

INDIA

Shadow Report



To the
**Third and Fourth Combined Report on the
UN Convention on the Rights of the Child**

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CRC 20 BS collective
C/O HAQ: Centre for Child Rights
B1/2 Malviya Nagar
New Delhi -110017
India

Telephone: 91-11-26677412

Fax: 91-11- 26674688

Email: info@haqcrc.org

Website: www.haqcrc.org

Supported by: terre des hommes Germany

Preface

Government of India submitted its Third and Fourth Combined Report on the Convention on the Rights of the Child to the Committee on the Rights of the Child in 2011, which the Committee is scheduled to consider in its 66th pre-sessional working group to be held in Geneva from 7-11 October 2013.

This report by the CRC20BS (Balance Sheet) Collective, is being submitted as an alternative to that submitted by the Government.

The CRC 20 BS collective (consisting of 173 organizations and 215 children associated with them) came together to undertake a review of the two decades of implementation of the Convention on the Rights of the Child. It came out with a three volume report titled *Twenty Years of CRC- A Balance Sheet* in 2011. The process of pulling together the Balance Sheet through consultations with NGOs and children was undertaken by HAQ: Centre for Child Rights Delhi, supported by terre des hommes, Germany.

The present shadow report is an update of the Balance Sheet of 2011 (already sent to the UN Committee on the Rights of the Child). It reviews what has been achieved towards the realization of children's rights in India and the gaps that remain. This update has been undertaken by HAQ: Centre for Child.

It is hoped that the Committee will take into consideration the observations made in this report in formulating its Concluding Observations to the Government or India.

Bharti Ali
Co-Director
HAQ: Centre for Child Rights

Enakshi Ganguly Thukral
Co-Director
HAQ: Centre for Child Rights

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List of Abbreviations

S.No	Abbreviations	Term
1.	ACHR*	Asian Center for Human Rights
2.	ARI	Acute Respiratory Infection
3.	BfC	Budget for Children
4.	CARA	Central Adoption Resource Authority
5.	CLPRA	Child Labour (Prohibition and Regulation) Act, 1986
6.	CPCR Act	The Commission for Protection of Child Rights Act, 2005
7.	CRC	Convention on the Rights of the Child
8.	CrPC	The Code of Criminal Procedure, 1973
9.	CWC	Child Welfare Committee
10.	DISE	District Information System for Education
11.	ECCED	Early Childhood Care, Education and Development
12.	FORCES	Forum for Crèche and Childcare Services
13.	FYP	Five Year Plan
14.	GDP	Gross Domestic Product
15.	ICDS	Integrated Child Development Services
16.	ICPS	Integrated Child Protection Scheme
17.	ILO	International Labour Organization
18.	IMR	Infant Mortality Rate
19.	IPC	The Indian Penal Code, 1860
20.	ITPA	Immoral Traffic Prevention Bill, 2006
21.	JJB	Juvenile Justice Board
22.	MIS	Management Information System
23.	MISS	Management Information System and Services
24.	MWCD	Ministry of Women and Child Development
25.	NCG	National Coordination Group
26.	NCLP	National Child Labour Project
27.	NCPCR	National Commission for Protection of Child Rights
28.	NCRB	National Crime Records Bureau
29.	NER	Net Enrollment Ratio
30.	NFHS	National Family Health Survey
31.	NGO	Non Governmental Organization
32.	NIPCCD	National Institute of Public Cooperation and Child Development
33.	NPAC	National Plan of Action for Children
34.	NSS	National Service Scheme
35.	POCSO Act	The Protection of Children from Sexual Offences Act, 2012
36.	PTR	Pupil to Teacher Ratio
37.	RTE	Right to Education
38.	RTI	Right to Information
39.	SC	Scheduled Caste
40.	SCPCR	State Commission for Protection of Child Rights
41.	SJPU	Special Juvenile Police Unit
42.	ST	Scheduled Tribe
43.	TADA Act	Terrorist and Disruptive Activities (Prevention) Act
44.	TB	Tuberculosis
45.	U-5MR	Under Five Mortality Rate

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 emerged as a powerful nation with a GDP growth rate increasing from 1.3 per cent in 1991-92 to 8.5 per cent in 2010. Despite the decade's lowest economic growth rate of 5 per cent on account of the 'impact of the global financial woes'¹ in 2012-13, on the whole, India has indeed become a strong player in the global market. In 2013, the total net worth of India's 55 billionaires was reported to have fallen marginally to \$189 billion (over Rs 10 lakh crore) in the past one year. But even half of this amount is said to exceed the country's total fiscal deficit.² The flip side to this picture of "growth" is that the level of poverty in the country has increased manifold, leaving more and more people out of the social security and safety net. In fact, gap between the rich and the poor has only widened more than ever before. What is more, children no longer seem to be the wealth of the nation with India scoring high on malnutrition, child labour, child sexual abuse and other child rights indicators in the world. The question about development for whom and at whose cost has never been more relevant than it is today. It needs to be reiterated and such stark contradictions need to be corrected without further delay.

In the wake of development policies that have been unfair to large sections of the population, there has been a global recognition for ensuring people their basic human rights. World over, the need to protect the rights of children has gained recognition. Yet, in many countries, including India, even after two decades of ratification of the Convention on the Rights of the Child, children continue to face the challenges of skewed development. Children's issues need to be viewed in this backdrop.

Twenty Years of CRC: A Balance Sheet

Ever since the adoption of the CRC, governments, international organizations, civil society organizations and social movements have all struggled to bring the articles of the Convention into reality. Twenty years after the CRC came into existence, seemed to be an appropriate time to pause and review the situation. This report is based on one such attempt made in India by the CRC20BS Collective, a group of 173 organizations and individuals, including partners of terre des hommes (Germany) in India and 215 children associated with them [**Annexure 1** - CRC20BS Collective].

India's Children – what has really changed and what remains

The gains made since ratification of the CRC are plenty, but the reality of children's situation is disturbing on many counts calling for urgent and serious attention. India may recognize its 41% child population³ as a demographic dividend, but cannot harp on it for too long if it fails to secure every right for every child.

¹ GDP growth rate at 6.4% in 2013-14: PM's economic advisory panel, 23 April 2013. Available at:

<http://www.dnaindia.com/money/1825981/report-gdp-growth-rate-at-6-4pct-in-2013-14-pm-s-economic-advisory-panel>

² The Economic Times, *India's billionaire wealth much above country's fiscal deficit*, PTI, 5 Mar 2013. Available at:

http://articles.economictimes.indiatimes.com/2013-03-05/news/37470185_1_billionaires-micky-jagtiani-fiscal-deficit

³ Office of the Registrar General and Census Commissioner, Government of India, 2011 Census Data, Age Structure and Marital Status. Available at: http://censusindia.gov.in/Census_And_You/age_structure_and_marital_status.aspx

I. General Measures of Implementation

It would be correct to say that India has emerged fairly strong in strengthening and improving its 'General Measures of Implementation' for ensuring children's rights. It is the implementation of these measures, visible in the outcomes and indicators for children, that remains a matter of grave concern.

In 2006 Government of India constituted a full-fledged Ministry for Women and Child Development in 2006. In 2005, the National Plan of Action for Children was revised. Children's rights today are addressed through **58 laws and 80 legal provisions** in the IPC, the CrPC and the Indian Evidence Act. There are **9 policy documents** impacting children's lives, many goals and targets set out under five year plans, **88 central government's budgeted programmes and schemes** for children from **14 Ministries**, a **National Commission for Protection of Child Rights** and **20 State Commissions** [Appendix 1 - Laws, Policies, Plans of Action, Programmes/Schemes, Institutional Mechanisms and Appendix 6 - State Rules under various laws].

However, we also find that:

- Most goals and commitments remain unmet [Appendix 2 - Achievement of Goals and Targets].
- Voices of children often do not become part of process of making laws, policies, action plans and programmes.
- Laws do not include a financial memorandum to ensure commitment of resources for its implementation. On the contrary, over the years, the Government has systematically done away with adding a Financial Memorandum to the laws it makes.
- Implementation of laws is weak
- Several recommendations made to India by the CRC Committee in the past remain unmet, many are partially met and only a few have been fully complied with.

Gaps and Challenges

1. Status of Ratification of various International and Regional Human Rights Instruments

- India signatory to several international conventions and covenants. [Appendix 3 - Status of Ratification of International Instruments by India]. There are however, some important conventions that India is yet to sign or ratify. These include **ILO Convention 138 on Minimum age of employment, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, and the Convention relating to the status of refugees and its protocol.**
- Despite repeated recommendations by the CRC Committee in its Concluding Observations on India, **the Declaration on Article 32 of the CRC on elimination of child labour remains.**
- **Although the Third Optional Protocol on communication mechanism is yet to come into force, there is very little discussion within the government and the civil society in this regard.**
- **On ratification of ILO Convention No. 182 there is strong voice of dissent among civil society actors.** The arguments are that as of date there are 18 occupations and 65 processes

in which child labour is banned and the list of hazardous occupations is progressively being expanded. This takes India way beyond the ILO 182 recommendation. The only worst form of labour not covered by the Indian law is child prostitution. Since prostitution of minors is an offence, civil society groups have opposed bringing it within the purview of labour. Also, with recent 2013 amendment to the criminal laws, insertion of new sections 370 and 371 in the Indian Penal Code takes care of various forms of child trafficking, including trafficking for prostitution and slavery.

2. Reporting on CRC

India has since ratification of the CRC presented three reports to the Committee on the Rights of the Child. However, the reporting has always been delayed. A combined third and fourth periodic report was submitted in September 2011 after a delay of over 6 years and over 3 years respectively. The initial reports on the Optional Protocol on sale of children, child prostitution and child pornography and the Optional Protocol on Children in armed conflict were also submitted in September 2011, delayed by almost four years [**Appendix 4** - India's status on CRC and the Reporting Process].

- **Despite a spurt in legal reform post 2005, steps need to be taken to strengthen the implementation of existing laws and amend some of the existing ones.** One of the results of poor implementation of laws, lack of structures and mechanisms to ensure proper implementation, inadequate staff and other resources is the low rates of prosecution and conviction under most laws relating to women and children [**Appendix 5** - Examples of laws that have not worked, not even after amendments, where they have taken place].
- **Legal Reform and Implementation of Laws in haste, leaving out important considerations or even diluting the intent and purpose.** For example, in 2002, while making education a fundamental right for children aged 6 to 14 years, rights of the 0-6 year olds, which were earlier seen as part of right to education, were taken away and added into the Directive Principles of State Policy. While the effort is laudable, it amounts to **dilution of the Supreme Court of India's judgement in Unni Krishnan, J.P., v. State of A.P. and Others [1993 SCC (1) 645], which recognized right to education for all children up to the age of 14 years as part of the Right to Life.**
- **Being a federal structure, most children's legislation except the criminal laws, require states to formulate their own rules for implementation. States often fall short in framing the rules, which in turn affects children's right to justice, care, protection and rehabilitation. A time frame for framing of rules must be part of every law or central rules and must become an indicator for monitoring compliance.** A look at the state rules framed under the Right to Education law, Juvenile Justice law, Child Labour law and Child Marriage law [**Appendix 6** - State Rules under various laws], reveals absence of certain rules in some states, unnecessary delay in the formulation of rules as well as their date of enforcement.
 - **What is interesting is that in 9 out of 20 states where the State Commission for Protection of Child Rights (SCPCR) exists, these were established without formulation of rules** meant to govern both the establishments and the functioning of these bodies [**Appendix 1** - Laws, Policies, Plans of Action, Programmes/Schemes, Institutional Mechanisms and **Appendix 6** - State Rules under various laws].

- The Right of Children to Free and Compulsory Education Act was passed in 2009, nine years after education for children 6-14 years old became a constitutional guarantee. Central Model Rules on Right of Children to Free and Compulsory Education were notified in the Official Gazette on 8 April 2010. **Even after four years of the Right to Free and Compulsory Education coming into effect and three years post notification of the Central Rules, four states are yet to notify the state rules.** These include Bihar, Haryana, Kerala and Mizoram [Appendix 6 - State Rules under various laws].
- **Investing in pre-school education is not obligatory under the Right to Education Act. Hence play schools operate as private businesses without any regulation.** Attendance in a play school has, in practice, become a pre-requisite for getting admission into a private school. Unless regulated, besides children being subjected to questionable methods of teaching and curriculum, their care and protection in such play schools will remain at stake. A December 2012 case of sexual abuse of a 3 year old in a play school in Delhi is just one such case in point⁴.
- **The Child Labour (Prohibition and Regulation) act continues to exist despite education becoming a fundamental right.** If all children are supposed to be in school, there should be no child labour. **Existence of both the laws is a contradiction to be dealt with immediately.**
- **There is a need to expedite amendments in certain laws that have been in the pipeline for long. A few such important legislations pending amendment include:**
 - **The Immoral Traffic Prevention Bill, 2006 (ITPA)** - The Immoral Traffic Prevention (Amendment) Bill has been on the anvil since 2006. On 5 May 2011, India ratified the Convention on Transnational Organized Crime and its Optional Protocol to Prevent, Suppress and Punish Trafficking Persons, Especially Women and Children. Very recently, as part of the 2013 Criminal Law Amendment Act, sections 370 and 371 of the Indian Penal Code were revised to cover trafficking in women and children. Keeping the amendment to ITPA on hold has no meaning in the light of these developments.
 - **The Child Labour (Prohibition and Regulation) Bill, 2012⁵** - After a long struggle the proposed amendment to the child labour law proposes to ban all forms of child labour below the age of 14 years, thereby removing the distinction between hazardous and non-hazardous forms of child labour forever. As for adolescent labour, the bill proposes to prohibit it only in three sets of hazardous occupations and processes. Whether child labour ought to be treated as a labour welfare issue or a crime and hence a child protection issue is an ongoing debate necessary to decide which Ministry should play the nodal role in implementing a law against child labour.
 - **The Transplantation of Human Organs (Amendment) Bill, 2009⁶** was introduced in the Lower House of the Parliament on 18 December 2009 to amend the Transplantation of

⁴ Ambika Pandit, *Out on bail, rape accused still stalks girl's family*, 21 April 2013, Available at:

http://articles.timesofindia.indiatimes.com/2013-04-21/delhi/38709814_1_child-rights-child-victims-fir

⁵ The Child Labour (Prohibition And Regulation) Amendment Bill, 2012, Bill No. LXII of 2012, As introduced in the Rajya Sabha. Available at:

<http://www.prsindia.org/uploads/media/Child%20Labour/Child%20Labour%20%28Prohibition%20and%20Regulation%29%20%28A%29%20Bill,%202012.pdf>

⁶ Parliament of India, Parliamentary Bulletin Part – II, No. 48229, Legislative Section, Statement regarding Government Legislative and other Business expected to be taken up during the Two Hundred and Twenty Second Session of the Rajya

Human Organs Act, 1994. The objective of the amendment is to protect the vulnerable sections of the society from being exploited commercially by unscrupulous elements and check trafficking of persons for organ transplant. The report of the Department-related Standing Committee on Health and Family Welfare was presented on 4 August 2010. The Bill is still under consideration.

- **The Registration of Births and Deaths (Amendment) Bill, 2012⁷** was introduced in Raja Sabha on May 7, 2012 after a series of efforts being made since 2007 primarily to include the registration of marriages within its purview. The long standing demand and promises of the government to make the registration process simple and less cumbersome, encourage people to get all births registered and to enable children in difficult circumstances such as street children, children of migrants and adopted children to get their births registered and possess a proof of residence or birth⁸ do not find place in the proposed amendment.
- **The Assisted Reproductive Technology (Regulation) Bill 2010⁹** is still in a draft stage. The draft proposes to address rights and duties in relation to surrogacy but fails to protect the surrogate mother as well as the child from certain forms of abuse that may result through a surrogacy agreement. The most recent case of a convicted Israeli paedophile who got parental rights of an Indian surrogate child raises an alarm¹⁰.
- **The Prevention of Torture Bill, 2010, as passed by Lok Sabha** was passed by the Lok Sabha and referred to the Select Committee of the Rajya Sabha on 31 August 2010 and the Committee presented its report on 7 December 2010. After serious efforts at lobbying and advocacy by child rights organizations¹¹, the Bill in its present form does contain provisions relating to children that were missing earlier. However, the bone of contention is the efforts being made by the Government of India to grant immunity to public servants from criminal action without an inquiry by the concerned Minister/Department and prior sanction from the concerned authority.
- **The National Health Bill, 2009** has been an outcome of several consultations. The Jan Swasthya Abhiyan, the Indian chapter of the People's Health Movement, had a major role in lobbying for and preparing the grounds for the draft bill. 'The Bill has been lying in cold storage with the chapter on financial memorandum yet to be completed. In a situation where the health needs of the people are dependent largely on the unregulated private sector, where there is gross underinvestment in health, where the rate of decline of either infant or maternal mortality has been slow, where there has been a resurgence in

Sabha, Wednesday, February 23, 2011, New Delhi. Available at:

http://164.100.24.167/newsite/bulletin2/Bull_No.aspx?number=48229, accessed on 4 April 2011.

⁷ The Registration of Births And Deaths (Amendment) Bill, 2012. Bill No. XXII Of 2012, As Introduced in the Rajya Sabha. Available at:

<http://www.prsindia.org/uploads/media/Registration%20of%20births%20and%20deaths/REegistration%20of%20Births%20and%20Deaths%20%28Amendment%29%20bill,%202012.pdf>

⁸ Count Every Child because Every Child Counts: Promoting Universal Birth Registration in India, Plan India, www.plan-international.org

⁹ Ministry of Health & Family Welfare, Govt. Of India, The Draft Assisted Reproductive Technologies (Regulation) Bill – 2010, Indian Council Of Medical Research, New Delhi. Available at:

<http://icmr.nic.in/guide/ART%20REGULATION%20Draft%20Bill1.pdf>

¹⁰ [Danish Raza. Why Indian surrogacy laws are ripe for exploitation by paedophiles. First Post. Jun 11, 2013. Available at: http://www.firstpost.com/world/why-indian-surrogacy-laws-are-ripe-for-exploitation-by-paedophiles-862527.html](http://www.firstpost.com/world/why-indian-surrogacy-laws-are-ripe-for-exploitation-by-paedophiles-862527.html)

¹¹ HAQ: Centre for Child Rights, Submission made to the Select Committee on Prevention of Torture Bill, 2010, 5 October 2010. Available at www.haqcrc.org

communicable diseases, the belief that a credible public health system is the need of the hour is getting increasing recognition'.¹²

- **Certain laws in the making need to be looked at from a child rights lens and include provisions for children** such as the Food Security Bill and the Mines and Minerals (Development and Regulation) Bill, 2011, the Prevention of Torture Bill, 2010, the Land Acquisition, Rehabilitation and Resettlement Bill.
- **Some laws need to be repealed** as they contradict other existing laws and create confusion. For example, any law other than the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 under which child care institutions are registered/licensed should be repealed. Many institutions giving shelter, care and protection to children have failed to get registered under Section 34 of the Juvenile Justice Act on the grounds that they are already registered and licensed under the **Women's and Children's Institutions (Licensing) Act, 1956 or the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960**. As a result minimum standards of care and protection as laid down under the Juvenile Justice law cannot be ensured in these institutions. Frequent child rights violations are reported from such institutions as children residing therein continue to suffer corporal punishment, sexual abuse, poor nutrition and health care and sometimes even denial of right to education.
- **There are laws that need to be reviewed and amended:**
 - **The Prohibition of Child Marriage Act, 2006 requires a change to declare all child marriages null and void.** As the law is formulated, only marriages resulting from use of force/threat/fraud/kidnapping or violation of an injunction order of a court to prevent such a marriage from taking place are null and void. Child marriages per se continue to be legally valid marriages unless either of the parties to the marriage wishes to nullify it, which seldom happens. **As a result, it has been found, the law does not result in deterrence despite enhancement of punishment. Neither is the law being implemented by the concerned authorities as child marriages continue to be seen as a social evil instead of a crime, and indeed child marriages continue to take place.**
 - Similarly, the **Children (Pledging of Labour) Act, 1933 is an age old law that needs to be revised completely** to allow children the right to complain against their parents/guardians, to make pledging of children for labour and employment of such a child a cognizable offence, increase the punishment/penalty and to bring it consonance with Section 370 and 371 of the IPC introduced by virtue of Criminal Law Amendment Act of 2013 as also in consonance with the definition of child (a person below the age of 18 years) in the new National Policy for Children, 2013.
 - In the recent **Protection of Children from Sexual Offences Act, 2012**, issues of age of sexual consent and mandatory reporting need to be debated and reviewed, comprehensive provisions need to be built in on protection of victims during investigation and post-trial, and provisions regarding rehabilitation and social integration of victims need to be added.
- **Harmonization between national laws and personal laws including the need for a uniform code for children as recommended by the Committee on the Rights of the Child remains a distant dream.**

¹² TK Rajalakshmi, Bill of Neglect, Frontline, Vol. 26, Issue 18, August 29-September 11, 2009. Available at: <http://www.hindu.com/fline/fl2618/stories/20090911261802200.htm>

- **There is need for a national law on adoption.** While the juvenile justice law allows for children in need of care and protection to be given in adoption, some personal laws do not. This contradiction is yet to be removed. Also, there is confusion as to which law is to be used by the courts for finalizing an adoption deed in a case where adoption is processed under the juvenile justice law. This is because the juvenile justice law provides for the process to be followed but is silent on the final adoption. Even the CARA guidelines are silent on the adoption deed. At present only the Hindu Adoptions and Maintenance Act provides for an adoption deed, which then limits adoption to only Hindu children and Hindu parents. Regulation of inter-country adoption is presently only through a set of guidelines framed by CARA. This situation also needs to be reversed to ensure legal action to deal with irregularities in inter-country adoptions and subsequent follow-ups as well as illegal adoptions.
- **In the light of the 2013 National Policy for Children, laws need to be revised to contain a uniform definition of the 'child' [Appendix 7 - Definition of a 'Child': Age of Children under Different Legislations].** This has been a long standing recommendation of the CRC Committee to the Government of India and demand from the civil society in India. While the new policy for children paves the way for future legal reform in this direction, it cannot be ignored that the **proposed amendments to the child labour law continue to define a child as a person below the age of 14 years.** At the same time, in the wake of a brutal gang rape case in Delhi involving a juvenile, members from the police services, judiciary, executive and legislature are voicing the need to lower the age of juvenility to 16 years, especially in the case of heinous offences. Instead of treating children committing heinous offences, **a regressive move to lower the age of juvenility needs to be averted.**
- **However, it must be recognized that while adopting a uniform definition of the child, exceptions or exceptional circumstances will have to be explicitly spelt out and provided for in the laws. For example, the 'age of sexual consent' need not be the same as the definition of 'child'.** The 2012 Protection of Children from Sexual Offences Act does not address the issue of 'age of sexual consent' and treats all children below the age of 18 years engaging in sexual activity as victims of sexual assault, irrespective of consent. **This is a serious error that needs to be corrected.** A number of boys in conflict with law and young men are ending up in detention facilities/jails because they get booked under kidnapping and rape laws on elopement. On the other hand, the Criminal Law Amendment Act of 2013 recognizes only sexual intercourse by a man with his wife below the age of 16 years as an offence. This adds to the confusion on the application of the two laws as well as confusion on the status of children in such odd situations.
- **Where there are no laws or policies, new ones are needed such** as there is no legal framework under the Indian constitution to **determine the status of refugees** and the Government of India has dealt with the refugees on ad hoc basis.
- Despite recommendations from the UNCRC Committee, **India still does not have a law banning corporal punishment in all places/situations.**¹³

¹³ Global Initiative to end All Corporal Punishment. India – Country Report. 2013

3. Policies, Plans of Action and Programmes

- After nearly 40 years, the **National Policy for Children was revised recently in 2013**. This is welcomed by all. The **Ministry of Women and Child Development however, needs to carry out a systematic campaign to widely publicise the new policy commitments**. To begin with the **policy document needs to be translated into the national language and all official languages in the states**.
- **Examination of policies shows that children's issues do not find place in development policies other than those directly relating to them**. For example the Mining Policy, or the Disaster Management Policy, or the housing and habitat policy must contain provisions for reducing violations of children's rights in such situations and ensuring that specific needs of children are addressed.
- Participants at a National Consultation held between 20-22 October 2011, to finalise the CRC20BS report expressed the **need for a National Policy on Early Childhood Care, Education and Development (ECCED)**, which should clarify, amongst others, matters regarding administrative authority responsible for pre-school education. The government of India has drafted a policy¹⁴ and it is available for discussion.
- FORCES, a national network of organizations and individuals concerned with issues relating to women working in the unorganized sector and care of their children have been making a **demand for a Maternity and Child Care Code to ensure that all laws with implications for children have provisions on crèches and maternity entitlements**.¹⁵
- **The National Plan of Action for Children, 2005 is outdated and needs a revision. The goals are targets set out in the National Plan of Action for Children, 2005 (NPAC) have crossed their deadline**. As far as the National Plan of Action for the girl Child is concerned, clearly, the states did not feel the need to have a state plan for the girl child and, finally, the National Plan of Action for Girl Children was merged with the National Plan of Action for Children in 2005.
- **Most states and union territories are yet to formulate their State Plan of Action for Children** based on the National Plan of Action for Children, 2005. In fact lack of state plans has always hampered the implementation of the National Plan. There is no readily available updated information in this regard, although a 2007 report of the Ministry of Women and Child Development puts the figure at 13¹⁶. Collation of information available from various state websites suggests that 18 states have at some point had a State Plan of Action for Children but most of these are outdated [**Appendix 1 - Laws, Policies, Plans of Action, Programmes/Schemes, Institutional Mechanisms**]. Only three states – Bihar, Gujarat and Orissa – seem to have drawn up a Plan of Action for Children post formulation of the National Plan of Action for Children in 2005. In 2011, Karnataka drafted a new action plan for the period 2011-2020, which is still awaiting finalization and adoption.

¹⁴ [http://wcd.nic.in/schemes/ECCE/National%20ECCE%20Policy%20draft%20\(1\).pdf](http://wcd.nic.in/schemes/ECCE/National%20ECCE%20Policy%20draft%20(1).pdf)

¹⁵ Information provided by FORCES at the National Consultation on 'Twenty Years of CRC: A Balance Sheet (CRC20BS), 20-22 October, 2011, New Delhi.

