

## **Domestic Enforcement of the Convention on the Rights of the Child in India**

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### **I. Introduction**

India is the second largest populated country in the world.<sup>1</sup> India is the seventh largest country in the world having 28 states and seven Union Territories. It can be said that, India is a country having the largest child population in the world, i.e. approximately 400 million children below 18 years of age. The all round development of children is a matter of great concern for Indian government since independence.<sup>2</sup> The issue of children has been of extreme priority. According to Rabindranath Tagore a Nobel Laureat, 'Every child when born brings with it the hope that God is not yet disappointed with man.'<sup>3</sup> It means children are really the gift of the God which helps in contributing social, cultural and economic life of nation.

The Convention on the Rights of the Child (CRC) is the first effective and successful Convention regarding children as well as their rights. The CRC is now widely accepted (194 countries ratified till November 2009) and recognized throughout the world. Almost all the countries have ratified it, except Somalia and the United States. But the obligations not end only with the ratification because the main task of the States Parties to the Convention is the implementation of its provisions. Once the Convention is ratified, it will be a binding obligation of the states to implement its provisions properly through the legislative and administrative measures. India has ratified CRC on December 11, 1992.<sup>4</sup> India's commitment towards ensuring the rights of children has been started on the day of its ratification. The CRC is a legally binding treaty, so India is obliged to implement its provisions for the better life of children. The commitment of domestic enforcement of CRC by India is reflected in its reports submitted to the Committee on the Rights of the Child (article 43 of the Convention).<sup>5</sup> India submitted two reports to the Committee on the Rights of the Child. Both the reports describe the measures taken by India for the effective implementation of CRC. India submitted its first Country Report on the CRC in February 1997. In this report, India recalled how it reviewed the situation of children in the country in the light of the Convention obligations. The report focused on the issues of civil rights and freedoms and special measures of protection regarding children.<sup>6</sup> The Indian government submitted second Country Report in December 2001. This report was more comprehensive and participatory. In writing the report, the Indian government involved related ministries, State governments, non-governmental organizations (NGOs) and experts, even citizens and children through questionnaires to gather information concerning implementing the provisions of the Convention. The United Nations International Children's Emergency Fund (UNICEF) gave positive support in preparing second report.<sup>7</sup> These two reports are the evidences of fulfilling India's significant commitments towards ensuring the basic rights and protection of children.

### **Measures Taken Before Ratification of CRC in India**

India is continuously doing efforts for the last three decades to improve the status of children. A number of policies, action plans and programmes have been announced as a result of India's efforts.<sup>8</sup> The following are the main initiatives in this regard.

### **National Policy for Children, 1974**

India adopted a National Policy for children. This policy declares that children are very important asset; hence they must be given place in the national plans of the country. The policy emphasizes upon the services to children before and after birth and during the growth period for the full physical, mental and social development. The policy also stresses upon the health programmes, nutrition services to mother and children,

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<sup>1</sup> India's First Report to CRC, 1997, (CRC/C/28/Add. 10) p.3.

<sup>2</sup> India's Second Report to CRC, 2001, (CRC/C/93/Add. 5) p.4.

<sup>3</sup> Asha Bajpai, *Child Rights in India: Law, Policy, and Practice*, New Delhi: Oxford University Press, 2003, p. 437.

<sup>4</sup> First Report on CRC, n.1, p. 8.

<sup>5</sup> Article 43 of the CRC.

<sup>6</sup> Bajpai, n.3, p. 438.

<sup>7</sup> Second Report on CRC, n.2, p. 4.

<sup>8</sup> *Ibid.*, p. 25.

free and compulsory education upto 14 years of age, protection from neglect, cruelty and exploitation, about National Children's Board, etc.

### **National Policy on Education, 1986**

Universal education has been an important factor for the development of many developed and developing countries. It is modified in 1992.

### **National Policy on Child Labour, 1987**

This policy consists of legal action plan, focusing central government programmes and project based plan of action. The main aim of this policy is to protect children from work at the tender age, i.e. child labour.<sup>9</sup>

The other policies like national health policy, 1983, National plan for SAARC Decade of the Girl Child 1991 – 2000 have been undertaken in India.<sup>10</sup>

These initiatives and programmes are further strengthened by legislative support and political will. India adopted many legislative measures on children, such as the Apprentices Act, 1861; the Guardian and wards Act, 1890; the Reformatory Schools Act, 1897; the Child Marriage Restraint Act (amended in 1979), 1929; the Children (Pledging of labour) Act, 1929; the Factories Act (Amended in 1949, 1950 and 1954), 1948; the Hindu Minority and Guardianship Act, 1956; the Hindu Adoption and Maintenance Act, 1956; the Probation of Offenders Act, 1958; the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960; the Juvenile Justice Act, 1986; the Immoral Traffic Prevention Act, 1986; the Child Labour (Prohibition and Regulation) Act, 1986; the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production Supply and Distribution) Act, 1992.<sup>11</sup>

Another step was the establishment of the Central Social Welfare Board in 1953. In 1954, this board launched the welfare extension projects to supply food in the rural areas.<sup>12</sup> The Department of Women and Child Development was set up under the Ministry of Human Resource Development in 1985, which is considered to be the very positive step of the Indian government. The Department was established with an aim to protect the two vulnerable groups of the society i.e. women and children.<sup>13</sup>

These policies, action plans, legislative steps, etc. undertaken by India shows India's concern towards the child population in the country. But the implementation of such policies and laws was very weak. There was always problem of implementation with such policies and laws. So, after ratifying CRC, it is binding upon the state to implement the provisions of the Convention effectively.

### **Measures Taken by India After Ratification of CRC**

Domestic enforcement of CRC is a major challenge for India towards ensuring the rights and protection of children. The progress done by India after ratifying CRC is dealt with in the two reports submitted by the Indian government. The initial report was submitted in February 1997 and the periodic report submitted in December 2001. The reports encompasses the efforts taken in the field of health, nutrition, survival, standard of living, early childhood care, education, right to equality, name and nationality, family, protection from exploitation, protection of the girl child etc. Simultaneously, it was decided to establish a separate Commission at the national level for the protection of children.

Now, it is necessary to give the detailed explanation of the steps taken by India in various fields.

### **Survival**

Survival of Indian children is a matter of concern from the very beginning. The initial report of India mentioned the equal opportunity for survival of girl child under the National Plan of Action for Children, 1992. India adopted National Plan of Action for the SAARC Decade of the Girl Child (1991-2000).<sup>14</sup> The national health policy, 1993 started for improving maternal and child health. Simultaneously, reproductive and child health programme launched in 1997.<sup>15</sup> The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act was enacted in 1994.<sup>16</sup> Infanticide and foeticide are more common with the girl child who is at greater risk. The government initiated some plans for the protection of girl child such as the Balika Samridhhi Yojna launched in 1997 and the *Apni Beti Apna Dhan* (Daughter is My Wealth) introduced by the government of Haryana on 2 October 1994. Under the scheme of the *Apni Beti Apna Dhan*, the family will be given monetary help of Rs. 3,000 at the birth of the girl. The amount of Rs. 2,500 will be deposited in the name of girl

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<sup>9</sup> Bajpai, n.3, pp. 10-11.

