

National Commission for Protection of Child Rights

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National Consultation on 'Budgeting for Children: Tracking Outlays, Achieving Outcomes'¹

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I must thank the organisers for giving me this opportunity to share some of the thoughts of NCPCR on protection of child rights and its linkages to the way in which budgeting is done. I do hope that this conference will enable developing solutions which can help achieve our shared vision for children – including the realization of the right to nutrition, health, and education, the eradication of child labor, child marriage and trafficking, end to violence and abuse and restoring freedom and dignity to all our children in the age group of 0-18 years.

I will focus on some aspects of utilization of funds in today's meeting as I see that this issue is so integral to the achievement of children's rights in all its aspects.

1. Firstly it is imperative to have a **long term vision** of the protection of child rights, the institutional support structures that are necessary for attaining the same, the mood and environment for galvanizing the entire nation to partake in the endeavor to make sure that every child enjoys her rights as guaranteed in the Constitution of India and pledged to by our government being the signatory of the UN Convention of the Rights of the Child. This requires revision as well as updating of the National Policy on Children which was passed in 1974 taking into consideration the new challenges to the attainment of children's rights in the country such as increase in the disparities in the country among the wealthiest and the poorest, inter-state and intra-state migration of labour force causing vulnerability and risks, displacement caused by environmental factors as well as shifts in land use patterns, increasing conflicts and tensions. Many of such factors have had an impact on children of all age groups from 0 to 18 years and have to be factored in the design of the new National Policy on Children. **Such a wholehearted policy means universal coverage of children in the 0-18 year's age group, making investments in children without calculating the costs.**

Often under-budgeting it self results in under-utilisation. The contingency for under budgeting emerges when there are ad hoc programs taken up as tokenism which are unrelated to the National Policy and vision for children's rights.

2. It is noticed that most programs for children are highly centralized resulting in under utilization of funds. For example the Sarva Siksha Abhiyan has laid out norms based on which all expenditures have to be incurred. It clearly spells out the amounts allocated for trainings in terms of food, travel and the number of days the trainings will have to be held. Or it lays down the details of expenditure that can be incurred for running a residential or a non-residential

¹ This consultation was organized in Delhi on 12th February 2008, by the Ministry of Women and Child Development and UNICEF.

bridge course. It specifies the amount that has to be fixed for the rent of building. There is a threat of audit objection in case of any deviance in the norms. Thus in one of the districts the District Collector had a program for social mobilization which meant recruitment of a strong band of local youth force, strengthening the capacities of the gram panchayats to take up the agenda of tracking every child, preparing a soft ware for tracking children on a day to day basis by the volunteer force and so on. None of these interventions could be covered under the existing SSA. The Collector therefore could not utilise about Rs. 38 crores in his district that was sanctioned under SSA. Instead he had to collect local contributions and seek donations from the corporate sector to implement one of the most successful programs under the SSA in our country.

3. Even in the case of the National Child Labour Project of the Ministry of Labour there have been rigid rules governing the nature of expenditure in the program. Contrary to the NCLP norms the State government in Andhra Pradesh implemented the program of NCLP which was based on an area-based approach. This meant that the NCLP in AP would serve all children in the age group of 5-14 years whether they are out of schools and in work and in schools. It would mobilize all children below 8 years to schools and ensure that they are retained; run residential bridge course camps for older children who have been withdrawn from work; and follow up with each and every child who has been mainstreamed into formal schools. All this was done within the allocated budget but deviated from the norms. This yielded tremendous results and it also reflected in the largest decrease in the numbers of child labour in the Census between 1991 and 2001. Yet the program was criticized by CAG for not following the norms and had come up for serious audit objections. **In a way the high level of centralization results in a mismatch between the local needs and the norms that are fixed.**
4. **There is also a tendency to disburse incentives, supplies that is worked out at the level of unit cost for every activity that is entailed as in the case of ASHA volunteers.**
5. Further, in the case of protection of children's rights it is so important that the local is trusted to protect them. The gram panchayats are ideally suited for this task as children for at the level children are not numbers and statistics but real names and faces, in the knowledge of all in the neighborhood. They are therefore the best agencies to protect children and legitimately so. In fact there are several gram panchayats in the country today that have taken up the agenda of protection of children's rights in their respective constituencies. They have started establishing processes for linking with each household and thus make a beginning of genuine democratic process. Some of the specific issues regarding children's rights taken up by the gram panchayats are as follows:
 - Monitoring the status of health and nourishment of children under six years of age: giving support to the sub-centers and the anganwadi centers wherever possible and necessary and taking up their grievances with higher authorities; monitoring the attendance of the functionaries.
 - Issuing birth certificates and discussion on infant and maternal mortality.