¹⁶ Ministry of Women and Child Development. Government of India, *National Report on "A World Fit for Children", 2007*. p. 3. Available at: http://www.unicef.org/worldfitforchildren/files/India_WFFC5_Report.pdf

- **In a decentralised form of governance, the Panchayati Raj Institutions do not participate in the process of framing laws, policies, plans and programmes.** Their role is merely to implement the schemes and decide on how best to prioritize the budget available.
- **The neediest and most deserving people continue to be deprived of benefits of various programmes and schemes for lack of proof of identity and/or residence.** For example, in Delhi, the one of the most talked about scheme for the girl child is the 'Ladli Yojana'. Unfortunately, lack of proof of residence has kept many girls away from the benefit of this scheme. Moreover, the first child in India is often born in the mother's native place of birth, which may be in a district or state other than where she lives after marriage. Such situations further complicate matters when establishing residence is generally a struggle in itself.
- **There is duplication of efforts and very little convergence in the planning and implementation of various schemes and programmes.** For example, despite education programmes like the Sarva Shiksha Abhiyan, the labour ministry continues to provide non-formal education under its National Child Labour Project (NCLP). This is also a violation of children's right to mainstream education. Furthermore, the Ministry of Women and Child Development also implements a scheme for welfare of working children in need of care and protection.
- **Entry of the private sector in the implementation of critical services is increasingly resulting in the State's abdication of its responsibility.** In the public private partnership (PPP) model, there is little or no accountability of the private agencies once they have submitted the utilization certificates for the grants received from the state. Tracking down allocations and spending under certain schemes has become difficult as the money is transferred directly to the societies created to implement them and the budget documents fail to provide a break-up.
- Often enough an assessment of the grants-in-aid given to NGOs to provide services to children reveal the inadequacy of the budgets granted to the NGOs for the implementation of such services as against what the government otherwise spends for a similar intervention. **While on one hand NGOs are being brought in as service providers on grounds of their ability to provide better services, on the other hand they are expected to achieve better results with lesser budgets.** Perhaps **one of the reasons for shifting to NGOs is the lack of a will to invest adequately on children's rights.**
- **Consultations held with children during the Balance Sheet process, clearly pointed out the virtual lack of knowledge among them about the various programmes and schemes meant for ensuring their rights.** The only schemes known to children are Sarva Shiksha Abhiyan, Mid-day meal scheme, polio immunization and Anganwadi programme under the ICDS.
- **There are a number of schemes and services for people with disabilities but there is no evidence of a child rights framework in their design.** Hence in effect while they are meant for all persons with disability, they lack age specific design.
- **The very right of children to survival and health is at stake due to the poor implementation of the schemes on health.** Poor maintenance and consequent deterioration of building and equipment, staff vacancies, staff absence, lack of adequate numbers of women staff, poor supply and logistics and poor access to health centres have been mentioned as reasons for the poor functioning of primary health care institutions.

- **Among the child specific schemes in the health sector, there are none to address problems of mental health of children or drugs and substance abuse among children.** There are no separate shelter, care, protection and rehabilitation facilities for these children and they languish in the existing few and overcrowded facilities with adults. Private facilities are beyond the reach of common man.
- Malnutrition among children is addressed in a focussed manner by both the Ministry of Health and Family Welfare and the Ministry of Women and Child Development. The focus of MWCD is largely on nutrition of the 0-6 year old children and adolescent girls. **Issues concerning nutrition among boys in general receive very little focus. Similarly, over-nutrition issues among urban children of wealthy families remain unaddressed.**
- **Schemes pertaining to upliftment of status of the girl child are seldom thought through seriously.** The Balika Samriddhi Yojana was launched by the Central Government in 1997 with the specific objective of changing the community's attitude towards the girl child and ensuring her survival, education and marriage only on attaining majority. The states already had similar schemes doing fairly well. With the Centre forcing down this scheme, the situation changed as the states had to invariably wait for grants from the centre, which delayed matters and affected the implementation of the scheme. In the Tenth Plan, the government decided to transfer this scheme to the State Governments. Schemes for adolescent girls continue to focus on health and nutrition aspects than on empowering girls to live with dignity and self-respect. The life-skill component of such programmes includes sanitation, hygiene during menstrual cycle, food habits, stereotyped vocational skills and the role of micro-credit for financing. Micro-credit and formation of self-help groups has failed to empower women to deal with domestic violence and other forms of abuse and exploitation. Moreover, the sharp fall in the sex-ratio of adolescent girls highlighted in the 2001 Census seems to have fallen off the radar for further analysis. There is no tracking of adolescent sex-ratio.
- **Child protection schemes continue to suffer the worst fate. In the XIth Five Year Plan period, the Ministry of Women and Child Development launched the Integrated Child Protection Scheme (ICPS).** The scheme was based on the recognition of 'glaring gaps in the infrastructure, set up and outreach services for children'¹⁷. These gaps, which continue to exist even today, include:
 - Poor planning and coordination,
 - Low coverage,
 - Poor infrastructure,
 - Inadequate resources,
 - Serious service gaps,
 - Poor understanding of child rights and child protection, and
 - Lack of a child friendly approach.
- **While trafficking of children is recognized as a serious problem in the country, there are virtually no programmes covering all source, destination and transit areas to address issues of prevention, protection and rehabilitation of the victims holistically. Those that exist are limited to pilot schemes** such as Ujjwala, and are only for girls trafficked for commercial sexual exploitation. Large scale trafficking of both girls and boys for labour remains a challenge.

¹⁷ Ministry of Women and Child Development, Government of India, Integrated Child Protection Scheme. Available at: <http://wcd.nic.in/>, within Schemes, Children Related Schemes.

4. Institutional Mechanisms

- **There is no uniformity in the country with respect to the administrative mechanism responsible as the nodal Department for planning and implementation of children's programmes and schemes.** In some states the responsibility lies with the Department of Women and Child Development, in some others it is with the Department of Social Welfare. The nomenclatures for these departments also vary. While in a federal structure of governance states have the autonomy to set up their own administrative mechanisms, some uniformity on the structure, functioning and resources made available to these Departments may be ascertained in order to eliminate confusion regarding the role and mandates of different departments in the states, whom to approach for what, and to ensure comparability in terms of budgets of the concerned departments, their performance and achievements.
- **Mechanisms such as the Commission for Protection of Child Rights do not exist in all the states.** As of now there are SCPCRs in only 20 of the 35 states and Union Territories.
- **The Paris Principles and CRC Committee's General Comment No. 2 on national human rights institutions stand violated** vis-à-vis the National and the State Commissions for Protection of Child Rights [**Appendix 8** - Problems in the establishment and functioning of the State Commissions for Protection of Child Rights]. This is because of the absence of rules governing selection of members to the National and the State Commissions; the manner in which state commissions have been established without formulation of rules; the very process that has been followed for selection of the chairpersons and members; inadequacy of funds and staff at the disposal of the commissions; and, lack of autonomy to function as an independent body.¹⁸ A Public Interest Litigation on selection of members to the National Commission is pending in the Delhi High Court (Association for Development & HAQ: Centre for Child Rights Vs Union of India & Ors [W.P. (C) 1055/2011. CM Appl. 5093/2013])
- **There is no official information available on the number of children's courts established in various states under the Commission for Protection of Child Rights (CPCR) Act, 2005 and the number of special courts established under the new Protection of Children from Sexual Offences (POCSO) Act, 2012.** As per news reports and report of a judicial colloquium organized by the Centre for Child and The Law, National Law School, Bangalore, children's courts have thus far been notified only in Delhi (11 functional courts), Haryana, Goa (1 functional court), Maharashtra, Karnataka, Kerala and Tripura.¹⁹ It is noticed that in practice, the children's courts under the CPCR Act are also being designated as the special courts under POCSO Act.
- **Till date there is no clear data on the number of CWCs, JJBs, SJPU and such other structures required to be put in place for implementation of various child protection laws and the Integrated Child Protection Scheme. At the same time, even going by the conflicting data available, all districts do not have these structures as mandated under the juvenile justice law.** On 22 January 2010, the Supreme Court of India ordered that CWCs and JJBs be set up in every district (*Bachpan Bachao Andolan v Union of India*) [WP (Civil) No. 51 of 2006]. However, a reply

¹⁸ Centre for Child and the Law, National Law School of India University, Bangalore, *Judicial Decisions Relevant to Human Rights Institutions (Digest 1)*. Available at: <http://www.nls.ac.in/ccl/justicetochildren/decisions.pdf>

¹⁹ Centre for Child and the Law, National Law School of India University, Bangalore, Law Commission of India with the support of UNICEF India Country Office, *Judicial Colloquium on Children's Court: A Report*, 26 February 2012, Bangalore, India, Available at: <http://www.nls.ac.in/ccl/justicetochildren/JudicialColloquiumReport.pdf>. And Information available at <http://infochangeindia.org/children/news-scan/maharashtra-notifies-dedicated-childrens-courts.html>, <http://www.indianexpress.com/news/haryana-designates-children-s-courts/1125205/>

filed by different states in another PIL *Sampurna Behura v. Union of India and others* on the implementation of the JJ Act says that only 14 states and four union territories have set up JJBs and CWCs in all districts. At the same time the report of the Ministry of Women and Child Development submitted to the Planning Commission of India for the XIth Five Year Plan suggests that the Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) have doubled from 240 before introduction of ICPS to the present number of 548. Similarly there are 561 JJBs as against 211 before introduction of the scheme. 660 Special Juvenile Police units (SJPU) have also 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 3rd and 4th combined periodic report of the Ministry of Women and Child Development provides data dated 2007, when it could have provided more updated figures. In a country with 640 districts, data provided in that report in Annexure 8B.1.2 is only for 500 districts.

- All 173 organizations and 215 children who have been part of the CRC20BS exercise **proposed a separate Ministry on Child Rights both at the national level and in the states.**

5. Coordination and Monitoring

- **While special laws and policies are needed to address the special situations of children because of their age and vulnerability, it is critical to see the relationship between all important national policies and child rights through convergence of services. The most common and obvious policies are those related to development, land resources, industry and mining, employment etc.** When all communities are affected by forest, agricultural and infrastructure policies, children too are impacted. Changing land use patterns that take away land from food-crops results in fall in nutrition levels as does the access to forest resources that communities have been dependent on. The current state of malnutrition of children bears testimony. Farmer suicides as a result of agricultural priorities renders children orphan or destitute, pushes the family into penury and forces children to go to work, in the absence of state mechanisms to take care of them.
- **The Five Year Plans have time and again reiterated the need for improving coordination between Ministries and Departments and convergence of services. However, they have failed to establish the process and the methodology that would ensure better coordination.**
 - Although children's nutrition is a responsibility of the Ministry of Women and Child Development (MWCD), there are nutrition related programmes of the Ministry of Health and Family Welfare too. Similarly, the role of many other departments comes into play in successfully eradicating malnutrition. **“Leadership and efficient governance are required at all levels to ensure synergy through convergence between Programmes/Missions/Acts which impact nutrition directly or indirectly (income, sanitation, drinking water, feeding programmes etc.) run by different departments/ ministries like health, women and child development, agriculture, civil supplies, and others.”**²⁰
 - The most important aspect of ICPS, which was formally recognized in the design of the scheme, was that of prevention. Clearly **a role of various Ministries/Departments is necessary in order to prevent families to fall out of the social security and protective net.**

²⁰ Indian National Science Academy, *Nutrition Security for India—Issues and Way Forward, A Position Paper*, December 2009, New Delhi. p 2.

Available at: <http://www.insaindia.org/Nutrituion%20security%20position%20paper.pdf>

Yet, convergence of services and coordination between the Ministries/Departments remains a serious challenge. Prevention related programmes often enough therefore remain focused at awareness drives. As the Ministry of Women and Child Development and its counterpart in the states lack the convening power necessary to ensure coordination and convergence, most child protection goals remain a delusion.

- **The rights of children with disability almost always fall through the cracks because of lack of synergy and co-ordination between ministries and departments.** The Ministry of Social Justice and Empowerment in the centre and the Departments of Welfare holds the responsibility of providing welfare measures for persons with disability while the Ministry for Women and Child Development in the Centre and the Departments for Women and Children in the states hold the principal responsibility for children. Each of them pass the buck where the disabled child is concerned. Adding to the confusion is the fact that disability is seen as a health issue and hence brings is the role for the Ministry/ Departments of Health.
- **The National Coordination Group (NCG) has failed to sustain itself due to lack of coordination between different ministries and departments.**
 - The NCG was constituted as per requirement of the CRC to monitor implementation of the convention. After reconstitution in April 2005, it met twice in June 2005 and then in December 2005. The group was once again reconstituted in October 2007, where after it has met only once.
 - There is no coordination and cooperation between the different ministries that are part of the NCG and hence to get all on board together has not been possible for the Ministry of Women and Child Development, the nodal ministry responsible for setting up and functioning of the NCG.
 - While the NCG is at the national level, there is a need for a similar mechanism in the states and at the district level too.
- **While child impact assessments of laws, policies, programmes and plans of action form part of the XIIth Five Year Plan, indicators for carrying out such assessments are yet to be developed.**
- **Absence of the State Commissions for Protection of Child Rights in all the states and union territories, hampers monitoring of child specific laws.** The Right to Education law and 2012 Protection of Children from Sexual Offences Act specifically entrusts the responsibility of monitoring their implementation with the Commissions for Protection of Child Rights.

6. Data Collection and Management

Even after 20 years of the CRC and repeated recommendations of the CRC Committee to India, getting accurate and reliable data on children as well as mechanisms set out to implement the various laws, policies and programmes remains a challenge, especially at the district level.

One of the major goals of the 2005 National Plan of Action for Children was to build a comprehensive system for data collection and analysis. **The goal is yet to be achieved.**

Problems with the existing data includes non-availability of disaggregated data for all child rights indicators, e.g. child participation and all forms of disability amongst children; non-availability of

district level data; duplication of data; and lack of updated information, lack of updated information on state rules, absence of collated data on institutional set up for ensuring all rights of children such as special courts or children's courts, CWCs, JJBs, Commissions for Protection of Child Rights etc. The Census data being a household survey is most reliable. However, since it takes place once in ten years, the data becomes redundant over a period of time. The sample surveys indeed cannot be fully relied upon and can only be treated as projections or estimates. Moreover, use of differing methodologies by different sources on the same issue or indicator, results in conflicting information. **Thus, we continue to see not only inadequate data but also conflicting data from various government sources.**

- **Information that should be in public domain is often not made available and the Right to Information (RTI) Act has to be used even to obtain data that should otherwise be easily accessible for sociological and socio-legal research.**
- **Using the RTI law for monitoring state performance is not well received by state actors.** Experiences of RTI activists therefore suggest that even in responding to RTI applications, often enough the required information is not shared. Either the application gets passed on from one department to another, resulting in delay in receiving the information required, or inadequate information or data is shared.
- Participants at the National Consultation held in the course of finalising this report are of the view that **data collection process is not scientific; often surveyors go without adequate training on data collection, and many times at the cost of children.** For example, school teachers are routinely involved in carrying out the decennial Census, which is at the cost of their teaching time. On the other hand where instructions are laid out to carry out such surveys over weekends or other non-working days, it is not appreciated by the teachers at all, affecting the quality of data collected. Interestingly, the Right of Children to Free and Compulsory Education Act, 2009 states that 'No teacher shall be deployed for any non-educational purposes other than the decennial census, disaster relief duties or duties relating to elections to the local authority or the State Legislatures or Parliament, as the case may be'.²¹
- **The need for a centralised MIS/ child tracking system has been recognized by the Ministry of Women and Child Development in the Eleventh and the Twelfth Five Year Plans. However, progress in this regard is slow. At the same time, the district and state system of data collection must converge effectively at the national level.**

The Government of India had initiated an inter-ministerial agency called INFOCS (a statistical information agency for children), with independent status, led by the Ministry of Statistics and Programme Implementation. This was to have the primary responsibility of maintaining a data-base related to children. However, over the years it has become defunct.

In October, 2010, YaR Forum India showcased its Homelink, software cum web portal, at a National Workshop on Child Tracking System held at NIPCCD, New Delhi, organized by the Ministry of Women and Child Development. Homelink Child MISS (Management Information System & Services), a bio-metric inclusive product, is under construction with additional features to accommodate the requirements of the Integrated Child protection Scheme (ICPS) and the Juvenile Justice Act 2000. This could well have been used in all the Child Welfare Centres

²¹ Section 27, Right of Children to Free and Compulsory Education Act, 2009, Ministry of Law and Justice (Legislative Department), Gazette of India Notification dated 27 August, 2009.

effectively. However, the Ministry went into yet another exercise of developing a child tracking system, which is still being experimented with on a pilot basis.

7. Training and Capacity Building

- **The need and demand for training and capacity building is far beyond the current availability of human and infrastructural resources.**
- **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) **are not systematic. Different bodies design different programmes and the Convention as such does not always form part of the curriculum.**
- **Finding trained people to fill existing vacancies remains a challenge** and hence para-teachers or untrained trained teachers continue to be employed in the states for education. There are about 8.1 lakh untrained teachers in the country with four States—Bihar, UP, Jharkhand and West Bengal—accounting for 72 per cent of them.²² Positions for welfare officers/social workers/counselors remain vacant and even contracting out these positions has failed to bring in trained people. Where trained people are available, they are not remunerated adequately to help sustain them in the jobs. Most CWCs, JJBs and State Commissions for Protection of Child Rights are manned by people who lack the requisite training.
- **The increasing rate of crimes against children and crimes by children calls for investing in trained psychologists.** Applied Psychology needs to be promoted at a large scale as a subject at the University level. Number of trained and qualified psychologists are few and their services are expensive and beyond the reach of common man. Mental health concerns remain unaddressed. It is reported that with 6.5% prevalence of serious mental disorder, the average national deficit of psychiatrists in India is estimated to be 77%.²³
- While it has been recognized that rights of children with disability must be addressed through inclusion rather than segregation, **lack of training or care-workers, teachers and others and non-availability of special needs educators does not facilitate this inclusive mode of intervention.**

8. Resources

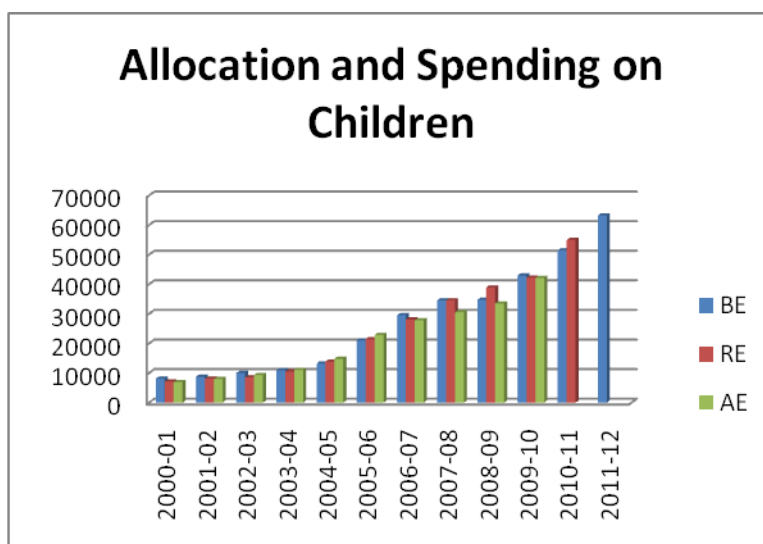
Since the last review, there have been important strides taken towards the recognition of budget for children (BfC) by the government of India [**Appendix 9** - History of Budgeting for Children in India]. However, **increase in the resources for children is not proportionate to the increase in the overall budget of the Union Government.** In 2013-14, while the total Union Budget increased by 11.7% over the previous year, corresponding increase in allocations for children was 8.7%.²⁴

²² Planning Commission of India, Twelfth Five Year Plan Draft Report, Social Sectors, Volume 3, p 48. Available at: <http://planningcommission.gov.in/plans/planrel/12thplan/welcome.html>

²³ Thirunavukarasu M, Thirunavukarasu P. Training and National deficit of psychiatrists in India - A critical analysis. Indian J Psychiatry 2010. Available at: <http://www.indianjpsychiatry.org/text.asp?2010/52/7/83/69218>.

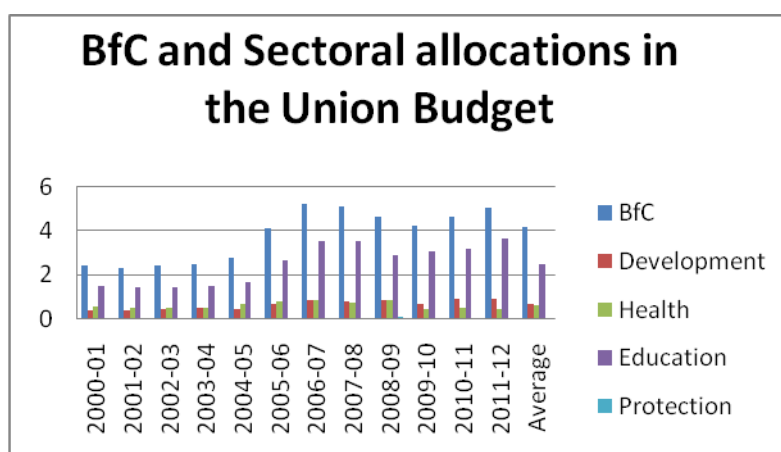
²⁴ HAQ: Centre for Child Rights, Budget 2013-14 and Children: A First Glance. Available at: http://www.haqcrc.org/sites/default/files/Budget%20for%20Children%20Analysis%202013-14_0.pdf, 2012-13.

There has been a consistent rise in the allocation and spending on children. It was 2.39 per cent in 2000-01 and has systematically gone up to over 5 per cent in 2006-07, and since then it has remained around 5 % of the total budget, which is clearly quite low. However, HAQ: Centre for Child Rights' Budget for Children (BfC) analysis shows that **in the Central Government's Budget, the share of budget allocations for children has increased very marginally from 5.08% to 5.09% between 2007-08 and 2011-12; and the share of expenditure on children has gone down from 4.28% to 4.11% between 2007-08 and 2009-10, reflecting underutilization of even the meagre funds allocated** for implementation of children's rights.



Source: HAQ: Centre for Child Rights based on Govt of India- Detailed Demands for Grants 2000-01 to 2011-12

Sectoral analysis shows that **education received the maximum average allocation** with 2.49% of the national budget and **child protection the lowest** with only an average of 0.04 per cent share, and this despite the recognition it found in the Eleventh Five Year Plan (2007-2012) and the launching of the flagship scheme called ICPS. **Allocations on child protection have consistently been the lowest all through the last two decades.**



Source: HAQ: Centre for child Rights based on Govt of India- Detailed Demands for Grants 2000-01 to 2011-12

A significant proportion of the resources are being raised for education through a cess imposed on public services. **The 1966 Kothari Commission recommendation of investment of 6% of GDP on**

primary education remains unmet. In fact, public spending on overall education was 3.23% of GDP in 2009-10.²⁵ The share of central government in public spending on health is a mere 0.25% of GDP, nowhere near the government's target of 3% of GDP or the WHO recommendation of 5% of GDP.²⁶

II. Status of Children: An assessment on 11 indicators

Indicator	Situation
Birth Registration	<p>There has been a significant improvement in the last few years with birth registration going up from 74% in 2005-06 to 81.1% in 2009.²⁷ Delhi is one of the 13 reported to have achieved cent per cent level of registration of births. However, a PIL filed in the High Court of Delhi (WP (C) 8889/2011) shows that as of May 2013 there were 150 minors lodged in Delhi's Tihar jail.²⁸ Visits to the jail by members of a panel constituted by the NCPDR reveal that most of these minors were born at home and do not possess a birth certificate. Birth registration continues to be less than 50% in the States of Bihar and Chhattisgarh.²⁹</p>
Sex-ratio	<p>The Twelfth Five Year Plan reiterates the Eleventh Five Year Plan goal to raise sex-ratio for the 0-6 age group to 950 by 2016-17. Child sex-ratio dropped from 945 in 1981 to 927 in 2001 and an all time low of 914 in 2011. This poses greater challenge in reaching the goal set out. Child sex ratio has declined in 27 out of the 35 states and Union Territories. The decreasing girls to boys ratio is no longer confined to the northern states and now includes all the six north-eastern states except Mizoram.³⁰</p> <p>India is reported to be a home to 243 million adolescents in the age group of 10 -19 years³¹, comprising nearly a quarter of the country's population. However, adolescent sex-ratio was 898 in the 1981 Census, falling down to 882 females per 1000 males in 2001 Census, with a further low of 858 for older adolescents aged 15-19 years. While the 2011 census is yet to provide an age break-up of population figures, adolescent sex ratio has received no attention in the Twelfth Five Year Plan at all.</p>
Health and Survival	<p>While most health indicators show an improvement, India ranks the highest in the world on levels of malnutrition, being home to one in three of the world's malnourished. Percentage of children with low birth weight has gone up by 17.7 percentage points between 1992-93 and 2005-06, and percentage of children <3 yrs who are wasted also increased by 6.4 points. Percentage of anaemic children increased from 74% in 1998 to 79% in 2006.</p> <p>However, caste and tribal based discrimination continue to play a key</p>

²⁵Centre for Budget and Governance Accountability, *Union Budget 2010-11: Which Way Now? Response to the Union Budget*, Serial No. C 1, Education.

²⁶Centre for Budget and Governance Accountability, *Budget Track*, Volume 8, Track 2, August 2011, pp. 8

²⁷Ministry of Home Affairs, Government of India. *Annual Report 2012-13*, p 191. Available at: [http://mha.nic.in/pdfs/AR\(E\)1213.pdf](http://mha.nic.in/pdfs/AR(E)1213.pdf)

²⁸Sana Shakil, *Around 150 minors languishing in Tihar jail, Delhi Police tells HC*, Mail Today, 20 May 2013.

²⁹Ibid. Ministry of Home Affairs, Annual Report.

³⁰HAQ: Centre for Child Rights, India: Child Rights Index. p 69. New Delhi.

³¹UNICEF. State of the World's Children Report 2011.

