

# STATE OF CHILD RIGHTS IN INDIA



## PROLOGUE

India belongs to the comity of nations who have reaffirmed successively to global commitment towards the cause of children. The Convention on the Rights of the Child (CRC) has been a watershed in the recognition of the basic needs of the child as their rights and 192 countries have accepted that the needs and the rights of the children are similar world over notwithstanding their socio-economic, geographical and cultural differentials. The ratification of the Convention by India signaled its solicitousness to furthering the rights of the children and was a step further from recognizing state's obligation towards the welfare of the children in the Constitution of India-the highest legal document of the land. It reflected the country's commitment to provide basic needs of life, health, and education, protection from exploitation and servitude and respect to the opinion to its over 400 million child population.

On the development indicators India has fared quite well over the decade. The literacy has improved from 52% to 65%- highest increase in any decade since independence. Literacy rate among women have increased more than men suggesting that women have responded more enthusiastically to the empowerment and literacy campaigns. School attendance rates among children in the age 6-14 went up to 79%- 74% among girls and 83% among boys. 83% population has access to safe drinking water. Polio vaccination too, has increased significantly.

However, we are still lagging in certain vital respects and child centric indicators contradict the growth. The infant mortality rate is still very high at 68 per 1000 live births. We have not been able to arrest high maternal mortality ratio (around 540 deaths per 100,000 live births). Routine immunization coverage has tended to decrease over the last five years from 60-40%. The scepter of the deadly disease AIDS is threatening the youths with unprecedented ferocity with half of the new infections targeting people below 25 years of age. We have also failed to remove gender biases in birth with the result of sex ratio of the child population (0-6 years) falling sharply from 945 to 927. 47% of the children (below 3) are still malnourished.

At this juncture, when our commitments to the CRC and its gamut of social, economic, political and cultural rights for the children, have been a decade old, there is a pertinent need to evaluate the progress from the child rights perspectives and to retrospect whether we have been able to integrate the rights of the child with the development in consonance with the “ first call of children” on our resources, our policies and programmes and above all our perspectives.

The present profile is an endeavor of the civil society organizations to review the progress of child rights and commitments made towards the children of the country vide various international and national instruments. The profile looks into the status of rights in India and the states of Uttar Pradesh, Uttaranchal, Madhya Pradesh, Chhattisgarh and Punjab. The CRC rights to survival, protection, development and participation serve as the four broad indicators along which the profile has tried to map the status of child rights in the country as well as the abovestated states.

The profile is not based on any scientific methodology neither it claims to produce either a comprehensive or an exhaustive account of the status of child rights or of the policies or programmes, directly or indirectly oriented towards them. It is rather an overview, which aims at providing a background to the child rights in India, highlighting their major concerns, identifying gaps in the current policies and programmes and suggesting indicators for future initiatives and interventions.

The idea behind conducting such a mapping exercise has been to present an overview of the status, policies and programmes to invest them with the child rights outlook as well as to expand the panorama of child rights in the country and the states. The profile also seeks to elucidate on the possible areas of joint intervention. It besides presenting an all India level perspective, also aims at exploring regional and programmatic differentials in different states. The profile draws largely from secondary sources of data and literature enriched with primary level sources wherever the time permitted.

The profile aims at sensitizing the reader, practitioners, beneficiaries and other stakeholders to the importance of recognizing child rights as the indicators of child welfare, the urgency to give them primacy in consonance with the CRC’s theme of the “first call of children”

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## Chapter 1

### CHILD RIGHTS AND INDIA

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#### 1. INTRODUCTION

Children signify eternal optimism in the human being and provide potential for the development. Every nation whether developed or developing links its future with the status of the child. A child of today cannot develop to be a responsible and productive member of tomorrow's society unless an environment, which is conducive to his social and physical health, is assured to him. Neglecting children means loss to the society as a whole. If the children are deprived of their childhood-socially, economically, physically and mentally the nation gets deprived of the potential human resources for social progress, economic empowerment, peace and order, social stability and good citizenry.

India has the largest number of children in the world. India's heritage of a stable family life and traditional joint family system helped children grow into an atmosphere of warmth and affection into a secure future. However, with the changing socio-economic vertices weakening of the institution of joint family and resulting nuclearization of the families children were deprived of that enabling atmosphere and were propelled into an atmosphere where the parental care to the childhood started being shared with the institutions like school. In the rural set up too, there has been a trend towards the nuclearization undermining the emotional, psychological and the social support, which used to go into the child's upbringing. Besides, in the poorer families the children also started to share the burden of running the households. These children were deprived of both parental and institutional care, even where institutional care was available to the children, it was a very poor substitute to the parental care.

The concept of rights of the child though running in the socio-cultural ethos, did not get explicit recognition less the wider acceptance of the society. We as a society agree that children need to be protected and at the most agree to a passive role for the children. The belief that children do have rights as adults, that they should participate in the decisions taken regarding their lives, that they should be involved in these processes is

yet to be internalized as a part of the value system. Though India is being projected as one of the leading developing nations, on the verge of becoming a developed country, but the progress on the rights of the child belie all these claims and achievements.

Every year 21 million children are born in India of whom 8 million die due to various infections and diseases. Nearly 13 million children are being added every year to the child population.<sup>1</sup> The task of ensuring right to every child is enormous given the huge number of children in the country and its multicultural and often diametrically opposed social ethos. While in the upper echelons of the society, the protectionism often leads to adults completely controlling the lives of the children and taking decisions on the part of the children and in the process depriving children of the opportunities to develop into a complete, independent, socially aware being. On the other hand, children in the poorer families end up sharing the burden of families' race up the social ladder, oblivious of the grotesque violations of the rights of the child.

## **2. U N CONVENTION ON THE RIGHTS OF THE CHILD**

On the 20<sup>th</sup> Nov.1989, the General Assembly adopted the Convention on the Rights of the Child. With the exception of the USA and Somalia 192 countries have affirmed their commitment to the Convention.<sup>2</sup> The UN Convention on the Rights of the Child (UNCRC) is the most comprehensive international instrument on the rights of the child. This Convention lays down standards for the physical, moral, mental, spiritual and social development of the child and views the child as one of the most fundamental human rights concern. India ratified the convention in December 1992.<sup>3</sup>

The UNCRC is based on the Universal Declaration of Human Rights and International Covenant on Human Rights. The Convention through its 54 Arts. views the child as an individual possessing a number of economic, civil, social, political and cultural rights. The right to Survival, Protection, Development and Protection form the core of the Convention.

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<sup>1</sup> The Lost Innocence, Nadeem Mohsin, 2001

<sup>2</sup> State of world children 2003

<sup>3</sup> First periodic report the UN CRC, 1994

Right to Survival: The right to survival includes the right to life, the best attainable standards of health, nutrition and an adequate standard of living. It also includes the right to registration of birth, name and nationality.

Right to Protection: The right include freedom from all forms of exploitation, abuse, inhuman and degrading treatment including the right to special protection in the situations of emergency and armed conflicts. Protection against drug abuse, disease and disability and protection to children on the other side of the law also is an integral part of the right to protection.

Right to Development: It consists of the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities.

Right to Participation: The right to participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion.

These rights aim to ensure harmonious development of a child's personality in the most formative years of life. The Convention makes it obligatory for all the ratifying countries to undertake appropriate measures to help parents and others to fulfill their respective obligations to children and to make fundamental changes in their national laws, institutions, plans, policies and practices to conform to the Convention's principles. The fundamental tenet in the convention is that the all the actions should be taken in the best interests of the child.

### **3. INDIA: THE LAND AND THE CHILD**

India having a population of 1027 million (as on 1 March 2001) and covering an area of 32,87263 sq. km. is the 7<sup>th</sup> largest country in the world. One of the oldest civilizations, it accounts for 2.4% of the world area and 16.7% of the world population.<sup>4</sup> During its 56 years of independence, it has achieved multifaceted socio-economic progress. It has achieved self-sufficiency in agricultural production and is the 10<sup>th</sup> industrialized country

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<sup>4</sup> Census of India 2001, Provisional totals

in the world. One of the leading democracies, a union of 28 states and 7 union territories, it is administered by a parliamentary democracy of Westminster type. The Constitution of India, the highest legal document and the charter of the governance is a unique blend of federal and unitary features which has strengthened the unity and integrity of the nation and also buttressed the social fabric of the country helping people from various socio-cultural backgrounds to assimilate in the national life.

India's population as on 1<sup>st</sup> March 2001 stood at 1,027,015,247 comprising of 53,12,77,078 males and 49,57,38,169 females. India became only second country after China to officially cross the one billion mark. The population of India has increased by a whopping 180.6 million during the decade 1991-2001. The per cent decadal growth of population ranged from 9.42% in Kerala to 64.41% in Nagaland. Delhi with 46.31%, Chandigarh with 40.33% and Sikkim with 32.98% also registered very high growth rates.

The population density of India is 324 per sq km. The number of persons living in per sq km has increased by 21.3% in 2001 as compared to 1991. The population density within the country widely varies across the states and UTs from 13 per sq km in Arunachal Pradesh to 9,294 in Delhi. Among the states West Bengal is most densely populated at 904 followed by Bihar at 880 per sq km.

Sex ratio of the country has always remained unfavorable to females. Presently, it is 933 for the country as a whole. This is a welcome improvement from the 1991 Census, which had recorded 927 females per thousand males. Among the states the sex ratio ranged from 861 in Haryana to 1,058 in Kerala followed by Pondicherry at 1,001. Delhi recorded the lowest sex ratio in the country at 821 females per 1000 males.

The literacy rate in the country is 65.38% meaning that more than 65 persons (aged 7 and above) are literate in every 100 persons. The literacy rates for the males and females stood at 75.85 and 54.16 respectively. Kerala retained the position by being on top with a 90.92% literacy closely followed by Mizoram (88.49%) and Lakshadweep (87.52%). Bihar with a literacy of 47.53% ranks lowest preceded by Jharkhand (54.13%) and Jammu and Kashmir (54.46%). Kerala also occupies the top spot both in male literacy with 94.20% and female literacy with 87.86%. On the contrast Bihar has recorded the lowest literacy rates both in case of males (60.32%) and female (33.57%)

In its 56 years of independence India has recorded many achievements on the socio-economic indicators. Despite these achievements India's position on the human development report remain low, in fact lower than many other developing countries like Bangladesh and Sri Lanka which have not achieved progress in material terms which India has achieved. India's record on the child rights remains chequered despite many notable achievements. Significant achievements include the steady reduction of infant and child death rates, provision of safe drinking water to over 85% of rural settlements, increase in food grain production, a continuous decrease in vaccine preventable diseases and the expansion of health care and child development services and the primary and elementary school infrastructure. However, adequate nutrition, care and shelter are not guaranteed to every child. Many still do not manage to enroll and many more drop out of the school education system. Girls are still being discriminated against and disproportionately deprived in many sectors of development. There are daily violations of the child's right to a secure childhood. Extreme right violations include bonded child labour, sale and trafficking of children for prostitution, and female foeticide and infanticide.<sup>5</sup> The circumstances indicate that there is a huge gap between the policies and the reality of the Indian child. The programmes and policies have yet to contend with adverse social traditions and attitudes. There have been improvements but the pace is slow and definitely does not betray the first call of children on our resources. India's child population of more than 400 million continue to be placed precariously faced with limited opportunities of survival, protection, growth and development.

#### **4. DILEMMA OF THE AGE OF THE CHILD**

India's Constitution, legislation and policy offer extensive safeguards to the human rights of the children. The country's accession to the CRC has enlarged the range of national obligations. Recent policies and programmes as well as the judicial measures have further strengthened prospects for realizing the full range of children's rights. The government has declared its commitment to "every child". In reality however, more than country's 400 million children continue to face sizeable challenges in their effort to survive, develop, and prosper to their full potential in a secure and nurturing environment.<sup>6</sup> The dilemma for them begins right from the definition of the child. We as a

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<sup>5</sup> Situation of women and children, UNICEF in India 1999-2002

<sup>6</sup> UNICEF in India 1999-2002

country have still not been able to decide as to who is a child! Different Acts and statutes define the child variously as regards the requirement of age. While the Convention states that the child is a person who has not attained the age of 18 years, in India the age of the child still remains a dilemma. There is a battery of almost 350 statutes of center and the states, which supposedly seek the enforcement of the rights of the child and accord some protection/benefits to the child; however, the age of the child remains a matter of debate.

<b>Statute/ Acts</b>	<b>Age of the child</b>
Indian Majority Act, 1875	18 years
The Child Marriage Restraint Act, 1929	21 years for male and 18 years for female
The Children (Pledging Of Labour) Act, 1933	15 years
The Factories Act, 1948	14 years
The Apprentices Act, 1961	14 years
The Women's And Children's Institutions (Licensing) Act, 1956	18 years both for male and female
The Mine's Amendment Act, 1983	18 years
The Child Labour (Prohibition And Regulation Act, 1986	14 years
The Immoral Traffic (Prevention) Act, 1986	16 years
The Juvenile Justice Act, 2001	18 years
The Draft Bill Of The National Commission For Children, 2000	14 years

## **5. CONSTITUTIONAL COMMITMENTS TO THE CHILDREN**

Though the concept of the rights of the child was not very lucid at the time of making of the Constitution, it was envisioned that children are the assets of the country. They need protection and provisions to develop in complete beings capable to steer the nation. The Indian Constitution contains certain provisions specifically aimed for protection, development and welfare of children. Art.24 prohibits the employment of children in any factory or mine or in any other hazardous occupation. Art. 39 (e) & (f) in DPSP lay down that the state shall direct its policy in such a manner that the tender age of the children is

not abused and children are given opportunities and facilities to develop in a healthy manner and the childhood is protected against exploitation and against moral and material abandonment. Recently inserted Art. 21 A (vide 86<sup>th</sup> Amendment) provide the fundamental right to primary education to the children in the age group of 6-14 years. Art. 45 in the DPSP creates provision for the early childhood care and education of children.

Prior to the Fifth Five Year Plan, the government's focus was on the child welfare through the promotion of basic minimum services for children. It led to the adoption of National Policy for children in the 1974. The 5<sup>th</sup> FYP saw the launch of ICDS in 1975. The ICDS was gradually expanded to cover more districts. Finally in the 9<sup>th</sup> FYP (1997-2002) the government of India has declared its commitment for every child.

However, there has been very little corresponding increase in the government allocation and spending on children. The Haque Centre for Child Rights indicated that there has been a rise of 0.6% (from 0.6-1.2%) in the Union budget of 1998-99. It meant that for every 100 rupees spent 1.20 rupee spent on children. The highest percentage spent in any single year was 1.8 in 1997-98. It declined to 1.6 in 1998-99.

## **6. OTHER LEGISLATIVE SUPPORT TO THE CHILD RIGHTS**

There are a host of other legislations, which guarantee to a substantial extent the rights and entitlements as provided in the Constitution and in the UN CRC

The Child Marriage Restraint Act, 1929

The Children (Pledging of Labour) Act, 1933

The Factories Act, 1948

The Apprentices Act, 1961

The Women's and Children's Institutions (Licensing) Act, 1956

The Mine's Amendment Act, 1983

The Child Labour (Prohibition and Regulation) Act, 1986

The Immoral Traffic (Prevention) Act, 1986

The Guardian and Wards Act, 1890

The Hindu Minority and Guardianship Act, 1956

The Hindu Adoption and Maintenance Act, 1956  
The Orphanages and Other Charitable Homes (Supervision And Control) Act, 1960  
The Probation of Offenders Act, 1958  
The Reformatory Schools Act, 1897  
The Young Persons Harmful Publications Act, 1956  
The Infant Milks Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution Act, 1992  
The Prenatal Diagnostic Technique (Regulation, Prevention and Misuse) Act, 1994  
The Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995  
The Juvenile Justice Act, 2000  
(Source: India Country Report to the UN CRC, 1997)

It is notice worthy that among these legislations 4 belong to the pre independence era, long before the international community started recognizing the rights of the child. Obviously these legislations are meant for the benefit of children but are divorced with the rights approach. At best they can seem to be invested with protectionist welfare approach. Even in the legislations carried out after India became a signatory to the CRC (only 3), the welfare approach is all-pervasive. They aim at welfare of the children rather than according them any justiciable rights.

## **7. CHILD POPULATION IN INDIA**

In the absence of a nationally agreed definition of the child the exact number of child remains a matter of speculation and conjectures. The Census of India categorized children only in three categories of 0-6 and 6-14 and above. It gives child population only in the age-group of 0-6 years. According to the Census of India, 2001 Provisional Population Totals, the population in the age group 0-6 years is 157863145 comprising of 81911041 males and 75952104 females constituting 15.36% of the total population. According to the Population Projections in the Selected Educational Statistics Estimates there are 118257,000 persons in the age-group 6-11, 74468,000 persons in the age-group 11-14 years and 91727,000 persons in the age-group 14-18 years.<sup>7</sup> The total number of children (0-18 years) according to these estimates comes to 442315145 (442

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<sup>7</sup> Abstract of selected Educational Statistics, 2001, Pp----

million) persons. The UNICEF puts this figure at 398 million.<sup>8</sup> However, internationally it is agreed that India has more than 400 million children.

## **8. NEED FOR THE STUDY**

On India lies the responsibility of giving as huge number of children, 1/5<sup>th</sup> of the world child population a sound present and a secure future. The rights of the child need to be recognized, acknowledged and rhetoric of all rights for every child need to translated into the reality. The present study attempts to evaluate the commitment of the country, the programmes and policies on the plane of action.

The study aims to provide an overview of the state of child rights in India with the objective of catalyzing a wider debate among the stakeholders, practitioners, CSOs and the non-government and the government organizations to expedite the progress on the child rights and focus the areas, which need urgent attention. The debate should lead to a greater sensitization of the society about the rights of child bringing it to the fore, which it rightly deserves. In India the children constitute more than 40% of the total population but they have been the worst sufferers in any human induced or natural cataclysms. The recognition of the rights of the child requires a conscious effort in the thinking and the perspective among the adults supported by a child centric rights based approach in the programmes in general and programmes aimed to benefit children in particular. In the absence of a rights based perspective, the policies and the programmes become more an issue of implementation rather than providing well-deserved rights to children. The recognition of rights of the child by different players in the society and the state only can result in services being demanded as a matter of right and being provided as matter of obligation on the part of the state rather than being perceived as a bounty of the state.

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## Chapter 2

### METHODOLOGY

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The study was undertaken by PAIRVI (Public Advocacy Initiatives For The Rights And Values In India) as a part of the National Campaign on Child Rights (NCCR). The Campaign seeks to alleviate the situation of child rights in India by mobilizing a mass opinion in its favor and bridging the gaps between the needs and the rights of the children and the policies of the government. The Campaign started in 2001 has partners in the 12 states of India namely Uttar Pradesh, Uttaranchal, Rajasthan, Haryana, Punjab, Delhi, Madhya Pradesh, Chhattisgarh, Jharkhand, Andhra Pradesh, Tamil Nadu, and Maharashtra.

#### **Objectives of the study**

The specific objectives of the study are the following:

- To explore the progress of the rights of the child as enshrined in the CRC
- To bring out objectively the status of the policies/programmes of the government to further these rights and their impact on the child rights scenario in the country
- To explore the state and progress of child rights in the 5 states of UP, MP, Chhattisgarh, Uttaranchal and Punjab on the similar indicators as far as practicable in the view of the availability of the data.
- Dissemination of the findings/ information among different stakeholders and players
- Lobbying for desired policy level changes and different level of Central and state government functionaries to ensure the optimum utilization of the available policies/programmes and service delivery mechanisms.

## **Sources and tools of data collection**

The study profiles the state of child rights in India and different states on the basis mainly of data available from the secondary sources. The data from secondary sources were also supplemented with the primary data in certain states depending upon the availability of time and expertise requisite for the purpose.

