

SECTION I

# General Measures of Implementation

(Articles 4, 42 and 44 (para) 6 of the Convention)



#### Article 4

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

#### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

#### Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made on the enjoyment of those rights:
  - (a) within two years of the entry into force of the Convention for the State Party concerned; and
  - (b) thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

## 1

## General Measures of Implementation

### Article 4, 42 and 44 (para 6)

1. As an affirmation of its strong commitment towards children, and to mainstream women in the process of development, the Government of India (GOI) set up the Department of Women and Child Development (DWCD) in 1985. The creation of a separate department was a landmark step in bringing child-related issues to the centre-stage. Shortly after this, the Convention on the Rights of the Child (CRC) was adopted by the UN in 1989. In 1992, just three years later, India acceded to the CRC, becoming one of the first few countries in the world to do so. This quick accession to the CRC is proof of India's firm resolve to promote the best interests of its children.

2. While acceding to the CRC, India had declared with regard to Article 32 that "While fully subscribing to the objectives and purposes of the Convention, realising that certain rights of the child, namely, those pertaining to the economic, social and cultural rights can only be progressively implemented in developing countries, subject to the extent of available resources and within the framework of international cooperation, recognising that the child has to be protected from exploitation of all forms, including economic exploitation; noting that for several reasons, children of different ages work in India; having prescribed minimum wages for employment in hazardous occupations and in certain areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India—the GOI undertakes measures to progressively implement the provisions of Article 32, particularly paragraph 2(a), in accordance with its national legislation and relevant international instruments to which it is a State Party."

3. This reservation does not in any way dilute the Government's resolve to eliminate child labour. It only seeks to present the ground realities and to ensure the best interests of the country with respect to any possible misinterpretation in the present global context of economic liberalisation. The Government is regularly reviewing the position regarding the progressive implementation of the provisions of Article 32 of the CRC, and it has initiated the process for specifying the minimum age for admission to employment and work, in view of the commitments under the CRC and the Minimum Age Convention, 1973. The Government is also proposing to ratify the ILO Convention on the Worst Forms of Child Labour (Convention 182). Most elements of the worst forms of child labour, which the ILO Convention seeks to eliminate, are already prohibited under the CRC.

## Legislative measures

4. India is governed by the Constitution which came into force on January 6, 1950. The Constitution offers all citizens, individually and collectively, certain basic freedoms in the form of six broad categories of Fundamental Rights which are justiciable. These include the right to equality, right to freedom of speech and expression, right against exploitation, right to freedom of religion, right to conserve culture and the right to constitutional remedies for the enforcement of Fundamental Rights. The Constitution also lays down certain Directive Principles of State Policy which, though not justiciable, are fundamental in the governance of the country, and it is the duty of the State to apply these Principles while framing laws. The Directive Principles lay down that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order based on justice—social, economic and political. They also lay down that the State shall provide opportunities and facilities for children to develop in a healthy manner, and for free and compulsory education for all children up to the age of 14 years. A distinctive feature of the Indian Constitution is that the chapter on Fundamental Rights recognises children as persons entitled to fundamental rights, and this concept has been an accepted part of the domestic legal tradition from the time the Constitution was adopted. Several countries in South Asia have followed the precedent set by India and incorporated chapters on fundamental rights in their national constitutions.<sup>1</sup>

5. The major provisions of the Constitution relating to children are:

### Fundamental Rights

**Article 14:** “The State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.”

**Article 15:** “The State shall not discriminate against any citizen... Nothing in this Article shall prevent the State from making any special provisions for women and children.”

**Article 21:** “No person shall be deprived of his life or personal liberty except according to the procedure established by law.”

**Article 23:** “Traffic in human beings and *begar* and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law.”

**Article 24:** “No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”

### Directive Principles of State Policy

**Article 39:** “Right of children and the young to be protected against exploitation and to opportunities for healthy development, consonant with freedom and dignity.”

**Article 42:** “Right to humane conditions of work and maternity relief.”

**Article 45:** “Right of children to free and compulsory education.”

**Article 46:** “To promote educational and economic interests of weaker sections to protect them from social injustice.”

**Article 47:** “The State shall endeavour to raise the level of nutrition and standard of living and to improve public health.”

6. Some very relevant and crucial constitutional provisions relating to children are included in the chapter on Directive Principles of State Policy, which are of guidance to the State and cannot be claimed legally. The State should strive to convert these principles into

fundamental rights at the earliest so that all the rights of children can be legally asserted and their withdrawal under any circumstances not permitted. The proposed 83<sup>rd</sup> Constitutional Amendment seeking to make elementary education a fundamental right, is a step in this direction.

7. It is noteworthy that in the last three decades several major policies and action plans have been announced for improving the status of children. These include:

- 1974 – National Policy for Children
- 1983 – National Health Policy
- 1986 – National Policy on Education
- 1987 – National Policy on Child Labour
- 1993 – National Nutrition Policy
- 1996 – Communication Strategy for Child Development
- 1991-2000 – National Plan of Action for SAARC–Decade of the Girl Child
- 1992 – National Plan of Action for Children
- 1995 – National Plan of Action on Nutrition
- 2000 – CHILDLINE Service and Childline India Foundation
- 2000 – National Initiative for Child Protection (NICP)
- 2000 – The Juvenile Justice (Care and Protection of Children) Act, 2000.

8. All the initiatives and programmes for the development of children have been backed by strong legislative support and political will. Primary amongst these are:

- 1890 – The Guardian and Wards Act
- 1929 – The Child Marriage Restraint Act (Amended in 1979)
- 1948 – The Factories Act (Amended in 1949, 1950 and 1954)
- 1956 – Hindu Adoption and Maintenance Act
- 1958 – Probation of Offenders Act
- 1960 – The Orphanage and Other Charitable Homes (Supervision and Control) Act
- 1986 – Juvenile Justice Act
- 1986 – Immoral Traffic Prevention Act
- 1986 – The Child Labour (Prohibition and Regulations Act)
- 1992 – The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act
- 1994 – The Pre-natal Diagnostic Technique (Regulation, Prevention and Misuse) Act
- 1996 – The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act.

9. The commitments undertaken by India under the CRC require that legislative, administrative and other measures follow to implement specific policies which have been recognised as crucial to realising the rights articulated in the CRC, for example, a review and revision of all laws pertaining to children. Inherent in this exercise is also an obligation to review the manner in which existing laws are implemented. Accordingly, various processes along these lines have been initiated since the time the GOI acceded to the Convention.

10. Within this context, the decision of the Ministry of Information and Broadcasting to amend the Cable Television Networks Rules, 1994 (G.S.R. 710 (E), dated September 8, 2000), is significant. This amendment categorises certain broadcasts as not suitable for “unrestricted

public exhibition” and prohibits the broadcast of any advertisement that promotes directly or indirectly the production, sale or consumption of:

- (a) cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants;
- (b) infant milk substitutes, feeding bottles or infant foods.

11. The Government of Delhi has amended Sections 8 and 9 of the Delhi Anti-smoking and Non-smokers Health Protection Act, 1996, in January 2001, making it illegal to sell cigarettes and other tobacco-based products to persons below the age of 18 years. Storing, selling and distributing cigarettes or other tobacco-based products within 100 metres of schools, colleges and educational institutions are illegal. Any violation of this law could lead to a fine of up to Rs 500 for the first offence and Rs 1000 for the second offence with imprisonment of up to three months.

12. Following an order of the High Court in December 2000, Rule 37 of the Delhi School Education Act, 1973, allowing for corporal punishment for children has been struck down. The Court staunchly upheld the child’s right to life and referred to the provision provided to this effect in the Constitution, the National Policy on Education and the CRC. The Court defined the rights of the child in its widest sense of the term, “encompassing all that which gives meaning to life and makes it wholesome and worth living, something more than mere survival or animal existence.”

13. The amendment to the Cable Television Network Rule is a bold step, as the revenues from advertising of cigarettes and other tobacco products, wine and other intoxicants, infant milk substitutes, bottles and infant foods are substantial. The impact of advertising, particularly on children, has been documented and it is expected that this notification will lead to the deglamourisation of these products in the eyes of both children and adults alike. Additionally, the amendment regarding the prohibition of sale of tobacco products near schools is in recognition of the fact that children under the age of 18 years now form one of the largest growing markets for these products. The observations of the High Court while striking down the provision on corporal punishment are extremely heartening. They are proof of the judiciary’s sensitivity towards children and its recognition of the need to protect the rights of the child and to implement the provisions of the CRC.

14. In addition to these steps, the Government is considering introducing amendments to existing Acts and also new legislation to protect the best interests of the child. Some important measures proposed are:

- The launching of the *Sarva Shiksha Abhiyaan* (SSA)—the Education for All Campaign—which is a holistic and convergent scheme aimed at achieving the goal of Universal Elementary Education. This new programme has been initiated:
  - With the aim of bringing all children to school or to an alternative school, or to an Education Guarantee Scheme School by 2003.
  - To provide eight years of quality elementary schooling to all children in the 6–14 years age group by 2010.
  - With a special focus on educational needs of girls, Scheduled Castes and Scheduled Tribes.
  - To cover all districts in the country by March 2002.
- In the course of implementing *Sarva Shiksha Abhiyaan* (SSA), the Government is

proposing to amend the Constitution to make education for children in the age group of 6–14 years a fundamental right.

- The Prime Minister has announced the launch of the *Netaji Subhash Saksharta Mission* (Literacy Mission) for completely eliminating illiteracy in the country.
- The Juvenile Justice Act, 1986, has been reviewed and has been replaced with a new legislation—The Juvenile Justice (Care and Protection of Children) Act, 2000—to make juvenile justice administration more child-friendly and to bring the legislation in line with the CRC.
- 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 will also review all laws pertaining to children and make recommendations in order to harmonise them with the provisions of the CRC.
- An examination of all Acts pertaining to children is already under way by all departments in the Government to identify amendments, wherever necessary, to ensure that the rights of children are protected.
- The Law Commission has already reviewed the Code of Criminal Procedure and is likely to undertake a comprehensive review of the Indian Penal Code and the Indian Evidence Act.
- It is also proposed to set up a National Nutrition Mission for eliminating malnutrition in the country by making an intervention through the life cycle approach. The three main components of the strategy will be awareness generation, direct dietary interventions and nutrition monitoring.

15. 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. Action has been initiated to ratify ILO Convention 182 on the Worst Forms of Child Labour and to specify the minimum age for admission to employment and work.

16. A unique feature in India in recent times has been the active role played by the judiciary and the Supreme Court, in particular, in upholding the rights of the child. The Supreme Court of India has developed the concept of jurisdiction under which any individual can approach the Court with regard to the violation of a fundamental right. The Supreme Court has also modified traditional concepts by allowing groups of persons or organisations to intervene on violations of fundamental rights even though they may not have a personal interest in the matter. Though group interests are pursued through social action litigation as a matter of public concern, the development is broader in scope than public interest litigation that is familiar to American jurisprudence. This concept of “social action litigation” in India represents an effort to use the legal system to ensure action to realise constitutionally guaranteed rights. A former Chief Justice of the Indian Supreme Court, Justice Bhagwati, reflected this perception of social action litigation in many of his pronouncements in decided cases and other forums. Social action litigation, in his view, is an effort to ‘further the cause of justice... to socially and economically disadvantaged groups’.

17. Some of the most important examples of social action litigation for children are the following cases, each of which has been a landmark in the process of ensuring children’s rights:

- a. *Laxmikant Pandey vs. Union of India* [AIR (1984) SC 469, AIR (1986) SC 276, AIR (1987) SC 232] on Adoption.

- b. *Shiela Barse vs. Union of India* [AIR (1986) SC 1883, AIR (1988) SC 2211] on Trafficking of Children.
- c. *Unni Krishnan vs. State of Andhra Pradesh* [1993 1 SC 645] on Education.
- d. *M.C. Mehta vs. State of Tamil Nadu* [JT (1990) SC 263] on Child Labour.
- e. *Gita Hariharan vs. Reserve Bank of India* [(1999) 2, SC 228] on Guardianship.
- f. *Centre for Enquiry into Health and Allied Themes (CEHAT) & Others vs. Union of India & Others* [(2000) SC 301] on implementation of Pre-natal Diagnostic Techniques, Regulation and Prevention of Misuse, Act (PNDT).