	<p>role in child survival. NFHS-3 reveals that IMR and U-5MR is more than the national average amongst scheduled caste (SC) and scheduled tribe (ST) children. U-5 MR is 88.1 for SC and 95.7 for ST children as against the rate of 59.2 for other children.</p> <p>While states like Kerala and Tamil Nadu have excelled on child health indicators, Orissa, Madhya Pradesh, Uttar Pradesh, Rajasthan and Bihar are the worst, accounting for almost 60% of child deaths.</p> <p>Disease burden</p> <p>Latest and updated statistics on disease burden among children India are hard to find. India has been ranked as the seventh most environmentally hazardous country in the world.³² 1.6 to 4.8 per cent of all cancer in India is seen in children below 15 years of age. Despite there being a higher proportion of childhood cancer in India relative to the developed world, it has not been a priority in health care.³³ Although there are no statistics available for deaths due to ARIs and diarrhoea, six to eight per cent of the total TB cases are amongst children aged 0-14 years. According to a news report dated 2008, over 300,000 children are orphaned by the disease every year. Thousands of children drop out of school on account of parental illness, while over 20 per cent of them have to take up jobs to supplement income, especially if the father has TB.³⁴</p>
<p>Ecological rights</p>	<p>Overall, 25 percent of deaths of persons below 18 years can be attributed to environmental factors. Among children under 14 however, the figure rises to 36.³⁵ The incidence of childhood cancer is higher in urban areas as compared to rural areas. Relationship between childhood cancer and urban lifestyle, overcrowding and air pollution cannot be ruled out and needs to be investigated further.³⁶</p> <p>The estimated figure for the displaced and project affected children in India comes to about 24 million.³⁷ There are no estimates available in this regard.</p> <p>Children's ecological rights is an area that has remained neglected and do not form part of any policy making either. The 1992 National Plan of Action for Children included a section on children and environment,</p>

³² *Pollution Facts*. Available at: <http://m.pals.in/pollution-facts.php>, and *Environment Pollution in India*, Available at: <http://www.gits4u.com/envo/envo4.htm>

³³ Arora RS, Eden TOB, Kapoor G. *Epidemiology of Childhood Cancer in India*. Indian Journal of Cancer, October-December 2009, vol 46, Issue 4. Available at: <http://www.indianjcancer.com>.

³⁴ Kounteya Sinha, Times News network, *World TB Day: 'Women, children worst hit'*, 24 March 2008. Available at: http://articles.timesofindia.indiatimes.com/2008-03-24/india/27769503_1_world-tb-day-tuberculosis-research-centre-three-lakh-children

³⁵ UNICEF Innocenti Research Centre, *Climate change and children: A human security challenge*, Policy Review Paper, November, 2008, pp.4, 5, 11, 12

³⁶ Arora RS, Eden TOB, Kapoor G. *Epidemiology of Childhood Cancer in India*. Indian Journal of Cancer, October-December 2009, vol 46, Issue 4. Available at: <http://www.indianjcancer.com>.

³⁷ Walter Fernandes, *Paying the price for someone else's displacement*, InfoChange News & Features, July 2008. Available at: <http://infochangeindia.org/agenda/migrationdisplacement/paying-the-price-for-someone-else%E2%80%99s-displacement.html>

	<p>which was missing from the revised 2005 National Plan of Action and now the 2013 National Policy for Children, too fails to include children, ecology and environment. The number of children falling prey to natural disasters too is not know, though reports are available of children being trafficked in such situations.³⁸</p> <p>A 2010 report on the effects of mining on children in India brought to light not only the paradox of “India’s inclusive growth” that still ignores the majority of children but also the extent of violations of children’s rights. Neither the National Rehabilitation and Resettlement Policy, 2007 nor the National Mineral Policy, 2008 is reported to have addressed or even mentioned children’s issues.³⁹</p>
Early Childhood care and Development	<p>The biggest gap in addressing the rights of the young child is the fact that they are not included in the Fundamental Right to Education (which is for children in the 6-14 age group). Their needs are addressed primarily through the creation of child care centres and crèches through the programmes of the government. However, these are highly inadequate. According to the 2012-13 Annual Report of the Ministry of Women and Child Development, as of 31 March 2012, there are 23,785 crèches operational under the Rajiv Gandhi National Crèche Scheme. There is still a shortfall of 768,282 crèches going by the requirement of 800,000 crèches projected by Forum for Crèche and Childcare Services [FORCES] and acknowledged by the Ministry of Women and Child Development.⁴⁰ According to the Ministry of Women and Child Development, the number of crèches has almost remained stagnant and experience has been that several of the crèches are either not functioning or are poorly managed.⁴¹</p>
Child Marriage	<p>Child marriage remains a huge problem in the country, with poor implementation of the law. Although there is reduction in the percentage of girls getting married before the legal permissible age (from 28% in 2002-04 to 22.1% in 2007-08), more number of boys are getting married before the legal age (23.4% in 2007-08 as against 20.7% in 2002-04).⁴²</p> <p>The mean age at marriage was 19.5 for girls and 24.5 for boys in the year 2002-04. In the year 2007-08, while the mean age at marriage increased in the case of girls to 19.8, for boys it decreased marginally to 24.⁴³ But the average conceals significant regional differences. The states with a high proportion of girls getting married below age 18 are</p>

³⁸ Karon Snowdon, ABC News, *Bihar flood exposes vulnerable children to trafficking*, 5 September 2008 Available at: <http://www.abc.net.au/news/2008-09-04/bihar-flood-exposes-vulnerable-children-to/499812>

³⁹ Dhaatri Resource Centre for Women and Children – Samata and HAQ: Centre for Child rights in partnership with mines, minerals and PEOPLE, *India’s Childhood in the “Pits”: A Report on the Impacts of Mining on Children in India*, March 2010, p 5

⁴⁰ FORCES, *The Status of the young Indian child*, Submission by FORCES, India, to the CRC Day of Discussion on “Implementing Child Rights in Early Childhood”. Available at: <http://www.crin.org/docs/resources/treaties/crc.37/Discussion.asp>

⁴¹ Ministry of Women and Child Development, Government of India, Report of the Working group on Child Rights for the 12th Five Year Plan (2012-1017), p 24.

⁴² International Institute for Population Sciences, District Level Household and Facility Survey II and III.

⁴³ International Institute for Population Sciences, District Level Household and Facility Survey II and III.

	<p>Bihar (46 percent), West Bengal (41 percent), Rajasthan (40 percent), Jharkhand (36 percent), Uttar Pradesh (33 percent), Madhya Pradesh, Dadra and Nagar Haveli and Andhra Pradesh (29 percent). In these nine states more than one-fourth of the girls are married before they are 18 years old and it is more than the national average. In 16 states, less than or equal to one-tenth of the girls are married below 18 years; these states are Himachal Pradesh, Lakshadweep, Goa, Chandigarh, Pondicherry, Daman and Diu, Uttarakhand, Punjab, Delhi, Andaman and Nicobar Islands, Manipur, Kerala, Jammu and Kashmir, Arunachal Pradesh, Tamil Nadu and Mizoram. Both Himachal Pradesh and Kerala have high female literacy.</p> <p>The use of law to curb child marriages is poor as nationally only 169 crimes of child marriage got registered in 2012.</p>
<p>Education</p>	<p>There has been a substantial improvement in enrolment of children into schools. However, it is the retention of children in schools that remains the big challenge. According to the Draft Twelfth Five Year Plan Report, the GER2 increased from 111.2 per cent in 2006–07 to 115 per cent in 2009–10 and the Net Enrolment Ratio (NER) improved significantly from 92.7 per cent to 98 per cent during this period. However, female literacy levels as per the Literacy Rate 2011 census are 65.46% where the male literacy rate is 82.14%.indicating a gender gap.⁴⁴Access, reach and gender parity deficit in schooling is observed, in the most populated states of Bihar, Uttar Pradesh, West Bengal and Rajasthan. Access for children from marginalized groups, minorities, extremely poor households, and educationally and economically lagging states increased.⁴⁵</p> <p>Quoting 2009-10 data, the Draft Twelfth Five Year Plan Report states,⁴⁶</p> <ul style="list-style-type: none"> – The number of schools that do not comply with the Right to Education (RTE) norms for the required Pupil-Teacher Ratio (PTR) is fairly high. School-wise analysis based on District Information System for Education (DISE) 2009–10 indicates that 46 per cent of primary and 34 per cent of upper primary schools have poor PTRs. – Only 4.8 per cent government schools have all nine facilities stipulated in the RTE Act, approximately one-third of the total schools have up to seven facilities, and about 30 per cent schools do not have even five of these facilities. – It is important to note that the maximum number of out of school children are those with mental disabilities (48 per cent), followed by children with speech disabilities (37 per cent). Neither the school system nor any other institutional mechanism is equipped to

⁴⁴ *Literacy Rate in India, Census 2011*. Available at: <http://www.mapsofindia.com/census2011/literacy-rate.html>

⁴⁵ Dr. J. D. Singh, *Education for All in India: The Major Issues, Challenges and Possible Enablers*, Anstract, Educationia Confab, Vol. 2, No. 4, April 2013, P 237, ISSN: 2320-009X. Available at: <http://www.confabjournals.com/confabjournals/images/6520138454029.pdf>

⁴⁶ Planning Commission of India, *Twelfth Five Year Plan Draft Report, Social Sectors, Volume 3*, pp 48-49, 53. Available at: <http://planningcommission.gov.in/plans/planrel/12thplan/welcome.html>

	<p>address the challenging needs of mentally disabled children.</p> <ul style="list-style-type: none"> – The national drop-out average at elementary level is still as high at 42.39 per cent. The dropout rates for SC and ST children at 51.25 per cent and 57.58 per cent, respectively, are much higher than that for non-SC/ST children at 37.22 per cent.
Child Labour	<p>Child labour has increased by 12.32% between 1991 and 2010. While some increase is attributed to the increase in the number of hazardous occupations and processes in which child labour is banned, there are no recent studies to indicate the nature of increase as such. A large proportion of children are engaged in the manufacturing sector (17.2 percent of which 14.4 are boys and 20.5 percent are girls as per the NSS, 61st rounds 2004-05), and they are likely to be exposed to the risk of being in such hazardous occupations as wage labourers.⁴⁷ The 2011 provisional Census data is yet to provide figures for child labour. Moreover, estimates on child labour vary from one source to another [Appendix 10 - Data Management remains a challenge]. According to the 2001 Census, which is quoted extensively even today, some states, including Andhra Pradesh and Maharashtra reported reductions in child labour, whereas in other states, including Rajasthan, Uttar Pradesh and Bihar child labour increased between 29% and 39%. The highest percentage rise of 91% was in Himachal Pradesh as the state has more migrant working children. While Uttar Pradesh may have the highest head count of working children in the country, it is Mizoram that ranks the lowest because the number of working children in proportion to the total child population is highest in that state. Other north-eastern states with high percentage of child population in labour are Sikkim, Meghalaya , Nagaland.⁴⁸</p> <p>Between 2009 and 2011, 22,468 prosecutions were launched under the Child Labour (Prohibition and Regulation) Act [CLPRA] and 2,896 employers were reported to have been convicted, which makes it only 12.9% conviction.⁴⁹</p>
Violence against Children	<p>As per the Crime in India statistics of the National Crime Records Bureau (NCRB), there has been a 253% increase in crimes against children between 2001 and 2012. Children are increasingly becoming targets of most violent crimes. Between 2001 and 2012, kidnapping and abduction of children has witnessed highest increase of over 600%, followed by 373% increase in procurement of minors for prostitution, 268% increase in foeticide and 200% increase in selling of minors for prostitution, 189.6% in child rape and 168% in child marriage. Indeed reporting of crimes has improved over the years. However, there is a mismatch between cases of buying of minors for prostitution and selling of minors for prostitution. While the former shows a decline, the</p>

⁴⁷ National Commission for Enterprises in the Unorganized Sector, *Report on the Conditions of Work and Promotion of Livelihoods in the Unorganized Sector*, August 2007, p 101.

⁴⁸ HAQ: Centre for Child Rights, *India: Child Rights Index*. 2011. p 220. New Delhi

⁴⁹ *Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013), C029 - Forced Labour Convention, 1930 (No. 29) India (Ratification: 1954)*. Available at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO::P13101_COMMENT_ID:3080124 and

	<p>latter shows an increase. If minors are being sold, they are also being bought by someone. In other words, the buyers are not being booked under the law. Infanticide too shows a decline, which is perhaps due to non-registration of cases or registration as a case of murder instead of infanticide. With adoption guidelines and the juvenile justice law allowing children to be surrendered for adoption, only 13% increase is seen in cases of exposure and abandonment of children below 12 years of age.</p> <p>There is decline of 9.4 percentage points in the charge sheeting rate and further decline of 18.4 percentage points in the rate of conviction, calling for serious action, especially in terms of setting up children's courts/special courts to deal with offences against children.</p> <p>The focus on protection of children with disability has been very weak despite the international recognition that these children are more vulnerable to abuse and violence. The XIIth plan vociferously reiterates the need for inclusion, yet, when it comes to child protection, institutions and services available for shelter, care and protection of children fail to provide for and address the needs of children with disability.</p> <p>Refugee and stateless children too fall off the radar of all planning and policy making.</p>
<p>Crimes by Children</p>	<p>Crimes by children too have increased and this is true of certain crimes under the special laws as well as violent crimes under the Indian penal Code. Amongst the special laws, between 2001 and 2012, violation of the Foreigners Registration Act by minors witnessed a 733% increase, while offences under Explosives and Explosive Substances Act saw 433% increase and the offence of child marriage saw 350% increase. Amongst crimes under the Indian Penal Code, counterfeiting cases against minors saw the maximum increase of 725%, followed by kidnapping and abduction (546.7%), causing death by negligence (430.6%), robbery (367.7%), rape (194.5%), and violation of the Dowry prohibition Act (183.3%). With all districts now having a Juvenile Justice Board to try cases involving children in conflict with the law, the pendency has reduced during this eleven year period by 15.6 percentage points.</p> <p>Interestingly, while no case has been booked against a minor under the Terrorist & Disruptive Activities Act (TADA) in the last eleven years, recently, on 21 March 2013, the Supreme Court of India gave death sentence to a minor booked in the 1993 Bombay Bomb Blast case. While the juvenile justice law as amended in 2006 has a retrospective effect and also an overriding clause clearly stating that no other law shall apply to minors with respect to detention, penalty or sentencing, the Supreme Court took the view that TADA is a special law to deal with special offences and will over ride the juvenile justice law.</p> <p>At the same time after the alleged involvement of a minor in the gang</p>

	<p>rape of a 23 year old in Delhi on 16 December 2012, there has been an outrage against the provisions of the juvenile justice and a popular demand to lower the age of juvenility from 18 to 16 years and provide for higher sentencing to the extent of death sentence for 16-18 year olds involved in heinous offences. This demand is reiterated by police and several Parliamentarians.</p> <p>On one hand, there is very little understanding of the growing aggression amongst children, no reform and rehabilitation programmes for children in conflict with the law, and individual care plans are not part of the orders of the Juvenile Justice Boards inquiring into such cases, despite the law providing for all this. On the other hand, any change in the law succumbing to popular demands will be regressive and a violation of all internationally recognized principles of juvenile justice. It must be ensured that the age of juvenility is not reduced and a recommendation from the Committee on this is very important.</p>
<p>Children affected by armed conflict</p>	<p>Calculations made by the Asian Centre for Human Rights (ACHR), based on the various notifications put out by the government gives a figure of 197 districts being affected by armed conflict.⁵⁰The government of India continues to refer to it as civil unrest and not armed conflict.⁵¹And yet the Integrated Child Protection Scheme (ICPS) is meant to address protection of child victims of ‘armed conflict’.</p> <p>According to the Asian Centre for Human Rights (ACHR), there are at least 3,000 child soldiers in areas of armed conflict in North-East and J&K.⁵² Among all conflict regions of India the States of Chhattisgarh and Orissa have been increasingly in news for using children as combatants and in other war activities. Children growing up in conflict become vulnerable to abuse and exploitation, are forced into labour because the family falls into distress and even grow up to be violent themselves. Children also frequently become injured and are killed during attacks in conflict areas.</p>

III. India’s Compliance on the Concluding Observations of the CRC Committee

Several recommendations of the CRC Committee have not been complied with [Appendix 11 - Compliance on Concluding Observations]. These include:

- A uniform code for children
- A uniform law on adoption

⁵⁰ Asian Centre for Human Rights (ACHR), India’s Child Soldiers: Government defends officially designated terror groups’ record on the recruitment of child soldiers before the UN Committee on the Rights of the Child, A Shadow Report to the UN Committee on the Rights of the Child on the involvement of children in armed conflict, p 5, March 2013.

⁵¹ Ministry of Women and Child Development, Government of India, *India Third and Fourth Combined Periodic Report on the Convention on the Rights of the Child*, 2011, p 99.

⁵² Asian Centre for Human Rights (ACHR), India’s Child Soldiers: Government defends officially designated terror groups’ record on the recruitment of child soldiers before the UN Committee on the Rights of the Child, A Shadow Report to the UN Committee on the Rights of the Child on the involvement of children in armed conflict, p 5, March 2013.

- Harmonization between national laws and personal laws
- Raising the age of criminal responsibility
- Extending the Juvenile Justice law to the whole country including J&K
- Amendment to the CrPC to remove provisions that provide immunity to government officials against criminal action. While such an amendment has been made in the context of rape and other sexual offences against women and girls, the immunity remains in the case of all other offences, including sexual offences against boys.
- Guaranteeing free and compulsory education for **all** children up to 14 years of age
- Promotion of child participation in family, schools, institutions as well as judicial and administrative proceedings
- Reporting on racial discrimination and Xenophobia
- Training panchayats on children's rights
- Prohibition of corporal punishment in family settings
- Promoting non-violent forms of discipline
- Removal of India's Declaration on Article 32 of the CRC on elimination of child labour
- Ratification of ILO Convention 138 on Minimum age of employment
- Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Ratification of the Convention relating to the status of refugees and its protocol

Despite several positive measures, the situation of children demands improvement in the following areas:

- Creation of a child rights index to monitor progress at both central and state level
- A systematic and regular assessment of children's situation and data base management, providing disaggregated data at district level
- Incentives for states to improve their performance on child rights indicators
- Greater investment of infrastructure and human and financial resources and proper utilization of funds
- Clearly demarcated funds for 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 and not mere evaluation of schemes
- Convergence and coordination within all levels of governance
- Improved reporting on international commitments
- Greater transparency in accountability even as the government engages in consultative processes with civil society
- All States do not have a State Commission for Protection of Child Rights. In 9 out of 20 states where they exist, they were set up even without framing the rules for their establishment and functioning. The National Commission for Protection of Child Rights and the State Commissions face resource crunch for effective functioning. Selection of members to these bodies requires transparency and due process. These bodies seldom exercise even the limited powers vested in them.
- Goals set out in the National Plan of Action for Children have crossed their deadline. The NPAC requires revision.
- Lack of state plans hampers implementation of the National Plan even when it exists.
- 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.

- Training programmes for services providers need to be undertaken on a systematic and continuous basis.

Children's Voice

- 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.
- 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 of course cannot speak for themselves, but will they never be able to enjoy their rights is something they do wish to know?
- Children in conflict areas long for attention.
- Children don't want to be displaced from their homes, parks, playgrounds and all they seek is a safe and secure life.
- They want recognition of violation of their ecological rights by the CRC Committee and necessary action.

Annexure 1 CRC20BS Collective

The report titled “Twenty Year of CRC: A Balance Sheet” was endorsed by 173 organizations, networks and campaigns and 215 children associated with some of these organizations and networks.

1. Aangan, Mumbai, Maharashtra
2. Aarth-Astha, Delhi
3. Agramee, Orissa
4. AIDENT, An Initiative for Development and Empowerment, Delhi
5. All India Trade Union Congress
6. AMAN, Almora, Uttarakhand
7. Amhi Amchya Arogyasathi, Nagpur, Maharashtra
8. Anandi, Dahod, Gujarat
9. Ankur (Society For Alternative in Education), Delhi
10. Anyay Rahit Zindagi (ARZ), Goa
11. Arunodaya Centre for Working Children, Chennai, Tamil Nadu
12. ASARE Rural Women Voluntary Organisation, Kanakapura, Bengaluru, Karnataka
13. Association for Development (AFD)- Pratidhi, Delhi
14. Association for Stimulating Know How, Gurgaon, Haryana
15. Bachpan Bachao Andolan, Delhi
16. Bal Sakha, Patna, Bihar
17. Balprafulta - A Child Rights Advocacy Initiative, Mumbai, Maharashtra
18. Belgaum Diocesan Social Service Society (BDSSS), Dharwad, Karnataka
19. Bharatiya Gramin Adivasi Vikas Sanstha (BGAVS) Chandrapur, Maharashtra
20. Bhartiya Jan Seva Ashram (BJSA), Jaunpur, Uttar Pradesh
21. Bhasha, Baroda, Gujarat.
22. Bindrai Institute for Research Study and Action, Mines Monitoring Centre, Ranchi, Jharkhand
23. BOSCO MANE, Bengaluru, Karnataka
24. Butterflies, Delhi
25. Campaign Against Child Labour (CACL), Orissa
26. Campaign Against Child Trafficking (CACT), Bihar
27. Campaign Against Child Trafficking (CACT), Delhi
28. Campaign Against Child Trafficking (CACT), Gujarat
29. CARE Trust, Coimbatore, Tamil Nadu
30. Center for Integrated Development (CID), Gwalior, Madhya Pradesh
31. Centre for Action Research and Documentation (CARD), Orissa
32. Centre for Child Rights and Development, Chennai, Tamil Nadu
33. Centre for Peace and Development, Aizwal, Mizoram
34. Centre for Social Education and Development, (CSED), Coimbatore, Tamil Nadu
35. Chetna Bharti, Kolkata, Delhi
36. CHETNA, Ahmedabad, Gujarat
37. Childline India Foundation, New Dehi
38. Child In Need Institute (CINI Asha), West Bengal
39. Child Rights and You (CRY), Delhi
40. Child Rights Resource Centre (CRRC-RAJAGIRI), Kochi, Kerala
41. Child Rights in Goa (CRG), Panjim, Goa
42. Child Rights Trust, Bengaluru, Karnataka
43. Childhood Enhancement Through Training and Action (Chetna), Delhi

44. Commonwealth Human Rights Initiative (CHRI), Delhi
45. Community Development Foundation (CDF), Bengaluru, Karnataka
46. Dalit Sangh, Hoshangabad, Madhya Pradesh
47. Deepalaya, Delhi
48. Delhi Domestic Worker's Forum, Delhi
49. Development through Education (DEED), Hunsur, Karnataka
50. Dice Foundation, Kohima, Nagaland
51. Don Bosco Anbu Illam Social Service Society, Tiruppur, Tamil Nadu
52. Don Bosco Balprafulta, Mumbai, Maharashtra
53. Don Bosco National Forum for the Young at Risk, Delhi
54. Dr A V Baliga Memorial Trust, Delhi
55. Dr Anita Ghai, Associate Professor, Jesus and Mary College, University of Delhi
56. Dr Bharti Sharma, Child Rights Activist, Ex-Chairperson, Child Welfare Committee, Delhi
57. Dr K Sekar, Professor, Department of Psychiatric Social Work, NIMHANS, Bengaluru
58. Dr Vandana Prasad, Community Pediatrician, Delhi
59. Environics Trust, Delhi
60. Forum for Indigenous Perspectives and Action, Manipur
61. Foundation for the Rights of Young Child (FORYOUCHILD), Chennai, Tamil Nadu
62. Ganatar, Ahmedabad, Gujarat
63. Grameen Vikas Sodh Avam Takniki Kendra, Tonk, Rajasthan
64. Grass Roots Advocacy for Community Empowerment (GRACE), Vijaywada, Andhra Pradesh
65. HAQ: Centre for Child Rights, Delhi
66. Himalayee Paryavaran Shiksha Sansthan (HPSS), Uttarkashi, Uttarakhand
67. Holistic Approach For People's Movement, Mudaliarpet, Pondicherry
68. Hospet Salesian Society, Bellary District, Karnataka
69. Housing and Land Rights Network, Delhi
70. Human Education and Action for Liberation (HEAL), Kanyakumari, Tamil Nadu
71. Human Rights Advocacy and Research Foundation, Chennai, Tamil Nadu
72. Human Rights Alert, Manipur
73. Human Rights Law Network (HRLN), Delhi
74. Human Welfare Association (HWA), Uttar Pradesh
75. Indian National Trade Union Congress
76. Jabala Action Research Organisation, Kolkata, West Bengal
77. Jan Kalyan Gramodyog Seva Ashram (JKGSA), Sonebhadra, Uttar Pradesh
78. Jan Ugahi, Margoan, Goa
79. Janachetana, Raichur, Karnataka
80. Jammu and Kashmir Association of Social Workers, Srinagar, Jammu and Kashmir
81. Kachra Kamgar Union, Delhi
82. Kanataka Integrated Development Service (KIDS), Dharwad, Karnataka
83. Kiran Jyoti, Child Rights Activist, Delhi
84. Kisan Vikas Trust (KVT), Patna, Bihar
85. Lake Garden Women and Children Development Centre (LGWDC), Kolkata, West Bengal
86. Life Care Trust, Kanyakumari, Tamil Nadu
87. Light for Blind, Dornala, Andhra Pradesh
88. Lokpanchayat, Ahmednagar, Maharashtra
89. M V Foundation, Hyderabad, Andhra Pradesh
90. M P Jan Adhikar Manch, Gwalior, Madhya Pradesh
91. M P Voluntary Health Association (MPVHA), Indore Madhya Pradesh
92. Manab Adhikaar Seva Samiti (MASS), Orissa
93. Manasa Centre for Development & Social Action, Bengaluru, Karnataka

