



# STATUS REPORT ON CHILD RIGHTS IN INDIA

AN OVERVIEW OF THE PAST DECADE



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Ensuring lasting change  
for children

# Foreword

Children are often perceived as 'adults in the making' or as 'future citizens', and not as citizens of today. Children, as right holders must be indisputably seen and treated as individuals with their own rights, views and opinions. Though children constitute one third of India's population, our country has repeatedly failed to uphold the rights of its children and the situation of our children remains extremely dismal in all child rights related indicators viz education, nutrition, health and development and protection. There is a serious and urgent need for all of us to be committed towards children.

As our country gears up for the 16<sup>th</sup> General Elections, Child Rights and You (CRY) seriously reflects on the situation of children in India and presents the report 'Status and Trends in Child Rights in India: An Overview of the Past decade'. Through this report CRY attempts to look at the trend of child development indicators over the last decade, reveal the current status of our children and calls for urgent attention and efforts that needs to be taken in order to ensure that all children enjoy their childhood. The report comprises of the views of some eminent development thinkers and practioners working in the arena of child rights and an analysis of each child right indicator along with recommendations and steps to be taken in order to improve the situation of our children.

Since last 34 years CRY is committed to changing the way children are perceived and treated in society as well as looking at a strategic approaches and utilization of resources to maximize our impact on children. As part of its organizational goals CRY is committed to continue its efforts to ensure that every child whether in villages or towns can access high quality education that is free for all children until they turn 18 years old. Will redouble its efforts to ensure that children survive, grow and develop in a healthy manner, more mothers and children in every village and town have access to free and quality primary health care. Will aggressively tackle malnutrition by actively focussing on bringing about a reduction in the rate of child malnutrition in CRY supported project areas. Will continue its efforts by contributing towards creating a protective environment for children that is free from violence, abuse and exploitation and ensuring that children's voices are recognized as significant and unique in issues that affect them, and amplify their cares and concerns to society at large.

CRY's years of experience working with children tells us that with concerted and sustained efforts, positive change in the lives of children is certain. During this General Election, CRY wishes to reiterate that all children are right holders and it is high time we develop zero tolerance to children's rights not being protected or realized.

CRY urges all political parties to commit their action of putting children first during these general elections. CRY calls for bringing children to top priority and ensuring commitment to change the situation of children in our country.

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# Acknowledgements

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*Child Education Sector Expert:*

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*Child Protection Sector Experts:*

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Ms. Bharti Sharma: Former Chairperson of Child Welfare Committee (CWC) Delhi

Nirmal Chhaya: Child Welfare Committee Member (CWC)

Prof. Babu Mathew: Juvenile Justice Chair - Center for Child and the Law (CCL), National Law School of India University (NLSIU)

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# Executive Summary

## Introduction

India has the largest child population in the world. Over 17% of the world's children live in India, which means that every sixth child in the world today refers to India as 'home'. Of the 430 million children in the age group of 0-18 years, about 160 million are below the age of six years and about 270 million are between six to eighteen years. Though children constitute over a third of the country's 1.21 billion population; yet children appear to be the most neglected segment in India, with the rights of children being vastly ignored. From aspects related to health to that of children's education, the child related indicators paint a dismal picture.

The country's appalling child scenario is not only astounding but also puzzling, particularly because the Constitution of India accords a special status to children as deserving of special provisions and protection to secure and safeguard the entitlements of 'those of tender age.' It directs the State to ensure that children are not abused and are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. Over twenty years ago, in 1992, the Government of India ratified the United Nations Convention on Rights of the Child (UNCRC), requiring it to ensure the rights of all children to survival, protection, development and participation. Soon after, in its ninth plan, the government announced a move from a welfare-based to a rights-based approach when planning child-related policies and development strategies. This implies that all children are rights-holders and the State is the primary duty bearer. However, despite various child-oriented initiatives both on the legal as well as policy and programme levels, the condition of children in India remains dismal. It is obvious that even after six decades of Independence and a vibrant economic growth rate, a democratic India has drastically failed to uphold the rights of its children. Politicians and government officials often continue to refer to children as the 'future generation' of economically contributing adults or as the 'citizens of tomorrow', but it is important to remember that an individual becomes a citizen with citizenship rights, from the day of birth. Children cannot make political demands; they do not have the right to vote, and therefore do not have a say in electoral outcomes. However, access to early child care, education, nutrition, health and juvenile justice is essential for their positive development and is a right to which they are entitled to. It is thus imperative that they receive care, protection, essential services, and opportunities in their own right today.

## Rationale, Objectives and Scope of the Study

The present study, '**Status Report on Child Rights in India: An Overview of the Past Decade**', has been undertaken by Ms. Neeti Daftari on behalf of Child Rights and You (CRY), with a view towards using the results obtained to draw up a child rights manifesto wherein the current issues concerning children will be highlighted. The ultimate aim, therefore, is to encourage the members of various political parties to include key children's issues as an agenda item in their own election manifestos.

