equipment, health and nutrition practices, safety and protection, trained human resource, parent’s engagement and others, to ensure holistic development care of every child at the crèche.

### **3.3.3 The Maternity Benefit (Amendment) Act, 2017**

The Maternity Benefit (Amendment) Act 2017 has increased the duration of paid maternity leave available for female employees from 12 weeks to 26 weeks. The act extends the benefit to adopting and commissioning mothers and provides a woman who adopts a child will be given 12 weeks of paid leave from the date of adopting the child. The act is applicable to all those women employed in factories, mines and shops or commercial establishments employing 10 or more employees. The amended Act has mandated crèche facility for every establishment employing 50 or more employees. The women employees should be permitted to visit the creche. The Act has introduced a provision of “work from home” that can be exercised after the expiry of 26 weeks’ leave period. Depending upon the nature of work, a woman can avail of this provision on such terms that are mutually agreed with the employer.





## Notes

### 3.3.4 Child Labour (Prohibition and Regulation) Amendment Act, 2016

Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law and to regulate the services of children in non-hazardous occupations. It is aimed at banning the employment of children below 14 years of age, laying down a procedure to make additions to the schedule of banned occupations or processes, regulating the working conditions of children, laying down penalties for employment of children in violation of the provisions of this Act and other Acts which forbid the employment of children, and bringing uniformity in the definition of the child in related laws. Child Labour (Prohibition and Regulation) Amendment Act, 2016 introduced the concept of adolescent labour. An adolescent has been defined as a person between the ages of 14-18 years. The Act permits employment of adolescents except in hazardous occupation.

### 3.3.5 The Rights of Persons with Disabilities (RPWD) Act, 2016

The Rights of Persons with Disabilities Act was enacted in 2016. It promotes and protects the right to equality, life with dignity and respect for integrity equally with others in various aspects of life such as educational, social, legal, economic, cultural and political. The Act elaborates on various kinds of entitlements to children with disabilities and gives directions to the appropriate governments for the education, skill development, employment, social security, health, rehabilitation, and recreation of such children. The types of disabilities has been increased from seven (The Persons with Disabilities Act, 1995) to 21, with power to the Central Government to add more. Additional benefits such as reservation in higher education (not less than 5%) and government jobs (not less than 4%) have also been included.

### 3.3.6 National Plan of Action for Children, 2016

The National Plan of Action for Children, 2016 is committed to provide equal opportunities for all children and protect their rights. In order to build convergence and coordination among various sectors and levels of governance, the NPAC has identified the objectives and prepared plans in the form of strategies and action points under four Key Priority Areas mentioned in the National Policy for Children 2013 such as Survival, Health and Nutrition, Education and Development, Protection, and participation. This plan intends to provide comprehensive policy focus to address vulnerabilities of children. Vulnerable children includes socio-economically or otherwise disadvantaged groups, children with disabilities, street/homeless children, child labour/migrant



children/trafficked children, children in conflict with the law, children affected or displaced by natural or man-made hazards and climate conditions/ civil disturbance, children without family support or in institutions and children affected by HIV/AIDs, leprosy etc.



Notes

### Objectives of NPAC under each priority area

- **Survival, Health and Nutrition:** 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.
- **Education and Development:** Secure the right of every child to learning, knowledge, (including Skill Development) education, and development opportunity, with due regard for special needs, through access, provision and promotion of required environment, information, infrastructure, services and support for the development of the child's fullest potential.
- **Protection:** 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.
- **Participation:** Enable children to be actively involved in their own development and in all matters concerning and affecting them.

*Source: NPAC, 2016 pp 7*

### 3.3.7 Beti Bachao Beti Padhao Scheme, 2015

Beti Bachao-Beti Padhao Scheme was launched in 2015 to address gender imbalance and discrimination against the girl child. The objectives are prevention of gender-biased sex-selective elimination, ensuring survival and protection of the girl child, and ensuring education and participation of the girl child. There is strong emphasis on changing the mindset through training, sensitization, and awareness generation. This scheme is being implemented through a national campaign and focussed multi-sectoral action in 100 selected districts low in CSR, covering all States/Union Territories. This is a joint venture of the Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development. In 2019, implementation guidelines for state governments / UT administrations were launched.