94. Manav Sansadhan Evam Mahila Vikas Sansthan (MMVS), Varanasi, Uttar Pradesh
95. Matsya Mewat Shiksha Evam Vikas Sansthan, Alwar Rajasthan
96. mines mineral and People, (mm&P), Hyderabad, Andhra Pradesh
97. Mithila Gram Vikas Parishad (MGVP), Dharbhanga, Bihar
98. Mitwa Mahila Kalyan Evam Sewa Samiti, Bilaspur, Chattisgarh
99. Multiple Action Research Group (MARG), Delhi
100. Nari Prabhodhan Manch, Latur, Maharashtra
101. National Institute of Women Child & Youth Development (NIWCYD) Nagpur, Maharashtra
102. NIRDESH, Muzaffarpur, Bihar
103. Nirmaan Mazdoor Sangathan
104. Nisarga Foundation, Mysore, Karnataka
105. NISHTA, West Bengal
106. Open Learning Systems, Orissa
107. Participatory Action for Community Empowerment (PACE), Lucknow, Uttar Pradesh
108. PATH Welfare Society, West Bengal
109. People Action for Creative Education, Nalgonda, Andhra Pradesh
110. People's Action for Development (PAD), Chennai, Tamil Nadu
111. People's Cultural Centre (PECUC), Orissa
112. Plan India, Delhi
113. Prayas Foundation, Jharkhand
114. Prayas Juvenile Aid Centre Society, Delhi
115. Psycho Trust, Karur, Tamil Nadu
116. Public Health Resource Network, Delhi
117. Purvanchal Gramin Seva Samiti (PGSS), Gorakhpur, Uttar Pradesh
118. Rachanatmak Sangharsh Samiti, Osmanabad, Maharashtra.
119. Right to Food Campaign, Madhya Pradesh Support Group
120. Rohtas Educational & Associated Programmes, Patna, Bihar
121. Rural Development Association (RDA), West Bengal
122. Rural Education & Action Development Society (READS), Bellary, Karnataka
123. Rural Education and Child Health Society of India (REACH), Bijapur, Karnataka
124. Rural Education and Development (READ), Bihar
125. Rural Literacy and Health Program (RLHP) Mysore, Karnataka
126. Rural Organization for Social Education (ROSE), Pudukottai, Tamil Nadu
127. Sajag Society, Delhi
128. Sakhi Trust, Bellary, Karnataka
129. Sakthi-Vidiyal, Madurai, Tamil Nadu
130. Salaam Baalak Trust, Delhi
131. Samagra Shikshan Evam Vikas Sansthan (SSEVS), Bihar
132. Samata Gram Sewa Sansthan, Patna, Bihar
133. Samata, Vishakapatna, Andhra Pradesh
134. Sampurna Gram Vikas Kendra (SGVK), Jharkhand
135. Samruddi, Kanakapura, Bengaluru, Karnataka
136. Sarthak Jan Vikas Sansthan, Surguja, Chhattisgarh
137. Sarvodaya Sant Lallu Dadda Janseva Samiti (SSLDJS), Surpura, Bhind, Madhya Pradesh
138. Sathi – Pune, Maharashtra
139. Save the Children, Delhi
140. Shaishav, Bhavnagar, Gujarat
141. Shelter Don Bosco, Mumbai, Maharashtra
142. Shikhar Yuva Manch, Chhattisgarh
143. Shramjivi Janata Sahayak Mandal, Satara, Maharashtra

144. Sikshasadhan, Orissa
145. Shripur Mahila-O-Khadi Unnayan Samity (SMOKUS), West Bengal
146. Snehaddeep Holy Cross Community Care Center, Hazaribag, Jharkhand
147. Snehi: An Organization for Psychosocial Support and Mental Health Care, Delhi
148. Social Awareness and Voluntary Education (SAVE), Tirupur, Tamil Nadu
149. Society for Integrated Community Development, (SNEHA), Bellary, Karnataka
150. Society for People's Awareness (SPAN), West Bengal
151. Society for Rural Urban & Tribal Initiative, Delhi
152. Socio Economic Education and Development Society (SEEDS), Bellary, Karnataka
153. SOS Children's Villages of India, Delhi
154. Spandana, Belgaum, Karnataka
155. Swami Vivekanand Shiksha Samiti (SVSS), Mirzapur, Uttar Pradesh
156. Swera Sansthan, Ajmer, Rajasthan
157. Tamil Nadu Forum for Creche and Child Care Services (TN-FORCES) Chennai, Tamil Nadu
158. Tara Mobile Creches, Pune, Maharashtra
159. terre des hommes Germany
160. terre des hommes Netherlands, India Office
161. terre des hommes Suisse
162. Timabaktu Collective, Ananthpur, Andhra Pradesh
163. Trade Union Co-ordination Centre
164. Vidhya Dham Samiti, Bandr, Uttar Pradesh
165. Vikas Samvad, Bhopal, Madhya Pradesh
166. Vikasa Rural Development Organisation, Bengaluru, Karnataka
167. Voluntary Organization in Community Enterprises (VOICE), Mumbai, Maharashtra
168. Working Group on Human Rights (WGHR), Delhi
169. Youth Service Centre, Bolangir, Orissa
170. Yuva Mitra, Nashik, Maharashtra
171. Yuva Vikas Sansthan (YVS), Gwalior, Madhya Pradesh
172. Yuva Vikas Sansthan, Gazipur, Uttar Pradesh
173. Youth for Unity and Voluntary Action (YUVA), Mumbai, Maharashtra

Appendix 1

Laws, Policies, Plans of Action, Programmes/Schemes, Institutional Mechanisms

National Legal Framework

The Constitutional guarantees listed above are implemented through several state and national legislations. The key laws and legal provisions that have a bearing on children's rights include **58** special and local laws and about **80** provisions dealing with various crimes, punishments and procedures as contained in the Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act. While all the major laws have been listed below, the list is not exhaustive as there are many more state specific laws and rules as well as judicial precedence set through case law.

Laws and Legal Provisions specifically for children

Special Laws

1. 1890 Guardians and Wards Act (Amended in 2010)
2. 1933 Children (Pledging of Labour) Act
3. 1956 Women's and Children's Institutions (Licensing) Act
4. 1956 Young Persons (Harmful Publications) Act
5. 1960 Orphanages and Other Charitable Homes (Supervision and Control) Act
6. 1986 Child Labour (Prohibition and Regulation) Act
7. 1992 Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act (amended in 2003)
8. 1994 Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (amended in 2003 to become Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act)
9. 2000 Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and in 2011⁵³
10. 2005 Commission for the Protection of Child Rights Act, as amended in 2006
11. 2006 Prohibition of Child Marriages Act, 2006 (A law replacing the Child Marriage Restraint Act of 1929)
12. 2009 Right of Children to Free and Compulsory Education Act, 2009
13. 2012 Protection Children from Sexual Offences Act, 2012 (**new**)

Local Laws

14. 2003 Goa Children's Act

⁵³ Recently, on 19 August 2011, the Juvenile Justice (Care and Protection of Children) Act 2000, as amended in 2006, was amended further to bring it in conformity with the Mental Health Act of 1987. The amendment thus ensures that children with mental illness or addicted to drugs or with diseases such as leprosy will not be segregated from other children, unless absolutely necessary in accordance with the laws in force in this regard and on recommendation of a specialist only for a specified time for the purpose of treatment.

Criminal Laws

Indian Penal Code, 1860

15. Section 82 Age of criminal responsibility is fixed at 7 years as nothing done by a child under 7 years of age is an offence
16. Section 83 *Doli incapax* – Need to establish sufficient maturity of a child between the ages of 7 to 12 years with respect to a particular act of crime as nothing is an offence which is done by such a child, who has not attained sufficient maturity of understanding to judge the nature and consequences of his action
17. Section 185 Illegal purchase or bid for property by a public servant on account of a Person who does not have the legal capacity to do so by himself/herself
18. Section 228 A Disclosure of identity of a minor victim of rape is permitted only on The written authorisation of the next of kin of the victim
19. Section 293 Selling, hiring, distributing, exhibiting or circulating obscene objects to persons below the age of 20 years
20. Section 299 Offence of culpable homicide is made out when the death of a living child is caused and any part of that child has been brought forth, even though the child may not have breathed or been completely born
Explanation 3
21. Section 305 Abetment of suicide of child (person under 18 years) or insane person
22. Section 310 Habitual association with others for child-stealing by means of or
and 311 accompanied with murder
23. Sections 312 Voluntarily causing a pregnant woman to miscarry the unborn baby or
and 313 causing miscarriage without a woman's consent
24. Section 315 Act done with intent to prevent child being born alive or to cause it to die after birth
25. Section 316 Causing death of quick unborn child
26. Section 317 Exposure and abandonment of child under 12 years, by parent or person having charge of its care
27. Section 318 Concealing the birth of a child by secretly disposing her/his body
28. Sections 361, Kidnapping (Section 361) or abduction (Section 362) of a male minor
362 and 363 under 16 years of age or a female minor under 18 years of age out of the lawful guardianship of such minor, without the consent of the guardian and punishment for it (Section 363)
29. Section 363 A Kidnapping or maiming a minor (under 16 years in case of males and under 18 years in case of females) for purposes of begging
30. Section 366 A Procurement of minor girls (under 18 years) for illicit intercourse
31. Section 366 B Importation of girls (under 21 years) to force them into illicit intercourse
32. Section 369 Kidnapping/abducting a child under ten years with intent to steal from its person
33. Section 370 Trafficking a person, including minors (**new**)
34. Section 370 A Exploitation of a minor trafficked person (**new**)
35. Section 372 Selling a minor (person under 18 years) for the purpose of prostitution
36. Section 373 Buying a minor (person under 18 years) for the purpose of prostitution
37. Section 375 Rape of a girl under 18 years of age

- 38. (Sixthly) and Exception 2 Sexual acts of a husband with his wife, where the wife is below the age of 15 years
- 39. Section 376 (2) Higher punishment for rape in certain cases – (i) custodial rape; (ii) rape by persons in position of authority/trust/control (including police, public servants, member of armed forces, staff or management of children’s institutions, relative/guardian/teacher, staff of a hospital); (iii) rape on women in vulnerable situations (including women under 16 years of age, physically or mentally challenged women, pregnant women, in a situation of communal or sectarian violence); and (iv) rape with additional harm (including grievous injury or danger to life, repeated rape) **(new)**
- 40. Section 376 C Sexual intercourse by person in authority e.g. manager or in-charge of a children’s institution **(new)**

Code of Criminal Procedure (CrPC), 1973

- 41. Section 125 Maintenance for a dependent wife and children
- 42. Section 98 Power to compel immediate restoration of a woman or a female under 18 years of age abducted for unlawful purpose or detained unlawfully
- 43. Section 160 Police Officer to reach certain persons at their residence for purposes of investigation instead of requiring their attendance before the police officer or in the police station. These include a male witness under the age of 15 years, or a woman, or a person above the age of 65 years, or a mentally/physically challenged person.
- 44. Section 167 In case of an accused woman under eighteen years of age, the Magistrate can order detention only in the custody of a remand home or recognized social institution. **(new)**
- 45. Section 173 (1 A) Police investigation in case of rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station. **(new)**
- 46. Section 198 (6) Court not to take cognizance of an offence of rape of a woman below the age of 18 years by her own husband after a lapse of one year from the date of commission of such offence **(new)**
- 47. Section 273 Proviso Court to ensure that a rape victim below the age of 18 years is not confronted by the accused at the time of taking her evidence and the accused’s right to cross-examination is also maintained **(new)**

Other Laws that have a bearing on children’s rights and/or contain exclusive provisions for children

Special Laws

- 48. 1875 Indian Majority Act
- 49. 1925 Indian Succession Act
- 50. 1937 Muslim Personal Law (Shariat) Application Act
- 51. 1948 Factories Act (Amended in 1949, 1950 and 1954)
- 52. 1951 Plantations Labour Act (Amended in 1953, 1960, 1961, 1981, 1986 and 2010)
- 53. 1952 Mines Act
- 54. 1954 Special Marriage Act
- 55. 1955 Hindu Marriage Act

56. 1956 Hindu Adoptions and Maintenance Act (Amended in 2010)
57. 1956 Hindu Succession Act (Amended in 2005)
58. 1956 Immoral Traffic (Prevention) Act (Amended in 1978 and 1986)
59. 1958 Probation of Offenders Act
60. 1958 Merchant Shipping Act
61. 1961 Maternity Benefits Act 1961 (amended in 2008)
62. 1961 Apprentices Act
63. 1961 Motor Transport Workers Act
64. 1966 Beedi and Cigar Workers (Conditions of Employment) Act
65. 1969 Registration of Births and Deaths Act
66. 1970 Contract Labour (Regulation and Abolition) Act
67. 1971 Medical Termination of Pregnancy Act, 1971(amended in 2002 through the Medical Termination of Pregnancy (Amendment) Act, 2002)
68. 1976 Bonded Labour System (Abolition) Act
69. 1978 Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (came into force w.e.f 25 June 1987)
70. 1986 Indecent Representation of Women (Prohibition) Act
71. 1987 Mental Health Act
72. 1987 Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act
73. 1989 Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act
74. 1992 Rehabilitation Council of India Act
75. 1994 Transplantation of Human Organ Act
76. 1995 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act
77. 1999 National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act
78. 2000 Information Technology Act, (amended in 2008 to include child pornography)
79. 2005 Protection of Women from Domestic Violence Act

Local Laws

80. 1959 Bombay Prevention of Begging Act (Applicable in Delhi also)
81. 1982 Karnataka Devadasi (Prohibition of Dedication) Act
82. 1986 Andhra Pradesh Devadasis (Prohibition of Dedication) Act

Criminal Laws

Indian Penal Code, 1860

Various provisions of the Indian Penal Code would apply to children as they would to adults; it may not be useful to list all. It suffices to state here that the Indian Penal Code provides specifically for crimes such as murder, wrongful confinement and restraint, grievous hurt and injury, harbouring or hiring a person to take part in riots or such other unlawful assembly, kidnapping and abduction for various purposes, rape, sodomy, prostitution, assault, criminal force, criminal intimidation, forgery, fraud, cheating, adultery, bigamy etc., which protect children equally. Yet, some provisions require specific mention; they are listed below.

83. Section 166 A Failure of a public servant to register an FIR in relation to a cognizable offence such as sexual offences against women (**new**)
84. Section 166 B Failure of public and private hospitals to provide free

- treatment to victims of rape and inform the police immediately
(new)
85. Section 228 A Disclosing identity of a rape victim and publishing the court proceedings of a rape case without prior permission of the concerned court (new)
86. Section 354 Assaulting a woman to outrage her modesty (new)
87. Section 354 A Sexual harassment (new)
88. Section 354 B Assaulting a woman with intent to disrobe her (new)
89. Section 354 C Voyeurism (new)
90. Section 354 D Stalking (new)
91. Sections 364 Kidnapping/abduction in order to murder
92. Section 364 A Kidnapping/abduction for ransom
93. Section 365 Kidnapping/abduction for wrongful confinement
94. Section 366 Kidnapping/abduction of a woman to compel her marriage or for illicit intercourse and use of criminal intimidation or any other method of compulsion
95. Section 367 Kidnapping/abduction for slavery or to subject a person to grievous injury
96. Section 368 Wrongful concealment or keeping in confinement a kidnapped or abducted person
97. Section 371 Habitual import / export / buying / selling / trafficking / dealing in slaves
98. Section 374 Unlawful compulsory labour
99. Section 367 Kidnapping/abduction to subject a person to unnatural lust of another person
100. Section 376 A Rape leading to death or persistent vegetative state of the Victim (new)
101. Section 376 D Gang rape (new)
102. Section 509 Word, gesture or act intended to insult the modesty of a woman
103. Section 377 Unnatural sexual offences
104. Section 493 Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
105. Section 496 Going through the marriage ceremony with fraudulent intention

Code of Criminal Procedure (CrPC), 1973

106. Section 26 All rape cases to be tried by a court presided over by a woman judge as far as practicable (new)
107. Section 51(2) Search of a female be made by a female only with strict regard to decency
108. Section 53(2) Medical examination of a female only by a female or under supervision of a female registered medical practitioner
109. Section 154 Information of rape or other forms of sexual violence recognized under section 354, 354 A to D, 376, 376 A to E and 509 of IPC given by a woman against whom such an offence is alleged to have been committed or attempted, shall be recorded by a woman police officer or woman officer (new)

110. Section 157 Recording of statement of a rape victim at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality **(new)**
111. Section 161 Statement of a victim of rape or other forms of sexual violence recognized under section 354, 354 A to D, 376, 376 A to E and 509 of IPC to be recorded by a woman police officer or a woman officer. Statement can also be recorded by audio-visual means. **(new)**
112. Section 164 (5 A) Mandatory and immediate recording of the statement of a victim of rape or other forms of sexual violence recognized under section 354, 354 A to D, 376, 376 A to E and 509 of IPC by a Judicial Magistrate as soon as the commission of such an offence is brought to the notice of the police; assistance of interpreter or special educator to be provided in case of mentally or physically challenged victims and their statements to be videographed and considered in lieu of examination-in-chief and cross-examination in the course of trial. **(new)**
113. Section 164 A Medical examination of a rape victim and the procedure to be followed, including the need to take consent of the victim for the examination
114. Section 173 (2) (h) Final Report of the police on completion of investigation to include information regarding report of medical examination of a rape victim **(new)**
115. Section 197 (1) No sanction required for prosecution of a public servant accused of rape, trafficking or any other sexual offence recognized under sections 354, 354 A to D, 370, 375, 376, 376 A, C and D to E and 509 of IPC or accused of an offence under section 166 A or 166 B of IPC **(new)**
116. Section 309 (1) Rape trials to be completed as far as possible within a period of two months from the date of filing of the charge sheet **(new)**
117. Section 327(2) In camera trial of all rape cases **(new)**
118. Section 357 A Victim compensation scheme to be put in place by the central and state governments. In addition court to have powers to order compensation in certain cases where the accused is acquitted or where there has been no trial by the victim requires rehabilitation. Also, State/District Legal Services Authorities to order free medical care and treatment. **(new)**
119. Section 357 B In case of gang rape, compensation payable under section 357 of CrPC to be in addition to payment of fine to the victim **(new)**
120. Section 357 C Public and private hospitals to provide free first aid or medical treatment to victims of rape and inform the police about the incident immediately **(new)**

Indian Evidence Act, 1872

There are a few provisions in the Indian Evidence Act that protect the rights of victims of sexual offences, including children.

121. Section 53 A While dealing with the issue of consent in a trial of a case of

rape or sexual offences under section 354, 354 A to D, 376, 376 A to E of IPC, evidence of character of the victim or previous sexual experience is not relevant (**new**)

122. Section 114 A Where a woman alleged to have been raped as per section 375 of IPC tells the court that she did not consent, the court shall presume no consent. This provides some relief to the 16-18 year old victims of rape.
123. Section 119 Court to take assistance of interpreter or special educator in recording evidence of a person unable to communicate verbally and videograph such statement (**new**)
124. Section 146 (3) Proviso In a rape trial or trial of attempt to rape, questions regarding immoral character, previous sexual experience of the victim are not allowed during cross-examination (**new**)
125. Section 151 It lays down that the court may forbid questions or inquiries that it regards indecent or scandalous.

Policy Documents

Policy documents specifically for children:

- 1986 National Policy on Education
1986 National Policy on Child Labour
2003 National Children's Charter
2013 National Policy for Children (**revised in 2013 after 39 years**)

Other policy documents having a bearing on children's rights:

- 1988 National Policy for the Mentally Handicapped
1993 National Nutrition Policy
2002 National Health Policy
2003 National Youth Policy (the first policy was formulated in 1988. The 2003 policy is currently under revision)
2006 National Policy for Persons with Disabilities

State Plans of Action for Children

1. **Arunchal Pradesh**- State Plan of Action for Children, Department of Social Welfare 1997
<http://wcd.nic.in/crcpdf/BIBLIO.PDF> (Not found on Department's website)
2. **Assam**- State Plan of Action for Children, 2003
<http://wcd.nic.in/crcpdf/BIBLIO.PDF>
3. **Bihar**- State Plan of Action for Child Protection, Rescue and Rehabilitation, 2009
http://www.unicef.org/india/child_protection_5836.htm

4. **Delhi**- Child Friendly Capital, Plan of Action 1998-2002, Government of National Capital Territory of Delhi, 1997
<http://wcd.nic.in/crcpdf/BIBLIO.PDF> (Not found on Ministry's website)
5. **Gujarat** - State Plan of Action for Children, 2005-2010
http://www.bernardvanleer.org/files/chetna/Child_rights_booklet-1.pdf
6. **Haryana** - State Plan of Action for the Child, 1996
<http://www.crrid.res.in/research.htm>
7. **Himachal Pradesh** – State Plan of Action for Children, 1997-1998
<http://www.crrid.res.in/research.htm>
8. **Karnataka** - State Plan of Action for Children, 2003-10
<http://www.karnatakachildrightsobservatory.org/pdf3/LF%20-%20Meeting%20Minutes.pdf>
9. **Kerala** - State Plan of Action for Children, 2004, Department of Social Welfare
wcd.nic.in/statewcd/State%20Secretaries%20Meeting,24.../Kerala.ppt
10. **Maharashtra** - State Plan of Action for Children, 2003-2007
<http://www.shodhana.org/shodhana/ppd/State%20Plan%20of%20Operation%20-UNICEF%20Maharashtra.pdf>
11. **Manipur** - State Plan of Action for Children, Department of Social Welfare, Government Manipur, 1996
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12. **Meghalaya** - State Plan of Action for Children,
<http://megsocialwelfare.gov.in/publication.htm>
13. **Mizoram** - State of Plan of Action for Children, (Year not Available)
<http://mizoram.nic.in/rti/manual/socialwelfaresecretariat/boards.pdf>
14. **Orissa** - State Plan of Action for Children, 2007
<http://www.wcdorissa.gov.in/download/State%20Plan%20of%20Action%20for%20Children-Orissa%20-%202007-12.pdf>
15. **Punjab** - State Plan of Action for Children, Department of Social Security and Women and Child Development, Government of Punjab, 1996
<http://wcd.nic.in/crcpdf/BIBLIO.PDF>
16. **Rajasthan** - State Plan of Action for Children 1995-2000
http://wcd.rajasthan.gov.in/docs/Child_Policy.pdf
17. **Tamil Nadu** - State Plan of Action for Children, November 1993
http://www.swtn.org/publications/7.c.Children_in_Tamilnadu.pdf
18. **West Bengal** - State Plan of Action for Children, 1993
Calcutta - Plan of Action for Children, 1995
http://www.childfriendlycities.org/pdf/india_calcutta_plan.pdf

Programmes and Schemes

Survival and Health

1.	Kalawati Saran Children's Hospital, New Delhi
2.	Manufacture of Sera & Vaccine (BCG Vaccine Laboratory, Guindy, Chennai and grant to Pasteur institute of India, Coonoor)
3.	Reproductive and Child Health Project (includes RCH Flexible Pool)
4.	Strengthening of Immunisation Prog. & Eradication of Polio (includes routine immunisation and pulse polio)
5.	Maternity Benefit Scheme
6.	Conditional Maternity Benefit Scheme

Development

7.	Integrated Child Development Services
8.	Rajiv Gandhi National Creche Scheme for the children of working mothers (previously named as Day Care Centres)
9.	Contribution to UNICEF
10.	National Institute of Public Cooperation & Child Development
11.	Balika Samridhi Yojana
12.	Provision for social welfare in NE Region and Sikkim – Child Welfare
13.	Conditional cash transfer scheme for the girl child with insurance cover
14.	Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG)
15.	National Nutrition Mission
16.	Girl Child Specific District Plan of Action
17.	Scheme for the holistic development of Adolescent boys - SAKSHAM
18.	Children's Film Society of India

Education

Elementary Education (HRD)

19.	District Primary Education Programme
20.	Kasturba Gandhi Swantantra/ Balika Vidyalaya
21.	Mahila Samakhya
22.	National Bal Bhavan, New Delhi
23.	National Council of Teacher Education
24.	Nutritional Support to Primary Ed. (MDM)
25.	Sarva Shiksha Abhiyan
26.	Strengthening of Teacher Training Inst.
27.	Scheme for Providing quality Education in Madrasahs (SPQEM)
28.	Scheme for Infrastructure in Devt. In Minority Institutions (IDMI)

Secondary Education (HRD)

29.	Access and Equity
30.	Central Tibetan Schools Society Admn.

31.	Information Commn. Technologies
32.	Integrated Ed. for Disabled Children
33.	Kendriya Vidyalaya Sangathan
34.	NCERT
35.	National Institute of Open Schooling
36.	National Scholarship Scheme
37.	Navodaya Vidyalaya Samiti
38.	Quality Improvement in Schools
39.	Scheme for Universal Access and quality at the secondary school (SUCCESS)
40.	National scheme for incentive to Girls for secondary education (SUCCESS)
41.	Special Jawahar Navodaya Vidyalaya
42.	New Model Schools
43.	Rashtriya Madhyamik Shiksha Abhiyan (RMSA)
44.	Scheme for Setting up of 6000 Model School at block Level as Benchmark of Excellence
45.	Inclusive Education for the Disabled at Secondary Education (IEDSS)
46.	Vocationalisation of Education
47.	Scheme for construction & running of girls Hostel for students of Secondary & HS. Schools
48.	Appointment of Language Teachers
49.	National Means Cum Merit Scholarship Scheme for studying in Classes XI-XII less amount met from Social Infr. Devt. Fund

Elementary and Secondary Education (Other Ministries)

50.	Pre-matric Scholarship Scheme for SC
51.	Pre-matric Scholarship Scheme for Back ward classes
52.	Pre-Matric Scholarship for Minorities
53.	Girls Hostels for SC
54.	Boys Hostels for SC
55.	Other Programmes for welfare of SC
56.	Other Programmes for Backward Classes
57.	Common Programme - SC, ST & Backward classes
58.	Boys and Girls Hostel from Backward classes
59.	Ashram Schools in Tribal Sub-Plan Area
60.	Schemes--PMS, Book Bank, etc. (ST)
61.	Schemes of Hostel for ST Girls & Boys
62.	Grant- Rural Sch'l for Dev. Of Playfield
63.	Incentives- Prom'n of Sports Activities
64.	Post matric scholarship schemes for SC
65.	Post Matric scholarship schemes for Backward Class
66.	Post Matric Scholarship for Minorities
67.	National Merit scholarships
68.	National Programme for Youth & Adolescent Development
69.	Physical Education Grants to NCC/Public Residential Schools
70.	ACA for Educational Development of Tribal Children in Schedule V areas & Naxal affected areas
71.	Free Coaching and Allied Scheme for Minorities
72.	Pre-matric Scholarship Scheme for SC Students
73.	Pre-matric Scholarship Scheme for ST Students

74.	Pre-matric Scholarship for children of those engaged in unclean occupation
75.	Post Matric Scholarship for Students of Disabilities
76.	Free Cycle for Girl Students of Class IX
77.	Schemes for promotion of education in 100 minority concentration town/cities, out of 251 such town cities identifies as backward

