

**(PUBLISHED IN THE EXTRAORDINARY GAZETTE OF INDIA,
PART-I, SECTION-I)**

NO. F. 6-15/98-CW

GOVERNMENT OF INDIA

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT

New Delhi, the 9th February, 2004

Subject:- National Charter for Children, 2003

RESOLUTION

The Government of India have had for consideration the question of adopting a National Charter for Children to reiterate its commitment to the cause of the children in order to see that no child remains hungry, illiterate or sick. After the consideration, it has been decided to adopt the National Charter for Children enunciated below:-

National Charter for Children, 2003

Whereas the Constitution of India enshrines both in Part III and IV the cause and the best interest of children, insofar that:

The State can make special provisions for children, (Art 15 (3))

The State shall provide free and compulsory education to all children of the age of six to fourteen years, (Art 21.A)

No child below the age of 14 years shall be employed to work in a factory, mine or any other hazardous employment, (Art. 24)

The tender age of children is not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Art. 39 e), and that

Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that youth are protected against exploitation and against moral and material abandonment (Art. 39 f),

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years, (Art. 45)

Whereas it is a Fundamental Duty of a parent or guardian to provide opportunities for education to his child or ward between the age of six and fourteen year, (Art. 51A)

Whereas through the National Policy for Children, 1974, we are committed to providing for adequate services to children, both before and after birth and throughout the period of growth, to ensure their full physical, mental and social development,

Whereas we affirm that the best interest of children must be protected through combined action of the State, civil society, communities and families in their obligations in fulfilling children's basic needs,

Whereas we also affirm that while State, Society, Community and Family have obligations towards children, these must be viewed in the context of intrinsic and attendant duties of children and inculcating in children a sound sense of values directed towards preserving and strengthening the Family, Society and the Nation.

And whereas we believe that by respecting the child, society is respecting itself,

Now, therefore, in accordance with our pledge in the National Agenda of Governance, the following National Charter for Children, 2003 is announced.

Underlying this Charter is our 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.

Survival, Life and Liberty

1.a. The State and community shall undertake all possible measures to ensure and protect the survival, life and liberty of all children.

b. In particular, the State and community will undertake all appropriate measures to address the problems of infanticide and foeticide, especially of female child and all other emerging manifestations that deprive the girl child of her right to survive with dignity.

Promoting High Standards of Health and Nutrition

2.a. The State shall take measures to ensure that all children enjoy the highest attainable standards of health, and provide for preventive and curative facilities at all levels especially immunisation and prevention of micronutrient deficiencies for all children.

b. The State shall take measures to cover, under primary health facilities and specialised care and treatment, all children of families below the poverty line.

c. The State shall take measures to provide adequate pre-natal and post-natal care for mothers along with immunization against preventable diseases.

d. The State shall undertake measures to provide for a national plan that will ensure that the mental health of all children is protected.

e. The State shall take steps to ensure protection of children from all practices that are likely to harm the child's physical and mental health.

3. The State shall take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene.

Assuring Basic Minimum Needs and Security

4. a. The State recognizes that the basic minimum needs of every child must be met, that foster full development of the child's faculties

b. In order to ensure this, the State shall in partnership with the community provide social security for children, especially for abandoned children and street children.

c. State and community shall try and remove the fundamental causes which result in abandoned children and children living on streets, and provide infrastructural and material support by way of shelter, education, nutrition and recreation.

Play and Leisure

5. The State and community shall recognise that all children require adequate play and leisure for their healthy development and must ensure means to provide for recreational facilities and services for children of all ages and social groups.

Early Childhood Care for Survival, Growth and Development

6. a. The State shall in partnership with the community provide early childhood care for all children and encourage programmes which will stimulate and develop their physical and cognitive capacities.

b. The State shall in partnership with the community aim at providing a child care centre in every village where infants and children of working mothers can be adequately cared for.

c. The State will make special efforts to provide these facilities to children from SCs/STs and marginalised sections of society.

Free and Compulsory Primary Education

7. a. The State recognises that all children shall have access to free and compulsory education. Education at the elementary level shall be provided free of cost and special incentives should be provided to ensure that children from disadvantaged social groups are enrolled, retained and participate in schooling.

- b. At the secondary level, the State shall provide access to education for all and provide supportive facilities from the disadvantaged groups.
- c. The State shall in partnership with the community ensure that all the educational institutions function efficiently and are able to reach universal enrolment, universal retention, universal participation and universal achievement.
- d. The State and community recognise that a child be educated in its mother tongue.
- e. The State shall ensure that education is child-oriented and meaningful. It shall also take appropriate measures to ensure that education is sensitive to the healthy development of the girl child and to children of varied cultural backgrounds.
- f. The State shall ensure that school discipline and matters related thereto do not result in physical, mental, psychological harm or trauma to the child.
- g. The State shall formulate special programmes to spot, identify, encourage and assist the gifted children for their development in the field of their excellence.

