

## Information Update

1. This Periodic Report was planned for submission to the UN Committee on the Rights of the Child in 2001. Internal discussion among Ministries, constant feedback on the report and availability of new data has been a continuing challenge in the task of finalising the Report. In order to incorporate new developments, information and feedback, this additional chapter “Information Update” has been added to the report.

### Elementary Education as a Fundamental Right

Thematic Area: Education, Leisure and Cultural Activities [arts. 28, 29, 31]

2. The Directive Principle under Article 45 of the Constitution of India, lays down that the States within a period of ten years of commencement of the Constitution will provide free and compulsory education to all children until they complete 14 years of age.

3. The Government of India is completely committed to Universalisation of Elementary Education. In 1997, the 83<sup>rd</sup> Amendment Bill was introduced in Parliament to make education a fundamental right of all children between 6-14 years.

4. Subsequently, the Bill was referred to the Parliament Standing Committee on Human Resource Development. Based on the recommendation of the Parliamentary Standing Committee, advice of the Ministry of Law and suggestions of the Law Commission, The Ministry of Human Resource Development formulated the revised Constitution Amendment Bill. This Bill known as the 93<sup>rd</sup> Constitution Amendment Bill has been passed by both houses of the Parliament and is awaiting Presidential assent<sup>1</sup>.

5. The provisions laid down in the 93<sup>rd</sup> Amendment Bill are as follows:

- **Insertion of a new Article 21A**—“To provide free and compulsory education to all children of the age of 6-14 years in such a manner as the State may, by law, determine’.
- **Substitution of existing Article 45 of the Constitution**—“The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years’.

<sup>1</sup> Refer to Chapter on Action Taken on the Concluding Observation, para 57, page xxxii; Education, Leisure and Cultural Activities, Para 16, page 245. This may be read in lieu of sentence “The Government has recently ...a fundamental right”, para 21 page 245 may be considered deleted, in view of the changed current situation.

- **Insertion of the following new clause in Article 51 (A) of the Constitution relating to Fundamental duties of the Citizens—‘(k)—who is parent or guardian to provide opportunities for education to his child, or as case may be, a ward between age of 6-14 years<sup>1</sup>’.**

6. Recognising the importance of Early Childhood Care and Education, the 93<sup>rd</sup> Amendment has included an explicit provision in Article 45 of the Constitution under which the State shall endeavour to provide Early Childhood Care and Education to all children in the age group 0-6 years<sup>2</sup>.

7. The *Sarva Shiksha Abhiyan* (SSA) launched by the Government of India is the vehicle for implementing the Constitutional obligation under the 93<sup>rd</sup> Amendment Bill<sup>3</sup>.

## Education for All

Thematic Area: Education, Leisure and Cultural Activities [arts. 28, 29, 31]

8. The *Sarva Shiksha Abhiyan* is an effort to recognise the need for improving the performance of the school system and to provide community owned quality elementary education in the mission mode. It also envisages bridging of gender and social gaps. The objectives of SSA are:

- All children in the age group 6-14 years in school/Education Guarantee Scheme centre/Bridge Course by 2003.
- All children in the age group 6-14 years complete five years of primary schooling by 2007.
- All children in the age group 6-14 years complete eight years of schooling by 2010.
- Focus on elementary education of satisfactory quality with emphasis on education for life.
- Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010.
- Universal retention by 2010

9. The approach of SSA is community-owned. Village education plans prepared in consultation with Panchayati Raj Institutions will form the basic elementary education plans. The SSA will cover the entire country by 2002<sup>4</sup> with a special focus on educational needs of girls, Scheduled Castes and Scheduled tribes and other children in difficult circumstances.

10. Some of the major initiatives taken under the SSA are:

- Free textbooks are given to all girls, and there is a provision of innovative intervention for girls to the tune of Rs. 5 million per districts. Also 50 per cent of teachers selected now have to be women<sup>5</sup>.