18. While these cases will be dealt with in detail later in the report, it would be worthwhile to note the observations of the Court in the M.C Mehta case:

“The gamut of the Convention covers the full personality of the child in every dimension. Having acceded to the said instrument, that very fact is reinforcement of the tryst of the Republic with the children of India which shall be redeemed. A constellation of legislations have been enacted and many occupations and processes have been prohibited for children. Quite a few directives have been issued to the States, particularly to abolish child labour, and the Court has been at pains to pragmatise the whole situation. The right to free and compulsory education of children has been, by Court ruling, given the status of a fundamental right. The finest investment in the future for any country to make is in nourishment, physical and mental, to babies, boys and girls.”

19. The emergence of the judiciary as a champion of child rights is one of the most encouraging and significant developments in recent times. The influence and role of the judiciary will be a crucial factor in sensitising the other arms of the Government on child rights and in activating the provisions of the CRC.

20. The Constitution of India, through its Preamble, Fundamental Rights and Directive Principles of State Policy, provides for basic human rights for the people of India. In case of violations, an aggrieved person can approach a Court of Law or any competent authority such as the National Human Rights Commission, the State Human Rights Commission, etc., for redressal.<sup>2</sup> The provisions of the CRC can be directly invoked before Courts, Commissions and other bodies in India. Wherever the provisions are reflected in the laws of the land, they are justiciable and any violation of these rights will lead to their restoration and to the imposition of penalties on the offending party. The CRC, in fact, has been a guiding document for several judicial pronouncements in India.

21. The DWCD is the nodal department in the Government for all issues pertaining to children and it is invariably consulted on all major initiatives relating to children, including amendments to existing legislation, or introduction of new legislation. This process enables the Government to reduce the possibility of any conflicts. Moreover, since the principles underlying the Convention are the same as those underlying the Constitution of India, there is little or no likelihood of any conflict arising between the Convention and national legislation.

### National strategy for children

22. In September 1990, heads of State and other leaders from over 70 nations assembled in New York at an unprecedented meeting to lay down specific goals pertaining to the rights of children to survival, development and growth to be achieved by the end of the decade. Following the World Summit, India commenced the formulation of a National Plan of Action to actualise

the promises made by the global community by setting out national, quantifiable goals to be achieved by the year 2000. The National Plan of Action for Children was a result of close interaction both within the government as well as outside with representatives of civil society. It reflects the needs, rights and aspirations of over 300 million children in the country and sets out quantifiable indicators to be achieved within a specific time-frame. The priority areas in the National Plan of Action are health, nutrition, education, water, sanitation and environment. The Plan gives special consideration to children in difficult circumstances and aims at providing a framework, through the goals and objectives, for actualisation of the CRC in the Indian context. It also lists out activities to achieve these goals, and identifies quantifiable targets in terms of 27 survival and development goals laid down by the World Summit for Children. Most of the goals laid down by the World Summit were incorporated in the Plan of Action but a few were modified to suit India's requirements. In order for the goals, objectives and activities of the Plan to be more need-based and area-specific, the Central Government urged all the State/UT Governments to prepare State Plans of Action for Children, reflecting regional specificities. In response, almost all the major States have adopted State Plans of Action for Children. The mid-decade and decadal goals have been constantly monitored by a high-powered inter-ministerial committee in the Department of Women and Child Development.

23. Of the 27 goals identified by the World Summit for Children, India modified and expanded upon 12 of the goals when finalising the National Plan of Action. The major goals of the World Summit are:

- Between 1990 and the year 2000, reduction of infant mortality rate (IMR) by one-third or to 50 per 1000 live births and under-five child mortality rate by one-third or to 70 per 1000 live births, whichever is less.
- Between 1990 and the year 2000, reduction of maternal mortality rate by half.
- Between 1990 and the year 2000, reduction of severe and moderate malnutrition among under-five children by half.
- Universal access to safe drinking water.
- Universal access to sanitary means of excreta disposal.
- Universal access to basic education, and achievement of primary education by at least 80 per cent of primary school-age children through formal schooling or non-formal education of comparable learning standard, with emphasis on reducing the current disparities between boys and girls.
- Reduction of adult illiteracy rate (the appropriate age group to be determined in each country) to at least half its 1990 level, with emphasis on female literacy.
- Improved protection of children in especially difficult circumstances and tackling the root causes leading to such situations.
- Special attention to health and nutrition of the female child and to pregnant and lactating women.
- Access by all couples to information and services to prevent pregnancies that are too early, too closely spaced, too late and too many.
- Access by all pregnant women to pre-natal care, trained attendants during childbirth and referral facilities for high-risk pregnancies and obstetric emergencies.
- Reduction of low birth weight (less than 2.5 kg) rate to less than 10 per cent.

- Reduction of iron deficiency anaemia in women by one-third of the 1990 levels.
- Virtual elimination of iodine deficiency disorders.
- Virtual elimination of Vitamin A deficiency and its consequences, including blindness.
- Empower all women to breastfeed their children exclusively for four to six months and to continue breastfeeding, with complementary food well into second year.
- Growth promotion and its regular monitoring to be institutionalised in all countries by the end of the 1990s.
- Dissemination of knowledge and supporting services to increase food production to ensure household food security.
- Global eradication of poliomyelitis by the year 2000.
- Elimination of neo-natal tetanus by 1995.
- Reduction by 95 per cent in measles deaths and reduction by 90 per cent of measles cases compared to pre-immunisation levels by 1995, as a major step towards the global eradication of measles in the longer run.
- Maintenance of a high level of immunisation coverage (at least 90 per cent of children under one year of age by the year 2000) against diphtheria, pertussis, tetanus, measles, poliomyelitis, tuberculosis and against tetanus for women of child-bearing age.
- Reduction by 50 per cent in the deaths due to diarrhoea in children under the age of five years, and 25 per cent reduction in the diarrhoea incidence rate.
- Reduction by one-third in the deaths due to acute respiratory infections in children under five years.
- Elimination of guinea-worm disease (dracunculosis) by the year 2000.
- Expansion of early childhood development activities, including appropriate low-cost family and community-based interventions.
- Increased acquisition by individuals and families of knowledge, skills and values required for better living, made available through education channels, including the mass media, other forms of modern and traditional communication and social action, with effectiveness measured in terms of behavioural change.

24. The National Plan of Action has added to the goals of the World Summit by emphasising the 'Girl Child' and the 'Adolescent Girl'. It also includes goals on the child and environment, and on gender advocacy and people's participation. The National Plan of Action has also modified some of the goals to adapt them to the situation in India, e.g., reduction of infant mortality rates to less than 60 per 1000 live births instead of to 50 as given in the goals of the World Summit for Children.

25. The United Nations Special Assembly on Children (UNGASS) will be held in September 2001 in New York. World leaders will assemble to review the progress of the decadal goals and to lay down the course of future action. India has recently submitted a report on the follow-up action to the World Summit goals. India's report card is mixed—high performance in some areas contrast with slow progress in others. Guinea-worm disease has been eradicated and the country is very near to eradicating polio with only 265 reported cases of the wild polio virus. The IMR has declined to 70 and 20 of India's states have achieved the goals of IMR of 60 and less. The literacy rate in India went up to 65.4 per cent in 2001 from 52.2 per cent in 1991. During this period male literacy increased from 64.1 per cent to 76 per cent and female literacy rose from 39.3 per cent to 54.3 per cent. The status of indicators after the end-decade review of the World Summit goals is in the Annexure to this report.

26. A question has been raised as to whether a separate Action Plan for achieving child rights is required. This chapter has brought out the wide array of initiatives in India, from the Constitution to legislative support to programmes and policies. Nonetheless, gaps in the actual realisation of rights do exist for a very large number of children. An Action Plan that would enable all partners such as the Government and civil society to maximise the benefits of all efforts, rather than reiterate existing provisions, would be of immense value.

27. It is abundantly clear that much more—in terms of resources, capacity and commitments—is required if India is to realise the goals for children. While in terms of percentages, India has recorded fairly impressive gains, in absolute numbers, the children who are deprived of their rights in India is staggering. For instance, there are over 17 million child labourers at a conservative estimate—more than three times the population of Denmark. With respect to child labour elimination and tackling the debt-poverty-illiteracy cycle, it is imperative that steps are taken to break the vicious cycle through multi-dimensional interventions through constant dialogues with employers, international agencies and NGOs. At the present pace, the burgeoning population will always be ahead of all development and it is imperative therefore, that the speed of social sector development is increased.

### Special government mechanisms set up to promote, coordinate and monitor measures for children at central and district levels

#### Nodal ministry/department

28. The DWCD, set up in 1985, in the Ministry of Human Resource Development is the nodal agency responsible for matters concerning women and children at the central level. The Minister for Human Resource Development and the Minister of State for Human Resource Development head the Department, while personnel comprise a mix of civil servants and technocrats. The State Governments also have a Department of Women and Child Development, each with a similar organisational structure. The Department formulates plans, policies and programmes, enacts/amends legislation, and guides and coordinates the efforts of both governmental and non-governmental agencies in the field of women and child development. The DWCD has the responsibility for a wide range of child development programmes and as being the nodal department for the implementation of the CRC and for coordinating the CRC reporting process, it has a strong children's agenda. It plays a complementary role to the other developmental programmes in sectors such as health, education and rural development.

29. The most important programme that the DWCD implements is the Integrated Child Development Services (ICDS) — a scheme which is considered the world's largest outreach programme providing a package of services comprising supplementary nutrition, immunisation, health check-up and referral services, pre-school education, health and nutrition education to almost 30 million children under the age of six years, adolescent girls, and expectant and nursing mothers all over the country. The DWCD has also steered the adoption of a National Nutrition Policy (NNP), the setting up of the National Creche Fund (NCF) and a scheme for girl children called the Balika Samridhi Yojana (BSY)—Scheme for the Prosperity of the Girl Child. The DWCD also manages the National Children's Fund which provides financial assistance to initiatives not covered by any other Government scheme. The mandate and schemes of the DWCD have evolved over the last 15 years and

there is an effort to review this periodically in light of the obligations arising from the implementation of the CRC.

30. The DWCD is responding to immediate issues arising from the CRC reporting process and it is trying to influence other ministries and departments that are concerned with children's issues and which operate programmes and schemes that impact on children.

31. Amongst support organisations, the National Institute of Public Cooperation and Child Development (NIPCCD), which was set up in 1975 under the DWCD, is expected to provide a comprehensive perspective on the status and needs of children and women through development, research and networking. It has been given the task of developing and promoting voluntary action in social development. In pursuit of the CRC and the National Policy for Children, it is expected to develop and promote measures and programmes for coordinating governmental and voluntary action in social development. It provides membership to institutions, non-governmental organisations and is simultaneously responsible for capacity building of NGOs through training, exposure visits and workshops. Its Resource Centre on Children provides documentation and information services in the field of public cooperation and child development. The National Resource Centre on Child Labour (NRCCL) was set up in March 1993 with the objective of assisting Central and State Governments, NGOs, policy makers, legislators and social groups through a variety of interventions and to develop capabilities of the target groups. The NRCCL has compiled a large documentation on child labour and is now assisting the Ministry of Labour, GOI, in the implementation of Child Labour Projects. Besides collaborating with ILO, UNICEF and various State Labour Institutes, the NRCCL has established a network with about 400 NGOs and trade unions for the purpose of assisting them in the implementation of child labour programmes.<sup>3</sup>

32. A number of ministries, departments and autonomous institutions are responsible for many important aspects of the CRC in the Central and State Governments. These include the Department of Education, Ministry of Health and Family Welfare, Ministry of Social Justice and Empowerment and the Ministry for Labour. The values and principles contained in the CRC are being incorporated in the Government's sectoral policies and programmes systematically at different levels.