Protection

78.	Prevention & Control of Juvenile Social Maladjustment
79.	Child Labour Cell (Improvement in Working Conditions of Child/ Women Labour)
80.	Swadhar
81.	Short Stay Home**
82.	Integrated Child Protection Scheme (ICPS)
83.	Integrated Scheme for Street children
84.	Scheme for welfare of working children and children in need of care and protection
85.	Shishu Griha Scheme (erstwhile Homes for infant and young children for promotion of in country adoption)
86.	Central Adoption Resource Agency*
87.	Scheme for Rescue of Victims of Trafficking
88.	Relief to & Rehabilitation of Rape Victims

Ministries

1. Ministry of Women and Child Development
2. Ministry of Health and Family Welfare
3. Ministry of Human Resource Development, Department of Education
4. Ministry of Labour and Employment
5. Ministry of Social Justice and Empowerment
6. Ministry of Youth Affairs and Sports
7. Ministry of Tribal Affairs
8. Ministry of Minority Affairs
9. Ministry of Home Affairs
10. Ministry of Information and Broadcasting
11. Department of Telecommunications
12. Department of Industrial Policy and Promotion
13. Department of Atomic Energy
14. Department of Nuclear Energy

State Commissions for Protection of Child Rights

S.No	State	Year in which Rules were formed	Year in which the First Commission was set up
	Andhra Pradesh	Andhra Pradesh State Commission for Protection of Child Rights Rules, 2013, notified on 25 th March 2013	Commission set up in December 2012. Date not available.
1.	Assam	Rules not yet notified	4 March 2010 (Commission constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005 vide State Government notification No. SWD 79/93/Pt.V/136 dated 4 March 2010)
2.	Bihar	Bihar Commission for Protection of Child Rights Rules, 2010, notified 19 August 2010	23 December 2008
3.	Chhattisgarh	Chhattisgarh Commission for Protection of Child Rights Rules, 2009, notified on 16 June 2010	Two person Commission constituted on 17 June 2010.
4.	Delhi	Delhi Commission for Protection of Child Rights Rules, 2008, notified on 7 July 2008	8 September 2008
5.	Goa	Goa Commission for Protection of Child Rights Rules, 2010 notified in the official gazette SERIES I No. 32 on 4 November 2010 vide notification no. - Not.- 2-125-2006/DW&CD/Part/3463. The rules however, came into effect on 5 May 2011 as notified in the state official gazette SERIES I No. 5 vide notification no. - Not.- 2-125-2006/DWCD/Part/2071.	15 April 2008

6.	Gujarat	Rules yet to be framed. Newspaper reports suggest the government of Gujarat has decided to constitute a separate Commission for Protection of Child Rights, but there is no news on the rules or the Commission.	Gujarat State Commission for Protection of Child Rights was set up in February 2010 as part of the State Commission for Women. A PIL was moved by Ahmedabad-based Dalit Hak Rakshak Manch seeking constitution of a separate Commission. In 2012, the state government decided to constitute the State Child Rights Commission but sought time to create infrastructure. The status of the Commission is since not known.
7.	Haryana	<i>No information available</i>	Three member Commission constituted on 17 January 2013 (as per newspaper reports)
8.	Himachal Pradesh	<i>No information available</i>	27 April 2013
9.	Jharkhand	Jharkhand State Commission for Protection of Child Rights Rules, 2011, notified on 18 October 2011	Five-member commission constituted in 2012 (as per newspaper reports)
10.	Karnataka	Karnataka State Commission for Protection of Child Rights Rules, 2010, notified on 6 January 2010	27 Sept 2007
11.	Madhya Pradesh	Madhya Pradesh Commission for Protection of Child Rights Rules, 2007, notified on 22 December 2007 vide Notification No. F 10-29-06-Fifty-2	<i>Constituted as per NCPCR website, but no details available.</i>
12.	Maharashtra	Maharashtra State Commission for Protection of Child Rights Rules, 2010, notified on 31 May 2010	24 July 2007

13.	Manipur	<i>No information available</i>	<i>Manipur State Commission for Protection on Child Rights has been set up as per newspaper reports. No further information available.</i>
14.	Nagaland	<i>No information available</i>	11 April 2013
15.	Orissa	Orissa State Commission for Protection of Child Rights Rules, 2009, notified on 25 November 2009	30 September 2010
16.	Punjab	<i>No information available</i>	15 Apr 2011
17.	Rajasthan	Rajasthan State Commission for Protection of Child Rights Rules 2010, notified on 5 April 2010	23 Feb 2010
18.	Sikkim	Sikkim Commission for Protection of Child Rights Rules, 2007 notified on 30 July 2008	10 Jan 2008
19.	Tamil Nadu	Tamil Nadu Commission for Protection of Child Rights Rules, 2012, notified on 27 June 2012	28 March 2012
20.	Uttarakhand	Uttarakhand Commission for Protection of Child Rights Rules, 2011, notified on 10 May 2011 vide Notification No. 1192/ XVII(4)/ 2011 / 230/10	<i>Constituted as per NCPCR website, but no other information available.</i>
21.	West Bengal	West Bengal State Commission for Protection of Child Rights Rules, 2012, notified on 17 th August 2012.	10 January 2013

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- Official Gazette, Government of Goa, 5th May, 2011, Series 1 No. 5. Available at: <http://goaprintingpress.gov.in/downloads/1112/1112-5-SI-OG.pdf>
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- <http://www.ncpcr.gov.in/scpcr.htm>

Appendix 2

Achievement of Goals and Targets

Indicator	Date of Previous	Commitments/ Goals	Date of Latest Assessment	Achievement Record
<i>Source</i>				
Birth Registration (%) <i>Source: Ministry of Home Affairs, Annual Report 2012 -13</i>	1997: 55.9	NPP, 2000: Achieve 100% birth registration by 2010 NPAC, 2005: 100 percent registration of births, deaths...by 2010	2009: 81.1%	Not achieved However, there is an improvement of 25.2 percentage points
Child Sex Ratio (0-6 years) <i>Source: 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
Child Marriage (%) <i>Source: District Level House and Facility Surveys II and III</i>	2002-04 Percentage of girls and boys married below the legal age of 18 and 21 years respectively 20.7 boys 28.0 girls Mean age at marriage 24.5 for boys 19.5 for girls	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	2007-08 Percentage of girls and boys married below the legal age of 18 and 21 years respectively 23.4 boys 22.1 girls Mean age at marriage 24 for boys 19.8 for girls	Not achieved In fact more boys are getting married at a lower age than girls.
Indicator	Date of	Commitments/ Goals	Date of Assessment	Achievement Record
<i>Source</i>				
Child Labour (in million) <i>Source: Census of India</i>	1991: 11.28	NPAC, 2005: eliminate child labour from hazardous occupations by 2007, and progressively	2010: 12.67	Not achieved Rather there has been a 12.32% increase

		<p>move towards complete eradication of all forms of child labour</p> <p>To rescue and remove children below ten years of age from the workforce by 2010</p> <p>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 centers by 2012</p>		
<p>Health <i>Source:</i> 1. <i>National Family Health Survey – NFHS</i> 2. <i>CHILDREN IN INDIA 2012 - A Statistical Appraisal 2010 SRS data Social Statistics Division Central Statistics Office Ministry of statistics and Programme Implementation Government of India</i> http://mospi.nic.in/mospi_new/uploa d/Children_in_Indi</p>		<p>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</p>		<p>Not Achieved</p>

a_2012.pdf 3. Coverage Evaluation Survey, 2009, Ministry of Health and Family Welfare and UNICEF				
Mortality (per 1000 live births)	NFHS-I (1992-1993)		CHILDREN IN INDIA 2012 - A Statistical Appraisal 2010 SRS data	
i. Neo Natal Mortality	49	NPAC, 2005: To reduce NMR to below 18 per 1000 live births by 2010.	33 It ranges from 19 in urban areas to 36 in rural areas.	Not achieved There has been a reduction in NMR, though it is still short by 15 points to reach the goal
ii. Early Neo Natal Mortality	30	NA	25 It ranges from 28 in rural areas to 15 in urban areas.	Reduction of 5 points. However, it is difficult to assess achievement level as no specific targets are set out.
iii. Infant Mortality	79	NHP, 2002 Reduce IMR to 30/1000 by 2010 NPAC, 2005: Reduce IMR to below 30 per 1000 live Births by 2010. 9th FYP, 1997-2002: Reduce IMR to less than 60 by 2002 10th FYP, 2002-07: Reduction of IMR to 45 per thousand live births by 2007 and to 28 by 2012 11th FYP, 2007-12:	47	Not achieved Though IMR has reduced, 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. IMR is falling short of the XIth Plan goals by 19 points.

		Reducing IMR to 28 per 1000 live births ICPD, Cairo 1994: Reduce IMR by one-third by the year 2000		
iv. Under 5 Mortality or Child Mortality Rate (CMR)	109	NPAC, 2005: Reduce CMR to below 31 per 1000 live births by 2010. NPAC, 1992: Reduce CMR to below 10 per thousand. 9th FYP, 1997-2002: Reduce CMR to below 10 by 2002 MDG: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	59 It varies from 66 in rural areas to 38 in Urban areas. It is higher for females (64) than males (55).	Not achieved CMR has reduced by 50 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.
Immunisation (%) <i>Source: NFHS-1 and Coverage Evaluation Survey, 2009, Ministry of Health and Family Welfare and UNICEF</i>	NFHS-I (1992-1993)	NPAC, 1992: Maintain 100% immunisation coverage and eradicate polio by the year 2000 NHP, 2002: Eradicate polio and yaws and eliminate leprosy by 2005	Coverage Evaluation Survey 2009	
Overall Immunisation (%)	35.4		61	Not achieved There is an improvement of 25.6 percentage points in immunisation levels. However, the goals set out are yet to be reached.
i. BCG Vaccine	62		86.9	
ii. 3 doses of Diphtheria, whooping cough and Tetanus (DPT)	52		99.5	
iii. 4 doses of Polio	54		99.1	
iv. Measles	42		95.3	
v. No vaccinations	30		7.6	

Nutrition and Anaemia (%) <i>Source: NFHS 1 and NFHS 3</i>	NFHS-I (1992-1993)	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.	NFHS-3 (2005-06) 69	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 percentage 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 (69% males and 69.9% females). Anaemia was more prevalent in Rural areas (71.5%), than Urban areas (63%).	Not achieved There is a reduction though not yet 50% as set out in the 11 th FYP.
Morbidity (%) Children <5 yrs with Acute Respiratory Infection <i>Source: NFHS 2 and NFHS 3</i>	NFHS-2 (1998-1999)	NPAC, 1992: Prevent 40% deaths due to acute respiratory infections by 2000	NFHS-3 (2005-06)	No recent data available on morbidity. It is no longer an indicator in the Annual Health Surveys. 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 who had symptoms	19.3	NA	5.8	
ii. Percentage for whom treatment was sought	64	NA	69	
iii. Percentage who received antibiotics	NA	NA	12.5	
Morbidity (%) For children <5 yrs with Diarrhoea		NPAC, 1992: Prevention of 70 per cent of death from and 25 per cent 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. Data reflects reduction in percentage of children <5 years getting health care for diarrhea and a shift away from use of ORS.
i. Percentage taken to a health provider	63.4	NA	59.8	
ii. Percentage who got any ORT or increased fluids	48.0	NA	43.0	
iii. No treatment sought	27.4	NA	26.1	
iv. Trend in use of Oral Hydration Salts (ORS)	28	NA	26	

<p>Education District Information System for Education (DISE)</p>	<p>2005-2006</p>	<p>Constitution of India:</p> <p>Article 21A: Free compulsory education for children in the 6-14 age category</p> <p>Article 45: Early childhood care and education to all children until they complete the age of six</p> <p>NPE, 1986: All children having attained 11 years age by 1990 will complete 5 years of schooling</p> <p>By 1995 all children up to 14 years will be provided free and compulsory education</p>	<p>2011-2012</p> <p>Elementary Education in India, Analytical Tables, 2011-12 (Provisional), NEUPA, DISE</p>	<p>Not met</p> <p>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 children below 6 years are now excluded from the purview of Article 21 A.</p>
<p>Enrolment and Retention related matters (%)</p>		<p>NPE, 1986: All children heaving attained 11 years' age by 1990 will complete 5 years of schooling.</p>		<p>Not achieved</p> <p>School enrolment has improved, though according to the MHRD, in 2008, 7.6 million children were still out of school and other estimates put this figure at 21 million.</p>
<p>i. Gross Enrolment (I-VIII) (in million)</p> <p>(Gender Parity)</p>	<p>168.28</p> <p>(0.90)</p>	<p>NPAC, 2005: All children to be in school by 2005.</p> <p>SSA: All children in school, Education Guarantee Centre, Alternate School, 'Back-to-School' camp by 2003</p>	<p>199.05</p> <p>(0.94)</p>	<p>estimates put this figure at 21 million.</p>
<p>ii. Enrolment percentage of the disabled (Figures in the DISE reports are conflicting) (Gender Parity)</p>	<p>0.96</p> <p>(0.70)</p>	<p>All children complete five years</p>	<p>0.84</p> <p>(0.74)</p>	<p>While gender parity in enrolment has improved, enrolment of</p>

<p>iii. Percentage of SC & ST enrolment to total enrolment</p>	<p>SC: 18.95 ST: 7.47</p>	<p>of primary schooling by 2007</p> <p>All children complete eight years of elementary schooling by 2010</p> <p>10th FYP, 2002-07: All children in school by 2003</p> <p>All children to complete 5 years of schooling by 2007</p> <p>NPAC, 2005 and SSA: Bridging gender and social gaps in primary education by 2007 and elementary education by 2010</p> <p>11th FYP, 2007-12: Eliminate gender, social, and regional gaps in enrolments by 2011–12.</p>	<p>SC: 19.80 ST: 19.92</p>	<p>disabled children has gone down, though marginally.</p> <p>Increase in the enrolment of ST children is greater than increase in enrolment of SC children, though more number of ST children drop-out at primary level.</p> <p>A shift in goals and timelines is clearly visible.</p>
<p>Drop-out rates (%)</p> <p><i>Statistics of School Education, Ministry of Human Resource Development (MHRD)</i></p> <p>Available at: http://mhrd.gov.in/sites/upload_files/mhrd/files/NLES%20-%20At%20a%20Glance.pdf</p>	<p>2005-06</p>	<p>NPAC, 2005 and SSA: Universal retention by 2010.</p> <p>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</p>	<p>2010-2011:</p>	<p>Not achieved</p> <p>Although there is a reduction in the dropout rates, the goal universal retention and of reducing dropout at elementary level from 50% to 20% is still far from reach.</p>

<i>And</i> http://mhrd.gov.in/sites/upload_files/mhrd/files/SES-School_201011_0.pdf				
All Children	48.8		40.6	
Scheduled Caste	55.2		43.3	
Scheduled Tribe	62.9		55.0	
Teacher-related		NA	2011-12 Elementary Education in India, Analytical Tables, 2011-12 (Provisional), NEUPA	Difficult to assess achievement level as no specific targets set out. Data too does not seem reliable. Data on Pupil-Teacher Ratio is not easily available. There is no data available on para-teachers any longer.
i. Percentage of Single-Teacher schools	5.7		8.3	
ii. Teacher-Pupil ratio (all schools)	1:36		1:32 Elementary Education in India, Analytical Tables 2008-09, DISE	
iii. Schools with Teacher-Pupil ratio >100	5.3%		3.8%	
Facilities		NA		Improvement in facilities is indeed remarkable though it is difficult to assess achievement level in the absence of specific targets set out
i. Percentage schools with no buildings	4.1		4.7	
ii. Percentage distribution of Single-Classroom schools	11.0		5.8	
iii. Percentage schools with common / any type of toilet	52.4		92.6	
iv. Percentage schools with girls toilets	37.4		84.7	

v. Percentage of government schools with drinking water facilities	81.5		94.1	
vi. Percentage private schools with drinking water facilities	93.0		97.4	
vii. Percentage schools with ramps	17.1		53.4	
Access		NA		<p>There are more classrooms available and gap between primary and upper primary schools has reduced.</p> <p>However, it is difficult to assess or measure achievement level as no specific targets are set out.</p>
i. Student-Classroom ratio	39:1		30:1	
ii. Ratio of Primary to Upper Primary Schools	2.6:1		2.06:1	
iii. Distance of school from Cluster Resource Centre:				
– Percentage Schools within 1km	27.7		17.6	
– Percentage schools within 1-5 km	45.4		56.7	
– Percentage schools more than 5 km	26.9		25.7	
Incidences of Crime Against Children <i>National Crime Records Bureau – NCRB</i>	<p>2001</p> <p>A total of 10814 cases of crimes against Children were reported in the country during 2001.</p>	<p>NPAC, 2005:</p> <p>Create and uphold a safe, supportive and protective environment for all children within and outside the home.</p> <p>NPA - SAARC decade of the Girl Child, 1991-2000:</p> <p>Extend special protection for girls in</p>	<p>2012</p> <p>A total of 38172 cases of crimes against Children were reported in the country during 2011.</p>	<p>Not achieved</p> <p>There has been a 253% increase between 2001 and 2012.</p> <p>There are no measurable goals and targets and no reliable data on child vulnerability.</p>

		<p>difficult situations/ circumstances 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 children and in particular those with special needs and problems and those in difficult circumstances through effective implementation 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>	<p>Programmes for strengthening families are limited to family counseling 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.</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 rape and kidnapping is phenomenal.</p> <p>Discrimination against girls is assuming new proportions as sex-ratios are abysmally low in the 10-19 age group, even lower than that for the 0-6 age group.</p> <p>Child labour and cases of violation of technology for sex-determination and sex-selective</p>
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				<p>abortions do not get computed as a crime.</p> <p>Implementation of the child marriage law is the worst.</p> <p>Childline services are yet to be available in all rural districts.</p>
i. Infanticide	133	<p>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</p>	81 (39% decrease)	<p>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.</p> <p>The fall in cases of infanticide needs further examination as it is more likely to find the infanticide getting booked as murder than under the relevant legal provision for it.</p>
ii. Murder	1042	<p>NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.</p>	1597 (53.2% increase)	<p>Not achieved Data on child murders was computed 2001 onwards and shows a 53.2% increase by 2012.</p>
iii. Rape (1994 data is for children up to	2113	<p>NPAC, 2005: To develop new and strengthen existing</p>	8541 (304.2% increase)	<p>Not achieved A special law</p>

16 yrs)		legal instruments to prevent sexual abuse and exploitation of children.		prohibiting sexual offences against children and providing for rehabilitation and reintegration of child victims of sexual abuse was introduced on 14 November 2012. The law is yet to be implemented fully.
iv. Kidnapping & Abduction	5589	NPAC, 2005 To create and uphold a safe, supportive and protective environment for all children within and outside the home.	18266 (226.8% increase)	Not achieved There has been an alarming 226.8 percent increase in cases of kidnapping and abduction of children.
v. Foeticide	55	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	210 (281.8% increase)	Not achieved Even with 210 cases of foeticide registered in 2012, the increase in the number of reported cases between 2001 and 2012 is 281.8 percent, which is the maximum amongst all crimes against children. 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 do are ambitious.
v. Abetment of Suicide	26	NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.	144 (453.8% increase)	Not achieved Percentage increase in cases of abetment to suicide in the last 11 years in 453.8%. On the other hand there has been a 21.1% increase in cases of exposure and abandonment of children below 12 years of age. Suicides among older children and exposure and abandonment of younger ones are clear indicators of child vulnerability. 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.
vi. Exposure & Abandonment	678		821 (21.1% increase)	
vii. Procuration of Minor Girls	138	NPAC, 2005: To stop sale of children and all forms of child	809 (486.2% increase)	Not achieved Even when the number of reported cases of
viii. Buying of Girls for	6		15 (150% increase)	

Prostitution				
ix. Selling of Girls for Prostitution	8	<p>trafficking, including for 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>	108 (1250% increase)	<p>buying and selling of girls for prostitution is far from reality, there has been a 150% increase in cases of buying of girls and 1250% increase in cases of selling of girls for prostitution.</p> <p>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 and buying and selling are the two ends of one crime and both ends need to be addressed.</p>
x. Child Marriage Restraint Act / Prohibition of Child Marriage Act	85	<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 per cent registration of</p>	169 (98.8% increase)	<p>Not achieved Despite a new law prohibiting child marriages as against the earlier law providing for mere restraint, child marriages continue. Cases often do not get registered once the marriage</p>

		<p>marriages and pregnancies by 2010</p> <p>Eliminate child marriage by 2010</p>		<p>takes place as the law does not nullify a child marriage.</p> <p>2009 data on child marriage cases showed inadequate use of the present child marriage law as only 3 cases were registered under the Prohibition of Child Marriages Act, 2006. The goal is thus far from being achieved.</p>
xi. Other crimes	3685	<p>NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.</p>	7411 (101.1% increase)	<p>Not achieved There has been a 101.1% increase even in what gets clubbed as other crimes against children.</p> <p>The NCRB data fails to provide information on what constitutes 'other crimes'.</p> <p>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</p>

				<p>little is expected to be achieved in terms of building a caring and protective for children, especially inside their homes.</p> <p>Lack of data regarding vulnerable families and children is one of the biggest impediments in planning and providing for them.</p>
xii. Charge-sheeting rate (%)	81.3	<p>9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploitation through strict enforcement of the existing legislations</p>	71.9	<p>Not achieved There has been decline of 9.4 percentage points in the rate of chargesheeting in cases of various crimes against children. This despite laws providing for creation of children's courts and special courts and Special Juvenile Police Units in all districts.</p>
xiii. Conviction rate (%)	47.4	<p>NPAC, 2005: To create and uphold a safe, supportive and protective environment for all children within and outside the home.</p> <p>9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploitation</p>	29.0	<p>Not achieved Rate of conviction has gone down by 18.4 percentage points between 2001 and 2012, suggesting a need for investing in better investigation and trial procedures, reduction in delays in trials</p>

		through strict enforcement of the existing legislations.		and most importantly a child-friendly law enforcement and judicial system that helps children fight for justice. The goals of protecting all children from all forms of exploitation remain elusive.
<p>Crimes By Children <i>National Crime Records Bureau – NCRB</i></p> <p>Note: 2001 data is taken because the age juvenility was raised from 16 years to 18 years for in the year 2000.</p>	<p>2001</p> <p>Juvenile crimes were 0.5% of total cognizable crimes</p>	<p>9th FYP, 1997-02: Keeping in view the increasing problems of social mal-adjustment 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 rehabilitating 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>	<p>2012</p> <p>Juvenile crimes were 1.17% of total cognizable crimes</p>	<p>Achieved Partially</p> <p>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 12th FYP suggests that the number 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) have doubled</p>

			<p>from 240 before introduction of ICPS to the present number of 548. Similarly there are 561 JJBs as against 211 before introduction of the scheme. 660 Special Juvenile Police units (SJPU) have also 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.</p> <p>The report also claims that over 90,000 children have been reached through the ICPS.</p> <p>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>
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				<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 education and 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 services expanded to 170 locations expecting to reach around 280 locations by the end of the 11th Plan period. Childline needs to expand both in outreach and quality of service.</p>
Indian Penal Code(IPC)		NPAC, 2005:		Not Achieved
Murder	531	To prevent children from getting into conflict with law.	990 (86.4% increase)	While juvenile crimes constitute only 1.7% of total IPC crimes. There is greater increase in crimes by children under special and local
Attempt to Commit Murder	449	To recognize, promote and protect the rights of children in conflict with law through preventive,	876 (95.1% increase)	
Culpable Homicide Not Amounting to Murder	34		48 (41.2% increase)	
Rape	399		1175 (194.5%)	

		protective, reformative and rehabilitative policies, laws, plans, strategies, programmes and interventions	increase)	laws as compared to IPC crimes. However, increased involvement of children in crimes involving the Explosives Act, Causing death due to negligence, Kidnapping, Rape and Robbery poses a serious concern. Violent crimes by children are also reflection of society at large, the insecurities encompassing people's lives. Children are unable to find any other meaningful existence and their energies are not being channelised in the rights 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
Kidnapping & Abduction	122		789 (546.7% increase)	
Dacoity	59		174 (194.9% increase)	
Preparation & Assembly for Dacoity	51		92 (80.4% increase)	
Robbery	164		767 (367.7% increase)	
Burglary	1687		2625 (55.6% increase)	
Theft	3196		5528 (73% increase)	
Riots	1228		1690 (37.6% increase)	
Criminal Breach of Trust	59		22 (62.7% decrease)	
Cheating	83		148 (78.3% increase)	
Counterfeiting	4		33 (725% increase)	
Arson	48		80 (66.7% increase)	
Hurt	3234		4681 (44.7% increase)	
Dowry Deaths	50		66 (32% increase)	
Molestation	380		613 (61.3% increase)	
Sexual Harassment	105		183 (74.3% increase)	
Cruelty by Husband of Relative	349		261 (25.2% decrease)	
Importation of Girls	0		0	
Causing Death by Negligence	49		260 (430.6% increase)	
Other IPC Crimes	3392		6835 (101.5% increase)	
Special Local Laws (SLLs)				
Arms Act	154	177 (14.9% increase)		
Narcotic Drugs and Psychotropic Substances Act (NDPS)	52	87 (67.3% increase)		