<sup>10</sup> Ibid., p. 12.

<sup>11</sup> First Report on CRC, n.1, pp. 4-5.

<sup>12</sup> Ibid., p. 5.

<sup>13</sup> Ibid., p. 7.

<sup>14</sup> First Report on CRC, n.1, p. 87.

<sup>15</sup> Second Report on CRC, n.2, p. 80.

<sup>16</sup> Ibid., p. 81.

child in government securities within three months of her birth.<sup>17</sup> According to the information update of second Country Report to CRC, the ministry of health and family welfare under the government of India are doing continuous efforts to reduce infant and child mortality. Through these initiatives, the Infant Mortality Rate (IMR) went down from 70 to 68 per 1,000 in the year 1999-2000.<sup>18</sup> All initiatives regarding survival of children are taken in the light of article 6 of the Convention.<sup>19</sup>

## **Health**

The matter pertaining to health and health services is discussed in article 24 of the Convention and all efforts regarding health will be taken in this context.<sup>20</sup> The matter of health is of great concern for Indian government. The ninth five-year plan (1999-2002) focuses on the health care and needs of children specially girl children. The programmes like Maternal and Child Health (MCH), family welfare programmes and Child Survival and Safe Motherhood (CSSM) implemented. Reproductive and Child Health (RCH) programme was launched in 1996.<sup>21</sup> Infant Mortality Rate (IMR) declined from 80 to 70 per 1,000 live births over the period 1991-2000 and the IMR of 60 by the year 2000 have been achieved by 20 of India's States/Union Territories according to the Indian Report on the world summit for children. Likewise, Child Mortality Rate (CMR) declined from 33.4 per 1,000 live births in 1991 to 29.3 in 1998. New-natal and post-natal mortality declined by 25 percent and 33 percent respectively. IMR/CMR declined in both rural and urban areas of India. The Universal Immunization Programme (UIP) launched in 1985-1986. In 1998-1999, 42 percent children fully vaccinated, 44 percent got immunized and 14 percent didn't reach. Bacillus Calmette Guerin (BCG), first dose of DPT and first and second doses of polio vaccine received by 71percent. Three doses of DPT received by 55 percent, three doses of the polio vaccine received by 63 percent and Measles vaccine received by 51percent children. Pulse Polio Immunization (PPI) launched in 1996. The polio cases declined from 2,276 in 1997 to 265 in 2000.<sup>22</sup> Acute Respiratory Infections (ARI) causes child mortality in India. Health workers were given training in ARI management under ARI control programme. Oral Rehydration Therapy (ORT) programme launched by the government. In 1998, 62 percent mothers knew about Oral Rehydration Salts (ORS) packets. Primary Health Centres (PHC) increased from 18, 671 in 1990 to 22, 975 in 1999, Sub-Centres (SC) increased from 130, 336 in 1990 to 137, 271 in 1999 and Community Health Centres (CHCs) increased from 1910 to 2935. National AIDS Control Organization (NACO) was established during the eighth five-year plan (1992-1997) by the Ministry of Health and Family Welfare. It was the commitment of the government to provide safe drinking water and sanitation facilities to all the villages under the goal of "Health for All".<sup>23</sup>

The number of underweight children decreased from 52 percent in 1992-93 to 47 percent in 1998-99. Newly born babies with Low Birth Weight (LBW) decreased from 30 percent in 1992-93 to 22 percent in 1998-99.<sup>24</sup> There are about 15,000 hospitals and 30,000 dispensaries throughout the country.<sup>25</sup> MCH and CSSM started through successive five-year plans got integrated in 1997 into an effective approach.<sup>26</sup> Kishori Shakti Yojna launched in 2000 blocks in 2000-2001 to empower adolescent girls which is expected to benefit 12.8 lakhs adolescent girls.<sup>27</sup> The government adopted National Nutrition Policy in 1993 to sort out the problem of malnutrition. Micro-nutrition controlling programme started in 1995.<sup>28</sup> The Food and Nutrition Board (FNB) is a non-statutory wing of the Department of Women and Child Development (DWCD) is doing efforts to make the national nutrition policy successful. The FNB also created nutritional awareness through the help of mass media. Video and radio spots regarding infant nutrition were developed during 1999-2000. The XVIII National Nutritional Week was celebrated during 1-7 September in 1999 and the theme was "Preventing Malnutrition among Children under Two Years". The theme in the year 2000 was "Malnutrition-An Obstacle to National Development". World Breastfeeding Week organized on 1-7 August, 1999 and the theme was "Breastfeeding – Education for Life". In the year 2000, the theme was "Breastfeeding is Your Right."<sup>29</sup> The Food and Nutrition Council was established in November 1997.<sup>30</sup>

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<sup>17</sup> Ibid., p. 86.

<sup>18</sup> Ibid., p. 10.

<sup>19</sup> Article 6 of the CRC.

<sup>20</sup> Article 24 of the CRC.

<sup>21</sup> Second Report on CRC, n.2, p. 132.

<sup>22</sup> Ibid., p. 133.

<sup>23</sup> Ibid., p. 134.

<sup>24</sup> Ibid., p. 135.

<sup>25</sup> Ibid., p. 136.

<sup>26</sup> Ibid., p. 142.

<sup>27</sup> Ibid., p. 144.

<sup>28</sup> First Report on CRC, n.1, p. 41.

<sup>29</sup> Second Report on CRC, n.2, p. 164.

<sup>30</sup> Ibid., p. 165.

The initiatives taken by the government shows its concern towards the health and health services of children. The government undertook policies, action plans and many legislations to provide basic health and services to children.