### 3.3.8 The Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 creates a robust legal framework for the protection of the rights of all children whether alleged or found to be in conflict with law or children in need of care and protection, by catering to their basic needs through proper care, protection, development,



## Notes

treatment, social re-integration, by adopting a child- friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established therein which will adopt child friendly processes.

### 3.3.9 Protection of Children from Sexual Offences (POCSO) Act, 2012

Everyone has a role to play in protecting children. Parents, schools, communities, police, courts, medical professionals, NGOs, Child Welfare Committees, District Child Protection Units, the media among others are responsible for creating an environment in which children feel safe and protected. The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted by the Government of India to provide an extremely strong legal framework for the protection of children from offences of sexual assault, sexual harassment and pornography, while safeguarding the interest of the child at every stage of the judicial process, by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The law defines a child as anyone below the age of 18 years and does not differentiate between a boy or girl child victim. The National Commission for Protection of Child Rights (NCPCR) has been mandated to monitor the implementation of POCSO Act, 2012.

The National Commission for Protection of Child Rights (NCPCR) was constituted in 2007 under the Commission for Protection of Child Rights Act, 2005. The Commission's mandate is to ensure that all Laws, Policies, Programme, and Administrative Mechanisms and in consonance with Child Rights perspective as enshrined in the constitution of India and also the UN Convention on the Rights of the Child. As defined by the commission, a child includes those up to the age of 18 years.

### 3.3.10 Regulatory Guidelines for Private Play Schools

The NCPCR has developed Regulatory Guidelines for Private Play Schools for children of the age of three to six years. The main objectives of the guidelines are to bring inclusiveness and uniformity in all educational institutions providing pre-school education, to prevent violation of child rights and abuse against such children, to achieve national and international commitment of pre-school education for preparing them for primary education and finally to remove ambiguity in the early childhood education (ECE) system in India by giving recognition for establishing or regulating such institutions.

### 3.3.11 Right to Free and Compulsory Education Act (RTE), 2009

The Constitution of India provides free and compulsory education to all children in the age group of six to 14 years. 'Free education' means that no child shall



be liable to pay any kind of fee or charges or expenses which may prevent her/him from pursuing and completing elementary education. 'Compulsory education' means it is the responsibility of the appropriate Government and local authorities to provide free elementary education and ensure admission, attendance and completion of elementary education by all children in this age group. RTE provides for children's rights to an education that is free from fear, stress and anxiety. The draft of National Education Policy, 2019 recommends extending the sphere of RTE Act to include early childhood education and secondary school education. The proposed recommendation would extend the coverage of the Act to all the children between the ages of three to 18 years.

### **3.3.12 Integrated Child Protection Scheme (ICPS), 2009**

The Integrated Child Protection Scheme (ICPS) is a centrally sponsored scheme launched in 2009. It aimed at ensuring protective environment for children in difficult circumstances, and other vulnerable children. ICPS brings together multiple existing child protection schemes of the Ministry under one comprehensive umbrella, and integrates additional interventions for protecting children and preventing harm. ICPS, therefore, institutionalizes essential services and strengthens structures, enhances capacities at all levels, creates database and knowledge base for child protection services, strengthens child protection at family and community level, ensures appropriate inter-sectoral response at all levels. The scheme set up a child protection data management system to formulate and implement effective intervention strategies and monitor their outcomes. Regular evaluation of the programmes and structures are conducted and course correction is undertaken.

### **3.3.13 The Prohibition of Child Marriage Act, 2006**

The Prohibition of Child Marriage Act, 2006 came into force in 2007. The object of the Act is to prohibit solemnization of child marriage and connected and incidental matters. To ensure that child marriage is eradicated from society, the Government of India enacted the Prevention of Child Marriage Act 2006 by replacing the earlier legislation of Child Marriage Restraint Act 1929. This new Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to the victim and enhance punishment for those who abet, promote or solemnize such marriages. This Act also calls for the appointment of Child Marriage Prohibition Officer for whole or a part of a State by the State government.

### **3.3.14 Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994**

Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 (amended in 2002) was passed to stop female foeticide and control the declining sex ratio in the country. The Act banned the use of sex selection techniques before and



## Notes

after conception. The Act also bans advertisement related to pre-conception and pre-natal determination of sex. There is strong emphasis on changing mindset through training, sensitization and raising awareness.



