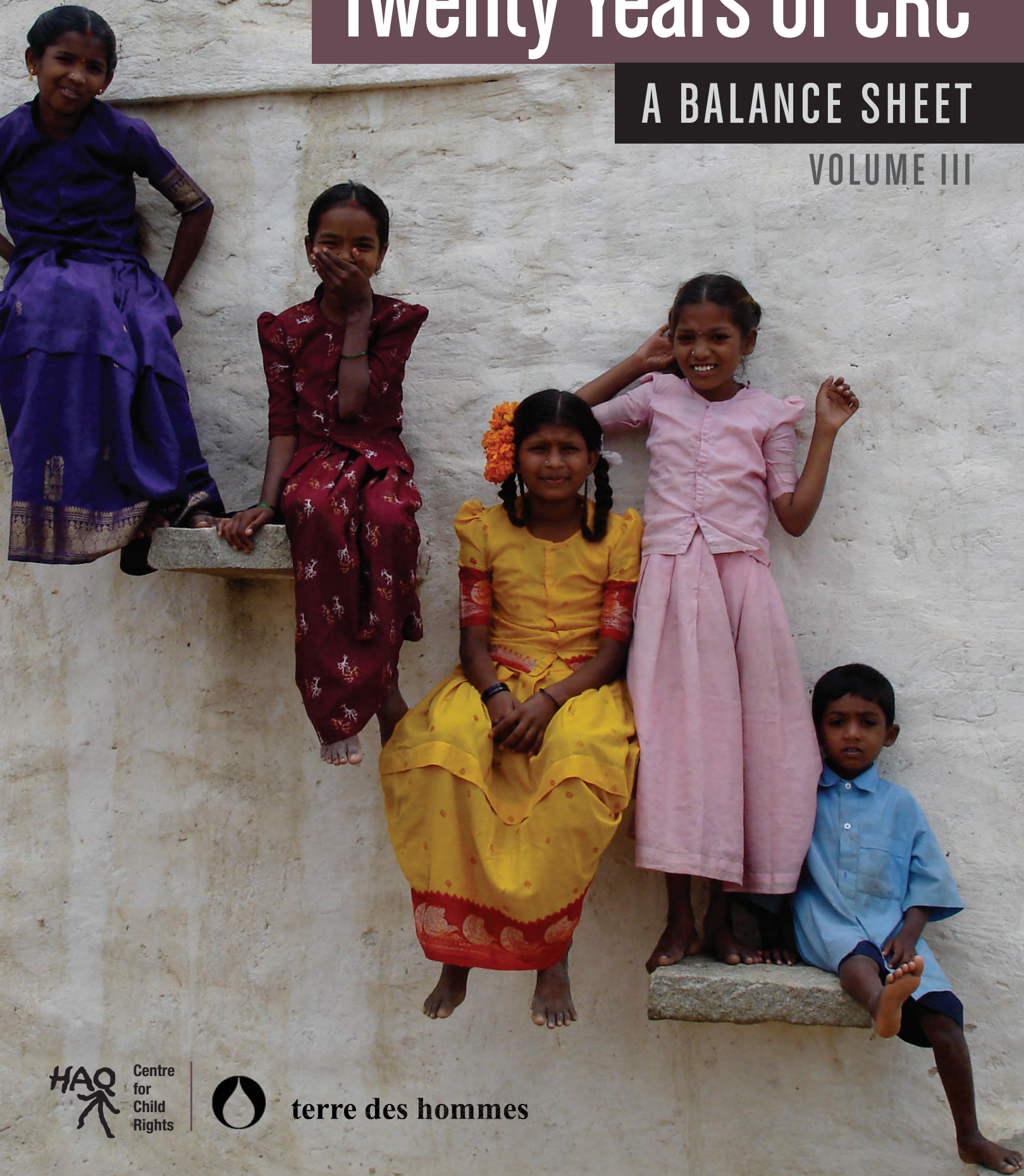


Twenty Years of CRC

A BALANCE SHEET

VOLUME III



Twenty Years of CRC

A Balance Sheet

Volume III

HAQ: Centre for Child Rights 2011

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FOREWORD

The Report "Twenty Years of CRC: A Balance Sheet" is an indispensable document for policy makers, professionals and experts, activists and the civil society, scholars in the field of protection of children and child rights. Covering a span of two decades, the volume is a rich resource with both qualitative and quantitative data on the status of children in India from authentic and established sources.

It also gives a balanced review and analysis of the implementation of the laws, policies and programmes designed for children, and makes an assessment in relation to the UN Convention on the Rights of the Child.

The report carries an optimistic tenor reflecting on some progressive legislation that came about in the last two decades, such as the 'Right of Children to Free and Compulsory Education' Act 2009, which made education a fundamental right; the series of pronouncements of the judiciary that propelled provisioning of hot cooked meal at the Anganwadi centres, schools making access to food entitlements a basic right; the Integrated Child Protection Scheme that has elements of decentralisation through a network of structures and processes from the ground, block and state level to protect every child – all based on a child rights perspective with emphasis on State obligation and principles of universality, equity and justice, moving away from charity.

The data that shows some improvement in the status of children indicates the efforts of officials, and efficient structures and processes that make the system work. It shows the movement from Statelessness to availability of State support, from deficit childhood to childhood being fulfilled and more importantly, the triumph of dignity of the child.

Yet the failure of the State to meet the constitutional obligations are warning signals that it would be disastrous for children if no action is taken with a sense of urgency and immediacy. The report brings out some disturbing facts and shows the innumerable hurdles and barriers children are to overcome to access their rights, the unfinished tasks and the failure of the State to protect children.

Resulting from a nation-wide consultative process and endorsed by over 350 organisations and children from all parts of the country, it calls for serious attention.

(Shantha Sinha)

Introduction to Twenty Years of CRC – A Balance Sheet

Children have only recently come on to the Human Rights agenda. Traditionally, they have not been treated as a separate group but were regarded merely as a residual category. They were thought of merely as an extension or property of their parents. Children did not enjoy any special protection or benefits in medieval times. Even in the landmark French Declaration of Rights of Man in 1780 the question of children's rights did not find any mention. The industrial revolution did not make much of a difference. Children continued to be lumped together with adults in the world of work and toil. "As the industrialisation process progressed, children were moved from mills to factories and mines, where conditions were often even worse".* However a concern for childhood began to grow towards the end of 19th century. Ellen Key, in a book, entitled, *The Century of the child*, prophesised that the forth coming century would be the 'century of the child'.** This prophecy appears to have been fulfilled by the adoption of the Convention of the Rights of the Child (CRC) by the UN General Assembly in 1989.

Thus, during the course of this century, a universal concern for childhood has grown along side the ideas of human rights. Human rights are today understood not only in the form of the individual civil and political rights within a nation state, but also in terms of social, economic and cultural rights. The United Nations Organisation has in fact established an international community which sets up ideal standards to be laid down in many matters including the treatment of children. According to Sieghart: "How a sovereign state treats its own citizens is no longer a matter for its own exclusive determination but a legitimate concern for all other states and their inhabitants". Thus the concern for children which initially started as part of the concern for the future of individual nation states, has spilled over the boundaries of the nation states and become a universal concern. This will be further borne out while going through the whole process of the evolution of the Convention on the Rights of the Child (CRC).

It is in this context, that one can safely say, that of the various steps taken in the protection and interest of the child, the most significant one was the "Declaration of Geneva" which was promulgated in 1924 by the "Save the Children Fund International Union". This declaration put forward 5 basic principles of child welfare and protection. The League of Nations endorsed this declaration in the same year. Then came the devastating Second World War after which the United Nations (UN) was set up on 24th October 1945. This Declaration of Geneva was further revised and extended in 1948 and in 1959 by the UN Declaration on the Rights of the Child and adopted unanimously by the General Assembly of the United Nations (20th November 1959).

*Joel Bakan, *Childhood Under Siege*, Published by The Bodley Head, 2011, Chapter 1, p 8.

**Ellen Key, *The Century of the Child*, New York: GP Putnam's Sons, 1990, Cited in Cunningham, *Children and Childhood*, p 163.

What exactly is the difference between Declarations and Conventions? Declarations are certain general principles put forward as guide lines. These have no binding force. Technically these are known as “soft laws” whereas Conventions are binding. Conventions which have been ratified by those party to it, become a legal instrument. These are known as “hard laws”. Hence though the Declaration on the Rights of the Child was unanimously accepted by the UN General Assembly in 1959 it had no legal binding on the member states. Hence, the movement towards the Convention on the Rights of the Child. This does not mean that there have been no binding instruments on the international community of nations as far as the Rights of the Children were concerned. There have been ‘the Red Cross Geneva Convention’, ‘the ILO Convention’, ‘the International Covenants of Civilisation and Political Rights on Economic, Social and Cultural Rights’, etc, which have relevance to the situation of children. Further there have been ‘Standard minimum rules for the treatment of prisoners’, ‘the principles of medical ethics’, etc, which are not binding. All these may have specific references to the child but they have been spread out in different documents and have not been codified. Further these references did not take the specific situations of the child into consideration. All these were a mixture of “hard” and “soft” laws and not easily complied with or enforced.

The Universal Declaration on Human Rights was adopted in 1948. Children’s Rights are an integral part of this declaration but as the situation of children is specific, protection of the rights of the Children also called for a specific international convention which was binding on the parties to the convention.

It was the Government of Poland which first proposed such a convention on the Rights of the Child on the eve of the International Year of the child i.e. in 1978. This initiative provided an opportunity and impetus to define more clearly and to harmonise Human Rights standards for children. This proposal was not meant to replace the Declaration on the Rights of the Child of 1959 but to supplement it. It was meant to make at least part of the declaration on the rights of the child, binding on the member states.

However, this proposal was not easily accepted by the members of the United Nations. Some argued that it was not necessary because there already existed a declaration on the Rights of the Child and others argued that the Rights of the Children were also protected by the Universal Declaration on Human Rights and the other International Covenants etc. but finally the supporters of the idea of the convention succeeded in dispelling the hesitations and in taking the project forward. Hence a working group, set up to review the UN Commission on Human Rights in 1979, reviewed the text proposed by the Polish Government. The working group was called “Working Group” on the question of a Convention on the Rights of a Child. It consisted of members from 43 member states. The delegates from other member states also could attend as observers. Non-Governmental Organisations (NGOs) in consultative status with the UN Economic and Social Council could also be represented. The working group meetings were open to the public.

Several NGOs reacted to the Polish proposal for the draft convention. A few of them played a very active role but as the NGO involvement was rather sporadic, a consultation was organised for interested organisations and an *ad hoc* NGO group on the draft of the convention was set up. This group met twice a year and unified the NGO proposal to the UN working group. The contribution of the NGOs have been significant and the UN working group has sometimes taken the entire article proposed by the NGO *ad hoc* group. The NGO *ad hoc* group also worked in collaboration with UNICEF.

Once the working group adopted the first draft of these three sections, the entire text was reviewed to remove any contradictions that might have been there. The text also was standardised in the terminology of international legal usage. It was then put before the Commission on Human Rights, which after approval sent it to the UN Economic and Social Council. This Council presented it to the UN Assembly.

Thus in November 1989 at the 44th session of the United Nations, the member states were asked to vote for this historic convention on the Rights of the Child. The Convention was designed to elevate the nations' political and humanitarian obligations towards their children. The commitments to the protection of children which were scattered through more than 80 International Treaties and Declarations since the days of the League of Nations (a 60 year period) have been codified and upgraded through this convention. The existing standards have been modified and consolidated and a range of relatively new issues of importance have been included. This is a comprehensive Human Rights Convention focusing on the special needs and situation of children. The convention required an active decision from the individual states to ratify them. A mechanism of monitoring was included in the convention.

The convention recognises the special vulnerability of children and addresses their civil, political, economic, social and cultural rights as elements of inter dependent or mutually reinforcing set of provisions. The rights of survival, development, protection and participation are recognised as basic human rights of children. The right to survival includes adequate living standards and access to medical services.

The right to development includes access to information, education, play and leisure, cultural activities and the right to freedom of thought, conscience and religion. The right to protection, apart from embracing the above also covers all forms of exploitation and cruelty, arbitration, separation from family and abuses in the criminal justice system. Participation rights include the freedom to express opinions in matters affecting ones' own life and the right to play an active role in the society at large.

The other problems addressed by the convention are problems of refugee children, sexual and other forms of child exploitation, drug abuse, children in trouble with the law, inter country adoptions, children in armed conflicts, disabled children and the children of minority and indigenous groups.

The primary underlining principle of the convention is the 'best interest of the child'. It states that the child's own opinion shall be given due regard. The child is regarded as an individual with needs which evolve with age and maturity.

The convention recognises the importance of the family as the primary social group. However, here also the primary concern of the convention is the interest of the child in question. If the interest of the child calls for its separation from the family, the convention allows it. The child has the right to protection even against familial abuse. The convention recognises adoptions as an alternative solution if the child is deprived of family environment. However, it puts the obligation on the member state to have standard safeguards in the child's own interest against both domestic and inter-country adoptions. It regulates that no improper financial gain should be involved in the inter-country adoption process.

The convention recognises the child's right to protection from economic exploitation and from performing work that is likely to be hazardous or to interfere with the child's education. The child is further protected against sexual abuse. The child has a right to express his or her views and the state parties are obliged to give due regard to the same. The state parties are further required to respect the right of the child to freedom of thought, conscience and religion. The convention lays down the state's obligation to ensure the survival and development of every child. This means that the states are legally bound to do everything possible to prevent child mortality and disability.

The states which agree to observe the convention will report to a committee on the steps they have taken to comply with it. The convention requires the states to ensure that the principles of the provisions of the

convention would be widely known and to see that their reports in the committee on the rights of the child are made public. The convention would become an International Law when twenty nations had ratified it.

One of the special features of this convention is the recognition of children's right of choice. It allows them to have a voice in decisions made for their protection and welfare. The 1959 Declaration did not include this. Another significant feature is the extra-ordinary involvement of Non-governmental organisations in the entire process of preparing the draft, deliberating on them etc. The assertion that the "best interest of the child" shall be a primary consideration" in all actions concerning children is another significant feature.

The convention became a law on the 2nd September 1990 only nine months after it was approved unanimously by the UN General Assembly. It is reported that no other human rights convention has become a law so quickly. By the time of the World Summit for children in 1990 fifty nations had ratified the Convention on the Rights of the Child and a further seventy-eight signed their intention of becoming parties when their governments completed the ratification procedures.

The two decades after the adoption of CRC by UN General body and the subsequent ratification of it by many countries including India, also happen to be the two decades of a new economic paradigm becoming dominant. This is the decade in which the neo-liberal economic tenets which started with Ronald Reagan and Margaret Thatcher in the nineteen eighties, took firm root all over the world. The core idea of the paradigm that free markets are the most effective way to achieve the greatest public good for society and individuals, began to be practiced aggressively. Free market economy, liberalisation of trade and privatisation were the three pillars of globalisation which became a purely economic globalisation and resulted mainly in the penetration of financial capital into all regions and sectors. Consequently the priority of children's wellbeing and acting on the basis of the 'best interest of the child' was relegated to the background. It was as if there were conflicts of interest between two sets of legal persons, the children on the one hand and the corporations on the other. The interests of the corporations were promoted and those of children neglected.

Ever since the adoption of the CRC, Governments, International organisations, Civil Society organisations and social movements have all struggled to bring the articles of the convention into reality.

Numerous actors have engaged passionately in such efforts. Twenty years after the CRC came into existence, seemed to be an appropriate time to pause and review the situation.

Tdh Germany too shared these concerns. Hence the idea of the "Twenty Years Audit" emerged from a common meeting of elected representatives of tdh partner organisation from four continents, as well as tdh members and colleagues, during the delegates conference of 2009 – the resolution was introduced by delegates from India and was passed as follows:

"Be it resolved that Terre des hommes Germany starts an international AUDIT on the implementation of child rights in all project countries including Germany and elsewhere in Europe on the occasion of the 20th anniversary of the UN Convention on the rights of the child (20th November 2009). The central message of the AUDIT: governments have not kept their promises. Terre des hommes presses the governments at the national and international levels to grant the children their (the Human) rights which are their due. The necessary financial resources that have been promised must be actually made available. The audit is planned to last until the end of the year 2010. It will conclude by enlisting specific issues for campaign and advocacy. Until the 25th anniversary of UNCRC there will be campaigns in the Project regions and Germany."

Subsequently the proposed audit process was undertaken in India through setting up of a Steering Committee and an Organising Committee. HAQ Centre for Child Rights agreed to coordinate and anchor the whole

study and audit process. The process has been extensive and engaging. Draft versions of different chapters were prepared and introduced to meetings of partner and other organisations working on child rights in different regions. Inputs from all these meetings were incorporated and further discussed with experts and activists through focus group discussions and the final draft was presented to a national consultation in Delhi. Children too were consulted. The whole exercise has been done with a sense of 'common but differentiated' responsibility of the governments and other actors, all duty holders in realizing the rights of children. The report acknowledges the efforts and achievements, but at the same time records the deficit, as in a balance sheet. It is hoped the same will motivate all duty bearers like the government, the parents and civil society organisations in a more engaged and focused attempt to realise the 'best interest of child' in all senses.

This principle of 'best interest of the child' together with other guiding principles CRC would lead us to recognise even more areas of rights of children which need to be asserted, for example ecological rights of children.