Gambling Act	763		326 (57.3% decrease)	entry into the world of crime. A Rs 1,000 crore (10 billion) allocation for the ICPS over a span of five years during the 11 th Five Year Plan was grossly inadequate to achieve the desired goals or 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. The current budget for ICPS also does not reflect the political will to ensure its implementation. Data also reflects a high rate of violation of the Foreigners Registration Act by minors, which should cause concern for India as many of these minors are refugees or have crossed borders illegally to earn a living or could be trafficked.
Excise Act	613		278 (54.6% decrease)	
Prohibition Act	1007		319 (68.3% decrease)	
Explosives and Explosive Substances Act	3		16 (433.3% increase)	
Immoral Traffic (Prevention) Act	125		16 (87.2% decrease)	
Railways Act	26		6 (76.9% decrease)	
Registration of Foreigners Act	3		25 (733.3% increase)	
Protection of Civil Rights Act	0		0	
Indian Passport Act	10		8 (20% decrease)	
Essential Commodities Act	7		10 (42.9% increase)	
Terrorist & Disruptive Activities Act	0		0	
Antiquities & Art Treasures Act	0		1	
Dowry Prohibition Act	6		17 (183.3% increase)	
Child Marriage Restraint Act / Prohibition of Child Marriage Act	2		9 (350% increase)	
Indecent representation of Women Act	15		2 (86.7% decrease)	
Copyright Act	11		15 (36.4% increase)	
Sati Prevention Act	0		0	
SC/ST (Prevention of Atrocities) Act	50		95 (90% increase)	
Forest Act	8		4 (50% decrease)	
Other SLL Crimes	5477		2626 (52.1% decrease)	
Pendency of cases at the end of the year (%)	42.5	9th FYP, 1997-02: Every effort will be made to protect children from all forms of exploitation	26.9	Not achieved Pendency of cases does not reflect a positive picture, especially

		through strict enforcement of the existing legislations		against the claims of improved services, infrastructure and mechanisms for justice delivery. In fact is shows that the goals of ensuring enforcement of laws in letter and spirit remain and building a protective environment for children remain unmet.
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Appendix 3

Status of Ratification of International Instruments by India

International Legal Instruments	Status of Ratification/Signature/Adoption
CPR and ESCR	
International Covenant on Civil and Political Rights, 1966	ACCEDED on 10 April 1979
Optional Protocol to the International Covenant on Civil and Political Rights, 1966 on setting up of individual complaint mechanism	NOT SIGNED
Second Optional Protocol to the International Covenant on Civil and Political Rights, 1989, aiming at the abolition of death penalty	NOT SIGNED
International Covenant on Economic, Social and Cultural Rights, 1966	ACCEDED on 10 April 1979
Women	
Convention on the Political Rights of Women, 1953	SIGNED ON 29 Apr 1953 RATIFIED ON 1 Nov 1961
Convention on the Nationality of Married Women, 1957	SIGNED ON 15 May 1957
Convention on the Elimination of All Forms of Discriminations Against Women (CEDAW), 1979	SIGNED on 30 July 1980 and RATIFIED on 9 July 1993 with a declaration/reservation
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	NOT SIGNED
Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women, 1995	NOT SIGNED
Children	
Convention on the Rights of the Child, 1989	RATIFIED on 11 December 1992 with a declaration on Article 32
Optional Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography	SIGNED on 15 November 2004 and RATIFIED on 16 August 2005

Optional Protocol to CRC on involvement of Children in Armed Conflict	SIGNED on 15 November 2004 and RATIFIED on 30 November 2005
Amendment to article 43 (2) of the Convention on the Rights of the Child, 1995	NOT SIGNED
Persons with Disabilities	
Convention on the Rights of Persons with Disabilities, 2006	SIGNED on 30 March 2007 RATIFIED on 1 October 2007
Optional Protocol to the Convention on the Rights of the persons with Disabilities, 2006	NOT SIGNED
Discrimination on grounds of caste/religion/ethnicity/language	
International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965	RATIFIED ON 3 Dec 1968
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	SIGNED on 29 Nov 1949 RATIFIED on 27 Aug 1959
International Convention on the Suppression and Punishment of the Crime of Apartheid, 1973	ACCEDED on 22 Sep 1977
International Convention against Apartheid in Sports, 1985	ACCEDED on 12 Sep 1990
Refugees and Statelessness	
Convention on the Status of Refugees, 1951	NOT SIGNED
Protocol to the Convention on Status of Refugees, 1967	NOT SIGNED
Convention relating to the Status of Stateless Persons, 1954	NOT SIGNED
Convention on the Reduction of Statelessness, 1961	NOT SIGNED
Environment	
Vienna Convention for the Protection of the Ozone Layer, 1985	ACCEDED on 18 Mar 1991
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	ACCEDED on 19 Jun 1992
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989	SIGNED on 15 Mar 1990 RATIFIED on 24 Jun 1992
Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1995	NOT SIGNED
Basel Protocol on Liability and Compensation	NOT SIGNED

for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal, 1999	
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, 1990	ACCEDED on 19 Jun 1992
Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, 1999	ACCEDED on 3 Mar 2003
United Nations Framework Convention on Climate Change, 1992	SIGNED on 10 Jun 1992 RATIFIED on 1 Nov 1993
Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997	ACCEDED on 26 Aug 2002
Amendment to Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, 2006	ACCEDED on 18 Nov 2008
Convention on Biological Diversity, 1992	SIGNED on 5 Jun 1992 RATIFIED on 18 Feb 1994
Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000	SIGNED on 23 Jan 2001 RATIFIED on 17 Jan 2003
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010	SIGNED on 11 May 2011
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994	SIGNED on 14 Oct 1994 RATIFIED on 17 Dec 1996
Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, 1994	NOT SIGNED
Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998	NOT SIGNED
Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental, 2003	NOT SIGNED

Amendment to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 2005	NOT SIGNED (Since India has not ratified the main Convention the question of signing the amendment does not arise)
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998	ACCEDED on 24 May 2005
Stockholm Convention on Persistent Organic Pollutants, 2001	SIGNED on 14 May 2002 RATIFIED on 13 Jan 2006
Disarmament	
Convention on the prohibition of military or any other hostile use of environmental modification techniques, 1976	SIGNED on 15 Dec 1977 RATIFIED on 15 Dec 1978
Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III), 1980	SIGNED on 15 May 1981 RATIFIED on 1 Mar 1984
Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol IV, entitled Protocol on Blinding Laser Weapons), 1995	GAVE CONSENT TO BE BOUND/RATIFIED on 2 Sep 1999
Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1996	GAVE CONSENT TO BE BOUND/RATIFIED on 2 Sep 1999
Amendment to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 2001	ACCEPTED on 18 May 2005
Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on	GAVE CONSENT TO BE BOUND/RATIFIED on 18 May 2005

the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (Protocol V), 2003	
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1992	SIGNED on 14 Jan 1993 RATIFIED on 3 Sep 1996
Comprehensive Nuclear-Test-Ban Treaty, 1996	NOT SIGNED
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997	NOT SIGNED
Convention on Cluster Munitions, 2008	NOT SIGNED
Corruption	
United Nations Convention against Corruption, 2003	SIGNED on 9 Dec 2005 RATIFIED on 1 May 2011
Drugs and Substance Abuse	
Single Convention on Narcotic Drugs, 1961, as amended by the Protocol amending the Single Convention on Narcotic Drugs, 1961	SIGNED on 14 Dec 1978
Convention on Psychotropic Substances, 1971	ACCEDED on 23 Apr 1975
United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988	ACCEDED on 27 Mar 1990
Child Marriage	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962	NOT SIGNED
Torture	
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	SIGNED on 14 October, 1997 NOT RATIFIED (despite recommendation in this regard by the CRC Committee in its Concluding Observations in India's Second Periodic Report, India has not ratified this Convention)
Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	NOT SIGNED
Amendments to articles 17 (7) and 18 (5) of	NOT SIGNED (Since India has not ratified the

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1992	main Convention the question of signing the amendment does not arise)
Enforced Disappearance	
International Convention for the Protection of All Persons from Enforced Disappearance, 2006	SIGNED ON 6 Feb 2007
Slavery and Trafficking	
International Agreement for Suppression of White Slave Traffic, 1904	Declared Applicable to India at the time of transfer to the Secretary-General
International Convention for Suppression of White Slave Traffic, 1910	Declared Applicable to India at the time of transfer to the Secretary-General
International Convention for the Suppression of the Traffic of the Women and Children, 1921	RATIFIED on 28 June 1922 with reservations on age on Article 5
Slavery Convention, 1926	RATIFIED in 1954
Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices of Slavery, 1956	SIGNED on 7 September 1956 RATIFIED on 23 June 1960
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1951	SIGNED on 9 May 1950 and RATIFIED on 9 January 1953
Convention against Transnational Organized Crime, 2000	SIGNED on 12 December 2002 RATIFIED on 5 May 2011
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime	SIGNED on 12 December 2002 RATIFIED on 5 May 2011
Labour	
Eight Core ILO Conventions	
ILO Convention No. 29 (Forced Labour, 1930)	RATIFIED on 30 November 1954
ILO Convention No. 87 (Freedom of Association and Protection of Rights, 1948)	NOT RATIFIED
ILO Convention No. 98 (Right to Organize and Collective Bargaining Convention, 1949)	NOT RATIFIED
ILO Convention No. 100 (Equal Remuneration Convention, 1951)	RATIFIED on 25 September 1958

ILO Convention No. 105 (Abolition of Forced Labour, 1957)	RATIFIED on 18 May 2000
ILO Convention No. 111 (Discrimination (Employment and Occupation Convention, 1958)	RATIFIED on 3 June 1960
ILO Convention No. 138 (Minimum Age Convention, 1973)	NOT RATIFIED
ILO Convention No. 182 (Worst Forms of Child Labour, 1999)	NOT RATIFIED
International Convention on Protection of Rights of All Migrant Workers and Members of their Families, 1990	NOT SIGNED
SOME RELEVANT HAGUE CONVENTIONS	
Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993	SIGNED on 9 January, 2003 and RATIFIED on 6 June 2003
Convention on the Civil Aspects of International Abduction, 1980	NOT SIGNED
Convention on the law applicable to maintenance obligations towards children, 1956	NOT SIGNED
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	NOT SIGNED
Convention concerning the powers of authorities and the law applicable in respect of the protection of infants, 1961	NOT SIGNED
Convention of on the Conflicts of Laws Relating to the Form of Testamentary Dispositions, 1961	NOT SIGNED
Convention on the Law Applicable to Maintenance Obligations, 1973	NOT SIGNED
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, 1996	NOT SIGNED
Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, 2007	NOT SIGNED
REGIONAL CONVENTIONS	
SAARC Convention on Preventing and Combating Trafficking in Women and Children	SIGNED on 5 January 2002 at the Eleventh SAARC Summit in Kathmandu on 4-6 January

for Prostitution, 2002	2002
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia	SIGNED on 5 January 2002 at the Eleventh SAARC Summit in Kathmandu on 4-6 January 2002
Proclamation on the Full Participation and Equality of People with Disabilities in the Asia Pacific Region, 1992	Adopted on 5 December, 1992

Appendix 4

India's status on CRC and the Reporting Process

CRC

Date of ratification/accession – 11 December 1992

Date of Entry into Force – 11 January 1993

Reporting by Government of India	Due Date	Date of submission	Symbol
Initial Report	10 January 1995	19 March 1997	CRC/C/28/Add.10
Second Report	10 January 2000	10 December 2001	CRC/C/93/Add.5
Third Report	10 January 2005	Government of India missed the due date. As an exceptional measure, a consolidated third and fourth periodic was due before 28 May 2008. Missing this date, a new date was set out as 10 July 2008. The combined report was submitted only as recently as September 2011.	Awaited
Fourth Periodic Report	As an exceptional measure India was to submit a consolidated third and fourth report before 28 May 2008.	Government of India later set out to submit the report before 10 July 2008. The combined report was submitted in September 2011.	Awaited
<p>Optional Protocol on sale of children, child prostitution and child pornography⁵⁴</p> <p>Date of ratification/accession – 16 Aug 2005 Date of Entry into Force – 16 September 2005</p>			
First Report	The first report was due in September 2007. Government of India had requested for submission of the report along with the combined Third and Fourth Periodic report on CRC in July 2008. ⁵⁵	Submitted in September 2011.	Awaited

⁵⁴ http://www2.ohchr.org/english/bodies/ratification/11_c.htm, and http://www.bayefsky.com/html/crc_sc_ratif_table.php

⁵⁵ Rao, Jyoti, UNICEF India Country Office, The History of Child Rights in India, http://www.unicef.org/india/children_3220.htm

Optional Protocol on children in armed conflict⁵⁶

Date of ratification/accession – 30 November 2005

Date of Entry into Force – 30 December 2005

First Report	The first report was due in January 2008. Government of India had requested for submission of the report along with the combined Third and Fourth Periodic report on CRC in July 2008. ⁵⁷	Submitted in September 2011	Awaited
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⁵⁶ http://www2.ohchr.org/english/bodies/ratification/11_b.htm , and http://www.bayefsky.com/html/crc_ac_ratif_table.php

⁵⁷ Rao, Jyoti, UNICEF India Country Office, The History of Child Rights in India, http://www.unicef.org/india/children_3220.htm

Appendix 5

Examples of laws that have not worked, not even after amendments, where they have taken place

Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, as amended in 2003

On 20 September 1994, the Parliament enacted the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (the PNDT Act), which came into force in 1996 with the framing of the rules. This law failed, as new techniques for sex determination came into use, pre-conception sex selection remained unaddressed, monitoring of clinics and doctors was poor and penal provisions were ambiguous and very weak, and the law penalized women for sex determination without addressing the patriarchal social milieu.

In the 11 years of existence of the PNDT Act, the first conviction of a doctor came about only in March 2006. When these issues were brought to the notice of the Supreme Court in CEHAT & Others vs. Union of India and Others, the court ordered for a change in the law, which was amended in 2003 to be called the 'Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PC&PNDT Act). At the same time, certain amendments were also brought about in the Rules of 1996 (which came into effect from 14 February 2003) to ensure effective implementation of the Act and in view of the observations of the Supreme Court. The main purpose of this law is to ban the use of sex-selection techniques before or after conception as well as the misuse of pre-natal diagnostic techniques for sex selective abortions and to regulate such techniques.

Some anomalies and problems that remain

Punishment for those seeking support of technologies such as ultrasound test for sex-determination is imprisonment of up to three years and fine of up to Rs. 50,000 on the first offence. On the second and repeated offences, the term of imprisonment is up to five years and the fine is up to Rs. 1,00,000. On the other hand, punishment for doctors and technical assistants is much lower – imprisonment up to three years and fine only up to Rs. 10,000 on the first offence; on the second and repeated offences, the term of imprisonment is up to 5 years and the fine is up to Rs. 50,000.

Most ultrasound clinics are now registered, but this has not prevented them from continuing with sex determination tests. The fact that private clinics are allowed to function is a reflection of the government's inability to cater to the health needs through the public health system. Increased privatisation of health will make it even more difficult to hold private providers accountable.

There are 30,000 registered ultrasound clinics spread all over the nation. Almost a million sex selective abortions take place in India annually, which points to the fact that at least 10,000-20,000 or more of the 30,000 clinics are either openly or covertly carrying out sex determination tests. Only 300 prosecutions (mainly for non-registration) and only one conviction so far⁵⁸.

Despite amendments, the All India Conference of State Secretaries of Health and Women and Child Development Departments, DGPs and NGOs held at Vigyan Bhawan in New Delhi on 11 August 2005

⁵⁸ Prabhakar Deshpande, Finishing Female Foeticide, Undated. Available at: http://www.karmayog.org/articlesbyexperts/articlesbyexperts_5950.htm

concluded that 'no significant impact of the Act has been felt at the grassroots level because of the difficulties associated with the implementation of the Act'.

It was also noted at the Conference that there is an urgent need to increase the staff strength of the PNDT cell to 1000, of which 600 officers should be deputed to each district and 300 should monitor various districts from the centre. The budget for the PNDT cell needs to be increased to Rs. 200 crore to ensure effective implementation of PNDT Act⁵⁹.

The criminal case in Hyderabad against Wipro-GE, a company representative, three doctors and an ultrasound technician followed an inspection in 2005 that found one clinic couldn't produce proper registration and hadn't kept complete records for two years. A team of inspectors seized an ultrasound machine supplied by Wipro-GE. The inspection team's report said it suspected the clinic was using the machines for illegal sex determination.

Source: India's Skewed Sex Ratio Puts GE Sales in Spotlight
by Peter Wonacott, [Wall Street Journal](#)

April 19, 2007

Available at: <http://www.geneticsandsociety.org/article.php?id=3450>

Medical Termination of Pregnancy Act, 1971

In 2002, the Medical Termination of Pregnancy Act, 1971 was amended and new rules framed in 2003 to prevent the continued use of abortion as a means for eliminating the child. These amendments were based on the recommendations of the 'expert group committee' formed in 1997, and suggestions of the National Women's Rights Commission (as a measure to prevent cases of 'female foeticide') along with the experience gained in the implementation of the MTP Act⁶⁰. While it was established as illegal in 1971 to abort a healthy foetus, particularly that of a girl child, the Amendment of 2002 established strict guidelines as to where and by whom medical terminations of pregnancies may be carried out, and imposed severe punishments, including rigorous imprisonment of two to seven years, on those who violate the Act⁶¹.

There is little information available by way of documentation of evaluation of the implementation of this Act post the amendment. The ground reality is that female foetuses continue to be aborted and in fact at a much higher rate given the fall in sex-ratio at birth.

Registration of Births and Deaths Act, 1969

The national legal framework for registration is the Registration of Births and Deaths Act 1969 (RBD Act) and registration services are decentralized spreading across 28 States and 7 union territories

⁵⁹ Ibid.

⁶⁰ Dr. Mukesh Yadav, Associate Professor Department of Forensic Medicine and Toxicology, MM Institute of Medical Sciences & Research, Mullana, Ambala, and Dr. Alok Kumar, Lecturer, ASCOMS & Hospital, Sidhra, Jammu-180017, Medical Termination of Pregnancy (Amendment) Act, 2002: An answer to mother's health & 'female foeticide', JIAFM, 2005 : 27 (1). ISSN 0971-0973.

⁶¹ Ministry of Women and Child Development, India: Building a Protective Environment for Children, 22 July 2006, p. 32.

with more than 200,000 registration centres. The RBD Act made reporting and registration of births and deaths compulsory.

However, the value of birth registration is often neglected in Indian communities in the face of problems that are more immediate and tangible. It is often seen as nothing more than a legal formality, with little relevance for the development of the child, including access to healthcare and education services. As a result, there is a lack of support for birth registration from national and local authorities and little demand from the general public, who remain unaware of its importance. The Government needs to overcome this challenge through awareness programmes and by making birth registration not just compulsory but also simple.

Another problem in India is that birth registration does not necessarily ensure a birth certificate. In the present system, the birth certificate is issued only when the record of birth is shown to the issuing authority and an application is made. Issuing birth certificates at the time of registration would help, especially in rural areas where people find it difficult to make a second journey to the municipality/panchayat where their child was born. Currently, people have to make several visits, spend several hundred rupees, and lose work days to get a birth certificate.

Although birth registration is decentralized, the Committee on the Rights of the Child had recommended to India in its Concluding Observations dated February 2004 that steps such as the establishment of mobile registration offices and registration units in schools and health facilities be taken. It further recommended that the State party seek technical assistance from, among others, UNICEF and UNFPA. Currently, in India there are no systems established for setting up of mobile registration offices. Such a move will help mothers who go to their natal family for delivery as the birth of their new-born can be registered by a mobile unit.

Guardianship laws

In our overwhelmingly patriarchal society, natural guardianship is given to the father while childcare responsibilities are delegated to the mother. In most communities children carry the father's name, and most documents continue to require the father's name as the guardian of the child even when he/ she may be living with the mother. This is not only unjust but also insensitive to both mother and child, given the fact that one-third of all households in India are female-headed.

The custody laws too favour the father and grant the mother the status of a caretaker. Mothers can only be custodians if for any reason fathers are unable to be guardians⁶².

⁶²Father is the natural guardian of the child under the Hindu Minority and Guardianship Act (1956); the mother has priority as a guardian only if the child is younger than five years old. However, the mother is considered the natural guardian for a child born out of wedlock. Under Muslim Law the father is the sole guardian of the child though the mother has custodial rights. Shia Muslims give the mother custody over the male child up to the age of two years and the Hanafi School extends the upper age limit to seven years. However, all Muslim sects and schools of thought maintain that the custody of the girl child should be with the mother till puberty.

The judgement in Geetha Hariharan and Another vs. Reserve Bank of India ((1999) 2 SSC 228) and Vandana Shiva vs. J. Bandopadhyaya and Another (236 ITR 380) declared that the mother was as much the child's natural guardian as the father. This judgement brings family reality into consonance with requirements of the CRC. Indeed in a country where one third of the households are female-headed, it is critical that the mother be recognized as guardian of the child and all official documents also ask for the mother's name to determine identity rather than continue only with the father's name!

Various Supreme Court judgements have declared that the mother is as much a child's natural guardian as the father, boosting the principle that the parent who can provide better care of the child and love should have custody. Yet, the situation on the ground is different.

Personal laws govern matters of maintenance, custody, adoption and other matters regarding the family environment. The government has been wary of amending personal laws, and many provisions remain that do not serve the best interests of the child.

Although legislation in some cases does take care of the interests of the child and protects its rights within the family or with respect to the family, most of it provides for the rights of parents and guardians OVER the child rather than the other way round.

Adoption

There is no law that clearly lays down adoption procedures but for the Hindu Maintenance and Adoption Act, which governs Hindu children, and the Juvenile Justice law, which provides for adoption as a form of alternative care for children in need of care and protection. The Supreme Court judgement in Lakshmikant Pandey vs. Union of India led to the establishment of the Central Adoption Resource Agency (CARA), which has failed to check illegal adoptions. In fact, it has even failed to provide data on children awaiting adoption and adoptive parents in the waitlist. CARA guidelines have been weak and have had no force in checking illegal adoptions and sale of babies in the name of adoption.

While the number of children being given in foreign adoptions has dropped, the number of domestic adoptions is not very encouraging either. A fair assessment however is only possible if CARA would provide statistics on number of parents and children in waiting (for details see chapter 5 of Volume II of this report on 'Family Environment and Alternative Care').

It is important to note that babies are sold every day in the name of adoption. While one of the reasons could be the cumbersome adoption process, the most important reason is that there are no



checks on illegal sourcing of children. Hospitals are out of the purview of CARA and so are many orphanages that are not registered as an adoption agency or a child care institution under the juvenile justice law.

A check on adoption agencies has only been possible through civil society action and with the intervention of courts. Yet, a lot needs to be done as babies disappear from hospitals and adoption agencies.

CARA has meanwhile drafted a new set of guidelines, notified on 24 June 2011. The drafting of these guidelines took more than three years. Given that these are only guidelines and do not have binding force, the likelihood of their violation remains. Moreover, the new guidelines are not sensitive to the needs of disabled children, as the primary thrust seems to be on getting rid of children with special needs at the earliest possible. In the name of finding such children a permanent family, the government has abdicated its responsibility towards treatment of even minor correctible disabilities in orphaned, abandoned and surrendered children who are put up for adoption.

Inter-country adoptions are still governed by the Guardianship and Wards Act, 1890 and the final adoption takes place only in the country of the adoptive parents. Often the follow-up is weak and many adopted children have come back in search of their roots or with complaints of mal-treatment. Illegal sourcing for inter-country adoption, which fetches huge amounts of money to an adoption agency, is well documented by now. Recognizing the problems that arise, CARA has developed the Guidelines for Inter-Country Adoption, 2006, though their implementation remains very inadequate.

Prohibition of Child Marriages Act, 2006

Despite repealing the old law and enacting a new one, child marriages continue unabated. Stringent provisions and punishments in the law are not a deterrent as implementation remains poor. The Child Marriage Prohibition Officers have several other tasks at hand and are unable to check child marriages, which often receive political patronage.

Child Labour (Prohibition and Regulation) Act, 1986

60,442 violators prosecuted for employing children: Renuka

Present News Service | New Delhi

In an effort to check child labour, the Government has implemented a national project to look after children withdrawn from work. At least 60,442 employers have been prosecuted for employing children in violation of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986. Minister of State for Women and Child Development Renuka Chaudhary told the Rajya Sabha on Monday. According to the 2001 census, the number of child labourers in the country is 1.28 crore. Chaudhary said the Ministry of Labour and Employment is implementing the National Child Labour Project (NCLP) schemes in 250 districts of 20 States for withdrawing and rehabilitating children working in hazardous occupations. Under the NCLP scheme, children withdrawn from work are put in special schools where they are provided education, nutrition, vocational training, stipend and health care so as to provide them conducive environment to join mainstream education system, the Minister said in a written reply. Her ministry is also implementing a scheme for welfare of working children through 'non-governmental organisations' and the Government assists them in running projects like bridge education and vocational training for these children. In reply to another question, Chaudhary said that as per the National Crime Record Bureau (NCRB), crime against children in the country increased by 3.8 per cent during 2005 in comparison to 2004. The NHRC in collaboration with the UNICEF and Institute of Social Sciences, New Delhi conducted an Action Research on Trafficking in Women and Children in India, report of which was released in August 2004. As per the report, the number of children reported missing from States and Union Territories came to an average 84.6% per year based upon the data compiled for the six-year period from 1996-2001, she said. The Minister said the report also mentioned that out of average 44,476 children per annum reported missing, an average 11,800 continued to remain missing or untraced. Outlining some of the steps taken for the welfare of these children, the Minister said amendments in the Juvenile Justice (Care and protection of Children) Act, 2000 were carried out to make it more child friendly. The Ministry also formulated another scheme, Integrated Child Protection Scheme (ICPS), to have in place a comprehensive child protection framework across the country. Chaudhary also told the House that the Supreme Court, in its order of December 13th, 2006, had directed the Chief Secretaries of some States to appear in person to explain as to why its earlier orders requiring implementation of the Integrated Child Development Services scheme were not obeyed. The scheme is currently sponsored and implemented through the States. The States have been requested to comply with the orders of the apex court. The Minister said the States are required to file an affidavit explaining the constraints, if any, in implementation of the scheme.

While the child labour law is yet to be amended, there have been additions from time to time to the list of hazardous occupations and processes where employment of children below 14 years of age is prohibited. After years of campaign by civil society groups and activists, the government banned employment of children as domestic workers and in *dhabs* (road-side eateries), restaurants, hotels, motels, tea-shops, resorts, spas or other recreational centres w.e.f 10 October 2006 (Gazette Notification of 3 June 2008 No.S-27019/1/93-CL). Similarly, in May 2008, the government added 'diving' to the list of prohibited occupations/ processes. At present, employment of children in 65 occupations and 15 processes is prohibited. While a total ban eliminating distinction between hazardous and non-hazardous employments in the case of children is still a dream, the present efforts are insufficient to ensure prosecution of offenders.

What is even more disconcerting is that because the laws dealing with child labour are weak – a bailable offence with a minimum of three months and a maximum of a year's imprisonment OR/AND a fine of Rs. 10,000 extending to Rs. 20,000 – the implementation of the law remains tardy. Taking recourse to the choice given, in almost all cases the employers are let off with a fine.