## ACTIVITY 3.2

- Visit nearby schools and discuss with teachers about child rights. Try to find out whether children are aware of their rights.
- Search on the Web and list down some NGOs working for the rights of the girl child and children from minority sections.



## INTEXT QUESTIONS 3.3

1. Decode the following:

- a. MHRD : .....
- b. MWCD : .....
- c. NPAC : .....
- d. RTE : .....
- e. ICPS : .....
- f. SSA : .....
- g. RMSA : .....

2. Match Column A with Column B:

**Column A**

- i. Samagra Shiksha Abhiyan
- ii. Maternity Benefit Act, 2017
- iii. Rights of Persons with Disabilities
- iv. NCPCR
- v. Pre-Conception & Pre-Natal Diagnostic Techniques Act

**Column B**

- a. Female foeticide
- b. 21 types
- c. POCSO
- d. Crèche
- e. SSA, RMSA, Teacher Education

3. Read the section carefully and find out 'the word or words' used in the lesson to indicate the following:

- (a) The Maternity Benefit (Amendment) Act 2017 has increased the duration of paid maternity leave available for female employees to ..... weeks from ..... weeks.



Notes

- (b) Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children below the age of ..... years in hazardous occupations.
- (e) ..... bans advertisement related to pre-conception and pre-natal determination of sex.
- (f) ..... brings together multiple existing child protection schemes of the Ministry under one comprehensive umbrella.



**WHAT YOU HAVE LEARNT**

In this lesson, you have learnt :

1. Needs of children
  - a. Psychological needs
    - Security safety and protection
    - Love and affection
    - Understanding and acceptance
    - Health
  - b. Health needs
    - Nutrition
    - Supplementary Nutrition
  - c. Early stimulation and learning needs
2. Impact of unmet needs on development of children.
3. Rights of children
  - Meaning of the Rights
  - Interrelationship of Needs and Rights
4. United Nations Convention on the Rights of the Child (UNCRC)
  - Right to Survival
  - Right to Protection
  - Right to Development
  - Right to Participation
5. Government Acts and plans to achieve children’s rights
  - Samagra Shiksha Abhiyan (SSA) – An Integrated Scheme for School Education, 2018
  - National Minimum Guidelines for setting up and running crèches under Maternity Benefit Act, 2017
  - The Maternity Benefit (Amendment) Act, 2017
  - Child Labour (Prohibition and Regulation) Amendment Act, 2016



## Notes

- The Rights of Persons with Disabilities (RPWD) Act, 2016
- National Plan of Action for Children, 2016
- Beti Bachao Beti Padhao Scheme, 2015
- The Juvenile Justice (Care and Protection of Children) Act, 2015
- Protection of Children from Sexual Offences (POCSO) Act, 2012
- Regulatory Guidelines for Private Play Schools
- Right to Free and Compulsory Education Act (RTE), 2009
- Integrated Child Protection Scheme (ICPS), 2009
- The Prohibition of Child Marriage Act, 2006
- Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994



## TERMINAL EXERCISE

1. Why should children be made aware about their rights?
2. Briefly discuss the effect of unmet needs on children's development.
3. Discuss rights of children as per UNCRC.
4. Discuss various initiatives taken by the government of India in the form of Acts and plans to achieve children's rights.



## ANSWERS TO INTEXT QUESTIONS

3.1

(i) b, (ii) c, (iii) d, (iv) a

3.2

- (a) United Nations Convention on the Rights of the Child
- (b) - Right to Survival  
 - Right to Protection  
 - Right to Development  
 - Right to Participation

3.3

1

- a. Ministry of Human Resource Development
- b. Ministry of Women and Child Development
- c. National Plan of Action for Children
- d. Right to Education
- e. Integrated Child Protection Scheme
- f. Samagra Shiksha Abhiyan
- g. Rashtriya Madhyamik Shiksha Abhiyan

### 2

- (i) e
- (ii) d
- (iii) b
- (iv) c
- (v) a

### 3

- a. 26, 12
- b. 14
- c. Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994
- d. ICPS

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Notes





## Notes

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