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Acronyms

AIDS	Acquired Immunodeficiency Syndrome
BCG	Bacillus Calmette Guerin
CARA	Central Adoption Resource Authority
CHC	Community Health Centre
CLPRA	Child Labour (Prohibition and Regulation) Act
CMR	Child Mortality Rate
CRC	Cluster Resource Centre
CRC	Convention on the Rights of the Child
CrPC	Criminal Procedure Code
CWC	Child Welfare Committee
DISE	District Information System for Education
DPT	Diphtheria Tetanus and Petrusis
ECCE	Early Childhood Care and Education
EFA	Education for All
FDI	Foreign Development Index
FEMA	Foreign Exchange Maintenance Act
FERA	Foreign Exchange Regulation Act
FYP	Five Year Plan
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICPD	International Conference on Population Development
ICPS	Integrated Child Protection Scheme
ILO	International Labour Organization
IMR	Infant Mortality Rate
IPC	Indian Penal Code
JJ Act	Juvenile Justice Act
JJ	Juvenile Justice
JJB	Juvenile Justice Board
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LBW	Low Birth Weight
MDMS	Mid-day Meal Scheme
MFIs	Micro Finance Institutions
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MHRD	Ministry of Human Resource Development
MWCD	Ministry of Women and Child Development
NCERT	National Council for Educational Research and Training
NCRB	National Crime Records Bureau

NFHS	National Family Health Survey
NGO	Non-Governmental Organisation
NHP	National Health Policy
NIPCCD	National Institute of Public Cooperation and Child Development
NISD	National Institute of Social Defence
NMR	Neo-natal Mortality Rate
NPAC	National Plan of Action for Children
NPE	National Policy for Education
NPEGEL	National Programme for Education of Girls at Elementary Level
NPEW	National Policy for Empowerment of Women
NREGA	National Rural Employment Guarantee Act
NRHM	National Rural Health Mission
NSSO	National Sample Survey Organisation
ORGI	Office of the Registrar General of India
ORS	Oral Rehydration Solution/Salts
ORT	Oral Rehydration Therapy
PC&PNDT	Pre-conception and Pre-natal Diagnostic Techniques
PHC	Primary Health Centre
PPCTC	Prevention of Parent to Child Transmission
RBD	Registration of Births and Deaths
RBI	Reserve Bank of India
RCH	Reproductive Child Health
RTE	Right to Education
RTI	Right to Information
SAARC	South Asian Association for Regional Cooperation
SC	Scheduled Caste
SSA	Sarva Shiksha Abhiyan
ST	Scheduled Tribe
\$	Dollar (United States)
UNAIDS	Joint United Nations Programme on AIDS
UNDCP	United Nations Drug Control Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UT	Union Territory
v	versus
WHO	World Health Organization
yrs	years

Twenty Years of CRC – A Balance Sheet (CRC 20 BS)

Introduction

Globally, the last two decades have witnessed a rapid change in the economic and political conditions. Amidst many social, economic and political upheavals suffered by the world at large, India has emerged as a powerful nation with a GDP growth rate increasing from 1.3 percent in 1991-92 to 8.5 percent in 2010. Embarking upon a new era of development, based largely on its neo-liberal economic policies and the structural adjustment programme, India has indeed become a strong player in the global market. The question however is, and should be, about development for whom and growth at whose cost?

In 2011, the nation reported a record 55 billionaires, half a dozen more than it had in 2010. The combined fortune of India's wealthiest citizens is reported to be \$246.5 billion, a good notch above last year's collective total of \$222.1 billion. On the other hand, the level of poverty has increased manifold, leaving more and more people out of the social security and safety net. Children indeed no longer seem to be the wealth of the nation with India scoring a high in the world on malnutrition, child labour, child sexual abuse and other child rights indicators. These stark contradictions need to be corrected without further delay.

A close scrutiny of the changes that have taken place in the last twenty years in India's socio-economic, political and cultural situation reveals a rather dismal saga of increased deprivations and adverse impact on people's life, including children. Despite being a strong economy, the benefits seem far from the poor. In fact, the gap between the rich and the poor has only widened more than ever before. Children's issues cannot be seen in isolation and therefore need to be viewed in this backdrop.

The last two decades have also been a period of nations coming together to commit themselves to protecting people's human rights. Ratification of the Convention on the Rights of the Child in 1992 was one such step taken by India. Global recognition for ensuring people their basic human rights has come about as a result of a social uprising against development policies that have been unfair to large sections of the population. What is remarkable is that children were not left out of these developments. For countries that recognise the importance and significance of children's rights as part of their concern for national security, it is time to take stock of commitments made to children and their realisation.

1 Convention on the Rights of the Child: Where do we stand after twenty years?

In this volume an attempt has been made to take stock of implementation of India's international commitments to children since ratification of the Convention on the Rights of the Child in 1992. Volume I of the report presented the changes in India's socio-economic, political and cultural context. Volume II concentrated on implementation of the Convention and Volume III puts out a balance sheet based on the first two volumes, along with the way forward.

1A The Balance Sheet

1A.1 Socio-Economic, Political and Cultural Context

1991 onwards, country's economic policies witnessed a paradigm shift towards liberalisation and privatisation. At the political front, there has been a shift from a two party arrangement to a complex coalition of political parties forming the government at both national and state level. New social movements sprung up with strengthening of the voices of various oppressed sections, backward castes, *dalits*, tribals, minorities, women and children. The balance sheet on the socio-economic, political and cultural changes in itself is a warning signal as can be seen in Table 1.

Table1: Impact of Changing Social, Economic and Political Situation

Credit	Debit	Final Balance (–)
<ol style="list-style-type: none"> Strong GDP growth from 1.3% in 1991-92 to about 8.5% in 2010 Rapid growth in the sectors of construction, transport, communications, finance, and real estate Increase in trade and high value added financial or IT enabled services Improved labour productivity 36 new "dollar billionaires" during 2004-2009 with the current figure rising to 55 Large foreign direct investment (FDI) inflow in the past two decades expected to bring in both new capital and technology and to improve the Balance of Payments position Growth of micro-finance institutions (MFIs) 	<ol style="list-style-type: none"> Decline in contribution of agriculture to the GDP. Decline in public investment in agriculture Decline in Rural Development Expenditure Sharp fall in food grain availability while food grains rot in the godowns. Redefined loan policies by banks in favour of large institutional borrowers No state control over industrial production due to de-control and de-reservation in all sectors Disinvestment in public sector Minimal regulation on banking and insurance sector opening up to the private and foreign capital Relaxation in FERA and FEMA resulting in acquisition of Indian companies by foreign firms 	<ol style="list-style-type: none"> India ranks 94th of 119 countries in the Global Hunger Index Agrarian Crisis Increase in rural poverty Decline in annual per capita consumption of foodgrains comparable to levels prevalent in the Second World War period Increase in food insecurity and malnutrition Indebtedness Farmer Suicides Collapse of employment generation and increase in rural unemployment - Job loss and job less growth Migration Increased displacement due to private mining Increase in the unorganised sector with no social security for the workers Employment-intensive small scale and cottage manufacturing sectors are pushed out

Credit	Debit	Final Balance (–)
8. Launching of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)	10. High net foreign exchange outflow on account of greater imports as well as disbursal of technical fees, royalties, etc. to the FDI-dominated companies	13. Cut in social sector expenditure, including food and fertiliser subsidies to keep the fiscal deficit in control
9. Launching of Jawaharlal Nehru National Urban Renewal Mission (JNNURM)	11. Proportion of direct taxes to GDP worse than that in the sub-Saharan Africa	14. Benefits of social sector programmes and schemes get restricted to ‘target’ groups or rest on conditionalities
10. Launching of the National Rural Health Mission (NRHM)	12. State governments entering into agreements for loans and grants directly from international financial institutions as central government decides to fund states on the condition that they “control” their fiscal deficits	15. Privatisation of basic services and programmes and schemes, with no public control or accountability, and no guarantee of continued funding and quality of services
11. Huge food stocks	13. India gives up its historical process patent regime for product patents as a result of signing the TRIPS (Trade Related Intellectual Property Rights framework)	16. Faulty criteria for poverty enumeration leading to exclusion of the most needy from public benefits
12. Growth of internet and satellite leading to exposure to new thoughts and ideas and opportunities for cultural exchanges	14. MFIs are not regulated by RBI	17. Increase in number of urban poor
13. Rising assertion of the oppressed groups	15. Inflows of speculative investments	18. Increase in the number of ecological refugees
14. Rise of issue-based “networks”	16. Restrictions on recruitment in public sector organisations	19. Equality, liberty, and fraternity are slowly being replaced by cultural relativism
15. Attempt made towards transparency and accountability in governance with the enactment of the Right to Information Act 2005	17. Weak and ineffectual machinery to enforce labour laws	20. Obscurantism is permitted in the name of ethnicity
16. Advent of coalition politics	18. MGNREGS limited in providing only 100 days of work per nuclear household in a year and marred by poor implementation	21. “Work ethic” is gradually replaced by a “get rich quick” value system
17. Rise of regional parties with their own distinct identities	19. Proportion of the population below the poverty line enumerated without taking into consideration basic needs such as health, education, housing, etc.	22. Rise in corruption
18. Enactment of new laws, amendment of existing ones, formulation of new policies and schemes, establishment of some institutional mechanisms and protective structures and institutions and investment in training, capacity building and campaigns and awareness drives	20. Systematic whittling down and dismantling of the Public Distribution System (PDS) for food	23. Increased vulnerability of children, denial and violation of their rights
19. Increased Judicial Activism	21. Increasing privatisation of education and health and minimal regulation and control over private service providers	24. Children make up 40 percent of the poor
20. Shift in perspective from a traditional “welfare” to the “rights-based approach”		25. Children of migrating parents grow up without critical parental support and forced into grave insecurity, hardship, lack of permanent schooling, immunisation, and other critical health services
		26. High levels of malnutrition and acute undernutrition amongst children
		27. Morbidity and mortality remain unacceptably high
		28. Education system breeds inequalities
		29. Increase in sex selective abortions, female foeticide, child labour and child marriages despite prohibition in law

Credit	Debit	Final Balance (–)
	<p>22. Total public expenditure on education has not crossed 4 percent of total GDP</p> <p>23. Government schools are starved of funds</p> <p>24. Extremely low public health expenditure on health care facilities</p> <p>25. Health insurance schemes such as the Rashtriya Swasthya Bima Yojana come with expenditure ceilings and many exclusionary clauses</p> <p>26. No control over pharmaceutical companies either</p> <p>27. Public expenditure on child protection issues is the lowest</p> <p>28. Implementation of laws is poor</p> <p>29. Unchecked growth of private media</p> <p>30. Rise in the influence of fundamentalist forces within all communities</p> <p>31. Politics of identity in terms of caste, ethnicity, region, community, religion, etc. is gaining over politics of the people</p> <p>32. No fundamental differences between the political parties on the economic policies</p> <p>33. State repression against opposition to corporate acquisition of land and other public and natural resources</p> <p>34. Role of trade unions and peasant organisations has declined</p>	<p>30. Shift in child labour from agriculture and allied sectors to manufacturing and other non-agricultural sectors</p> <p>31. Growing demand for child workers in cotton hybrid seeds and such other commercial forms of agricultural activities</p> <p>32. Increased exploitation of children due to promotion and unchecked growth of tourism, IT, hospitality and entertainment sector</p> <p>33. Large scale trafficking of children</p> <p>34. Religious assertion is sought to be established through many symbols and rituals that involve young children</p> <p>35. Girls face honour killings for exercising their choice</p> <p>36. Laws do not have a deterrent effect</p> <p>37. Protecting young children from the onslaught of fundamentalist ideology becomes a real challenge</p>

1A.2 Changes in the status of India's Children: Then and Now

India has emerged fairly strong in strengthening and improving its 'General Measures of Implementation' for ensuring children's rights. This however, has been more in terms of formulation of new laws, some amendments to the existing ones, a few new policies and creation of institutional mechanisms such as creation of a full-fledged Ministry of Women and Child Development in 2006 and the National Commission for Protection of Child Rights in 2007 followed by 12 State Commissions.

There has been a spurt in legal reform. Several laws for persons with disability came into existence between 1992 and 1995 impacting children as much as adults with disabilities. In 2002, education became a fundamental rights for children aged 6-14 years followed by enactment of the Right of Children to Free and Compulsory Education in 2009. For the first time, in 2002, early childhood care and development too found space in the Constitution of India under Article 45 as a directive principle of state policy. The Commission for the Protection of Child Rights Act was enacted in 2005 and the Prohibition of Child Marriages Act in 2006. The juvenile justice law of 1986 was repealed in 2000 and then amended in 2006 as an attempt to bring it in conformity with the international law and principles of diversion and restorative justice. New rules were accordingly framed by the Central Government in 2007. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was amended in 2003 to become Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PC&PNDT Act), laying down provisions to cover pre-conception sex selection and providing for better monitoring and action against the erring persons. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act of 1992 was also amended in 2003, banning advertisement of baby food and providing for punishments.

Several laws for persons with disability came into existence between 1992 and 1995 - The Rehabilitation Council of India Act, 1992, The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

Several amendments were brought about in the criminal legislation, particularly the Criminal Code of Procedure and the Indian Evidence Act to provide protection for victims of rape in the course of investigation, medical examination and trial.

Judicial activism has led to interventions in the area of guardianship, recognising mother too as a natural guardian; right to education; right to food and adequate nutrition for children; protection of victims of child sexual abuse and witness assistance; and juvenile justice to list a few.

In the area of personal laws, judicial activism led to equal property rights for Hindu women. A civil law was enacted to ensure maintenance and protection to women who were victims of domestic violence and their children.

A Children's Bill of Rights based on the rights contained in the Convention on the Rights of the Child was introduced in the class VIII social science text book of NCERT in 2010.

The National Plan of Action for Children, 2005 ensured a renewed commitment to implementing children's rights and for the first time recognised and provided for the rights of all persons below the age of 18 years.

A separate budget statement on children has become part of the Finance Bill presented in and passed by the Parliament every year.

Increased investments have been made towards universalisation of the Integrated Child Development Services Scheme to cater to the needs of the 0-6 year olds.

Many programmes and schemes were launched for empowerment of the girl child and several states have taken an initiative in this regard besides the Centre initiating conditional cash transfers and schemes for empowering adolescent girls as well as improving their nutrition levels. Education scholarships have been introduced for children belonging to the scheduled castes, scheduled tribes and minorities.

There is a special component in all programmes and schemes for the North-Eastern states.

Training programmes and their scope has widened to include children's rights and their realisation for all service providers.

Government's cooperation with NGOs has witnessed a change as more and more NGOs get drawn into processes of consultation and the expertise of NGOs is being relied upon for meeting not just the training needs but also policy making and planning.

Yet what is lacking is a uniform definition of the 'child' in our policy and legal documents and an over-arching policy framework. Although the 1974 National Policy for Children is strong and still holds good, there is an urgent need to revise it and lay down a policy framework that would guide formulation of laws, programmes and other actions.

There is also a general feeling of need for greater transparency and accountability, improved governance and child-centric governance as many goals and commitments to children contained in policies and plans remain unmet or have not been achieved fully. *Despite children's rights being addressed through 57 laws and 60 legal provisions contained in the Indian penal Code (IPC), the Code of Criminal Procedure (CrPC) and the Indian Evidence Act, 9 policy documents, many goals and targets set out under the five year plans (FYPs), 73 central government's budgeted programmes and schemes from 9 Ministries, a National Commission for Protection of Child Rights and 12 State Commissions, poor implementation of these renders all efforts ineffective.*

An assessment of progress made against eight major indicators viz. birth registration, child sex ratio, child marriage, child labour, health, education, violence and crimes by children presents a dismal state of affairs. Not only is it apparent that some of the goals have been shifting, most do not set out specific targets, and the ones that do are far from meeting those targets.

100 percent registration of births, deaths and marriages was the goal in 2000, 2005 and even today under different plans and policy documents. We have crossed the deadline for ensuring this by 2010. About 25 percent births remain unregistered if the 2007 ORGI figure of 74.5 percent registration of births is to be relied upon. On the other hand are targeted schemes for children such as the Ladli Yojana and other such conditional cash transfer schemes, which cannot be accessed by the most needy for lack of a birth certificate and proof of residence. School admissions are not possible and children in conflict with law are found languishing in adult jails for want of age proof. These are just a few problems. Lack of right to name and nationality implies denial of every other right.

The Ninth Five Year Plan target of reducing IMR to below 60 per thousand live births by 2002 was very wisely revised in the National Health Policy, 2002 and subsequently in the National Plan of Action for Children, 2005 to half the number. But when the Tenth Plan target of reducing IMR to 45 by 2010 and 28 by 2012 could not be met, the Eleventh plan retained the ambition of IMR reduction to 28 and did not set a deadline for it.

The Ninth Plan was very ambitious with under-5 mortality rate reduction goals too as it aimed at a reduction in child mortality to below 10 by 2002, considering that NFHS 1 showed a Child Mortality Rate (CMR) of 109 in 1992-93.

Deadline for elimination of child labour from hazardous sectors by 2007 and mainstreaming rescued children through education by 2012 is far from being met as more and more children join the informal workforce. While it may be argued that child labour figures have increased due to additions to the list of hazardous occupations and processes in which child labour is banned, it is important to remember that many children who were earlier found working in factories and got enumerated in the child labour surveys have become invisible as they shifted to households and other informal locations.

Even twenty years after ratification of the CRC we are not ready to remove the declaration made on Article 32 of the Convention regarding progressive elimination of child labour. Increase in child labour from 11.26 million in 1991 to 12.66 million in 2001 in fact shows progressive increase in incidence of child labour than its elimination.

Programmes for strengthening families are limited to family counselling under the flagship Integrated Child Protection Scheme (ICPS), which too has not taken off the ground and has no earmarked budget for family strengthening programmes.

Tribal children and children in conflict areas fair poor on all indicators.

Discrimination in the realisation of children's rights persists at various levels. For example, on many family matters such as adoption, custody and marriage, personal laws continue to apply, allowing violation of human rights of some children while some others get a better deal. Even the right to family environment cannot be met for all orphaned and abandoned children in the absence of a uniform and secular law on adoption.

While the CRC mandates consultations with children in the decisions concerning them, this is rare and negligible when it comes to law making and designing policies and programmes. In fact even engagement with other civil society actors has witnessed ups and downs and has not always been a transparent process.

Crimes against children often do not get reported and what is available by way of crime data is very inadequate. Increase in crimes against children, especially rape and kidnapping is phenomenal. On the other hand, the National Crime Record Bureau's (NCRB's) crimes against children data lacks information on cases registered under the PC&PNDT Act and the Child Labour (Prohibition and Regulation) Act (CLPRA), as the police is not the direct investigating agency in these matters and they do not get accounted for or treated as a 'crime'.