### **Civil Rights and Freedoms**

Some positive measures have been taken towards civil rights and freedoms of children after ratifying the Convention. In March 1994, there was an international conference on this subject which motivated to form an “Alliance for the Child” at the national level. The Chief Justice of India was made chairperson of this body. In 1993, there was another development i.e. the establishment of the National Human Rights Commission (NHRC). This Commission takes up all the issues related to the interests of citizens, including children.<sup>31</sup> The matters related to the name and nationality of children is dealt with in article 7 of the Convention and it is the duty of states to work on such matters. Registration of births, deaths and names is carried out through a regular system. The office of the Registrar General under the Home Ministry of India is responsible for such task.<sup>32</sup>

Housing is an important aspect of state subject. The government approaches the goal of “Shelter for All” for the weaker sections of society. The Prime Minister’s 20 point programme also laid emphasis on the housing needs of children belonging to vulnerable groups. The state governments and union territory administrations implemented Indira Awas Yojna. The principle of Public Interest Litigation is also being used for protecting the rights of children.<sup>33</sup>

There are 200,000 reporting units on birth and more than 100,000 local registrars in the country.<sup>34</sup> It is estimated that there are 54 percent birth registration in India. A format (see Annexure I) is introduced in January 2000 for collecting information during birth registration.<sup>35</sup>

The department of Family Welfare, Ministry of Health and Family Welfare promised 100 percent registrations of births by the year 2010 under the national population policy 2000. According to birth registration, children will get a birth certificate, legal document providing date of birth. The office of the Registrar General also tried to improve the civil registration system. In May 2000, a national workshop was held on birth registration.<sup>36</sup>

According to article 8 of the Convention, preservation of identity is very important. The delinquent and neglect children will be dealt under the Juvenile Justice (Care and Protection) Act 2000. All the children who are in need of care and protection will be seen by the Ministry of Social Justice and Empowerment under the scheme. Everyone has the right to freedom of expression including children in article 13 of the Convention. There are a number of newspapers which publish articles written by children.<sup>37</sup> Doordarshan and All India Radio broadcasts programmes related to children. Every year on the second Sunday in December, is celebrated as the International Children’s Day of Broadcasting (ICDB). 31TV stations and 60 radio stations involved 2,000 children in December 2000. Children can enjoy freedom of thought, conscience and religion under article 14 of the Convention.<sup>38</sup> The Maulana Azad Education Foundation is set up with an aim to promote education amongst the backward sections of society particularly minorities. This Foundation sanctioned grants-in-aid of Rs. 330.6 million to 24 NGOs in one state/UTs. There is a separate block under the Ministry of Home Affairs to see the preservation and promotion of national integration.

The freedom of association and peaceful assembly (article 15 of CRC) can also be enjoyed by children. The Department of Youth Affairs and Sports established an organization, i.e., the Nehru Yuvak Kendra Sangathan (NYKS). This organization helped more than 8 million nonstudent rural youth in the age of 15-35 years through 0.181 million youth clubs. The Bharat Scouts and Guides is another largest organization in India and third largest in the world. It enrolled 2.3 million children spread over 85,000 units throughout the country. The Bal Bhavan Society is an association of child members which has 2000 regional centres.<sup>39</sup> According to the protection of privacy (article 16), the publication of identity of any juvenile is prohibited under the Juvenile Justice (Care and Protection of Children) Act, 2000.<sup>40</sup> The Government re-established the erstwhile National Book Development Council (NBDC) in December 1997. The National Book Trust publishes fiction and non-fiction. The National Centre for Children’s Literature (NCCL) was also established. A children’s Bal Bharti, a Hindi Journal for children is published since 1999.<sup>41</sup> Many other children’s literature like Chandamama,

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<sup>31</sup> First Report on CRC, n.1, p. 24.

<sup>32</sup> Ibid., p. 25.

<sup>33</sup> Ibid., p. 27.

<sup>34</sup> Second Report on CRC, n.2, p. 91.

<sup>35</sup> Ibid., p. 92.

<sup>36</sup> Ibid., p. 93.

<sup>37</sup> Ibid., p. 96.

<sup>38</sup> Ibid., p. 97.

<sup>39</sup> Ibid., p. 98.

<sup>40</sup> Ibid., p. 99.

<sup>41</sup> Ibid., p. 100.

Twinkle and Amar are published by the private business houses. A new series of sports have been started since April 1999. The Publication Division of government of India gives Bharatendu Harishchandra Awards to encourage original writing in Hindi. The children residing in distant smaller villages and towns can get higher education through National Open School and Indira Gandhi National Open University (IGNOU). There is a report that 473 programme capsules and 92 continuities are under the current telecast.<sup>42</sup>

A number of websites made with the growth of information technology i.e. Pitara, Egurucool and Planetvidya which provides information for children.<sup>43</sup> The Cable Television Networks (Regulation) Act enacted in 1995, which prohibits the broadcast of any programmes that blacken the reputation of children. The acts such as torture, cruel, inhuman and degrading treatment against children will be penalized under the Indian penal code.<sup>44</sup>

In this way the government of India took a number of steps to ensure civil rights and freedoms to children.

### **Family Environment and Alternate Care**

The government is taking all possible measures to provide family environment to children in all situations. In the light of articles 5(Parental Guidance), 18(Parental Responsibility), 20(Children Deprived of their Family Environment), 21(Adoption), 25(Periodic Review of Placement), 27(Recovery of Maintenance for the Child), etc. of the Convention the government has taken some positive steps towards the aim of providing family environment and alternate care. As a matter of fact children are considered as a necessary part of the family unit in India.

The ministry of welfare took a number of steps which focused “Child in the Family.” The year 1994 was celebrated as the “Year of the Family”.<sup>45</sup> The Law Commission Report of 1984 emphasized the rights of guardianship of mother should be equal to the father. Maharashtra formulated a policy in 1994 for women which suggested to bring amendment in the Guardianship Act by making mother also the guardian of the child.<sup>46</sup> The adoption of children either in country or inter country is a matter of concern. The Ministry of Welfare recognized 80 percent Indian agencies and 273 foreign agencies who are engaged in sponsoring children for adoption. In 1993, 1,328 children adopted in the country and 1,134 adopted in abroad.<sup>47</sup>

According to the provisions of the Family Court Act, 1984, a number of family courts were established in 19 states/ UTs.<sup>48</sup> The Central Social Welfare Board (CSWB) was established under the Department of Women and Child Development. The aim of this board is to create awareness among women and on other issues related to family through seminars. Voluntary Action Bureau (VAB) and Family Counselling Centres (FCC) have been established under CSWB. These bodies provide rehabilitative services to those women and children who are victims of family maladjustment and atrocities. In India, leading public schools have established counseling centres for both parents and children which not only provide career counselling but also give psychological and emotional training.<sup>49</sup> The government is engaged in taking measures to provide help to parents and legal guardians through facilities like day care centres, creches, play houses, early childhood care centres and Anganwadi centres etc. In 1994, the National Crèche Fund (NCF) was set up by the government.<sup>50</sup> Now, there are about 14, 925 creches benefiting approximately 373,000 children. Sometimes the government offers the integrated approach to juvenile justice for the destitute children. Sometimes the children are kept away from the parents in the best interests of the child.<sup>51</sup>

According to the annual report of the National Commission for Women 1995-96, there are infants and children who give company to their mothers into the prisons. In India almost all hospitals allow the parents or guardian to stay with their child. However, father is the natural guardian of the child but the “tender age theory” gives the custody of the child to the mother also.<sup>52</sup> The illicit transfer of children is rarely reported in India.<sup>53</sup> The government in all its programmes focuses on street children, abused children, abandoned children, orphaned children, children in conflict with law, children affected by disasters.<sup>54</sup> The scheme to prevent and control of juvenile social maladjustment was revised in 1998-99. This revision made the implementation of Juvenile Justice Act 1986, very strong to provide services to the neglected as well as delinquent children. According to the revised programme for juvenile justice, National Advisory Board (NAB), juvenile justice fund, secretariat

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<sup>42</sup> Ibid., p. 101.