The profile does not claim to be based on a scientifically designed methodology as the urgency of the concern overwhelmed the requirement of the accuracy of the facts and statistics. The study is a compilation of the facts available from the secondary sources with little data from the primary sources collected from the target area/states collected more with zeal than with scientifically designed tools. The secondary sources include:

Census of India, 2003, Provisional Population Totals

The First and Second Country Report on the Rights of the Child by DWCD  
India, 2003

Economic Survey of India, 2003

The State of World Children, 2002, 2003, 2004

UNICEF in India, (1999-2002): Challenges and Opportunities

Annual Report, WCD

Annual Report, Deptt. of Education

Annual Report MoHRD

[www.wcd.nic.in](http://www.wcd.nic.in)

[www.yas.nic.in](http://www.yas.nic.in)

[www.socialjustice.nic.in](http://www.socialjustice.nic.in)

[www.unicef.org](http://www.unicef.org)

[www.censusofindia.nic.in](http://www.censusofindia.nic.in)

## **Indicators**

The CRC rights of the survival, protection, development and participation were taken as the broad indicators. The rights of the child were evaluated by ungrouping these rights in the specific rights. For instance, the right to survival was ungrouped into the inherent

right to life (Art. 6), right to birth registration, name and nationality (Art.7) and right to highest attainable standards of health (Art. 24) of the CRC, 1989

Some of these rights, more relevant in view of the socio-economic and legal conditions in India were included in the purview of the study while few other were left out. The study, by no means wish to state that the rights left out of the purview/scope are not important but only that these rights do not relate necessarily to the existential well being of the children. A multitude of factors including socio-economic and legal conditions, lack of availability of data, time- constraints, availability of any earlier exploratory study and priority of children's concerns compelled us to leave those outside the purview of the study. For instance, in the right to survival, the inherent right to life and right to highest attainable standards of health were considered more important and directly related to wellbeing of the children, a basic necessity, than the right to registration of birth, name and nationality which is supposedly of lesser importance in Indian context.

Certain specific indicators were devised to evaluate the each right of the child. For instance, the inherent right to life (under the right to survival) was evaluated on the IMR, CMR and U5MR indicators. Similarly the right to highest attainable standards of health was evaluated on the parameters of immunization coverage, nutritional status, access to safe drinking water etc.

### STATE OF CHILD RIGHTS IN INDIA

Rights	Broad indicators	Specific indicators
Right to Survival	Right to life	Birth & death rates & rate of growth
		IMR, U5MR, CMR, Life expectancy
		Sex ratio etc. and gender differentials in birth and survival
	Right to birth registration, name and nationality	No. of births registered
	Right to highest attainable standards of health & nutrition	Nutritional status and interventions available
		Magnitude of Child labour

Right to Protection	Protection against any kind of violence, exploitation & neglect	Child marriages, child prostitution and available interventions
	Protection from disease, disability & drug abuse	Diseased and disabled children and facilities available to them
		No. of drug addict
		Immunization status
Protection to children in conflict with law	No. of juvenile delinquents and facilities available to them	
Right to Development	Right to education	Ed. Infrastructure
		Literacy rate, gross enrollment, attendance, drop out etc.
		Mid day meal status
	Right to leisure sports and culture	Schools running physical ed, play ground and other facilities
		SAI interventions, sports scholarships
		Promotion of cultural activities among children
Right to vocational skills training	Schools providing vocational training	
	ITIs and other similar institutions	
Right to Participation	Right to express their views	
	Right to thought, conscience and religion	
	Right to form association & peaceful assembly	

### Nature and scope of the study

The study is an exploratory study aiming to profile the state of child rights in India and the 5 states of UP, MP, Chhattisgarh, Uttaranchal and Punjab. The states profiled are the target area of the organization. Besides, these states except Punjab are low on the development indices and are components of BIMARU states. The child rights record of these states too, is unfortunately far from satisfactory.

**Problems/ handicaps in the study**

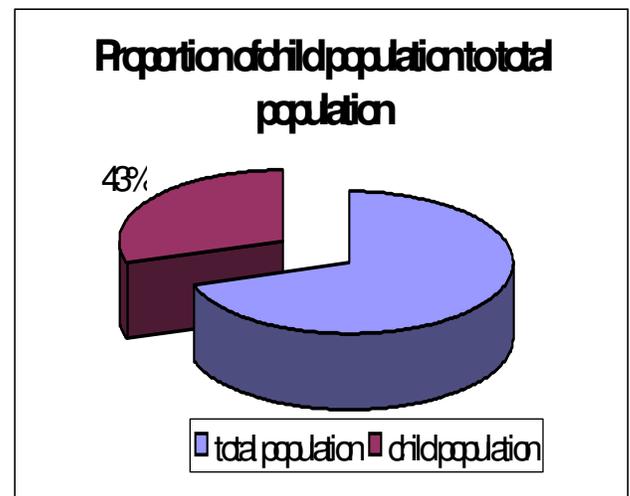
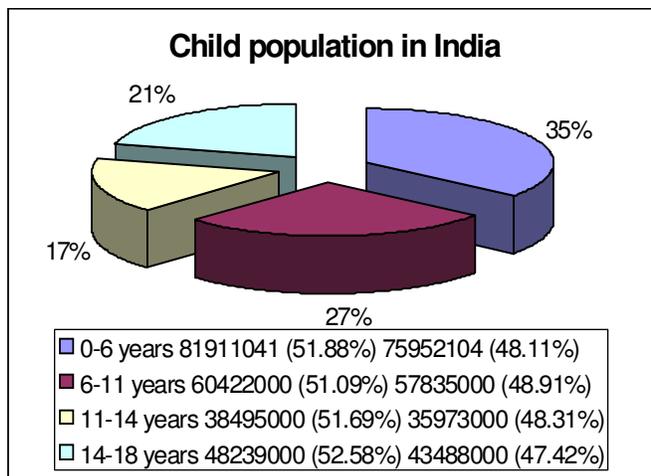
Lack of updated/data on each indicator has been a major handicap in the study. Most of the official reports quote 1991 Census data as the latest. Therefore, the report could not have the benefit of readily available data. The government reports/second periodic report on the rights of the child (SPR) etc. are very prolific in stating the provisions available but fail to record their impact or enabling the children to achieve these rights. Most of the reports also do not lay down the number of beneficiaries under specific projects.

## Chapter 3

### THE STATE OF CHILD RIGHTS IN INDIA

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**1.1 Child population in India:** India has 157863145 persons in the 0-6 age group out of, which 81,911,041 are boys and 75,952,104 are girls. Population in 0-6 age group constitutes 15.42% of total population of the country. Selected Educational Statistics, 2001-2002 gives the projected population in the age groups 6-11, 11-14 and 14-18 years. -----Computing total child population (0-18 years) on this basis gives us 44231145 persons among whom 229067041 are males and 213248104 are females.



**1.2** The child population constitutes 43.06% of the total population. It is more than the population of 4 most populous states of India UP, Maharashtra, Bihar and WB taken together. It is more than the population of US and Japan taken together (408.3 millions). It is more than 1.5 times the population of the US and more than 2.8 times the population of Pakistan.

**1.3** It is noticeable clearly that proportion of females in the child population is declining progressively with the age. The Census in 2001 has also shown a decline in the sex

ratio in the age-group 0-6 years in the several states. For the country as a whole the sex ratio in 0-6 has declined to 927 from the previous 945 in 1991 Census.

## **2. Right to survival**

Related provisions in the CRC

- Every children has an inherent right to life (Art.6)
- The right to be registered (birth registration), to a name and to nationality (Art.7)
- The right to enjoyment of highest attainable standards of health and nutrition (Art. 24)

2.1 The right to survival is a compendium of right to life, right to registration of birth, name and nationality and the right to highest attainable standards of health. The basic indicators are infant mortality and under 5 mortality rates. Gender differentials in birth and survival reflect equal right of the girl child to life. Nutritional status of children further shows that whether they are achieving the highest attainable standards of health and nutrition or not. The right to safe drinking water also constitutes an important component of right to survival, as water borne disease has been a bane for the children.

### **2.2 Programmes and Policies**

I. National Health Policy 1983 provides a comprehensive framework for planning, implementation and monitoring of health care services. Based on the National Health Policy, the National Plan of Action for Children was drafted in 1992 its major goals were the reduction of IMR to less than 50 per 1000 live births, and reduction of CMR to less than 10 by the year 2002. It aimed to eradicate polio by 2000, eliminate neonatal tetanus by 1995, reduce measles deaths by 95% by 1995 and measles cases by 90% compared to pre immunization status, achieve and maintain immunization coverage at the level of 100% for infants, reduce by 50% deaths due to diarrhoea in children under 5 and to reduce the incidence of diarrhoea by 25%, and reduce mortality rates due to ARI among children under 5 by 40% by 2000. National Health Policy, 2002 aims to bring the IMR to 30/000 and MMR to 100/000 by 2010.

II. Improvement in the health status of the population is a major thrust area of the health programmes being undertaken in the country. This is sought to be achieved through improvement in the access to and utilization of health services in the country. The expenditure on health comprises 5.2% of the GDP with public health investment at 0.9%.<sup>9</sup> National Health Policy, 2002 aims at achieving the acceptable standards of good health amongst the general population and has set certain quantitative targets for the next two decades.<sup>10</sup> The Tenth Five Year Plan also commits itself to “Ensure survival, protection, Development of children through a rights based approach.”

III. The Department of Women and Child Development (DWCD) established in 1985, is the nodal agency for formulating policies and programmes, enacting and amending legislations and implementing various interventions for the overall development of women and children and the RCH Programme launched in 1997 are primarily responsible for the health of children.

IV. The Integrated Child Development Services Scheme (ICDS) is a flagship project of the DWCD aimed at holistic development of the children in the age-group 0-6 years and pregnant and lactating mothers from disadvantaged sections. The scheme seeks to provide a package of supplementary nutrition, immunization, health check up, referral services, preschool non-formal education and health and nutrition education. **Starting from 33 blocks in 1975 now ICDS is covering 5652 blocks (4533 rural and 360 urban slums). As on 30<sup>th</sup> September 2002, 4761 projects were operational benefiting about 332 lakh children and 62 lakh pregnant and lactating mothers.<sup>11</sup> The number of beneficiaries per center also registered a steep increase of 20% (April 2001 to Sept 2002)**

### **2.3 Current status of Infant, child and under five mortality**

I. Presently all India infant mortality rate is 68 deaths per 1000 live births, while child mortality and under 5 mortality rates are 29 and 94.9 deaths per 1000 live births.<sup>12</sup> In other words 95 out of 1000 born do not live to the age of 5 years. 1 in 15 children die in the first year of life and 1 in 11 die before reaching age 5.

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<sup>10</sup> “Acceptable health” compromises with the best attainable standards of health guaranteed in the CRC. Neither it is defined.

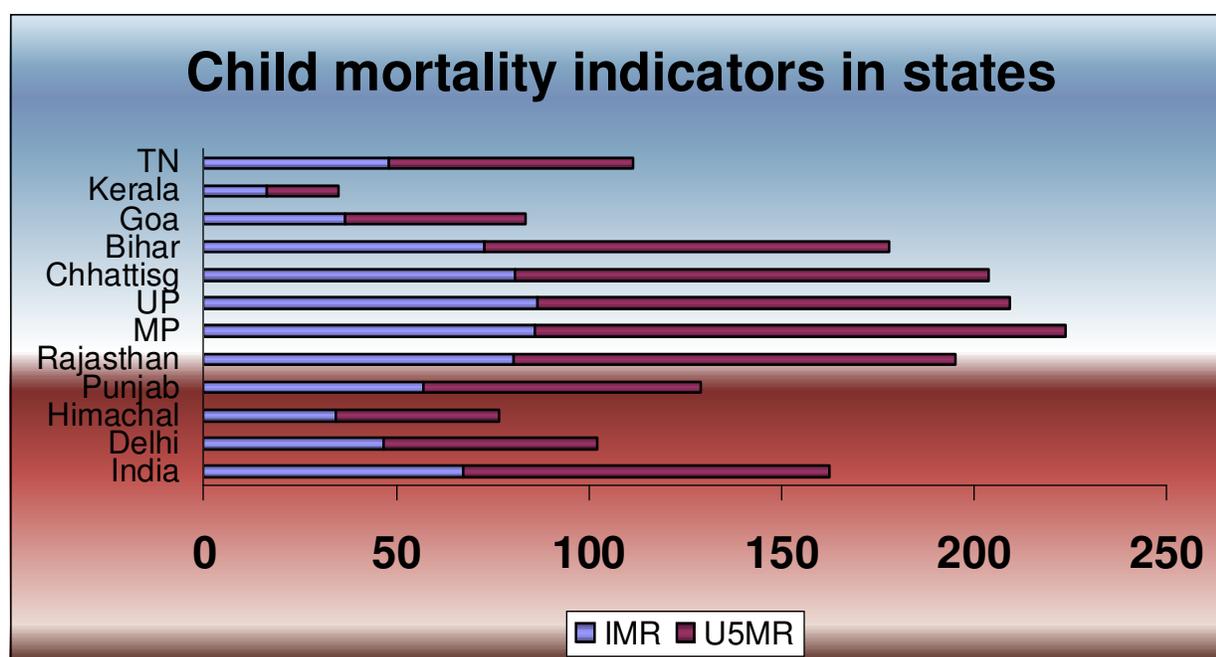
<sup>11</sup>

<sup>12</sup> NFHS 2

### IMR, CMR & U5MR per thousand live births

IMR	CMR	U5MR
68	29	94.9

II. IMR ranges from 80-89 in Meghalaya, UP, MP, Orissa and Rajasthan to a low of 16 in Kerala and 34-37 in Himachal, Goa, Mizoram and Manipur. While IMR peaks in UP at 86.7, U5MR peaks at 137.6. Kerala has recorded lowest IMR as well as U5MR



III. IMR were found to be 2 and ½ times more for the women who did not receive recommended maternity related care than for the women who received such care. IMR was 50% higher among children born to young mothers under 20 years of age than among children born to mother age 20-29 (93 deaths as against 63 per 1000 live births). IMR was also nearly three times higher among children born less than 24 months after a previous birth as among children born after a gap of 48 months or more (110 deaths as compared to 39 per 1000 live births)<sup>13</sup>

## 2.4 Nutritional status

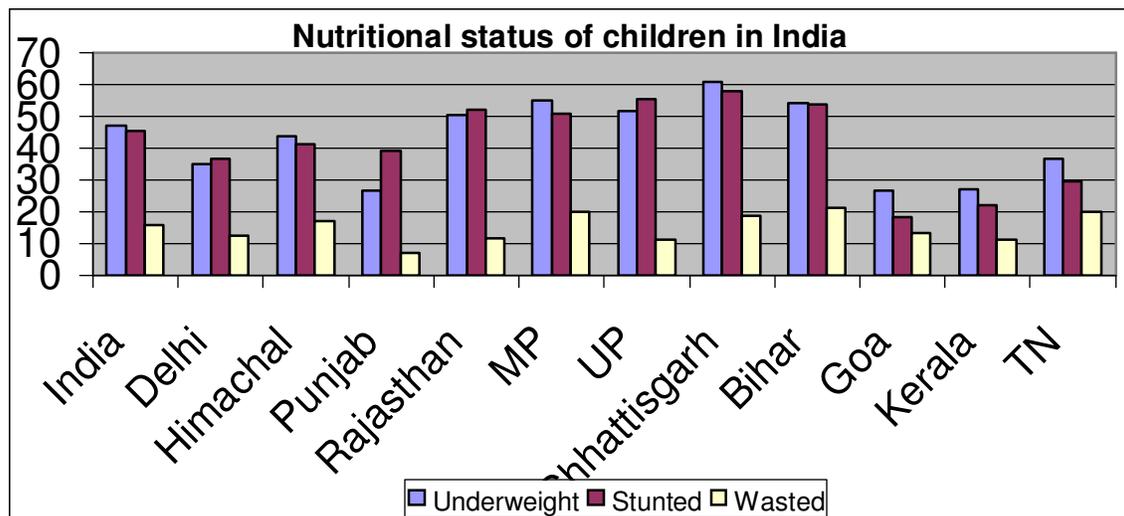
<sup>13</sup> NFHS 2

I. India accounts for the one third of world's children who suffer from malnutrition. One half of the children under the age of 5 are moderately or severely malnourished and 30 of the newborn children are significantly underweight.<sup>14</sup>

## II. Programmes and Policies

Under the ICDS scheme DWCD implements the food supplementation programme to tackle malnutrition among children. MOHFW implements programme for tackling major micronutrient deficiencies such as vitamin A and iodine deficiency, etc. Under the PMGY 15% of the Total Additional Central Assistance are earmarked for the nutrition of infants and children below 3. Under the National Programme Iron and folic acid tablets containing 20 mg. of elemental iron and 0.1 mg. of folic acid are provided at the sub center.

III. **Current Nutritional status** NFHS-2 reports that 47% children in India under age 3 are underweight while 46% are stunted and 16% wasted. Under nutrition was found much higher in rural areas and is particularly high among children from disadvantageous socio- economic group. 74% children in the age group of 6-35 months were found anemic and it varied from 44% in Kerala and Nagaland to 87% in Chhattisgarh. It ranged



between 80-84% in Haryana, Rajasthan, Bihar and Punjab. It is distressing to find that even in Punjab, which is higher on the development indices, anemia among children remains an equally sad reality as it is in states like Bihar, Rajasthan and Haryana.

<sup>14</sup> UNICEF in India, 1999-2002

**2.5 Access to safe drinking water:** Safe drinking water and improved sanitation play a major role in the overall well being of the people, with a significant bearing on the IMR, death rate, longevity and productivity. Annually 400,000 under 5 children die due to diarrhoea. Moreover, 70-80% illness is related to water contamination and poor sanitation. Women and children are particularly vulnerable to the effects of water contamination and the provision of safe drinking water has been one of the major indicators of the quality of life people.

### **2.5.1. Programmes and policies**

I. If a household has access to drinking water supplied from the tap, tube well, hand pump within or outside the premises, it is considered as having access to the drinking water.<sup>15</sup> Census 1991 reported that 62% households have access to drinking water. The facility was available to 81% household in urban areas as against 56% in rural households.

II. The Department of Drinking Water Supply under Ministry of Rural Development has been mandated to provide drinking water in all rural habitations by April 2004. Accelerated Rural Water Supply Programme (ARWSP), the Pradhan Mantri Gramodaya Yojana- Rural Drinking Water (PMGY-RDW) have been initiated to achieve these objectives. As on Jan 28, 2003 there are 12,95,504 Fully covered (FC) habitations, 112804 partially covered (PC) habitations and 14356 as Non Covered (NC) habitations

**III. Current status of access to safe drinking water:** While 85% of rural households have access to improved water supply the actual usage is only 72%. The 28% of rural population, which is not using the water from an improved source, mostly use traditional, convenient but polluted open dugwells.

Less than half of country's 600,000 primary schools have an improved water supply, while less than 10% have toilets. Among schools with toilets few manage to use and maintain their toilets.<sup>16</sup>

## **3. RIGHT TO PROTECTION**

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<sup>15</sup> Census of India, 2001

<sup>16</sup> Unicef in India 1999-2002)

Children have the right to be protected from

- All forms of physical or mental violence, injury or abuse, neglect and negligent treatment, maltreatment or exploitation including sexual abuse...(Art.19)
- Economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical or mental, spiritual, moral, or social development..(Art.32)
- Illicit use of narcotic drugs and psychotropic substances...(Art.33)
- All forms of sexual abuse or exploitation...(Art.34)
- Abduction, sale or traffic in children...(Art.35)
- All other forms of exploitation prejudicial to any aspects of the children's welfare. (Art.36)
- In case of conflict with the law...(Art.20&40)

**3.1** The essence of right to protection is to provide an enabling environment to the children for their physical, mental, social and emotional development and absence of possibilities of their exploitation in any form whether economic, physical or sexual. The protection to children extends against any kind of exploitation, against disease and disability and protection in case they are in conflict with the law. The two major criterions on which exploitation of child is seen are economic and sexual. As for economic exploitation the magnitude of child labour in the country is thought to be one of the major indices.

**3.2 Child labour** The estimates of child labour in India vary as much as the areas gorging the childhood and future prospects of children. While the official estimates put the figure at 16 million, unofficial sources, international organizations like ILO and UNICEF etc. put the figure to an astounding 80 millions. The cavernous gap between the official and other estimates is largely attributed to the large number of undocumented child labour in agriculture, in the unorganized sector, working within the families, dispossessed children working the streets and substantial number of nowhere children. The biggest component in the difference is also the huge number of out of school children, which are by the CRC standards considered child labour.