For most protection indicators, there are no specific targets and timelines to the goals laid out. Moreover, the goals are too general in the way they are worded and hence monitoring or assessing progress becomes difficult. One of the major reasons for not having specific targets is indeed lack of data on children at risk and in need of protection.

The only two goals under the child protection category that the government can claim to have achieved to some extent are:

- Widening the scope of the juvenile justice act with requisite infrastructural support of various statutory institutions in rehabilitating children who come in conflict with the law
- Formulation of the National Children's Charter, the National Plan of Action for Children, 2005 and the establishment of the National Commission for Protection of Child Rights.

Here too the fact remains that while the scope of juvenile justice act has widened, requisite infrastructure is still not in place for rehabilitation of children in conflict with the law. Similarly, while there is National Commission for Protection of Child Rights, it has never been a full Commission; lacks in infrastructure, staff and resources; and, has come into question on the lack of transparency in the selection of the members to the Commission.

While the rate of chargesheeting the accused persons in matters relating to crimes against children has gone up marginally, the rate of conviction has gone down and hence ends of justice stand defeated.

The goal under the National Plan of Action for Children, 2005 to develop new laws and strengthen the existing ones to deal with child sexual abuse cannot be seen as an achieved goal as the Protection of Children against Sexual Offences Bill is yet to become a law.

Both education and health indicators have witnessed a shifting of goals from time to time and yet they remain unachieved or to put it more positively, only partially achieved. The table that follows presents the situation of children against various indicators and their sub-indicators, the national goals and commitments and the achievement level, which is the balance sheet on status of children in the last twenty years.

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
Birth Registration (%) <i>Ministry of Home Affairs, Annual Report 2010 -11</i>	1997: 55.9	NPP, 2000: Achieve 100% birth registration by 2010. NPAC, 2005: 100 percent registration of births, deaths...by 2010.	2007: 74.5	Not achieved However, there is an improvement of 18.6 percentage points.
Child Sex Ratio (0-6 years) <i>Census of India</i>	1991: 945 girls for every 1000 boys	11th FYP, 2007-12: Raising the sex ratio for age group 0-6 to 935 by 2011-12 and 950 by 2016-17.	2011: 914 girls for every 1000 boys	Not achieved There has been further deterioration. No attention is being paid to the falling adolescent sex-ratio. The sex ratio for adolescents in the 13-19 age group declined from around 898 in 1981 to 884 1991. In 2001, sex ratio in the age group 10-19 years was 882, lower than the sex ratio of 927 in the 0-6 years' age group. It was 902 for younger adolescents aged 10-14 years and 858 for older adolescents aged 15-19 years.

Indicator Source	Then (Date of First As- sessment Post-Ratifi- cation)	Commitments/ Goals	Now (Date of Last As- sessment)	Achievement Record
Child Marriage (%) (data for 15-19 year olds currently married) <i>National Family Health Survey – NFHS</i>	NFHS-I, 1992-1993 38.4	NPEW, 2001: Interventions...and special programmes... should impact on delaying the age of marriage so that by 2010 child marriage is eliminated. NPAC, 2005: 100% registration of births, deaths, marriages and pregnancies by 2010. Eliminate child marriages by 2010.	NFHS-III, 2005-2006 27.1	Not achieved However, there has been an improvement due to a decline of 11.3 percentage points in child marriage.
Child Labour (in million) <i>Census of India</i>	1991: 11.28	NPAC, 2005: eliminate child labour from hazardous occupations by 2007, and progressively move towards complete eradication of all forms of child labour. To rescue and remove children below ten years of age from the workforce by 2010. Link the child labour elimination efforts with education measures with an attempt to ensure that all children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centres by 2012.	2001: 12.66	Not achieved Rather there has been a 12.23% increase in child labour.
Health <i>National Family Health Survey – NFHS</i>	NFHS-I (1992-1993)	NHP, 1983: Attaining the goal of 'Health for All by the Year 2000 A.D.' through the universal provision of comprehensive primary health care services.	NFHS-III (2005-2006)	Not achieved
Mortality (per 1000 live births)				
i. Neo Natal Mortality	49	NPAC, 2005: To reduce NMR to below 18 per 1000 live births by 2010.	39	Not achieved There has been a reduction in NMR, though it is still short by 21 points to reach the goal.
ii. Post Neo Natal Mortality	30	NA	18	Reduction of 12 points. However, it is difficult to assess achievement level as no specific targets are set out.

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
iii Infant Mortality	79	<p>NHP, 2002 Reduce IMR to 30/1000 by 2010.</p> <p>NPAC, 2005: Reduce IMR to below 30 per 1000 live Births by 2010.</p> <p>9th FYP, 1997-2002: Reduce IMR to less than 60 by 2002.</p> <p>10th FYP, 2002-07: Reduction of IMR to 45 per thousand live births by 2007 and to 28 by 2012.</p> <p>11th FYP, 2007-12: Reducing IMR to 28 per 1000 live births.</p> <p>ICPD, Cairo 1994: Reduce IMR by one-third by the year 2000.</p>	57	<p>Not achieved</p> <p>Though IMR has reduced by 22 points, there is inconsistency in the targets set out in different plans and policy documents. Target setting needs to be based on an assessment of achievement level, gaps and challenges. None of the targets have been achieved.</p>
iv. Under 5 Mortality or Child Mortality Rate (CMR)	109	<p>NPAC, 2005: Reduce CMR to below 31 per 1000 live births by 2010.</p> <p>NPAC, 1992: Reduce CMR to below 10 per thousand.</p> <p>9th FYP, 1997-2002: Reduce CMR to below 10 by 2002.</p> <p>MDG: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate.</p>	74	<p>Not achieved</p> <p>CMR has reduced by 35 points, but is still far from the targets set out. Once again the need for a clear assessment of the situation prior to setting out the goals and targets stands out.</p>
Immunisations (%)	35.4	<p>NPAC, 1992: Maintain 100% immunisation coverage and eradicate polio by the year 2000.</p> <p>NHP, 2002: Eradicate polio and yaws and eliminate leprosy by 2005.</p>	43.5	<p>Not achieved</p> <p>There is a marginal improvement in immunisation levels, with immunisation against polio witnessing greater improvement than others.</p>
i. BCG Vaccine	62		78	
ii. 3 doses of Diphtheria, whooping cough and Tetanus (DPT)	52		55	
iii. 4 doses of Polio	54		78	
iv. Measles	42		59	
v. No vaccinations	30		5	

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
Nutrition and Anaemia (%)		NPAC, 2005: Eliminate child malnutrition as a national priority. 11th FYP, 2007-12: Reduce malnutrition among children of age group 0–3 to half its present level.		Not achieved No goals and targets have ever been set out for malnutrition per se, though indicators for malnutrition are assessed.
i. Percentage children with low birth weight	3.8	NHP, 2002: Improve nutrition and reduce proportion of LBW babies from 30% to 10% by 2010. NPAC, 2005: Reduce under five malnutrition and low birth weight by half by 2010.	21.5	Not achieved The situation has deteriorated as there is an increase in the percentage of low birth weight babies by 17.7 points.
ii. Percentage children <3 yrs who are under-weight	63	NA	40	There is a visible improvement in percentage of children <3 yrs who are under-weight or stunted though percentage of children <3 yrs who are wasted has increased. It is difficult to make an overall assessment on the achievement level as no specific targets are set out.
iii. Percentage children <3 yrs who are stunted	60	NA	45	
iv. Percentage children <3 yrs who are wasted	16.6	NA	23	
v. Percentage children age 6-59 months who are anaemic	74.3	11th FYP, 2007-12: Reduce anaemia among women and girls by 50%.	69.5	Not achieved There is a reduction though not by 50% as set out. Moreover, no goals have been set out to deal with anaemia among boys and hence it does not get addressed.
Morbidity (%) Children <5 yrs with Acute Respiratory Infection <i>(NFHS-II: 1998-1999)</i>		NPAC, 1992: Prevent 40% deaths due to acute respiratory infections by 2000.		Difficult to assess achievement level due to lack of base-line data for some indicators and non-availability of clear targets and goals for others. There has been a decline of 13.5 percentage points in children <5 yrs with symptoms of Acute Respiratory Infection.
i. Percentage who had symptoms	19.3 (NFHS-II)	NA	5.8	Percentage of children <5 yrs taken to a health provider for treatment of ARI has also increased by 5 points.
ii. Percentage for whom treatment was sought	64 (NFHS-II)	NA	69	
iii. Percentage who received antibiotics	NA	NA	12.5	

Indicator Source	Then (Date of First As- sessment Post-Ratifi- cation)	Commitments/ Goals	Now (Date of Last Assess- ment)	Achievement Record
Morbidity (%) For children <5 yrs with Diarrhoea (NFHS-II: 1998-1999)		NPAC, 1992: Prevention of 70 percent of death from and 25 percent of cases of diarrhoea.		Difficult to assess achievement level due to lack of base-line data for some indicators and non-availability of clear targets and goals for others.
i. Percentage taken to a health provider	63.4 (NFHS-II)	NA	59.8	Data reflects reduction in percentage of children <5 years getting health care for diarrhoea and a shift away from use of ORS. There is a decline of 2 percentage points in the use of Oral Rehydration Salts (ORS) for treatment of Diarrhoea. Despite more children seeking treat- ment for Diarrhoea, percentage who got any ORT or increased fluids declined by 5 points and percentage of children getting no treatment went up by 1.3 points.
ii. Percentage who got any ORT or increased fluids	48.0 (NFHS-II)	NA	43.0	
iii. No treatment sought	27.4 (NFHS-II)	NA	26.1	
iv. Trend in use of Oral Hydration Salts (ORS)	28	NA	26	
Education <i>District Information System for Education (DISE)</i>	2005-2006	Constitution of India: Article 21A: Free compulsory education for children in the 6-14 age category. Article 45: Early childhood care and education to all children until they complete the age of six. NPE, 1986: All children having attained 11 years age by 1990 will complete 5 years of schooling. By 1995 all children up to 14 years will be provided free and compulsory education.	2008- 2009	Not met Right to education is guaranteed as a fundamental right under Article 21 A. The initial commitment of education for all children below the age of 14 years however, stands diluted as chil- dren below 6 years are now excluded from the purview of Article 21 A.

Indicator Source	Then (Date of First As- sessment Post-Ratifi- cation)	Commitments/ Goals	Now (Date of Last Assess- ment)	Achievement Record
Enrolment and Retention related matters (%)		NPE, 1986: All children having attained 11 years' age by 1990 will complete 5 years of schooling.		Not achieved School enrolment has improved. There is a 19.4 point increase in Gross Enrolment Ratio. However, according to the MHRD, in 2008, 7.6 million children were still out of school and other estimates put this figure at 21 million.
i. Gross Enrolment Rate (I-VIII) (Gender Parity)	168.28% (0.90)	NPAC, 2005: All children to be in school by 2005.	187.72% (0.93)	
ii. Enrolment percentage of the disabled (Figures in the DISE reports are conflicting) (Gender Parity)	1.62% (0.70)	SSA: All children in school, Education Guarantee Centre, Alternate School, 'Back-to-School' camp by 2003.	1.38% (0.73)	Enrolment of Scheduled Caste children increased by 1.08 percentage points and enrolment of Scheduled Tribe children went up by 2.02 percentage points. Increase in the enrolment of ST children is greater than increase in enrolment of SC children, and number of ST children dropping out at primary level is less compared to SC children.
iii. Percentage of SC & ST enrolment to total enrolment	SC: 18.64 ST: 9.02	All children complete five years of primary schooling by 2007. All children complete eight years of elementary schooling by 2010. 10th FYP, 2002-07: All children in school by 2003. All children to complete 5 years of schooling by 2007. NPAC, 2005 and SSA: Bridging gender and social gaps in primary education by 2007 and elementary education by 2010. 11th FYP, 2007-12: Eliminate gender, social, and regional gaps in enrolments by 2011-12.	SC: 19.72 ST: 11.04	While gender parity in enrolment has improved, enrolment of disabled children has gone down marginally by 0.24 percentage points, and is a cause for concern as the goals of inclusive education face a challenge.
Dropout rates (%) http://www.education.nic.in/stats/Timeseries0506.pdf	1990-1991:	NPAC, 2005 and SSA: Universal retention by 2010. 11th FYP, 2007-2012: Drop out at primary level to be eliminated and the dropout rate at the elementary level to be reduced from over 50% to 20% by 2011-2012.	2005-2005:	Not achieved Although there is a reduction in the dropout rates, the goal of universal retention and of reducing dropout by 50% at elementary level is still far from reach. Retention at elementary level is better among ST children than SC children.
All Children	60.9		48.8	The overall dropout rate has declined by 12.1 percentage points, with a decline of 12.6 percentage points in the case of SC children and 15.7 percentage points in the case of ST children.
Scheduled Caste	67.8		55.2	
Scheduled Tribe	78.6		62.9	

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
Teacher-related		NA		There is reduction in number of schools with a single teacher by 0.4 percentage points and schools with Teacher-Pupil ratio >100 has gone down by 0.5 percentage points. While these are positive developments, it is difficult to assess achievement level as no specific targets have been set out. It may also be noted that data does not seem reliable as the UNICEF data for the Global EFA Week 2006 puts the teacher-pupil ratio at 1:42.
i. Percentage of Single-Teacher schools	1.6		1.2	
ii. Teacher-Pupil ratio	1:35		1:33	
iii. Schools with Teacher-Pupil ratio >100	3.8%		3.3%	
iv. Percentage of Para Teachers Male Female	7.4 7.0		6.3 4.8	
Facilities		NA		Improvement in facilities is indeed remarkable though it is difficult to assess achievement level in the absence of specific targets. There has been a 2.1 point decline in percentage distribution of single-classroom schools; 10.1 percentage point increase in schools with common toilets; 19 percentage point increase in schools with girls toilets; 0.1 percentage point increase in schools with drinking water facilities; and 21.3 point increase in percentage of schools with ramps. However, even with more budget being spent on school infrastructure, number of schools with no buildings has gone up by almost 1.0 percentage point, which requires attention.
i. Percentage schools with no buildings	1.0		1.9	
ii. Percentage distribution of Single-Classroom schools	3.1		1.0	
iii. Percentage schools with common toilets	63.9		74.0	
iv. Percentage schools with girls toilets	49.1		68.1	
v. Percentage schools with drinking water facilities	87.9		88.0	
vi. Percentage schools with ramps	26.2		47.5	
Access		NA		It is difficult to assess or measure achievement level as no specific targets are set out. There are more classrooms available. But the ratio of Primary to Upper Primary Schools has reduced from 2.6:1 to 2.3:1, implying reduction in number of primary schools to every upper primary school. Access to Cluster Resource Centres (CRC) has also deteriorated. Percentage of schools within 1km of the CRC has declined by 8 points, while percentage of schools more than 5 kms away from the CRC has increased by 3.3 points.
i. Student-Classroom ratio	40:1		36:1	
ii. Ratio of Primary to Upper Primary Schools	2.6:1		2.3:1	
iii. Distance of school from Cluster Resource Centre:			30.9	
- Percentage Schools within 1km	38.9		42.8	
- Percentage schools within 1-5 km	38.1		26.3	
- Percentage schools more than 5 km	23.0			

Indicator Source	Then (Date of First As- essment Post-Ratifi- cation)	Commitments/ Goals	Now (Date of Last Assess- ment)	Achievement Record
Incidences of Crime Against Children <i>National Crime Records Bureau – NCRB</i>	1994	<p>NPAC, 2005: Create and uphold a safe, sup- portive and protective environment for all children within and outside the home.</p> <p>NPA - SAARC decade of the Girl Child, 1991-2000: Extend special protection for girls in difficult situations/ circumstanc- es arising out of natural calamities and manmade disasters and to those economically and socially deprived like SC/ST and physically and mentally disabled.</p> <p>To assist children affected by one or more disabilities, having no access to proper rehabilitative services...to lift up the status of those more marginalised.</p> <p>10th FYP, 2002-07: To ensure 'protection' for all chil- dren and in particular those with special needs and problems and those in difficult circumstances through effective implementa- tion of the existing child-related legislations.</p> <p>11th FYP, 2007-12: Childline-1098, will be extended to rural areas and to all districts of the country.</p>	2009	<p>Not achieved</p> <p>There are no measurable targets and hence measuring progress or achieve- ment level becomes difficult.</p> <p>Surveillance mechanisms at the time of disasters are lacking to enure children's protection. Violence against SC/ST and <i>dalit</i> children too has increased.</p> <p>Mentally challenged children remain neglected and facilities for care, protection and treatment of disabled children are very inadequate.</p> <p>There is no reliable data on child vulnerability.</p> <p>Programmes for strengthening families are limited to family counseling under the flagship Integrated Child Protec- tion Scheme (ICPS), which too has not taken off the ground and has no earmarked budget for family strength- ening programmes.</p> <p>Crimes against children often do not get reported and what is available by way of crime data is very inadequate.</p> <p>Increase in crimes against children, especially kidnapping and buying of girls for prostitution is phenomenal (over 500%).</p> <p>On the whole, girls are more unpro- tected than ever before.</p> <p>Discrimination against girls is assum- ing new proportions as sex-ratios are abysmally low in the 10-19 age group.</p> <p>Child labour and cases of violation of technology for sex-determination and sex-selective abortions do not get computed as a crime.</p> <p>Implementation of the child marriage law is the worst. Childline services are yet to be available in all districts.</p>

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
i. Infanticide	131	NPAC, 2005: To eliminate all forms of discrimination against the girl child which results in harmful and unethical practices like pre-natal sex selection, female foeticide and infanticide.	63	Not achieved In terms of the goal of eliminating all forms of discrimination, there has been a further deterioration as evident from falling sex ratios in both 0-6 year age group as also 15-19 age group. The 51.9% fall in cases of infanticide needs further examination as it is more likely to find infanticide getting booked as murder than under the relevant legal provision for it.
ii. Murder	1175 (2001)	NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.	1488	Not achieved Data on child murders was computed 2001 onwards and shows a 26.7% increase by 2009.
iii. Rape (1994 data is for children up to 16 yrs)	3986	NPAC, 2005: To develop new and strengthen existing legal instruments to prevent sexual abuse and exploitation of children.	5368	Not achieved There has been a 34.7% increase in child rape cases. A special law prohibiting sexual offences against children and providing for rehabilitation and reintegration of child victims of sexual abuse is on the anvil. As the Bill is under discussion with a Parliamentary Standing Committee, the goal can be said to have been achieved only when it becomes a law, either by itself or as part of the main criminal legislation.
iv. Kidnapping & Abduction	864	NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.	8945	Not achieved There has been an alarming 935 percent increase in cases of kidnapping and abduction of children.
v. Foeticide	45	NPAC, 2005: To eliminate all forms of discrimination against the girl child which results in harmful and unethical practices like pre-natal sex selection, female foeticide and infanticide. 11th FYP, 2007-12: Raising the sex ratio for age group 0-6 to 935 by 2011-12 and 950 by 2016-17.	123	Not achieved Even with only 123 cases of foeticide registered in 2009, the increase in the number of reported cases between 1994 and 2009 is 173 percent. Child sex-ratio has worsened in the last twenty years, falling from 954 in 1991 to 914 in 2011. While the larger goal of eliminating all forms of gender discrimination must guide all action, targets set out to meet such goals are ambitious.