<sup>43</sup> Ibid., p. 102.

<sup>44</sup> Ibid., p. 103.

<sup>45</sup> First Report on CRC, n.1, p. 29.

<sup>46</sup> Ibid., p. 30.

<sup>47</sup> Ibid., p. 33.

<sup>48</sup> Second Report on CRC, n.2, p. 107.

<sup>49</sup> Ibid., p. 108.

<sup>50</sup> Ibid., p. 110.

<sup>51</sup> Ibid., p. 112.

<sup>52</sup> Ibid., p. 113.

<sup>53</sup> Ibid., p. 114.

<sup>54</sup> Ibid., p. 117.

for NAB, etc. were established. A number of programmes are operating under foster family care such as Department of Social Welfare (SWD) in Rajasthan runs Shishu Grah for all children in the age group of 0-6 years who are left as orphans. Likewise about 600 orphanages are working in the state of Kerala and about 50,000 children got benefited. Those children who are kept in institutions for care and protection are also a responsibility of the state. For this purpose the state has appointed social welfare officer who monitor the situation of children in homes and foster care. The officer is supposed to submit a monthly report regarding children, institutions etc. to the superior officer.<sup>55</sup>

The adoption of children is also a matter of concern. For this purpose the government of India has set up a statutory body i.e. Central Adoption Resource Agency (CARA). There are also other agencies like juvenile welfare board, scrutiny agencies etc. to monitor the adoption programme. There is a confidential record system of all the adoption agencies in India.<sup>56</sup> The Ministry of Social Justice and Empowerment gives recognition to both Indian and foreign agencies who are engaged in the country and inter country adoption of children. In India 77 agencies got recognized for inter country adoption. Another 293 foreign agencies recognized in more than 25 countries for inter country adoption of Indian children.<sup>57</sup>

The Persons and Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act enacted in 1995 with a view to deal with the various disabilities, early identification, education, employment, non-discrimination. etc. It is proposed to set-up the coordination committees at the central and state levels to bring out the effective implementation of the Act.<sup>58</sup> There are provisions against child abuse like rape, molestation and prostitution in the Indian Penal Code (IPC).<sup>59</sup> Corporal punishment is not reported in the Indian family.<sup>60</sup> Thus, Government of India (GOI) took a number of steps to provide good family environment and care to the children.

### **Education Leisure and Cultural Activities**

The Government of India states and the UTs have taken a number of positive steps towards education, leisure and cultural activities. The government is running a programme of education with the aim of providing free and compulsory education to all children upto the age of 14 years. Many programmes have been started, a number of organizations have been established, legislations have been made and the government also took oaths and promises to achieve the goal of education with leisure and cultural activities to children.

According to the initial report submitted by India in 1997, India promised that all children upto the age of 14 years will be provided free and compulsory education by the year 1995. It was assured that till 1996, 180 NGOs will be given assistance to run 4, 365 Early Childhood Education Centres under the programme of early childhood care and education to all children upto the age of 14 years (Art. 45 of DPSP). Till the year 1992-93, 91 percent primary schools covered under the operation blackboard scheme. The District Primary Education Programme (DPEP) started in 42 districts and in 7 states and also spreading to other major states. The Non Formal Education (NFE) Programme enrolled 6.5 million children in 261,000 centres during 1994-95. The children's enrolment in classes I to V have been increased from 97.4 million in 1990-91 to 108 million in 1993-94. Also in classes VI to VII from 34 million in 1990-91 to 39.9 million in 1993-94.<sup>61</sup> These dropouts in some states are due to midday meal scheme.

The number of schools as well as teachers also increased. It was 210,000 primary schools in 1950-51 but increased to 537,000 in 1993-94. The number of upper primary schools was 13,000 in 1950-51 and increased to 155,000 in 1993-94. Similarly, teachers in primary schools increased from 538,000 in 1950-51 to 1,703,000 in 1993-94 and the teachers in upper primary schools increased from 86,000 in 1950-51 to 10, 30,000 in 1993-94.<sup>62</sup>

Leisure and participation in cultural activities is also an important right of children. Balika Mandals have been set up for girls which creates the environment of interaction, recreation, discussion etc. The Bal Bhavan Society received membership of 25,000 children in Delhi and 2,000 in regional centres. Likewise National Service Scheme develops community participation of children. The other step is the Bharat Scouts and Guides Organization.<sup>63</sup>

The second report submitted by India in 2001, made commitment towards the Universal Elementary Education (UEE). The 83<sup>rd</sup> amendment bill was introduced in Parliament in 1997 to make education a

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<sup>55</sup> Ibid., pp. 118-119.

<sup>56</sup> Ibid., pp. 123-124.

<sup>57</sup> Ibid., p. 125.

<sup>58</sup> Ibid., p. 127.

<sup>59</sup> Ibid., p. 129.

<sup>60</sup> Ibid., p. 130.

<sup>61</sup> First Report on CRC, n.1, pp. 50-51.

<sup>62</sup> Ibid., p. 52.

<sup>63</sup> Ibid., p. 57.

fundamental right of all children upto 14 years of age.<sup>64</sup> The Supreme Court declared education a fundamental right to all children upto 14 years of age in the case of Unni Krishnan (1993).<sup>65</sup> Subsequently in the year 2006, 93<sup>rd</sup> amendment bill was passed with certain provisions in the constitution of India like: -

Article 21A – It deals with the free and compulsory education to all children in the age group of 6 to 14 years.

Article 45 – It deals with the early childhood care and education to the children upto 6 years of age.