### **3.2.1 Programmes and policies**

I. India is signatory to 5 International Conventions on child labour. In the domestic legislations there is a battery of national and state statutes discouraging child labour (almost 350 legislations). The Child Labour (Prohibition and Regulation) Act, 1986 is the mainstay of child labour prohibition legislations. The Act prohibits employment of children in occupations and processes listed in the Part A and Part B of the Schedule in the Act. The Act has been expanded to include 13 occupations and 51 processes.

II. The honorable Supreme Court in its judgment dated 10<sup>th</sup> December 1996 gave some very important instruction to the government with regard to child labour.<sup>17</sup> These include completion of the survey of children working in hazardous employments within a period of six months, payment of compensation amounting to Rs.20, 000/- by the offending employer for every child employed in contravention of the provisions of the Act (CLPRA), giving alternative employment to an adult member of the family in place of the child withdrawn from the hazardous occupation or payment of an amount of Rs.5, 000/- for each child employed in hazardous employment by the appropriate Government, payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- to be paid by the employer and Rs.5,000/- to be contributed by the appropriate Government ) to the family of the child withdrawn from work, provision of education in a suitable institution for the child withdrawn from work and constitution of the Child Labour Rehabilitation-cum-Welfare Fund, constitution of a separate cell in the Labour Dept. the appropriate Government for the purpose of monitoring.

III. National Child Labour Project initiated with the objective of withdrawal and rehabilitation of the children withdrawn from work by providing them education and employable skills. Starting with 5 projects in **1975** now it has been sanctioned in 100 CL endemic distts. However, there has been no impact documentation of the NCLP Projects. The Country Report says that it would benefit almost 2 lakh children.

**3.2.2 Current status on child labour** In the absence of a universal definition of child labour, the exact number of child labour in the country remains a subject of gesticulation and disputes. Besides, because of a large number of child labour in the informal and invisible sectors, any estimate of their number falls far short of the actual. However, this remains a fact that India has the world's largest number of child labour. Bonded child

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<sup>17</sup> M C Mehta V State of Andhra Pradesh (SC, 1996)

labour still persists due to parents' indebtedness and traditional feudal attitudes. Estimates indicate that girls outnumber boys in many areas of child labour. Besides, India has an estimated 500,000 street children working mostly as rag pickers or vendors on the streets, swelling the ranks of the child labour.<sup>18</sup>

According to the Economic Survey 2003 " the number of working children in the country declined from 2% of the total population and 6% of the total workforce in 1981 to 1.34% of the total population and 3.59% of total workforce in 1991. The estimated number of working children in the country as per the 55<sup>th</sup> NSSO Survey (1999-2000) is 10.4 million. Children continue to be employed in the unorganized and home based and domestic services. The state with the highest child labour population is Andhra. The other states having more than a million child labour population are Madhya Pradesh, Maharashtra and Uttar Pradesh. Orissa is also fast emerging as a child labour endemic state and the number of child labour attended to through NCLP is second only after Andhra.

It is not merely the economic advancement but the overall social development, including education, which plays a major role in the incidence of child labour. Therefore, Kerala has a lower incidence child labour than Punjab, Haryana and several other states, which have lower poverty ratios. The other states with a relatively higher literacy level like Maharashtra and Tamil Nadu have however, an above average child labour ratio, indicating that the demand for labour on the pull side is not balanced by a desire for education on the push side. Educationally backward states like Bihar and Uttar Pradesh, on the other hand have a relatively low child labour ratio because of a falling demand for labour.<sup>19</sup>

### **Child labour will be eliminated by 2007-GOI**

The NAECL has decided to integrate SSA with NCLP and start 10,000 new NCLP schools to end child labour by March 2007. These schools will impart primary education to 6 lakh children in the age-group 5-14 years annually. At present 250 NCLP Projects being run in as many districts and the number of special bridge schools is close to 5000

As per the revised strategy working children in the age-group 9-14 years will be enrolled in the bridge schools that run a three-year course while those between 5-9 yrs will be inducted in the formal school education. Those passing out from the schools will be imparted vocational training.

NGOs will be also associated with the scheme and would be given grants by the labour ministry to run schools for working children.

The Ministry has also approved more funds for the Mid day meal to attract children and appointment of master trainer and doctors to these schools.

The New scheme will be run on an experimental basis with the USAID under the Indus Programme. In the NCT of Delhi, the police will be involved in the identification of child labor to make Delhi first "child Labor free state."

(The Hindu, 9<sup>th</sup> Feb. 2004)

### **3.3 Protection against abuse, physical violence and sexual abuse**

The term child abuse encompasses a wide range of acts reflecting the maltreatment of children. Various attempts to define it have gone futile but it is supposed to include instances of child battering, sexual abuse including rape and incest, abandonment etc. The present study takes child sexual abuse, child rape, child prostitution and traffic in children as the basic indicators of right to protection against abuse.

**3.3.1. Child sexual exploitation and abuse:** India has the dubious distinction of having the world's largest number of sexually abused children with a child below 16 years raped every 155<sup>th</sup> minute, a child below 10 every 13<sup>th</sup> hour and one in every 10 children sexually abused at any point of time. According to the WHO one in every 4 girls and one in every 7 boys in the world are sexually abused but Lois J. Engelbrecht, a researcher working on the problems of child sexual abuse, quotes studies showing that over 50% of children in India are sexually abused, a rate that is higher than in any other country. <sup>20</sup>

#### **I. Programmes and policies**

The IPC deals with sexual abuse in the form of rape (S.375) unnatural practices (S.377) molestation and outraging the modesty. Exploitation is addressed in the form of obscenity, indecent representation, selling and procuring persons for the purpose of prostitution and trafficking (S. 372 & S. 373). There is no separate provision to address the child sexual exploitation or rape. Child rape is defined as having sexual intercourse with a child without/ with the child's consent and is covered under Ss. 375, 376 of the IPC. As in the case of adults, it is more difficult in the case of children to prove penile penetration required by the law.

**II. Current status on child rape:** According to Crime in India, 1996, the percentage of child rape among all rapes committed hovered around 27-30% during 1992-96. There has been an increase of 14.3% in the rapes committed on children below 10 and 34.6% for the rapes committed on children in the age 10-18 in 1996 over 1992. On the basis of available data child rape accounted for 27% of total rape cases reported in 1998. MP

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<sup>20</sup> Silent Victims, Frontline, Oct.24, 2003

topped the list in the reported cases of child rape with 806 child rapes committed, Delhi figures at the 5<sup>th</sup> place with 239 cases.<sup>21</sup>

**According to the report of National Crime Record bureau, 2002 MP topped the list in sexual abuse/rape of the minor. Out of total cases of 3132, MP recorded 738 cases. MP also topped in infanticide and came second after Maharashtra in foeticide with 14 cases out of total cases of 91 foeticides. Maharashtra recorded maximum 41 cases. Mizoram, Assam, Kerala, Himachal Pradesh,, Gujatratt, Punjab (?), Tamil Nadu, Uttar Pradesh and West Bengal did not report a single case of foeticide.**

**(Rashtriya Sahara, 1<sup>st</sup> Feb. 2003)**

Crimes of rape in Delhi have risen by 22% in 2003 year over 2002. About 75% of the rape victims in Delhi are children with 1/3<sup>rd</sup> of them below 12 years.<sup>22</sup>

The cases of child rape are very much underreported due to the reasons of the rape being committed by the relatives/acquaintances or the one who has some authority over the victim and uses that authority to prevent its publication. The rate of convictions even in the reported cases has been very low due to procedural technicalities. Only 41.5% prosecutions under child rape resulted in conviction in 1990, and it is declining further in the later years as rates of conviction has been 34.2% and 33.8% respectively in the years 1991 and 1992. The rate of disposal of the cases too, has been very low and approx. 80% cases remain pending.<sup>23</sup>

**3.3.3 Child prostitution:** According to the UNICEF there are approximately 2 million child prostitutes in the world and 400,000 of them are only in India. Child prostitution is growing at an alarming rate and now it is not only confined to being practiced

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<sup>21</sup> Country Report on the CRC, 1997

<sup>22</sup> BBC online reported at sysindia.com, October, 2003

<sup>23</sup> Country Report on the CRC 1997

traditionally in the various pockets of the country among the tribal and in the form of socially accepted practices like devdasis, as generally alleged.

### **I. Programmes and policies**

The Immoral Traffic Prevention Act, 1986 prohibits prostitution in its commercialized form without making prostitution an offence per se. If the offence is committed against a child the punishment is rigorous imprisonment for a term not less than 7 years and may extend to life. The Act provides for setting up protective homes for persons rescued from the brothels (S.21) and approx. 80 such homes have been established but no data regards how many occupants of these houses are children.

The ITP Act does not directly deal with the child sexual abuse but the definition of neglected juveniles under the Juvenile Justice Act, 2000 includes a juvenile who lives in a brothel or with a prostitute or frequently goes to a place used for the purpose of prostitution or is found to associate with any prostitute who is or being or likely to be abused or exploited for immoral and illegal purposes. Such neglected children are produced before Juvenile Welfare Boards who may after an inquiry; send the child to a Juvenile Home for care protection and rehabilitation.

Certain states have initiated targeted programmes. For instance Madhya Pradesh has started the Jawali Yojana to tackle the issue of girl child prostitution by social reform in the Bedia community. The 1<sup>st</sup> stage of the program involves the enrollment of 6 year old girls in the primary schools while in the 2<sup>nd</sup> stage the girls are admitted in middle schools or provided vocational training so that they do not fall into the flesh trade. The DWCD is implementing various schemes for the welfare of the devdasis through providing them rehabilitative hostels, VT& education and financial help to start small business.

### **II. Current status on child prostitution**

There are estimated to be over 900,000 sex workers in India of whom more than 30% are believed to be children. Recent reports estimate that the number of children involved in prostitution is increasing at 8-10% per annum.<sup>24</sup> The problem of child prostitution in India is more complicated than it is south Asian countries where it is basically practiced to promote tourism. In India, sexual exploitation of children comes through traditional practices, beliefs and last but not the least through gender discrimination. The devdasis

system accounts for the 1/5<sup>th</sup> of child prostitutes in India. In the Bedia tribe 1 girl is selected from each family to serve as a community prostitute, if she gets pregnant, she is married to a one rupee coin. In southern Andhra Pradesh, the basavi or female bull ceremony consigns low caste girls to a life of ritual devotion, which is so unremunerative that they invariably resort to prostitution. In Rajasthan, Rajnat tribe who once served the maharajas now sets up camps along the highways to serve truckers. At puberty, each girl's virginity is auctioned to a man and she is then put to work in a mass market

According to a study conducted by the GOI in 1994 in the 6 major cities of Kolkata, Mumbai, Delhi, Chennai, Bangalore and Hyderabad, the 30% of the prostitutes in these cities were under the age of 20% and 39.4% entered the profession before they turned 18.<sup>25</sup> Estimates also suggest that there are 1.3 million commercial sex workers in the country of which more than 30% are below the age of 18 years.<sup>26</sup> However, not even the country report speaks on how many child prostitutes/juveniles were apprehended and rehabilitated.

**3.3.4 Child marriages:** The role of early and child marriages in maintaining the high fertility and high population growth still remains a fact. Child marriages are still highly prevalent in the Hindi speaking states of MP, Rajasthan, Bihar and West Bengal with a combined population of 420 million about 40% of all Indians. According to a recent Survey, in Rajasthan 60% of girls wed before reaching 14. In the slums of Delhi, 77% girls are married before reaching 15.<sup>27</sup>

**I. Programmes and policies:** The Child Marriage Restraint Act, 1929/ Sharada Act provides the legal requirement of the age of girls and boys as 18 and 21 years respectively. However, the Act has failed to stem the tide of child marriages, as these marriages remain absolutely valid unless asked for their nullification from the court only by the either spouse. The Act provides for only three months simple imprisonment for a person above 21 marrying a girl below 18 years. The parents and the persons abetting and aiding child marriage also get only three months simple imprisonment. This is highly insufficient to remove a vice of such a magnitude and expanse from the society.

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<sup>25</sup> First Periodic Report

<sup>26</sup> Kuch Diil Se, NDTV India, dated 17<sup>th</sup> Nov. 2003

<sup>27</sup> NHRC Report Released, Rashtriya Sahara, 29<sup>th</sup> Feb 2004

**II. Current status on the child marriages:** The national mean age for marriage of girls has improved from 14.5 in 1951 to 19 years in 1991 but there are glaring regional imbalances. In Bihar, UP, MP, and Rajasthan 50% of the girls are still married before the age of 16. Early marriage frequent pregnancies and deliveries and 13% of deaths before the women reaches 25 are due to complications in the childbirth.<sup>28</sup>

#### **Child marriages in the tribal societies**

According to 1971 Census, the national mean age for the marriage for tribal women was higher (16.39 yrs) than that of rural women in general (15.39 yrs.). Therefore, it is a myth that the tribal societies contribute to the lowering of mean age of marriage for girls. Although the mean age for marriage of tribal women was below 15 in Rajasthan and UP (14.5 yrs), it was more than 18 years in Assam, Gujarat, Himachal Pradesh, Kerala, Manipur, Meghalaya, Nagaland, the Andaman and Nicobar Islands and Arunachal Pradesh the highest being in the Nagaland (21.33 yrs.)

1991-2000 was celebrated as the decade of the girl child. In pursuance to fulfill these obligations National Plan of Action has been formulated around the theme of survival, protection and development to attend to gender specific needs and requirements to the fullest extent possible. The NPA broadly envisages three gender specific goals, which are akin to those of the World Declaration on the Survival, Protection and Development of children, 1990 and the Male Declaration of SAARC. Efforts are on to formulate State plans of Action suitable to the indigenous, culturally diverse situation and area specific problems. These include child marriages in Rajasthan, dedication of girl children as devdasis in Karnataka, sale of girls in marriages in Andhra Pradesh and Kerala and the problems of female infanticide in Tamil Nadu. So far the governments of Karnataka, MP, TN and Goa only have formulated State Plans.<sup>29</sup>

**3.4 Protection against disease and disability:** The main causes of disease among children have been iron deficiency, vitamin A and iodine deficiency leading to its manifestations in nutritional deficiency diseases. Besides preventable disease like polio, measles, TB etc. too have taken a toll upon children due to limited reach of the immunization cover. Vitamin A deficiency, which can lead to blindness, has been prevalent in the country especially among the pre school children. A programme has

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<sup>28</sup> (SPR)

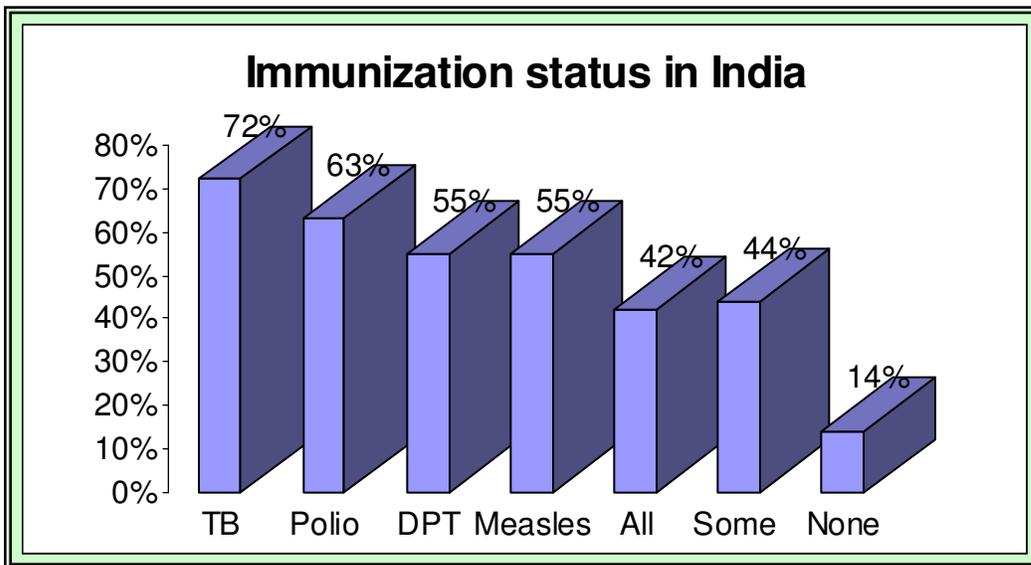
<sup>29</sup> First Periodic Report

been initiated to provide 5 doses of Vitamin A to all children under age 3 but has very limited reach and impact.

**3.4.1 Immunization status:** Children dying of preventable diseases constitute a severe denial of the right to life of the children. The country is under an obligation to provide immunization to children against these diseases. Six diseases have been identified against which all children have to be immunized. It requires providing vaccination coverage to children aged 0-12 months.

**I. Programmes and policies** Universal Immunization Programme launched in 1985 sought to achieve 100% coverage to all eligible children and pregnant women by 2001. The objective of the immunization programme is to reduce/eliminate 6 preventable disease among infants namely –TB, Diphtheria, pertussis, tetanus, polio and measles. National Polio Surveillance Project (NPSP, Pulse polio) was initiated in 1997. It has been able to sustain an international standard surveillance system for polio since then. The coverage of pulse polio has been extended to 63% children and it has significantly reduced the cases of polio.

**II. Current immunization status of children:** As against the target of 100% coverage by the beginning of 2001, only 42% children were in the age-12-23 months had received all recommended vaccines, 44% have received some but not all and 14% did not receive any vaccine at all. The percentage of fully vaccinated children was 36% whereas 30% did not receive any vaccine at all at the last NFHS 1 (1989-90)/ fever, ARI and diarrhoea was found to be most common diseases among the newborns. Among the children suffering with ARI and diarrhoea only 2/3<sup>rd</sup> were received any medical attention.



**3.5 Mother and Child Health (MCH):** MCH is a vital component of the health programme focusing the health of expectant and lactating mothers and infants through providing pre and post natal services including immunization of mother and child, providing them with nutritional supplements.

**I. Programmes and policies** Promotion of MCH has been one of the most important goals of family Welfare programmes. One of the objectives of the MCH is to provide 3 ante natal check up, 2 tetanus toxoid injections and full course of iron and folic acid supplementation to the expectant mothers.

**II. Current status of mother's health** As against the stated targets 35% of the expectant mothers did not have any immunization coverage at all. 65% had at least 1 antenatal check up, 44% had 3 checkups, 67% had tetanus toxoid injections and 58% had iron and folic acid supplementation.<sup>30</sup>

**3.5.1 Family welfare programmes** also encourages women to deliver in medical facilities. As reported by the NFHS-2 only 1/3<sup>rd</sup> births took place in medical facility. Among births taking place at home only 13% were attended by health professional. Out of the births taking place outside medical facilities only 17% were followed up by necessary postpartum checkup within two months of birth. While over 84% births were attended by health professionals in Kerala, Goa and Tamilnadu, less than 1/4<sup>th</sup> were

<sup>30</sup> NFHS-II

attended in Meghalaya, Assam, Uttar Pradesh and Bihar. It is indicative of the fact that medical services are reaching more women during pregnancy than at the time of births and the traditional birth attendants have played a more than significant role in the births.

**3.6 Protection from Disability:** 1/10<sup>th</sup> of all children world over are supposedly suffering from some kind of disability- developmental, orthopedic, visual, hearing or mental. The generally accepted number of disabled children is 140 million of which 25 million are in India. The states ratifying the CRC are under an obligation to protect children against all forms of disability and provide them equal opportunities of education, growth and employment and prevent their marginalization on the ground of their disability.

### **3.6.1. Programmes and policies**

I. The Ministry of Social Justice and Empowerment undertakes programmes aimed at ensuring social justice to and empowerment of disadvantaged section of the society including disabled children, victims of alcoholism and drug abuse, children in need of care and protection etc.

### **II. Protection to Disables (Equal Opportunities and Full Protection) Act, 1996**

The Act seeks to end discrimination with the disables and provide them equal opportunities in education and employment. Disables are provided reservations in the services under the state, wherever disability does not hamper the performance of the duties.

### **III. Current status on disability of children**

According to government estimates, one in every 10 children is born with, or acquires, a physical, mental or sensory disability, 75 per cent of which are preventable and curable. Official agencies estimate that only one per cent of children with disability have access to education.

