



Convention on the Rights of the Child

India
First Periodic Report
2001



Department of Women and Child Development
Ministry of Human Resource Development
Government of India

Published by the Department of Women and Child Development,
Ministry of Human Resource Development
with assistance from UNICEF, India

Compilation, Editing and Design: New Concept Information Systems Pvt. Ltd.

Contents

<i>Foreword</i>	<i>xi</i>
<i>Preface</i>	<i>xiii</i>
<i>Introduction</i>	<i>xv</i>
<i>Acknowledgements</i>	<i>xvii</i>
<i>Information Update</i>	<i>xix</i>
<i>Action taken on Concluding Observations</i>	<i>xxvii</i>
I General Measures of Implementation arts. 4, 42 and 44 (para 6)	1
II Definition of the Child (art. 1)	41
III General Principles	47
A. Best Interests of the Child (art. 3)	49
B. Non Discrimination (art. 2)	54
C. The Right to Life, Survival and Development (art. 6)	65
D. Respect for the Views of the Child (art. 12)	72
IV Civil Rights and Freedom (arts. 7, 8, 13-17 and 37(a))	77
A. Name and Nationality (art. 7)	81
B. Preservation of Identity (art. 8)	85
C. Freedom of Expression (art. 13)	86
D. Freedom of Conscience, Thought and Religion (art. 14)	87
E. Freedom of Association and Peaceful Assembly (art. 15)	88
F. Protection of Privacy (art. 16)	89
G. Access to Appropriate Information (art. 17)	90
H. The Right Not to be subjected to Torture or Other Degrading Treatment and Punishment (art. 37(a))	94

V	Family Environment and Alternate Care	97
	(arts. 5, 18 para 1-2, 9-11. 19-21, 25, 27 para 4 and 39)	
	A. Parental Guidance (art. 5)	103
	B. Parental Responsibility (art. 18)	107
	C. Separation from Parents (art. 9)	111
	D. Family Reunification (art. 10)	112
	E. Illicit Transfer and Non Return (art. 11)	113
	F. Recovery of Maintenance for the Child (art. 27)	114
	G. Children Deprived of their Family Environment (art. 20)	116
	H. Adoption (art. 21)	118
	I. Periodic Review of Placement (art. 25)	125
	J. Abuse and Neglect (art. 19), including Physical and Psychological Recovery and Social Reintegration (art. 39)	127
VI	Basic Health and Welfare (arts. 6, 18 para 3, 23, 24, 26, 27 para 1-3)	131
	A. Health and Health Services (art. 24)	135
	B. Disabled Children (art. 23)	203
	C. Social Security and Childcare Services and Facilities (art. 26 and 18, para 3)	220
	D. Standard of Living (art. 27)	226
VII	Education, Leisure and Cultural Activities (arts. 28, 29, 31)	237
	A. Education, including Vocational Training and Guidance (art. 28)	241
	B. Aims of Education (art. 29)	306
	C. Leisure, Recreation and Cultural Activities (art. 31)	315
VIII	Special Protection Measures (arts. 22, 38, 39, 40, 37(b)-(d), 32-36)	325
	A. Children in Situation of Emergency	
	1. Refugee Children (art. 22)	331
	2. Children in Armed Conflicts (art. 38), Including Physical and Psychological Recovery and Reintegration (art. 39)	339
	B. Children involved with the system of administration of juvenile justice	
	1. The Administration of Juvenile Justice (art. 40)	340
	2. Children Deprived of their Liberty, including any Form of Detention, Imprisonment or Placement in Custodial Settings (art. 37 (b)-(d))	357

3. The Sentencing of Children, with particular Reference to the Prohibition of Capital Punishment and Life Imprisonment (art. 37 (a))	361
4. Physical and Psychological Recovery and Social Reintegration of the Child (art. 39)	362
C. Children in Situation of Exploitation, Including Physical and Psychological Recovery and Social Integration	
1. Economic Exploitation of Children, including Child Labour (art. 32)	366
2. Drug Abuse (art. 33)	384
3&4 Sexual Exploitation and Abuse (art. 34)	390
Sale, Trafficking and Abduction (art. 35)	
5. Other Forms of Exploitation (art. 36)	401
D. Children belonging to a Minority or an Indigenous Group (art. 30)	406
IX Looking Ahead	429
Bibliography	433
Abbreviations & Glossary	443