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
vi. Abetment of Suicide	7	<p>NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.</p>	46	<p>Not achieved</p> <p>Data from the Home Ministry shows that 2,951 children, including 1,450 girls, ended their lives in 2009. Percentage increase in cases of abetment to suicide in the last 15 years is 557%.</p> <p>On the other hand there has been a 74% increase in cases of exposure and abandonment of children below 12 years of age.</p> <p>Suicides among older children and exposure and abandonment of younger ones are clear indicators of child vulnerability.</p> <p>Efforts at strengthening families to provide better care for their children are yet to become a reality. Creating a safe and protective environment for children requires far more investment than the current level of 0.03 percent spent on child protection.</p>
vii. Exposure & Abandonment	491		857	
viii. Procurement of Minor Girls	206	<p>NPAC, 2005: To stop sale of children and all forms of child trafficking, including for sexual purposes, marriage, labour, adoption, sports and entertainment, and illegal activities like organ trade, begging and drug peddling.</p> <p>To develop new and strengthen existing legal instruments to prevent sexual abuse and exploitation of children.</p>	237	<p>Not achieved</p> <p>Cases pertaining to buying of girls for prostitution increased by 700%, while selling of girls for prostitution shows a 67.6% rise. The figures for buying and selling do not match. This reflects lack of coordination between the police in the source areas and the destination areas; inadequate training of police on registration of cases; and lack of will to deal with the cases in their entirety.</p>
ix. Buying of Girls for Prostitution	4		32	
x. Selling of Girls for Prostitution	34		57	
xi. Child Marriage Restraint Act, 1978	53	<p>NPEW, 2001: Interventions... and special programmes... should impact on delaying the age of marriage so that by 2010 child marriage is eliminated.</p> <p>NPAC, 2005: 100 percent registration of marriages and pregnancies by 2010. Eliminate child marriage by 2010.</p>	3	<p>Not achieved</p> <p>The existing child marriage law is not being brought into use as only 3 cases are reported to have been registered in 2009.</p>

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
xii. Other crimes	3685 (2001)	NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.		Not achieved There has been an 89.5% increase even in what gets clubbed as other crimes against children. The NCRB data fails to provide information on what constitutes 'other crimes'. Although with the exception of Jammu and Kashmir, all states and union territories have signed an MoU with the central government for implementation of the ICPS, the scheme is yet to take off the ground and very little is expected to be achieved in terms of building a caring and protective environment for children, especially inside their homes. Lack of data regarding vulnerable families and children is one of the biggest impediments in planning and providing for them.
xiii. Charge-sheeting rate (%)	81.3 (2001)	9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploitation through strict enforcement of the existing legislations.	83.9	Not achieved Although there has been an increase in the percentage of cases which get chargesheeted, it is only 2.6 percentage points in the nine year period from 2001 to 2009.
xiv. Conviction rate (%)	47.4 (2001)	NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home. 9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploitation through strict enforcement of the existing legislations.	33.6	Not achieved Rate of conviction has gone down by 13.8 percentage points between 2001 and 2009, suggesting a need for investing in better investigation and trial procedures, reduction in delays in trials and most importantly need for a child-friendly law enforcement and judicial system to help children fight for justice. The goals of protecting all children from all forms of exploitation remain elusive.

Crimes against Children

Between 1994 and 2009,

- Infanticide declined by 51.9 percent. This needs further examination as it is more likely to find infanticides getting booked as murder than under the relevant legal provision meant for it.
- Data on child murders was computed 2001 onwards and shows a 26.7 percent increase by 2009.
- There has been an alarming 935 percent increase in cases of kidnapping and abduction of children in the last 15 years.
- Even when the number of reported cases of buying and selling of girls for prostitution is far from reality, there has been a 700 percent increase in cases of buying of girls and 67.6 percent increase in cases of selling of girls for prostitution. The figures for cases registered for buying and selling do not match. This reflects lack of coordination between the police in the source areas and the police in the destination areas. It also reflects inadequate training of the police on registration of cases and lack of will to deal with the cases in their entirety as buying and selling are the two ends of the same crime.
- Data on child marriage cases shows inadequate use of the present child marriage law as only 3 cases were registered under the prohibition of Child Marriages Act, 2006 in 2009. The NFHS data on the other hand shows 27.1 percent of children aged 15-19 years as married.
- In the nine year period from 2001 to 2009, chargesheeting increased by only 2.6 percentage points. Rate of conviction has gone down by 13.8 percentage points in this period, suggesting a need for investing in better investigation and trial procedures.

Crimes by Children

Crimes by children have gone up. Burglary has increased by 881.6 percent between 1994 and 2009. Over 300 percent increase is witnessed in rape, kidnapping and abduction, dacoity, cheating and violation of the excise law committed by children. Counterfeiting, attempt to murder, robbery gambling and causing death by rash and negligent driving are also some of the crimes by children showing over 200 percent increase. These figures reflect distress in children's life caused by changes around them. Growing violence and a need to make fast and good money are imbibed by children more easily. Violent crimes by children are also a reflection of the society at large and the insecurities encompassing people's lives. Children are unable to find a meaningful existence and their energies are not being channelised in the right direction.

India is the only country in the world where the juvenile justice law provides for both children in need of care and protection and children in conflict with the law. This is because of the focus of the law on taking care of the vulnerable children to prevent their entry into the world of crime. A Rs 1,000 crore (10 billion) allocation for the ICPS for a span of five years during the Eleventh Five Year Plan is grossly inadequate to achieve the desired goals of prevention, protection, rehabilitation and reintegration of growing numbers of children in need of care and protection as well as those in conflict with the law.

Pendency of cases does not reflect a positive picture, especially against the claims of improved services, infrastructure and mechanisms for justice delivery. In fact it shows that the goals of ensuring enforcement of laws in letter and spirit and building a protective environment for children remain unreachd.

The Juvenile Justice law has been suitably amended from time to time to bring it in consonance with international principles and human rights obligations. A draft report of the Ministry of Women and Child Development for the Twelfth Five Year Plan suggests that the numbers of statutory bodies to be established for child protection under the ICPS has increased since the scheme was launched in 2009. The Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) are reported to have doubled from 240 before introduction of the Integrated Child Protection Scheme (ICPS) to 548. Similarly, there are reportedly 561 JJBs as against 211 before introduction of the scheme. 660 Special Juvenile Police units (SJPU) are also stated to have been set up. Further, 21 State

Child Protection Societies (SCPS) and District Child Protection Societies (DCPS) in 14 States, have also been established under the Scheme. The report claims that over 90,000 children have been reached through the ICPS. There is still a long way to go as children need to be rehabilitated suitably to reduce their vulnerability and help them lead a meaningful life.

Indicator Source	Then (Date of First As- sessment Post-Ratifi- cation)	Commitments/ Goals	Now (Date of Last Assess- ment)	Achievement Record
Crimes by Children <i>National Crime Records Bureau - NCRB</i>	1994	<p>9th FYP, 1997-02: Keeping in view the increasing problems of social mal- adjust- ment viz. juvenile delinquency/ vagrancy, abuse, crime, and exploitation, the scope of the Juvenile Justice Act (JJ Act), 1986 will be widened with requisite infrastructural support of various statutory institutions in rehabilitat- ing children, who come in conflict with law.</p> <p>10th FYP, 2002-07: A National Policy and Charter for Children as well as a National Commission for Children will be set up to protect and safeguard the rights of children.</p>	2009	<p>Achieved Partially</p> <p>The Juvenile Justice law has been amended from time to time to bring it in consonance with international prin- ciples and human rights obligations. Clearly, there is still a long way to go and hence a need to invest more in ICPS for better outreach.</p> <p>Children in Jammu and Kashmir remain deprived of the benefits of ICPS and the juvenile justice law in the state continues to treat children as criminals.</p> <p>Children in conflict areas will require greater attention and so will children with special needs.</p> <p>Institutional care requires monitoring and improvement in quality of services. Children in institutions are unable to access their rights to health and edu- cation. Cases of corporal punishment and abuse do not even get reported.</p>
		<p>11th FYP, 2007-12: Childline-1098, will be extended to rural areas and to all districts of the country.</p>		<p>Not achieved</p> <p>Child line service has expanded to 170 locations expecting to reach around 280 locations by the end of the 11th Plan period. The Childline Founda- tion however, puts the current figure at 181 locations. It needs to expand both in outreach and quality of service. This requires greater investment of resources.</p>
Pendency of cases at the end of the year (%)	42.5 (2001)	<p>9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploita- tion through strict enforcement of the existing legislations.</p>	43.2	<p>Not achieved</p> <p>Pendency of cases does not reflect a positive picture, especially against the claims of improved services, infra- structure and mechanisms for justice delivery.</p>

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
Indian Penal Code (IPC)				Not achieved
Murder	288	NPAC, 2005: To prevent children from getting into conflict with law.	844	Crimes by children have gone up. Burglary has increased by 881.6% between 1994 and 2009. Over 300 percent increase is witnessed in rape, kidnapping and abduction, dacoity, cheating and violation of the excise law. Counterfeiting, attempt to murder, robbery gambling and causing death by rash and negligent driving are also some of the crimes by children showing over 200 percent increase.
Attempt to Commit Murder	166		603	
Culpable Homicide Not Amounting to Murder	19	To recognise, promote and protect the rights of children in conflict with law through preventive, protective, reformatory and rehabilitative policies, laws, plans, strategies, programmes and interventions.	25	
Rape	176		798	
Kidnapping & Abduction	95		396	
Dacoity	32		150	
Preparation & Assembly for Dacoity	23		72	
Robbery	49		481	
Burglary	1294		2431	
Theft	2346		5253	
Riots	637		1422	
Criminal Breach of Trust	17		17	
Cheating	24		108	
Counterfeiting	3		11	
Arson	48 (2001)		79	
Hurt	3234 (2001)		3646	
Dowry Deaths	50 (2001)		87	
Molestation	380 (2001)		474	
Sexual Harassment	105 (2001)		153	
Cruelty by Husband of Relative	349 (2001)		284	
Importation of Girls	0 (2001)		0	
Causing Death by Negligence	49 (2001)		165	
Other IPC Crimes	3392		6427	

Indicator Source	Then (Date of First Assessment Post-Ratification)	Commitments/ Goals	Now (Date of Last Assessment)	Achievement Record
Special Local Laws (SLLs)				Not achieved
Arms Act	115	NPAC, 2005: To prevent children from getting into conflict with law. To recognise, promote and protect the rights of children in conflict with law through preventive, protective, reformatory and rehabilitative policies, laws, plans, strategies, programmes and interventions.	223	
Narcotic Drugs and Psychotropic Substances Act (NDPS)	33		61	
Gambling Act	363		1149	
Excise Act	106		465	
Prohibition Act	663		592	
Explosives and Explosive Substances Act	3		16	
Immoral Traffic (Prevention) Act	47		18	
Railways Act	5		2	
Registration of Foreigners Act	1		14	
Protection of Civil Rights Act	3		0	
Indian Passport Act	30		7	
Essential Commodities Act	5		6	
Terrorist & Disruptive Activities Act	0		0	
Antiquities & Art Treasures Act	0		0	
Dowry Prohibition Act	9		44	
Child Marriage Restraint Act	2 (2001)		0	
Indecent representation of Women Act	15 (2001)		3	
Copyright Act	11 (2001)		19	
Sati Prevention Act	0 (2001)		0	
SC/ST (Prevention of Atrocities) Act	50 (2001)		21	
Forest Act	8 (2001)		9	
Other SLL Crimes	4579		1672	

1A.3 Implementation of the CRC: Compliance Report on the Concluding Observations of the CRC Committee

Finally, this section of the chapter attempts an analysis of the progress made on the concluding observations of the CRC Committee on India's two country reports submitted in 1997 and 2001 respectively. It presents a compliance report.

1A.3.1 General Measures of Implementation

Legislation		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Make efforts to ensure that domestic legislation, and in particular religious and personal laws which govern family matters are fully in conformity with the provisions and principles of the Convention (CRC/C/15/Add.115/ para 10 and CRC/C/15/Add.228/ para 9, 10 (a)).	<p>Mother is recognised as a natural guardian by virtue of a Supreme Court judgement. But this is yet to get incorporated into the laws.</p> <p>Hindu Succession Act was amended to give women equal rights in ancestral property.</p> <p>There is no uniform adoption law.</p> <p>Marriage laws remain unchanged.</p>	No Compliance
Consider adopting a code for children (CRC/C/15/Add.115/para 11).	Efforts initiated towards a uniform children's code fell apart.	No Compliance
Ensure the implementation of its legislation and its wide dissemination (CRC/C/15/Add.115/para 13 and CRC/C/15/Add.228/ para 10 (b)).	<p>Implementation of laws is very inadequate as rate of prosecution and convictions clearly suggest. Courts have had to intervene every time to ensure administration's compliance with statutory requirements.</p> <p>Dissemination of information about changes in the legislation is poor. Children seldom have such information.</p>	Partial Compliance
Attention be given to inter-sectoral coordination and cooperation at and between central, state and municipal levels of government. (CRC/C/15/Add.115/ para 14, 15 and CRC/C/15/Add.228/ para 13, 14).	Despite five year plans harping on inter-sectoral, inter-ministerial and inter-departmental convergence and coordination, it remains a challenge. Lack of coordination between the union, state, district and units of local self-governance is also apparent in the poor implementation of various schemes and programmes made for children.	Partial Compliance
National coordinating mechanism was constituted in January 2000, but only met once, in September 2000. (CRC/C/15/Add.228/ para 13).	There is no political will to make the National Coordination Group an effective mechanism. It was reconstituted in 2007 but has met only once since then.	Partial Compliance
Adopt a comprehensive national plan of action, based on a child rights approach, in consultation with all relevant partners, including the civil society. (CRC/C/15/Add.115/para 15 and CRC/C/15/Add.228/ para 15).	<p>A new National Plan of Action was adopted in 2005. But most states have not put their plans in place. Also goals of the national plan to be achieved by 2010 remain unachieved.</p> <p>A new plan needs to be put in place.</p>	Full Compliance but with gaps and challenges

Expedite the adoption of the National Charter for Children and make sure that the Charter adopts a child-rights-based approach and covers all the rights and principles of the Convention. CRC/C/15/Add.228/ para 15).	National Charter was adopted in 2003, but diluted even the 1974 policy commitments and lacked a child rights approach.	Partial Compliance
Revise the National Policy for Children, 1974 (CRC/C/15/Add.228/ para 15).	Revision of the policy has taken too long. It has been underway for the last two years. The MWCD plans to achieve this in the Twelfth Five Year Plan period (2012-2017).	No Compliance
Independent/monitoring structures		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Develop a comprehensive system for collecting disaggregated data as a basis to assess progress achieved in the realisation of children's rights and to help design policies to be adopted to implement the Convention. (CRC/C/15/Add.115/para 16, 17 and CRC/C/15/Add.228/ para 21, 22)	Disaggregated, updated and reliable data on all child rights indicators remains a challenge.	No Compliance
Establish an independent National Commission for children in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134) and the Committee's General Comment No. 2 on national human rights institutions. (CRC/C/15/Add.115/para 19 and CRC/C/15/Add.228/ para 18).	National Commission for Protection of Child Rights was set up in 2007. Only 12 States have a state commission. Paris Principles and CRC Committee's General Comment No. 2 stand compromised in terms of lack of clearly spelt out selection procedures, absence of rules to guide the establishment and functioning of the commissions, inadequate infrastructure and resources, lack of staff and for want of true autonomy.	Full Compliance but with gaps and challenges
Allocation of budgetary resources		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of child rights and to collect and disseminate information in this regard. (CRC/C/15/Add.115/para 21 and CRC/C/15/Add.228/ para 12(b)).	Child Budget has become part of the Financial Bill passed by the Parliament every year. The Ministry too carries out child budget analysis. However, assessment of impact of budgetary allocations and tracking of fund flows from centre to the states and the districts is yet to be undertaken as a systematic exercise. Village <i>panchayats</i> (village level units of local self governance) are not included in budget planning and are largely unaware of actual allocations.	Partial Compliance
Ensure the appropriate distribution of resources at the central, state and local levels, and where needed, within the framework of international cooperation. (CRC/C/15/Add.115/para 21 and CRC/C/15/Add.228/ para 12(a)).	The increase in the share of children in the union budget as well as the state budgets is marginal. In the last twenty years, the allocations for children in the union budget have increased by 4.3 percent, while the expenditure went up by 4.1 percent between 1990-91 and 2006-07. The targets of public expenditure to the tune of 6 percent of GDP on education and 3 percent of GDP on health are far from being met. Child protection receives least attention and participation finds no inclusion in the budget documents.	Partial Compliance