Mostly poverty and its correlates and resulting protein malnutrition, iodine and Vitamin A deficiency are the major causes of mental retardation and blindness. It is estimated that of the orthopaedically handicapped, locomotion disability is the most prevalent in the age group 0-14 with at least 2.4% incidence. National Polio Surveillance Project (NPSP, Pulse Polio) initiated in 1997, has been able to sustain an international standard

surveillance system for polio since then. The number of reported polio cases declined considerably from 28257 reported in 1987 to 268 in 2001. However, during 2002, 1211 polio cases have been reported till 3<sup>rd</sup> Dec. 2002 out of which 990 cases are from Uttar Pradesh and 81 from Bihar.<sup>31</sup>

5-7% children suffer from signs of vitamin A deficiency with an estimated 60,000 children becoming blind each year. An estimated 6.6 million children are mentally retarded and 2.2 million afflicted with cretinism resulting from iodine deficiency. The National Sample Survey of 1991 estimated that in the 0-14 age group, the incidence of hearing handicap is 1.4%. Of the 4 million people affected with leprosy, 1/5<sup>th</sup> are estimated to be children and 15-20% cases are with deformities. The available statistics on the incidence of various disabilities and believed to understate the scale of the problem due to tendencies of families failing to recognize or acknowledge disabilities especially communication or mental disabilities. The vast majority of disabled children lead lives singularly without stimulation, knowing no difference between childhood, maturity or old age.<sup>32</sup>

### **3.6.3 Programmes and policies**

The scheme of Integrated Education for Disabled Children (IEDC) was started with the objective of providing educational opportunities to children with disabilities under general school system so as to facilitate their inclusion in the mainstream of national life. The central government provided 100% support to the NGOs or the schools to implement the scheme. The IEDC scheme is presently being run in 27 states & UTs through 15000 schools benefiting approx. 65,000 disabled children.<sup>33</sup>

Recently launched SSA has also focused the need of special schools for disabled children. However, the effort seems to be running in rough weather due to sever lack of trained teachers. Recently, Orissa and Karnataka placed a request to train 71,000 and 73,000 teachers respectively, before the central government.<sup>34</sup> The situation in other parts of the country seems hardly any different.

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<sup>31</sup> Country Report on the CRC, 1997

<sup>32</sup> *ibid*

<sup>33</sup> *ibid*

<sup>34</sup> Education of special kids, the Hindu, 18<sup>th</sup> April, 2004

**3.7 Children in conflict with law:** The Juvenile Justice Act, 2000 seeks to provide protection to children in conflict with law. The idea behind the legislation is that the children who are on the other side with the law are so because of lack of basic knowledge about the import of what they are doing. They are not attributed with necessary criminal intent to commit a crime. The objective of the JJ Act is to provide a reform in the nature of the children, should they commit any crime and absolve them of the guilt without attaching any criminality to it.

**3.7.1** The Country Report on the CRC 2000 reports “an unsuitable environment prevails in some homes across the country and the inadequate personnel in these homes is the weakest component of institutional management. Till now the focus has been basically on developing institutions for the juveniles consequently both non-institutional and post-institutional programmes have been neglected”

**3.7.3** The Juvenile Justice Act, 2001 has made the offence committed against a juvenile a cognizable offence. The new Act also provides for the disposal of cases within a stipulated time of 4 months. It has also been made compulsory to set up a Juvenile Justice Board and Child welfare Committee for each district or group of districts. Despite this many states lag behind in the formation of these Boards. For instance the Board has not been constituted till date in the state of Chhattisgarh. There are only 2 juvenile homes, 3 special homes and 1 after care home in the MP while the crimes committed by juveniles constitute almost one fourth (23.7%) of total crimes in the state.

No of juvenile homes
Observation homes- 287
Juvenile Homes- 290
Special homes- 35
After care organizations- 50
Total-662

**3.7.4** There are 189 Juvenile Courts and 271 Juvenile Welfare Boards operating in the country. This seems to be grossly inadequate, as many states have reported to have huge backlogs in disposal of cases under the Act. The number of pending cases indicates the insufficiency or inefficiency of the courts in disposing of these cases.

State	%age of pending cases
Himachal Pradesh-	82.2%
Goa	74.3%
West Bengal	71.4%
Kerala	70.5%
Rajasthan	63.5%
Haryana	62.9%

Source-First Periodic Report to the CRC

Of the total Juveniles apprehended, 23.5% were disposed off with the advice or admonition, 12% were under the care of the parents/guardians, 4.2% were sent to the institutions, 8.5% were sent to the special homes, 4.6% were dealt with fine and 7.9% were either acquitted or otherwise disposed.<sup>35</sup>

#### **4. RIGHT TO DEVELOPMENT**

Related provisions in the CRC

- Every child has a right to a standard of living adequate for his/her physical, mental, spiritual, moral and social development. (Art.27)
- Every child has a right to education and with a view to achieving this right progressively and on the basis of equal opportunity, in particular right to compulsory primary ed... (Art.28)
- The education shall be directed towards development of child's personality, talents and mental and physical abilities to their fullest potential .... (Art.29)
- State parties recognize the right to rest and leisure, to engage in play and recreational activities....and to participate freely in cultural life and the arts

Children's right to development emphasizes that they should be provided with the opportunities, which lead to their physical, mental, spiritual moral and social development. Quality education, leisure, sports, culture and recreational facilities and skill training are supposed to be the means to enable them to grow into mature, complete and responsible citizens of the nation.

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<sup>35</sup> Country Report on the CRC, 1977

**4.1 Right to education:** Education is every child's right and when it is of good quality it can really do miracle for the ills of children. Education empowers by opening new possibilities and opportunities for children to participate and contribute, to the fullest of their abilities. The Convention on the Elimination of Worst Forms of Child Labour,-- fully recognizes the power of education, noting that "the long term solution to child exploitation lies in sustained economic growth leading to social progress, in particular to poverty alleviation and universal education."

Recently passed 86<sup>th</sup> Constitutional Amendment Act, 2001 inserted Art. 21A in the Constitution to provide for free and compulsory education to all children in the age-group 6-14 years. Simultaneously Art. 51k in the fundamental duties requiring parents to provide for the education of children in the age-group of 6-14 years has also been inserted.

**4.1.1** Census 2001 reveals that the opportunities of education and learning have increased substantially over the decade. The literacy rates recorded an increase of 13.17 %age points from 52.21 in 1991 to 65.38 in 2001. The female literacy rates too, has increased by 14.87 %age points from 39.3 to 54.16% as against 11.72% in case of males. The gap in the male female literacy has also decreased from 28.84 in 1991 to 21.70 in 2001. However, there still remain 309 districts in the country where the female literacy %age is lower than the national average and there are 324 districts where the gap in the male female literacy is wider than the national average.<sup>36</sup>

**4.1.2 Gross Enrolment Ratio:** At all India level the gross enrollment ratio has improved to 82.35. However, still in certain states nearly half of the children are out of school. At the lowest rung are the states like UP with 54.10% and Chandigarh with 58.67% enrollments. The situation in Bihar (59.69%) and Goa (65.55%) also need urgent attention. As far as enrollment of girls is concerned both the enrollment and the literacy among the women has increased phenomenally over the last decade still less than 40% girls are enrolled in states of UP (39.42%), followed by Bihar (45.78%, Jharkhand and Chandigarh at 58.83% and 59.08% respectively.<sup>37</sup>

However, there is a larger question that whether the increase in enrollment necessarily reflect expansion of education. Unfortunately these two have not been found directly proportional to each other mainly because of the fact that a child who is just on the

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<sup>36</sup> Census of India 2001, Provisional Population Totals, Series-1

<sup>37</sup> Abstract of selected Educational Statistics 2001

register of the class is counted as enrolled irrespective of the fact that whether he actually attend the class. The same is true as regards the attendance and any child who has attended even one day in the previous year is counted in the category of “children attending school”.<sup>38</sup>

**4.1.3 Enrollment of SC/ST students:** Education to become a vehicle of change and engine of growth need to penetrate equally among the better off and depressed classes. The GER of SC students though near 100% in certain states viz. Gujarat, Karnataka, Kerala, MP, Punjab, Uttaranchal, Dadra & Nagar Haveli, it comes to nearly half in Jharkhand (54.46%) and Delhi (58.44). the GER of SC girls is particularly poor in the Bihar (47.34%), Jharkhand (42.73%), Rajasthan (48.30%) and UP (42.56%) as against the national average of 74.64%<sup>39</sup>

**4.1.4** As regards the GER of ST students (88.8%), the enrollment of girls is a cause of concern. Rajasthan presents a very poor picture at 45.26% enrollment, followed by UP at 54.26% and Bihar at 56.26%<sup>40</sup>

**4.1.5 Drop out rates:** All the achievements in terms of increase in the enrolment are more than negated by an astoundingly high drop out rate of 66.04% for classes I-X (6-18 years). While some states have been able to arrest the drop out rate, 21 out of 35 states and UTs have drop out rates more than 50%. Among the better states are Chandigarh with only 11.99% drop out rate followed by Kerala (16.64%), Pondicherry (25.26%), and Himachal Pradesh (31.80%). However, on the other side are states where drop out rate vies with the rate of enrollment. At the bottom is Sikkim with 88.39%, followed by Bihar (82.87%) and Meghalaya with 83.44%. Sikkim also tops the list with 87.83% drop out rate for girls followed closely by Bihar at 85.99%, Meghalaya at 83.88 and WB at 80.46% as against the national average of 68.59%.<sup>41</sup>

**4.1.6 PTR:** Even after the extension of educational services even to the far-flung areas, quality education remains elusive in many states. Poor Pupil Teacher ratio at 43 (for primary classes) leaves no doubt as regards the quality and attention, which is being provided to the children. It is far worse in many states. For instance, in Bihar single

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<sup>38</sup> Goal posts shifted, Anil Sadgopal, The Hindustan Times, 11<sup>th</sup> October 2003

<sup>39</sup> Abstract of selected educational Statistics 2001

<sup>40</sup> ibid

<sup>41</sup> ibid

teacher is teaching 73 students! Gujarat at 68 and Jharkhand at 65 follow suit. In at least 11 states the PTR is poorer than the national average of 43.<sup>42</sup>

At present about 30% of 6.2 lakh primary schools have only one teacher. Nearly 50% schools have only two rooms and only 9% schools have toilets for girls.<sup>43</sup>

**4.1.7 Poor plan outlay:** The plan outlay on education though is 1.7 times higher than the previous plan but **amounts to only 4.11% of the GDP**, which in the circumstances seem highly insufficient. The specific allocation on primary education comes out to be around 1.2% of the GDP. When the government brought 86<sup>th</sup> Amendment, it had promised to spend Rs. 9,800 crore per annum for next 10 years. The National Development Council asked the Ministry to make do with only Rs. 6,000 crore. Even then not even 15% of that has been shelled out.<sup>44</sup>

**4.1.8** The government has embarked on a very ambitious programme in Sarva Shiksha Abhiyan (SSA) to extend the universal elementary education (UEE). The goals of SSA are:

- All children in the age-group of 6-14 in school or bridge schools/EGS by 2003 (100% enrollment)/ All children complete 5 years of primary education by 2007 and 8 years of schooling by 2010
- Focus on elementary education of satisfactory quality with emphasis on education for life
- Bridging all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010
- Universal retention by 2010

The SSA will cover the entire country with a special focus on educational needs of girls/SC/STs and other children in difficult circumstances.

According to Education for All; National Plan of Action, the Planning Commission has promised only Rs. 212,710 million (only 53.5% of the centre's share of (Rs. 397,598

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<sup>42</sup> ibid

<sup>43</sup> Free Education at a Price, Shivani Singh, The Hindustan Times, 31<sup>st</sup> October, 2003

<sup>44</sup> ibid

million) the 10<sup>th</sup> Plan requirement for the UEE. This leaves a gap of at least Rs. 184,888 million, the gap in the state's share notwithstanding. Recently Planning Commission has reduced its allocation to Rs. 170,000 million, thereby increasing the gap. **This allocation amounts to merely 15 paise per year out of every Rs. 100 of India's GDP.** The total 10<sup>th</sup> Plan requirement for UEE (including external aid) is 0.47% of the GDP as the financial Memo annexed to the 86<sup>th</sup> Amendment stated.

(Goal Posts shifted, Anil Sdagopal, The Hindustan Times, 11<sup>th</sup> October 2003)

**4.1.9 Mid Day Meal Scheme:** Launched in 1995, the programme aims to provide wholesome cooked/processed meal through local bodies/Panchayats/Nagar Palikas who are expected to develop institutional arrangement for the purpose. Where such arrangement has not taken place, food grains (wheat/rice) at the rate of 3 kg per student per month are distributed to the targeted children subject to minimum attendance of 80%.<sup>45</sup>

Recently Planning Commission has set aside another 415 crore from the next financial year for the Mid day Meal. The amount will come from Pradhan Mantri Gramodaya Yojana (PMGY). 15% of the allocation has been reserved for the cost of cooking.

Under the scheme the center provides free food grains (rice or whatever is locally applicable) to states and also reimburses the cost of transporting it. The states are only expected to mobilize resources to meet cooking cost

Currently, 5.74 crore children of the 10.56 crore target group get cooked meals. But this is only 54.38% of the target group as Bihar, Haryana, Himachal Pradesh, Goa, Jharkhand, Meghalaya, Orissa, Punjab, West Bengal and Delhi have attained only coverage.

Added to this the Government has also extended the MDM scheme to the upper primary classes from 2004-05 and has made an allocation of Rs. 1,675 crore with this end in view.

(More Plan Allocation for MDM, The Hindu, 5<sup>th</sup> Feb 2004)

**4.2 Right to leisure, recreation, & culture:** Children's right to education also include right to leisure, recreation and culture. In India, which is a cauldron of cultures, education

is also supposed to foster universal and eternal values oriented towards unity and integrity of our people. Children are supposed to develop regards towards all religions and culture and grow into an eclectic faith and conscience incorporating the best practices from all religions.

**4.2.1** The National Policy for Children, 1974 recognizes and ensures the right to rest and leisure including play and recreational activities. This is considered an important aspect of the growth and development. The Department of Youth & Sports Affairs, MoHRD, seeks to develop the personality of youth as also involve them in various nation building activities. Similarly the Department of Culture, Ministry of Tourism and Culture is involved in the preservation, promotion and dissemination of art and culture.

**4.2.2** The Government through various departments establishes playgrounds, parks, stadia, zoological parks, science centers etc for recreational purposes. The Bal Bhawan Society is one such recreational center with a membership of about 25,000 children in Delhi alone and has about 2000 regional centers. The Sports Authority of India (SAI) set up in 1984 by the GOI with the objective of maintaining and utilizing the stadia and to spot and nurture talented children under different sports promotion scheme to achieve excellence at national and international level

**4.2.3** "Stay, play and study" Scheme of SAI is designed to select physically fit children in the age-group of 8-12 and train them scientifically in one of the 10 identified Olympic disciplines of athletics.

Under the adoption of Akharas scheme 26 new schools and 11 new Akharas were developed during 1999-2000

The training centre scheme, seeks to merge the Sports Hostel Scheme and Sports Project Development Scheme Area into a consolidated one. During 1999-2000, 2373 trainees were trained at 41 SAI centers as against 1760 trainees during 98-99. During the year the number of girl trainees increased from 177 to 389 (only 16.39%)

**4.2.4** The Nehru Yuvak Kendra Sangathan is an autonomous organization of the Department of Youth Affairs and Sports. NYKS is the largest grassroot level apolitical organization in the world catering to the needs of more than 8 million rural non student youth in the age group 15-35 through 181,000 village based Youth Club. During the year 1999-2000 1143 tournaments were organized in which 279, 421 youth participated. NYKS also organized 625 cultural programmes in which 259,606 youth participated. In addition, NYKS also organized 161 programmes/ workshops/seminars to orient the

masses and the youth on the national/international day/week, in which 8560 youth participated <sup>46</sup>

**4.2.5** The Council for Culture, Education, Research and Training (CCERT), Department of Culture organizes a variety of activities for children belonging to the underprivileged sections of the society and those in non-formal schools run by the NGOs. It sends artists & craft experts to schools and communities for activities like clay modeling, pottery, cane work, bookbinding, tie & dye, paper toy making, wall decoration etc.

**4.2.6** The Ministry of Environment and Forests interacts actively with the NCERT and MHRD for introducing and expanding environmental concepts, themes and issues in the curricula of schools & colleges. The WWF conservation education programme (started 1969) primarily aims at country's youth. WWF India has a network of about 700 nature clubs across the country with a membership of about 20,000 school children.

**4.2.7** The Central Government also gives grants to states/UTs/VOs/local bodies etc. active in the field of sports. Financial assistance is rendered to these for creation of sports infrastructure subject to the cost being shared at 75:25 or 50:50 basis. Secondary /senior secondary schools in rural areas with suitably sized playing fields and a regular appointed physical education. Teacher are given a grant of up to Rs. 150000 for the development of playground/ purchase of consumable or non consumable sports equipment. Only 1 school per block per year and not exceeding two schools per block during a plan period are provided assistance under the scheme.

**5. RIGHT TO PARTICIPATION:** Participation is frequently defined as the process of sharing decisions which affect one's life and the life of the community in which one lives. When seen in the context of children's participation it may include a wide range of activities viz. seeking information, forming and expressing views, taking part in activities and processes, being informed and consulted in decision making choices, respecting others and being treated in dignity. Participation in the context of CRC entails the act of encouraging and enabling children to make their own views known on the issues those affect them.

**5.1** Promoting meaningful participation is essential in ensuring their growth and development. A child whose active engagement with the world has been encouraged from the outset will be a child with the competencies to develop through early childhood.

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<sup>46</sup> First Periodic report to the UNCRC

respond to educational opportunities and move into adolescence with confidence, assertiveness and capacities to contribute to democratic dialogue and practices within home, school, community and country.

**5.2** Whether a child effectively participates depends upon several conditions including the child's evolving capabilities, the openness of parents and safe spaces in the family, community and society that allows a purposeful dialogue between the children and the rest. Participation can take various forms of involvement, engagement and commitment and not all child participation is active, social, purposeful, meaningful and constructive. Too often the participation of children may amount to tokenism, window dressing resulting in non-participation, alienating them further from participation.

**5.3** Most of all, authentic, genuine and meaningful participation requires a radical shift in adult thinking and behaviour—from an exclusionary to inclusionary approach to children and their capabilities—from a world defined solely by adults to one in which children contribute to building the kind of world they want to live in. <sup>47</sup>

**5.4** The present report studies the progress of the right to participation on the indicators

- Right to express their views
- Right to access information
- Right to form association and assemble peacefully.

**5.5 Right to express views:** Freedom of expression of children comes under the Art.19 (1) of the Constitution, which guarantees the right of freedom of speech and expression to every citizen of India including children. Even after the 10 years of becoming signatory to the CRC, no specific efforts have been made to provide special opportunities to children to express their views on issues relevant to their rights or well being. The First Periodic Report to the UNCRC cites that newspapers, TV (DD) and AIR provide ample opportunities to children to express themselves and reach out to children however, it fails to record the number of programmes or hours devoted by the DD or the AIR to children.

**5.6 Right to access information:** As regards the right to access to information the First Periodic Report explains, "GOI is developing mechanisms to ensure that all children are allowed adequate access to information". The report lists provision of TV sets to

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<sup>47</sup> Children must be heard, state of world children, 2003

Panchayat and promotion and encouragement to reading habits of children by promoting National Book Development Council (NBDC), National Book Trust (NBT), National Centre for Children's Literature (NCCL). It also lists Children's Film Society of India (CFSI) as one of the means of promoting the right to access information. However, in practice all these efforts are not motivated by willingness to provide relevant information to children. Assuming even if they do, a child centric approach seems to be missing and has resulted in exclusion of children's opinion on various issues relevant to lives of the children. One such instance is National Commission for Children Bill, which notoriously shunned debate and discussion in the civil society; as it was being pushed through without being published for people's opinion and especially children's opinion.

**5.7 Freedom of association and peaceful assembly:** it is an important component of the right to participation. It is a fundamental right in the Constitution of India and is also equally available to adults as well as the children. However, to enable children to participate meaningfully, there has to be something more than just allowing the children to assemble. They should be encouraged to assemble to make meaningful participation.

**5.8** The GOI encourages the children to realize the right to participation through agencies/institutions like Nehru Yuvak Kendras, Bharat Scouts and Guides, Bal Bhavan Society et. al, which enroll children/youth and ensure their participation in the socially useful activities.

