

Draft for discussion

The Bihar State Policy for Children, 2017

1. Introduction

1.1 As per Census 2011, Bihar has the highest proportion of child population (46%) among all states of India. The Government of Bihar bears the constitutional obligation of securing the fundamental rights of all children in the state and needs to ensure that children are provided with essential opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity, in accordance with the Directive Principles of State Policy, which holds the State responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

1.2 The intent of the Government of Bihar to secure for all children the opportunities and conditions essential for their sustainable well-being is guided by the National Policy for Children, 2015, which emphasizes the State's commitment to take affirmative measures to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged. Accordingly, the Government of Bihar echoes the global call for leaving no one behind in efforts to end all forms of poverty and inequalities, expressed through the new sustainable development goals that seek to contribute to improving the lives of children in many different ways, especially through targets set in pursuit of Goal 4 (*'Ensure inclusive and quality education for all and promote lifelong learning'*); Goal 5 (*'Achieve gender equality and empower all women and girls'*); Goal 2 (*'End hunger, achieve food security and improved nutrition and promote sustainable agriculture'*), and Goal 3 (*'Ensure healthy lives and promote well-being for all at all ages'*); besides through the ambit of the other Goals.

1.3 The Government of Bihar has, on a number of occasions, expressed its resolve for creating an enabling environment for all children to secure their rights. During the last decade in particular, it initiated several measures to determine priorities for safeguarding the rights of children. In 2009, the Labour Resources Department of the Government of Bihar formulated a State Plan of Action for Elimination, Release and Rehabilitation of Child Labour, encapsulating the Government's resolve to address the core issues responsible for the practice of child labour. In 2013, the Department of Planning and Development of the Government of Bihar prepared a Roadmap to Mission Manav Vikas, a mission entrusted to steer the process of situational analysis across vital sectors of development, evaluate gaps and devise strategies to achieve essential targets within stipulated timeframes. In 2016-17, the Labour Resources Department of Govt. of Bihar took the lead in formulating a Social and Behaviour Change Strategy for Prevention of Child Labour in Bihar, to contribute to strengthening of a protective environment where children are saved from compulsions of child labour that threaten their survival and holistic development.

1.4 To affirm the Government's commitment to the rights based approach in addressing the continuing and emerging challenges in the situation of children, the Government of Bihar hereby adopts the Bihar State Policy for Children, 2017.

2. Preamble

2.1 Recognising that:

- a child is any person below the age of eighteen years;

- *childhood is an integral part of life with a value of its own;*
- *children are not a homogenous 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;*

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 happiness, love and understanding;*
- *families are to be supported by a strong social safety net in caring for and nurturing their children;*

the Government of Bihar 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.

2.3 This Policy is to guide and inform all laws, policies, plans and programmes affecting children. All actions and initiatives of the state and local governments in all sectors must respect and uphold the principles and provisions of this Policy.

3. Guiding Principles

- (i) every child has universal, inalienable and indivisible human rights
- (ii) the rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child
- (iii) every child has the right to life, survival, development, education, protection and participation
- (iv) right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality
- (v) mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality

(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

(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, social, religious or cultural institutions

(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;

(ix) every child has the right to a dignified life, free from exploitation

(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, crèches, families and communities

(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

(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

4. Key Priorities

Survival, health, nutrition, development, education, protection and participation are the undeniable rights of every child and are the key priorities of this Policy.

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.

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.

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 with nutritive attainment of all children, keeping in view their individual needs at different stages of life in a life cycle approach.