33. The Ministry of Social Justice and Empowerment, set up in 1985, is responsible for formulation of programmes and policies aimed at empowering the socially and economically weaker sections of the society. The Ministry has the responsibility to cater to the requirements of neglected and marginalised, abandoned destitutes, neglected and delinquent children, physically challenged children, children of sex workers, children of socially backward classes of the society, the street children and any child in need of care and protection. The policies and programmes aim at equipping these children to sustain a life of respect and honour and become useful citizens of the country. The Ministry thus looks after the welfare and all-round development of the marginalised and destitute children.

34. With the objective of strengthening coordination at the central level, a National Coordinating Mechanism (NCM) was constituted in January 2000 through an executive order issued by the DWCD for monitoring the implementation of the CRC. The NCM is chaired by the Secretary, DWCD, and its members include the Joint Secretaries of the relevant ministries and departments, viz., Ministry of Labour, Ministry of Social Justice and Empowerment,

Department of Education, Department of Health, Department of Family Welfare, Ministry of Law, Department of Legal Affairs, NCW, NHRC, a UNICEF representative and four NGOs. The Joint Secretary (Child Welfare) in the DWCD is the Member Secretary of the NCM. The NCM held its first meeting in September 2000 and it is expected that in 2001 it will clearly evolve its role in relation to the implementation and monitoring of the CRC in the country.

35. India is the world's most populous democracy, and Indian society is extremely pluralistic. The Indian political system is federal, comprising of 28 States and seven Union Territories. Through recent constitutional amendments, three new States have been carved out of bigger states in response to popular sentiments and compulsions of governance. The trend towards decentralisation has resulted in the devolution of increasing authority to the three-tiered system of governance at the district and sub-district level called the *Panchayati Raj* and the *Nagar Palikas* in rural and urban areas, respectively. Thus, the implementation of the general measures of the CRC has to be seen at all the different levels and in conjunction with one another.

36. Monitoring is a very important aspect of all programme implementation and all initiatives are regularly monitored by the Departments implementing them and any other agency which may also be involved in the programme. Professional bodies carry out monitoring and evaluation to provide independent analysis and the Planning Commission of India, for example, commissions its own studies in this regard. The information collected is fed back into the programme for corrections, modifications or additions. Sometimes, schemes which no longer serve a purpose are phased out and new schemes initiated in their place. Over a relatively short period of time, India has built up an impressive stock of reliable data based on monitoring studies and evaluations.

37. A high-powered National Commission for Children (NCC) to address the CRC agenda and to proactively actualise the provisions of the CRC is on the anvil. Towards safeguarding the constitutional and legal rights of children specifically, the NCC will be set up shortly on the lines of the National Human Rights Commission (NHRC). It is likely to be headed by a retired judge of the Supreme Court and it will have six members who will be from the fields of primary education, social action in child care, law (with special emphasis on juvenile justice), social work (with experience and commitment to the care of neglected children) and child labour. The member secretary will be of a rank not lower than that of a Joint Secretary to the GOI. It is expected that the NCC will be empowered to take up the issue of special courts for children and also order punitive action in case of violation. Like the NHRC it may also have State-level bodies.

### Data collection

38. India has a very well developed statistical system and it is one that the country is justifiably proud 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 indicators and report trends at the National, State and District levels. Different sources of data such as the National Population Census, the Sample Registration System, National Sample Surveys, and National Family Health Surveys, amongst others, provide a wealth of information.

### Civil Registration System (CRS)

39. The Registration of Births and Deaths has been made compulsory throughout the country under the Registration of Births and Deaths Act, 1969. At the National level, the Office of the Registrar General, India, coordinates the birth and death registration activities in the country and also compiles data relating to birth and death registration. As per the provisions of the Act, a Chief Registrar has been appointed for every State/Union Territory and under him there are District Registrars. Under the District Registrars there are Registrars who actually do the registration of births and deaths, issue birth and death certificates and also compile the basic data. There are about 200,000 reporting units and more than 100,000 registrars in the country.<sup>4</sup>

### The Census

40. The Indian census tradition dates back to 1872, when the first all-India census was conducted on a non-synchronous basis and 1881, when the first synchronous census was conducted. The Indian census, conducted every 10 years, is arguably one of the largest nationally administered exercises in the world counting as it does every man, woman and child in the second most populous country in the world. It must be noted that there are very few countries in the world with a history of uninterrupted decennial census going back to 1881. The Census of India 2001, has introduced several new and useful questions as well as modifications in earlier questionnaires, and marks a bold step in taking the census way beyond a head count. The 2001 census, the 14<sup>th</sup> Indian census, involved over two million enumerators and supervisors. The Indian census is among the most accurate in the world, with an error margin of less than two per cent. This is primarily because India follows the “door-to-door” technique unlike most developed countries, which have switched to a postal head count. The first phase of the census is a reconnaissance operation—a comprehensive listing of all the houses and households in the country. This was completed during April–September 2000, in a phased manner. In February 2001, a huge army of enumerators spent about 25 days “arguing with suspicious security guards, rowing to inaccessible islands and plodding across paddy fields” to count every single Indian<sup>5</sup>—an awe-inspiring task indeed!

### The Sample Registration System (SRS)

41. The SRS is a large-scale demographic survey for providing reliable annual estimates of birth rate, death rate and other fertility and mortality indicators at the national and sub-national levels. The SRS was initiated by the Office of the Registrar General of India on a pilot basis in a few selected States in 1964–65. It became fully operational in 1969–70 covering about 3,700 sample units. At present, SRS covers 6671 sample units (4436 rural and 2235 urban) in all States and UTs. The sample unit in a rural area is a village or a segment of it, if the village has a population of 1500 or more. In urban areas, the sampling unit is a census enumeration block with a population ranging from 750 to 1000. The SRS bulletins, published twice a year in April and October, and provide estimates of birth rate, death rate and IMR at State level while the statistical report published annually provides detailed data on fertility and mortality.

### The National Sample Survey Organisation (NSSO)

42. The NSSO was set up in 1950 with a view to having a permanent survey organisation to

collect data on various facets of the economy through nation-wide sample surveys in order to assist in socio-economic planning and policy making. The NSSO covers different subjects of importance, such as employment and unemployment, consumer expenditure, land holdings, livestock enterprises, debt and investment, social consumption, demography, morbidity and disability through household surveys. The National Sample Survey is a continuous survey in the sense that it is carried out in the form of successive “rounds”, each round usually of one-year duration covering several topics of current interest in a specific survey period. The survey programme conforms to a cycle over a period of 10 years, some topics being repeated once in 10 years and some being repeated once in five years. Subjects of special importance are also accommodated in the intervening years or covered along with regular repeated surveys. At present, an NSS round at the all-India level surveys about 12,000 to 14,000 villages and urban blocks in the central sample (covered by the central agency, the NSSO) and an independent sample of about 14,000 to 16,000 villages and urban blocks in the State sample (covered by the Governments of various States and UTs).

43. Some of the recent surveys include:

- Survey on health care and participation in education and consumer expenditure (52<sup>nd</sup> round).
- Survey on non-directory trade establishments and own account enterprises, consumer expenditure (53<sup>rd</sup> round).
- Survey on common property, resources, sanitation, hygiene and services with usual enquiry on consumer expenditure (54<sup>th</sup> round).

#### Central Statistical Organisation (CSO)

44. The CSO is responsible for the formulation and maintenance of statistical standards, work pertaining to national accounts, industrial statistics, consumer price indices and conduct of economic census and surveys. The CSO conducts the Economic Census for collecting data on distribution of non-agricultural enterprises and to provide a frame for follow-up surveys for collection of detailed information about the structure of enterprises, investments, loans input and output, employment, contribution to national economy, etc. The fourth Economic Census was conducted during 1998–99 in all States/UTs.

#### National Family Health Survey (NFHS)

45. The first NFHS was conducted in 1992–93 and was successful in creating an important demographic and health database in India. The second Survey, NFHS-2, was undertaken in 1998–99, and was designed to strengthen the database further and facilitate implementation and monitoring of population and health programmes in the country. The NFHS surveys provide national estimates of fertility, infant and child mortality, maternal and child health, and the utilisation of health services provided to mothers and children. In addition, the survey provides indicators of the quality of health and family welfare services, women’s reproductive health problems, and domestic violence, and includes information on the status of women, education and the standard of living. The NFHS-2 survey covered a representative sample of more than 90,000 eligible women between the ages of 15–49 years from 26 States that comprise more than 99 per cent of India’s population. The survey provides State-level estimates of demographic and health parameters as well as data on various socio-economic

and programmatic factors that are critical for bringing about the desired changes in India's demographic and health situation.

#### **National Council of Applied Economic Research (NCAER)**

46. The NCAER conducted a survey of 33,000 rural households in 1994 to create a Human Development Profile of India. The survey was spread over 1,765 villages and 195 districts in 16 States of India. About 90 indicators of human development that reflect various dimensions of levels of living such as income and assets, employment and wages, consumption expenditures, literacy, morbidity, under-nutrition, demographic rates and health care utilisation were assessed. Population groups based on household income, poverty line criteria, land ownership, occupation, caste and religion, household size, adult literacy, and village development were covered in the survey.

#### **Multiple Indicator Cluster Surveys (MICS)**

47. The MICS were first conceived in India by UNICEF, India, as part of the Child Survival and Safe Motherhood (CSSM) programme when the EPI Cluster Evaluation Surveys were modified as a part of the CSSM programme in 1992 to include additional indicators related to vitamin A coverage, diarrhoea morbidity and treatment practices and the safe motherhood component of the programme with emphasis on quality and ante-natal care, place and type of assistance during delivery. UNICEF, India, has been conducting MICS in a number of States, districts and towns (including specific surveys for urban poor populations) for nearly four years now. Over 175 surveys have been conducted at various levels and have been used at the level that they are conducted. India was one of the countries included in the Global Evaluation of MICS conducted in 1996. Currently, the MICS II is being implemented in India to measure progress towards the end-decade goals, adopted at the World Summit. The survey covers indicators related to health, nutrition, education, child labour, water and sanitation.

#### **Others**

48. There is also a vast body of other sample surveys conducted by Government departments, institutions and professional bodies, which provide data on several aspects of child rights such as household expenditures on education and health, child labour, household enterprises, and nutrition distribution at the household level, amongst others. An example in this regard is the Sixth All India Educational Survey (AIES). The National Council of Educational Research and Training (NCERT) has been organising educational surveys and publishing survey reports which provide detailed educational statistics and information for planning. Six such surveys have been organised so far. The Sixth All India Educational Survey was initiated as a joint product with the National Informatics Centre (NIC) for creating an effective database on school education. Computerisation of this survey data had twin objectives—to build up a database on school education at district/State headquarters to facilitate and update essential information, and to make available data on electronic media for a wider dissemination of reports generated for various administrative units. The Sixth AIES was conducted with reference date as September 30, 1993. In addition, the Bureau of Economics and Statistics and the Departments concerned compile data at the State level. The compiled data is utilised mainly for monitoring and review and also for periodic evaluation of the statutes and schemes

covered under the CRC. Thus, schemes that are relevant to the CRC may be considered part of the overall activities to which existing data collection procedures are applied.<sup>6</sup>

### Involvement of civil society

49. Civil society organisations are involved in almost all the programmes/schemes undertaken by the GOI and the State Governments. Suitable mechanisms have been devised by the Government such as periodic review meetings and submission of progress reports from time to time by NGOs, so as to evaluate the progress achieved by them. Many NGO initiatives have been discussed later under relevant sections. At the national level, key initiatives in collaboration with civil society organisations include an awareness campaign against firecrackers and child labour, among schoolchildren in Delhi by the National Foundation of India. This led to thousands of children taking a pledge against the use of firecrackers on Diwali—the festival of lights, one of the largest festivals in the country because these are produced by child labourers in Sivakasi in Tamil Nadu.