**5.9** Nehru Yuvak Kendra Sangathan is an autonomous organization under the Department of Youth Affairs and Sports catering to the need of almost 8 million non student rural youth in the age-group in 15-35 0.181 million village based youth clubs. The youth clubs works in the areas of education and training, awareness generation, skill development, self-employment, entrepreneurial development, thrift and cooperation. In addition programmes are organized with the active involvement and participation of rural youth in areas such as health and family welfare, HIV/AIDS, drug abuse, poverty alleviation, child labour, environment, adult literacy, women's empowerment and eradication of social evils.

**5.10** The Bharat Scout and Guide is one of India's largest youth organizations and the third largest in the world with enrolment of 2.3 million and with about 85,000 units spread all over the country.

**5.11** The Bal Bhavan Society is an association with child members, which has over 2000 regional centers throughout the country providing a host of creative and innovative programmes for children.

## **Conclusion**

A child's first years are of crucial importance. If well nourished and cared for in their first years, children are more likely to survive, grow up healthy, have fewer illness and fully develop cognitive skills and emotional security. These early advantages lay the foundation for children's success at school and for their lifelong health and well being. Yet many children lack this foundation.

In India the situation is still worse. The denial of rights of children is well known and documented. The government response to child rights in India is a story of shifting goal posts and shrinking priorities. The National Plan of Action for Children, 1992 committed to reduce IMR below 50/000 and CMR to below 10/000 live births by 2002 and eradication of polio by 2000. Universal Immunization Programme, 1985 promised 100% coverage by 2001. Those dead lines failed, now the government promises to bring IMR to below 30/000 and MMR to below 100 by 2010. The Sarva Shiksh Abhiyan launched in 2000, promised universal enrollment by 2003. The successive governments have proved incapable of working on the deadlines in a time bound manner. the status of child rights in India show, more than anything else, the lack of political will and sincerity to adhere to the national and global commitments.

## Chapter 4

### STATE OF CHILD RIGHTS IN CHHATTISGARH

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#### 1. Introduction

Chhattisgarh became the 26<sup>th</sup> state of the union of India on 1st Nov. 2000. It actually came into being on 1<sup>st</sup> November 2001. The creation of state of Chhattisgarh essayed the culmination of the long-standing struggle of its people and demand for a separate state. Since 1<sup>st</sup> Nov. 1956, till it became a separate state Chhattisgarh was a part of Madhya Pradesh.

The total population of the state is 2,07,95,956 (20.8 million) of which 1,04,52,426 are males while female population is 1,03,43,530. The population of Chhattisgarh has grown at the rate of 18.06% over the last decade. 20.08% of population of Chhattisgarh lives in urban areas whereas the rest (4/5<sup>th</sup>) reside in rural areas. The average density of the population is 154 persons per square km. The sex ratio of 990 females per 1000 males is only 3<sup>rd</sup> after Kerala and Pondicherry among Indian states and 7 districts of Chhattisgarh has sex ratio of over 1000. The overall literacy rate of 65.18 (77.86 for males and 52.40 for females) makes it 23<sup>rd</sup> among Indian states on the basis of literacy.<sup>48</sup>

#### 2. Child in Chhattisgarh

The total child population (0-18 yrs) has not been provided in the Census or any other enumeration. The Census does have 0-6 yrs, 6-14 and above as the categories from which derivation of the number of individuals below the age of 18 years (as per the CRC definition of child) is not possible. Therefore, the proper estimation of actual child population (0-18) remains a subject of mere conjecture. Chhattisgarh has 34,69,774 persons below 6 years of age, of which 17,56,441 (50.62%) are boys and 17,13,333 (49.37%) are girls. The child population in 0-6 years constitutes 16.68% of total state population. There has been an increase of 19.34% in the child population (0-6 years) over the last Census. The sex ratio in 0-6 years age is much higher than all India average of 927. The Selected Educational Statistics 2001-2002 gives the projected

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<sup>48</sup> Census of India, Chhattisgarh, Provisional Population Totals, 2001

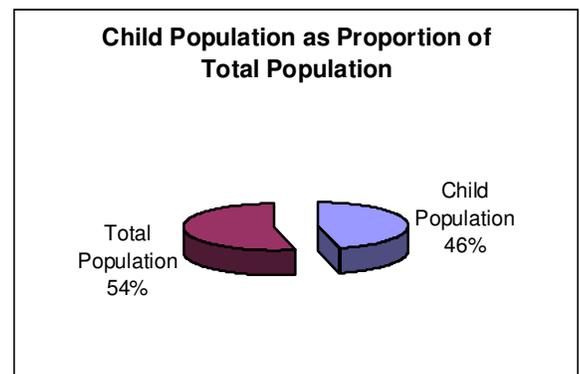
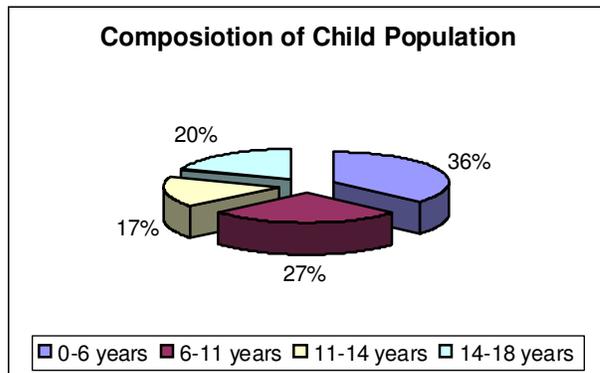
population (in 2001) in the age group 6-11, 11-14 and 14-18. The total child population has been derived adding the projected population in the child population 0-6 yrs.

### Child population in Chhattisgarh

	Boys	Girls	Total
0-6 yrs.	1756441	1713333 (49.37%)	3469774
6-11 yrs.	1269000	1291000 (50.42%)	2560000
11-14 yrs	781000	780000 (49.96%)	1561000
14-18 yrs	9560000	903000 (48.57%)	1859000
Total	4762441	4687333 (49.60%)	9449774

(%age in the brackets are proportion of girls in the total child population in the particular age-group)

Thus the total child population (0-18 yrs) which the derivation gives is 94,49,774 including 47,62,441 boys and 46,87,333 girls. The child population constitutes 45.44% of the total population of the state. The biggest component of the child population is the 0-6 age group constituting (39.76%), followed by 6-11 yr age group children ( 27%) and 14-18 yr age group (19.6%).



One interesting fact about the proportion of girls in the population is that girls outnumber boys in the projected population in the age group 6-11 years. While the girls constitute 50.42% of the population in the age group, boys are the smaller group constituting 49.57%.

### 3. RIGHT TO SURVIVAL

**3.1.1 Infant and Child mortality:** Infant mortality rate in Chhattisgarh is 78 (deaths per 1000 live births), as compared to IMR in India, which is 68. NFHS-II estimates the IMR to be 80.9. The child mortality rate is 45 (deaths of children age 1-4 years per 1,000 children reaching age one). In all, among 1,000 children born, 123 die before reaching age five. Expressed differently, 1 in 12 children die in the first year of life, and 1 in 8 die before reaching age five. Infant mortality among children born less than 24 months after a previous birth is 27.55 percent higher than infant mortality among children born after a gap of 2.4 years or more (89 compared with 58.70 deaths, per 1,000 live births).<sup>49</sup>

#### Mortality Indicators in Chhattisgarh

	Crude birth rate (/000)	Crude death rate (/000)	IMR (/000)	U5MR (/000)	Sex ratio F/000M)
<b>Total</b>	<b>26.9</b>	<b>9.6</b>	<b>78</b>	<b>122.7</b>	<b>975(?)</b>
Rural	29.3	11.3	95		1005
Urban	23.6	7.0	47		932

**3.1.2 Nutritional status:** Based on International standards, 61 percent of children under age three years in Chhattisgarh are underweight, 58 percent are stunted, and 19 percent are wasted.<sup>50</sup> Anaemia among children is much more common in Chhattisgarh (88 percent). Almost nine out of ten children age 6-35 months are anaemic.<sup>51</sup>

#### Nutritional status of children in Chattisgarh

Anaemia	<b>87.7</b>
Moderate –severe anaemia	<b>63.8</b>
Chronically undernourished (stunted)	<b>57.9</b>
Undernourished (wasted)	<b>18.5</b>
Underweight	<b>60.8</b>

(Source: NFHS-II)

<sup>49</sup> NFHS 2

<sup>50</sup> Anaemia defined by Hg level < 11.0 gramdecilitre (g/dl), Stunting assessed by height for age, Wasting assessed by weight for height and Underweight assessed by weight for age

<sup>51</sup> NFHS 2

**3.1.3 Sex ratio:** Overall sex ratio of 990 females per 1000 males brings Chhattisgarh on the third position on this count, after Kerala and Pondicherry. The sex- ratio in the rural areas is still better at 1005 females per 1000 males, which drastically comes down to 932 in urban areas. 7 districts of Chhattisgarh have sex ratio above 1000.

**Sex ratio (overall)**

Total	1000 M	990 F
Rural	1000 M	1005 F
Urban	1000 M	932 F

**Sex ratio (0-6 yrs)**

Total	1000M	975F
RURAL	1000M	982F
URBAN	1000M	941F

Source: Census of India, Chhattisgarh, Provisional Population Totals, 2001

However, though much above than all India average at 927-child sex ratio (0-6 years) presents a poorer picture. While the total child sex ratio stands at 975, rural and urban child sex ratios are 982 and 941 respectively. The comparison of overall sex ratio and sex ratio in the age group 0-6 suggests that while the number of girls is substantially reduced in rural areas (982 as against 1005) it is increasing by a whisker in urban areas (941 as against 932), the reasons most plausible are higher literacy better education, awareness and lack of preference for male child. However, these reasons are only suggestive and not exhaustive and there may be a compendium of factors influencing this. Data is also capable of a negative interpretation

**3.1.4 Missing Girls: Urbanization or dehumanization**

Although the number of girls in urban areas is distressingly low, it becomes all the more debilitating on perusal of the sex ratio in the age-group 0-6 years. Even the districts, which have recorded higher literacy rates, have shown discouraging trends in this regard. The literacy rate in urban areas of Korba district hovers up to 77.61% where as sex-ratio lowers down to 892. Similarly in urban Jashpur and Surguja district where the literacy rates are 81.71% and 84.86% respectively sex ratio comes down to 884 and 905 respectively.

If one were to assume parity in the ratio between the boys and girls, there are 43,018 “missing girls” in the age group of 0-6 years. Of the total rural population of 28,98,296 in this age group, there are only 25,668 “missing girls”, whereas of total urban population on 5,71,478 in this age group, there are 17,350 “Missing girls”. **Similarly there is notable decrease in sex ratio of “Slum-areas” of Chhattisgarh. The total child populace in the 0-6 age group is 1,16,827. The sex ratio is 931.**

This is largely attributed to modern techniques of sex-determination of the foetus and a large number of polyclinics providing illegal and immoral services of MTP, without raising any qualms or compunctions in the parents or the society. The brunt of all this is being bore by the girl child and there has been a progressive decrease in their number. There is a clamour call for the intervention in this regard.

#### **4. THE RIGHT TO PROTECTION**

The CRC directs all the signatories to accord protection to every child against all forms of physical or mental violence, injury or abuse, neglect and negligent treatment, maltreatment or exploitation including sexual abuse. It also guarantees the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical or mental, spiritual, moral, or social development. State parties have also undertaken to provide protection from all forms of sexual abuse or exploitation and protection to children in conflict with the law. The study profiles the right to protection against economic or sexual exploitation or abuse, against disease and disability and protection to children in conflict with law.

##### **4.1 Child Labor: Dreams and innocence die very young**

In lack of any authentic survey on this subject the magnitude of child labour in the state is not known with a reasonable degree of accuracy. It is matter of common knowledge that most of the child labour exists in the agricultural operations and unorganized sector that remains largely undocumented. In Chhattisgarh with almost 80% of the population dependant on agriculture, the child labour too, remains largely invisible. Even among the documented child labour, the estimates vary as much as the nature of work of child

labour, and even the government estimates are no exception to these fluctuations. However, any estimate seems to fall far short of the actual to a studious observer. The National Authority on Elimination of Child labour estimated 5,61,836 child laborers in Chhattisgarh area in the 1990. According to Fourth Economic Census 1998, there were 20,723 child workers in Non-Agricultural sectors of which 13,836 were male child workers whereas 6,887 were female child workers.

“A Note on Prevalence of Child Labour in M.P.” published by Labour Department M.P. which estimated the number of child labor in the capital city of Chhattisgarh Raipur, ranked it as the second largest district as child labor endemic in non-agricultural enterprises. Raipur contained 6,971 child labourers in the aforesaid category of which 1707 were in domestic industries, 153 in non-domestic industries, 1489 in trade & commerce, 671 in construction and 1571 in other services.

Census of India 1961, 1971, 1981 & 1991 and CMIE Basic Statistics Relating to the Indian Economy Vol.2 states (Sept. 1984) have a different description further. Of total child population 38,66,582 there are 3,35,145 child workers constituting 8.66% of the total child population.

**Child labour (Gender-wise ) distribution in rural & urban Chhattisgarh**

Total child workers- 335145	Male – 199093	Female – 136052
Rural child workers – 314518	Male - 184865	Female – 129653
Urban child workers – 20627	Male - 14228	Female – 6399

[The numbers of child labour was not provided. It has been derived from total number of child labour in M.P.]

The children are mainly employed in the rural areas in agriculture and agri related occupations. While the boys are mostly involved in ploughing, greezing, bamboo shooting girls have to do reaping & harvesting the rice crop, cattle grazing child rearing, carrying water, cleaning utensils, cultivating, most of which is invisible and unrecognized. In the urban areas, the main occupations of boys remain helps in hotels, garages, construction, begging, rag picking, bootpolish etc., girls are mainly employed as domestic helps. Irrespective of hazards to their occupations all of them essentially remain away from education, opportunities of leisure and recreation and development.

**4.2 Child Prostitution** :- Though child prostitution is not recognized as such in Chhattisgarh, preadolescent sexuality prevails, which is equally pernicious as prostitution. This is a traditional practice among pre-dominant tribal inhabitants. In the Southern-region of Chhattisgarh, Abujmarh, which figuratively means “unknown highlands” is a tangled knot of hills. It is an inaccessible region of Bastar district, which remains cut off from the rest of the state for about six months in a year even to this day. Inhabitants of this terrain are the hill Marias. Marias are extremely shy people preferring to shun rather than forge contact with outside people. Pre-adolescent Marias meet to choose their prospective mates at Ghotul, a big-mud structure with thatched roof, in the centre of the village and surrounded by an open enclosed space, Maria youths choose their respective mates and take them to the ghotul where the revelries continue night long. Ghotuls present almost in each village, have their own rules and regulations. Its management is totally in the hands of the youths of the village. One could be the member of only one Ghotul. Enrolment begins at the age of twelve or above. Elders are not allowed to interfere in the functioning of the Ghotul. Once enrolled, members undergo a naming ceremony. Each member is given a new name. The new names are used only while in Ghotul. This is done to hide the identity of the couples and protect them from the interference of their parents.

**4.3 Child Marriage** – Child marriage, takes place on a massive scale among the indigenous tribal people. Girls in age group 13-16 getting married, is commonplace. According to the report of NFHS-II, 34% women in the age-group 15-19 are already married. The median age for marriage among women aged 20-29 is 15.4 and 3/4<sup>th</sup> (73%) women are still getting married before reaching the 18 years, legal requirement of age for the marriage.

Laxity of women and child development department towards formation of “Kishori-mandals” (Adolescent girls groups) has given rise to such a phenomenon. Child marriages lead to high maternal – infant mortality rates. According to NFHS-II Reports, infant mortality in Chhattisgarh is 70 percent higher among children born to mothers under age 20 than among children born to mothers age 20-29 Little wives – Little mothers are not nurtured in a proper way, therefore, they are exposed to anemic disorders.

#### 4.4 Disease and disability among children:

NFHS-II reports "In Chhattisgarh, 26 percent of children under age three were ill with fever during the two weeks preceding the survey, the same percentage were ill with ARI, and 21 percent had diarrhoea. Sixty-two percent of children who were ill with ARI were taken to a health facility. Among children who were ill with diarrhoea, 59 percent were taken to a health facility or health-care provider. Forty-eight percent of children with diarrhoea received some form of oral rehydration therapy (ORT), including 30 percent who received ORS.

(Source: NFHS-II Reports)

**4.5 Immunization status:** The objective of the UIP launched in 1985-86 was to extend the coverage for the vaccine preventable disease to 85% infants 1990. However, in Chhattisgarh, only 22 percent of children age 12-23 months are fully vaccinated, 73 percent have received some but not all of the recommended vaccinations, and 6 percent have not received any of the recommended vaccinations. The pulse Polio Programme has fared quite well but it has a significant drop out rate and the coverage tends to decrease from the first to second and further to the third dose. DPT generally administered with the polio drops has also lagged behind. The percentage of children fully vaccinated in Chhattisgarh is much lower than in India as a whole (42 percent).

#### Children receiving vaccination (in %)

<b>BCG</b>	<b>74.3</b>
<b>DPT</b>	<b>40.9</b>
<b>Polio</b>	<b>57.1</b>
<b>Measles</b>	<b>40</b>
<b>All vaccinations</b>	<b>21.8</b>

(Source: NFHS-II Reports)

#### 4.6 Protection to children in conflict with law

Juvenile Welfare Board in pursuance of Juvenile Justice (care & protection) Children's Act, 2000, has not been constituted in the state. There are five Juvenile homes at Bilaspur, Raipur, Ambikapur, Jagdalpur and Durg cities presently housing 197 child delinquents, ranging between 7-18 years. These homes have been set up as

“Protection Homes” for child workers, vagabond children and child beggars and they are supposed to be brought, kept and educated here. However, **of these 5 homes, 3 are running without teachers. Most of the homes show appalling conditions hardly conducive to house children. Labour Inspectors are obliged to bring children, but not even a single child of such category was reported to be brought.** Only those, brought by the police and tried by respective courts are languishing in these homes. Unfortunately, there is no such home for the girl-child delinquents in the state and female child delinquents have to be moved to Shabdol Female Juvenile Jail in M.P.

**No. of Children in Juvenile jails  
(As on 20-01-2003)**

S.No.	Name of Jail	No. of Children	
1.	Raipur	76	<ul style="list-style-type: none"> <li>• Most of the delinquents are non-school going.</li> <li>• Nearly 30% of the delinquents are accomplice of senior criminals.</li> <li>• 92% of the delinquents are from un-organized sector</li> <li>• 60% of the delinquents are accused of theft.</li> <li>• 75% of the delinquents are from rural areas.</li> </ul>
2.	Durg	54	
3.	Ambikapur	16	
4.	Bilaspur	27	
5.	Jagdalpur (Bastar)	24	

**5. THE RIGHT TO DEVELOPMENT**

Every child has a right to a standard of living spiritual, moral and social development. This includes the right to education with a view to achieving this right progressively and on the basis of equal opportunity (in particular right to compulsory primary ed.). The crux of this right is that there should be sufficient efforts on the part of the state towards development of child’s personality, talents and mental and physical abilities to their fullest potential. The right to skill and vocational training and right to leisure sports and culture is also an integral part of the right to development.

**5.1 Education**

**5.1.1 Literacy** : The literacy percentage of Chhattisgarh 65.92, in urban pockets it is 81.08% where as it comes down to only 60.93 in rural areas. Although, there has been tremendous increase in overall literacy, the countryside is yet to see the light of education. Bastar has the lowest literacy rate of 44.58%, which further stoops to 40% in rural areas of Bastar.

**Literacy in Chhattisgarh**

	<b>Total</b>	<b>M</b>	<b>F</b>
Chhattisgarh	11283183(65.12%)	6770898(77.86%)	4512285(52.28%)
Rural	8361269(60.93%)	5093104(74.58%)	3668165(47.41%)
Urban	2921914(81.08%)	1677794(89.87%)	1244120(71.63%)

Educational attainment of the people of Chhattisgarh comes out to be very low with only 77% of males and 48% of females aged six and above literates. The NFHS-II puts the median number of years of education at only five for men and none for women.