List of Boxes

Box 1.1: Voices of children	29
Box 3.1: High court upholds 'best interests of the child'	50
Box 3.2: Measures taken to preserve tribal culture and prevent discrimination	55
Box 3.3: Convention on abolition of female foeticide	57
Box 3.4: CARE India initiative: Girls' Primary Education (GPE)	59
Box 3.5: Towards empowerment of women	62
Box 3.6: Supreme Court orders strict implementation of the PNDDT Act	67
Box 3.7: Objectives of ICDS	69
Box 3.8: Creating "children's government"	73
Box 3.9: Children freely express their views	74
Box 3.10: Fingerprint postcards	75
Box 5.1: Landmark judgement	107
Box 5.2: Udisha	108
Box 5.3: A few interventions by NGOs	109
Box 5.4: International conference on early childhood care for survival, growth and development	110
Box 5.5: Separated women abandoned by law	113

Box 5.6: Fostering families—Creating a home away from home	115
Box 5.7: Bid to rehabilitate orphans in Orissa	116
Box 5.8: Bid to rehabilitate people affected by earthquake in Gujarat	117
Box 5.9: Little bride – Amina Begum	125
Box 5.10: Separate legislation on child abuse planned	127
Box 6.1: The potential for improving child survival in India	146
Box 6.2: States/UTs and the national goal (IMR)	147
Box 6.3: Schemes to improve the outreach of services	152
Box 6.4: Keep the promises	158
Box 6.5: Preventing malnutrition in Rajasthan	168
Box 6.6: National Population Policy, 2000	177
Box 6.7: Strategic focus of each UN agency within the national response	186
Box 6.8: Catch ‘em young	190
Box 6.9: National Newborn Week: 15–21 November, 2000	192
Box 6.10: Industrial waste water pollution	195
Box 6.11: Industrial air pollution	195
Box 6.12: Community action to reach the one-in-ten differently abled child	207
Box 6.13: Uniform I-cards for disabled	210
Box 6.14: Disability seminar	211
Box 6.15: Development of child's potentialities	211
Box 6.16: Rehabilitation approaches	212
Box 6.17: Principal social security laws of India	221
Box 7.1: Sarva Shiksha Abhiyan	242
Box 7.2: Recent trends towards structural reforms in elementary education in India	244
Box 7.3: Himachal's progress	257
Box 7.4: Minimum Levels of Learning (MLL)	260
Box 7.5: Appointment of <i>vidya sahayaks</i>	267
Box 7.6: Review of laws	271
Box 7.7: Early childhood care and education: the context of the bill on the fundamental right to elementary education	272
Box 7.8: Conference on Early Childhood Care for Survival, Growth and Development	273
Box 7.9: Muktangam (open courtyard education)	276
Box 7.10: Innovative strategies in Rajasthan	281
Box 7.11: Skill training for the underprivileged	286
Box 7.12: <i>Angana Vidyalaya</i> , Bihar	294
Box 7.13: Lok Jumbish in Rajasthan	294
Box 7.14: Girl Child Week in Rajasthan	295
Box 7.15: Stipend to children belonging to <i>vimukat jatis</i>	297
Box 7.16: EFA in Mizoram: the dynamics of success	299
Box 7.17: Multi-grade school based on the Rishi Valley Model, Uttar Pradesh	301
Box 7.18: Sixth All India Educational Survey (AIES)	302