Article 51A – It deals with the duties of parent or guardian to provide needed opportunities for education to their child from 6-14 years.<sup>66</sup>

The Sarva Shiksha Abhiyan (SSA) is a positive effort launched by India to fulfill the duty proposed under 93<sup>rd</sup> amendment. The SSA is responsible to improve the school system for children. It provides elementary education through decentralized planning.<sup>67</sup> The DPEP launched with an aim to achieve universal primary education to all children particularly focusing girl children belonging to backward sections of society. The National Council of Educational Research and Training (NCERT) and Central Board of Secondary Education (CBSE) adopted grading system in place of evaluation process to encourage children and to control the cases of suicide due to less margin of marks. The government constituted Justice J.S.Verma Committee which highlights fundamental duties enshrined in the constitution among students. Information Technology (IT) is added in the new syllabus in school by the government. National Open School (NOS) opened for those children who can't be regular student in school such as disabled children.<sup>68</sup>

Vocational training is also under attention of the government. Computer literacy is being provided in all schools including Kendriya Vidyalaya Sangathan (KVS) and Navodaya Vidyalaya Sangathan (NVS). Computer literacy has reached to about 10,000 schools. Madrasas are being modernised by the government. The establishment of Indira Gandhi National Open University (IGNOU) is a successful step towards higher education. The National Policy for Education (NPE) with its Programme of Action (POA) updated in 1992.<sup>69</sup> The Tamil Nadu Compulsory Education Act enacted in 1994 but entered into force from July 1998. The government's commitment towards child education can be seen in the Ninth five-year plan (1997-2002). The funds given by the central government increased from Rs. 40.54 billion in 1998-99 to Rs. 47 billion in 1999-2000. Department of elementary education and literacy was separated after 1991 from Ministry of Human Resource Development.<sup>70</sup>

Regular survey of literacy rates is done by National Sample Survey Organization (NSSO).<sup>71</sup> The government's expenditure on education increased from Rs. 77.14 billion in 1990-91 to Rs. 102.6 billion in 1997-98.<sup>72</sup> Girls education has always been a national agenda. Formal and non-formal education programmes to women have been started. There are schemes of noon meals, free books, uniforms and attendance scholarships are given to girls and other children. Angan Pathshalas, Mahila Sahyogis etc. are the programmes which attract girls.<sup>73</sup> Non-formal education scheme was revised in 2000 by the name "Education Guarantee Scheme and Alternative and Innovative Education" (GES & AIE).<sup>74</sup> National Council for Teacher Education (NCTE) was established on 17 August 1995.<sup>75</sup> The National Programme for Nutritional Support to Primary Education (NPNSPE) known as Midday Meal Scheme (MMS) was launched on 15 August 1995.<sup>76</sup> The government invested 3.91 percent of GDP on education in 2000-2001.<sup>77</sup>

The knowledge of India's cultural heritage is another aspect of education. The children must know India's ancient cultural traditions. The department of culture, Ministry of Tourism and Culture engaged in promoting and spreading art and culture. The National School of Drama under this ministry educates children about culture and art of the country. The other bodies which impart cultural education are the Centre for Cultural Resources and Training (CCRT), National Centre for Performing Arts (NCPA), Indira Gandhi National Centre of Arts (IGNCA) etc. The Ministry of Forest and Environment also involved in such tasks. This ministry set up nature clubs for children, the government establishes departments, playgrounds, parks, stadiums, zoological parks, science centres for recreation of children. Bal Bhavan is one of the centres with a great number of child members.

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<sup>64</sup> Second Report on CRC, n.2, p. 6.

<sup>65</sup> Ibid., p. 232.

<sup>66</sup> Ibid., p. 6.

<sup>67</sup> Ibid., p. 7.

<sup>68</sup> Ibid., p. 233.

<sup>69</sup> Ibid., p. 234.

<sup>70</sup> Ibid., p. 236.

<sup>71</sup> Ibid., p. 237.

<sup>72</sup> Ibid., p. 243.

<sup>73</sup> Ibid., p. 256.

<sup>74</sup> Ibid., p. 8.

<sup>75</sup> Ibid., p. 270.

<sup>76</sup> Ibid., p. 272.

<sup>77</sup> Ibid., p. 8.

Almost all the schools in India keep few hours for activities like games, arts and drama. All the related activities are under the control of Sports Authority of India (SAI), which selects physical fit students and trains them. For rural youth there is a scheme of Akharas. To provide training, there are 26 new schools and 11 Akharas during 1999-2000.<sup>78</sup> Training is provided to students at various SAI Centres which includes 17 sports such as Judo, Athletics, Archery, Basketball, Badminton, Boxing, Cycling, Football, Gymnastics, Hockey, Handball, Swimming, Kabaddi, Volleyball, Wrestling, Weightlifting, Canoeing, Kayaking and Rowing. NYKS enrolled 8 million rural youth through 181,000 youth clubs at village level.<sup>79</sup> The Ministry of Environment and Forest is in favour of introducing environmental knowledge in the syllabus of student with the help of NCERT and MHRD.<sup>80</sup> "Rang Ras Barse" is a collection of 10 audio programmes which aims to teach sargam of different Ragaas. Two films – "Abode of Gods" and "land of warriors" have been produced under land and people series.<sup>81</sup>

The Department of culture gives financial assistance to individuals, groups and other voluntary organizations to promote art and cultural activities. The department provided scholarships to about 50 percent.<sup>82</sup>

A movement called "Youth for Youth" started in the beginning of 1990. The movement helps street children by offering literacy programmes, medicine and recreational activities. The department of Sports and Youth Affairs provided monetary help of Rs. 2,200.09 million in the year 1999-2000, it increased to 2,600 million in the year 2000-2001.<sup>83</sup> In this way, it is seen that the Government of India is very much concerned towards education with recreation and cultural activities.

### **Special Protection Measures**

The Government of India has taken all possible measures for those children who need special protection such as refugee children, children in armed conflicts, juvenile children, child labour, sale, trafficking and abduction of children, sexual abuse and exploitation, children belonging to minority or indigenous groups etc. The government has to take measures regarding such problem in the light of articles – 22, 38, 39, 40, 37, 32, 36 of the Convention.

A Programme is announced in August 1994 to control child labour. According to this programme 2 million children are put in special schools after leaving hazardous occupations, the government provided allocation of Rs. 3.44 million for the rehabilitation of child labourers. Around 150,000 working children have been covered under 76 projects. India participated in a programme launched by ILO in 1991 i.e. International Programme on the Elimination of Child Labour (IPEC).<sup>84</sup> "Child line Service" was only in Mumbai but now it is available in 38 cities.<sup>85</sup>

The government set up Tibetan Schools Society for education of Tibetan refugee children on the request of Dalai Lama.<sup>86</sup> The Office of United Nations High Commissioner for Refugees (UNHCR) together with Indian chapter of South Asian Association of Regional Cooperation LAW organized a workshop on 30 April 1999; the title of the workshop was "National Legislation on Refugees". Government of Jammu and Kashmir established a rehabilitation council in 1995 for widows, orphans, handicapped etc. affected by terrorism.<sup>87</sup>

UNHCR together with the help of India trying to protect refugee children. According to the project CM 201, the office of UNHCR in New Delhi provides educational facilities at the primary and secondary levels. About 7,600 refugee children got benefited from such step.<sup>88</sup>

There are occurrence of terrorism both cross-border and internal in India which affects children. The government prohibited the recruitment of all children from 16-25 years. The children in Punjab have been given Rs. 300 per month to school going and Rs. 500 to college going wards since 1 April 1994. A sum of Rs. 10,000 provided to orphans, destitute, physically disabled persons affected by violence in Punjab till they get employment. During the situation of armed conflict, the government provides psychological and emotional support to children.<sup>89</sup>

Regarding the juvenile justice, the government has taken a positive step, the government cancelled Juvenile Justice Act 1986 and introduced juvenile justice (Care and protection of children) Act, 2000 which entered into

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<sup>78</sup> Ibid., pp. 306-307.