**5.1.2 Educational infrastructure:**

The number of teachers per one hundred students during primary standard is awfully inadequate. One teacher caters to an average of 50 students. The years of pre primary and primary education are most vital for the development of concept, language, understanding and cognitive faculties in children and he needs more personal and individualistic attention which dictates the need for a more favorable teacher pupil ratio.

**Status of education for individuals below 18 years**

<b>Institutions</b>	<b>Number</b>	<b>Number of teachers</b>	<b>Number of students</b>	<b>Teacher-pupil ratio</b>
Primary/ pre-primary	29950	65000	304000	46.76
Middle	6030	21000	860000	40.95
High School	2300	19000	661000	34.78

(Source : Census 2001 as on 30.09. 2000)

**One Teacher handling Five Classes**



Primary school, Kanakpur in Surajpur block of Surguja district has only one teacher taking care of all the Students from class 1 to 5. This school runs in one room and has 86 students on the rolls. The blackboard had hardly remained “black” and the letters on it had to be deciphered rather than read. Students bring mats with them to sit on, while returning to their homes; they carry it back. Mid day meal is generally not cooked because very few students turning up. The students coming to school too, have their share of fun with the teacher dispatching them to have “tiffin “ (lunch), which lasts for a duration only slightly shorter than the classes.

Source:Dainik Rihand Times Ambikapur Dt-21-08-02.

**5.1.3 Gross enrollment rate:** Gross enrollment rates are purportedly (as per information supplied by education department officers) as high as 94% but there is a need to sound a cautious note in this regard for the personal experience of the residents of the state has revealed that primary school teachers enroll names of all available children in the village. The name of a child is enrolled in primary as well as E.G.S. School, whether the child in fact goes to the primary or the EGS or to any of them at all, remains a matter to be recorded accurately.

**5.1.4 Gross attendance:** Among children aged 6-14 only 79% are attending schools (84% of boys and 75 of girls). The disparity in school attendance by sex widens with age. At ages 6-10, there is not much disparity between the attendance rate for boys (86 percent) and the attendance rate for girls (82 percent); by age 11-14, the disparity has grown to 16 percentage points (with 81 percent of boys attending school, compared with only 65 percent of girls), and **at age 15-17, it is even wider at 27 percentage points (with 53 percent of boys attending school, compared with 26 percent of girls).**

**5.1.5 Gross dropout rates:** No any authentic data is available with State Education Department on this. However, according to the officials of the said department the average drop out rate is 13% As per our observation only 30% children, reach middle schools. The erstwhile Chief Minister of the state Ajeet Jogi has accepted the fact that “of thirty lakh alumni of primary schools, only fifteen thousand reach to collegiate education.” (In response to a query on the educational scenario in the state)

N.F.H.S. II reports that only 8.3% women have completed high school and above, the rest of 92.7% of females in Chhattisgarh having dropped out at or before passing high school.

**5.1.6 Status of Mid-day meals** :- The students of primary level are entitled for mid-day meals. Proclamation of mid-day meals, though encouraged many poor parents to send their young ones to primary schools, yet in practice this facility remain non-functional in many villages. In villages Gram-Panchayats (LSG body at the village level) are responsible for ensuring that the scheme reaches the beneficiaries however, in practice they become the main impediment between the meal and the children.

#### **Two Dozen Children fall sick of Mid-day meals**

On 2<sup>nd</sup> April, 2002, nearly twenty four students of Durg city were caught by vomiting and diarrhea due to consumption of half cooked rice in the mid-day meal. The primary school children of labour localities and Gayanagar, Magarpara, Gondpara, Shitalapara, Rajivnagar, Ganjpara and Kelabadi of Durg city fell sick. Divya Soni, class 1<sup>st</sup> of Putrishala Shikshak nagar suffered from vomiting for three days. Hari Kumar class 6<sup>th</sup> of Gayabai Primry School (Gayanagar) had left going school, Rakesh, Santoshi & Dileshwari Patel of the same school suffered from stomach-pain, vomiting and diarrhoea. Rakesh Yadav, elder brother of a student, told the reporter that despite spending Rs.250 in three days on treatment of Rakesh, his condition couldn't improve. Local BJP leaders alleged that Khichari (mixture of rice & pulses) served to children was unfit for consumption and never checked by the local authorities. They demanded distribution of rice, pulses and vegetables. The parents of students alleged that coarse and stale rice was being given to the students.

Courtsey:Dainik Bhaskar, Bilaspur 08-04-2002

#### **6. RIGHT TO PARTICIPATION**

The essence of right to participation in the CRC is that the child should have participation in all the matters essentially connected to the well being of the child. He should be considered worthy of consultation in all matters related to him and should be allowed to access information and express his views and opinions in the matter as

referred to. Child who is capable of forming his or her own views, the right to express those views freely in all matters affecting the child, the views of the child being due weight in accordance with the age and maturity of the child. Right to freedom of thought, conscience and religion and right to freedom of association and peaceful assembly are necessarily related to the right to participation accorded to the children by the UNCRC.

Children's right to participation is almost non-existent as far as enabling a conducive environment by the state is concerned. The misplaced notion that children are "naïve and unable to participate in matters of grave concern" has denied them the right of being consulted on matters inextricably linked with them. No any recorded incident of children being invited by the state or participating in matters affecting children or incidental thereto came to notice. At best, the participation of children has remained restricted to their own camaraderie without any notice being taken by the grown ups. The system or society (composed of an almost equal number of adults as children in themselves may constitute), have failed to realize that participation of children does not necessarily mean subordinating adults on all matters to children's fancies but giving growing children more responsibilities with their advancing age so that they develop into informed, mature and more responsible beings of the nation, a sine qua non for all democracies. However, all is not lost and there have been satisfying number of efforts on the parts of Vos, NGOs, CSOs to incorporate the view of children on issues integral to them in a non-judgemental and unprejudiced manner. The number of Bal Panchayats, Child Assemblies/Parliaments and Bal Adhikar Manchhas who have genuinely tried to seek children's participation have been rising and a more than promising start has been already made.

## **7. STATE GOVERNMENT'S INITIATIVES**

Not many other schemes of child welfare addressing to other needs and redressing other rights of the child were reported from the state. Whatever schemes existed gave way to the ICDS and it remains the only major scheme supposed to take care of all the developmental needs of the child in Chhattisgarh.

### **8.1 STATUS OF ICDS**

ICDS is operational in all the 146 development blocks of Chhattisgarh. Of those, 96 projects are being partnered by CARE Chhattisgarh. Although ICDS has got a strong

network right from the capital to the villages but the impact it has created (read failed to create) does not buttress the fact. Angan-badis have got a lengthy duty list, followed more in breach than in compliance. It has largely failed in, organizing & educating children and female adolescents in the village, one of its core commitments. The partnership of CARE has proved very effective in implementing ICDS agenda and impact of ICDS is clearly distinguishable in the area where it is being partnered by the CARE. In 50 blocks,(non-partner-ship with CARE) it is difficult to find their existence.

## **8.2 OTHER INTERVENTIONS**

National Child Labour Project schools are functional in all the sixteen districts of Chhattisgarh.

District Primary Education Programme is operational in 14 districts.

E.G.S. Schools, Alternative Schools (non-formal education) and state sponsored Anganbadis/ Baalwadis are also running in the state.

## **8.3 RECENT SCHEMES OF CHILD WELFARE**

“To overcome our weaknesses on illiteracy, education, health and the standard of living parameters, is a challenge that we accept” (Ajeet Jogi, Chief Minister of Chhattisgarh on 1<sup>st</sup> Nov. 2002, on the eve of 1<sup>st</sup> birth anniversary of Chhattisgarh State.)

Students Insurance Scheme: Started in all Government run Schools.

Indira Sookhana-Shakti Yojna: Aims at empowerment of girl child and will be providing computer education to 1,30,000 girl students.

Inclusion of English in the primary/pre-primary curriculum: Chhattisgarh Government has taken decision to introduce English to below-primary students of rural schools.

## Chapter 5

### STATE OF CHILD RIGHTS IN UTTARANCHAL

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#### 1. Introduction

Uttaranchal became the 27<sup>th</sup> state of India on the 9<sup>th</sup> November 2000. The present state of Uttaranchal was earlier a part of the United Provinces later renamed as Uttar Pradesh. Located in the foothills of Himalayas, the state has international boundaries with China (Tibet) in the north and Nepal in the east.

Uttaranchal is often called the land of God because of its various holy places and abundant shrines. Many a hill stations also offer unspoilt landscape to the tourist-pilgrim. Uttaranchal now comprises of 13 districts, 12 of which were part of the erstwhile Uttrakhand region of U.P. Haridwar, the 13<sup>th</sup> district was earlier part of the Saharmpur district of U.P. About 90% of the population of Uttaranchal depends upon agriculture. The state per capita income is Rs. 13,000 per annum.

Uttaranchal has a population of 84,79,562 persons among whom 4316401 are males while 4163161 are females. Uttaranchal constitutes 0.83% of India's population and is 20<sup>th</sup> state on the basis of population. The decadal growth rate of population has been 19.20% as against a national (Average) decadal growth rate of 21.34%. The sex ratio of Uttaranchal is 964 females per thousand males. It has increased from 936 to 28 points over the decade to the present 964. Within the state it varies from 902 in Udham Singh Nagar to 868 in Hardwar.

Uttaranchal has a high rate of literacy with more than 72 literates (72.28) in every 100 individuals. The literacy among the males is 84.01 while among the females it is 60.26. Uttaranchal stands at 14<sup>th</sup> position among the states of India on the basis of literacy. Over the decade the female literacy has increased at 18.63% however, there still exists a gap of 23.75 between male and female literacy. Nainital is the most literate district of the state with 79.60% literacy and Hardwar is the least literate with 64.60% literacy.

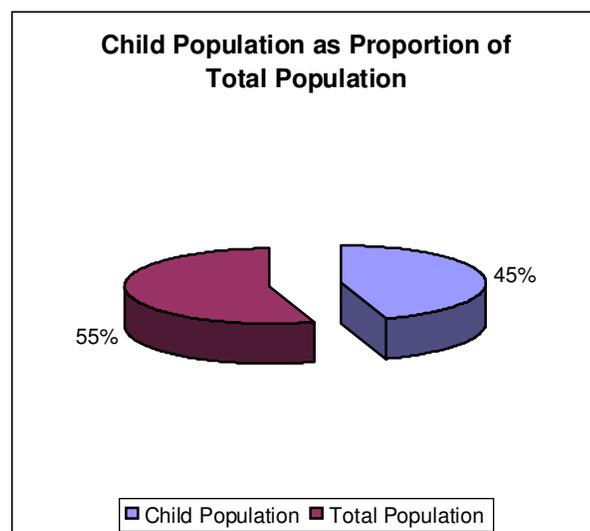
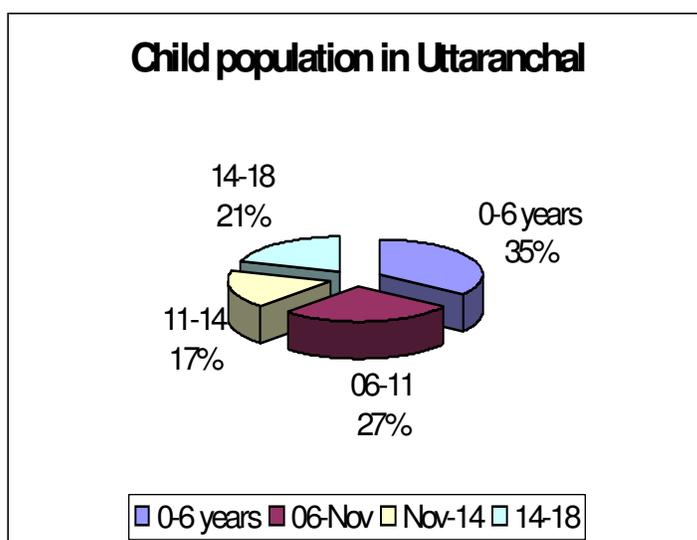
## 2. CHILD IN UTTARANCHAL

Child population in 0-6 age group in the state is 13,19,393, out of which 6,92,272 (52.46%) are male child and 6,27,121(47.53%) are the girl children (Census of India, Provisional Totals, 2001). The total child population (0-18 years) in Uttaranchal is 38,13,393, which constitutes 44.97% population of the state. While boys constitute 51.64% of the total child population, girls are 48.36%. As regards the parity in the number of boys and girls is concerned we have 1,25,151 girls missing. This is largely a result of a progressive decline in the sex ratio in the 0-6 age-group from 976 in 1961 to 927 in 2001. The gap is the minimum in the 6-11 years age group where boys outnumber the girls only by 1000.

**Total child population in Uttaranchal**

Age group	Boys	Girls	Total
0-6 years	6,92,272	6,27,121	13,19,393
6-11	5,21,000	5,20,000	10,41,000
11-14	3,40,000	3,24,000	6,64,000
14-18	4,16,000	3,73,000	7,89,000
Total	19,69,272	1,84,4121	38,13,393

\*(Source: Abstract of Selected Educational Statistics, 2001-2002)



### 3. Right to survival

**3.1 Infant and child mortality indicators:** The Infant mortality and child mortality figures in Uttaranchal are quite low as compared to the parent state of Uttar Pradesh and even far better than all India average of 68/000 live births. According to the NFHS 2 IMR five years preceding the survey stood at 38/000 live births much lower than the IMR of 89/000 live births in UP. Child mortality was 19 and the under five mortality was 56. Expressed differently 1 in 27 children die in the first year and 18 die before reaching five.

IMR	CMR	U5MR
38	19	56

Infant mortality is 4 times high among children born less than 24 months after a previous birth as among children born after a gap of 24 months or more (110 deaths compared to 23/000 live births).

**3.2 Nutritional status:** Though having good mortality figures, Uttaranchal too has debilitating nutritional status of children. 42% children under age three are underweight, 47% are stunted and 8% are wasted (corresponding figures for UP are 52, 56 and 11% respectively) under nutrition is higher in rural areas and is particularly high among children from low-income households. The percentage of undernourished girls is higher than the boys suggesting discrimination in dietary patterns within the household.

More than 3/4<sup>th</sup> children (77%) of age 6-35 months are anaemic including a large majority of children in every sub group. The prevalence of anemia is particularly high among children who are one year old. Children whose mothers are anemic are more likely to be anaemic than the other children.

**3.3 Immunization status:** At the time of the NFHS 2 (1998-99) only 41% children of age-12-23 months are fully vaccinated (as compared to 20% in Uttar Pradesh). 48% had received some but not all vaccines while 12% did not receive any vaccine at all. Only 24% children in the age group 12-35 months received vitamin A supplements. The immunization too saw a large gap among the children who took the first dose and the

children who received all three doses. For instance, first dose polio vaccine was administered to 88% children while only 62% children received all three doses of it. Similarly, the number fell from 74% to 56% for first and all three doses of DPT.

### **3.4 Public health and access to drinking water:**

There are 257 PHCs, 23 Community health centers and 32 big hospitals in the state. The government promises to provide primary health services and family welfare services at every village. The provision of drinking water has got a top priority and during the current year 350 bastis will be facilitated. In the urban areas, potable water facilities will be improved in 22 cities. 66.2% households in Uttaranchal are within 15 minutes of source of safe drinking waters.<sup>52</sup>

## **4. RIGHT TO PROTECTION**

**4.1 Child labour in the state:** The exact estimate of child labour in the state is not yet available. The Census of 1991 recorded Allahabad as having maximum (3.94) and Uttarkashi having minimum (0.31) percentage of workforce of children to the total child population of undivided Uttar Pradesh while child population constituted 40.31 % of the total population of the state as against the national average of 37.25 (in 1991). (Working Children in India, An Analysis of the Census data, 1991).

The most debilitating factor is that despite all these Uttaranchal is not even in the focus of the child labour debate. The concern for the child labour has been obscured by the threats to environment posed by hazardous industrial activities. Child labour is considered to be non-existent in the region. However, the Census of U.P. shows that the Uttaranchal districts generally have a higher population of workers (both main and marginal), boys and girls in the below 15 years age group. It is assumed that all these children are engaged in family based activities. But this could not be the whole truth. Traditionally, Uttaranchal is known to be sending out a large number of child labour in 'domestic services' both house-hold and hotel/restaurant including 'dhabas'. The 'runway children' is a common phenomenon in the region. Children in plains are in no better position as they are being continuously employed in factories, mines and other hazardous vocations in the blatant violations of the constitutional guarantee. Labour

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<sup>52</sup> NFHS 2

contractors by providing children to be employed in any and all sorts of works are sending their rights for a toss with impunity.

The foothill towns are the important transit points for child labour originating from the hills and as such Tanakpur, Banbasa, Khatima, Kashipur, Rudrapur, Kaidwar, Rishikesh, Haridwar and Dehradun are known to have been exacerbating the practice.

The complete breakdown of local economy, largely dependent on forest products, on account of restriction on the use of forest products by individuals and communities and on the other hand, hostile physiological conditions, lack of arable land and industries and minimal opportunities of employment have encouraged incessant migration. These reasons coupled with lack of educational facilities and women being over occupied with the responsibilities of running the household (in the absence of males) has deprived the children of opportunities of education, capable of engaging and weaning them away from the work.

**4.2 Child Marriages:** The hills of Uttaranchal are inhabited by 3,00,000 strong tribal population where early marriage is a norm. A study by Prof. D K Naudiyal ( HOD of Deptt. of Sociology) has revealed that among the hill tribes of Uttaranchal, 24% Jaunsari, 19% tharu, 23% boxa, 18% bhutia and 30% Raji females bear child before the age of 19 years.

**4.3 Child Prostitution:** Kolta tribe continues with a unique but dehumanizing practice even today. Settled along the Yamuna valley, the apathy of the policy makers have forced Koltas to remain in degrading and inhuman conditions and continue with the pitiable practice wherein hundreds of girls of tender years are being hurled into prostitution every year. A girl soon after attaining puberty is forced by her father into prostitution. Her ordeal continues notwithstanding her civil status and even after marriage she has to continue this on the behest of her husband. The entire tribe is treated as untouchable and they don't have rights to own property. None of the members can move freely in the main streets, neither they can wear shoes before anybody belonging to "higher" caste. Females are not allowed to wear any jewellery. While males work as bonded labour to redeem ever-unending debt, females are routinely resorted to satiate carnal lust. The government of Uttar Pradesh had constituted a Committee before independence to end this outrageous discrimination, however, it failed to produce

results. The government of Uttaranchal is yet to take notice of this dehumanizing practice.

## 5. RIGHT TO DEVELOPMENT

Education forms the edifice over which the right to development of children rests. The state shows a better educational infrastructure and an equally good enrollment ratio.

### 5.1 Educational infrastructure for persons below 19

Institutions	Total enrollment	Number of schools	Number of teachers	Teacher-pupil ratio
Primary/ pre-primary (classes I-V)	1047798	13795	29526	35
Middle School Classes VI-VIII	489440	3487	14377	34
High School Classes IX-X	268216	686	13833	19
Higher secondary Classes XI-XII	112230	907	5694	20

### 5.2 Gross enrollment:

The overall gross enrollment ratio in the state stood at around 100% in the primary classes. Even for children belonging to SC/ST the enrollment stood at around 100%. However, there was a substantial drop in the enrollment for the middle school and GER for SC (86.62%) and ST children (80.30%) were better than the overall GER at 73.71%.

Gross enrollment ratio (GER)

Category	Total			SC Children			ST children		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Primary	99.88	101.43	100.65	106.41	108.47	107.43	96.58	98.14	97.36
Middle	75.39	71.95	73.71	90.80	82.24	86.62	80.06	80.54	80.30

### Box

However, there are reasons to doubt the availability and accessibility of education as these figures would have us believe. The study "Socio-economic analysis of the central

Himalayan tribes by Prof.D K Naudiyal reveals shocking regional/ cultural differentials in education of the tribes.