Box 7.19: Total Literacy Campaigns	308
Box 7.20: Indigenous curriculum	313
Box 8.1: Home away from home	333
Box 8.2: Profile of UNHCR refugees	336
Box 8.3: Juvenile Justice Act, 1986: key points	342
Box 8.4: Care and protection of children	343
Box 8.5: Standard minimum rules for the administration of the Juvenile Justice Act, 1986 (Beijing Rules)	343
Box 8.6: <i>Bal Sangopan Yojana</i>	344
Box 8.7: Supreme Court on the age of juveniles	345
Box 8.8: The Juvenile Justice (Care and Protection of Children) Act, 2000	346
Box 8.9: National consultation on the Juvenile Justice System and the rights of the child	347
Box 8.10: Training of police personnel in Madhya Pradesh	347
Box 8.11: Help reform juvenile delinquents	348
Box 8.12: Conference on Juvenile Justice	349
Box 8.13: Key issues of concern	350
Box 8.14: Recommendations	351
Box 8.15: Street children in the metros of India: A case study	354
Box 8.16: Some NGO Initiatives	355
Box 8.17: Section 26: Orders that may not be passed against delinquent juveniles	361
Box 8.18: Childline	364
Box 8.19: Amar came to Mumbai to meet Sachin Tendulkar	366
Box 8.20: Government's commitment	367
Box 8.21: Constitutional provisions	368
Box 8.22: Employment of Children: protective legal provisions	372
Box 8.23: Out of sight....out of mind....out of reach — A study of child domestic workers in Chennai	374
Box 8.24: Highlights of IPEC programme in India	377
Box 8.25: Some NGO initiatives	379
Box 8.26: Rapid assessment of child labour in a few districts	380
Box 8.27: Kinds of drugs used by children	385
Box 8.28: 125,170 drug addicts in India, says UN report	385
Box 8.29: Institutional measures	387
Box 8.30: Convention of Rehabilitated <i>Devdasi</i> Women	396
Box 8.31: Positive interventions in Rajgarh district	403
Box 8.32: UN Conventions and declarations related to minority rights ratified by India	407
Box 8.33: Constitutional provisions for minorities in India	407
Box 8.34: Special financial instruments	416
Box 8.35: Passing marks limit reduced for SC, ST candidates	419
Box 8.36: Evaluation of Ashram schools	420
Box 8.37: Delhi: A Case Study	421
Box 8.38: Strategy for the Ninth Plan	424

List of tables

Table 1.1: Plans and priority areas	32
Table 1.2: Government of India budget	34
Table 1.3: Central government expenditure (plan and non-plan) on social services	36
Table 1.4: Central plan outlay for major schemes of social and rural development	38
Table 2.1: Minimum legal age defined by national legislation	45
Table 5.1: In-country and Inter-country adoptions	122
Table 6.1: Major indicators on health	138
Table 6.2: Rural primary health care infrastructure and manpower	139
Table 6.3: Variations pertaining to population, total fertility rate, birth rate, and date at which likely to reach replacement level	141
Table 6.4: Variations in Infant Mortality Rate, Maternal Mortality Rate, life expectancy at birth, sex ratio and death rate	142
Table 6.5: Maternal mortality rate, 1998	151
Table 6.6: Childhood vaccinations	153
Table 6.7: Childhood vaccinations	154
Table 6.8: Decline in the reported incidence of diseases	156
Table 6.9: Nutritional status of children	160
Table 6.10: Iodisation of salt by state	162
Table 6.11: Anaemia among children	164
Table 6.12: Vitamin A supplementation for children	165
Table 6.13: Prevalence of acute respiratory infection, fever and diarrhoea	170
Table 6.14: Unrounded estimates of the HIV/AIDS epidemic	183
Table 6.15: Drinking water and sanitation	199
Table 6.16: Incidence of disabilities among children	205
Table 6.17: Crude estimates of the size of population suffering from various forms of disability in India	206
Table 6.18: Rising per capita health expenditure in Kerala	229
Table 6.19: Some quality of life indicators	230
Table 6.20: Comparison of GDP per capita (PPP US\$) - 1998	232
Table 6.21: GDP per capita (1995 US\$)	232
Table 6.22: Per capita net state domestic product at current prices	233
Table 7.1: Trends in numbers of non-literates	247
Table 7.2: Literacy rate : 1991 and 2001	248
Table 7.3: Comparison of growth in literacy rate between 1997-2001	250
Table 7.4: Literacy rates and decadal difference in literacy rates by sex: 1991-2001	251
Table 7.5: Share of education in GNP in India	252
Table 7.6: Share of education in SDP by major States in India	253
Table 7.7: Percentage share of education in total budget	254