Protection from Economic Exploitation and All Forms of Abuse

- 8.a. The State shall provide protection to children from economic exploitation and from performing tasks that are hazardous to their well-being.
 - b. The State shall ensure that there is appropriate regulation of conditions of work in occupations and processes where children perform work of a non-hazardous nature and that their rights are protected.
 - c. The State shall move towards a total ban of all forms of child labour.
9. a. All children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment.
- b. The State shall take legal action against those committing such violations against children even if they be legal guardians of such children.
 - c. The State shall in partnership with the community set up mechanisms for identification, reporting, referral, investigation and follow-up of such acts, while respecting the dignity and privacy of the child.
 - d. The State shall in partnership with the community take up steps to draw up plans for the identification, care, protection, counselling and rehabilitation of child victims and ensure that they are able to recover, physically, socially and psychologically, and re-integrate into society.
- 10.a. The State shall take strict measures to ensure that children are not used in the conduct of any illegal activity, namely, trafficking of narcotic drugs and psychotropic substances, begging, prostitution, pornography or violence. The State in partnership with the community shall ensure that such children are rescued and immediately placed under appropriate care and protection.
- b. The State and community shall ensure protection of children in distress for their welfare and all round development.

c. The State and community shall ensure protection of children during the occurrence of natural calamities in their best interest.

Protection of the Girl Child

11. a. The State and community shall ensure that crimes and atrocities committed against the girl child, including child marriage, discriminatory practices, forcing girls into prostitution and trafficking are speedily eradicated.

b. The State shall in partnership with the community undertake measures, including social, educational and legal, to ensure that there is greater respect for the girl child in the family and society.

c. The State shall take serious measures to ensure that the practice of child marriage is speedily abolished.

Empowering Adolescents

12. The State and community shall take all steps to provide the necessary education and skills to adolescent children so as to equip them to become economically productive citizens. Special programmes will be undertaken to improve the health and nutritional status of the adolescent girl.

Equality, Freedom of Expression, Freedom to Seek and Receive Information, Freedom of Association and Peaceful Assembly

13. The State and community shall ensure that all children are treated equally without discrimination on grounds of the child's or the child's parents' or legal guardian's race, colour, caste, sex, language, religion, political or other opinion, national, ethnic or social origin, disability, birth, political status, or any other consideration.

14 All children shall be given every opportunity for all round development of their personality, including expression of creativity.

15a. Every child shall have the freedom to seek and receive information and ideas. The State and community shall provide opportunities for the child to access information that will contribute to the child's development.

b. The State and community shall undertake special measures to ensure that the linguistic needs of children are taken care of and encourage the production and dissemination of child-friendly information and material in various forms.

c. The State and community shall be responsible for formulating guidelines for the mass media in order to ensure that children are protected from material injuries to their well-being.

16 All children shall enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values.

Strengthening Family

17 a. Every child has a right to a family. In case of separation of children from their families, the State shall ensure that priority is given to re-unifying the child with its parents. In cases where the State perceives adverse impact of such a re-unification, the State shall make alternate arrangements immediately, keeping in mind the best interests and the views of the child.

b. All children have a right to maintain contact with their families, even when they are within the custody of the State for various reasons.

c. The State shall undertake measures to ensure that children without families are either placed for adoption, preferably intra-country adoption, or foster care or any other family substitute services.

d. The State shall ensure that appropriate rules with respect to the implementation of such services are drafted in a manner that are in the best interest of the child and that regulatory bodies are set up to ensure the strict enforcement of these rules.

e. All children shall have the right to meet their parents and other family members who may be in custody.

Responsibilities of Both Parents

18. The State recognises the common responsibilities of both parents in rearing their children.

Protection of Children with Disabilities

19. a. The State and community recognise that all children with disabilities must be helped to lead a full life with dignity and respect. All measures would be undertaken to ensure that children with disabilities are encouraged to be integrated into the mainstream society and actively participate in all walks of life.

b. State and community shall also provide for their education, training, health care, rehabilitation, recreation in a manner that will contribute to their overall growth and development.

c. State and community shall launch preventive programmes against disabilities and early detection of disabilities so as to ensure that the families with disabled children receive adequate support and assistance in bringing up their children.

d. The State shall encourage research and development in the field of prevention, treatment and rehabilitation of various forms of disabilities.

Care, Protection, Welfare of Children of Marginalized and Disadvantaged Communities.

20. The State and community shall provide care, protect and ensure the welfare of children from marginalized and disadvantaged communities, support them in preserving their identity, and encourage them to adopt practises that promote their best interest.

21. The State recognises that children from disadvantaged communities and weaker/vulnerable sections of the society are in need of special interventions and support in all matters pertaining to education, health, recreation and supportive services. It shall make adequate provisions for providing such groups with special attention in all its policies and programmes.

Ensuring Child Friendly Procedures

22. All matters and procedures relating to children, viz. judicial, administrative, educational or social, should be child friendly. All procedures laid down under the juvenile justice system for children in conflict with law and for children in need of special care and protection shall also be child-friendly.

(KASTURI GUPTA MENON)

Secretary to the Government of Indiaia

ORDER

ORDERED that a copy of the Resolution be communicated to the Cabinet Secretariat, the Prime Minister's Office, all the Ministries/Departments of the Government of India, the Planning Commission, the State Governments and the Government/Administrations of Union Territories.

ORDERED also that the Resolution be published in the Gazette of India for general information.

(KASTURI GUPTA MENON)

Secretary to the Government of Indiaia