50. A significant partnership developed when the Indian Medical Association took up the fight against female foeticide, with doctors and other medical practitioners as the target group. The Voluntary Health Association of India and the Centre for Child and the Law, National Law School, Bangalore, have been actively involved in this initiative and many schools held debates and poster competitions for children, encouraging their participation on this issue. As a result of these steps, mass awareness has been generated, and public attention has been drawn to this practice.

51. Gujarat has been trying to involve NGOs not only in the implementation of schemes, but also in obtaining inputs for the formulation of new schemes and modifications to existing schemes. In fact, Gujarat has a long-standing tradition of promoting the implementation of schemes through NGOs.<sup>7</sup> In Andhra Pradesh, collaboration with the MV Foundation focused on the promotion and protection of child rights in institutions, training staff of homes under the Juvenile Justice Act and the establishment of the Teachers Union on Child Rights.<sup>8</sup>

52. In addition, there are several active NGO networks on child rights issues in the country. Some of the key networks involved in systematic awareness creation, advocacy, mobilisation and campaigning on child rights are mentioned below:

- FORCES—Forum for Crèche and Child Care Services—This works in the areas of early childhood care services, maternity benefits, etc.
- National Alliance for Fundamental Right to Education—This acts as a platform to strengthen micro-level initiatives towards universalising education and to evolve a broader consensus on the right to education. It works at all levels of the Government, Parliament and with people, the media and industry to make the fundamental right to education a national priority.
- NGO Network for Street and Working Children—This is a national level network with branches in several cities, and works with juvenile delinquents.
- NACSET—This is the Network Against Commercial Sexual Exploitation and Trafficking. The network is functional in 21 districts of Maharashtra and has alliance in the States of Karnataka and Tamil Nadu. A six-month long campaign in Maharashtra led to the constitution of a State-level committee to combat child trafficking.

Feedback from some States indicates active involvement of NGOs in awareness raising, training on CRC, and campaigning against child labour, foeticide and infanticide, sexual abuse and exploitation. State initiatives include:

**Rajasthan**, which has a network of NGOs, departments, corporations and media in 10 districts for children in need of special protection measures, a network for children in need of special protection measures, a network of NGOs on disability and a major network of NGOs in 15 districts working for street and working children.

**Andhra Pradesh**, where the Andhra Pradesh Child Rights Forum (APCRAF) has a network of 360 NGOs from 20 districts involved in training NGOs on the CRC and awareness and dissemination activities at the community level. The Andhra Pradesh Alliance for Child Rights (APACR) has 250 NGOs in 17 districts and has been involved in training and dissemination activities.

**Gujarat**, where NGO Forums for Child Rights have been set up in Ahmedabad and Vadodra with about 65 NGOs which have familiarised themselves with the provisions of the CRC and have begun to review implementation of CRC in the State.

**Tamil Nadu**, where NGO networks campaign against child labour and bonded child labour, sex-selective abortions, foeticide and infanticide. NGOs are active partners in the implementation of various programmes in the State.<sup>9</sup> NGOs run a large number of programmes, including setting up and running of crèches, nutritional centres, orphanages, juvenile guidance bureaux, programmes for street and working children, and drug de-addiction programmes. These programmes are supported by the State Government of Tamil Nadu and the Central Government. NGOs are also involved in the high level committee for adoption, juvenile welfare board, etc.<sup>10</sup>

**Maharashtra**, where the Forum Against Child Sexual Exploitation (FACSE) has prepared a State Plan of Action in collaboration with the Government, NGOs and UNICEF to place mechanisms in schools and hospitals to tackle the problem. ARC, Action for Rights of the Child, started in 1989, has made significant contributions to promoting the rights of marginalised children to education.

**Bihar**, where seven Child Rights Collectives have been formed at Saran, Siwan, Patna, Nalanda, East Champaran, Begusarai, and Vaishali.

**Uttar Pradesh**, where an NGO network on child rights has been announced with a membership of around 100 NGOs and will become operational shortly.

53. It is difficult to capture the wide range of activities of NGOs in such a large country. By and large, the NGO networks are stronger and more systematic in their work in the southern part of the country. A systematic analysis will be made of NGO efforts in the field of child rights to fully understand their contributions in implementation of CRC, and evolve a systematic plan for partnership with NGOs in planning, implementation and monitoring CRC implementation in the country.

54. The media plays a critical role in shaping public opinion and creating mass awareness. GOI and UNICEF collaborative initiatives over the years have focused on enhancing the capacity of the electronic and media and media units of the Ministry of Information and Broadcasting to integrate and represent issues concerning children and their rights effectively. Partnerships with the media have steadily increased over the years with a perceptible rise in reportage on child rights and children's issues. A wider range of sensitive issues, including

child labour, child sexual abuse and violence, is being covered with more in-depth, investigative and concerned reporting.

55. The National Human Rights Commission, in collaboration with UNICEF, organised a series of four regional consultations in 1999–2000 for the electronic and print media and a number of partners, including the police, judiciary, NGOs, functionaries from different State Government departments on child sexual abuse. As a direct result of this, reporting on child sexual abuse cases in the media has increased and many sensitive programmes have been aired on TV and radio. A set of guidelines for the media on reporting child abuse, trafficking and child prostitution has been developed, released by NHRC and widely distributed to media professionals.

The All India Radio and Doordarshan (TV) have broadcast the *Meena* series of films and held talk shows and other programmes to highlight girl child issues throughout the year, especially during the Girl Child Week in September.

56. The most significant and visible change is that the media is gradually focusing on children's issues in a qualitative way. This bodes well for the future and it is expected that the media will increase its responsibility to include monitoring of child rights violations also.

### Dissemination of the CRC and the Concluding Observation

57. Amongst the steps taken to disseminate the CRC and the Concluding Observations of the Committee on the Rights of the Child to India's Initial Report are:

- i) The CRC has been translated into 13 major Indian languages with assistance from UNICEF and disseminated through State Governments, NGOs, meetings, trainings, press briefings and events.
- ii) Universal Children's Day, Girl Child Week, Nutrition Week, World Breastfeeding Week, have been some of the events around which the Government, NGOs and UNICEF have organised major campaigns and mass awareness drives on child rights issues.
- iii) Multi-media campaigns have been organised to mobilise people for immunisation, pulse polio, prevention of HIV/AIDS, elimination of child labour, and education for all, as well as for highlighting the positive image of the girl child and questioning the gender bias in society.
- iv) Special programmes on the elimination of child labour, highlighting the impact of hazardous employment on the health and development of working children are also disseminated through print, radio and other electronic media. Articles and supplements on child rights issues appear in major newspapers quite frequently. Doordarshan routinely telecasts films, documentaries, tele-serials and spots on the rights of the child and on issues like street children, disabled children, juvenile delinquents, child beggars and child education on its national as well as regional networks. There have been qualitative improvements in the programmes over the years and programmes have increasingly tried to encourage children to express their views, beliefs and experiences.
- v) The key observations and recommendations have been presented at major meetings and forums on children's issues at National, State and District levels. The common areas of observations and recommendations in both the CRC and the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) concluding observations have also been highlighted.

- vi) The Concluding Observations have been shared with different sectoral government counterparts in States, leading NGOs, some professional associations, judicial activists and journalists.
- vii) The Concluding Observations are being looked at as a tool for guiding programming decisions and incorporating recommendations for action in ongoing programmes.
- viii) By and large, NGOs have been actively using the Concluding Observations at their meetings systematically, to come together for identifying key areas for action as well as building a critical mass of concerned individuals and organisations to mobilise government consideration and action on the concluding observations. Available reports indicate discussions and debate around the Concluding Observations in Mumbai, Andhra Pradesh, Karnataka, Manipur and Delhi. These are also the places from where the NGO alternate reports on the Initial CRC Country Report were made.
- ix) The Concluding Observations have been printed and are being widely disseminated through meetings and workshops to NGOs and the general public.
- x) A simplified public information version of the Concluding Observations has been prepared and is being disseminated. This will also be translated into major regional languages. A children's version is in the process of being developed.
- xi) The Concluding Observations have been translated into Hindi, Bengali and Assamese.

### Dissemination of CRC to children

58. There has been a gradual expansion in efforts by the States to make the Convention known to children. At the National level, the National Council for Educational Research and Training (NCERT) is conducting a curriculum review and has been requested by DWCD to incorporate CRC in the school curriculum. This has been agreed to in principle. The challenge will be to prepare appropriate teaching materials for different age-groups and orient teachers for taking this on at a national scale.

State initiatives in this regard include:

- i) **Uttar Pradesh**, where material has been prepared for children on the CRC, including posters and a magazine (*Bal Bagiya*). *Meena* video cassettes and accompanying materials have also been used extensively in districts, promoting child participation. Rights Awareness Week (14-20 November) and Girl Child Week (18-24 September) have been used by NGOs and educational institutions to create awareness on child rights among children.
- ii) **Karnataka**, where rallies marking Child Labour Day on April 30 were held across the State. Through Campaign Against Child Labour, awareness campaigns on CRC were held across 27 districts.
- iii) **Tamil Nadu**, where advocacy to include CRC in the curriculum of schools is going on, based on the success of an initiative in the State in which 800 schools have incorporated human rights education.
- iv) **Gujarat**, where the main outreach has been through the child participation initiative, in which materials have been developed by children on CRC issues.
- v) **Bihar**, where the CRC has seen several forms—as cartoons done by *The Times of*

*India* artists, as rhymes by the women of West Champaran district and as *Meena* paintings and stories (one for each article). There is also a primer, a dictionary, an FAQ and a history of CRC. The CRC has also been the subject of *Bal Samachar* (Children's News) brought out by children themselves in several districts of Bihar. Children are also being reached through several Child Rights Spokespersons in the State who demystify CRC and CEDAW, and produce materials for children on child rights. *Meena* Clubs in the districts reach out to children and community members on child rights issues with a focus on girl child issues. Over the last three years, over 1000 schools in 45 districts have participated in the Child Rights Congress after receiving orientation on CRC.

- vi) **Madhya Pradesh**, where awareness of CRC among children is the first step in promoting child participation. The Madhya Pradesh Human Rights Commission has held awareness camps in schools about human rights and CRC. Mass awareness initiatives reach out to large numbers of children through special communication efforts during Girl Child Week and Child Rights Week.

59. NGOs have been taking initiatives to disseminate the CRC. A few examples are:

- i) The North-West Programme of Save the Children Fund (UK) operating in Jammu & Kashmir has produced multilingual booklets that are aimed principally at children to make fully aware of the various provisions of the Convention, and to enable them to work towards the realisation of their rights.
- ii) Small booklets called "I have rights and responsibilities" have been published by SCF and UNICEF, Delhi.
- iii) Action for the Rights of the Child based in Pune has been coordinating the publication of pictorial booklets enumerating the rights of the child. The booklets are sponsored by UNICEF.
- iv) The Tamil Nadu Primary School Improvement Campaign aims at building awareness through campaigns on child rights, specifically the child's right to education.
- v) 'Madhyam', an NGO in Bangalore, has been printing colourful posters with messages on child rights.
- vi) 'Aashray', situated in Andhra Pradesh, has been working on awareness programmes on child rights among community leaders and members of the community and children.
- vii) The Indian Council for Child Welfare, Tamil Nadu, has been publishing a newsletter, in which a column has been allocated for child rights.
- viii) IPER, a Kolkata-based NGO, has translated the CRC for children into Bengali.

### Capacity building training for CRC

60. The size and complexity of India and the structure of the Government make 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. There are some training institutions governed by the Central Government and others which come under the jurisdiction of State Governments. For instance, the Lal Bahadur Shastri National Academy of Administration, Mussoorie and the Sardar Vallabhbhai Patel National Police Academy, Hyderabad, are responsible for the training of Indian Administrative Service (IAS) and Indian Police Service

(IPS) officers. Graduates from these academies hold key decision making positions in the Indian bureaucracy. So far, training inputs on child rights have been in the form of panel discussions and presentations by programme staff, activists or NGOs. The Centre for Child and the Law, National Law School, Bangalore, is developing a curriculum for the IAS academy which will need to be incorporated into the training calendar. In a welcome move, the Police Academy has integrated CRC into its ongoing training programmes. The GOI, through NIPCCD, organises several training programmes for NGOs and other professionals working with or for children, in which the CRC provisions are highlighted.