Table 7.8: Per capita expenditure on education in selected states	254
Table 7.9: Intra-sectoral allocation of Plan expenditure in education	255
Table 7.10: Number of schools in India	258
Table 7.11: Growth in school enrolment in India	259
Table 7.12: Gross enrolment ratio, all India level	260
Table 7.13: Distribution of teachers in elementary schools in the country	261
Table 7.14: Number of teachers (all India)	265
Table 7.15: Percentage of female teachers in primary school	267
Table 7.16: Percentage of SC and ST teachers	268
Table 7.17: Teacher-pupil ratios	268
Table 7.18: Percentage of trained teachers	269
Table 7.19: Coverage under various early childhood care and education schemes, 1996-97	272
Table 8.1: Number of Juvenile Homes in the country	345
Table 8.2: States reporting high pendency level in disposing of apprehended Juveniles	352
Table 8.3: Juveniles apprehended under IPC and SLL Crimes 1995 and 1996	352
Table 8.4: Juvenile delinquency (SLL) under Different Crimeheads during 1996 and % variation over 1995	352
Table 8.5: Distribution of working children	370
Table 8.6: Child labour indicators from MICS-2	371
Table 8.7: Child labour as a percentage of child population—Rural	373
Table 8.8: Coverage under National Child Labour Project	376
Table 8.9: Number of NGOs and counselling/treatment-cum- rehabilitation centers	389
Table 8.10: Major religious communities in India	411
Table 8.11: Major language groups in India by population	412
Table 8.12: Gross enrolment ratios of SCs & STs and general population	417
Table 8.13: Dropout rates amongst SCs and STs at various stages of education	418
Table 8.14: Literacy rates of SCs/STs	422
Table 8.15: Literacy rates of SCs/STs	422
Table 8.16: No. of crimes against SCs and STs during 1996-98	423
List of figures	
Figure 1.1: Comparison of Eighth and Ninth Five Year Plan outlays	33
Figure 1.2: Central Government expenditure on social services	35
Figure 3.1: Expectation of life at birth by sex	65
Figure 3.2: Sex Ratio	66
Figure 6.1: Evaluation of health programme and policies	136
Figure 6.2: Sex ratio 2001	143
Figure 6.3: Infant Mortality Rate, 1996-1999	148

Figure 6.4: Maternal Mortality Rate, 1998	150
Figure 6.5: Childhood vaccination by region	155
Figure 6.6: Decline in the reported incidence of diseases	157
Figure 6.7: States and union territories by population percentage: 2001	180
Figure 6.8: Children living with HIV/AIDS	183
Figure 6.9: IEC activity on health issues	193
Figure 6.10: Drinking water and sanitation	200
Figure 7.1: Trends in literacy rates	246
Figure 7.2: Trends in rural-urban literacy rates	246
Figure 7.3: Gender disparity in enrolment	264
Figure 7.4: Percentage of female teachers in primary school	266
Figure 8.1: State-wise distribution of working children	369
List of Appendices	
Appendix 4A.1: Birth Report	95
Appendix 6.1: Incidence of disability among children in age-group 0–12 years and gender disparity by States	215
Appendix 6.2: Incidence of disability among children in age-group 0–12 years and gender disparity by population groups	217



Dr Murli Manohar Joshi

Minister for Human Resource Development
Ministry of Human Resource Development
Government of India
New Delhi - 110 001

Foreword

The First Periodic Report of India on the Convention on the Rights of the Child presents all major initiatives that have been taken to ensure the rights of children. It also highlights priority areas for immediate action, which are engaging our serious attention.

We are proud that our Constitution has been the genesis for the protection of children's rights. We also have in place strong legislation, policies and programmes for safeguarding our children's rights, especially of the girl children. Our commitment to our children is reiterated by our intention to establish the National Commission for Children, to further safeguard and enforce the rights of all children of our country.

