
Action Taken on the Concluding Observations of the UN Committee on Child Rights

India submitted its Initial Report on the implementation of the CRC in 1997. This was reviewed by the UN Committee on Child Rights in January, 2000. Below are defined key initiatives being undertaken by various Departments of the Government of India (GOI), which address some of the observations and recommendations of the Committee.

D1 General measures of implementation

Legislation

11. GOI is in the process of undertaking a comprehensive review of the legislation concerning children. This will also be done by the National Commission for Children which will be established very shortly. Meanwhile, various processes to review and amend laws concerning children are underway. Some of the amendments that have already been made are as follows:

- I) The Juvenile Justice Act has been repealed and replaced by a new legislation called the Juvenile Justice (Care and Protection of Children) Bill, 2000.
- II) The Cable Television Network Rule has been amended. For more details refer to the section on General Measures of Implementation.
- III) A National Commission for Children (NCC) for protecting the rights of children is on the anvil. The NCC will have statutory powers to inquire into violations of child rights. It shall review all the laws pertaining to children and make recommendations in order to harmonise them with the provisions of the CRC.
- IV) The Law Commission has reviewed the Code of Criminal Procedure and is likely to undertake a comprehensive review of the Indian Penal Code and the Indian Evidence Act.
- V) Other measures being contemplated include an amendment to the Infant Milk Substitutes, Feeding Bottle and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 to strengthen its provisions to promote breastfeeding.
- VI) Government have initiated the process for ratification of Convention No. 182 on the Worst Forms of Child Labour and to specify the minimum age for admission to employment and work. The above have been dealt in detail under relevant sections of the Report.

12. The Government has taken all measures to implement the orders issued by the Courts in India. (For details please refer to page 5–8 in the section on General Measures of Implementation.)

Coordination

15. The National Plan of Action for Children, 1992 was developed after the World Summit. Its progress has been assessed. However, this will be reviewed and modified keeping the Child Rights approach in mind. (For more details, please see page 8–9 of the section on General Measures of Implementation.)

With the objective of strengthening co-ordination at the GOI level, a National Co-ordination Mechanism was constituted by DWCD for monitoring the implementation of the CRC. (For details please refer to page 11 of the section on General Measures of Implementation.)

Training for different categories of people is being carried out by the Government. However, there is a need for systematic capacity building of local authorities. (For details please refer page 21-25 of the section on General Measures of Implementation.)

Independent/Monitoring Structures

17. India has a very well-developed statistical system and it is one that the country is justifiably proud of. The office of the Registrar General of India, the National Sample Survey Organisation, the International Institute of Population Sciences and other organisations conduct regular surveys on a large set of child indicators and report trends at the national, state and district levels. (For details please refer page 13-16 of the section on General Measures of Implementation of this Report.)

Status of disaggregated data of all persons under 18 years of age by State, sex, rural/urban, SC/ST is available for literacy rate, school enrolment, sex ratio, IMR (0-1), IMR (0-5), malnutrition, disabilities, child labour and partially available for street children, refugee children and children affected by terrorism and insurgency.

However, data collection needs to be strengthened on all issues under the CRC.

19. A National Commission for Children (NCC) for protecting the rights of children is on the anvil. The NCC will have statutory powers to inquire into violations of child rights. (For details please refer page 7 of the section on General Measures of Implementation of this Report.)

Allocation of Budgetary Resources

21. While utmost priority is given to children in policymaking, the budgetary allocations are sometimes less than desirable. There is a need for advocating greater resource allocation for children and analysis of the impact of budgets and new policy decisions. (For details please refer page 36 of the section on General Measures of Implementation.)

Cooperation with NGOs

23. While one observes an increased participation by several stakeholders in the dissemination and discussion on child rights at national and decentralised levels, it is evident that these need to be more comprehensive. It is becoming clear that a systematic plan for spreading awareness among different groups, mobilising action and dialogue within civil society on child rights is necessary and would need to become a key area for

the National Co-ordination Mechanism on CRC implementation to monitor. (For details please refer to page 17 of the section on General Measures of Implementation of this Report.)

During the preparation of the Second Country Report, NGOs were involved at the regional and state levels to give their inputs. The Planning Commission is in the process of preparing strategy papers for the 10th Five-Year Plan. NGOs have been co-opted to give their views for preparation of the strategy papers.