<sup>79</sup> Ibid., p. 308.

<sup>80</sup> Ibid., p. 309.

<sup>81</sup> Ibid., p. 311.

<sup>82</sup> Ibid., p. 312.

<sup>83</sup> Ibid., p. 314.

<sup>84</sup> First Report on CRC, n.1, p. 65.

<sup>85</sup> Second Report on CRC, n.2, p. 10.

<sup>86</sup> Ibid., p. 317.

<sup>87</sup> Ibid., p. 318.

<sup>88</sup> Ibid., p. 321.

<sup>89</sup> Ibid., pp. 323-324.

force in 2001.<sup>90</sup> The Juvenile Justice (Care and Protection of Children) Act, 2000 is much more effective than the previous Act. The GOI is providing training to judges, prosecutors, lawyers, social workers etc. related to juvenile justice.<sup>91</sup> The new Act came with the establishment of juvenile welfare boards, child welfare committees and different homes. A measure taken to establish a Chair of juvenile justice at the National Law School of India University (NLSIU). For such purpose a sum of Rs. 3 million was given.<sup>92</sup>

To overcome the problem of street children, the Ministry of Social Justice and Empowerment started integrated programme under the title, "Children Deprived of their Family."<sup>93</sup> Simultaneously, India continuously facing with the problem of child labour, hence a number of steps have been taken towards this direction. India has ratified all the six ILO Conventions on child labour.<sup>94</sup> India's Child Labour (Prohibition and Regulation) Act 1986 has been effective but now there are other programmes and policies. India joined IPEC in 1992. National Authority for the Elimination of Child Labour (NAECL) constituted under the chairmanship of labour minister on 26 September 1994. National Resource Centre on Child Labour (NRCCCL) was set up in 1993.<sup>95</sup>

Regarding drug abuse, India is also very much concerned. India signed South Asian Association for Regional Cooperation (SAARC) Convention on Narcotic Drugs and psychotropic substances in 1990. Simultaneously, India has signed many other bilateral agreements against drug trafficking.<sup>96</sup> In January, 2002, India also signed SAARC Convention on prevention and combating trafficking in women and children. In December 2001, India launched a scheme called Swadhar for recovery and reintegration of trafficked victims.<sup>97</sup> Ministry of Social Justice and Empowerment deals with the education and rehabilitation aspects of drug addiction. Drug supply is controlled by Narcotics Control Bureau and the Police.<sup>98</sup> Other steps are drug awareness, counselling and assistance centres, treatment-cum-rehabilitation centres, de-addiction camps, workplace prevention programmes, awareness generation programmes etc. to stop drug abuse.<sup>99</sup> To control sexual exploitation and abuse, government established protective homes under section 21 of the Immoral Traffic (Prevention) Act (ITPA) to protect women/girls from being forced into prostitution. The number of protective homes is about 80 providing custodial care and protection, education, vocational training etc.<sup>100</sup>

To deal with the children belonging to minority and other backward groups, the government has taken some positive initiatives, such as National Commission on Scheduled Castes and Scheduled Tribes (1990) National Commission for Minorities (1992), Wakf Administration, (1995) National Commission for OBCs (1993) Ministry of Tribal Affairs (1999), and National Commission for Linguistic Minorities.<sup>101</sup>

There are other areas of concern towards which GOI has taken some positive steps. The areas are the best interests of the child, non-discrimination, right to life, development, respect for the views of the child, issue of disabled children etc. One of the appreciative efforts of the GOI is the establishment of a separate commission to protect, promote and defend children in India i.e. the National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 as a statutory body.<sup>102</sup> This Commission takes up all the issues related to children.

### **Role of NGOs**

Non-Governmental Organizations (NGOs) can intervene in any policies, actions and programmes for the betterment of human beings. As far as CRC is concerned, there are provisions in the Convention, according to which NGOs of the states party are supposed to submit Alternative Reports on the condition of children in the country. So, domestic enforcement of CRC is not confined to the governments only but NGOs can also play a critical and significant role in enforcing the provisions of the Convention for protecting rights of children.<sup>103</sup>

How many NGOs are working in India dealing with various aspects of children? There are a number of NGOs working at the regional as well as state levels to give their views. These voluntary organizations are continuously assisting governments in reaching the remote, rural and tribal areas. There are various fields in which NGOs are working to protect children from all forms of violation.

NGOs are playing active role in raising the issue of child labour and also taking appropriate measures to control it. The NGOs like South Asian Coalition on Child Servitude (SACCS), Butterflies etc. are working in

<sup>90</sup> Ibid., p. 324.

<sup>91</sup> Ibid., p. 333.

<sup>92</sup> Ibid., p. 334.

<sup>93</sup> Ibid., p. 341.

<sup>94</sup> Ibid., p. 352.

<sup>95</sup> Ibid., pp. 360-361.

<sup>96</sup> Ibid., p. 369.

<sup>97</sup> Ibid., p. 13.

<sup>98</sup> Ibid., p. 371.

<sup>99</sup> Ibid., p. 372.

<sup>100</sup> Ibid., p. 379.

<sup>101</sup> Ibid., pp. 397-399.

<sup>102</sup> "National Commission for Protection of Child Rights", [www.ncpcr.gov.in](http://www.ncpcr.gov.in), Retrieved 14-07-2010.