According to the Census 2001, India's population is 1.02 billion. The population of children below the age of 18 years is estimated to be around 400 million. While dealing with the complex dimensions of child rights, both in terms of numbers and in quality, we do feel satisfied about our progress on several fronts such as literacy, immunisation and food security in recent years. At the same time, we are aware and deeply concerned about certain other critical indicators, such as infant mortality, malnutrition and regional disparities. Our efforts are directed towards overcoming obstacles in these areas. We are fully committed to investing in our children, with special attention to girl children, so that they can realise their complete potential and grow up to be healthy and productive citizens of society and of the nation. We have in November, 2000 launched the *Sarva Shiksha Abhiyan*, a programme for ensuring free and compulsory elementary education for all children. Parliament has recently passed the Constitution (Ninety Third Amendment) Bill that proposes to make elementary education a Fundamental right of children. We expect this to have a positive spiral effect on other child-related indicators, such as children's health, child labour, and rights of the girl child.

It is indeed encouraging that as per the Census 2001, the total literacy rate in India has reached 65.38 percent, with female literacy increasing from 39.28 percent in 1991 to 54.16 percent. It has been universally demonstrated that female literacy holds the key to the empowerment of women and girls and through this to the improvement of health, nutrition, education of children, all of which lead to a better future for them.

The Report reminds us of the mammoth task ahead towards the fulfilment of children's rights in our country. We would like to give our solemn commitment towards this end and reaffirm that we are determined to translate the rights of all children into their daily lives.

Dr Murli Manohar Joshi



Prof Rita Verma

Minister of State
for Human Resource Development
(Department of Women and Child Development)
Ministry of Human Resource Development
Government of India
New Delhi - 110 001

Preface

India's First Periodic Report on the Convention on the Rights of the Child gives a comprehensive picture of the scenario as it exists in our country concerning children. The Convention on the Rights of the Child adds great strength to our existing mechanisms for bringing children to the center stage of progress.

The recent past has witnessed enormous generation of political will and commitment towards the cause of children and much government and voluntary action has taken place to improve survival, health, education and protection of children, the world over.

We in India have always considered children as our most valuable assets. Indian society, through the ages has accorded the greatest importance to family, which forms the basic unit of society. We have consistently been taking initiatives for economic and social empowerment of women. We are also placing great emphasis on the health, nutrition and education of the girl child to ensure her complete empowerment, and that of the next generation.

With a renewed commitment to our children, we are determined to alleviate poverty, eradicate illiteracy, ensure universal education and access to basic health services for children, break the inter-generational cycle of malnutrition and ensure the status and rights of the girl child. Our Government is completely committed to ensuring that however arduous the road may be, the needs and rights of children must be fulfilled on priority.

Prof Rita Verma

Introduction

1. India, the Union of twenty-eight States and seven Union Territories is a Socialist, Secular, and Democratic Republic. The Indian Constitution envisages a parliamentary form of Government and is federal in nature with some unitary features. The States of India vary greatly in terms of language, culture and human development. The size and population of some of India's largest States is comparable to some countries in Europe, Africa, Latin America or Asia. India today stands at the threshold of great change and opportunity. It is self sufficient in agricultural production, its economy is poised for rapid growth, and it is one of the most industrialised countries in the world. India's strong presence in the information technology sector is acknowledged by the world.

2. India continues to wage its battle against poverty, and its attendant negative ramifications, such as, high mortality rates, malnutrition and illiteracy, the greatest victims of which are children and women. India has 400 million children below the age of eighteen years, the largest child population in the world. India considers it a matter of utmost priority that its children grow and develop in health and happiness, receive education and develop skills, so that they can realise their complete potential and effectively participate and contribute to the social, cultural and economic life of our nation.

3. This First Periodic Report on the Convention of the Rights of Child (CRC) is the result of a detailed exercise that extended for more than a year. We have tried to make the report as participatory and comprehensive as possible, and have solicited inputs through questionnaires from related Ministries, from State Governments, NGOs and experts, from citizens and children. Questionnaires were posted on our website and the public was requested to offer their comments and views through newspaper advertisements. The support of the UNICEF in the preparation of this report is gratefully acknowledged.