The Government is yet to implement the CRC Committee's recommendation that the 1986 Child Labour Act be amended so that government schools and training centres are no longer exempt from prohibitions on employing children; and coverage is expanded to include agriculture and other informal sectors or that the Factories Act be amended to cover all factories or workshops employing child labour and the Beedi Act be amended so that exemptions for household-based production are eliminated.

The CRC Committee's recommendation to India to withdraw its declaration on Article 32 of the Convention seems to be falling on deaf ears. In fact, in the light of enactment of the law guaranteeing free and compulsory education to all children aged 6-14 years, the child labour law, policy and schemes are left with no meaning and should not be required at all. As the current child labour law allows regulation of child labour in some sectors, it is violative of the fundamental right to education guaranteed under Article 21A of the Constitution of India.

Committee recommends withdrawal of declaration on Article 32

The Committee encourages the State party to withdraw its declaration with respect to article 32 of the Convention, as it is unnecessary in light of the efforts the State party is making to address child labour.

28 January 2000
CRC/C/15/Add.115

In light of the State party's numerous measures to implement progressively article 32 of the Convention, the Committee has serious doubt at the necessity of this declaration....In line with its previous recommendations [*ibid.*, para. 66], and in light of the 1993 Vienna Declaration and Programme of Action, the Committee urges the State party to withdraw the declaration made to article 32 of the Convention.

CRC/C/15/Add.228
30 January 2004

Appendix 6

State Rules under various laws

State Rules under the Right of Children to Free and Compulsory Education Act, 2009

State RTE Rules Notified in the Official Gazette	State RTE Rules framed but Official Gazette publication not available	Central RTE Rules adopted by States	Draft State RTE Rules prepared
Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Goa, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Nagaland, Orissa, Rajasthan, Punjab, Sikkim, Tamil Nadu, Tripura, Uttarakhand, Uttar Pradesh, West Bengal	Assam, Jharkhand, Karnataka, Manipur, Meghalaya, Nagaland, Rajasthan, Punjab, Sikkim, Tamil Nadu, Tripura, Uttarakhand, Uttar Pradesh, West Bengal	Andaman and Nicobar Islands, Chandigarh, Lakshadweep, Daman and Diu, Dadra and Nagar Haveli	Haryana, Kerala, Puducherry, Mizoram

State Rules under the Child Labour (Prohibition and Regulation) Act, 1986

S. No.	State	Year in which the rules were framed
1.	Arunachal Pradesh	1993
2.	Assam	1991
3.	Bihar	1995
4.	Delhi	1988
5.	Goa	1994
6.	Gujarat	1994
7.	Haryana	1988
8.	Karnataka	1997
9.	Kerala	1993
10.	Madhya Pradesh	1993
11.	Meghalaya	2013
12.	Mizoram	2009
13.	Orissa	1994
14.	Punjab	1997
15.	Rajasthan	Follows the Central Rules dated 1988
16.	Sikkim	1995
17.	Tamil Nadu	1994
18.	West Bengal	1995

State Rules under the Prohibition of Child Marriage Act, 2006

S.No	State/Union Territory	Date of Notification of Rules under the Prohibition of Child Marriage Act, 2006	Notification Details
1.	Andhra Pradesh	19 th March	2012HSE-49-2012-2014
2.	Arunachal Pradesh	3 rd March	2010 No. WCD-12/2007
3.	Bihar	8 th May 2010	No.10/CM-03/2007-1024
4.	Chhattisgarh	9 th Jan 2008	F4-1/2008wcd/50(1)
5.	Daman and Diu	17 TH Sept, 2009	No. SW/615/09-10/376
6.	Goa	25 th Jan 2010	4-3-2004-W &CD-Part/225
7.	Govt. of NCT Delhi	16 th OCTOBER 2009	DO-I/DSW/2009-10/27469-490
8.	Gujarat	11 September 2008	G/L/2-2008/BLY/102007/G.S.-09/6
9.	Haryana	5 th July 2011	177/SW(3)/2011
10.	Karnataka	6 th February 2008	WCD 377 SWW 2004
11.	Kerala	4 th March 2008	G.O.(P) NO.18/08/SWD
12.	Madhya Pradesh	26 th November 2007	No. F-10-48-07-L-2
13.	Maharashtra	1 st Sept. 2008	NO.CMA 2007/C.R.109/D-II
14.	Manipur	11 th September 2007	No. 7/1/2002-S(SW)
15.	Mizoram	27 th July 2010	No. B. 1201/7/04-SWD
16.	Orissa	19 th Sept. 2009	No S.R.O. No. 392/2009
17.	Puducherry	16 th Nov. 2011	G.O.M.S. No.12/2010-Wel(SW-IV)
18.	Rajasthan	24 th October 2007	No. F. 6 (29) Home-13/2007
19.	Sikkim	21 st Dec 2007	No. 13/RC/LD/07
20.	Tamil Nadu	30 th Dec 2009	TN/CCN/467/2009-11
21.	West Bengal	5 th Dec. 2008	WB/DTP/Pt.1/CPS/2008/54

State Rules under the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 and as per the requirement of the Central Model Rules of 2007

S.No	State	JJ Rules currently being followed
1.	Andhra Pradesh	The Andhra Pradesh Juvenile Justice (Care And Protection of Children) Rules, 2009.
2.	Arunachal Pradesh	The Juvenile Justice (Care and Protection of Children) Rules, 2007.
3.	Assam	Assam Juvenile Justice (Care and Protection of Children) Rules, 2011.
4.	Bihar	Bihar Juvenile Justice (Care and Protection of Children) Rules, 2010.
5.	Chhattisgarh	<i>Information not available.</i>
6.	Delhi	Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009.
7.	Goa	Still following model rules 2007, Goa JJ rules are being drafted, pending cabinet approval.
8.	Gujarat	The Government of Gujarat has notified the Gujarat Juvenile Justice (Care and Protection of Children) Rules, 2011 on 14/02/2011.

9.	Haryana	According to the website the rules being followed are 2002.
10.	Himachal Pradesh	Central model rules 2007 (according to an ACHR 2012 report on the state of juvenile justice in HP.) can't find anything on the website.
11.	Jharkhand	Central model rules 2007 being followed
12.	Karnataka	Juvenile Justice (Care and Protection of Children) Karnataka Rules, 2010.
13.	Kerala	Juvenile Justice (Care and Protection of Children) Rules, 2007 (26-Oct-07).
14.	Madhya Pradesh	Madhya Pradesh Juvenile Justice Rules, 2003 (<i>amended in 2008</i>).
15.	Maharashtra	Old rules amended to be called the Maharashtra Juvenile Justice (Care and Protection of Children) Amendment Rules, 2011.
16.	Manipur	It isn't clear whether central model rules have been adopted.
17.	Meghalaya	Meghalaya Juvenile Justice (Care and Protection of Children) Rules, 2004 notified on 8.12.2004.
18.	Mizoram	Mizoram Juvenile Justice rules 2010 (acc to ACHR report) Department says 2003 rules.
19.	Nagaland	The last notified rules were of 2001.
20.	Odisha	Old rules were amended to be called the juvenile justice (Care and Protection of Children) Orissa amendment rules, 2009. There do not seem to be any updates.
21.	Punjab	Draft rules were framed and under the process of notification, however the state draft rules are being reviewed by the department in the light of Juvenile Justice Rule 2007 notified by Govt. of India as of 26.10.07
22.	Rajasthan	New rules were notified on 13 May 2011.
23.	Sikkim	Under the Juvenile Justice (Care and Protection of Children) Act, 2000 the state Government has framed the Sikkim Juvenile Justice (care and protection of children) rules 2002 vide notification no 7/SW dated 13.03.03. in 2006.
24.	Tamil Nadu	The State government has notified the Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, framing them in accordance with the model central rules under the Juvenile Justice Act 2006. When the model central rules were framed in 2007, the Union government had asked States to notify their rules within one year. However, it has taken five years for the rules to be notified in Tamil Nadu.
25.	Tripura	Central Model rules 2007
26.	Uttar Pradesh	As of 2011 the state was apparently following the central model rules in the absence of new state rules. (The UP police website shows 2007 rules.)
27.	Uttarakhand	The website of Department of Women Empowerment

		and Child Development, Government of Uttarakhand mentions- The JJ Rules were amended on 2011 and notified on 9 th Sept 2011
28.	West Bengal	New state rules are dated 2009

State Rules under the Commission for Protection of Child Rights Act, 2005

S.No	State	Year in which Rules were formed	Year in which the First Commission was set up
1.	Andhra Pradesh	Andhra Pradesh State Commission for Protection of Child Rights Rules, 2013, notified on 25 th March 2013	Commission set up in December 2012. Date not available.
2	Assam	Rules not yet notified	4 March 2010 (Commission constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005 vide State Government notification No. SWD 79/93/Pt.V/136 dated 4 March 2010)
2.	Bihar	Bihar Commission for Protection of Child Rights Rules, 2010, notified 19 August 2010	23 December 2008
3.	Chhattisgarh	Chhattisgarh Commission for Protection of Child Rights Rules, 2009, notified on 16 June 2010	Two person Commission constituted on 17 June 2010.
4.	Delhi	Delhi Commission for Protection of Child Rights Rules, 2008, notified on 7 July 2008	8 September 2008
5.	Goa	Goa Commission for Protection of Child Rights Rules, 2010 notified in the official gazette SERIES I No. 32 on 4 November 2010 vide notification no. - Not.- 2-125-2006/DW&CD/Part/3463. The rules however, came into effect on 5 May 2011 as notified in the state official gazette SERIES I No. 5 vide notification no. - Not.- 2-125-2006/DWCD/Part/2071.	15 April 2008

6.	Gujarat	Rules yet to be framed. Newspaper reports suggest the government of Gujarat has decided to constitute a separate Commission for Protection of Child Rights, but there is no news on the rules or the Commission.	Gujarat State Commission for Protection of Child Rights was set up in February 2010 as part of the State Commission for Women. A PIL was moved by Ahmedabad-based Dalit Hak Rakshak Manch seeking constitution of a separate Commission. In 2012, the state government decided to constitute the State Child Rights Commission but sought time to create infrastructure. The status of the Commission is since not known.
7.	Haryana	<i>No information available</i>	Three member Commission constituted on 17 January 2013 (as per newspaper reports)
8.	Himachal Pradesh	<i>No information available</i>	27 April 2013
9.	Jharkhand	Jharkhand State Commission for Protection of Child Rights Rules, 2011, notified on 18 October 2011	Five-member commission constituted in 2012 (as per newspaper reports)
10	Karnataka	Karnataka State Commission for Protection of Child Rights Rules, 2010, notified on 6 January 2010	27 Sept 2007
11	Madhya Pradesh	Madhya Pradesh Commission for Protection of Child Rights Rules, 2007, notified on 22 December 2007 vide Notification No. F 10-29-06-Fifty-2	<i>Constituted as per NCPCR website, but no details available.</i>
12	Maharashtra	Maharashtra State Commission for Protection of Child Rights Rules, 2010, notified on 31 May 2010	24 July 2007

13	Manipur	<i>No information available</i>	<i>Manipur State Commission for Protection on Child Rights has been set up as per newspaper reports. No further information available.</i>
14	Nagaland	<i>No information available</i>	11 April 2013
15	Orissa	Orissa State Commission for Protection of Child Rights Rules, 2009, notified on 25 November 2009	30 September 2010
16	Punjab	<i>No information available</i>	15 Apr 2011
17	Rajasthan	Rajasthan State Commission for Protection of Child Rights Rules 2010, notified on 5 April 2010	23 Feb 2010
18	Sikkim	Sikkim Commission for Protection of Child Rights Rules Rules, 2007 notified on 30 July 2008	10 Jan 2008
19	Tamil Nadu	Tamil Nadu Commission for Protection of Child Rights Rules, 2012, notified on 27 June 2012	28 March 2012
20	Uttarakhand	Uttarakhand Commission for Protection of Child Rights Rules, 2011, notified on 10 May 2011 vide Notification No. 1192/ XVII(4)/ 2011 / 230/10	<i>Constituted as per NCPCR website, but no other information available.</i>
21	West Bengal	West Bengal State Commission for Protection of Child Rights Rules, 2012, notified on 17 th August 2012.	10 January 2013

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Appendix 7

Definition of a 'Child': Age of Children under Different Legislations

Minimum legal age defined under national legislations		
	BOYS	GIRLS
Capacity to enter into a legal contract	18 (According to the Indian Contract Act, 1872, a person below the age of 18 years has no capacity to enter into a legal contract)	18 (According to the Indian Contract Act, 1872, a person below the age of 18 years has no capacity to enter into a legal contract)
Age of Majority	18 (The Indian Majority Act, 1875 lays down 18 years as the age of majority for all, unless the personal laws follow a different age)	18 (The Indian Majority Act, 1875 lays down 18 years as the age of majority for all, unless the personal laws follow a different age)
End of right to free and compulsory education	14	14
Marriage	21	18
Sexual consent	18 (No specific reference exists in any law now on the age of consent. The Protection of Children from Sexual Offences Act, 2012 treats sexual activity with persons below the of 18 years as an offence irrespective of consent)	18 (No specific reference exists in any law now on the age of consent. The Protection of Children from Sexual Offences Act, 2012 treats sexual activity with persons below the of 18 years as an offence irrespective of consent)
Voluntary enlistment in the armed forces	16 (A person is allowed to take part in active combat only at the age of 18 as per the Army Headquarters Regulations)	16 (A person is allowed to take part in active combat only at the age of 18 as per the Army Headquarters Regulations)
Conscription into the armed forces	There is no conscription in India	There is no conscription in India
Participation in hostilities	Not applicable	Not applicable
Age for driving a vehicle	18 (The Motor Vehicles Act, 1988 does not allow a person under the age of eighteen years to drive a motor vehicle in any	18 (The Motor Vehicles Act, 1988 does not allow a person under the age of eighteen years to drive a motor vehicle in any

	public place)	public place)
Admission to employment or work, Including hazardous work, part-time and full-time work		
Child Labour (Prohibition and Regulation) Act,1986	14	14
The Apprentices Act, 1961	14 (A person is qualified to be engaged as an apprentice only if he is not less than 14 years of age, and satisfies such standards of education and physical fitness as may be prescribed).	14 (A person is qualified to be engaged as an apprentice only if he is not less than 14 years of age, and satisfies such standards of education and physical fitness as may be prescribed).
The Mines Act,1952	18	18
Merchant Shipping Act, 1958	14	14
Motor Transport Workers Act, 1961	14	14
The Apprentices Act,1961	14	14
Bidi and Cigar Workers Act, 1966	14	14
The Plantation Labour Act, 1951	14	14
The Factories Act, 1948	14 (A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorised medical doctor. A child between 14 to 18 years of age cannot be employed for more than four and a half hours).	14 (A child below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorised medical doctor. A child between 14 to 18 years of age cannot be employed for more than four and a half hours).

Minimum Age of Criminal responsibility	7 (Nothing is an offence committed by children below 7 years of age as per Section 82 of IPC. Section 83 of IPC contains <i>doli incapax</i> provisions for children between 7 and 12 years of age, based upon a child's attainment of sufficient maturity of understanding to judge of the nature and consequences of his conduct).	7 (Nothing is an offence committed by children below 7 years of age as per Section 82 of IPC. Section 83 of IPC contains <i>doli incapax</i> provisions for children between 7 and 12 years of age, based upon a child's attainment of sufficient maturity of understanding to judge of the nature and consequences of his conduct).
Juvenile Justice	18 (Under the Juvenile Justice (Care and Protection of Children) Act, 2000, care and protection is ensured to all children below 18 years of age. Children in conflict with law are also defined as those below 18 years of age).	18 (Under the Juvenile Justice (Care and Protection of Children) Act, 2000, care and protection is ensured to all children below 18 years of age. Children in conflict with law are also defined as those below 18 years of age).
Deprivation of liberty, including by arrest, detention and imprisonment, interalia in the areas of administration of justice, asylum-seeking and placement of children in welfare and health institutions.	There is no age limit for deprivation of liberty because as per the Article 21 of the Constitution of India, all citizens have protection to life and personal liberty.	There is no age limit for deprivation of liberty because as per the Article 21 of the Constitution of India, all citizens have protection to life and personal liberty.

Appendix 8

Problems in the establishment and functioning of the State Commissions for Protection of Child Rights

Findings released in 2011 by the Centre for Child and the Law, National Law School University of India, Bangalore (CCL NLSIU) from research undertaken with support from UNICEF

Compliance of Rules with the Commissions for Protection of Child Rights Act, 2005	
Assam	The Commission has been operating for over a year without rules to aid its functioning
Bihar	In compliance
Chhattisgarh	Not in compliance
Delhi	Rules not in compliance with international standards and principles on human rights institutions
Goa	Not in compliance
Karnataka	Not in compliance
Madhya Pradesh	Not in compliance
Maharashtra	Not in compliance
Orissa	Not in compliance
Punjab	Rules are yet to be framed
Rajasthan	Rules not in compliance with international standards and principles on human rights institutions
Sikkim	Not in compliance

Constitution of Selection Committee for the Selection of Chairperson and Members to the Commission	
Assam	The Commission has been operating for over a year without rules to aid its functioning
Bihar	Rules do not specify the composition of the Selection Committee
Chhattisgarh	Rules fail to specify the composition of the Selection Committee and the procedures for selection
Delhi	Delhi Rules specify the composition of the Selection Committee, but it is entirely comprised of representatives of the executive.
Goa	Rules fail to specify the eligibility criteria and composition of the Selection Committee
Karnataka	Rules do not specify the composition of the selection committee or the procedure for selection of Chairperson and Members.
Madhya Pradesh	Rules fail to specify the composition of the Selection Committee
Maharashtra	Rules fail to expressly specify the composition of the Selection Committee
Orissa	Rules also fail to specify the eligibility criteria and composition of the selection committee
Punjab	Rules are yet to be framed.
Rajasthan	Rules provide for a Selection Committee comprised entirely of representatives of the executive
Sikkim	Information not available

Deviation in the status of the Chairperson and Members of the National and State Commissions, especially in terms of parity in remuneration	
Assam	The Commission has been operating for over a year without rules to aid its functioning.
Bihar	Chairperson and Members will receive salary equivalent to that of the Chief Secretary, State Government and Secretary, State Government, respectively.
Chhattisgarh	Rules fail to specify the salary and allowances of the Chairperson and Members.
Delhi	No parity in remuneration. Rules specify the salary of the Chairperson and Members (provided they are not retired government servants) to be Rs 25,000 and Rs 20,000, respectively.
Goa	No parity in remuneration. Rules provide for payment of honorarium to members instead of salary as stipulated in the parent Act. While members are paid an honorarium of Rs 800 per sitting only if they attend meetings or official work or functions of the Commission and if it is certified by the Secretary, the Chairperson is entitled to a salary of Rs. 15,000/- per month. None are entitled to travelling and dearness allowance.
Karnataka	No parity in remuneration. Rs. 3500/- per month for the Chairperson whereas for Members the Rules provide a sitting fee of Rs. 500/- per day for Members and a travelling allowance on par with Group C Government Officials.
Madhya Pradesh	Rules fail to specify the salary and allowances that payable to the Chairperson and Members.
Maharashtra	No parity in remuneration. Monthly honorarium of Rs 5000 for the Chairperson and Rs 3000 for the Members.
Orissa	No parity in remuneration. If the Chairperson is a government servant his salary shall be regulated in accordance with the rules applicable to him. if the Chairperson and Members do not belong to the government, their "monthly honorarium" will be determined by the government from time to time.
Punjab	Rules not framed.
Rajasthan	No parity in remuneration. Chairperson and Members shall be paid salary and allowance as may be determined by the State from time to time. If the Chairperson "is in service of the Central or State Government, his salary shall be regulated in accordance with the rules applicable to him.
Sikkim	No parity in remuneration. Chairperson and Members shall be paid salaries and allowances as may be prescribed by the State Government. They shall also receive sitting allowance for meetings attended at the rates admissible under the State Government.

Appendix 9

History of Budgeting for Children in India

Since 2003, the Ministry of Women and Child Development has included a section on child budgeting in its Annual Reports. In 2005, the Ministry of Women and Child Development announced its intention to undertake an analysis of the budget for children on a regular basis, in the centre as well as the states, in partnership with UNICEF and the Centre for Budget and Governance Accountability. However, while this has been done at the national level, the states are yet to follow.

Sustained advocacy and lobbying with the Government of India has successfully led to institutionalisation of child budgeting in 2005, when the Minister in charge of Women and Child Development called a meeting of all the state representatives and announced that the government would introduce child budgeting at the national level and asked the states to do the same. The final recognition of child budgeting however came only when the Finance Minister announced a separate statement on children when he presented the Finance Bill in parliament in 2008.

‘We will score another ‘first’ this year. A statement on child related schemes is included in the budget documents and Honourable Members will be happy to note that the total expenditure on these schemes is of the order of Rs. 33,434 crore.’

...P.Chidambaram, Budget, Finance Minister, Budget 2008-09

Recognising that children under 18 constitute a significant percentage of the Indian population, the Government is committed to their welfare and development. This statement reflects budget provisions of schemes that are meant substantially for the welfare of children. These provisions indicate educational outlays, provisions for the girl child, health, provisions for Child protection, etc.

Expenditure Budget. Volume-I, Budget 2008-09

Since then there is a special statement- “Budget Provisions for Schemes for the Welfare of Children, Statement 22” in the Expenditure Budget Vol. I presented by the Finance Minister a part of the annual budget bill. It includes all child specific schemes of the various ministries of the Government of India. To begin with it included allocations and spending from 8 Ministries. They were Ministries of Women and Child Development, Human Resource Development, Health and Family Welfare, Labour and Employment, Social Justice and Empowerment, Tribal Affairs, Minority Affairs, and Youth Affairs and Sports. Over the years this has increased to inclusion of programmes from 19 Ministries including Union Ministries of Atomic Energy, Nuclear Power, Industrial Policy and Promotion, Posts, Telecommunication, and Information and Broadcasting among others, reflecting a growing recognition of the concept of children’s budgeting.

Government’s acknowledgment of consistent low allocation for the protection sector, and the resultant very poor indicators for protection of children, led to the formulation of a comprehensive programme on child protection known as the Integrated Child protection Scheme and its announcement as part of the Eleventh Five Year Plan (2007-2012).

There is a section on children’s budget in the Twelfth Five Year Plan (2012-2017) as well as the newly formulated National Policy for children. In the Eleventh Plan this exercise in child budgeting was to be carried out regularly to monitor the ‘outlays to outcome’ and examine the adequacy of investments in relation to the situation of children in India. However, recognizing that there is need for better targeting through child budgeting mechanisms to ensure that all child-related needs are not only adequately resourced and that outlays are increased, but also effectively utilised and

translated into meaningful outcomes for children, during the 12th plan, there will be focus on building capacities to analyse the central and state budgets and their impact on the outcomes for children. This assessment will then inform policy and programme formulation for children across ministries/departments. Outcome oriented Child Budgeting will be progressively institutionalized in the Twelfth Plan period, building on the experience with Gender Budgeting.⁶³

⁶³ Planning Commission. Government of India. Eleventh Five Year Plan (Volume 2), page 218 and Twelfth Five Year Plan (Volume 3) page 197.

Appendix 10

Data Management remains a challenge

1. Birth Registration: The Government's apathy in the importance of birth registration gets reflected in the availability of data on birth registration. Different sources suggest different levels of both birth as well as death registration. For example,
 - a. The most recent available data from the Ministry of Home Affairs indicates that India's overall birth registration rate in 2007 is 74 per cent, a 5 per cent increase on the previous year.
 - b. In 2007, the National Family Health Survey (NFHS) III sponsored by the Ministry of Health and Family Welfare found that 41.5 per cent of Indian children aged 0-4 are registered.
 - c. For the same period, a survey carried out by the Office of the Registrar General of India (ORGI) indicated that 62.5 per cent of children were registered, a difference of approximately 20 percentage points.
 - d. Moreover, much of the available data is not disaggregated by gender, which makes it difficult to highlight the specific situation of girls in relation to birth registration. This data needs to be available at the district level as well, for more efficient micro-planning.

2. Child Labour: While India is known to have the highest number of child labourers in the world, getting an exact number of those labourers is nearly impossible. There are varying estimates of the number of working children in the country due to differing definitions and methods of estimation. Two main sources of official information, the National Sample Survey Organization (NSSO) and the Census of India, provide different estimates. Neither has a specific definition of child labour.

Estimates of Working Children in India	
Source	Number of Working Children
2001 National Census	12.6 million (5.2%)
Ministry of Labour and Employment	2 million in hazardous industries *
National Sample Survey	2000 16.4 million (6.5%)
2006 UNICEF report**	35 million (14%)
Various NGOs***	60-115 million
Sources: 2001 Census, NSSO 2000, UNICEF, Ministry of Labour	
*. Figure provided by the Ministry of Labour and Employment, Government of India.	
** "Excluded and invisible: The State of the World's Children," UNICEF, 2006.	
*** "The Small Hands of Slavery: Bonded Child Labour in India," Human Rights Watch, 1996.	

3. Health: The National Family Health Survey (NFHS) and the District Level Household and Facility Survey (DLHS) remain the most comprehensive source of information on various health-related issues. In addition, there is the Sample registration System that also covers certain health indicators, although the data obtained is either for some sample areas in the different states or confined to a few sample states only, as in the case of maternal mortality. There are problems in the data produced by both NFHS and DLHS. Some of these include:
 - a. Both are based on sample surveys
 - b. NFHS does not compute data for the Union Territories.

- c. While some information is available on mortality rates, immunisation, some of the diseases like respiratory diseases, anaemia, diarrhoea, polio etc, there is no data available on the broad range of diseases that children suffer from across the country. For example, we do not know how many children in the India suffer from cancer, diabetes or even thalasaemia, or any other preventable or non-preventable or even life threatening diseases. How many died of polio?
- d. Children with HIV/AIDS are particularly discriminated against and yet NFHS does not provide information on HIV/AIDS infected children of 0-14 years of age.

Some other information sought by child rights groups and women's rights groups is gender segregated data on incoming outdoor patients, which is often lacking.

At the same time, while data on low birth weight, underweight, wasting and stunting is available and is taken into account to make assessments on malnutrition, there is no data on malnourishment as such. Stunting and wasting are results of malnutrition, and therefore cannot be taken as data on malnutrition per se. An underweight child below the age of three years could also possibly be counted again in the enumeration of data for stunting or wasting. Data on child morbidity is no longer made available by the Health Ministry.