- Examining the status of girl children and stopping of early child marriages and registration of marriages.
- Taking stock of children who are not attending schools in the 5-14 years age group, negotiating with the employers, and concerned departments to withdraw them from work and enforce the law.
- Monitoring the regularity of attendance of children going to schools, taking up issues of corporal punishment, caste discrimination, mid-day meal scheme, and other governance issues in the school that can come in the way of the child's attendance in schools.
- Petitioning to the authorities as well as bringing to the notice of the zilla parishad on inadequate infrastructure, lack of school teachers and so on to meet the growing demand of children in school.(It was found that in most of the schools especially after class 6 there were no teachers to teach English, Mathematics and Sciences. The Gram Panchayats have made out lists of such requirements and have continuously pressed for sanction of teachers to meet the challenge of the growing number of student in each class.).
- Some of the gram panchayats also maintain a register of all children in the village in the 0-18 year's age group and examining each of their status in a periodic manner. There is no doubt that there are deeply contentious issues even in the act of protecting children's rights and yet have to be resolved without any compromise. The issue of release of child engaged as bonded labor, or stopping of child marriage, giving support to a pregnant women, tracing the whereabouts of a child that is missing opens up public debate and discussion on existing status quo which may not be in the best interest of the child. The involvement of gram Panchayat in resolving the issue, in favor of protection of rights gives the program a stamp of legitimacy and authority. **It is in the process of integration of rights based issues with the local bodies that the strength of democracy is discovered and even enjoyed. Such a process not only protects children's rights but also introduces traditions for democratic decision-making. In other words it establishes systems and procedures where the best interests of children are served.**

The underlying principle in such a process is to recognize that any activity taken up for development and change must go through the institutional framework of local bodies. **It is necessary to trust the local, devolve funds to them and entrust them with the task of monitoring children's rights. Corruption too gets decentralized.**

6. Although India has the largest institutional net in terms of anganwadi centres, schools, hostels, ashram shalas, immunisation and nutrition programs, mid-day meal schemes and so on these institutions have not been owned up by the community nor have they become institutionalized. The anganwadi centres, crèches, and early child care centres need to become visible, owned up by all the rich and the poor with a great sense of pride in the community and by one and all in our country. **Building a social norm in favor of children's rights as a self –conscious strategy is therefore absolutely necessary. Any expenditure on institutions without investing in the institution building processes would result in wastage of resources.**
7. Likewise we are witness to how millions of children are out of school and in the labour force living lives of drudgery and exploitation working in agriculture, mining, construction, fishing, on

garbage dumps, brick kilns, as domestic labour in our own homes and in countless other occupations, mainly in the informal sector. Large numbers of children are trafficked and abused subject to untold suffering and misery. Overwhelmed by the magnitude of the problem at hand, child labour is tolerated and often even justified. An uncompromising stand on abolishing all forms of child labour and provision for inclusive education within a rights based perspective would pave the way for children enjoying freedom and dignity in our country. Every child must enjoy her right to protection, development and childhood as a non-negotiable.

This will need a continuing wholehearted obligation of the State and a moral voice of each of us giving energy for state functionaries and the system to do its best. In the recent past we have been witness to not only an unprecedented level of voluntarism and activism of local officials but also the inspiring heroic deeds undertaken by the local volunteers in paving the way for realization of children's rights. **We should take the time today to recognize these important contributions and invest in a large army of social mobilisers who would stand by children.**

8. This process results in a systematic introduction of the concepts of individual rights, citizenship and participation in decision making and also results in democratization of elected bodies which gain legitimacy and authority while taking up public issues.