Guarantee that the implementation of policies relating to social services provided to children remain a priority. (CRC/C/15/Add.228/ para 12(a))	Children are yet to become a national priority.	Partial Compliance
Cooperation with NGOs		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
To consider a systematic approach to involve NGOs and civil society in general throughout all stages of the implementation of the Convention, including policy-making at the national, state and local levels, and in the drafting of future periodic reports. (CRC/C/15/Add.115/ para 23 and CRC/C/15/Add.228/ para 19,20).	While involvement of civil society actors in policy making as well as drafting of periodic reports to the CRC Committee has increased over the years, it continues to depend on the receptivity of the concerned legislative and executive heads of the Ministry/Department. There is a need for greater transparency in the consultative processes initiated and their outcome. Involvement of children in these efforts has been negligible and a mere lip service. Civil society actors at the local level are seldom aware of policy making initiatives and the final outcomes.	Partial Compliance
Involve private sector in service delivery and implementation of the Convention and improve its supervision by, inter alia, improving the system of registration and authorisation of service providers. (CRC/C/15/Add.228/ para 20).	Private sector has come to be engaged for service delivery in a big way, without adequate checks and balances, leading to state's abdication of its responsibility. As there is virtual absence of measures at the disposal of public to demand accountability from the private actors, the involvement of the private sector is proving to be detrimental to fulfillment of child rights obligations.	Full Compliance but danger of State's abdication of its responsibilities looms large
Training/dissemination of the Convention		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. CRC/C/15/Add.115/para 24, 25 and CRC/C/15/Add.228/ para 23, 24(a)).	Community based organisations, parents and even children going to the best of private schools are not aware of the Convention. <i>Panchayats</i> are not aware of the Convention, except where there has been some civil society initiative. A somewhat systematic strategy exists with respect to training the actors involved in the implementation of the Integrated Child Protection Scheme. This is being provided by NIPCCD and UNICEF state offices.	Partial Compliance

<p>Promote human rights education, including the rights of the child, in primary and secondary school curricula as well as in the curricula for teacher training, including initiatives to reach those vulnerable groups who are illiterate or without formal education, and live in remote areas. (CRC/C/15/Add.115/para 25 and CRC/C/15/Add.228/ para 24(d)).</p>	<p>The recent inclusion of a 'Children's Rights Bill' in the class VIII social science text book is a positive step. It must get translated into all languages.</p> <p>Often materials developed are not in a language understood by children and are neither disseminated widely.</p> <p>Those out of the formal education system, the illiterate and children in remote and rural areas have remained unreached, except where they have been associated with NGOs working towards strengthening child participation.</p>	<p>Partial Compliance</p>
<p>Develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (i.e. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). (CRC/C/15/Add.115/para 25 and CRC/C/15/Add.228/ para 24(c)).</p>	<p>Civil servants, local government officials, lawyers, school principals, personnel working in institutions and personnel in the children's commissions, <i>Anganwadi</i> workers and health care providers specifically require extensive training on the Convention and India's legal and policy commitments to its children. Most do not even know that such a Convention exists. Despite institutions like NIPCCD trying their best, the efforts at developing a systematic training programme are far from adequate.</p> <p>Moreover, there is no coordination between different departments and hence it is very difficult to assess the real situation on training and dissemination of the Convention and the levels, quality and efficacy of such programmes. Most efforts in this regard are made by NGOs.</p>	<p>Partial Compliance</p>
<p>Systematically involve parliamentarians and community and religious leaders in its programmes to eradicate customs and traditions that impede the implementation of the Convention. (CRC/C/15/Add.228/ para 24(b)).</p>	<p>There is today a Parliamentary Forum on Child Rights and a greater degree of interaction between civil society actors and parliamentarians on children's issues. However, children's rights do not figure in the manifestoes and agendas of any political party and the only child rights issues that find some space in the Parliament and Legislative Assemblies are education, health and child labour. Yet the right to education law diluted the commitment of education for all up to the age of 14 years and there is no talk about raising the age bar to 18.</p> <p>Religious and community leaders have continued to flout existing laws and promote derogatory practices as can be seen in the honour killings reported every second day, increase in child marriages, child labour, child trafficking, sex-selective abortions and female foeticide, institutionalisation of children in the name of religion as also dedication of children for religious purposes. The growing communal tension has made it even more difficult to reach religious leaders.</p>	<p>Partial Compliance</p>

Take technical assistance from UNICEF. (CRC/C/15/Add.115/para 25 and CRC/C/15/Add.228/ para 24(e)).	<p>Technical assistance from UNICEF is being taken in this regard. However, bureaucratic hurdles come in the way of effective use of such assistance.</p> <p>Of late a lot more assistance is being provided by the UNICEF state offices for trainings on child protection issues, particularly the new Integrated Child Protection Scheme, child marriage and juvenile justice law.</p>	Partial Compliance
Data Collection		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available.	<p>Systematic disaggregated, reliable and updated data remains a challenge. Data on child protection indicators is worse.</p> <p>Despite a system of child welfare committees and juvenile justice boards claimed to be in place in most areas, there is no information available on the numbers of children in need of care and protection who have come to the notice of the system.</p> <p>There is no reliable data on child trafficking and street children and neither has there been a systematic initiative to enumerate the numbers.</p> <p>The extent of substance abuse among such children is also not known.</p> <p>Data on child labour and misuse of PC&PNDT Act do not form part of crime data on children.</p> <p>Similarly district level data on many child rights indicators, particularly crimes against children is not available.</p> <p>Data on sex-ratio amongst adolescents too is difficult to find in one place.</p> <p>Use of different methodologies by different national level surveys makes it difficult to assess the exact situation.</p> <p>There is a mismatch in data provided by different government sources.</p>	Partial Compliance

1A. 3.2 Definition of the Child

Definition of the Child		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Review the legislations with a view to ensuring that age limits conform to the principles and provisions of the Convention, and take greater efforts to enforce those minimum age requirements. (CRC/C/15/Add.115/para 27).	<p>Review of laws and policies has been ongoing. A major reform was inclusion of definition of the 'child' in the juvenile justice law, as amended in 2000. However, the 'child' is not defined in any policy document.</p> <p>The different ages followed under the personal laws for marriage continues to determine the age at marriage and thus deprives many of the married children of their basic human rights.</p> <p>There is still no minimum age prescribed for employment.</p> <p>The right to receive free and compulsory education ends at the age of 14 years, leaving those aged 14 years and above at risk of entering into avocations unsuitable to their age and maturity as well as to crime. It is also a breach of the commitment made under the CRC.</p> <p>Pre-school education is no longer a fundamental right.</p>	Partial Compliance
Consider raising the age of criminal responsibility. (CRC/C/15/Add.115/para 26 and CRC/C/15/Add.228/ para 78, 80(a)).	No efforts made in this regard. There has been no debate on the subject and with younger children taking to crimes or being used for criminal purposes, it is unlikely to see any efforts being made in this direction in the near future.	No Compliance
Ensure that boys under 18 years are covered by the definition of juvenile and persons under 18 years are not tried as adults. (CRC/C/15/Add.115/para 26).	<p>There has been full compliance on this matter and is indeed a positive change.</p> <p>The police however, remain unconvinced about this change as more young persons are involved in crimes and they do not see any positive effect of the change in the law in the absence of adequate efforts being made towards counseling and rehabilitation of children in conflict with the law. Moreover, absence of a birth certificate results in many children being tried as adults and languishing in adult jails till their age is verified medically.</p>	Full Compliance but with gaps and challenges in implementation

1A. 3.3 General Principles

Definition of the Child		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>A review and reorientation of policies, including increased budgetary provision for programmes targeting the most vulnerable groups. (CRC/C/15/Add.115/ para 28, 29 and CRC/C/15/Add.228/ para 25, 26).</p>	<p>As all the programmes and schemes that come into existence target only specific vulnerable groups or families below poverty line, it may well be taken that the entire budget for children is for the vulnerable categories of children.</p> <p>It also needs to be stated that children in conflict areas have received no attention and require special investment in terms of resources.</p> <p>Also, programmes specifically aimed at children belonging to the scheduled castes, scheduled tribes, other backward castes and classes, minorities and the disabled children are largely in the area of education and nutrition. It is difficult to even enumerate the budgetary provisions for children belonging to the above mentioned groups, unless the different Ministries/ Departments operating programmes and schemes for such children set out a distinct child budget component in their expenditure statements, annual plans and budgets. This has been a long pending demand.</p>	Partial Compliance
<p>Take steps to ensure that the states abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. (CRC/C/15/Add.115/para 30, 31 and CRC/C/15/Add.228/ para 27, 28).</p>	<p>While ‘untouchability’ stands abolished in policy, it continues to be practiced in different forms. Caste and tribe based abuse also continues, and is more in tribal dominated conflict areas.</p> <p>Rate of prosecution and conviction has in fact declined over the years.</p> <p>Newer forms of abuse, especially discriminations faced by children in the mid-day meal scheme, in classrooms, as child labour need to be built into the special laws for dealing with atrocities against the scheduled castes and the scheduled tribes.</p>	Partial Compliance
<p>Take affirmative measures to advance and protect these groups, necessary measures for the implementation of the National Plan of Action for the Girl Child, and enforcement of protective laws. (CRC/C/15/Add.115/para 32, 33 and CRC/C/15/Add.228/ para 29, 30).</p>	<p>Child specific affirmative measures have been taken largely in the field of education and nutrition.</p> <p>Enforcement of protective laws remains poor in all settings where such vulnerable categories of children live, work, study or otherwise spend a substantial part of their day.</p> <p>Affirmative measures for the mentally disabled children are lacking.</p> <p>The National Plan of Action for the Girl Child was merged into the National Plan of Action for Children, 2005. However, there has been no assessment of the implementation and impact of the two action plans.</p>	Partial Compliance

Full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules and the 1993 Employment of Manual Scavengers Act. (CRC/C/15/Add.115/para 30, 31 and CRC/C/15/Add.228/ para 27, 28).	<p>There has been a long pending demand for amendment to these laws to include many other forms of abuse currently not covered by the law e.g. child labour, child trafficking, discrimination in schools, <i>Anganwadi</i> centres and in distribution of meals under the mid-day meal programme.</p> <p>Implementation of these laws has deteriorated over the years.</p> <p>Even the functioning of the special courts set up under these laws has deteriorated, as reflected in poor rates of prosecution and conviction.</p>	Partial Compliance
Continued efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. (CRC/C/15/Add.115/para 31 and CRC/C/15/Add.228/ para 28).	<p>Serious and consistent efforts are made in this regard. However, the problem is rooted deep in the Indian psyche. Caste politics also adversely affects the positive efforts.</p> <p>The <i>dalit</i> movement has strengthened in the country and is a positive development.</p>	Partial Compliance
Ensure equal enjoyment by members of the scheduled castes, scheduled tribes and minority groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13). (CRC/C/15/Add.115/para 31 and CRC/C/15/Add.228/ para 35).	<p>Despite affirmative measures, discrimination persists. In rural areas, the conventional social structure of the society has not changed despite improvement in the access to modes of transport and communication, access to consumer goods and change in individual life styles. Some of the remote tribal areas remain segregated and isolated, untouched by development.</p> <p>There are temples that continue to bar entry of the lower castes and women. Inter-caste and inter-religious marriages lead to honour killings.</p> <p>Religious conversion laws have become even more stringent and therefore freedom to follow the religion of one's choice stands at stake.</p>	Partial Compliance

Continued efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family	<p>Several public education campaigns and initiatives have been undertaken to combat gender discrimination. While women have excelled in many fields and have also entered the political decision making process through the 73rd and the 74th Constitutional amendments, they continue to suffer gender discrimination.</p> <p>Sexual crimes against women have increased.</p> <p>Falling child and adolescent sex ratio is a cause for alarm and public education initiatives are unable to tackle the problem.</p> <p>Similar is the case with child marriage. More and more girls are married off at an earlier age as a result of increased threat to their protection.</p> <p>Property rights continue to be denied, despite laws providing for it.</p> <p>Forced displacement, lack of access to common property resources, agrarian crisis, diminishing sources of livelihood, growing unemployment in the organised sector, high costs of health care etc. are pushing women to work in the unorganised sector with no social security measures.</p> <p>More and younger tribal girls are entering the cities as domestic workers and face all forms of exploitation.</p> <p>Trafficking of girls has also increased.</p> <p>Promotion of reproductive tourism and the legality ascribed to surrogacy is also becoming a cause of exploitation of young girls.</p>	Partial Compliance
Take all necessary steps to ensure the implementation of the Pre conception and Pre natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. (CRC/C/15/Add.228/ para 33, 34).	Steps have been taken to strengthen the law and the implementation mechanism. Yet the implementation is poor because the police is not the direct implementing and investigating authority. As a result, cases seldom get registered in the first place.	Partial Compliance
Undertake gender impact studies when planning programmes relating to economic and social policies. (CRC/C/15/Add.228/ para 34 (c)).	Gender impact studies have been carried out with technical assistance from UNICEF and other international NGOs. However, these have largely been micro-level studies.	Partial Compliance

<p>Inclusion of specific information in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's General Comment No. 1 on article 29, paragraph 1 of the Convention (aims of education). (CRC/C/15/Add.228/ para 35).</p>	<p>In the 2011 third and fourth combined periodic report to the CRC Committee, the Government of India states that "India does not face the problem of racism, racial discrimination, xenophobia and related intolerance".</p> <p>While issues of care and treatment of children affected by HIV/AIDS are being addressed, discrimination against such children continues unabated. The government seems to have given up as in the 2011 CRC India Country Report it states that "there is no unified system of tracking episodes of stigma and discrimination among service providers (education, health, etc.), the possibility of knowing the exact scope of the problem is limited".</p> <p>Complete denial of the Gujarat carnage as a form of xenophobia, the growing identity politics and attacks on tribal Christians, growing atrocities against women and children in conflict areas, clearly indicates lack of a political will to deal with such problems.</p>	<p>No Compliance</p>
Respect for Views of the Child		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>Promotion, within the family, the schools, institutions, as well as in judicial and administrative proceedings, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them. (CRC/C/15/Add.115/para 34, 35 and CRC/C/15/Add.228/ para 36, 37).</p>	<p>There are children's clubs in schools, forums encouraging children's participation in local self-governance, legal provision of setting up children's committees and their representation on the management committees in the institutions providing care and protection.</p> <p>However, children's clubs are largely about engaging children in social causes such as literacy drive, environment protection, health and sanitation drives etc, leaving aside their own issues. Similarly, only Goa, Karnataka and Kerala have officially allowed involvement of children in local self-governance through <i>gram sabhas</i>. Children's committees in institutional care settings do not exist.</p> <p>Children continue to face the abuse of power exercised by adults. There is no acknowledgement of even the need to respect children's views. As a result, families and the society at large is witnessing a revolt by children, manifested in children running away from their homes, more and more children taking to use of harmful drugs and substances, increased crimes by children, low levels of learning and achievement levels, excessive indulgence in violent television programmes and social networking sites etc.</p> <p>It is rather unfortunate that efforts have to be made to provide legal aid to children produced before the Child Welfare Committees when the proceedings of such bodies are not meant to be court like and children should have no difficulty in voicing their concerns, being heard and respected by the Child Welfare Committees.</p>	<p>No Compliance</p>

Provision of educational information to parents, teachers, government and administrative officials, the judiciary, children themselves and society at large on the right of children to have their views taken into account and to participate in all matters affecting them. (CRC/C/15/Add.115/para 35 and CRC/C/15/Add.228/ para 36, 37 (b)).	<p>While the judiciary is to some extent trained to take into account children's views and respect their views, such training and information is not offered at other levels. Families are the toughest and yet the last to be reached.</p> <p>Where materials have been developed, such as the child protection handbooks for teachers and <i>panchayats</i>, there is no dissemination and no effort to translate them into different languages, but for the initiatives taken by NGOs.</p> <p>The role of UNICEF in coming forward to provide technical assistance to the government is indeed appreciable. However, lack of a political will hampers every such initiative.</p>	No Compliance
Development of skills-training programmes in community settings for teachers, social workers and local officials in assisting children to make and express their informed decisions and to have their views taken into consideration. (CRC/C/15/Add.115/para 34, 35 and CRC/C/15/Add.228/para 37 (b)).	Such programmes are yet to take off for reasons mentioned above. There is a general non-acceptance of giving space to children to air their views and have them taken into consideration. It is seen as a threatening situation.	No Compliance
Regular review of the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes. (CRC/C/15/Add.228/ para 37 (c)).	<p>The 2005 National Plan of Action for Children was a welcome step as it included Child Participation as a distinct chapter for the first time in the history of policy making and planning for children. However, there has been no monitoring of the implementation of the goals and strategies set out in the plan of action and certainly no impact assessment.</p> <p>On the whole, there has been no child participation in policy making at the national level. In some states, due to pressure from NGOs, sporadic efforts have been made to attend children's hearings or seek their views on policy matters.</p> <p>The National Commission for Protection of Child Rights and some state commissions have been holding public hearings with children. However, there is no action report or review of action taken by the commissions based on these hearings.</p> <p>Children's participation in the preparation of the CRC periodic reports has been a mere lip service. As a result, children have engaged in the alternate report processes, with encouragement and facilitation by NGOs.</p>	No Compliance
Deal with the virtual absence of legal provisions guaranteeing children's participation in civil proceedings affecting their rights and well being. (CRC/C/15/Add.115/para 30, 31 and CRC/C/15/Add.228/para 36, 37 (a)).	Lack of laws guaranteeing children's participation in civil proceedings persists.	No Compliance