<sup>2</sup>Refer to Chapter on Education, Leisure and Cultural Activities, Bullet 1 of Box 7.2, page 244; para 16, page 245.

<sup>3</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 21, page 245

<sup>4</sup> Refer to Chapter on General Measures of Implementation, para 14 (Bullet 1(4), page 6; This may be read in lieu of

- sentence “The 148 female districts...under the SSA”, para 4 page 242 may be considered deleted, in view of the changed current situation.
- para “Learning begins at birth...elementary education”, para 3, Box 7.7, page 272 may be considered deleted, in view of the changed current situation.
- sentence “SSA has also identified 120 districts.....programme implementation”, para 133 page 274 may be considered deleted, in view of the changed current situation.

<sup>5</sup> Refer to Chapter on General Principles, para 41, page 63

- Under SSA, a no rejection policy is being followed and there is a provision of Rs 1200/- per child for interventions for IED<sup>6</sup>.

11. The Non-Formal Education (NFE) Scheme was revised under the name “ Education Guarantee Scheme and Alternative and Innovative Education (EGS & AIE) in 2000 to improve access in education, with flexibility to cater to diverse needs of out of school children. The new scheme guarantees opening of Education Guarantee scheme schools in unreserved habitations where there are no schools within a radius of 1 km. EGS & AIE supports diversified strategies for out of school children including bridge courses, back to school camps, seasonable hostels, summer camps, mobile teachers and remedial coaching”<sup>7</sup> .

12. The Ministry of Human Resource Development has set up a National Level Mission under the Chairmanship of the Prime Minister.

13. The Ministry has released grants to the States/ Union Territories for starting preparatory activities in 24 non-DPEP districts and for upper primary in 59 DPEP Phase-I districts.

14. For implementing SSA, it is estimated that an amount of Rs 98,000 crores would be required over a period of ten years till 2010<sup>8</sup> .

15. The PAB has also approved the District Elementary Education Plans (DEEPs) of 512 districts (253 DPEP Districts and 259 non-DPEP districts) and an outlay of Rs 1106.26 crores.

16. All DPEP districts have been identified for vertical expansion of primary education towards upper primary, covering the entire elementary education stage<sup>9</sup> . The DPEP programme which was initially launched in 1994 in 42 districts of seven States, has now been extended to cover 271 districts of 18 States, namely, Assam, Haryana, Karnataka, Kerala, Maharashtra, Tamil Nadu, Madhya Pradesh, Gujarat, Himachal Pradesh, Orissa, Andhra Pradesh, West Bengal, Uttar Pradesh, Rajasthan, Chhattisgarh, Jharkhand and Uttaranchal<sup>10</sup> .

17. The Government of India, for the year 2000-2001, has increased the investment in education to 3.91 per cent of GDP<sup>11</sup> .

18. The Seventh All India Educational Survey is now being launched by the Government of India<sup>12</sup> .

19. Para 25, 26, 27 of Page 246 stands deleted since census 2001 figures are available<sup>13</sup> .

## Adoption

Thematic Area: Family Environment and Alternate Care [arts. 5, 18, para 1-2, 9-11, 19-21, 25, 27 para 4 and 39]

20. In order to ensure the Best Interests of the Child, as per Article 21 of the Convention on Rights of the Child, revised Guidelines for Adoption of India Children (1995) have been issued by the Ministry Social Justice and Empowerment, Government of India.

21. The Central Adoption Resource Agency (CARA), an autonomous body of the Ministry is responsible, for implementing these Guidelines and it works as a Clearing House of all

<sup>6</sup> Refer to Chapter on Basic Health and Welfare, para 201, page 209

<sup>7</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 155, page 278

<sup>8</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 49, page 255

<sup>9</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 133, page 274

<sup>10</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 167, page 282

<sup>11</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 41, page 252

<sup>12</sup> Refer to Chapter on General Measures of Implementation, para 48, page 16

<sup>13</sup> Refer to Chapter on Education, Leisure and Cultural Activities, para 25, 26, 27, page 246

information on all matters concerning inter-country adoption<sup>14</sup>. Certain other agencies like the Juvenile Welfare Board (JWB) and Scrutiny Agencies are also involved in the process of adoption. The JWB declares an abandoned child as legally free for adoption. The Scrutiny Agency is asked by the Court to scrutinise application of the adoptive parents before an adoption/guardianship order is issued<sup>15</sup>.