4.4 The State shall take all necessary measures to:

- (i) Improve maternal health care, including antenatal care, safe delivery by skilled health personnel, post natal care and nutritional support
- (ii) Provide universal access to information and services for making informed choices related to birth and spacing of children
- (iii) Secure the right of the girl child to life, survival, health and nutrition
- (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
- (v) Encourage focused behaviour change communication efforts to improve new born and childcare 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
- (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
- (viii) Ensure availability of essential services, supports and provisions for nutritive attainment in a life cycle approach, including infant and young child feeding 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
- (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
- (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
- (xi) Ensure that only child safe products and services are available in the state and put in place mechanisms to enforce safety standards for products and services designed for children
- (xii) Provide adequate safeguards and measures against false claims relating to growth, development and nutrition

Education and Development

4.5 Every child has equal right 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 required environment, information, infrastructure, services and supports, towards the development of the child's fullest potential.

4.6 The State shall take all necessary measures to:

- (i) Provide universal and equitable access to quality Early Childhood Care and Education (ECCE) for optimal development and active learning capacity of all children below six years of age
- (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
- (iii) Promote affordable and accessible quality education up to the secondary level for all children
- (iv) Foster and support inter sectoral networks and linkages to provide vocational training options including comprehensively addressing age-specific and gender-specific issues of childrens' career choices through career counseling and vocational guidance
- (v) Ensure that all out of school children such as child labourers, migrant children, trafficked children, 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
- (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
- (vii) Prioritise education for disadvantaged groups by creating enabling environment through necessary legislative measures, policy and provisions
- (viii) Ensure physical safety of the child and provide safe and secure learning environment
- (ix) Ensure that all processes of teaching and learning are child friendly
- (x) Ensure formulation and practice of pedagogy that engages and delights children, with a special focus on mental health, from a social and gender just, life skills and age appropriate perspective
- (xi) Provide access to ICT tools for equitable, inclusive and affordable education for all children especially in remote, tribal and hard to reach areas
- (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
- (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 neighbourhood, 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

(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

(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

(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 child's fullest potential and autonomy and sense of dignity and self worth.

(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 sensitization on ill-effects of alcohol and substance abuse

(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

(xx) Identify, encourage and assist gifted children, particularly those belonging to the disadvantaged groups, through special programmes

(xxi) Provide and promote crèche and day care facilities for children of working mothers, mothers belonging to poor families, ailing mothers and single parents

(xxii) Promote appropriate baby feeding facilities in public places and at workplaces for working mothers in public, private and unorganized sector

Protection

4.7 A safe, secure and protective environment is a precondition for the realization of all other rights of children. Children have the right to be protected wherever they are.

4.8 The Government of Bihar 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.

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.

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.

4.11 The Government of Bihar 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.

4.12 The Government of Bihar 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.

4.13 The Government of Bihar shall promote and strengthen legislative, administrative and institutional redressal mechanisms at the State level for the protection of child rights. For local grievances, effective and accessible grievance redressal mechanisms shall be developed at the programme level.

Participation

4.14 The Government of Bihar 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.

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.

4.16 The Government of Bihar 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.

5. Advocacy and Partnerships

5.1 The Government of Bihar shall encourage the active involvement, participation and collective action of stakeholders such as individuals, families, local communities,

nongovernmental organisations, civil society organisations, media and private sector including government in securing the rights of the child.

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.

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.

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.

6. Coordination, Action and 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. 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.

6.2 Community and local governance play a significant role in ensuring the child's optimum development and social integration. Ensuring coordination among various Ministries/Departments of Government of Bihar, between State and local Governments, between different levels of governance and between government and civil society is crucial for effective implementation of this Policy.

6.3. The Department of Social Welfare will be the nodal Department for overseeing and coordinating the implementation of this Policy. A State Level Coordination and Action Group (SCAG) for Children under the Minister in charge of the Department of Social Welfare will monitor the progress with other concerned departments as its members. Similar Coordination and Actions Groups will be formed at District level.

6.4. The Department of Social Welfare, in consultation with all related Ministries and Departments, will formulate a Bihar State Plan of Action for Children. Similar Plans will be formulated at the District and local level to ensure action on the provisions of this Policy. The State Level and District Coordination and Action Groups will monitor the progress of implementation under these Plans.

6.5 The Bihar State Commission 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.

7. Research, Documentation and 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 state, which will inform policies and programmes for children.