The key **objectives** of the study are:

- Identify and evaluate key developments and trends in the child rights space over the past decade
- Analyse the current status of child rights in India on the basis of relevant child-centric indicators, in order to identify key challenges in the child health, education, nutrition and protection sectors
- Analyze the trends in budgetary allocations for children in the Union budget since 2000
- Recommend national policy-level priorities and strategies for ensuring the rights of all children in India

In addition to being a base document for the 2014 Child Rights Manifesto, the information presented in this report is also relevant for policy makers, child-oriented NGOs, other child rights stakeholders including activists, academics, students and all members of the general public who would like to obtain a quick overview of child rights challenges existing in India over the past ten years and the possible strategies for overcoming the same.

## Methodology

The present report deliberately restricts itself to using government sourced or government approved data

in order to maintain consistency and reliability. The key secondary sources include the approach papers drafted by the Planning Commission for the Tenth, Eleventh and Twelfth Five Year Plans; the third and fourth period India reports on the Convention on the Rights of the Child; and the two sets of concluding observations of the UNCRC committee on India. In addition to these, nationwide surveys undertaken during the past ten years have also served as important reference documents during the drafting of this report. Also experts from each of the child sectors were interviewed and their inputs used to develop the broad framework and focus areas for this report.

## **Status of Children – Achievements and Challenges in the last decade**

### **I. EDUCATION**

#### *Key Achievements*

- Establishment of Constitutional and Legal underpinnings for achieving Universal Elementary Education
- Near universal enrolment and access to Primary Level Education
- Slight-moderate progress on all other education-related indicators over the past decade

#### *Key Gaps and Challenges*

- Investment and attention towards ensuring Early Childhood Care and Education (ECCE) extremely low in terms of prioritization at the central policy level
- Limited scope of the Right to Education (RTE) Act, 2009 where children from age group of 0-6 and 14-18 years are not included
- Gaps in Elementary Education with respect to quality of education, quality of teachers, irregularities in Mid-Day-Meal Schemes (MDMS) implementation, potential supply and demand discrepancy in secondary education, high drop-out rate at all levels,
- Gender disparity and social inequity

### **II. NUTRITION**

#### *Key Achievements*

- Supreme Court order for universalization of Integrated Child Development Scheme (ICDS) in 2004
- Supreme Court order in 2006 for 'Anga nwadi on demand', within three months from the date of demand in a settlement that has at least 40 children below six years of age
- Formulation of the National Food Security Act 2013, as the most important national effort yet to address nutritional deficiencies in India

#### *Key Gaps and Challenges*

- India's dismal performance on child nutrition indicators with high levels of child anaemia, undernutrition and mortality
- Concerns regarding slow movement in attainment of Millenium Development Goals (MDG) Goal 1 – "Eradicate Extreme Hunger and Poverty"
- Low resources investment for universalisation of the scheme and ineffective management of ICDS

### **III. HEALTH**

#### *Key Achievements*

- India has been polio-free for over two years, with no reported cases since February 2011
- India has accomplished mild-moderate improvements on all major child health indicators at the national level over the past decade

#### *Key Gaps and Challenges*

- Child health indicators – Infant Mortality Rate (IMR), Child Mortality Rate (CMR), Under 3 Mortality Rate (U3MR) remains a significant concern
- High levels of discrimination and exclusion continue to affect children's health status

- Concerns regarding slow movement in attainment of MDG Goals 4 and 5: Reduce Child Mortality and Improve Maternal Health
- Poor National Rural Health Mission (NRHM) functioning and poor access to child health care
- Low attention towards child health concerns of the urban poor

#### **IV. PROTECTION**

##### *Key Achievements*

- Several new legislations and legislative amendments such as Prohibition of Child Marriage Act, 2006; Integrated Child Protection Scheme (ICPS) 2009-10 and Pre-Conception and Pre-Natal Diagnostic Techniques (PC & PNDT) Act 1994, Amended in 2003 which are progressive and child-friendly in nature
- Establishment of a National Commission for Protection of Child Rights (NCPCR) in 2007, one of the few of its kind in Asia, and the subsequent setting up of State Commissions in sixteen States (NCPCR, 2013)
- Introduction of the centrally sponsored 'Integrated Child Protection Scheme' (ICPS) in 2009-10, a comprehensive umbrella scheme that covers all areas of child protection, bringing more focused attention to this sector

##### *Key Gaps and Challenges*

- India's dismal performance on all child protection indicators viz crime against children, child marriage, child labor, child trafficking, child sex ratio
- Inadequate data and documentation on child vulnerabilities
- Inadequate protection services for children with special needs
- Gaps in programme planning and implementation of Integrated Child Protection Scheme (ICPS), The National Child Labor Project (NCLP)
- Inadequacies in the Child Labour (Prohibition and Regulation) Act
- Poor enforcement and gaps in child-related legislations such as the Prohibition of the Child Marriage Act, 2006; Juvenile Justice (Care and Protection of Children) Act, 2000; Child Labour (Prohibition & Regulation) Act, 1986; Information and Technology (Amendment) Act, 2008; Immoral Traffic Prevention Act, 1956; Pre-Conception and Pre-Natal Diagnostic Technique (Prohibition of Sex Selection), 1994