1A. 3.4 Civil Rights and Freedoms

Name and Nationality - Birth Registration		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Make greater efforts to ensure timely registration of all births by the year 2010 as planned. (CRC/C/15/Add.228/ para 38, 39).	<p>Amendments to certain sections of the RBD Act, 1969, in order to increase the accountability, simplify the procedure of registration of births and deaths, and make the Act citizen-friendly are in the pipeline. The proposed amendments are reported to include enabling provisions for registration of births of 'street children', as well as 'adopted children'.</p> <p>The goal of achieving 100 percent birth registration by 2010 has not been met. The 2007 level of birth registration was 74 percent, still short of 26 percent. According to the third and fourth combined report of the government, only 27 percent of those registered have a birth certificate.</p> <p>Efforts at ensuring 100 percent birth registration are taking far too long.</p>	Partial Compliance
Take training and awareness-raising measures as regards registration in rural areas. (CRC/C/15/Add.115/para 36, 37 and CRC/C/15/Add.228/para 38, 39).	Training and awareness raising on registration of births and deaths is lacking.	No Compliance
Take steps such as the establishment of mobile registration offices and registration units in schools and health facilities. (CRC/C/15/Add.115/para 36, 37 and CRC/C/15/Add.228/para 38, 39).	Such measures have been very inadequate. Mobile registration is yet to take off. India is yet to integrate birth registration with health services, although online registration was initiated in Delhi by the health department of the municipality. Birth registration has only been included as a component in public health campaigns such as immunisation.	Partial Compliance
Seek technical assistance from, among others, UNICEF and UNFPA. (CRC/C/15/Add.228/para 39).	UNICEF has conducted research and documented the online registration model of Delhi as a good practice. It also supported the national campaign on birth registration along with Plan International. However, no other technical support seems to have come through.	Partial Compliance
Right against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (CRC/C/15/Add.115/para 38, 41 and CRC/C/15/Add.228/para 42, 43 (a)).	India signed the Convention on 14 October, 1997, but is yet to ratify it.	No Compliance

<p>Mandatory registration of each child taken to a police station, including time, date and reason for detention, and frequent review of detention by a magistrate. (CRC/C/15/Add.115/para 38, 39 and CRC/C/15/Add.228/para 42).</p>	<p>The Juvenile Justice (Care and Protection of Children) Act 2000 as amended in 2006 and the 2007 Central Model Rules made there under ensure that children are not kept in the police stations or jails and are immediately sent to observation homes within a maximum period of 24 hours. Even apprehension of children in non-serious or petty offences has been done away with.</p> <p>Speedy disposal of matters relating to children in conflict with law is also built into the law.</p> <p>Unfortunately, implementation of these provisions is poor except in states like Delhi where the High Court has taken special interest in monitoring the implementation of the said law. While pendency of cases has gone down drastically in Delhi, the Juvenile Justice Boards continue to receive cases of children transferred from adult prisons.</p> <p>In most other states, the situation is deplorable. Long term detention is a rule than an exception.</p> <p>Absence of state rules and lack of interest taken in the subject by the police department allows violation of children's rights to continue.</p>	<p>Partial Compliance</p>
<p>Amend Section 53 and 54 of the Code of Criminal Procedure so that medical examination, including age verification, is mandatory at the time of detention and at regular intervals. (CRC/C/15/Add.115/para 38, 39).</p>	<p>Section 53 and 54 have been amended to ensure proper medical examination of rape victims. The provisions do not relate to age verification.</p> <p>However, age verification is mandatory and in case of children, the law requires the courts and the juvenile justice boards to rely on documentary evidence first and go for a medical age verification only if there is a conflict in documentary evidence produced before them or documentary evidence is not available.</p> <p>The Supreme Court of India has directed that even if a person looks to be about 21 years of age, he/she must be given the benefit of doubt on the age and tried under the juvenile justice law, till such time it is proven that the person is not a juvenile.</p> <p>The problem once again lies in poor implementation of these provisions and directives.</p>	<p>Partial Compliance</p>

Take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment. (CRC/C/15/Add.228/para 43 (e)).	<p>In general psychological recovery and social integration of child victims of torture has received very little attention.</p> <p>There is dearth of trained counsellors and social workers to help in this regard.</p> <p>The police is not trained to look into these aspects and the legal requirement of two social workers in every special juvenile police unit in the districts has not been complied with.</p> <p>Children's institutions lack adequate number of welfare officers and probation officers.</p>	No Compliance
Implement the recommendations made by the National Police Commission in 1980 and the Parliamentary Committee in 1996 for a mandatory judicial inquiry in cases of alleged rape, death or injury of persons in police custody; the establishment of investigative bodies; and payment of compensation to people who have been victims of custodial abuse. (CRC/C/15/Add.115/para 38, 40).	<p>The recommendation concerning judicial inquiry and investigation has been duly addressed through amendments in the criminal procedure code and the juvenile justice law, and directives from the Supreme Court of India and various High Courts. Implementation remains inadequate.</p> <p>Compensation to victims is however, not ensured.</p> <p>Implementation of most legal provisions is inadequate.</p> <p>In case of women and children in conflict areas, caste-based violence and sectarian violence, the tendency to ignore law continues.</p>	Partial Compliance
Set up child-sensitive mechanisms to receive complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres, including amendment to the Juvenile Justice Act to provide for complaints and prosecution mechanism for cases of custodial abuse of children. (CRC/C/15/Add.115/para 38, 40 and CRC/C/15/Add.228/para 42, 43 (b)).	<p>Torture in custody is not addressed appropriately. Despite positive amendments in the juvenile justice law there is very little reporting on custodial crimes against children and very poor monitoring.</p> <p>Section 23 of the juvenile justice act provides for action against persons found responsible for cruelty against children under their charge or control. However, the offence made out is not cognisable and is bailable. The punishment is a maximum of six months only. There is no information on the use of this provision against police or in-charge of institutions but for one case in Delhi.</p> <p>While the government is handing over the running of institutions for children to NGOs, there is very little monitoring of the conditions and treatment meted out to children.</p> <p>Further, NGOs are not provided adequate budget, staff and infrastructure to provide necessary institutional care and protection and are expected to provide quality service at very low costs.</p>	Partial Compliance

<p>Investigate and prosecute complaints in a child-sensitive manner. (CRC/C/15/Add.228/para 42, 43 (c)).</p>	<p>Child sensitive investigation and procedures are built into the law but implementation is lacking. The rate of prosecution itself is low because of poor investigation. Children continue to be called to the police stations at night. There is a tendency to apprehend children at night or over weekends so that the police gets more time to interrogate the child and pressurise him/her to accept the crime.</p> <p>In fact reporting on custodial rape and custodial deaths itself is inadequate. The alternate report sent to the CRC Committee by Asian Centre for Human Rights (ACHR) in 2003 had reported that there is no information or data available on custodial deaths of children. The situation remains the same even today.</p>	<p>Partial Compliance</p>
<p>Strengthen efforts to train the law enforcement personnel on the human rights of children. (CRC/C/15/Add.228/para 42, 43 (d)).</p>	<p>Juvenile justice has become a subject of police training in all police academies and colleges. Yet there has been no behavior change towards children.</p> <p>Training is required at every police station level on a regular and ongoing basis.</p> <p>There is need for more trainers who can train the police on the principles of restorative justice and diversion.</p>	<p>Partial Compliance</p>
<p>Amendment of Section 197 and Section 43 of the Code of Criminal Procedure, which requires government approval for prosecution of law enforcement officials when complaints of custodial abuse or illegal detention are alleged and provides immunity against execution of a warrant in cases of illegal detention or custodial abuse. (CRC/C/15/Add.115/para 38, 40).</p>	<p>Immunity granted to public servants in terms of seeking permission from the government before arresting a public servant is used against the interests of children and other vulnerable groups of people. Often this is misused to destroy necessary evidence.</p>	<p>No Compliance</p>

Corporal Punishment		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Prohibit corporal punishment in the family, in schools and other institutions and undertake education campaigns to educate families, teachers and other professionals working with and/or for children on alternative ways of disciplining children. (CRC/C/15/Add.228/para 44, 45).	<p>Corporal punishment in family is not addressed at all.</p> <p>Corporal punishment in schools has been addressed through the enactment of the Right of Children to Free and Compulsory Education, though the term 'corporal punishment' is not used in the law. Moreover this law only covers children aged 6-14 years. Corporal punishment faced by the 0-6 year olds in <i>Anganwadi</i> centres and crèches and school going children above 14 years remains unaddressed.</p> <p>Juvenile Justice Act covers cruelty against children by persons having their charge or control, but the provision is very inadequate and cruelty has not been defined.</p>	Partial Compliance

1A.3.5 Family Environment and Alternative Care

Parental Responsibility		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Despite Supreme Court recognising mother also as a natural guardian, measures need to be taken to ensure recognition and implementation of the principle that both parents have common responsibilities for the upbringing and development of their child. (CRC/C/15/Add.228/para 46, 47).	For all practical purposes father continues to be treated as the natural and lawful guardian of a child.	Partial Compliance
Adoption		
Work towards a uniform adoption law in India to ensure that adoption is possible for children of all religions. (CRC/C/15/Add.115/para 42, 43 and CRC/C/15/Add.228/para 48, 49 (c)).	Several bills have been worked upon for a uniform law on adoption from time to time. All have fallen through. No serious attempts are made to address the issue in the context of children's right to family environment and alternative care.	No Compliance
Need for effective measures to monitor and follow-up adoption placement within the State party and abroad. (CRC/C/15/Add.115/para 42 and CRC/C/15/Add.228/para 48, 49 (a)).	Monitoring remains inadequate despite guidelines requiring a two-year follow-up. In case of domestic adoptions, it is worse as information about children's adjustment in the new family is seldom available.	Partial Compliance
Registration and control of adoptions carried out by agencies that are not accredited. (CRC/C/15/Add.228/para 48).	There are several sources of procuring children illegally. Hospitals, nursing homes and many agencies that are not accredited adoption agencies continue to provide children for adoption.	No Compliance
Recommendation to become a party to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption. (CRC/C/15/Add.115/para 42, 43).	India has become a party to the said convention.	Full Compliance
Extend to the whole territory the application of the relevant provisions of the Juvenile Justice (Care and Protection of Children) Act 2000. (CRC/C/15/Add.228/para 48, 49 (b)).	Jammu and Kashmir is in the process of reviewing its juvenile justice law to bring it in conformity with the CRC.	No Compliance
Adopt new guidelines by the central authority, to implement the newly ratified 1993 Hague Convention. (CRC/C/15/Add.228/para 48, 49 (a)).	Guidelines have been framed by CARA from time to time. The recent guidelines are dated 24 June 2011. However, they contain several provisions that need to be reviewed in the light of India's commitments under CRC as well as the relevant Hague Convention.	Partial Compliance

Violence/abuse/neglect/maltreatment		
Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions and custodial deaths. (CRC/C/15/Add.115/para 44, 45 and CRC/C/15/Add.228/para 50, 51 (a)).	<p>Juvenile justice law punishes cruelty against children by persons in whose care or charge they are, though the punishment is very inadequate.</p> <p>Protection of Children against Sexual Abuse Bill is under discussion in the Parliamentary Standing Committee on Human Resources Development.</p> <p>The number of reports has increased. Children have become more vulnerable. Large scale entry of the private sector into basic services of health care, education and protection without adequate measures for monitoring and accountability has increased the vulnerability.</p>	Partial Compliance
Review of legal framework viz-a-viz outdated laws concerning sexual abuse. (CRC/C/15/Add.228/para 50, 51 (a)).	Protection of Children against Sexual Abuse Bill is under discussion in the Parliamentary Standing Committee on Human Resources Development.	Partial Compliance
Establish adequate procedures and mechanisms to receive complaints, monitor, investigate and prosecute instances of ill-treatment in a sensitive manner. (CRC/C/15/Add.115/para 44, 45 and CRC/C/15/Add.228/para 50, 51(c)).	Procedures contained in the Code of Criminal Procedure and the juvenile justice law need to be reviewed and amended. Some criminal law procedures relating to rape have been amended to ensure victim protection and witness assistance. However, the 2008 amendments to the Criminal Procedure Code relating to rape cases are yet to come into force.	Partial Compliance
All measures should be accompanied by public education campaigns about the negative consequences of ill-treatment of children, including trainings for parents, teachers, judiciary, law enforcement officials etc. in the identification, reporting and management of cases of ill-treatment, using a multi-disciplinary and multi-sectoral approach. (CRC/C/15/Add.115/para 44, 45 and CRC/C/15/Add.228/para 50, 51 (b) and (f)).	<p>Public education campaigns on child abuse and ill-treatment are largely initiated and carried out by NGOs.</p> <p>NIPCCD, NISD, all police academies and police training colleges and judicial academies have come forward to include training on child rights and child protection issues into their curriculum.</p> <p>Trainings need to be conducted on a regular basis and in a systematic manner. There is a need to train the police at the police station level and all levels of the judiciary as well as public prosecutors on child protection and child rights.</p>	Partial Compliance
Promote positive, non-violent forms of discipline as an alternative to corporal punishment. (CRC/C/15/Add.115/para 44, 45).	<p>The National Commission for Protection of Child Rights has initiated discussions in this regard and set up a working group.</p> <p>However, there is very little understanding and documentation on non-violent forms of discipline as an alternative to corporal punishment.</p>	No Compliance

<p>To strengthen programmes for the rehabilitation and reintegration (physical and psychological recovery and social integration) of abused and/or tortured children. (CRC/C/15/Add.115/para 44, 45 and CRC/C/15/Add.228/para 50, 51 (e)).</p>	<p>The Protection of Children against Sexual Offences Bill, 2010 is silent on recovery and reintegration of the victims.</p> <p>The juvenile justice act provides for rehabilitation, psychological recovery and reintegration but the rules do not provide for adequate human resources and infrastructure to meet this need.</p>	<p>Partial Compliance</p>
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1A.3.6 Basic Health and Welfare

HIV/AIDS		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>Increase its efforts to prevent HIV/AIDS, taking into account the Committee's General Comment No. 3 on HIV/AIDS and the rights of children. (CRC/C/15/Add.228/para 54, 55 (a)).</p> <p>Strengthen its measures to prevent mother-to-child transmission by combining and coordinating them with the activities to reduce maternal mortality. (CRC/C/15/Add.228/para 54, 55 (c)).</p>	<p>Prevention of Parent to Child Transmission (PPTCT) is part of the National Aids Control Programme-3.</p> <p>According to the third and fourth periodic report, coverage is poor and issues about compulsory HIV/AIDS testing for expecting mothers remain debatable.</p> <p>PPTCT does not extend to the levels of CHCs and PHCs.</p>	Partial Compliance
<p>Take adequate measures to address the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education. (CRC/C/15/Add.228/para 54, 55 (b)).</p>	<p>Community care programmes are inadequate and investment on such programmes by the government is very low. Prevention is largely addressed in the context of PPTCT.</p>	Partial Compliance
<p>Concerned with the discrimination experienced by these children in society and in the educational system, States need to strengthen its efforts to raise awareness about HIV/AIDS among adolescents, particularly those belonging to vulnerable groups, and among the population at large, notably in order to reduce discrimination against children infected and/or affected by HIV/AIDS. (CRC/C/15/Add.115/para 50, 51 and CRC/C/15/Add.228/para 54, 55 (c)).</p>	<p>Discrimination against children affected by HIV/AIDS persists.</p> <p>The third and fourth periodic report suggests that it is difficult to track episodes of stigma and discrimination by service providers.</p>	No Compliance
<p>Seek further technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS. (CRC/C/15/Add.115/para 50, 51 and CRC/C/15/Add.228/para 54, 55 (d)).</p>	<p>Technical assistance is being provided.</p>	Partial Compliance
Children with Disabilities		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>Need to ensure the implementation of policies and programmes to guarantee the rights of mentally and physically disabled children and to facilitate their full inclusion in society. (CRC/C/15/Add.115/para 46, 47).</p>	<p>The Mental Health Act and the Persons with Disability Act are under review. Schemes for the disabled are largely limited to providing aids and equipments and educational support and are not adequately funded.</p> <p>It is difficult for the disabled to get a disability certificate to access benefits of the existing schemes as the procedures are not disabled-friendly.</p>	Partial Compliance

Establish a comprehensive policy for children with disabilities, to guarantee the rights of mentally and physically disabled children and to facilitate their full inclusion in society and educational system and to ensure the implementation of policies and programmes. (CRC/C/15/Add.115/para 46 and CRC/C/15/Add.228/para 56, 57 (a)).	In 2006 the National Policy for Persons with Disabilities came into existence.	Full Compliance
Take effective measures to collect adequate and disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to prevent disabilities and to assist disabled children. (CRC/C/15/Add.228/para 56, 57 (b)).	Census data collection on disability is reported to have improved. Enumerators for the 2011 Census were provided extensive training for this purpose. However, understanding of mental disability remains a concern. Mental illness, mental retardation and mental disability are often used synonymously.	Partial Compliance
Increase the capacity of institutions for the rehabilitation of children with disabilities and improve access to services for such children living in rural areas. (CRC/C/15/Add.115/para 46, 47 and CRC/C/15/Add.228/para 56, 57 (f)).	Very few institutions exist in the country, especially in rural areas for rehabilitation of children with disabilities. The problem is acute in the case of mental disability.	No Compliance
Reinforce State's efforts to develop early detection programmes to prevent and remedy disabilities. (CRC/C/15/Add.228/para 56, 57 (c)).	Early detection programmes are inadequate in as much as parents and teachers are unable to identify certain forms of disabilities to help the child get required care and treatment. Disabled children's right to be born has been in debate in the light of the abortion law.	Partial Compliance
Establish special education programmes for disabled children and include them in the regular school system to the extent possible. (CRC/C/15/Add.115/para 46, 47 and CRC/C/15/Add.228/para 56, 57 (f)).	Despite schemes and programmes for inclusive education, regular school system is not designed to be disabled friendly in terms of infrastructure, trained teachers and curriculum. Privatisation of education makes it even more difficult to ensure inclusive education in private schools. There is shortage of special schools for the mentally disabled children.	Partial Compliance
Undertake greater efforts to make available resources, both financial and human, for special education, including vocational training, and the support given to families of children with disabilities and improve access to services for such children living in rural areas. (CRC/C/15/Add.115/para 47 and CRC/C/15/Add.228/para 56, 57 (f)).	Efforts remain inadequate, especially support for families of disabled children.	Partial Compliance