<sup>103</sup> Bajpai, n.3, p. 439.

controlling child and bonded labour.<sup>104</sup> The NGOs like Abhivday Ashram, Morena, Sanlaap (Kolkata), Satya Sohan Ashram, Sagar and Vimochana (Athni), Prerana (Mumbai) etc. are working to sensitize the problem of exploitation and trafficking in India.<sup>105</sup> Regarding the Juvenile Justice system, government provides grant-in-aid to the NGOs to run homes for juveniles. NGOs such as “*Bachpan Bachao Andolan*” (Save childhood campaign) and “Concerned for Working Children” (CWC) are working to prevent torture and other cruel, inhuman and degrading treatment.<sup>106</sup> A Mumbai – based NGO, *Pratham*, dealing with the issue of universalization of primary education, *Prerana* another NGO is working to teach children of sex workers in the area of Kamathipura.<sup>107</sup> The Forum for Childcare and Crèche Services (FORCCS) is a network of more than 100 organizations which provide services to children.<sup>108</sup>

The other NGOs working at the national level are – the Don Bosco Asha Layam (West Bengal).<sup>109</sup> CINI ASHA (Calcuta).<sup>110</sup> Swadham (Maharashtra).<sup>111</sup> Indian Council for Child Welfare (ICCW), Bhartiya Adim Jati Sevak Sangh (BAJSS).<sup>112</sup> The National Association for the Blind, the Blind Persons Association, the All India Federation of the Deaf, the Federation for the Welfare of the Mentally Retarded, the Spastic Society of India, Tamanna etc. There are more than 2, 456 voluntary organizations to deal with disabled children. There are international NGOs also which are working in India such as Christottel Blindermision, Sight Savers and Action Aid.<sup>113</sup> All these NGOs are playing vital role in enforcing CRC in India along with the government.

After ratifying CRC, India is continuously doing efforts to fulfill the tasks given in the provisions of the Convention. All the steps taken by India for the protection and promotion of child rights are contained in both the reports submitted by India to the Committee on the Rights of the Child in the year 1997 and 2001. The related ministries, state governments as well as NGOs are playing vital role in domestic enforcement of CRC in India.

### **Critical Analyses of India Reports on CRC**

India presented a good picture of the domestic enforcement of CRC in various fields – survival, health, education, nationality, economic exploitation, sexual abuse, street children, disabled children, juveniles etc. in its two reports submitted to the Committee on the Rights of the Child. Simultaneously, NGOs are also supposed to submit Alternative Reports to the Committee in against of the Country Reports. The data presented in the Country Reports is different from the data given by NGOs in Alternative Reports. So, the Committee criticizes Country Reports on the CRC in the light of reports submitted by NGOs.

The ground realities reveal some very striking data. Only 35 percent births are registered, one out of 16 children die before attaining 1 year of age and one out of 11 die before attaining their 5<sup>th</sup> birth day. India constitutes 35 percent of the world’s Low Birth Weight babies. India also constitutes 40 percent of child malnutrition in the world. Number of girls is declining in the 0 – 6 age-groups. There are 927 females for every 1,000 males. It is estimated that 19 children continue to be out of school of every 100 children, 70 children of every 100 children drop out before they reach secondary level. Dropping rate shows that, out of 100, there are 66 girls. 55 percent of girls are married before the age of 18 years. India constitutes largest number of sexually abused children – child below 16 raped every 155<sup>th</sup> minute and below 10 every 13<sup>th</sup> hour. Survival is a matter of great concern in India. The data shows that 2.5 million children die every year. The girls death constitute 50 percent. Neonatal Mortality Rate (NMR) declined in the 1980s but remained constant since then. In India there is 1 in every 3 malnourished children. Girl child is still under threat. While female-male ratio rose from 1991 to 2001 as in 1991 it was 927 females per 1,000 males and in 2001 it was 933 females per 1,000 males. Juvenile sex ratio declined in the age group 0 – 6. In 1991 it was 945 girls per 1,000 boys and in 2001 it was 927 girls per 1,000 boys. Census 2001 states that there are 904 girls per 1,000 boys in the metropolitan cities and 919 girls per 1,000 boys in the overcrowded slums. In the non-slums areas of Delhi, there are 859 girls per 1,000 boys and 919 girls in the slum areas per 1,000 boys. There is serious decline in the 0 – 6 sex ratio.<sup>114</sup>

The programme Sarva Shiksha Abhiyan improved the percentage of students enrolment from 61.2 to 62 percent which is below the global average of 83.3 percent. Despite it, 46 percent children from scheduled tribes, 38 percent from schedule castes and 34 percent from general continue to be out of school. The Constitution of India failed to provide education as a ‘right’ for 15-18 years of age. As far as child labour is

<sup>104</sup> Ibid., pp. 185-186.

<sup>105</sup> Ibid., p. 272.

<sup>106</sup> Second Report on CRC, n.2 p. 103.

<sup>107</sup> Bajpai, n.3, pp. 350-352.

<sup>108</sup> Ibid., p. 414.

<sup>109</sup> Second Report on CRC, n.2, p. 313.

<sup>110</sup> Ibid., p. 340.

<sup>111</sup> Ibid., p. 188.

<sup>112</sup> Ibid., p. 110.

<sup>113</sup> Ibid., p. 290.

<sup>114</sup> International Confederation of Free Trade Unions, ICFTU, October 2004, No. 6 in ‘Status of Children in India Inc’, HAQ: Centre for Child Rights, 2005 [www.infochangeindia.org](http://www.infochangeindia.org), Retrieved 28-04-2010.

concerned, it increased from 11.28 million in 1991 to 12.59 in 2001. Census of India 2001 states that 1.67 percent of the total population from 0 – 19 years age group is disabled.<sup>115</sup>

In contrary to the first Country Report, the NGOs estimated that 95 percent disabled children were not provided health services. Consumption of artificial milk rose from 10.9 percent to 55.3 percent during the first 4 months of a child's life. In 1997, there were 4,000 cases of child abuse, neglect or rape and 3,000 young people killed in conflicts. It was estimated that half of the cases of child labour in the world is found in India. There were 400,000 sex workers below 18 years. The data given by NGOs states that, between 5,000 to 15,000 girls are auctioned each year to urban brothels under Devadasi system. In one district 1,100 people including children died of malnutrition since 1993. In this way NGOs presented data regarding the enjoyment of child rights which was different in many ways to that of government.<sup>116</sup>

NGOs also played a constructive role in critically evaluating the Second Country Report of India on CRC. Regarding birth registration, it is estimated that 46 percent of births are not registered. There are still continuous reports of ill-treatment, torture and sexual abuse of children. Corporal punishment is not prohibited in the schools of other states except Delhi. There is absence of uniform adoption law and procedures. There is slow decline in infant mortality. There is lack of free, high quality primary health care centres. There is high increase of unattended home deliveries, low immunization rate, high incidence of low birth weight babies, and low rate of exclusive breastfeeding. Even there is environmental pollution specifically arsenic and lead pollution and lack of safe drinking water. There is lack of statistical data regarding disabled children. There is occurrence of early and forced marriage of girl child. It is estimated that 60 million children do not attend primary school. There is slow pace of establishment of "child lines". Conflict areas like Jammu & Kashmir and north-eastern states affect children's life, survival and development. Economic exploitation in the form of child labour is increasing. So, the Alternative Reports presented by the NGOs reveal critical picture as compared to the Country Reports.<sup>117</sup>

The Committee examines both the Alternative Reports and Country Reports. Then it gives concluding observations. Although Committee appreciates the good works done by the country, simultaneously criticizes on the ground of Alternative Reports submitted by NGOs in various fields. Now, the issues rose for open discussion in the Committee in the presence of the representatives of the member countries. The representatives are allowed to ask questions to the delegates regarding the implementation of the provisions of the Convention on the invitation of chairperson.