Training/Dissemination of the Convention

25. The size and complexity of India and the structure of the GOI makes it difficult to capture and define a national overview of the capacity development initiatives that have been put in place for accelerating the implementation of CRC. Training for different categories of people have evolved in response to the need to sensitise programme staff on child rights. The NGOs, staff or organisations working with child labour, inspectors, police officials and children themselves have been key targets for CRC training programmes. This has to percolate to the level of field functionaries of different programmes, parents and community members. It is necessary to undertake a comprehensive review of training efforts on child rights in different parts of the country and develop a systematic capacity development strategy for progressive implementation of child rights. (For more details please refer page 21-23 of the section on General Measures of Implementation of this Report.)

D2 Definition of the Child

27. Minimum Legal Age has been defined for issues such marriage, sexual consent for girls, voluntary enlistment in the armed forces, admission to employment or work, criminal responsibility, juvenile crime, capital punishment and life imprisonment.

In the Juvenile Justice (Care and Protection of Children) Act, 2000 the definition of the boy child has been increased to 18 years (in consonance with the girl child). Boys up to 18 years will be kept in the special homes only and will not go to jail. (For more details refer to page 43-46 of the section definition of the child.)

D3 General Principles

The Right to Non-Discrimination

29. As a first step in the process of instituting social justice, two exclusive Ministries, i.e., the Ministry of Social Justice and Empowerment for SCs, OBCs and Minorities in 1998 and the Ministry of Tribal Affairs in 1999 have been set up to extend focused attention to these individual groups. Special efforts to safeguard interests of disadvantaged groups needs to be taken up on a priority basis. Although, voluntary organisations/NGOs have been playing a vital role in assisting Government in 'reaching rural and far flung tribal areas, they are uneven, in their distribution and are urban oriented. Therefore, all grant-in-aid schemes for NGOs have been recently reviewed and it has been suggested to enlarge the scope and coverage. The pace of progress of expenditure in the Backward Classes Welfare Sector appears to be satisfactory. However, a qualitative assessment of the progress will be made to assess improvement in the status of these socially disadvantaged groups.

31. To ensure effective enforcement of the Protection of Civil Rights Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, a definite plan of action ensuring preventive, investigative and rehabilitative measures are being taken in those areas/districts where incidence of crimes/atrocities/violence is high against the weaker sections. Another measure to ensure social justice was the commitment on the part of the government for a complete removal of the inhuman practice of manual scavenging by the year 2002 through a nation wide scavengers scheme of liberation and rehabilitation of scavengers and their dependants. As the progress of this scheme is very tardy, steps are being taken to activate the States/UTs to fulfill the commitment.

33. The Government has taken several initiatives to prevent discrimination of the girl child. One of the initiatives is that of *Meena*. The *Meena* series present positive images of girls, succeeding in making a strong case for receiving equal and fair treatment. *Meena* episodes have their basis in the CRC and the CEDAW. Some of the issues covered by *Meena* are girls education, equal opportunity for girls, health, dowry, sanitation and hygiene, and early marriage. (For more details please refer page 54-64 of the section on Non-Discrimination of this Report.)

Respect for the Views of the Child

35. It is indeed welcome that there is a gradual increase in the initiatives to promote child participation in many parts of the country. The initiatives vary in content and comprehensiveness from participation in activities, to expression of views in matters that affect their lives as well as that of other in many parts of the country. As one examines the implementation of this aspect of the Convention, it is evident that progress have been made in this area through the active intervention of NGOs. Some of the States such as Rajasthan and Uttar Pradesh have taken a lead in this regard. It is time that other States/UTs follow their example. Training of teachers, social workers and local officials is being carried out for implementation of such programmes. This issue is evolving rapidly. (For details please refer to page 72-76 of the section on Respect for the views of the Child of this Report.)

D4 Civil Rights and Freedom

Name and Nationality

37. The Office of the Registrar General of India is undertaking several measures to improve the Civil Registration System (CRS). Newspaper advertisements, television spots, radio jingles, posters, stickers and cinema slides are some of the measures currently being used to sensitise and mobilise public opinion on the need and importance of birth registration. Training and workshops are being organised for registry personnel. (Details of these measures have been dealt with on pages 81-84 of the section on Name and Nationality of this Report.)

Right not to be Subjected to Torture or Other Degrading Treatment or Punishment

38&39. The new legislation called Juvenile Justice (Care and Protection of Children) Act, 2000 prohibits any kind of torture or other cruel, inhuman or degrading treatment or punishment juveniles. (For details please refer to page 94 of the Section on Right not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.)

D5 Family Environment and Alternate Care

Adoption

43. India is not a party to the Hague Convention. However, the country already has an institutional mechanism envisaged under the Convention, i.e., Central Adoption and Resource Agency (CARA) which has been constituted to act as a clearing house of information regarding children available for inter-country adoption. It also acts as a nodal agency for receiving applications from prospective parents and forwarding them to recognised child welfare agencies. (For details please refer to page 120-124 of the section on Adoption.)