Undertake awareness-raising campaigns to sensitise the public and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns; as well as adequate trainings for persons working with these children. (CRC/C/15/Add.115/para 46, 47 and CRC/C/15/Add.228/para 56, 57 (e)).	Awareness campaigns and education and training of parents and service providers remains inadequate.	Partial Compliance
Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF, WHO and relevant NGOs.	Very little information available in this regard. The third and fourth periodic report mentions training being provided by NIPCCD, Rehabilitation Council of India and the National Trust.	Partial Compliance

Right to Health and Health Services

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
The Committee recommends that the State party reinforce its efforts in developing effective policies and programmes to improve the health situation of children, ensure access to primary, free and quality health services; regulate and monitor traditional and modern medicinal practice; combat malnutrition; promote healthy nutrition habits, including breastfeeding; improve immunisation rates; increase access to safe drinking water and adequate sanitation; and address the issue of environmental pollution effectively. (CRC/C/15/Add.115/para 48 and CRC/C/15/Add.228/para 52, 53).	Goals set out in various policy documents and plans keep shifting and are yet to be achieved. NFHS-3 revealed only a two percent increase in vaccination against preventable diseases compared to 1998-99 and a continued gender bias in terms of immunisation. Malnutrition has increased with India continuing to have the highest number of hungry and malnourished children in the world. Eleventh Five Year Plan goal to providing clean drinking water for all by 2009 and ensure no slip-backs has not been achieved. According to the third and fourth periodic report, there are about 25,000 habitations affected by multiple problems such as excess iron, fluoride, salinity and arsenic. About 66 million population is at risk due to excess fluoride in 200 districts of 17 states. The report also mentions that large proportion of the population still lack basic sanitation facilities, especially in rural areas. Lack of urban sanitation affects the quality of river water and contaminates urban water supply. Only 30 percent of sewage is treated.	Partial Compliance

<p>To adapt, expand and implement the Integrated Management of Child Illness strategy, and to pay particular attention to the most vulnerable groups of the population. (CRC/C/15/Add.115/para 48, 49).</p>	<p>The second report did not throw any light on this recommendation.</p> <p>According to the third and fourth periodic report, new strategy is adopted to shift child health interventions towards a holistic approach through Integrated Management of Neo-natal and Childhood Illness. So far only identification of more than 100 districts has taken place for implementing this strategy.</p>	<p>Partial Compliance</p>
<p>The Committee also recommends that the State party undertake studies to address extreme disparities faced by women and girls, especially in rural areas and determine the socio-cultural factors which lead to practices such as female infanticide and selective abortions, and to develop strategies to address them. (CRC/C/15/Add.115/para 48, 49 CRC/C/15/Add.228/para 58, 59).</p> <p>Concerned that the health of adolescents, particularly girls, is neglected, given, for instance, a very high percentage of early marriages, which can have a negative impact on their health. Adolescent suicides, especially among girls, and HIV/AIDS affected children are serious concerns for the Committee. (CRC/C/15/Add.115/para 50, 51 and CRC/C/15/Add.228/para 60, 61).</p>	<p>The studies have to be undertaken in the light of children's right to protection as much as in the context of health.</p> <p>The the neo-liberal economic policies, no regulations for private health providers, increased consumerisation and such other factors impact survival and development of the girl child and need to be studied in detail.</p> <p>In the light of failure of all public campaigns to check female foeticide and sex-selective abortions, it becomes even more important to carry out research that delves into the real reasons for continuation of such harmful practices. Not only has female foeticide increased, child marriages too have gone up and so have cases of rape and trafficking of minor girls. Deterioration in all indicators for the girl child needs to be looked at holistically.</p>	<p>Partial Compliance</p>
<p>Strengthen the existing National Reproductive and Child Health programme. (CRC/C/15/Add.115/para 50, 51 and CRC/C/15/Add.228/para 61 (c)).</p>	<p>This has been a recommendation in both the sets of concluding observations for India.</p> <p>According to the third and fourth combined periodic report, Joint Review Missions were held quarterly during 2005-06 and 2006-07 to monitor the progress on RCH-II.</p> <p>Adolescent Reproductive and Sexual Health (ARSH) strategy was built into RCH-II.</p>	<p>Partial Compliance</p>
<p>Continued allocation of resources to the poorest sections of society and continued cooperation with and technical assistance from WHO, UNICEF, UNAIDS and civil society. (CRC/C/15/Add.115/para 49, 51 and CRC/C/15/Add.228/para 53).</p>	<p>Public health expenditure is far from the goal of 3 percent of GDP.</p> <p>Health costs for the poor are increasing, leading to indebtedness, suicides etc.</p> <p>Health care programmes are largely operated with support and technical cooperation from WHO, UNICEF, UNAIDS etc.</p>	<p>Partial Compliance</p>

Right to an Adequate Standard of Living

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>State should reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living and prevent any occurrence of forced relocation, displacement and other types of involuntary population movements. (CRC/C/15/Add.115/para 52, 53 and CRC/C/15/Add.228/para 62, 63).</p>	<p>The Integrated Child Protection Scheme was initiated in 2007 to lay due emphasis on the preventive aspects of child protection and strengthen families to provide necessary care and protection.</p> <p>NREGA, Sampoorna Gramin Rozgar Yojana, National Food for Work Programme, The Pradhan Mantri Gramodaya Yojana, Antyodaya Anna Yojana targeted Public Distribution System (PDS) and such other programmes were initiated to strengthen families economically and ensure adequate standard of living.</p> <p>However, industrialisation and development continue to displace people and the neo-liberal economic policies have led to an agrarian crisis, jobless growth and job loss. Privatisation of basic services has added to the woes.</p>	Partial Compliance
<p>Establish mechanisms for resettlement procedures and programmes to include registration and identity documents, facilitate comprehensive family rehabilitation and ensure access to basic services like health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; education, including vocational and life-skills training; and access to legal aid. (CRC/C/15/Add.115/para 54, 55 and CRC/C/15/Add.228/para 62, 63).</p> <p>Cooperate and coordinate its efforts with civil society in this regard. (CRC/C/15/Add.115/para 55).</p>	<p>According to the third and fourth periodic report, the National Rehabilitation and Resettlement Policy 2007 aims at adequate and expeditious rehabilitation.</p> <p>Amendments have been suggested to the Land Acquisition Act, 1894. However, there has been a demand for a clear definition of the 'public purpose' for which land can be acquired. At the same time, Special Economic Zones continue to be created, letting big corporate houses acquire land at subsidised rates.</p> <p>Abuse at the time of forced evictions continue.</p> <p>Absence of adequate rehabilitation worsens the situation and increases vulnerability of women and children to various forms of abuse and exploitation.</p> <p>Unique Identification Number is envisaged as a document providing migrants mobility without loss of identity.</p>	No Compliance

Harmful Traditional Practices		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>Take legislative and awareness-raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls. (CRC/C/15/Add.115/para 48, 49 and CRC/C/15/Add. 228/para 58, 59 (b)).</p> <p>Strengthen educational and awareness programmes, in cooperation with NGOs and community leaders. (CRC/C/15/Add.228/para 59 (c), 60, 61 (b)).</p>	<p>NCERT Civics text books in schools have improved to cover such issues and engage children in discussions around them.</p> <p>Poor implementation of legislative measures takes away the deterrent effect of the laws.</p> <p>Awareness drives do not touch upon issues concerning boys.</p>	Partial Compliance
<p>Reinforce sensitisation programmes, with the involvement of community leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas. (CRC/C/15/Add.228/para 59 (c))</p>	<p>Honour killings are on the rise. There is an urgent need to work with community leaders.</p> <p>Materials prepared on child protection for panchayats have not been disseminated and used adequately.</p>	No Compliance
<p>Take all necessary steps to implement the Child Marriage Restraint Act 1929 to deal with very high percentage of early and forced marriages and negative impact on their health, education and social development. (CRC/C/15/Add.115/para 50 and CRC/C/15/Add.228/para 61 (a)).</p>	<p>Child marriage law was repealed in 2006, shifting focus from mere restraint to prohibition of child marriages and providing for stringent punishments. Unfortunately however, it does not declare all child marriages null and void.</p>	Partial Compliance
<p>Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents. (CRC/C/15/Add.228/para 61 (c)).</p>	<p>Several initiatives are undertaken for strengthening reproductive and sexual health education and adolescent health and nutrition issues.</p> <p>However, anaemia amongst adolescents is on the rise and adolescent sex ratio is also falling.</p>	Partial Compliance

1A.3.7 Education, Leisure & Cultural Activities

Right and Aims of Education		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Need to focus attention on improving the provision and quality of education, especially in view of its potential benefit for addressing various concerns, including the situation of girls and reducing the incidence of child labour. (CRC/C/15/Add.115/para 56 and CRC/C/15/Add.228/para 64).	<p>There has been a significant decline in number of children out of school from 65 million children as per 2001 Census to about 21 million in 2007-08 as per the NSSO, 64th Round.</p> <p>Bridge Schools have been set up for children out of school though mainstreaming cannot always be assured.</p> <p>The impact of the Right of Children to Free and Compulsory Education Act, 2009 is yet to be assessed.</p>	Partial Compliance
Undertake studies on, and develop measures to address the prevailing disparities in access to education; to improve the quality of teacher training programmes and the school environment; to ensure that the quality of non-formal education schemes is monitored and guaranteed and that working and other children who participate in such schemes are integrated into mainstream education. (CRC/C/15/Add.115/para 56, 58 and CRC/C/15/Add.228/para 64, 65 (f)).	<p>Under the Right of Children to Free and Compulsory Education Act, 2009, the National Commission for Protection of Child Rights and the State Commissions are mandated to monitor the implementation of the law.</p> <p>MDMS was launched in 1995 to enhance enrolment, retention, and participation of children in primary schools, simultaneously improving their nutritional status. A review of MDMS indicates absence of proper management structure in many States. Even the reported average number of school days on which meals are provided vary widely.</p> <p>A 2005 report of Wada Na Todo Abhiyan quotes a government survey reporting that 2.92 percent of the schools, primarily in rural areas, had zero enrolment because these schools did not have teachers.</p> <p>Non-formal education should be discontinued in the light of RTE as all children aged 6-14 should get free and compulsory education in the formal school system. For children above 14 years, distance education and open school system exists, but there are reports of this system likely to be closed down in the next three years, leaving poor children above the age of 14 years with no educational opportunities, unless right to education is extended to all children below the age of 18 years.</p> <p>According to a 2010 Planning Commission's Evaluation report on SSA, "unless there is a strong effort to address the systemic issues of regular functioning of schools, teacher attendance and competence, accountability of educational administrators, pragmatic teacher transfer and promotion policies, effective decentralisation of school management, and transfer of powers to Panchayati Raj Institutions (PRIs), it would be difficult to build upon the gains of SSA. It is important to focus on good quality education of common standards, pedagogy, and syllabi to ensure minimum learning levels".</p> <p>13 Joint Review Missions of SSA have been conducted so far.</p> <p>Since 1988, the National Child Labour Projects have only been able to reach 0.48 million children out of two million employed in hazardous occupations.</p>	Partial Compliance

<p>Ensure and facilitate opportunities for the most vulnerable groups of children to proceed to secondary education. (CRC/C/15/Add.115/para 56, 58 and CRC/C/15/Add.228/para 64, 65 (b)).</p> <p>Take due regard of the aims of education laid down in article 29 of the Convention, including tolerance and equality between the sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous groups. (CRC/C/15/Add.115/para 56, 59 and CRC/C/15/Add.228/para 65 (b)).</p>	<p>Despite a recent increase in the number of girls attending school, gender discrimination persists.</p> <p>Under SSA only few states such as Andhra Pradesh and Orissa have initiated bilingual and multilingual education.</p> <p>The Eleventh Plan Working Group Report called for urgent action to be taken to develop multiple strategies to enable girls to go beyond the primary stage.</p> <p>It has recommended that the special schemes to promote girls' education - National Programme for Education of Girls at Elementary Level (NPEGEL) and the Kasturba Gandhi Balika Vidyalaya Scheme should provide educational facilities for girls belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, minority communities and families below the poverty line in educationally backward blocks.</p>	Partial Compliance
<p>Consider introducing human rights issues, including the Convention, into the school curricula as well as in the curricula for teacher training. (CRC/C/15/Add.115/para 59 and CRC/C/15/Add.228/para 65 (c)).</p>	<p>Issues concerning equality, non-discrimination and gender equality have been introduced in the NCERT Civics text books for classes 7 and 8.</p> <p>As a result of the initiative taken by the National Commission for Protection of Child Rights, a Children's Bill of Rights based on the CRC was introduced in the class 8 Social Science NCERT text books in 2010.</p>	Partial Compliance
<p>Strengthen its efforts to progressively ensure that all girls and boys, in urban, rural and least developed areas and children belonging to Scheduled Castes and Tribes, have equal access to educational opportunities. (CRC/C/15/Add.115/para 56, 58, 59 and CRC/C/15/Add.228/para 64, 65 (b)).</p>	<p>For promoting girls' education, the SSA provides for free textbooks, recruitment of women teachers, promotion of Early Childhood Care and Education (ECCE), bridge courses for out-of-school children, gender sensitisation of teachers, girls' toilets, untied funds under innovation and remedial teaching in districts with low female literacy.</p> <p>Scholarship schemes have been introduced for SC, ST and Minorities. However, nationwide, just 68 percent of Muslim girls go to school, compared to 72 percent <i>dalit</i> girls and 80 percent of the girls from other communities.</p> <p>Education for children in institutional care receives least attention. The Sarva Shiksha Abhiyan has failed to reach these children.</p> <p>Within the government system there are parallel systems of education such as Kendra Vidyalaya, Sarvodaya Vidyalaya, Navodaya Vidyalaya, Municipal Schools, Tribal Residential Schools etc. The demand for common school system has received no attention from the policy makers and planners.</p>	Partial Compliance
<p>Raise awareness of the importance of early childhood education and introduce it into the general framework of education. (CRC/C/15/Add.228/para 65 (c)).</p>	<p>Right of Children to Free and Compulsory Education Act, 2009 recognises the importance of early childhood education. However, it does not cover pre-school education and expects the state governments to take necessary measures in this regard.</p>	Partial Compliance

Encourage the participation of children at all levels of school life. (CRC/C/15/Add.228/para 65 (d)).	<p>Children's clubs and parliaments are being encouraged by some schools though there is no policy for all schools to make it compulsory.</p> <p>Moreover, children are not encouraged to use these forums for taking up the real issues concerning them. In some states like Orissa, rules have been passed under the RTE law to include children in the school management committees.</p>	Partial Compliance
Take necessary measures to improve the quality of education and to ensure better efficiency in the management of education, including by decreasing the dropout rate. (CRC/C/15/Add.115/para 56, 58 and CRC/C/15/Add.228/para 64, 65 (e)).	According to the Eleventh Five Year Plan document, despite progress, 7.1 million children remain out of school and over 50 drop out before they complete standard 8. And these are matters of serious concern.	Partial Compliance
Hire more qualified teachers and provide them with more opportunities for training. (CRC/C/15/Add.115/para 56, 58 and CRC/C/15/Add.228/para 64, 65 (f)).	<p>Instead of hiring more qualified teachers, unqualified teachers have been taken on with a requirement under the Right of Children to Free and Compulsory Act, 2009 (RTE) that such teachers should acquire adequate professional degrees within five years or they stand at risk of losing their job.</p> <p>The demand for qualified teachers is not being met because fewer people are opting for teaching as a career option.</p>	No Compliance
Build better infrastructure for schools. (CRC/C/15/Add.228/para 64, 65 (h)).	<p>Right of Children to Free and Compulsory Act, 2009 (RTE) requires all schools to improve their infrastructure within three years, failing which their recognition shall stand cancelled.</p> <p>According to the third and fourth periodic report, under Sarva Shiksha Abhiyan, districts with high concentration of SC, ST and minority population, districts with SC population concentration, 74 districts with high tribal populations and 121 districts with high minority population have been prioritised for infrastructure provisioning.</p>	Partial Compliance
Implement measures designed to comply with article 45 of the Constitution, which mandates free and compulsory education for all children up to 14, in line with the 1993 and 1996 Supreme Court decisions (Unni Krishnan; and M.C. Mehta v State of Tamil Nadu and Others, respectively). (CRC/C/15/Add.115/para 57).	<p>Education became a fundamental right in 2002 by virtue of a constitutional amendment. Article 45 became a directive principle on early childhood care and education.</p> <p>However, since right to education for all children up to the age of 14 years had been the original commitment and was also upheld by the Supreme Court of India, the 2002 constitutional amendment took away the guarantee of pre-school education for the 3-6 year olds by restricting the right to 6-14 year olds.</p>	Partial Compliance
Make available the necessary resources and to seek assistance from inter alia UNICEF, UNESCO and relevant NGOs. (CRC/C/15/Add.115/para 60 and CRC/C/15/Add.228/para 65 (i)).	<p>While education receives the highest budget within the share of the central government's budget for children, it is still only 4 percent of the GDP as against the goal of 6 percent.</p> <p>Technical assistance provided by UNICEF and UNESCO in the areas of training of education officers and teachers and for research and studies.</p>	Partial Compliance