61. Training for different categories of people dealing with children has been going on in India since Independence. All through the Five Year Plans with every child welfare measure taken by Government to fulfil the rights of children as enshrined in the Constitution, training modules and institutions were developed from the grassroot point to the Central level in accordance with programmes undertaken, such as, Applied Nutrition Programme, Balwadi Programme, ICDS, Juvenile Justice, etc. Efforts are on to re-orient the training strategy for field level workers and the community towards child rights. The process has already started to re-orient the existing training programmes pertaining to Early Childhood Development, Health and Family Welfare, Elementary Education, Rural Development towards the concept of child rights. NIPCCD has already initiated the process of re-orienting its training syllabus towards CRC and some State Governments have also done so. NGOs, staff and organisations working with the Labour Department, Police Department and children have also been trained in the CRC in several States. This process is still under way and should gain momentum at District and State levels. In view of the federal de-centralised nature of administrative functioning in the country, it is difficult to report on actual numbers of persons trained by category in India.

62. Key child rights training initiatives from a few States are as follows:

**Bihar:** Nalanda Open University has launched a certificate and Diploma course in CRC and CEDAW. Over 500 adults, many of them journalists and artists, participated in a four-day intensive Child Rights Spokespersons Course, preparing them as advocates of child rights. Forty school-teachers have been trained as master trainers for furthering CRC orientation in schools. National Service Volunteers and other youth have been oriented through *Nehru Yuvak Kendras* and the Legal Aid Committee of South Bihar.

**Tamil Nadu:** Training resource groups available in the State include the Human Rights Advocacy and Research Foundation, Indian Council for Child Welfare and the Centre for Child Rights and Development. Training of trainers for dissemination of CRC through folk media has also been conducted in the State. Several training programmes have been held, including training of Juvenile Justice Act functionaries, teachers and frontline workers of five National Child Labour Project districts, labour inspectors and municipal commissioners and elected representatives in the same districts. Members of the Inter-media Publicity Coordination Committee and some journalists in the State have received CRC orientation.

**Andhra Pradesh:** The Andhra Pradesh Academy for Rural Development (APARD) and the Andhra Pradesh Police Academy have incorporated CRC in the curriculum for ongoing training of Government officials. Over 480 trainers of APARD have received CRC training and 80,000 elected representatives have been oriented in CRC. Training of local bodies on CRC was undertaken by the Regional Centre for Urban Environmental Studies. The Andhra

Pradesh Police Academy has sensitised police officials on child rights. Teachers have received CRC orientation under special projects.

**Uttar Pradesh:** State resource teams have been trained on CRC and are reaching out through more than 250 motivators to cover 10,000 children and adolescents, community members across the State, several government departments and institutions. The Institute of Judicial Training and Research has integrated issues of child rights and juvenile justice for reaching the Chief Judicial Magistrates. The *Prathamik Shishak Sangh*, with a membership of 250,000 teachers, is being reached through the Teachers' Union whose resource teams have been trained in CRC. The State and district urban development agencies and NGOs have been oriented on child rights for strengthening child rights through community development societies.

**Gujarat:** CRC training has been organised for NGOs, academic institutions and police officials in the State to sensitise them on protection measures for street and working children. Capacity building among staff of the Surat Municipal Corporation and Government officials has been carried out.

**Madhya Pradesh:** The State has given focused attention to the training of police officials, Panchayati Raj members, teachers, doctors, NGOs, youth organisations and field functionaries of various sectoral programmes have also received CRC orientation as part of their refresher training.

**Karnataka:** The State has been conducting CRC training of Government officials, NGOs, youth counsellors and trainers of *Nehru Yuvak Kendra* for training youth as advocates for children. An NGO, 'Mythri', has developed training programmes at various levels. A police training guidebook has been produced with the help of BOSCO (an NGO in Bangalore) and the Ministry of Welfare and Home Affairs. A police pocketbook on tips for being child-friendly has also been developed to be used in conjunction with the training.

**Maharashtra:** A recent decision regarding training of judges in the State requires incorporation of a two-day module on child rights in all training programmes for judges. A small core group is being set up in the State to develop this module using the experience of NGOs working with children who come in conflict with the law. The Police Training Academy of Maharashtra is to institutionalise CRC training into in-service and pre-service training programmes and there is a proposal to train all trainers of the nine Police Academies in the State. Training modules will be developed to standardise the training by a special core group.<sup>11</sup>

### CRC reporting process in India

63. India acceded to the Convention on the Rights of the Child on December 11, 1992, thereby affirming its commitment towards children and their rights. India submitted its Initial Report, referred to as the First Country Report to the UN Committee on the Rights of the Child in February 1997. The UN Committee on the Rights of the Child, based on the First India Country Report, sought clarifications on more than 38 issues pertaining to the Convention. This List of Issues was sent to the relevant departments for feedback and to the Alternate Report NGOs and Schools of Social Sciences, leading national institutions and organisations for their comments. The replies to the List of Issues were printed as a booklet and distributed at the National and State levels and sent to the Committee on the Rights of the Child. India received the comments and concluding observations from the Committee on the Rights of the Child based on its Initial State Party Report in January 2000.

64. The first periodic country report preparation process commenced in August 1999 and DWCD requested State Governments to initiate the process with state sectoral departments, NGOs, professional bodies and other civil society representatives, and submit State reports as inputs for the national report. To assist in the compilation of State inputs, DWCD prepared questionnaires based on the Committee's guidelines for preparation of periodic reports and shared these with the State Governments as well as Central Ministerial Departments.

65. Different States have adopted different processes to come up with inputs for the national report and these have varied in how participatory they were. In some States, children, NGOs and the media participated extensively; in others, the reporting was mainly based on inputs received from Government departments. NGO participation in the preparation of the State reports is in addition to the regional consultations, and cannot be accurately quantified. A brief description of the reporting process in three States is given below:

**Rajasthan:** Beginning with an inter-departmental meeting, the process was expanded to include participation and views of a wide cross-section of society, key groups being NGOs, individuals, Indian, government functionaries and children themselves. Through workshops, their views, experiences and suggestions regarding child rights were invited and incorporated in the report.

**Andhra Pradesh:** The NALSAR University of Law organised three regional consultations in the State to document developments in coastal Andhra, Rayalseema and Telangana regions. NGOs working with child rights and vulnerable groups were invited. Views of children were obtained and facilitated by Save the Children. Judicial Magistrates, educationists, school teachers, labour officers, and juvenile justice officers were also involved.

**Tamil Nadu:** Various departments responsible for programmes directly related to children were contacted and requested for relevant information for the Second Country Report through the following process:

- Formation of the Inter-departmental Core Committee, which includes NGOs for assessing the present status of child rights in the State.
- A feedback format to assess contribution of each sector in child rights promotion within the State.
- A two-day workshop with participants from both the Government and the NGOs was held.<sup>12</sup>

So far, 17 States have submitted their inputs to the Central Government and another three State reports are expected. Inputs from some Central ministries have also been received.

66. The DWCD has also put the questionnaires on their website together with a special questionnaire requesting information from NGOs about their activities in the field of child rights. An advertisement was put in the national dailies giving this information and inviting contributions from NGOs.

67. In order to have more direct feedback from NGOs for both the CRC report as well as the End-Decade review of the Goals report, four regional consultation workshops were held between October 30 and November 11, 2000, at Mumbai, Lucknow, Guwahati and Bangalore. A mix of community-based NGOs and those with experience of national/global meetings on child rights were invited to these workshops. In all, 168 NGOs from 23 States participated in these workshops. Inputs from these workshops are being incorporated into the preparation of both the End-Decade Progress on the Goals Report and the CRC Periodic Report. Child

representatives from 11 States participated in these consultations representing children's views and concerns. The representatives were selected by children from the States after a dialogue/consultation process in the State-level projects that have initiated the process of child participation. The children were made to understand the rationale for these consultations and given a chance to prepare for these meetings. They were given an opportunity to let their voices be heard and to select their representatives. This process of regional consultations was facilitated jointly by NIPCCD for the GOI, UNICEF and SCF. The draft report incorporating all the State inputs was circulated to all Central Government departments and State nodal departments for comments within a fixed time-frame. The final editing was then done by the nodal ministry based on the feedback and suggestions received. UNICEF facilitated and provided support in the report preparation process both at the National and State levels.

68. Recommendations of NGOs for strengthening CRC implementation: Some excerpts from the four regional NGO consultations—October 30–November 11, 2000

#### Increase awareness about child rights

- There is a need to make the media, government functionaries, NGOs and professionals working with children more aware about the CRC.
- CRC should be made part of the school curriculum and schoolchildren should be involved in dissemination of information about child rights through child-to-child and child-to-community activities.
- Awareness of CRC should percolate down to grassroots level through greater participation and partnerships.
- Child Rights should be included in curriculum of all colleges as well as in professional training of all those who work with children or provide services to them.
- The recommendations and concluding observations of the Committee on the Rights of the Child should be widely publicised in all languages so that all people know about the specific areas of action prioritised by the Committee.
- Simple, easy-to-understand versions of the CRC for different audiences should be available in all languages.
- Country Report on CRC should be made available to all NGOs.
- All the people's representatives in Parliament, State Assemblies and Local Bodies should be made aware about the CRC and its implementation and monitoring.
- Government should forge a partnership with NGOs and media to spread awareness about child rights, especially involving those NGOs who have been active in working with children and protecting their rights.

#### Accelerate training and capacity building for realisation of child rights

- Government servants at all levels, in all departments, especially Social Welfare, Health Education, Labour and staff of other agencies working with children should be trained in child rights.
- Training and sensitisation of police personnel and all enforcement staff is a priority.
- All field-level functionaries of various departments who provide services to children require sensitisation and orientation on child rights as part of their basic and refresher training.

- Teachers and health workers should be prioritised for sensitisation on child rights.
- Orientation and sensitisation of Panchayat members and functionaries of local bodies on child rights is needed.
- CRC should be integrated into the training curriculum of various institutions like NIPCCD, IAS Academy and IPS Academy, SIRD, local bodies, State Academies of Administration and other major National and State Level Training Institutions.
- Existing training and rights related knowledge base of civil society needs to be institutionalised as a resource base for the country for accelerating CRC implementation.
- UNICEF, SCF and other bodies should facilitate workshops and training for all levels for building linkages between Central, State and local initiatives.
- Parents and community members require orientation on child rights and their responsibilities for care and protection of children.
- Media personnel, NGOs and other agencies working for children require special training on child rights.
- Training on monitoring and reporting on child rights needs to be conducted at all levels with Government, NGOs and CBOs.

#### Setting up coordination mechanisms for CRC implementation at various levels

69. A permanent State-level committee is required to be set up for the implementation and monitoring of CRC. The committee should have representation of NGOs working in the field of child rights, social workers, experts and representatives of minority groups, legal experts and government functionaries of all key departments who are at a decision making level. Local leaders, as well as people's and child representatives should be closely involved with the functioning of this committee. They should be oriented and sensitised about CRC and the role of the committee.

70. There is a need for a State-level cell linked with the National Commission for Children under the Chairpersonship of the Chief Secretary. The Government should fund the cell. The cell should be responsible for:

- Reviewing, implementation and monitoring of CRC for the State.
- Inter and intra-departmental coordination to provide for sectoral liaison and links between NGOs and government.
- Looking for financial allocation and expenditure for programmes and schemes for children.

71. It is imperative to empower existing Committees set up for children's programmes to monitor child rights status at State, District, block and village levels. It should be in consultation with and have representation from Government, civil society, NGOs, *Gram Panchayats* and children.

72. Lack of accountability, information and proper documentation hinders effective coordination and monitoring of child rights at all levels. Urgent action is required to strengthen these aspects.