- In the state capital Dehradun, which is home to Jaunsari tribes, 65% males and 90% females are illiterate. Only 13% males and 2% females have been fortunate enough to complete primary education
- Tharu tribe inhabiting Nainital district have 65% males and 90% females illiterate. Only 13% males and 3% females have received primary education.
- Boxa tribes residing largely in Dehradun and Nainital have 77% males and 90% females as illiterate. 18% males and 11% females have had primary education
- Better than other tribes, Bhutiyas residents of Pithauragarh have 23% males and 14% female illiterates. This is the only tribe where surprisingly females are more literate than the males

## **6. State initiatives**

**6.1 Education:** Education was given a top priority along with health facilities and access to drinking water in the agenda of the state. The state “stands undeterred in its commitment to provide compulsory education to the children in the age group 6-14 years.” Every school will have at least two teachers. Information technology and military sciences have been included in the curriculum of high schools. The curriculum for higher education will be reviewed to make it job oriented. Shiksha Bandhu and Shiksha Mitra have been started to deal with the lack of teachers.

“Shiksha Mitra” and “Shiksha Bandhu” focusing primary education were followed by “Special BTC”. The state has come up with another project named “Shiksha Acharya” for poor students to be initiated soon. While Shiksha Mitra and Shiksha Bandhu will take care of the Educated untrained gentry of the state by providing them temporary appointments as teachers, Special BTC will have the trained teachers who will be recruited after a 6 months training.

**6.1.1 School Chalo Campaign :** The State government also initiated School Chalo campaign to bring all the 6-11 years children under the umbrella of education. In this campaign students in the target group are being admitted in the primary schools and they are being provided with books and study materials free of cost.

## **6.2 Access to leisure, sports and culture:**

- The state is taking the services of Jaspal Rana, Abhinav Bindra and Manser Singh etc. for the promotion of sports in the state.
- A sports academy is being set up in DehraDun.
- New stadia coming up at Tihri and New Tihri.
- Central Sports Ministry has submitted 15 proposals for the promotion of shooting, Boxing, Volleyball, weightlifting, football, Athletics and Hockey.

### **6.3 Access to vocational training:**

The state is setting up a vocational/ polytechnic Institute at Roorkee. This institute will be responsible for running vocational courses and bringing uniformity in the quality of vocational training being provided in the state.

**6.4 Uttaranchal signs MOU with UNDP:** Uttaranchal signed an MOU with the UNDP to bring out the Human Development Report of the state. The report will be of immense value to assess the needs of the communities, blocks and janpads. The HDR will provide important indicators to the state as regards investment in the basic minimum services with the objectives of human development and poverty alleviation

## **7. RIGHT TO PARTICIPATION**

Though children do have the right to access to relevant information, freedom to express their views and form associations but that does not necessarily result in their participation. There seems to be hardly any effort on the part of the government to involve children and encourage them to form and express opinion. The participation of the children sadly remains confined to the playground that too, where they are available. Their meaningful participation in the social and political life and in the processes to train them to become responsible citizens demands more than that.

## Chapter-6

### STATE OF CHILD RIGHTS IN UTTAR PRADESH

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#### 1. Introduction

The state of Uttar Pradesh has a very rich cultural heritage and was considered a centre of intelligence right since the Vedic ages. Several sacred books of the Aryans including Ramayana and Mahabharata are believed to have been composed here. It has been associated with Buddhism and Jainism too and many places in the state are known for their religious importance even today. In the medieval times Uttar Pradesh led a synthesis of two cultures Hindu and Mohammedan and two languages Hindi and Urdu, which presented a perfect blend of religious harmony. During the British imperialism, the state came to be known as United Province and was named as Uttar Pradesh in Jan, 1950 with the commencement of the Constitution. In 2000 the state of Uttaranchal was carved out from the state of Uttar Pradesh. Uttar Pradesh is bounded by Uttaranchal and Himachal Pradesh in the north, Haryana in the west, Madhya Pradesh in the south and Bihar in the east. The state has a total area of 238566 sq. Kms.

**1.1** Agriculture is the main occupation of the state 78% population of the state. However, the state is also rich in minerals like limestone, magnesite, coal, phosphate etc. there is a software technology park at Kanpur and 5 more are proposed to be set up. It is also planned to develop 102 new sectors of NOIDA by the year 2011.

**1.2** The most populous state of the country, Uttar Pradesh has a population of 16,60,52,859 including 8,74,66,301 males and 7,85,86,558 females. The state of UP constitutes the 16.17% population of the country. The state had a decadal growth rate of 25.80%. Sex ratio of the state is 898 females per thousand males and the density of the state stands at 689 persons per square KM. The overall literacy rate of Uttar Pradesh is 57.36 with 70.23% literacy among the males and 42.98% literacy among the females.

Administrative set up in the state:

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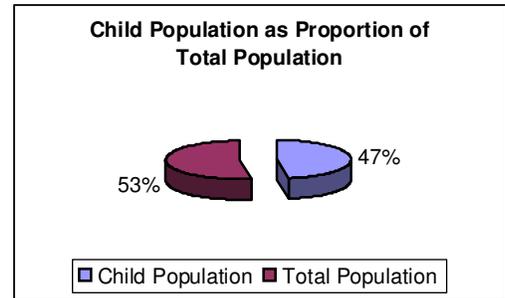
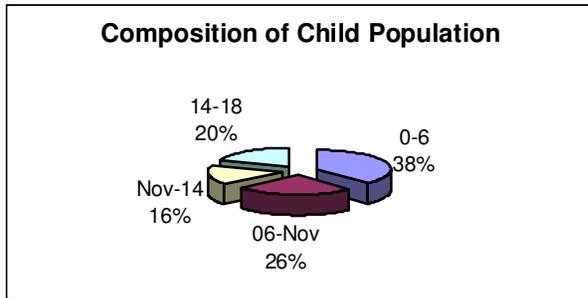
## **2. Child population in Uttar Pradesh**

The children in the age group 0-6 years constitute 18.35% of the total population. In absolute terms this is 3,04,72,042 persons with 1,59,03,900 boys and 1,45,68,142 girls. To have an estimate of the number of children up to 18 years, the projected populations in the different age-groups (as given in the Selected educational statistics, 2003) were added.

### **Total child population in Uttar Pradesh**

<b>Age group</b>	<b>Boys</b>	<b>Girls</b>	<b>Total</b>
0-6 years	15903900	14568142	3,04,72,042
6-11	10549000	9808000	20357000
11-14	6896000	6113000	13009000
14-18	8421000	7043000	15464000
<b>Total</b>	<b>41769900 (52.67%)</b>	<b>37532142 (47.32%)</b>	<b>79302042</b>

The total child population (0-18 yrs) of the state adds up to 7,93,02,042, which is 47.7% of the total population of the state. Out of the total population boys are 52.67% and girls constitute 47.32% of the child population. The child population is proportionately larger in the rural areas (43%) than in the urban areas (37%) for the children in 0-14 age group (NFHS2)



### 3. Right to survival

**3.1 Mortality indicators** The infant mortality rate is high at 84 deaths per thousand live births as against the national average of 68 per 000 live births. Under 5 mortality rate in the state stands at 122 per thousand live births meaning thereby that 122 out of 1000 children born, do not live up to celebrate their fifth birthday. Juxtaposed against the national average of 94, high U5MR suggests children's susceptibility to death. The high MMR also suggest lack of prenatal, natal and post natal care resulting in the death of more than 700 women (per 00,000) in child bearing

Mortality indicators in Uttar Pradesh

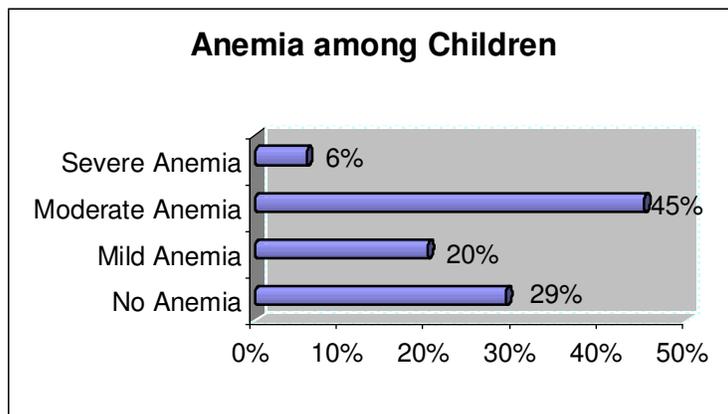
Birth rate	Death rate	IMR	U5MR	MMR
32.1	10.0	84	122	707 per lac

NFHS 2 reports that the IMR for the state in the 5 years preceding the survey is estimated to have been 87 deaths per 000 live births meaning thereby that 4 out of every 100 children born in U P did not survive until first birthday. Child mortality for this period was 39/000 and under 5 mortality was 123/000. Thus approximately one in every 8 children died before reaching the third birthday.

### 3.2 Nutritional status of children

Under nutrition remains a major problem in the entire country; the level of under nutrition is still higher in the state. While 47% children are underweight in the country, in U P more than half of the children (51.7%) children are underweight. 37% babies born in the state are underweight indicating malnutrition among the expectant mothers. 35.8% of females bearing child are reportedly malnourished in the state.

Besides, anemia continues to be major cause of concern among the children as 71% of the children suffer from different level of anemia. While 29% remain free from anemia, 20% are mildly anemic, 45% are moderately anemic, 6% suffer from severe anemia. The anemia among children can be largely attributed to the anemia among the expectant and nursing mothers as 49% females suffer from various degrees of anemia.



The prevalence of anemia was found higher among older children of 12 months and above than for infants. The prevalence was also found higher for schedule caste children as compared to children belonging to other socio-economic group. The prevalence for children whose mother have received at least high school education was substantially lower than for children whose mother have less education.

### **3.3 Mother and Child Health**

The health of the child largely depends upon the antenatal, natal and post natal care which their mothers receive. The objective of the MCH programme run by the MoHFA is to ensure ante and post natal services to the women and encourage them to deliver in medical facilities. As against this NFHS2 reports that in the state only 16% deliveries took place in the institutions such as Govt. operated distt/tehsil/town or municipal hospitals/ PHCs, private hospitals and private nursing homes. Even in institutional deliveries only half of the deliveries were attended by the doctors. In case of deliveries in private institutions every 8 out of 10 deliveries were attended by the doctor. Non-institutional deliveries constituted 83% of all deliveries and sadly only 95 of the non-institutional deliveries were attended by either a doctor or other health professional.

As regards the access to ante natal care (during the last three years), only 51% of the mothers received at least two tetanus toxoid injections during pregnancies resulting in live births during the last three years and a still lower proportion of them (32%) received iron, folic acid (IFA) supplements. However, only 21% of them got the recommended 3 months course. Overall, 35% of women received at least one antenatal check up against the recommended three.

The utilization of antenatal services was found higher among the younger women (age 15-34 years) than among older women (35-49 years). Similarly antenatal services were utilized much more by urban women than by rural women. Education was found to be directly linked with the utilization of services in the sense that the proportion who received the ante natal care from a doctor was 13% for illiterate women and 67% for women with at least high school education.

### **3.4 Gender discrimination in the right to life: a deadly saga for the female child**

The sex ratio in the state at 898 females per 000 males is 35 points lower than a already pathetic national mean average of 933 females per 000 males. The sex ratio of the child in the 0-6 years presents a still poorer picture at 916 girls per 000 boys. Of 70 districts only 3 have the sex ratio favorable to the females namely, Deoria (1003), Jaunpur (1021) and Azamgarh (1026). More than 50 districts have sex ratio lower than 900. Shahjahanpur has the lowest sex ratio of 838 followed Badaun and Mathura at 841 females per 1000 males.

#### **4. State initiative**

##### **4.1 I.C.D.S. in U.P.**

The Uttar Pradesh Baal Vikas Pariyojna Parishad is responsible for implementation of ICDS. 608 projects operate in the state with 61807 Aganwadi Centers. AWCS are operational in rural areas and urban slums. One AWC functions at the population of 1000, having 102 beneficiaries, involving 80 children of 0-6 years age group and 20 lactative women. The target beneficiaries under this programme are:

- Children of 0-6 years age group
- Pregnant Women – Nursing Mothers
- Adolescent girls – 11 to 18 years age group
- All Women – 15-45 years age group

Programme focus differs for all these four target beneficiaries

Coverage area for this programme is as follows:

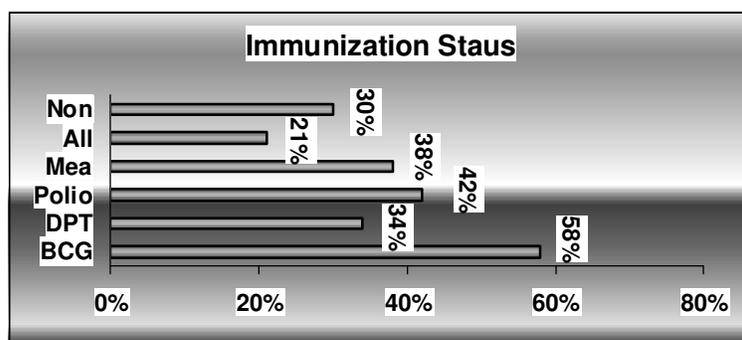
1. Number of Urban blocks with ICDS project =19
2. Number of Rural blocks with ICDS project =499
3. Number of Aganwadi Centres in rural area =52302
4. Number of blocks in ICDS III =110
5. Number of AWCs in ICDS III =9505

ICDS III covers the urban areas

CARE Uttar Pradesh partners through its Integrated Nutrition and Health Programme in Allahabad, Fatehpur, Gaziabad, Hardoi, Pilibhit, Shahjahanpur, Agra, Kanpur, Sitapur, Lucknow, Raibareilly and Baranbanki districts.

##### **4.2 Immunization status of children**

As against the target of cent percent coverage, in the state of U P only 21% children are fully vaccinated. Almost one third of the children (30%) have received no vaccination at all. Among the immunized children vaccination coverage is 58% for BCG, 34% for 3 doses of DPT, 42% for 3 doses of polio (excluding the polio vaccine given at birth) and 38% for measles.



The proportion of children who received DPT vaccine decreases from 51% for 1 dose to 34% for 3 doses and the proportion that received polio vaccines decreases from 67% for 1 dose to 42% for 3 doses.

One remarkable fact that comes to light that while the immunization coverage in the state extends to 23.6% of the boys, in case of girls it is only 18.8%. Similarly while 32.3% of the urban children are immunized, only 19.2% of the rural children have received the vaccinations.

(Source: NFHS-2)

## 5. RIGHT TO DEVELOPMENT

**5.1 Education:** Right to education is one of the most important constituents of the right to development, which the state is supposed to provide to every child. The state of education in the U P is revealed by a study done by D P Choudhary in the “Dynamic Profile Of Child Labour In India”.

Total Child Population	37732410	Total students (Fulltime)	12774800
Male Child Population	20295579	Total Male students	9130480
Female Child Population	17436831	Total Female students	3644320
Rural Child Population	31132157	Students of Rural U.P.	9396846
Rural Male Child Population	16727892	Male Students	7141138
Rural Female Child Population	14404265	Female Students	2255708
Urban Child Population	6600253	Students of Urban U.P.	3377954

Urban Male Child Population	3567687	Male Students of Urban U.P.	1989342
Urban Female Child Population	3032566	Female Students of Urban U.P.	1388612

(Source: Dynamic profile of Child Labour in India; D.P. Choudhary the above figures are for 2001, which have been derived after using projections.)

The table suggests that out of the total child population in the state only 33.85% children are fulltime students and pursuing education properly. While 75.9% of these fulltime students are boys, girls constitute only 24% of the privileged section. While 44.98% of the boys are studying full time, only 20.90% of the total girls in the state are pursuing full time education. This is not all; there is a huge discrimination on the basis of sex and the residence in the availability of educational services. While proper education is available to 51% of urban children, for children belonging to rural area this coverage is only 30%. **As regards the discrimination on the basis of sex, while only 45.79% girls are under education as against 55% boys in the urban areas, this facility is available to only 15.65 girls as against 42.69% boys in the rural areas.**

## 5.2 Gross Enrollment Ratio

The gross enrollment rate in the classes I- VIII (age 6-14 yrs) stand at 54.10% wherein boys enrollment is 67.49% and girls enrollment is 39.42%. (National average 82.35 Boys-90.69, girls- 73.56).

As against this the enrollment of SC children in the same classes and the age group is 62.14% wherein boys enrollment is 79.83 and girls enrollment is 42.56. (National 85.55%, boys-95.71%, girls-74.64%).

ST students' enrollment was better than both at 68.9%. The enrollment of ST boys stood at 82.7% whereas the enrollment of ST girls was 54.26%

## 5.3 Drop out rate

The state witnesses high drop out rates for classes I- X, as high as 58.98%, meaning thereby that out of 100 students enrolled 59 drop out of the education system at various stages. While the drop out rate among the boys remained 53.4%, 69.4% of the girls dropped out.

#### **5.4 Enrollment of girls per 100 boys**

The education of girls is lagging far behind in the state, which is manifested by enrollment of girls per 100 boys. As against enrollment of 100 boys only 46 girls were enrolled in the classes XI-XII, only 32 in classes IX-X, 44 in classes VI-VII and only 57 in classes I-V

Though U P has at least one school in every village, the literacy rate does not reflect this. More particularly the state of female literacy is pitiable. Shrawasti has only 18.75% women literates, Balrampur 21.58%, Bahraich 23.27%, Budaun 25.53%, Rampur 27.87%, Maharajganj 28.64% and Kaushambhi has only 30.8.% female literacy.

#### **6. Educational programmes in the state**

Several central and state level initiatives have been in operation from the early 1980s . While the design of these projects vary substantially, all of them address the objectives and strategies of the National Policy on Education 1986. They pay special attention to increasing girl's enrolment, improving educational outcomes, strengthening community involvement, improving teaching & learning materials and providing in-service teacher training. They are – operation black board launched in 1987, District Primary Education programme, covering a few districts of Uttar Pradesh and Uttar Pradesh Basic Education Programme.

**6.1 Uttar Pradesh Basic Education Programme** – A project “Education for all” prepared by the Government of Uttar Pradesh was approved by the World Bank in June 1993. It has on total outlay of Rs. 7288 million spread over seven years. The progress of implementation of the project so far has been satisfactory. The construction work of schools and block Resource centers have been completed as per schedule.

**6.2 Sarva Shiksha Abhiyan** – The SSA is a historic stride towards achieving the long cherished goal of Universal Elementary Education through a time bound integrated approach. This aims to provide useful education to all children in the age group 6-14 age group by 2010. Institutional reforms, sustainable financing, community ownership, institutional capacity building, improving mainstream education administration are some of the strategies central to SSA Plan.

#### **7. RIGHT TO PROTECTION**

It is the pertinent duty on the part of the state to protect children from any kind of exploitation whether economic or sexual, against drug abuse, disease and disability or any moral or material abandonment. However, child labour remains a mammoth problem forcing innumerable children to sacrifice their childhood on the altar of backbreaking labour. Working children have become an integral part of the Uttar Pradesh's society, and unfortunately, its economy, with powerful sources sustaining it, including employers, vested interest groups and traditionalists. A child worker is considered another cheap and easily controlled worker in the labor force and no doubt there is always some one benefiting from it. That someone is never the child. Poverty, illiteracy and child labor go hand in hand. A child's earnings have become a necessity for those families, which are struggling to make ends meet. The child also has no alternative.

It is widely recognized that a major obstacle to effective legal protection is the weakness of enforcement mechanisms. Uttar Pradesh has a track record of **very poor violation & conviction ratio**. In 1993-94 of 1645 violations only 8 cases, in 1994-95 19 out of 61 violations, in 1995-96 none out of 246 violations and in 1997 none out of 264 violations could reach to conviction stage.

### **7.1 Child labour in the state**

There is neither accuracy nor uniformity in number of child labors, while enumerated. Different agencies come out with different numbers. A child labour Survey carried out in implementation of Supreme Court Judgment of 10-12-1996 revealed 32,820 child labourers in the state. Of those, 17,440 were in non-hazardous and 15,380 were in hazardous establishments.

Dynamic Profile of Child Labour in India, though written in 1996, by Choudhary D.P., has come out with different figures for 2001. These figures have been derived after using projections. These figures blatantly belie the euphoria cast by the official statistics.

Total Child Population	3,77,32,410	Total Child Workers	28,75,569 (7.62%)
Male Child Population	2,02,95,579	Male Child Workers	14,70,926 (7.25%)
Female Child Population	1,74,36,831	Female Child Workers	11,04,643 (6.34%)
Total Child Non Workers	3,51,56,841	Nowhere Children	2,23,82,041 (

Nowhere children constitute a large portion among total non-workers, while students constitute a miniscule section of this huge number. There are only 12,774,800 full time students. Among whom nowhere children female outnumber Male children.