Violence/Abuse/Neglect/Maltreatment

45. Corporal punishment in families is usually not reported, as the family in India is a private institution.

There is no national legislation against corporal punishment. However, a number of States, Delhi being one of them, have enacted legislation banning corporal punishment in schools. The GOI has also issued instructions to the States to prevent corporal punishment in schools. (For details, please refer to page 127 of the section on Abuse and Neglect including Physical and Psychological Recovery and Social Reintegration of this Report.)

D6 Basic Health and Welfare

Disabled Children

46&47. The GOI is taking several measures to effectively implement the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Awareness campaigns and training programmes for persons working with disabled children is an ongoing programme of the Ministry of Social Justice and Empowerment. However, only an estimated five- percent of population with disabilities has been reached by any kind of service.¹ Even voluntary effort is largely confined to urban and semi-urban areas. (For details please refer page 203-209 of the section on disabled children.)

Right to Health and Health Services

49. India does not have Integrated Management of Child Illness Strategy. However, the RCH Programme has integrated many of the issues laid out in the strategy. One of them is to extend maximum coverage by improving accessibility, especially for women, adolescents, socio-economically backward groups, tribals and slum dwellers, with a view to promote equality. (For more details please refer to page 135-136 of the section on Health and Health Services.) The GOI has undertaken studies to determine the socio cultural factors which lead to practices such as female infanticide and selective abortions.

51. The GOI has already taken steps to strengthen the existing Reproductive and Child Health Programmes. This programme integrates all family welfare and women and child health services with the explicit objective of providing beneficiaries with need-based, client-centred, demand-driven, high-quality, integrated RCH services. A comprehensive Draft National AIDS Prevention and Control Policy has been formulated, on various issues related to the prevention and control of HIV/AIDS in the country. The IEC Strategic Plan for AIDS prevention and

Control Programme in India includes a variety of communication strategies for raising awareness, behavioural change and social mobilisation. The area of focus includes Family Awareness Campaigns and Prevention and Treatment of STD/RTI, Campaigns for Youth, School AIDS Programme, Women, Stigma and Discrimination, Voluntary Blood Donations and Advocacy. (For details please refer to 135-188 the section on Health and Health Services.)

Right to Adequate Standard of Living

55. The GOI is implementing an Integrated Programme for Street Children and also a Programme for Juvenile Justice. These programmes look into the needs of children who are victims of physical, sexual and substance abuse. (For details please refer page 364-365 of the section on Physical and Psychological Recovery and Social Reintegration of the Child.)

D7 Education, Leisure and Cultural Activities

Rights and Aims of Education

57. The 83rd Amendment Bill of the Constitution of India is under consideration in the Parliament.

A comprehensive review of the education situation was taken in November 1999 by the Department of Education. One of the steps to be identified in the review was to enact legislation for providing free and compulsory elementary education to all children in the age group of 6-14 years. (For details please refer page 244-245 of the section on Education, including vocational training and guidance.)

The Government has taken considerable measures to address disparities in access to education. Education of the girl child, Special Educational Development Programmes for Scheduled Caste girls, Non Formal Education, Education for the SCs/STs and Minorities, Children with Special Needs are some of the initiatives taken in this regard. (For details please refer page 294-302 of the section on Education, including vocational training and guidance.)

The performance of the NFE scheme has been reviewed and also has been evaluated by the Planning Commission. Based on their recommendation, action has been taken to revise the scheme and call it the Scheme for Alternate and Innovative Education. One of the salient features of the scheme would be to ensure quality of NFE. (For details please refer page 299-301 of the section on Education, including vocational training and guidance.)

The concept of value orientation of education has a prominent place in the Five-Year Plans of India. The Standing Committee of the Parliament on HRD has laid stress on universal human values of truth, right conduct, peace, love and environment. A Division has been created on 'Education in Human Values' in the Ministry of Human Resource Development. The Division has taken a large number of steps that have far-reaching consequences and effects on value education at all levels in the country. The Government has introduced human rights issues in the curricula. NCERT has started the process to include the CRC in the school curricula. (For details please refer page 308-315 of the section on Aims of Education.)

The Government has introduced Human Rights Issues in the Curricula. (For details please refer page 312-313 of the section Aims of Education.) National Curriculum Framework for School Education has introduced CRC in Schools. The process for its integration in the school curricula will be started.

D8 Special Measures of Protection

Unaccompanied, Asylum Seeking and Refugee Children

62. India has been more liberal than most States in practice, by according special facilities for education, shelter and food for the refugees, thus fulfilling the provisions of the 1951 Convention and the 1967 Protocol. (For details please refer page 331 of the section on Refugee Children.)