73. A National Commission for Children with financial autonomy and powers to enforce the laws related to child issues should be constituted, consisting of individuals from different walks of life. It should have bodies at National, State and District levels and should disseminate information on children's rights to the public and should be involved in policy decisions on children.

74. An experiment in this direction is taking place in Uttar Pradesh through the setting up of a child rights development unit in joint collaboration with the Department of Women and Child Development and the NGO network on child rights in Uttar Pradesh.

#### Data collection and use for influencing policies and programmes for children

75. Each State should have a coordination committee to collect data on all aspects of child rights. Existing data collection systems need to be reviewed, as there are many areas where adequate and disaggregated data are not available. This includes gender disaggregated data, and information on various forms of child abuse and exploitation, child labour, children affected by conflict/militancy, trafficking of children, tribal and indigenous children and their condition, crimes committed against children, condition of children in state-run institutions, etc.

#### Promoting child participation

##### *Pre-requisites for child participation:*

- Belief by all concerned that children are stakeholders in CRC, so their views and participation need to be considered and given importance. Administrative will is necessary.
- All persons working with children need to be oriented on child rights and child participation.
- There is need to spread awareness among children about their rights.
- There is a need to spread awareness among people in the family, community, state, media, NGOs, as well as among legislators, lawyers, and police levels about child rights and participation.
- Children should be partners in developing the strategy for implementation and monitoring of CRC in the country and reporting on violations of their rights.
- Children have to be given the skills and encouraged to express their views. In the specific local cultural context, this may mean a change of mind-set of the adults that “children need to be seen, not heard” or that “they should not open their mouths in front of elders.”
- Children should be given the opportunity and encouraged to learn and develop participatory and thinking skills, as well as skills of developing and articulating ideas. They should be provided the opportunity and the platform to present their views and suggestions, which should be received with respect and suitably considered.
- Children should be helped to develop a sense of ownership of programmes meant for them and be helped to participate in implementing and monitoring them.

##### *Constraints to effective implementation*

- Very few people are conversant with child rights.
- Organisations and staff of agencies working with children do not have the sensitivity to child rights or a clear perspective on participation.
- Gender discrimination at all levels interferes with getting to know and hear the views of girls.

- Mind-sets at family and community levels about listening to children hinder participation. Attitudinal change is required.
- Police, functionaries dealing with children, and special courts do not have an understanding child rights and do not show empathy towards children.
- Accountability of government/staff of programmes is necessary for effective protection of child rights. Accountability of NGOs, PRIs and Social Service Clubs are equally important.
- Lack of adequate resources and skills to promote appropriate child development, which will enable participation.
- All schools and teachers do not have an orientation on child rights and do not promote children's councils, clubs, etc. It is necessary to make school administrators and teachers listen and consider the views of children in an atmosphere of trust and respect.

### Girl child

- Persistent discriminatory social attitudes and harmful practices towards girls make them vulnerable to all types of neglect and violence, limiting their development and threatening their very survival. Gender sensitisation and mass awareness on gender equality and rights of the child need to be carried out at family and community levels to change social attitudes.
- Mass awareness drives are necessary for educating people about the correct age of marriage need for girl's education, and against son preference, pre-natal sex determination and sex selection, violence and abuse against girls and the commercial exploitation of children, the dangers of early child bearing, and the prevention of HIV/AIDS.
- Trained counsellors should be made mandatory in schools so that girls can freely approach them and access information. Life skills education should be provided to girls so that they can protect themselves from abuse.
- Registration of marriages should be made compulsory as a major initiative to prevent child marriage and economic exploitation of girls.
- Schools should have flexible timings to promote better attendance of girls. Schools needs to be made girl child-friendly.

### Child labour

- A child labour vigilance committee should be formed at *Panchayat* level, comprising local NGOs, *Panchayat* members and child representatives.
- The community, law enforcement officials, teachers and personnel involved in the child labour elimination programme need to be sensitised on child rights and protection.
- Child labour laws need to be reviewed to bring domestic child labour within their ambit.
- It is necessary to carry out community and civil society sensitisation and mobilisation for the prevention and elimination of child labour.
- There is a need to do a comprehensive review of the implementation of the Supreme Court judgement of 1996. Comprehensive and clear guidelines for the implementation of the judgement are required.

- In child labour-intensive districts, employment opportunities for adults have to be stepped up. Families living below the poverty line should be attached to self-help groups or other income-generating schemes so that they can improve their economic situation.
- There should be a separate policy for providing social security and services of education, and health to the children of families below the poverty line. Existing poverty alleviation programmes and adult employment schemes have to be coordinated and linked to efforts for the elimination of child labour.

### General recommendations

- Good parenting and child care and protection education must be given to parents, teachers and staff of childcare institutions.
- Families are the primary care providers for children and the capacity of families for care and protection of children has to be strengthened, especially of families in the most marginalised groups.
- Mechanisms for complaints from child victims must be set up to prevent child abuse, protect children and to ensure proper action against the culprits.

#### Box 1.1: Voices of Children

- Girls want to be treated the same as boys. They should not be made to work at home. They want to go to school just like boys.
- Children say they should not be forced to work. All child labourers must be cared for and allowed to go to school and learn skills for life.
- Children want peace, and violence frightens them. Many children are orphaned or get hurt and have emotional and psychological problems.
- They have to leave studies and work at home.
- Adults must not force children to marry. Girls thought that this deprived them of an education and a chance to do well in life. They felt that parents should be educated against child marriage, and all adults who force children to marry should be punished.
- Schools should not be far away. There should be teachers in the school and the teachers should not punish or beat the children. Books and uniforms must be made available. Children would like to study in their own language.
- Parents who do not send their children to school should be punished.
- Sale of alcohol, drugs and addictive substances should be banned. Parents should not drink alcohol or take drugs. They should not beat children, and send them to work because they do not earn themselves or make them want to run away from home.
- The police harass street and working children. The police and others working for children should be friendly and trained to be helpful. There should be shelters for children so that they can be safe at night.
- Children felt that health centres should have medicines. Health services should reach people in remote areas. They felt that trained female staff should be available to help out at the time of birth. Mobile health vans should serve areas where there are no health centres.
- Children wanted employers of child labour punished.
- Elders should provide opportunities for children to participate. This increases the confidence of all children, especially girls.
- Children from Maharashtra and Rajasthan said that there was a water problem. Children spent long hours in filling water from distant places, which affected their studies.
- Children from urban slums felt they had no time and place to play.
- *"All our hopes are the same, wherever we come from. You adults have heard us. Tell us what you are going to do now."* Nawaz, age 9, Mumbai consultation.

*Excerpts from the four regional NGO consultations, October 30–November 12, 2000*

- Proper systems for monitoring cases of physical and mental violence, corporal punishment and sexual abuse of the child in the family, school and care institutions must be set up and appropriate punishment provided to offenders.
- Special programmes for the disabled are required, especially to fulfil their educational needs.
- Institutional services should be available for children with severe multiple disability who cannot be cared for appropriately in their homes.
- Night shelters should be provided for girls in difficult circumstances. Counselling services for all children in difficult circumstances should be provided.
- Intensive awareness campaigns are required in schools, colleges and in the media against tobacco and drugs. An information Hotline should be set up for children.
- “Childline”, the 24-hour helpline for children, should be evaluated, strengthened and expanded to increase coverage, including to rural areas.
- Laws for combating child sexual exploitation and trafficking of children should be enforced strictly and punishment for offenders enhanced.
- All development programmes and schemes should be approved only after the impact on the child has been considered. Existing programmes should be reviewed from the viewpoint of children. Before finalising policy and programmes, there should also be a consideration of children’s views.
- It is essential to ensure transparency, publicity and involvement of the local communities so that programmes and schemes reach the poorest of the poor. Targeting has to improve and the criteria for selecting different categories like people below the poverty line (BPL) should be area-specific and evolve on the basis of local conditions agreed in consultation with local communities.
- State-wise disaster preparedness and emergency plans and provisions should be made with specific attention to the needs of children and delivery of care and relief and long-term services without discrimination.
- There is a need for database at the village/ward level, which should be displayed at a prominent place, and periodically updated with people’s participation and jointly monitored by programmes functionaries and the community.
- The Corporate sector and civil society groups like the Rotary and Lions clubs should be co-opted to use their own resources to reach and sensitise the large middle class about child rights and their collective responsibility towards changing social attitudes and bringing about social change conducive to the realisation of child rights.
- The youth have to be motivated and mobilised for accelerating implementation and monitoring the situation of children in their own communities.
- Timely birth registration should be promoted aggressively. NGOs, functionaries of all government programmes, and doctors/practitioners should be involved in promoting registration and ensuring proper birth registration certificates. At the same time, a mass awareness drive should be undertaken.
- NGOs should be considered important partners in the implementation of CRC at all levels and should be involved in planning, implementation and monitoring programmes for children as well as for reporting on violations.
- Department of Women and Child Development should have a higher profile and

budget allocation for proper implementation, coordination and monitoring of the implementation of CRC. Technical experts and professionals on various aspects of child rights, maybe in the form of an advisory cell, should be attached to the DWCD.

- New laws, policies and programmes for children or their revision should be decided only after assessing the child impact. Such analysis should be done in a participatory method.
- All legislation should be reviewed in the light of CRC in a participatory way involving NGOs, experts, implementors, social workers and with the consideration of children's views.
- Court procedures should be simplified and made child-friendly. Children's views and version should be recorded in a friendly atmosphere and given due consideration. Those involved in the implementation should be oriented and sensitised to the rights of children. Parents should be made aware of the rights of children.
- Ratification of the two Optional Protocols to CRC should be done at the earliest:
  - Optional Protocol on involvement of children in armed conflict, and
  - Optional Protocol on sale of children, child prostitution and child pornography.
- Respect for child rights by Government to be reflected by adequate resource allocation for programmes for children.

### International cooperation

76. The World Bank has supported early childhood development efforts in India since 1980 through a number of projects. The Integrated Child Development Services-II Project is currently being implemented in the States of Bihar (210 blocks) and Madhya Pradesh (244 blocks) with a total outlay of Rs 5962 million (Madhya Pradesh: Rs 3391 million, Bihar: Rs 257 million). The approved IDA credit is US\$ 194 million. The Integrated Child Development Services-III/ Women and Child Development Project (1999–2004) covers the five States of Kerala, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh. The approved IDA (World Bank) credit over the project period is US\$300 million (including the nationwide training component) covering 1003 blocks. The Integrated Child Development Services-Andhra Pradesh Economic Restructuring Project (APER-1998–2004) was approved in March 1999. It covers a total of 251 blocks thus universalising ICDS in rural and tribal areas. The total outlay is Rs 3927.5 million with IDA (World Bank) credit of US\$ 75 million.

77. The World Food Programme (WFP), a United Nations agency, under its Project 2206 extends food aid for supplementary nutrition to children below six years of age and to expectant and nursing mothers under the ICDS programme. The Better Health and Nutrition (BHN) Project (with a total cost of Rs 17.56 million) is being implemented in Sirohi and Udaipur districts in Rajasthan since March 1997. CARE-India's Integrated Nutrition and Health Programme (INHP) is being implemented in all seven CARE-assisted States. This five-year programme is in operation from April 1996 to March 2001 with a total budget of Rs 1131.6 million aiming to improve the health and nutritional status of women and children.<sup>13</sup>

### Strategy for implementation of programmes/policies

78. Human development and improvement in the quality of life are the ultimate objectives of all planning. In India, this is achieved through services and programmes aimed at the

promotion of both equity and excellence. Planning takes into account the resources required for human development and the human resources available for carrying out the plan.

79. In India, planning derives its objectives and social premises from the Directive Principles of State Policy. India follows the system of Five-Year Plans, where principles, aims and programmes are identified along with the resources. If for some reason, a Five-Year Plan cannot be approved then interim Annual Plans bridge the gap. While new programmes and schemes are introduced and existing ones modified to suit the objectives of the Plan, some, however, are of an essential nature and continue in succeeding plans. One such example is the Public Distribution System. The Plans adopted so far since Independence and the priority areas under each are shown in Table 1.1.