1A.3.8 Special Protection Measures

Unaccompanied, asylum-seeking and refugee children (Art. 22)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
A need to provide the necessary human and financial support to address the issue of slow pace of establishment of toll-free “childlines” in all districts of the country, and for the establishment of new services, if necessary. (CRC/C/15/Add.228/para 66, 67).	Childline was recognised as a component of the Integrated Child Protection Scheme (ICPS) in the Eleventh Five Year Plan with budget allocated for opening of new Childlines across the country. According to information shared by Childline at the National Consultation held for finalisation of this report 181 cities have already set up Childline Contact Centres. The target to reach every district is by 2017.	Partial Compliance
Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. (CRC/C/15/Add.115/para 61, 62 and CRC/C/15/Add.228/para 70, 71).	The convention has not been acceded to yet.	No Compliance
Children and Armed Conflict, and Their Recovery (Article. 38 and 39)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
In respecting human rights and humanitarian law, ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and provide just and adequate reparation to the victims. (CRC/C/15/Add.115/para 63, 64 and CRC/C/15/Add.228/para 68, 69).	The National Commission for the Protection of Child Rights had made visits to analyse the situation of children in conflict areas based on which it made recommendations on children and armed conflict with reference to certain areas. However, the government’s interventions and monitoring on this issue remains inadequate.	Partial Compliance
Repeal clause 19 of the Protection of Human Rights Act, to allow inquiries into alleged abuses committed by members of the security forces to be conducted (by the National Commission on Human Rights), and abolish the requirement of governmental permission for criminal prosecutions or civil proceedings against members of the security forces. (CRC/C/15/Add.115/para 63, 64).	Though the Protection of Human Rights Act was amended in 2006, no changes were made to Clause 19. Prior permission is still required to arrest members of armed forces under Section 45 of the CrPC.	No Compliance

Administration of juvenile justice (arts. 37, 40 and 39)

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Need to review all existing laws in the administration of juvenile justice to ensure compliance with the Convention as well as other relevant international standards. For example, amend the Prevention of Terrorism Act, 2002 so that it fully respects articles 37, 40 and 39 and other related provisions of the Convention when it is applied to children. (CRC/C/15/Add.115/para 79, 80 and CRC/C/15/Add.228/para 78, 79, 80 (c)).	Even though the Prevention of Terrorism Act, 2002 was repealed in 2004 and replaced with the Unlawful Activities (Prevention) Amendment Act, 2008, the new law allows arrest of “any person” and does not provide for any exemption for children.	Partial Compliance
Establish the executing state mechanisms necessary and provide adequate resources and infrastructure to implement the JJ Act. (CRC/C/15/Add.115/para 79, 80 and CRC/C/15/Add.228/para 79, 80 (d)).	The Supreme Court of India in 2010 ordered that CWCs and JJBs be set in every district. According to affidavits received from state governments/UT administrations by the Supreme Court in 2011, only 14 states and 4 UTs have JJBs and CWCs set up in all districts. A draft report of the MWCD for Twelfth Five Year Plan however provides a much higher figure, sharing marked improvement. The MWCD figures are indeed questionable as ground reality is very different. Even if Special Juvenile Police Units exists on paper, they are not functional. Police stations are seldom able to tell who is the designated Juvenile Welfare Officer. Many JJBs function out of the Court of the Chief Judicial Magistrates in the districts who have been given the additional charge of the JJB. Such problems need immediate correction.	Partial Compliance
Strengthen rehabilitation and reintegration programmes. (CRC/C/15/Add.115/para 79, 81 and CRC/C/15/Add.228/para 78, 80 (f)).	Rehabilitation and reintegration is still weak. The National Commission for the Protection of Child Rights has made specific recommendations for remedial measures towards creating child-friendly protective services and promoting non-institutional services on a larger scale. There is need to develop an understanding on the principle of “best interest of the child” as it often stands compromised while deciding on rehabilitation and restoration of children. The non-negotiables on the principle of ‘best interest’ need to be clearly spelt out.	No Compliance

<p>Reduce overcrowded and unsanitary conditions of detention of children, including detention with adults; training for professionals, including the judiciary, lawyers and law enforcement officers on not just JJAct but also international standards. (CRC/C/15/Add.115/para 79, 81 and CRC/C/15/Add.228/para 78, 80 (e)).</p>	<p>There have been some training initiatives by the National Judicial Academy, National Institute of Social Defence and National Institute of Public Cooperation and Child Development for different functionaries such as the members of JJBs and CWCs, magistrates and judges, police and social welfare officers, institutional staff and NGOs on issues of juvenile justice and child protection.</p>	<p>Partial Compliance</p>
<p>Amend the Juvenile Justice (Care and Protection of Children) Act, 2000</p> <p>Set a minimum age of criminal responsibility that shall be higher than that fixed in the Penal Code and reflect internationally accepted norms, and consider this age as the age when the offence was committed. (CRC/C/15/Add.115/para 79, 81 and CRC/C/15/Add.228/para 78, 80 (a)).</p> <p>Ensure that persons under 18 years are not tried as adults and that boys under 18 years are covered by the definition of juvenile, as girls already are. (CRC/C/15/Add.115/para 79, 81 and CRC/C/15/Add.228/para 78, 79, 80 (g), 81).</p> <p>Use deprivation of liberty only as a measure of last resort. (CRC/C/15/Add.115/para 79, 80 and CRC/C/15/Add.228/para 78, 80 (g)).</p> <p>Extend the application of the Juvenile Justice (Care and Protection of Children) Act, 2000 to the State of Jammu and Kashmir. (CRC/C/15/Add.228/para 78, 80 (b)).</p> <p>Include measures and enforcement thereof to prosecute officials who violate provisions of the Act. (CRC/C/15/Add.115/para 79).</p> <p>Carry out frequent and independent monitoring of institutions for juvenile offenders. (CRC/C/15/Add.115/para 79, 81).</p>	<p>The Juvenile Justice (Care and Protection of Children) Act, 2000 was amended in 2006 and 2011. A notice for further amendments has been recently put out. The JJ Act now:</p> <ul style="list-style-type: none"> - covers boys till the age of 18 years - includes sections to prosecute officials who violate provisions of the Act - contains provisions for frequent and monitoring of institutions for children <p>But with all the amendments the JJ Act still-</p> <ul style="list-style-type: none"> - does not set a minimum age of criminal responsibility - though it clearly prohibits persons below 18 years being tried as adults, a recent RTI response indicates that 113 children were transferred from adult prisons to observation homes in Delhi alone between October 2010 and August 2011. - it's application does not extend to the State of Jammu and Kashmir - JJ Rules in Delhi require permission for action against the in-charge of a government run institution. Also, as the JJ Act states, punishment is only a maximum of six months 	<p>Partial Compliance</p>

Economic Exploitation (Article 32)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Ensure full implementation of the 1986 Child Labour (Prohibition and Regulation) Act, the 1976 Bonded Labour (System Abolition) Act and the 1993 Employment of Manual Scavengers Act., viz-a-viz minimum age standards for employment and appropriate penalties to employers, is rarely enforced. (CRC/C/15/Add.115/para 72, 73 (a) and CRC/C/15/Add.228/para 65, 66).	According to the third and fourth combined report there have been 67,691 prosecutions launched and 25,588 convictions but it does not mention the year of this data. The data suggests that the Act related to child labour has not been implemented fully.	Partial Compliance
Amend the Child Labour Act, 1986 <ul style="list-style-type: none"> - so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children - so that coverage is expanded to include agriculture and other informal sectors (CRC/C/15/Add.115/para 65, 67 and CRC/C/15/Add.228/para 72).	The Child Labour Act, 1986 does not list household enterprises as a hazardous occupation or process. It includes certain agricultural processes for which machines are used in the list of hazardous occupations and processes, but does not prohibit manual labour on the fields.	No Compliance
Ensure better implementation of current labour laws <ul style="list-style-type: none"> - Employers should be required to have and produce on demand proof of age of all children working on their premises. (CRC/C/15/Add.115/para 65, 67). - Laws should provide criminal and civil remedies. (CRC/C/15/Add.115/para 65, 68 and CRC/C/15/Add.228/para 72). - Court procedures be simplified, so that responses are appropriate, timely and child-friendly; and to vigorously pursue enforcement of minimum-age standards (CRC/C/15/Add.115/para 65, 68). 	Rule 17 of the CLPRA Rules, 1986 requires children to produce age certificates to the inspector during inspection. The law does not require employers to have age certificates. The procedures in the court have been simplified to the extent that children rescued from labour are identified as children in need of care and protection and produced before the CWC.	Partial Compliance
Promote campaigns and community-based programmes and trainings to raise awareness, especially for parents and children, for the prevention of child labour, of work hazards and to involve and train employers, workers and civic organisations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals. (CRC/C/15/Add.115/para 65, 70 and CRC/C/15/Add.228/para 72, 73 (e)).	There have been awareness programmes and educational programmes aiming at prevention of child labour. The child labour population has now as a result migrated from the more visible hazardous industries to home based occupations.	Partial Compliance

Commit adequate resources and trainings to ensure that a sufficient number of labour inspectors are adequately resourced to carry out their work effectively and empowered to receive and address complaints of violations, and to file First Information Reports. (CRC/C/15/Add.115/para 65, 70 and CRC/C/15/Add.228/para 72, 73 (e)).	Though trainings are provided to labour inspectors on matters relating to child labour, there has been a lot of confusion about the role of police and the role of labour officers in rescue operations. Lack of coordination and planning also affects the process.	Partial Compliance
Establish a national mechanism to monitor the implementation of standards at state and local levels, and encourage states and districts to establish and oversee child labour vigilance committees. (CRC/C/15/Add.115/para 65, 69 and CRC/C/15/Add.228/para 73 (c)).	District Level Task Force has been set up to monitor child labour. This is yet to be replicated at the village level.	Partial Compliance
Ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. (CRC/C/15/Add.115/para 71 and CRC/C/15/Add.228/para 73 (d)).	The conventions have not yet been signed. The government in its third and fourth combined periodic report states that the “time is not ripe” given the socio-economic condition. Many civil society actors are not in favour of ratification of ILO Convention No. 182 as India has moved far ahead in the list of hazardous occupations banning child labour. Moreover, there have been voices protesting recognition of child prostitution as a form of labour because it needs to be treated as a crime.	No Compliance
Undertake a national study on the nature and extent of child labour, and that disaggregated data, including violations, be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. (CRC/C/15/Add.115/para 70).	No national study on the nature and extent of child labour has been undertaken. Data remains disaggregated and outdated. Annual child labour surveys are supposed to be undertaken in all districts, which seldom happen.	Partial Compliance
Ensure that the competent authorities cooperate and coordinate their activities, including with respect to education and rehabilitation programmes. (CRC/C/15/Add.115/para 65, 71).	There is no coordination between the different authorities responsible for different schemes and programmes which causes a lot of roadblocks in implementing them.	Partial Compliance
Expand present cooperation between the State party and relevant United Nations agencies, such as ILO and UNICEF, and NGOs. (CRC/C/15/Add.115/para 71 and CRC/C/15/Add.228/para 73 (f)).	There have been training and awareness programmes conducted by the cooperation of UNICEF, ILO etc. There has been no assessment to suggest the impact of these trainings.	Partial Compliance

Sexual Exploitation and Sexual Abuse (art. 34)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Ensure that legislation criminalises the sexual exploitation of children and penalises all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalised; Ensure that perpetrators are brought to justice. (CRC/C/15/Add.115/para 74, 75 and CRC/C/15/Add.228/para 74).	The Protection of Children from Sexual Offences Bill, 2011 criminalises the sexual exploitation of children and penalises all the offenders involved, while ensuring that the child victims of this practice are not penalised. The Bill in its present form has many lacunae and has not been passed yet.	Partial Compliance
While noting that <i>Devadas</i> , or ritual prostitution, is prohibited under the law, the Committee recommends that the State party take all necessary measures to eradicate this practice. (CRC/C/15/Add.115/para 74, 75).	Though not in its traditional form, the ritual continues and has taken form of commercial sexual exploitation of children.	Partial Compliance
<p>Ensure that laws concerning the sexual exploitation of children</p> <ul style="list-style-type: none"> - Are gender neutral; provide civil remedies in the event of violations; - Ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; - Include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement; and - In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. <p>(CRC/C/15/Add.115/para 74, 75 and CRC/C/15/Add.228/para 75 (a) and (d)).</p>	<p>The Protection of Children from Sexual Offences, 2011 covers many of the recommendations made in this section but the Bill lacks financial memorandum to back it up to ensure implementation. It has not been passed yet.</p> <p>Trafficking is still not defined in any law in the country except for Goa Children's Act which has limited application (only within the State of Goa)</p>	Partial Compliance
Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (CRC/C/15/Add.228/para 75 (g)).	United Nations Convention against Transnational Organised Crime and its Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children were ratified on 5 May 2011.	Full Compliance
Drug Abuse (art. 33)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
State party develop a national drug control plan, or a Master Plan, with the guidance of the United Nations Drug Control Programme (UNDCP). (CRC/C/15/Add.115/para 72, 73).	No Plan has been developed yet.	No Compliance

State should not only provide accurate and objective information about substance use, including tobacco use and protect children from harmful misinformation through comprehensive restrictions on tobacco advertising, but also develop rehabilitation services for children who are victims of substance abuse. (CRC/C/15/Add.115/para 73).	Information is inadequate, rehabilitation services are poor.	No Compliance
Cooperation with and assistance from WHO and UNICEF. (CRC/C/15/Add.115/para 73).	Though the WHO Framework Convention on Tobacco Control was ratified in 2003 and the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 prohibits sale of tobacco products to minors, there is nothing on rehabilitation services, and implementation is very poor.	Partial Compliance
Sexual Exploitation and Sexual Abuse (art. 34)		
Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
State party implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002). (CRC/C/15/Add.228/para 81, 82)	There has been no reporting on any follow ups that were made to the recommendations made by the Parliamentary Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002)	No Compliance

2 Way Forward

There is no definition of the child in any policy document. This is where we need to take the first plunge.

Other non-negotiables requiring immediate attention include:

- Availability of disaggregated data on child vulnerability indicators at district level. Data should be made available without having to resort to filing applications under the Right to Information Act.
- A comprehensive policy framework
- A uniform child rights code
- Inclusion of a Fundamental Duty under Article 51A of the Constitution of India to protect children's dignity and their rights.
- Amendment in laws that are derogatory to children.
- Harmonisation between personal laws and national laws and international commitments
- Amendment in all guardianship and custody laws declaring mothers as a natural guardian
- Improved implementation of all existing laws.
- Clearly spelt out non-negotiables for practitioners on the principle of "best interest of the child" based on documentation of good practices.
- Revision of the National Plan of Action for Children and formulation of state plans within six months of its notification.

- Clear rules for selection of the chairperson and members of the National Commission for Protection of Child Rights and the state commissions.
- Improvement in the investigation and trial procedures for dealing with crimes against children and by children to reduce delays and lay down a child-friendly law enforcement and judicial system that help children fight for justice.
- Making education free and compulsory for all children up to the age of 18 years.
- Making early childhood care and development a fundamental rights.
- Declaring Right to Health as a Fundamental Right in the Constitution of India.
- Withdrawing of the declaration on article 32 of the Convention on the Rights of the Child and replacing the present child labour law with a law that bans all forms of child labour, extends the right to freedom from economic exploitation to all persons below the age of 18 years and makes child labour a cognisable offence.
- Investing in identification of vulnerable families and focus on programmes for strengthening families in order to reduce child vulnerability.
- Inclusion of a child budget component in the budget of every Ministry/Department to ensure mainstreaming of children's issues into all development agenda.
- Inclusion of children in law and policy making processes
- Increased transparency in all consultative processes and their final outcome.

Special laws, special police, special courts, special services and creation of several special mechanisms with special staff but no role clarity, no specialised training and no incentives and motivation to deliver is visible all over. This is true from the *Anganwadi* worker and ASHA in the health and nutrition sector to the Magistrate in the special courts and boards for dealing with children. Indeed children deserve special attention and in fact in the last twenty years, India has recognised this need and taken positive steps towards providing for setting up special and specialised services. What it implies in practical terms is that the special attention requires special investment. A Magistrate or a police officer who finds no avenues for any promotion while serving in a special capacity will never deliver beyond a point. Special bodies like Child Welfare Committees and Juvenile Justice Boards cannot fulfil the mandate of the law without training, motivation and support of infrastructure, trained counsellors and other manpower. The *Anganwadi* worker and ASHA cannot be treated as the vehicles for implementation of almost all major government programmes at the village level without being remunerated adequately. Unqualified para-teachers cannot replace the need for professionally trained teachers and no teacher can be expected to work in schools without basic toilet and drinking water facilities.

Programmes like the National Child Labour Programme (NCLP) make no sense in the wake to Right to Education guaranteed to all children in the 6-14 year age group. In any case ever since NCLP came into existence in 1988 it has rehabilitated only 0.48 million children as against 2 million that work in the hazardous sectors. Revamping of old schemes and mergers based on an assessment of the situation is the need of the hour.

In the 2011 third and fourth combined periodic report to the CRC Committee, the government does not even admit existence of armed conflict and racial discrimination and xenophobia, forgetting that reports of the Home Ministry acknowledge that 19 out of 28 states are under conflict. The Gujarat carnage and Kandhamal killings seem to have been forgotten too soon.

Children's ecological rights get violated as we create more and more ecological child refugees in the name of development. The goal has to be ensuring inclusive development and not simply inclusive growth. And the question has to be development for whom, at what and at whose cost?

For purposes of better planning for children, improvement is required in the following areas:

- Creation of a child rights index to monitor progress at central, state and district level
- A systematic and regular assessment of children's situation and data base management, providing disaggregated data at district level
- Incentives for states for their performance on child rights indicators
- Greater investment of infrastructure and human and financial resources and proper utilisation of funds
- Clearly demarcated funds for implementation of laws and improved implementation of laws
- Greater investment in training and capacity building
- Planning for children in tribal areas and areas under conflict and monitor progress
- Impact assessments
- Convergence and coordination within all levels of governance

Children and civil society organisations demand right to free and compulsory education upto the age of 18 years, removal of declaration on Article 32 of the CRC and hope to see an Optional Protocol on Ecological Rights of Children in the near future.

Children also wish to have a better say in law and policy making.

They wish the Government would work towards taking care of their families so that they are not deprived of a loving and caring family environment.

They want birth certificates that will help them access benefits of the existing schemes easily.

Disabled children want care, treatment and facilities to grow and develop in a healthy manner.

The mentally challenged ofcourse cannot speak for themselves, but will they never be able to enjoy their rights is what they want to know.

Children in conflict areas long for attention.

They don't want to be displaced from their homes, parks, playgrounds and all they seek is safe and secure life.