Children and Armed Conflict, and Their Recovery

63&64. One of the key priorities of the GOI in this area is to ensure a special focus on children in the National Disaster Relief Plan and contingency plans to meet emergency situations including situations of conflict. (For details please refer page 339-340 of the section on Children in Armed Conflict.)

Economic Exploitation

65&66. The reservation made with respect to Article 32 of the Convention does not in any way dilute the Government's resolve to eliminate child labour. The Government is regularly reviewing the position regarding the progressive implementation of the provisions of Article 32 of the CRC. (For details please refer page 3 of the section on General Measures of Implementation.)

The Child Labour (Prohibition and Regulation) Act, 1986 seeks to achieve this basic objective and the government is taking all measures to implement the Child Labour Act, Bonded Labour Act, and Employment of Manual Scavengers Act. Their implementation is gathering momentum. (For details please refer page 373-375 of the section on Economic Exploitation.)

68. The Implementation of the directions of the Supreme Court is being monitored by the Ministry of Labour and compliance of the directions reported to the Honourable Court on the basis of the information received from the State/UT Governments.

70. As its ongoing efforts, the Ministry of Labour carries out campaigns against child labour and training of civil organisations, government officials and law enforcement officials. (For details please refer page 376-377 of the section on Economic Exploitation.)

71. Rapid Assessment of Child Labour has been undertaken in four districts under NCLP. It is planned to undertake such studies in another 29 districts under NCLP. (For details please refer page 380 of the section on Economic Exploitation.)

72. The GOI has initiated action on a central legislation specifying minimum age for admission to employment and work. The provisions of the proposed legislation have been drawn from the Minimum Age Convention, 1973. The Government also proposes to ratify the ILO Convention No. 182 (Worst Forms of Child Labour Convention).

Drug Abuse

73. In order to tackle the problem of drug abuse in the country, the Government has adopted a two-pronged strategy of supply control and demand reduction of drugs. (For details please refer page 386 of the section on Drug Abuse.)

Sexual Exploitation and Abuse

75. The Supreme Court of India passed the important judgement on the subject of commercial

sexual exploitation of children and women in the case of Gaurav Jain Vs Union of India on 9 July 1997. The GOI has taken a number of steps in pursuance of the judgement. (For details please refer page 394-397 of the section on Sexual Exploitation and Abuse.)

The Indian Penal Code (Section 361, 366, 366A, 366 B, 372 and 373) already contains several provisions, which make kidnapping unlawful. (These provisions have been dealt in detail on page 400 of the section on Sale, Trafficking and Abduction.)

76. CHILDLINE Service has been initiated by the Government for children in distress and to respond to children in emergency situations and refer them to relevant Government and Non-Governmental Organisations. (For details please refer to page 365 of the section on Physical and Psychological Recovery and Social Reintegration of the Child.)

77. The State Departments of Women and Child Development are implementing various schemes for the welfare of *devdasi* girls. (For details please refer to page 395-396 of the section on Sale, Trafficking and Abduction.)

78. The Convention on Preventing and Combating Trafficking of Women and Children into Prostitution has been drafted and is expected to be ratified at the next SAARC Summit. This Convention seeks to take measures to prevent cross-border trafficking through proper international governmental co-ordination as well as harmonising various laws and legal provisions relating to trafficking and rehabilitation of rescued victims.

79. The GOI is in the process of amending the Immoral Traffic (Prevention) Act, 1956 (ITPA) and making punishment for traffickers more stringent and putting greater criminal culpability on them. For this purpose, the National Commission for Women has recently sponsored country wide consultations and proposed certain recommendations which are being processed for preparing an Amendment Bill.

80. India is in the process of ratifying the International Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Administration of Juvenile Justice

81. The Juvenile Justice (Care and Protection of Children) Bill, 2000 replaces the existing Juvenile Justice Act, 1986. It takes into account the CRC and other Relevant International Treaties. This law has a child friendly approach and provides for proper care, protection and treatment and also for ultimate rehabilitation of children in need of care and protection. (For more details please refer to page 340-356 of the section on Administration of Juvenile Justice.)

D9 Dissemination of the Report

83. The GOI has initiated a number of measures for dissemination of the Report. The key observations and recommendations have been presented at major meetings and forums on children's issues at national, state and district levels. The *Concluding Observations* are being widely disseminated through meetings and workshops, to NGOs and general public seeking information and through the internet. (For more details please refer to page 19-20 of the section on General Measures of Implementation of the Report.)

Endnote

¹ Annual Report, 1999-2000, Ministry of Social Justice and Empowerment, GOI.