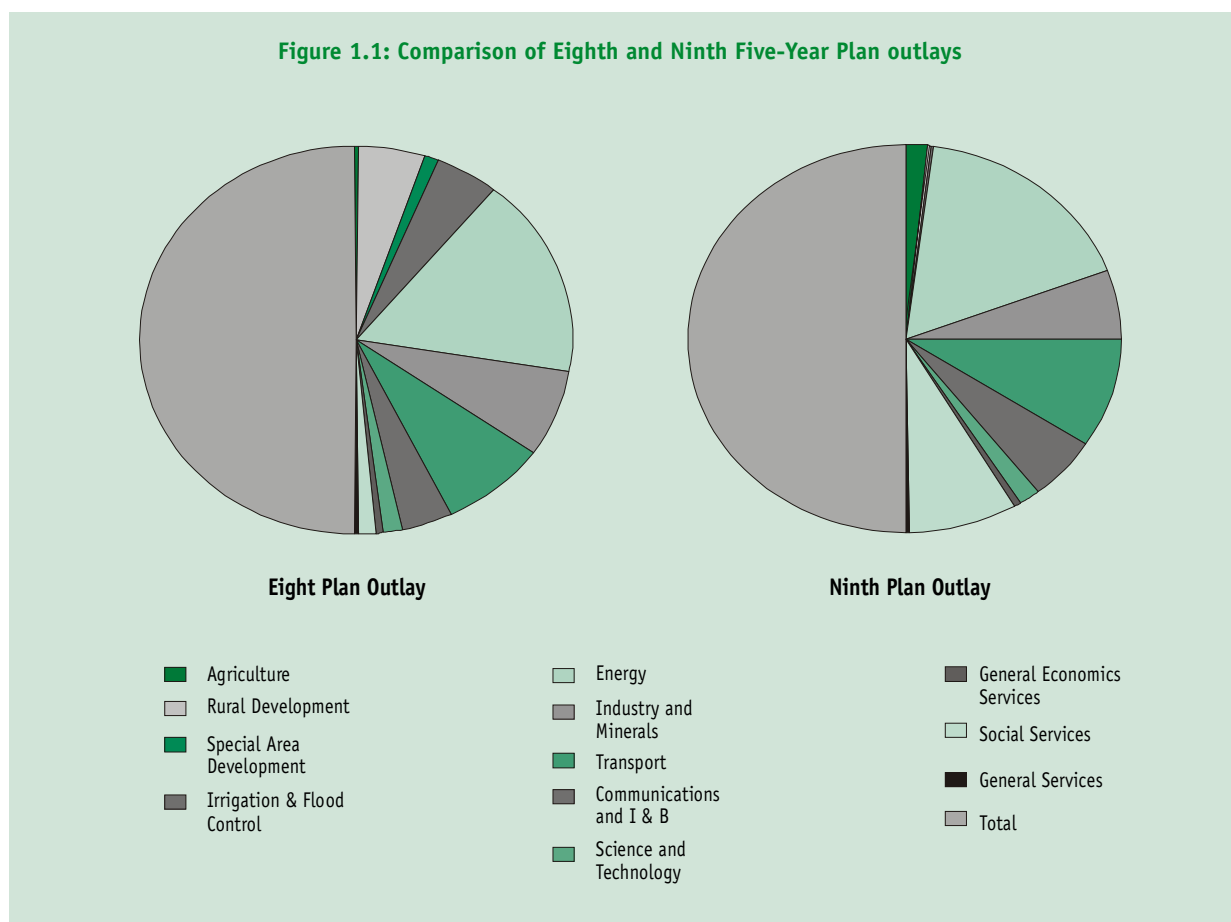
80. The Ninth Plan (1997–2002) was launched in the 50<sup>th</sup> year of India's Independence. The provision of basic minimum services of safe drinking water, primary health care facilities, universal primary education, shelter and connectivity in a time-bound manner is a specific objective of the Ninth Plan. Within the social sector, planning in India has ensured that appropriate policy and programme initiatives are taken and adequate investment is provided by the State so that the poorer and vulnerable segments of the population can access essential facilities, services and commodities based on their needs.

81. The Ninth Plan outlay has increased by 30.67 per cent, as compared to the Eighth Plan outlay (see Figure 1.1). When comparing the percentage share of various sectors, the share of agriculture, rural development, irrigation and flood control, social services and general services in the total plan outlay has decreased in the Ninth Plan in relation to the Eighth Plan, reflecting a higher priority for infrastructure, energy and industry.

**Table 1.1: Plans and priority areas**

Plan	Year	Priority
First Plan	1951-56	To promote agriculture, including irrigation.
Second	1956-57 to 1960-61	To promote a pattern of development which would ultimately lead to the establishment of a socialistic pattern of society.
Third	1961-62 to 1965-66	To secure a marked advance towards securing self-sustaining growth.
Annual	1966, 1967, 1968	
Fourth	1969-1974	To accelerate the tempo of development and to raise the standard of living through programmes designed to promote equality and social justice.
Fifth	1974-79	To achieve self-reliance and adopt measures for raising the consumption standard of people living below the poverty line.
Sixth	1980-85	To remove poverty, and simultaneously move towards strengthening infrastructure for both agriculture and industry.
Seventh	1985-90	To emphasise growth in food-grains production, increased employment opportunities and productivity within the framework of self-reliance and social justice.
Annual	1990-91 to 1991-92	
Eighth	1992-97	To balance the initiation of structural adjustment policies. It recognised "human development" as the core of all development efforts.

Source: Planning Commission



Source: Planning Commission

82. The development of children as an investment in the country's human resource development has been the major strategy in the Ninth Plan. Special emphasis is being placed on the girl child and on reaching infants below the age of two years. Towards this, the nationwide ICDS will continue as the major intervention for the overall development of children. A scheme called the *Balika Samridhi Yojana* (BSY) was launched in October 1997 for raising the status of the girl child. Education has also been given a high priority in the Ninth Plan with a focus on providing universal elementary education and on quality improvement at the secondary and higher education levels. Along with the identification of new, existing and modified programmes to achieve the primary objective of each Plan, financial resources are also allocated. This includes the funds disbursed by the GOI in the form of Plan and non-Plan funds. Additionally, States and UTs raise resources by way of municipal taxes, cess, etc. A statement giving the details of the GOI (Central) budget from 1995 is as shown in Table 1.2.

83. Recent budgets have been formulated in the backdrop of the super cyclone in Orissa, the devastating earthquake in Gujarat, a somewhat weak monsoon, hike in international petroleum prices and continued uncertainties in world economic recovery. These events have led to unanticipated expenditures on disaster relief and imports. In spite of these adversities, GOI has tried to keep the fiscal deficit under check, so that social sector expenditures will not be eroded by inflationary pressures. The Centre's gross fiscal deficit has been in the range of 5–5.5 per cent

**Table 1.2: Government of India budget**

(per cent of GDP)

	1995-96	1996-97	1997-98	1998-99	1999-2000 (R.E.)	2000-2001 (BE)
1. Revenue Receipts	9.3	9.2	8.8	8.5	9.3	9.3
2. Capital Receipts	4.1	3.7	5.4	6.1	6.1	6.2
3. Revenue Expenditure	11.8	11.6	11.8	12.4	12.8	12.9
4. Capital Expenditure	2.4	2.3	2.4	2.2	2.5	2.6
5. Total Expenditure (3+4)	14.2	13.9	14.2	14.6	15.3	15.5
6. Plan Expenditure	3.9	3.9	3.9	3.8	3.8	4.0
7. Revenue Exp. of which	11.8	11.6	11.8	12.4	12.8	12.9
a. Interest Payments	4.2	4.3	4.3	4.4	4.7	4.6
b. Defence Expenditure	1.6	1.5	1.7	1.7	1.8	1.9
c. Major Subsidies	1.1	1.0	1.2	1.2	1.2	1.0
8. Revenue Deficit	2.4	2.4	3.1	3.9	3.5	3.6
9. Fiscal Deficit	4.1	4.1	4.8	5.1	5.5	5.1
10. Primary Deficit	0.0	-0.2	0.5	0.7	0.8	0.5

Source: Indian Economic Survey, 2000-01, page 35

in recent years. The Fiscal Responsibility and Budget Management Bill, 2000, has been introduced to bring down the fiscal deficit and contain the growth of public debt.

84. The Planning Commission of India, a high-level body chaired by the Prime Minister, is responsible for overseeing the planning process and for finalising the plans. The Planning Commission also evaluates the schemes to assess their physical and financial performance, the efficacy of the implementation/delivery mechanisms and impact on the beneficiaries. The findings of the evaluation studies are used as a feedback for mid-course corrections in design and implementation, passed on to researchers and the general public through publications, seminars and the print media for generating informed debate on the nature and efficiency of public spending.

85. Some significant programmes and schemes, which were uniquely designed and launched keeping in mind the objective of the Ninth Plan, are the Prime Minister's Rural Roads Project and the *Balika Samridhi Yojana*. Existing initiatives which have been restructured or merged include, among others, the *Swarnajayanti Gram Swarozgar Yojana* (SGSY) which seeks to provide sustainable incomes through micro-enterprises to the rural poor.

86. In India, special attention has been paid to the requirements of the weaker sections. The Constitution has specific clauses for the Scheduled Castes (SCs) and Scheduled Tribes (STs), to ensure their social, economic and political equality. Special provisions have been made for the advancement of SCs and STs in the planning process, in the allocation of resources, in educational institutions, in appointments to jobs and in promotions, amongst others. Due consideration is also given in the planning process to areas which face a disadvantage on account of their geographical location or difficult topography, e.g., the States and UTs in the North-east of India.

87. The Eleventh Finance Commission has made some changes in the criteria for allocation of Central Government revenues to the States. The Commission has increased the weightage given to the income disadvantage of a State (measured by the gap between a State's per capita income and that of the richest States). At present, a weightage of 62.5 per cent is given to the income disadvantage criteria.

88. The business of the Government is conducted by Ministries and Departments both at the Central level and at the level of States and UTs, e.g., the DWCD in the GOI and the DWCD in the State of Uttar Pradesh. The GOI has exclusive powers to legislate in areas specified in List I of the Constitution, while States have exclusive powers on subjects in List II. Both have joint responsibility, or concurrent powers, for subjects falling within the purview of List III. It is seen in practice that both the GOI and the States have joint responsibility for the social sector with the GOI either directly implementing certain schemes, or passing on funds to States/UTs for the purpose. Additionally, States/UTs conceptualise and implement their own schemes from their own funds, e.g., the *Apni Beti Apna Dhan* (My Daughter, My Wealth) scheme in Haryana.

### Budget trends in the social sector

89. The GOI's Plan and non-Plan expenditure on various components of social sectors has increased from Rs 158.94 billion in 1997–98 to Rs 258.73 billion in 2000–2001, an increase of about 63 per cent. As a proportion of total expenditure, the combined Plan and non-Plan social sector expenditure of the Centre has been in the range of 11 per cent. As a percentage of the GDP at current market prices, expenditure of the GOI on social services has been in the range of 1.6–1.7 per cent. Thus, in spite of severe budgetary pressures, the Government has attempted to maintain the allocation for the social sector.

90. The GOI expenditure (Plan and non-Plan) on social sectors (education, health and family welfare, water supply, sanitation, housing, rural development, social welfare, nutrition and minimum basic services) as a ratio of total expenditure has marginally decreased from 11.26 per cent in 1997–98 to 10.72 per cent in 2000–01 (Budgeted Estimates). However, as a ratio to GDP at current market prices, the Government expenditure on social services increased from 1.59 per cent in 1997–98 to 1.66 per cent in 2000 (BE).<sup>14</sup> For details please see Table 1.3.