22. The main objective of CARA is to promote in-country adoption and regulate inter-country adoption. In this regard, circulars are issued by CARA to the adoption agencies and State Governments from time to time, for carrying out adoption as per the directives of the Supreme Court of India<sup>16</sup>. CARA recognises Indian adoption agencies for inter-country adoptions. It also recognises Voluntary Co-ordinating Agencies, which promote in-country adoption. The recognition is granted on the basis of recommendation of the concerned State Governments<sup>17</sup>. The Number of recognised National agencies for inter-country adoption is now 73. Similarly, 248 foreign agencies have been enlisted in more than 30 countries to sponsor inter-country adoption of Indian Children<sup>18</sup>.

23. It is encouraging to note that the number of adoptions have been increasing every year and for the year 2001 the figures are as follows<sup>ii</sup>:

In-Country Adoption	1899
Inter-Country Adoption	1298
Total	3197

Thus, the total number of adoptions that have taken place since 1995 to 2001 is as follows<sup>19</sup>:

In- Country Adoptions	11450
Inter-country Adoptions	8613
Total	20063

24. CARA has undertaken a number of initiatives to make all adoptions transparent and legal. In this regard, circulars have been issued to the State Governments to arrest the trend of private nursing homes and children placed directly from nursing homes/hospital. Through the publicity and awareness programmes of CARA and its recognised agencies, the public at large are advised to avoid any secret or private adoption and, instead, to go for legal adoption<sup>20</sup>.

25. In addition to the above, India intends to sign and ratify the Hague Convention<sup>iii</sup>.

### Infant Mortality Rate

Thematic Area: Basic Health and Welfare [arts. 6, 18 para 3, 23, 24, 26, 27 para 1-3]

26. The Ministry of Health and Family Welfare, Government of India is implementing several programmes for reduction of infant and child mortality. These initiatives have helped in bringing down the IMR from 70 to 68<sup>21</sup>. For more details please see the Table 1.

<sup>14</sup> Refer to Chapter on Family Environment and Alternate Care, para 78, page 124

<sup>15</sup> Refer to Chapter on Family Environment and Alternate Care, para 72, page 122

<sup>16</sup> Refer to Chapter on Family Environment and Alternate Care, para 77, page 124

<sup>17</sup> Refer to Chapter on Family Environment and Alternate Care, para 73, page 122

<sup>18</sup> *ibid*

<sup>19</sup> Refer to Chapter on Family Environment and Alternate Care, Table 5.1, page 122

<sup>20</sup> Refer to Chapter on Family Environment and Alternate Care, para 81, page 124

<sup>21</sup> Refer to Chapter on Basic Health and Welfare, Table 6.4, page 142. These are latest figures from Sample Registration System Bulletin, Registrar General (2001).

**Table 1: Infant Mortality Rate**

State/UT	IMR (in units)	
	1999*	2000**
Andhra Pradesh	66	65
Arunachal Pradesh	43	44
Assam	76	75
Bihar	63	62
Chhattisgarh	78	79
Delhi	31	32
Goa	21	23
Gujarat	63	62
Haryana	68	67
Himachal Pradesh	62	60
Jammu and Kashmir	NA	50
Jharkhand	71	70
Karnataka	58	57
Kerala	14	14
Madhya Pradesh	90	88
Maharashtra	48	48
Manipur	25	23
Meghalaya	56	58
Mizoram	19	21
Nagaland	NA	NA
Orissa	97	96
Pondicherry	22	23
Punjab	53	52
Rajasthan	81	79
Sikkim	49	49
Tamil Nadu	52	51
Tripura	42	41
Uttar Pradesh	84	83
Uttaranchal	52	50
West Bengal	52	51
Andaman and Nicobar Islands	25	23
Chandigarh	28	28
Dadra and Nagar Haveli	56	58
Daman and Diu	35	48
Lakshadweep	32	27
<b>India</b>	<b>70</b>	<b>68</b>