4. It has been our intention to make the report as broad based and representative as possible. Hence, the report details not only government legislation, programmes and data, but also quotes from reports and data from several non governmental sources, such as from independent research studies by NGOs and experts, and from international organisations, even though the intellectual rigour, accuracy or precision of such data has not been endorsed or authenticated.

5. This report combines an analysis of the overall implementation of the CRC in our country, a review of its progress, and identification of continuing challenges that impede the effective implementation of children's rights. We recognise that the position of women in

society, their health, access to education and information enhances their ability to improve not only their lives but also the lives of their children and families. Children's rights, especially that of the girl children, are irrevocably linked to women's empowerment. It has been demonstrated universally that investment in girl's education brings about high social and economic returns. India has taken bold and substantial initiatives in the area of women's empowerment. To highlight the centrality of women's empowerment to healthy child development as also to development in general, the year 2001 was celebrated as the 'Women's Empowerment Year', with special focus on the girl child and adolescent girls.

6. We are fully committed to Universalisation of Elementary Education, by not only making it a fundamental right of all our children, but also as a key strategy to address the problems arising from poverty. The *Sarva Shiksha Abhiyaan* (SSA) launched by the Government of India in November 2000, is a major step towards this direction. The Constitutional 93rd Amendment Bill 2001, passed recently by Parliament, will make education of all children in the age group of 6-14 years a Fundamental right. The Bill also aims to include Early Childhood Care and Education to all children up to the age of six years as a Directive Principle of State Policy of our Constitution.

7. We also hope to establish the National Commission for Children shortly, which will act as a vigilant guardian and protector of children's rights in India. We are deeply concerned about the growing menace of child trafficking. India has signed the "SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution", on January 5, 2002 and we believe that cross-country trafficking can be addressed effectively through its operationalisation. The Government of India has also initiated a new scheme called *Swadhar* for providing relief and rehabilitation for women in difficult situations that includes women and child victims of trafficking.

8. Realisation of children's rights certainly requires large resources. However, the key element in this effort is the 'will of the community'. We have to mobilise the nation fully, strengthen and accelerate ongoing programmes and undertake new initiatives in gap areas, so that all our children can enjoy their rights to survival, protection, growth and development. The magnitude of our challenge is immense. With full partnership with the community and the non-governmental sectors, we re-dedicate ourselves towards this end.

Dr R. V. VaidyanathaAyyar
Secretary
Department of Women and Child Development
Ministry of Human Resource Development
Government of India
New Delhi - 110 001

Acknowledgements

The preparation of this Report would not have been possible without the valuable contribution of the Department of Education under the Ministry of Human Resource Development; the Ministry of External Affairs; Ministry of Health and Family Welfare; Ministry of Home Affairs; Ministry of Information and Broadcasting; Ministry of Labour; Ministry of Law and Justice; Ministry of Social Justice and Empowerment; Ministry of Rural Development; Ministry of Urban Areas and Employment; Ministry of Environment and Forests; Ministry of Finance; all State Governments and Union Territories of India; Registrar General of India; Central Social Welfare Board; Centre for Child and the Law at National Law School of India University; National AIDS Control Organisation; National Council for Educational Research and Training; National Institute for Public Cooperation and Child Development; National Institute for Educational Planning and Administration; National Commission for Minorities; National Commission for Women; National Commission for Scheduled Castes and Scheduled Tribes; the UNICEF Country and State Offices, and many committed NGOs and members of the public.

I would particularly like to thank Country Representative UNICEF, Ms. Maria Calivis, Dr. Erma Manoncourt, Ms. Rina Ray, Ms. Karuna B. Bishnoi and Mr. C.K. Reejonia for their dedicated support and contribution to this exercise.

My thanks also to Save the Children, India Office, for facilitating child participation in the four regional NGO Consultative Workshops.

The Department of Women and Child Development would also like to thank New Concept Information Systems Private Limited, particularly Mr. S. Raghavan and Ms. Radha A. Kamath, for assisting the Department in the gigantic task of compiling and collating information from all over India that is presented in this Report.

V. S. Rao
Joint Secretary
Department of Women and Child Development
Ministry of Human Resource Development
Government of India
New Delhi - 110 001