The Committee examined India's initial report in the 23<sup>rd</sup> session held in Geneva on 18 January 2000. After examination, chairperson allowed representatives of member countries to ask questions to the delegates of India. A number of questions have been asked. Some questions were – why there is low percentage of birth registration? Why there are attacks on dalits and corporal punishment in school? Why there is increasing number of street children? Why deaths are being occurred in observation homes? What steps were being taken to stop corruption among law enforcers to ensure that children's rights were protected? Why there is disparity between the figures in the national survey on breastfeeding and in the report of Breastfeeding Promotion Network of India? What the government is doing to end the practice of Devadasi system? What progress has been made for withdrawing 2 million children from hazardous occupations? How effective was the child labour (Prohibition and Regulation) Act 1986? Why the problem of low birth weight and low weight height not addressed in the report? Likewise many other questions were put up to the country (India) delegates.<sup>118</sup>

The delegates tried to answer to satisfy the chairperson. In response to the question on low percentage of birth registration, delegate said that there was no uniformity in the organizational structure of the registration system. Registrar General had appointed village level functionaries as "notifiers" to provide information to the relevant authority in the appropriate format. Parents in the poorer and illiterate sectors didn't understand the importance of registering birth. The cases of attacks on dalits are especially in Bihar. To some extent poverty is responsible for such violence. Government has promised to sort out the problem within the context of the law. To decrease the number of street children, the Ministry of Social Justice and Empowerment had instituted a programme, involving state bodies and educational institutions to remove street children from the streets and protect them from abuse and exploitation. In response to the question of death of children in observation homes, the delegate said that such homes were duty-bound to investigate the deaths of children in their care. The government is trying to stop corruption among law enforcers. The government is always with an aim to promote breastfeeding programme. Devadasi, although part of the Indian cultural heritage were a controversial group. However, awareness-raising programmes had been conducted in the four southern states, and women's associations had developed plans for assisting the Devadasis. The government's commitments to eliminating child labour can be traced back to the constitution, which declared that all children upto the age of 14 will be

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<sup>115</sup> Ibid.

<sup>116</sup> www.bayefsky.com.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

provided free and compulsory education. The government is devoting more resources to education of children with an aim to control child labour. The delegates assured to highlight the problem of low birth weight and low weight height in the next report.

After examining initial report the committee made some recommendations to India like implementation of legislation, good coordination, monitoring, following non-discrimination, birth registration, controlling torture, violence, caring basic health to children, standard of living, disabled children, improve education, protection from armed conflict, child labour and administration of Juvenile Justice.<sup>119</sup>

Second country Report was also examined by the committee in the same way in the 35<sup>th</sup> session held in Geneva on 26 January 2004. The committee regrets that the recommendations made after initial report have been partly implemented and some not even implemented. In the same way of initial report, the chairperson allowed representatives of different member countries to ask questions to the Indian delegates. The questions were – why data on the education of scheduled caste and scheduled tribe children had been included in the section on minority and indigenous groups, why not in the section of the report on education? What is the role of the central government in ensuring that states amended personal and family laws? How government planned to fund to achieve universal primary education by 2010? Why more than 50 percent failed to enroll in school and those who were enrolled drop out before the age of 12? Whether the government was following up proposed legal reforms regarding rape, sexual harassment and domestic violence? Why the problem of child labour is increasing besides laws and policies? What measures the government had taken to eradicate discriminatory attitude towards girls and the traditional practices like infanticide, abortion, and child marriage? Why there is no statistical information on children with disability?

A number of other questions have been asked from various areas and delegates tried to answer all the questions. In response to the first question the delegate replied that the government said that certain segments of the population had not reached the same level of development as others. The framers of the constitution had felt it necessary to include an element of positive discrimination in order to ensure that such segments called scheduled castes and scheduled tribes, were not left behind. The government showed the gross enrolment ratios for Scheduled castes and scheduled tribes children in elementary education. The government is in effort to achieve UPE. The government is spending more than 4 percent of Gross Domestic Product on education which is aimed to increase to 6 percent. India is taking efforts to protect children from involving in hazardous occupations. India had been one of the first countries to join IPEC programme in May 1992, when it had signed a memorandum of understanding with the ILO. India had launched a programme for the creation of women's self-help groups. There are a number of reasons for the failure of girls enrolment in school – poverty, conservative view of parents etc. The government is trying to solve such problems. In this way the reports received criticism by the Committee. The delegates assured to fulfill all the recommendations made by the Committee in the next report.<sup>120</sup>

### **Summary Observations**

The domestic enforcement of CRC is done by India. India did all the possible efforts to protect children. After ratifying CRC India took efforts in various fields to provide protection and promotion to children. India adopted National Plan of Action for SAARC Decade of Girl Child (1991-2000). The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, was enacted in 1994. A number of other measures were taken for survival of children both boys and girls. The programmes like MCH, CSSM, RCH, launched in 1996 to ensure health protection of children. The other programmes like UIP, ORT, NACO etc. were launched. The government approaches the goal of “Shelter for All” for weaker sections of society. The registration system of births, deaths and names is started. Juvenile Justice (Care and Protection) Act, 2000 replaced previous Act on juveniles.

The organizations like NYKS, Bal Bhavan Society, Bharat Scouts and Guides, NBDC, etc. were established to provide civil rights and freedoms to children. To provide family environment and alternate care, the government established Family Courts, CSWB, VAB, FCC, NCF, NAB, SWD, CARA, etc.

The Persons and Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act was enacted in 1995 to deal with various disabilities and their education, employment, non-discrimination etc. Regarding education and cultural activities the government started programmes like DPEP, NFE, UEE, SSA, NOS, KVS, NVS, IGNOU, NSSO, NCTE, NPNSPE known as Midday Meal Scheme, CCRT, NCPA, IGNCA, SAI, etc. which runs under the Ministry of Women and Child Development. To control child labour IPEC was launched in 1991. “Child Line Service” made available in 38 cities to lodge complaints against abuse, harassment and violence.

A number of commissions established for minority and indigenous children—National Commission on Scheduled Castes and Scheduled Tribes, National Commission for Minorities, National Commission for OBCs

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<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

and National Commission for Linguistic Minorities. A Separate Commission for children is established i.e. NCPCR. This is a landmark step regarding enforcement of CRC. In all the above mentioned efforts there has been a continuous and significant role of NGOs which sometimes works independently or sometimes in coordination with the governmental bodies for the protection and promotion of children.