Source: \* SRS Bulletin (Vol. 35 No. 1), April 2001, Registrar General, India

\*\* SRS Bulletin (Vol. 35 No. 2), October 2001, Registrar General, India

27. The Rajnandgaon district is presently in Chhattisgarh. The State Government has taken remedial measures through alternate water supply schemes to the affected in Rajnandgaon district<sup>22</sup>.

### Crime against Children

Thematic Area: Special Protection Measures [arts. 22, 38, 39, 40, 37 (B)-(D), 32-36]

28. The “Childline Service”<sup>iv</sup> started first in Mumbai is now available in 38 cities—Ahmedabad, Allahabad, Alwar, Baroda, Bhopal, Bhubaneswar, Calicut, Chandigarh, Chennai, Cochin, Coimbatore, Cuttack, Delhi, Goa, Guwahati, Hyderabad, Indore, Jaipur, Kalyan, Kolkata, Kutch, Lucknow, Mangalore, Madurai, Mumbai, Nagpur, Patna, Pune, Puri, Ranchi, Salem, Shillong, Thiruvananthapuram, Tiruchirapalli, Udaipur, Varanasi, Vijaywada, Visakhapatnam. It is aimed to cover 60 more cities by the end of financial year 2002-03<sup>23</sup>.

29. The National Institute of Social Defence, is an autonomous body under the Ministry of Social Justice and Empowerment, Government of India<sup>24</sup>.

### Juvenile Delinquency

Thematic Area: Special Protection Measures [arts. 22, 38, 39, 40, 37 (B)-(D), 32-36]

30. The National Crime Records Bureau (N C R B), Ministry of Home Affairs, Government of India, has recently published the Crime in India, 2000<sup>v</sup>. The latest data are given under Table 2-3<sup>25</sup>.

31. The Juvenile Justice (Care and Protection of Children) Bill, 2000 has been passed by both Houses of Parliament and has now become an Act of Parliament—The Juvenile Justice (Care and Protection of Children) Act, 2000 “.

<sup>22</sup> Refer to Chapter on Basic Health and Welfare Para 168, page 196.

<sup>23</sup> Refer to Chapter on Family Environment and Alternate Care, Para 101, page 129; Special Protection Measures, para 109, page 365.

<sup>24</sup> Refer to Chapter on Special Protection Measures, para 68, page 349.

<sup>25</sup> Refer to Chapter on Special Protection Measures, Table 8.3 and 8.4, page 352.

Year	7-12 Years		12-16 Years		16-18 Years		Total
	No	%	No	%	No	%	
1999	4039	21.9	10311	55.9	4110	22.3	18460
2000	3292	18.3	11389	63.3	3301	18.4	17982

Source: Crime in India—2000, N C R B, Ministry of Home Affairs, Government of India

Crime Head	Number of Cases Reported During		Percentage Change in 2000 over 1999
	1999	2000	
Gambling Act	113	131	15.9
Excise Act	75	113	50.7
Prohibition Act	733	519	-29.2
Immoral Traffic (P) Act	75	82	9.3
Indian Railways Act	105	78	-25.7
SC/ST (Prevention of Atrocities) Act	18	25	38.9

Source: Crime in India—2000, N C R B, Ministry of Home Affairs, Government of India

## National Child Labour Projects

Thematic Area: Special Protection Measures [arts. 22, 38, 39, 40, 37 (B)-(D), 32-36]

32. The National Child Labour Projects, started by the GOI with the aim of withdrawing children from hazardous employment and ensuring their rehabilitation through education in special schools, has sanctioned 100 Child Labour Projects for rehabilitating nearly 0.21 million children in the most endemic areas and 1,89,615 have already been enrolled in the special schools<sup>vi</sup>. For more details please see Table 4.