#### **Budget for Children (BfC) – an analysis (2000-01 to 2013-14)**

- The proportion of total BfC to total union budget has always been less than 6%.
- From the BfC analysis, it is clear that all four child sectors including education within BfC are grossly underfunded, with budget estimates that are far too low to fulfil all programmatic requirements.
- Within BfC, the education budget has always been the highest, while child protection has consistently received the least attention.
- As a proportion of total union budget, the most substantial improvements in allocations over the past decade are noted in education followed by development.
- Overall health allocations have dropped and child protection allocations have remained relatively stagnant at an average low of about 0.04% throughout, with poor budget utilization partly to blame for subsequent low government allocations in these two sectors.
- There is no doubt that government under-investment in BfC and poor budget implementation have played a significant role in adversely impacting India's ability to meet its Five Year Plan targets and MDGs relating to children.

# The Need For Immediate Change For Ensuring Child Rights In India

## Overview

- The age definition for all child-related legislations and policy instruments needs to be harmonised at the earliest to include all children below eighteen years of age. This could begin with the appropriate age Amendments made to the Right to Education Act and the Child Labour Act
- Increase functional convergence and coordination between various sectoral programmes and policies that impact the lives of children, and ensure inter-ministerial coordination within all levels of governance
- Strengthen institutional mechanisms and capacities at National, State and District levels; ensure adequate training and capacity-building of personnel working with children at all levels, so that their effective implementation provides the necessary protection to children
- Develop a comprehensive and disaggregated database comprising of all child vulnerability indicators
- Address legislative gaps and improve enforcement of all existing child-related laws that contribute to protecting the rights of children
- Set well-defined norms and standards for programme delivery. At the same time, provide flexibility of norms to address critical needs at the community level by creating a wide-ranging pool of possible resources
- Increase accountability of implementing agencies by improving monitoring mechanisms
- Establish State Commissions for Protection of Child Rights (SCPCRs) in all States, which are closely monitored and mentored by the NCPCR
- Institutionalise Child Participation and incorporate children's views into mainstream policy and programme formulation processes by enabling and encouraging bal panchayats, child friendly village panchayats and urban local bodies where children's voices are heard and their rights are respected, protected, facilitated and fulfilled
- Strengthen the protective and nurturing environment for children in the family, community and in service institutions like crèches, Anganwadi centres, schools, health centres, child care homes through improved coverage and quality of services
- Facilitate national campaigns which address deep rooted social norms and traditions that contribute to violating the rights of certain groups of children, so as to help negate the root causes of their exclusion and exploitation
- Formulate a strategic approach to respond holistically to the emerging needs of children of excluded groups such as girls, Scheduled Castes, Scheduled Tribes, vulnerable minorities, and children with special needs
- With the RTE Act now in effect, schools should be made the prime site of child rights and child protection activity. Within the protective school premises, children should be able to avail the entire child rights spectrum i.e. education, health (through school health programme under NRHM), nutrition (through MDMS), and protection (through CRC and child rights awareness included in the curriculum)

## A. Education

- Ensure adequate commitment to ECCE
- Ensure appropriate implementation of MDMS
- Expand the scope of Rashtriya Madhyamik Shiksha Abhiyan (RMSA)
- Attention to Important policy and programmatic priorities in elementary and secondary education
- Reduce drop-out rate by improving student attendance and quality of elementary education
- The upper primary stage should be the prime SSA focus with a specific focus on addressing residual access
- Expand secondary infrastructure and quality to meet potential high demand
- Ensure quality teacher recruitment
- Attain gender parity and social equity in education
- Extend the scope of the Right of Children to Free and Compulsory Education Act, 2009

## **B. Nutrition**

- Reform, restructure and strengthen implementation of the Integrated Child Development Scheme (ICDS)
- Address the existing gaps in the National Food Security Act, 2013
- Universalised (as opposed to targeted) food security for children up to age eighteen years
- Extend the scope of Mid-Day-Meal Schemes (MDMS)

## **C. Health**

- Accelerate improvement on child health indicators by strengthening primary health care systems that provide a continuum of care
- Address gaps in NRHM management, implementation and on-ground resource availability by having specific focus on marginalized group, having schemes for child mental health/substance abuse issues.
- Ensure adequate attention towards child health amongst the urban poor
- Declare Right to Health as a Fundamental Right in the Constitution of India

## **D. Protection**

- Strengthen documentation and database on child protection indicators to develop appropriate policies and programmes
- Develop strategies to ensure the rights of Children with Special Needs
- Develop an intensive multi-pronged national strategy to improve the Child Sex Ratio (CSR) within the theme of achieving overall gender parity
- Ensure more effective Implementation of the Integrated Child Protection Scheme (ICPS) by strengthening rehabilitation and reintegration measures with the JJS
- Need for Amendment and strict implementation of the Child Labour (Prohibition and Regulation) Act

## **E. Financial Commitment**

- Ensure 10% of total budgetary allocations as Budget for Children towards realization of child rights
- Ensure effective National, State and District-level management and utilization of outlays/ budgets
- Introduce a child budget component in all allied Ministries