91. The Central Plan outlay on major schemes of social sectors as a percentage to the GDP at current market prices increased from 1.09 per cent in 1993–94 to 1.12 per cent in 1999–2000 (BE). The Central outlay increased by 29.6 per cent in family welfare in 1999–2000 (BE) over 1998–99 (RE), health by 24.3 per cent, welfare of weaker sections by 22.1 per cent and women and child development by 16.4 per cent. Educational expenditure increased from Rs 1.1 billion in 1950-51 (1.2% of GNP) to Rs 412 billion in 1997–98, (3.6% of GNP) indicating a staggering 360 times increase in 27 years. The expenditure per pupil during this period increased by 63 times. The share of GNP allocated for the development of education is a reliable indicator for assessing the relative importance given to it in a country.

92. As a percentage to the GDP at current market prices, plan expenditure of the Centre on major schemes of the social sector has been in the range of 1.1

**Figure 1.2:**  
Central Government  
expenditure on social  
services  
(Plan and Non plan)

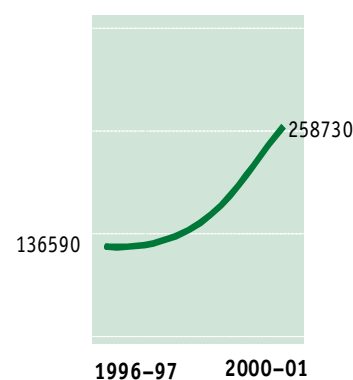


Table 1.3: Central government expenditure (plan and non-plan) on social services

Item	(Rs in million)				
	1996-97	1997-98	1998-99	1999-2000 (BE)	2000-2001 (BE)
1. Social Services	136590	158940	197290	237270	258730
a. Education, Sports & Youth Affairs	39880	50120	65500	71150	84160
b. Health and Family Welfare	27510	31740	39150	51100	58600
c. Water Supply, Sanitation, Housing and Urban Dev.	29570	33040	41900	46190	50870
d. Information & Broadcasting	5930	8980	10740	12300	13680
e. Welfare of SC/ST and other Backward Classes	8330	7250	9460	10830	12770
f. Labour, Employment and Labour Welfare	5870	5620	7580	8680	94*
g. Social Welfare & Nutrition	19500	22190	22950	37020	29350
2. Rural Development	50810	55830	54030	51850	53970
3. Basic Minimum Services (BMS) * including Slum Development	24660	28730	36840	40480	—
4. Pradhan Mantri Gramodya Yojana (PMGY) @	—	—	—	—	50000
5. Social Services, Rural Dev. BMS & PMGY as a percentage of Total Expenditure **	212060	243500	288160	329600	362700
6. Total Central Government Expenditure as per cent of GDP at current market prices **	13.9	14.2	14.6	15.5	15.5
7. Social Services, Rural Dev. BMS & PMGY as a percentage of Total Expenditure **	11.44	11.26	11.24	10.85	10.72
8. Social Services, Rural Dev. BMS & PMGY as a percentage of GDP at mkt. Price \$	1.55	1.59	1.60	1.68	1.66

Note : Figures for the years 1992-93 to 1998-99 are actuals

\* : Came into operation from 1996-97

@ : Launched in 2000-2001 (BE) as a new initiative for basic rural needs

\*\* : The total Central Govt. expenditure excludes the transfer of State's/UTs share of small saving collections

\$ : Ratios to GDP are at current market prices (Base : 1993-94) released by CSO, GDP for 2000-2001 are based on CSO's Advance Estimated

Source : Indian Economic Survey 2000-2001

per cent to 1.2 per cent in recent years. However, significant increases in Central Plan outlays are observed in Education, especially Elementary Education, Health, Women and Child Development, and Family Welfare programmes in the budgeted estimates of 2000-01.

93. A number of schemes and programmes of the Government have been introduced exclusively for children. An example in this regard is the *Balika Samridhi Yojana*, a laudable initiative to enhance the status of the girl child. Other schemes and programmes target both children and some adults as beneficiaries, such as the ICDS which covers children, pregnant women, and lactating mothers. However, a large bulk of the Government's scheme and programmes benefit all members of the community, including children. An instance in this regard is the

provision of clean drinking water and sanitation facilities. Under these circumstances, it is somewhat difficult to identify the amounts spent on children alone. Regarding the best interests of the child, it is an undisputed and acceptable fact that the Government will always keep the best interests of the child at the forefront when formulating policies and taking decisions. The Government, at the national, regional or local level, will not deliberately or consciously take any step which goes against the child. This is also further ensured by the detailed process and extensive consultations which are part and parcel of the Government machinery. While the utmost priority is given to children in policy making, there is a need for advocating a greater resource allocation for children.

### Regional disparities

94. Balanced development with an emphasis on the reduction of disparities in economic and social development across regions in India has been a major objective of the planning process since Independence. Apart from large investments, various public policies directed at increasing the pace of development in the weaker regions have been pursued. The relevance of this approach is highlighted when some of the key disparities between States in India are examined. For example, while India now has the world's second largest population, five States alone comprised 44 per cent of the population in 1996, and will constitute 48 per cent of the total population in 2016. In other words, these five States, viz., Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and Orissa will contribute 55 per cent of the population growth till 2016 and it is their performance which will determine the year and the population at which the country achieves replacement level of fertility. Also, the rates for literacy swing from as high as 93 per cent in Kerala and 95 per cent in Mizoram to 49 per cent in Bihar. Geographically, the States in South India, viz., Kerala, Tamil Nadu, Karnataka and Andhra Pradesh do far better in terms of social development. An analysis of the nature of backward regions indicates the probable causes underlying their backwardness. For example, a major cause of backwardness of certain regions in Bihar and Orissa can be associated with the distinct style of living of the inhabitants of such regions who are tribals. The topography of a region also constrains development such as in the desert region of Rajasthan. The acute scarcity of water has been identified as a primary cause of backwardness in areas such as Telengana in Andhra Pradesh. Recognising the need to address these disparities, a number of Special Area Programmes and initiatives have been introduced for the development of backward regions. These are:

1) The Hill Area Development Programme: The main objective of this programme is to ensure ecologically sustainable socio-economic development of hill areas, keeping in view the basic needs of the people. The areas covered under this programme:

- Nine districts of Uttar Pradesh
- Two hill districts of Assam
- Major part of Darjeeling district of West Bengal
- Nilgiris district of Tamil Nadu.

2) Western Ghats Development (WGD) Programme: The Western Ghats Hill Ranges run to a length of about 1600 km—more or less parallel to the west coast of India. The main problems of this region are the pressure of increasing population on land and vegetation, and undesirable agricultural practices which have led to ecological and environmental problems in the region. The fragile ecosystem of the hills has come under severe pressure because of large areas under

Table 1.4: Central plan outlay for major schemes of social and rural development

(Rs in million)				
Ministry/Department/Scheme	1997-98	1998-99	1999-2000 (BE)	2000-2001 (BE)
<b>1. Education</b>	33500	40450	43850	54490
a) Elementary Education	22650	27410	28520	36090
b) Adult Education	810	770	790	1200
<b>2. Health</b>	9180	9810	10620	13780
<b>3. Family Welfare</b>	18290	22530	31200	35200
<b>4. Women and Child Development</b>	10260	11340	12500	14600
Integrated Child Development Services	6000	7680	8560	9350
<b>5. Welfare (Social Justice and Empowerment)</b>	8040	11470	11590	13500
<b>6. Rural Development and Rural Employment &amp; Poverty Alleviation #</b>	82900	93450	93510	97600
a) <i>Jawahar Gram Samridhi Yojana (JGSY)*</i>	19530	20600	16890	16500
b) Employment Assurance Scheme (EAS)	19050	19900	20400	13000
c) National Social Assistance Programme	4900	6400	7100	7150
d) IRDP ( <i>Swaranjayanti Gram Swarozgar Yojana</i> )**	5520	7010	9500	10000
e) Rural Water Supply and Sanitation	14020	16690	18990	22400
f) Rural Housing (including <i>Indira Awas Yojana</i> )++	11440	15320	16590	17100
<b>7. Other Programmes e.g.</b>				
a) <i>Nehru Rozgar Yojana (NRY)</i>	310	—	—	—
b) Prime Minister's <i>Rozgar Yojana (PMRY)</i>	950	1360	1900	2010
c) <i>Swaranjayanti Shahari Rozgar Upkarna @@</i>	1030	1620	1260	1680
<b>A. Total Central Plan outlay on Major Schemes on Social Sectors (1-7)</b>	16440	192030	106430	232860
<b>B. Total Plan Expenditure</b>	606300	683710	793950	881000
<b>C. As percentage of Total Plan Expenditure</b>	27.13	28.09	26.00	26.43
<b>D. GDP at current market prices (Rs crore)</b>	15224410	1758276	19569970	217939910
<b>E. As percentage of GDP at current market prices \$</b>	1.08	1.09	1.05	1.08

# From 1999-2000, it includes allocation for three departments viz. Rural Development, Land Resources and Drinking Water Supply

\* Jawahar Rozgar Yojana was restructured and renamed as *Jawahar Gram Samridhi Yojana (JGSY)* from April 1999

\*\* IRDP has been renamed as *Swaranjayanti Gram Samridhi Yojana (JGSY)* from April 1999 and its allied programmes like TRYSEM, DWCRA, SITRA, GKY and MWS merged with it

++ The *Indira Awas Yojana (IAY)*, earlier a sub scheme of JRY has become a separate scheme from 1.1.1996

@@ Is a rationalised version of the erstwhile schemes of Urban Basic Services, NRY and PM's Integrated Urban Poverty Eradication Programme

\$ Ratios to GDP or at current market prices (base : 1993-94) released by the Central Statistical Organisation (CSO). Advance Estimates

river valley projects, denudation of forests and adverse effects of floods, amongst others. The WGD Programme was launched to help the areas in dealing with these problems.

3) Border Area Development Programme: This Programme was started in 1986–87 for the balanced development of border areas of States bordering Pakistan, viz., Jammu & Kashmir, Punjab, Gujarat and Rajasthan. During the Eighth and Ninth Plans, the programme was enlarged to cover the States bordering Bangladesh, Myanmar, Bhutan, Nepal and China. The main objective of the programme is to meet the special needs of the people living in remote, and inaccessible areas situated near the border.

Particular emphasis is being given to the improvement and strengthening of the social and physical infrastructure of these areas.

4) North-Eastern Council (NEC): The NEC was set up in 1972 for ensuring a balanced and co-ordinated development of the North-Eastern States, viz., Assam, Manipur, Meghalaya, Mizoram, Nagaland, Arunachal Pradesh and Tripura. The NEC is an advisory body to discuss matters of common interest to the Centre and the North-Eastern States, formulate a unified and coordinated regional plan (in addition to the State Plan) and review the implementation of projects and schemes included in the regional plan.

### Endnotes

- <sup>1</sup> *Children, Law and Justice: A South Asian Perspective*, Savitri Goonesekere, SAGE, 1998, page 25.
- <sup>2</sup> NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 1.
- <sup>3</sup> Report on National Seminar on Implementation of Child Labour Reports, National Resource Centre in Child Labour, V.V. Giri National Labour Institute, 1997, pp. 7 & 8.
- <sup>4</sup> D.O No 6/5/20001-VS(CRS) dated March 12, 2001, Registrar General Office, GOI
- <sup>5</sup> *Times of India*, January 12, 2001
- <sup>6</sup> Gujarat State Report on CRC, Government of Gujarat, 2000, pp. 8–10.
- <sup>7</sup> Gujarat State Report on CRC, Government of Gujarat, 2000, pp. 8–10.
- <sup>8</sup> Information provided by UNICEF, India.
- <sup>9</sup> State Report on CRC, Government of Tamil Nadu, 2000, page 6.
- <sup>10</sup> State Report on CRC, Government of Tamil Nadu, 2000, page 6.
- <sup>11</sup> Information provided by UNICEF, India
- <sup>12</sup> State Report on CRC, Government of Tamil Nadu, 2000, page 6.
- <sup>13</sup> Annual Report, 1999–2000, Department of Women and Child Development, Ministry of Human Resource Development, GOI, pp. 45–47.
- <sup>14</sup> *Economic Survey*, 1999–2000, GOI, pp. 164 & 165.