State	Sanctioned No. of		Actual Coverage	
	Schools	Children	Schools	Children
Andhra Pradesh (22)*	975	61050	999	65541
Bihar (8)	194	12200	194	12016
Karnataka (5)	190	9500	105	5222
Madhya Pradesh (8)	237	14500	140	7408
Maharashtra (2)	74	3700	61	3184
Orissa (18)	696	39550	628	34932
Rajasthan (6)	180	9000	136	6800
Tamil Nadu (9)	425	21900	414	20654
Uttar Pradesh (11)	370	22500	307	18567
West Bengal (8)	346	17350	279	13941
Punjab (3)	107	5350	27	1350
<b>Grand Total (100)</b>	<b>3794</b>	<b>216600</b>	<b>3290</b>	<b>189615</b>

\*Figures in brackets indicate Districts.

Source: D.O. No S-27022/1/97-CL dated March 7, 2002, Ministry of Labour, Government of India

<sup>26</sup> Refer to Chapter on Special Protection Measures, Table 8.8, page 376.

33. The Government is also considering ratification of ILO Convention 182<sup>27</sup>.

### Trafficking of Children for Commercial Sexual Exploitation

Thematic Area: Special Protection Measures [arts. 22, 38, 39, 40, 37 (B)-(D), 32-36]

34. India has signed the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution on 5th January 2002. As a signatory, India has committed itself to cooperation with member states in order to implement the Convention.

35. The Government of India has, in December 2001, launched a scheme called Swadhar for recovery and reintegration of trafficked victims. The scheme is meant for women in difficult circumstances, including women and children rescued from trafficking. It provides the funds for the immediate shelter of rescued victims, counselling, social and economic rehabilitation through education and skill upgradation, medical and legal support. This holistic programme is implemented in partnership with NGOs.

36. To combat the trafficking of women and children for commercial sexual exploitation, the Department of Women and Child Development has formulated Grant in Aid Schemes addressing the issue of trafficking, with specific need based focus on prevention at source areas and rescue and rehabilitation at destination areas. The project for prevention at source areas emphasises the empowerment of the girl child and women through awareness generation, education and vocational training, poverty alleviation, micro credit schemes through women's groups and self-help groups and the involvement of Panchayats, the grassroots democratic institutions. In destination areas, the emphasis is on rescue and rehabilitation. These schemes are implemented in partnership with the NGOs.

37. The response to the Swadhar and Grant in Aid schemes has been very positive. So far eleven projects catering to the needs of 565 rescued women at a total of over Rs 2 crores have been sanctioned. Projects to the tune of Rs 15 crores are under process at various stages for sanction.

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*The preparation of this report has been guided by the participation and information supplied from related Ministries of the GOI, from State Governments, NGOs and experts, from citizens and children. Other than from Governmental sources, data from a vast array of Non-Governmental sources and from international organizations, has been incorporated, so as to make the Report as comprehensive and broad based as possible. However, these inclusions should not be understood as authentication of the same.*

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<sup>27</sup> Refer to Chapter on General Measures of Implementation, para 3, page 3.

*Endnotes:*

- i D O No F. 12-11/2002-EE dated 6.6.2002, Department of Elementary Education and Literacy, Ministry of Human Resource Development, Government of India
- ii D O No 5-3/2001-SD (CW) dated 1.10.2002, Ministry for Social Justice and Empowerment, Government of India
- iii *ibid*
- iv *ibid*
- v Crime in India—2000, N C R B, Ministry of Home Affairs, Government of India
- vi India Report, UN General Assembly Special Session on Children, May 2002, Department of Women and Child Development, Ministry of Human Resource Development, Government of India, page 34