4. Education:

- a. Out-of-School Children: Various sources have differing figures when it comes to out-of-school children. While the Census does have data on this, District Information System for Education (DISE) does not.
- b. Access to girls' toilets is known to be a factor in the school retention rates of the girl child. Looking at the raw data provided by the DISE, it seems that there is significant double-counting in those two categories, which is perhaps hindering a true assessment of how inclusive the schools are for the girl child.
- c. Since the rules and regulations no longer allow engaging para-teachers or untrained and unqualified teachers under Sarva Shiksha Abhiyan, the Department of Education and various education surveys have stopped providing data in this regard. This despite the ground reality being different.

5. Protection: Violence against children has been increasing over the years, with more reports of violent crimes being reported every day. The main source of data on crimes in India is the 'Crime in India' report by the National Crime Records Bureau (NCRB), Ministry of Home Affairs. However, several shortfalls remain:

- a. This data is available only at the national level and only reflects incidences of crimes that have actually been reported.
- b. While the NCRB does give a breakdown of child marriage, it does not break down the data for child labour and trafficking under the ITPA Act (See Table 1). In fact offences under the CLPRA and PC&PNDT Act have never been enumerated.
- c. Many states maintain their own data on offences related to children that just get lumped under 'other crimes'. Disaggregated data remains a challenge.

6. Child Labour: Enumeration of child labour is seldom reliable. While the Labour Departments maintain one set of data based on the number of children rescued and those in the centres established under the National Child Labour Projects, the Child Welfare Committees maintain data on number of child labour cases received by them and disposed off. Children rescued by the Labour Department must get accounted for in the database of the Child Welfare Committees also, as the Committees are responsible for their rehabilitation. However, records of the Labour

Department and the Child Welfare Committee seldom match. Clearly all children rescued by the Labour department are not produced before the Child Welfare Committee and all child labourers produced before the Child Welfare Committee are not necessarily rescued by the Labour Department. Lack of coordination between the two structures is bound to defeat any attempts at setting up a child tracking system. Moreover, possibilities of the same child getting counted doubly cannot be ruled out.

7. Child Marriage: Similar to child labour, different sources of data, with varying methodologies, paint very different pictures of the actual prevalence of child marriage in India. While the District Level Household and Facility Survey (DLHS) gives data for 2007-08, this is based on information collected from people who were between 20-24 at the time of the survey and married before they turned 18 (National Family Health Survey III-2005-06 also uses the same method). Both are based on sample surveys. The Census of India gives data for ever-married children.
8. Adoption: State-wise data on number of children declared legally free for adoption, number of prospective adoptive parents registered with various adoption agencies in the states and in the waiting, and attempts made to place them in adoption anywhere in the country, number of children sent to another state for adoption has not been made available despite being brought to the notice of CARA and the Ministry repeatedly. Similarly, there is no national or state level data on the number of disabled children declared legally free for adoption and placed in in-country adoption and inter-country adoption. 'CARINGS', a web portal created by CARA too has failed to address this need. CARA's claim that there are less children available for adoption and more parents in the waiting needs to be backed with evidence. It is often stated that there are no Indian parents anywhere in the country to adopt disabled children. Such claims too needs to be backed up with evidence, which is only possible if there is systematic and regular assessment in this regard and the information is put out in the public domain without compromising on the privacy and confidentiality of children and the adoptive parents.
9. India has yet to have one uniform definition of a child. Labour laws claim 14 years of age, the Juvenile Justice Act claims 18 years and the marriage laws prohibit marriage of girls younger than 18 and boys younger than 21. Such confusion is also reflected in the few sources of data that are available. There is wide inconsistency in the way data is 'lumped' for the various age groups of the child population in India.
 - a. NFHS HIV/AIDS related data for adolescents and the DLHS health data are aggregated into the 15-19 year age group.
 - b. The Census remains a good source for much data, especially broken down to the district level. However, there is a huge variation in the breakdown of the age-groups for which data is provided.
 - i. Disabled population data gets lumped into the 0-4 year, 5-9 year and 10-19 year groups
 - ii. Child Marriage: Data provided is for the 'less than 10-years', 10-11 year, 12-13 year, 14-15 year, 16-17 year, and 18-19 year age groups.

Appendix 11
Compliance on Concluding Observations

General Measures of Implementation

Legislation

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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>	<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>	<p>No Compliance</p>
<p>Consider adopting a code for children (CRC/C/15/Add.115/para 11).</p>	<p>Efforts initiated towards a uniform children's code fell apart.</p>	<p>No Compliance</p>
<p>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>	<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 legislations is poor. Children particularly seldom have such information.</p>	<p>Partial Compliance</p>

Coordination

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
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).	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 unmet. A new plan needs to be put in place.	Full Compliance but with gaps and challenges
Provide support to local authorities, including capacity-building, for implementation of the Convention. (CRC/C/15/Add.115/para 15).	Local authorities are not trained on child rights. There is no coordination between MWCD and the Ministry of Panchayati Raj in this regard. For example, the child protection handbook for panchayats developed by the Ministry of Women and Child Development in 2006 has not been shared with the Ministry of Panchayati Raj.	Partial Compliance
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 30 years. The new policy was put in place recently in 2013.	Full 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.	Partial 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 set up in 2007. Only 20 States have state commissions. 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 systematic exercise. Village panchayats (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	The increase in the share of children in the union budget as well as the state budgets is marginal. In the Central Government's Budget, the share of budget allocations for	Partial Compliance

<p>cooperation. (CRC/C/15/Add.115/para 21 and CRC/C/15/Add.228/ para 12(a)).</p>	<p>children has increased very marginally from 5.08% to 5.09% between 2007-08 and 2011-12; and the share of expenditure on children has gone down from 4.28% to 4.11% between 2007-08 and 2009-10, reflecting underutilisation of even the meagre funds allocated for implementation of children's rights.</p> <p>The targets of public expenditure to the tune of 6 per cent of GDP on education and 3 percent of GDP on health are far from being met.</p> <p>Child protection receives least attention and participation finds no inclusion in the budget documents.</p>	
<p>Guarantee that the implementation of policies relating to social services provided to children remain a priority. (CRC/C/15/Add.228/ para 12(a))</p>	<p>Children are yet to become a national priority.</p>	<p>Partial Compliance</p>

Cooperation with NGOs

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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).</p>	<p>While involvement of civil society actors in policy making as well as drafting of periodic has increased over the years, it continues to depend on the receptivity of the concerned legislative and executive head of the Ministry/Department. There is a need for greater transparency in the consultative processes initiated and their outcome.</p> <p>Involvement of children in these efforts has been negligible and a mere lip service. Many grassroots organisations at the local level are often unaware of policy making initiatives and the final outcomes.</p>	<p>Partial Compliance</p>
<p>Involve private sector in service delivery and implementation of the Convention and improve its</p>	<p>Private sector has come to be engaged for service delivery in a big way, without adequate checks and</p>	<p>Full compliance but danger of State's abdication of its</p>

supervision by, inter alia, improving the system of registration and authorisation of service providers. (CRC/C/15/Add.228/ para 20).	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.	responsibilities looms large
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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 organizations, parents and even children going to the best of private schools are not aware of the Convention. Panchayats 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 Integrated Child Protection Scheme. This is being provided by NIPCCD and UNICEF state offices.	Partial Compliance
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)).	Inclusion of a 'Children's Rights Bill' in the class VIII social science text book in 2008 is an appreciative step. It must get translated into all languages. Often materials developed are not in a language understood by children and are neither disseminated widely. Those out of the formal education system, the illiterate and children in remote and rural areas have remained untouched, except where they have been associated with NGOs working towards strengthening child participation.	Partial Compliance
Develop systematic and ongoing training programmes on the	Civil servants, local government officials, lawyers, school principals,	Partial Compliance

<p>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>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.</p> <p>Most efforts in this regard are made by NGOs.</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 issue that finds adequate space in the Parliament and Legislative Assemblies is Education. 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. And now the Parliamentarians are demanding lowering of the age of juvenility from 18 to 16 years and harsh sentencing for children involved in heinous offences, without addressing the root cause.</p> <p>Religious leaders have continued to flout existing laws and promote derogatory practices as can be seen</p>	<p>Partial Compliance</p>

	<p>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>Take technical assistance from UNICEF. (CRC/C/15/Add.115/para 25 and CRC/C/15/Add.228/ para 24(e)).</p>	<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 and Save the Children, for trainings on child protection issues, particularly the new Integrated Child Protection Scheme, child marriage and juvenile justice law.</p>	<p>Partial Compliance</p>

Data Collection

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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. (CRC/C/15/Add.228/ para 22).</p>	<p>Systematic disaggregated, reliable and updated data remains a challenge. Data on child protection indicators is the 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 data on child trafficking and street children and neither have there been initiatives to enumerate the numbers systematically.</p>	<p>Partial Compliance</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>	
Take technical assistance from UNICEF. (CRC/C/15/Add.228/ para 22).	Technical assistance from UNICEF is being taken in this regard. However, bureaucratic hurdles come in the way of effective use of such assistance.	Partial Compliance

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>	Partial Compliance

	<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 crime. It is also a breach of the commitment made under CRC.</p> <p>Pre-school education is no longer a fundamental right.</p>	
<p>Consider raising the age of criminal responsibility. (CRC/C/15/Add.115/para 26 and CRC/C/15/Add.228/ para 78, 80(a)).</p>	<p>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 made in this direction in the near future.</p>	<p>No Compliance</p>
<p>Ensure that boys under 18 years are covered by the definition of juvenile persons under 18 years are not tried as adults. (CRC/C/15/Add.115/para 26).</p>	<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.</p>	<p>Full Compliance but the current situation is challenging as there is a popular demand, including from the police and the legislators to lower the age of juvenility from 18 to 16 years and include death sentence and other harsh forms of sentencing for children committing heinous offences.</p>

General Principles
Non-discrimination

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 be well taken that the entire budget for children is for the vulnerable categories of children.</p> <p>Yet, 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>	<p>Partial Compliance</p>
<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 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</p>	<p>Partial Compliance</p>

	<p>the mid-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>	
<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 in the field of education and nutrition only.</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
<p>Full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) 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>	<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
<p>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>	<p>Serious and consistent efforts are made in this regard. However, the problem is deep rooted in the Indian psyche. Caste politics also adversely affects the positive efforts.</p> <p>The <i>dalit</i> movement has</p>	Partial Compliance

	strengthened in the country and is a positive development.	
<p>Ensure equal enjoyment by members of the scheduled castes, schedules 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>	<p>Discrimination persists, particularly in rural areas, where 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, agrarian crisis and growth of industry in rural areas, improved and privatized health care facilities etc.</p> <p>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
<p>Continued efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family</p>	<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 sex ratio is a cause for alarm and public education initiatives are unable to tackle the problem.</p>	Partial Compliance

	<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.</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 tribals 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>	
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 implementation mechanism. Yet, the implementation is poor because the implementation of law does not rest with the police. 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
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	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".	No Compliance

<p>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>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>The complete denial of the Gujarat carnage as a form of xenophobia, the growing identity politics and attacks on Christian missionaries, growing atrocities against women and children in conflict areas, clearly indicates lack of any political will to deal with such problems.</p>	
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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 etc.</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 gram sabhas. Children's committees in</p>	<p>Partial Compliance</p>

	<p>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 are being made to provide legal aid to children produced before the child welfare committees when the proceedings of such bodies are not meant to be legal and children should have no difficulty in voicing their concerns, being heard and respected by the Child Welfare Committees.</p>	
<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>	<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 panchayats, there is no dissemination and no effort to translate them into different languages.</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>	<p>No Compliance</p>

<p>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)).</p>	<p>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.</p>	<p>No Compliance</p>
<p>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>	<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>	<p>No Compliance</p>

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
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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 per cent birth registration by 2010 has not been met. The 2009 level of birth registration was 81% percent, still short of 19 per cent. 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% 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	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	Partial Compliance

36, 37 and CRC/C/15/Add.228/para 38, 39).	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.	
Seek technical assistance from, among others, UNICEF and UNFPA. (CRC/C/15/Add.228para 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, which it signed in 1997. (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
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>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</p>	Partial Compliance but implementation is poor

	<p>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 departments allows violation of children's rights to continue.</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>Full Compliance</p>
<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>	<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 counselors and social workers to help in this regard.</p>	<p>Partial Compliance</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>	
<p>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>	<p>The recommendations concerning judicial inquiry and investigation have 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.</p> <p>Compensation to victims is however not ensured in every case, especially in rural areas.</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>	<p>Partial Compliance (in terms of implementation)</p>
<p>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>	<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 persons found responsible for cruelty against children under their charge or control. However, the offence made out is not cognizable 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>Partial Compliance</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>	
<p>Investigate and prosecute complaints in a child-sensitive manner. (CRC/C/15/Add.228/para 42, 43 (c)).</p>	<p>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 pressurize 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 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>	Partial Compliance
<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>	Partial Compliance
<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</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.</p>	Partial Compliance (in the recent Criminal Amendment Act of 2013, immunity to government officials has been withdrawn in

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).	Often this is misused to destroy necessary evidence.	cases of sexual offences against women, including girls)
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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 Rights 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 provisions is very inadequate and cruelty has not been defined.</p> <p>There is no law banning corporal punishment in all situations.</p>	Partial Compliance

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	For all practical purposes father continues to be treated as the natural and lawful guardian of a child.	Partial Compliance

the upbringing and development of their child. (CRC/C/15/Add.228/para 46, 47).		
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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 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 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
Lack of 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 and 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.	Partial Compliance

Violence/abuse/neglect/maltreatment

<p>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>	<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 from Sexual Offences Act was enforced on 14 November 2012.</p> <p>Reporting on violations has improved. 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>	<p>Partial Compliance</p>
<p>Review of legal framework viz-a-viz outdated laws concerning sexual abuse. (CRC/C/15/Add.228/para 50, 51 (a)).</p>	<p>Protection of children from Sexual Offences Act was enforced on 14 November 2012.</p>	<p>Full Compliance</p>
<p>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)).</p>	<p>Criminal law procedures relating to sexual offences against women amended recently in 2013.</p>	<p>Full Compliance</p>
<p>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 multidisciplinary 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>	<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>Partial Compliance</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>	
<p>Promote positive, non-violent forms of discipline as an alternative to corporal punishment. (CRC/C/15/Add.115/para 44, 45).</p>	<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>	<p>No Compliance</p>
<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 from Sexual Offences Act, 2012 provides for recovery and reintegration of the victims. However, there is nothing in the law to address the needs of a victim at the time of registration of a police case, which is where they need utmost assistance.</p> <p>The juvenile justice act provides for rehabilitation, psychological recovery and reintegration but the rules do not provide for adequate human resource and infrastructure to meet this need.</p>	<p>Partial Compliance</p>

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.</p>	Partial Compliance
<p>Concerned with the discrimination experienced by these children in society and in the educational system, State 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 reports 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 Disability

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
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>The schemes for the disabled are 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)).	<p>Census data collection on disability is reported to have improved. Enumerators for the 2011 Census were provided extensive training for this purpose.</p> <p>However, understanding of mental disability remains a concern. Mental illness, mental retardation and mental disability are often used synonymously.</p>	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 the rural areas for rehabilitation of children with disabilities. The problem is acute in 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	Partial Compliance

	<p>the child get required care and treatment.</p> <p>Disabled children's right to be born has been in debate in the light of abortion law.</p>	
<p>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)).</p>	<p>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.</p> <p>Privatisation of education makes it even more difficult to ensure inclusive education in private schools.</p> <p>There is shortage of special schools for the mentally disabled children.</p>	Partial Compliance
<p>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)).</p>	<p>Efforts remain inadequate, especially support for families of disabled children.</p>	Partial Compliance
<p>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)).</p>	<p>Awareness campaigns and education and training of parents and service providers remains inadequate.</p>	Partial Compliance
<p>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.</p>	<p>Very little information available in this regard.</p> <p>The third and fourth combined periodic report mentions training being provided by NIPCCD, Rehabilitation Council of India and the National Trust.</p>	Partial Compliance

Right to Health and Health Services

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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 immunization 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).</p>	<p>Goals set out in various policy documents and plans keep shifting and are yet to be achieved.</p> <p>Access to data on certain health indicators has become difficult e.g. data on morbidity is no longer available and there is no data on malnutrition among children per se.</p> <p>NFHS-3 revealed only a two per cent increase in vaccination against preventable diseases compared to 1998-99 and a continued gender bias in terms of immunization.</p> <p>Malnutrition has increased with India continuing to have the highest number of hungry and malnourished children in the world.</p> <p>Eleventh Five Year Plan goal to providing clean drinking water for all by 2009 and ensure no slip-backs has not been achieved.</p> <p>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.</p> <p>The report also mentions that large proportion of the population still lack basic sanitation facilities, especially</p>	<p>Partial Compliance</p>

	in rural areas. Lack of urban sanitation affects the quality of river water and contaminates urban water supply. Only 30% of sewage is treated.	
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>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>	Partial Compliance
<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>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 impact of neo-liberal economic policies, no regulations for private health providers, increased consumerism and such other factors on the girl child 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 one up and so have cases of rape and trafficking of minor girls. The</p>	Partial Compliance

	deterioration in all indicators for the girl child needs to be looked at holistically.	
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)).	This has been a recommendation in both the sets of concluding observations. 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 RCH-II. Adolescent Reproductive and Sexual Health (ARSH) strategy was built into RCH-II.	Partial Compliance
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).	Public health expenditure is far from the goal of 3 per cent of GDP. Health costs for the poor are increasing, leading to indebtedness, suicides etc. Health care programmes are largely operated with technical cooperation from WHO, UNICEF, UNAIDS etc.	Partial Compliance

Right to an Adequate Standard of Living

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
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).	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. NREGA, Sampoorna Gramin Rozgar Yojana, National Food for Work Programme, The Pradhan Mantri Gramodaya Yojana, Antyodaya Anna	Partial Compliance

	<p>Yojana targeted PDS and such other programmes were initiated strengthen families economically and ensure adequate standard of living.</p> <p>However, industrialization and development continue to displace people and the neo-liberal economic policies have led to an agrarian crisis, jobless growth and job loss. Privatization of basic services has added to the woes.</p>	
<p>Establish mechanisms for resettlement procedures and programmes to include registration, 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 subsidized 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 of identity.</p>	<p>No Compliance</p>

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>	<p>Partial Compliance</p>
<p>Reinforce sensitization 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>	<p>No Compliance</p>
<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>	<p>Partial Compliance</p>
<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 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>	<p>Partial Compliance</p>

Education, Leisure & Cultural Activities

Right and Aims of Education

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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>	<p>There has been a significant decline in number of children out of school from sixty-five million children as per 2001 Census to about 21million in 2007-08 as per 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>	<p>Partial Compliance</p>
<p>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>	<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</p>	<p>Partial Compliance</p>

	<p>government survey reporting that 2.92 per cent 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 no educational opportunities, unless right to education is extended to all children below the 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 decentralization 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>	
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	13 Joint Review Missions of SSA conducted so far.	
<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 VII and VIII.</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 VIII Social Science NCERT text books in 2010.</p>	Partial Compliance

<p>Strengthen its efforts to progressively ensure that 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 sensitization 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.</p> <p>However, nationwide just 68 per cent of Muslim girls go to school, compared to 72 per cent Dalit girls and 80 per cent 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>	<p>Partial Compliance</p>
<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 and expects the state governments to</p>	<p>Partial Compliance</p>

	necessary measures in this regard.	
Encourage the participation of children at all levels of school life. (CRC/C/15/Add.228/para 65 (d)).	Children's clubs and parliaments are being encouraged by some schools though there is no policy for all schools to make it compulsory. 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.	Partial Compliance
Take the 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)).	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 else lose their job. The demand for qualified teachers is not being met because fewer people are opting for teaching as a career option.	No Compliance
Build better infrastructure for schools. (CRC/C/15/Add.228/para 64, 65 (h)).	Right of Children to Free and Compulsory Act, 2009 (RTE) requires all schools to improve their within in three	Partial Compliance

	<p>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</p> <p>SC population concentration, 74 Districts with high tribal populations and 121 Districts with high minority population have been prioritized for infrastructure provisioning.</p>	
<p>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 vs. State of Tamil Nadu and Others, respectively). (CRC/C/15/Add.115/para 57).</p>	<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> <p>Moreover, play schools have mushroomed in the cities without any regulation.</p>	Partial Compliance
<p>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>	<p>While education received the highest budget within the share of the central government's budget for children, it is still only 4 per cent of the GDP as against the goal of 6 per cent.</p>	Partial Compliance

	Technical assistance provided by UNICEF and UNESCO in the areas of training of education officers and teachers and for research and studies.	
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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 recognized 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 finalization 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 that it 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 analyze 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

<p>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).</p>	<p>Though the Protection of Human Rights Act was amended in 2006 but no changes were made to Clause 19.</p> <p>Recent Criminal Law Amendment Act of 2013 however, brings a positive change as far as sexual offences against women are concerned. Action can be taken against erring officers without requiring prior sanction (Section 197 (1) of the Criminal Procedure Code).</p>	<p>Partial Compliance</p>
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Administration of juvenile justice (arts. 37, 40 and 39)

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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)).</p>	<p>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.</p> <p>In 2013, the Supreme Court of India gave death sentence to a juvenile, giving precedence to TADA against the juvenile justice law.</p>	<p>Partial Compliance</p>
<p>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)).</p>	<p>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 to the Supreme Court in 2011 show that only 14 states and 4 UT’s have JJB’s and CWC’s set up in all districts.</p>	<p>Partial Compliance</p>

<p>Strengthen rehabilitation and reintegration programmes. (CRC/C/15/Add.115/para 79, 81 and CRC/C/15/Add.228/para 78, 80 (f)).</p>	<p>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.</p>	<p>No Compliance</p>
<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 National Judicial Academy , National Institute of Social Defence and National Institute of Public Cooperation and Child Development to different functionaries such as the members of JJB's and CWC', 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</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 out. The JJ Act now:</p> <ul style="list-style-type: none"> - Boys are covered till the age of 18 - Includes sections to prosecute officials who violate provisions of the Act <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 being tried as adults a recent RTI response indicates that 114 children 	<p>Partial Compliance</p>

<p>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>Frequent and independent monitoring of institutions for juvenile offenders. (CRC/C/15/Add.115/para 79, 81).</p>	<p>were transferred from adult prisons to observations in Delhi alone between October 2010 and August 2011. In 2012, about 150 more juveniles were transferred from Delhi's Tihar jail.</p> <ul style="list-style-type: none"> - 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 in all as the JJ Act states, punishment is only a maximum of three months and - Contains provisions for frequent and monitoring of institutions for children - Government is under pressure to lower the age of juvenility from 18 to 16 years and incorporate higher punishments up to death sentence for juveniles convicted of heinous offences. 	
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Economic Exploitation (Article 32)

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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</p>	<p>According to the third and fourth combined report there have been 67,691 prosecution launched and 25,588 convictions were obtained</p>	<p>Partial Compliance</p>

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).	but it does not mention which year this data is for. However the data suggests that the Act related to child labour have not been implemented fully.	
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

<p>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)).</p>	<p>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.</p>	<p>Partial Compliance</p>
<p>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)).</p>	<p>District Level Task Force has been set up to monitor child labour. This is yet to be replicated at the village level.</p>	<p>Partial Compliance</p>
<p>Recommends ratification of 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)).</p>	<p>The conventions have not yet been signed. The government in its third and fourth combined periodic report states that the “<i>time is not ripe</i>” given the socio-economic condition.</p> <p>Many civil society actors are not in favour of ratification of ILO Convention No. 182 as India has moved far ahead in terms of increasing the list of hazardous occupations and processes under which child labour is fully banned. Also child prostitution needs to be treated as a crime than a labour welfare issue.</p>	<p>No Compliance</p>
<p>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).</p>	<p>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.</p>	<p>Partial Compliance</p>
<p>Ensure that the competent authorities cooperate and coordinate their activities,</p>	<p>There is no coordination between the different authorities responsible for</p>	<p>Partial Compliance</p>

including with respect to education and rehabilitation programmes. (CRC/C/15/Add.115/para 65, 71).	different schemes and programmes which causes lot of roadblocks in implementing them.	
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 programmes, awareness programmes conducted the cooperation of UNICEF, ILO etc. There is no data to suggest what the impact of these trainings has been.	Partial Compliance

Sexual Exploitation and Sexual Abuse (art. 34)

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
Ensure that legislation criminalizes the sexual exploitation of children and penalizes all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized; 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 Act, 2012 criminalizes the sexual exploitation of children and penalizes all the offenders involved, while ensuring that the child victims of this practice are not penalized. The Act in its present form has many gaps, especially with respect to recovery and reintegration of victims and victim assistance, which will have to be addressed through an amendment very soon.	Partial Compliance
While noting that <u>Devadasi</u> , 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
Ensure that laws concerning the sexual exploitation of children <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 	The Protection of Children from Sexual Offences Act, 2012 covers many of the recommendations made in this section but it lacks a financial memorandum to back it up to ensure implementation.	Full Compliance but there are gaps and challenges which will have to be addressed soon

<p>and sensitive to victims;</p> <ul style="list-style-type: none"> - Include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement. - In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction (CRC/C/15/Add.115/para 74, 75 and CRC/C/15/Add.228/para 75 (a) and (d)). 	<p>The offence of trafficking has finally become a part of the Indian Penal Code.</p>	
<p>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)).</p>	<p>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.</p>	<p>Full Compliance</p>

Drug Abuse (art. 33)

Concluding Observations of CRC Committee	Compliance Report	Compliance Rating
<p>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).</p>	<p>No Plan has been developed yet</p>	<p>No Compliance</p>
<p>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).</p>	<p>Information is inadequate, rehabilitation services are poor, there are no exclusive rehabilitation centres for children.</p>	<p>No Compliance</p>
<p>Recommends cooperation with and assistance from WHO and UNICEF. (CRC/C/15/Add.115/para 73).</p>	<p>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</p>	<p>Partial Compliance</p>

	Commerce, Production, Supply and Distribution) Act, 2003 prohibits sale of tobacco products to minors, there is nothing on rehabilitation services.	
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Minorities/indigenous children

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