### 7.2 Child labour in U P (by residence)

	Rural	Urban	Total
Male Child Population	1,67,27,892	35,67,687	2,02,95,579
Female Child Population	1,44,04,265	30,32,566	1,74,36,831
Male Child workers	13,05,080	16,58,46	1470926
Female Child workers	10,89,053	15,590	1104643

The table shows that the child labour though less than 10% of the child population is substantially higher than the earlier estimate. The above table enunciates that rural and female children are in low priority with the societies they inhabit in. They are more vulnerable and lack protection of their families, communities and the government.

According to one document of National Labour Institute, NOIDA U.P's share in national child labour population is 10.5% where as 51.20% was the dropout rate and the below poverty line population percentage was 35.1%

**7.3 Occupational distribution of child labour :-** Following table gives a clear description of trade and occupation wise distribution of child labour.

<u>Male Child workers</u>	<u>1470926</u>	<u>Female Child workers</u>	<u>1104643</u>
<u>Cultivators</u>	<u>683269</u>	<u>Cultivators</u>	<u>103079</u>
<u>Agricultural laborers</u>	<u>313868</u>	<u>Agricultural labors</u>	<u>95272</u>
<u>Mining, quarrying etc.</u>	<u>11497</u>	<u>Mining, quarrying etc</u>	<u>1884</u>
<u>Household industry</u>	<u>74211</u>	<u>Household industry</u>	<u>17395</u>
<u>Manufacturing</u>	<u>90724</u>	<u>Manufacturing</u>	<u>7533</u>
<u>Construction</u>	<u>6906</u>	<u>Construction</u>	<u>807</u>
<u>Trade and Commerce</u>	<u>31506</u>	<u>Trade and Commerce</u>	<u>1166</u>

<u>Transport, storage and communication</u>	<u>5674</u>	<u>Transport, storage and communication</u>	<u>179</u>
<u>Other Services</u>	<u>37455</u>	<u>Other Services</u>	<u>5111</u>

(Source : Dynamic Profile of child labors in India : D.P. Choudhary)

(Figures have been derived by using projections)

Uttar Pradesh is well known for high abundance of child labour particularly in brassware industries of Muradabad, Khurja Pottery industries, Bulandshar's Embroidery, lock industries of Aligarh, glass bangles industries of Ferozabad and Carpet Industries of Mirzapur Bhadohi involve child labour on a massive scale.

#### **7.4 Child Labour in Brassware Industry of Moradabad :- Back-breaking labour under stifling Conditions**

There is no exact estimate of child labor in Brassware pottery industry. Estimates of different agencies vary drastically. According to District Industry department there were 5000 child labour out of total 16000 workers. In 1980, a study conducted by Kulshreshtha and Sharma revealed 24000 child labors of total 10000 working force. According to a sample survey conducted by labor department U.P. in 1986, there were 75% children working in this industry. Only 25% of those were wage earners.

A study conducted by Dr. Neera Burra gives alarming facts. According to that study there were 40000-45000 child workers. 10-12000 children were found to be engaged in hazardous processes. Average income of majority of workers is Rs. 1000-1200. They have to work for eleven hours in a day. Majority of the children engaged in this industry are uneducated. 5 N.C.L.P. schools accommodating 500 children are being run in the state.

**Penal Actions** :- Of 21 cases pertaining to Child Labour (P & R) Act, 1986 violation, only one employer Bakon Export was convicted of three months imprisonment and Rs. 10000 fine.

#### **7.5 Child Labour in Khurja Pottery ; Struggle for Others pleasure**

Child Labor in Khurja Pottery :- Khurja famous for its pottery, is located in Bulandshahr district. Eighty percent of the population live in rural areas. The literacy rate of the district is 75.55% for males and 42.82% for females. Agriculture and allied work is the primary

activity in the area. Small-scale industries like pottery and embroidery have gained an impetus.

In Khurja, about 20000 workers are said to be directly or indirectly engaged in the pottery industry. Of these, approximately 5000 are children. The majority of children work in independent production factories. A few adults are employed in these factories only to supervise the children. Children earn about Rs. 1000 per month for working 8 hours a day. Most of the children start work at the age of six or seven and do not attend any school. The children involved in their family units also do not go to school. Workers at these factories are exposed to breath of T.B. in the air, silicosis and loss of sight & hearing.

#### **7.6 Embroidery: Making designs with pressure, not pleasure**

The units of embroidery are located around Bulandshahr and Sikandarbad blocks in Bulandshahr district. The embroidery is used on women's apparel. Embroidery is a largely decentralized domestic industry. There is no estimate about the number of child workers engaged in the embroidery industry. The majority of the workers are women & girl children belonging to the Muslim community. They are paid on piece rate basis. The workers sitting in cramped positions for long hours and in poor lighting conditions. A child makes about Rs. 500-700 per month.

#### **7.7 Lock Industry of Aligarh; Imperiling self's future for others safety**

80% of the total locks manufactured in the country are manufactured in Aligarh. The tradition of lock manufacturing in Aligarh is 142 years old. During the initial stages, the smiths manufactured locks in their homes with the help of their family members. After independence most of the skilled smiths who shifted to Pakistan were replaced by Hindus of Pakistan occupied Punjab. They later established Factories considering this as business of profit-making venture. However, locks are also manufactured by rural smiths habiting nearby villages of Aligarh. Establishment of factories hasn't affected them.

Child labor constitutes 10% of the total labor force engaged in lock making. A study conducted by Dr. Neera Bura(1995) revealed 7000 to 10000 child laborers in lock industries of Aligarh. Average age group is 7-14 years. Almost, all the processes except packing are hazardous enough to claim the lives of the young ones. Unlike other industries, wages vary according to kind of work and hours. A child has to work for more

than 12 hours. Child workers are able to make only Rs. 800 per month in lieu of their back-breaking labour. The child workers fall prey to diseases like T.B., fever, bronchitis, pneumonia and tetanus.

### **7.8 Child Labour in Glass Bangles industry of Ferozabad : born to burn for others fashion**

The glass industry produces bangles. These industries are situated in and around the city of Ferozabad. Establishment of glass industries dates back to 1910. Dr. Neera Burra estimated 50000 child workers of 200000 total workers According to another study of total 150000 workers, 40000 were child workers. Both the studies were conducted in 1986. There are wide variations in number due to their inexact and abhor nature. Heat, sound and pollution emanating from these adversely affect the health of child workers. Burns are a common incidence and so are respiratory and throat problems. Child workers have to breathe smoke and are exposed to chemicals. Average earning of a child worker is Rs. 20-30 per day. The working hours are 8 to 12 hours.

### **7.9 Carpet Industries of Mirzapur-Bhadohi : Lost in Knots**

The tradition of carpet making in this region is at least 400 years old having begun in the 16<sup>th</sup> century A.D. A study done by National Labour Institute traces the history of carpet industry to the era of Moghul emperor Akbar. The Carpet industry involves vast production infrastructure 120000 looms and its geographic spread is over 45000 sq. kms.

The carpet industries of Mirzapur, Bhadohi, Varanasi and Allahabad in U.P. employ 75000 children in unhealthy working conditions. These conditions create breathing problems, body aches and Joint pains. (Pati, 1991). Rugmark foundation estimates 300000 child labour employed in carpet industry. Weaving is generally done in villages and children usually work on their own looms and under the supervision of their parents; therefore the child labour largely remains concealed. Hence low emphasis on the prevention. Children are engaged to do knotting, wool sorting, clipping, and washing etc. They are estimated to constitute at least one fifth of the children engaged in weaving.

**8. Child Prostitution :-** The International Labor Organization stresses that whereas adults could choose sex work as an occupation, children are invariably victims of prostitution. Child prostitution differs from and should be considered a much more

serious problem than adult prostitution. Commercial sexual exploitation is such serious form of violence against children with life long and life threatening consequence.

In our country, everyday, about 200 girls and women enter in to prostitution. Mumbai, Asia's largest sex-industry center, alone has nearly 40000 child prostitutes. Out of 10 million commercial sex workers in India 300000 to 500000 are below 18 years of age. U.P. has got significant share in the aforesaid number. Uttar Pradesh is considered a high supply zone for prostitutes. Uttar Pradesh is also a transit place for Nepalese girls. There is no reliable statistics on the number of prostitutes/ child prostitutes, however NGOs estimates indicate that roughly 12.15% of the prostitutes are children. Mirganj of Allahabad is red light area, witnessing child prostitutes. Almost, every brothel in the state has child prostitutes, both in hidden and open forms. National highways are also an abode for child prostitutes and the truck drivers one most reliable and paying customers.

## **8.1 . STATE INITIATIVE**

**8.1.1 SWADHAR-Scheme** has been launched by the Central Government to counter to menace of child prostitution. There have been interventions in the better known red light areas of Varanasi, Jounpur, Agra, Merrut and Allahabad while such areas of other cities lack visibility and interventions.

**8.2 Crime/Delinquency among children**– Children are the most vulnerable group in any population and in the need of social care. On account of their vulnerability they are ill treated, exploited and directed in to undesirable channels by anti-social elements of the society. Childcare, protection, rehabilitation, welfare and development programmes for children to fulfill constitutional obligations have been initiated by different state governments at different levels.

### **8.2.1 Provisions for the Neglected and Delinquent children**

There are 10 juvenile homes for Boys and one juvenile home for Girls. However, the number of neglected juveniles, brought by the Police is considerably low in comparison to those brought by the officials of Social Welfare department. Search or proper care of Neglected Juvenile is in fact not a matter on priority for the police.

**8.2.2 Child Guidance Clinics-** For helping the Neglected juveniles or the parents who think that their children are not showing normal social behavior there are two child guidance clinics, one at Agra and other at Banaras.

In Uttar Pradesh, there are 59 Observation Homes for boys and 16 for girls. There is one Special Home for convicted juvenile at Etawah and one for girls in Lucknow.

As far as functioning of the police is concerned, they are working effectively and efficiently in the direct victim linked cases, however, they have largely unable to prevent potential delinquent juveniles from committing crimes.

## **9. RIGHT TO PARTICIPATION**

Future of democracy depends on participation, and democracy begins with children. Hence for sustainability of democratic set-ups, it becomes mandatory “to make children of the land participate.”

Children, from the times immemorial, have participated in the personal, community, social and economic life of the country. However, in the context of child rights, the children’s right to participation means that the children should have the right to participate in the decision making process in the affairs which are important for their development as responsible future citizens or/and are inextricably linked to their well being. Their participation can take different hues however, the negative participation, participation in the processes, which are detrimental to the interests of children, are more evident in the state. The positive and constructive participation seems to be limited to elite public and government schools in the cities. There seems to be a huge portion of child populace, participating negatively in the society as Working Children, Street Children, Abandoned Children, Children endangered by abuse & neglect, Children in difficult circumstances such as in communal riots, Prostitutes and Beggars etc.

The “least-child friendly environment of U.P.”, social class, economic conditions, cultural norms, family traditions & expectations are the factors which impede adequate participation of less-fortunate children of the state. In fact, the avenues ways and mode of participation remain neither defined nor attended by the policy makers.

## Chapter- 7

### STATE OF CHILD RIGHTS IN MADHYA PRADESH

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#### 1. Introduction

The undivided Madhya Pradesh was founded in 1956 through the States Reorganization Act, 1956. It was bifurcated in 2000 to carve out the state of Chhattisgarh from it.

Because of its central location, it has been a hub of the activities and witness to historical currents from north, south, west and east. It has been a part of Ashoka's

empire, as well as the legendary Gupta Empire in 4<sup>th</sup>-5<sup>th</sup> cen. AD. Muslims came to central India in the 11<sup>th</sup> century after that it became incorporated in the mighty Mughal Empire. Later it remained a bone of contention among the Maratha rulers. Madhya Pradesh is bounded by Chhattisgarh in the east, Rajasthan and Gujarat on the west, Uttar Pradesh in the north and Maharashtra in the south. The total area of Madhya Pradesh is 308000 Sq. kms.

The total population of the state is 6,03,85,118 including 3,14,56,873 males and 2,89,28,245 females. Madhya Pradesh is the 7<sup>th</sup> most populous state of the country and contributes 5.88% of the total population of the country. The state also has a substantial SC and ST population constituting 14.54% and 23.27% of the state's population respectively (Census, 1991) The sex ratio of the state is 920 females per thousand males. The sex ratio in 0-6 year age group is 929. The density of the state is 196 persons per square kilometer. The literacy rate of Madhya Pradesh is 64.11 and ranks 25<sup>th</sup> among the states and UTs of India. Literacy rate among males is 76.80 while that for females is 50.28%

Agriculture is the mainstay of the state's economy as 74.73 % of the total population lives in rural areas. About 49% of the total area of the state is cultivable. Madhya Pradesh is also home to petrochemicals, electronics, telecommunications, and automobile industries. It is also one of the leading producers of minerals like coal, bauxite, iron-ore, manganese etc. The state is famous for its traditional handicrafts and handloom clothes too.

Administrative set up of the state;

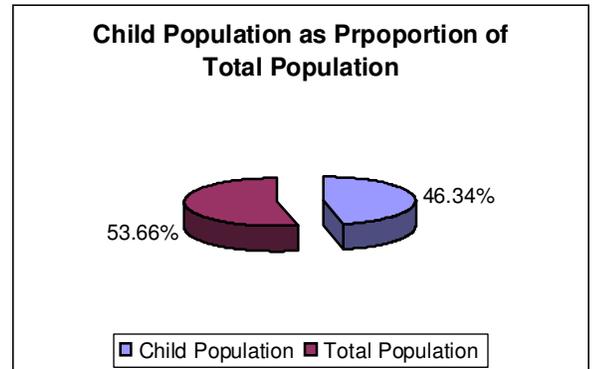
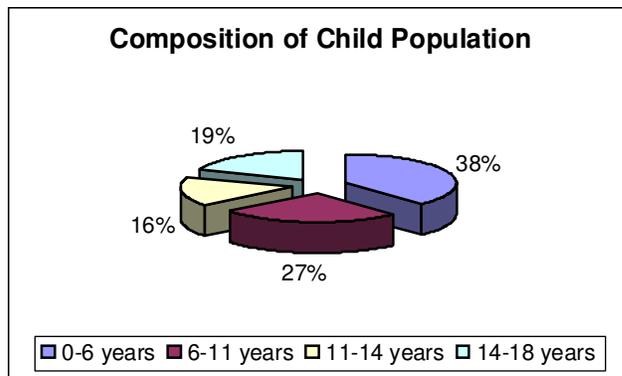
### **Child population in Madhya Pradesh**

Total child population (0-18 years) adds up to 2,79,83,323 of which 1,45,50,422 are boys and 1,34,32,901 are girls. The child population constitutes 46.34% of the total population of the state. While boys constitute 52% of the total child population girls have a smaller share of 48%. It is noticeable that the gap between the girls and the boys tend to increase with age as boys constitute 51.83% of the child population (0-6 yrs). The gap is

sharpest in the 14-18 age group where boys constitute the 53.25% of the population pushing girls to mere 46.75%

Age group	Boys	Girls	Total
0-6 years	5,504,422 (51.83%)	5,113,901	10,618,323 (17.58%)
6-11	3819000 (51.39%)	3611000	7430000
11-14	2351000 (51.85%)	2183000	4534000
14-18	2876000 (53.25%)	2525000	5401000
Total	14550422	13432901	27983323

NFHS 2 reports that the child population (0-14 yrs) is higher in the rural areas (40%) as compared to the urban areas (35%) suggesting high fertility in the rural areas. The report puts the total child population in the state (0-19) to constitute 48.5% of the total population of the state.



### Right to survival

The level of child and infant mortality is a basic indicator of the quality of life in a society. The Infant Mortality rate for Madhya Pradesh stands at 86 per 1000 live births. This means that 9 out of 100 children born in M P do not survive until their first birthday. The child mortality in MP is 56/000 live births whereas the U5MR is 138. Thus 1 in 7 children die before reaching their fifth birthday. Although there has been a steady decline in the

mortality figures (earlier IMR-98.2, CMR-58.8 and U5MR-151.3), contrasted with all India corresponding averages (IMR-68/000, CMR- and U5MR-94.9 respectively) present a poor picture and it is a testimony to the denial of the right to survival.<sup>53</sup>

**Mortality indicators in MP (in /000 live births)**

IMR	CMR	U 5 MR
86	56	138

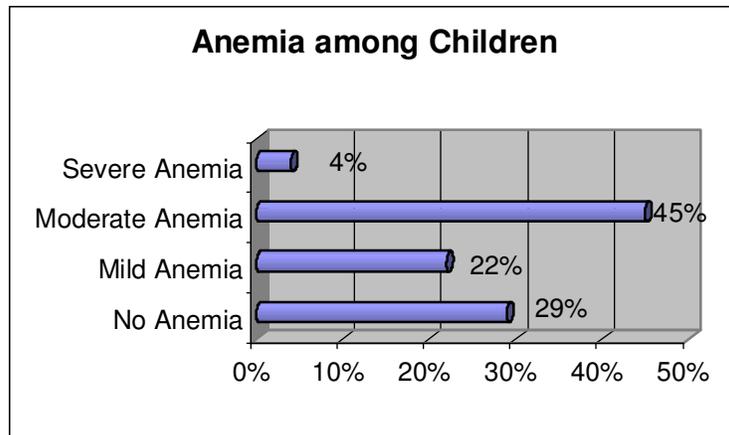
**Nutritional status: high incidence of anemia**

Anemia usually results from a nutritional deficiency of iron, folate, vitamin B 12 and some other nutrients. Anemia has detrimental affect on the health of the children and is associated with impaired cognitive performance, motor development, co-ordination, Language development, and scholastic achievement as well as increased morbidity with infectious diseases. While 29% children were found not anemic, 22% were found mildly anemic. Almost half of the children below 3 years (45%) were moderately anemic, 4% were severely anemic.<sup>54</sup> In total, 71% children were found to be suffering from various degrees of anemia.

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<sup>53</sup> The infant mortality estimates in the NFHS 2 are lower than the estimates of the SRS which puts the IMR at 97/ 000

<sup>54</sup> NFHS 2



Although anemia among children is high in every population subgroup, it is higher among older children (12 months and above) than infants. The prevalence level for children whose mothers have at least a high school education is substantially lower than (61%) than for children whose mothers have less education (71-73%)<sup>55</sup>.

While 68% of the urban children suffered with some kind of anemia, in the rural areas the level goes up to 72.4%. It is interesting to note that except for moderately anemic children, the number of anemic children in the rural areas is less than urban areas. 46% rural children are affected with moderate anemia in as against 40% urban children<sup>56</sup>.

Anemia has equally affected the boys as well as the girls in the state. While 71% of the boys are afflicted with the disease the proportion of girls is 72%.

The OBC/ SC/ST children remain in the high prevalence Zone with 68%, 68% and 82% prevalence respectively.

Besides, 55.1% children in Madhya Pradesh are underweight, 51% are stunted and 19.8% are wasted<sup>57</sup>. Juxtaposed with the all India corresponding figures (47, 45.5 and 15.5%), the nutritional status of children in the state seems to be in a sorry state.

**Sex ratio:** MP is one of the states where the sex ratio in the child population is more favorable to girls as compared the overall sex ratio of the state. While the overall sex

<sup>55</sup> ibid

<sup>56</sup> ibid

<sup>57</sup> NFHS 2

ratio is 920 the sex ratio in the 0-6 year age group is 929 girls per thousand boys<sup>58</sup>. NFHS 2 puts the sex ratio of the state at 934 women per thousand males.

## **MCH**

Pre-natal, natal and postnatal services accessibility remains pretty low. Only 20% of all deliveries took place in the institutions such as govt. operated district, tehsil, town or municipal hospitals, primary health centers, private hospitals and private nursing homes. Nearly 2/3<sup>rd</sup> of all institutional deliveries were conducted in the government-operated facilities. Non-institutional deliveries constitute 79% of all deliveries and of them only 12% were attended by doctors of health professionals<sup>59</sup>.

## **State initiative: Status of ICDS**

ICDS is responsible for providing 6 services of balanced nutrition, health check up, primary health care /counseling, vaccination, nutrition and health education, pre school and non formal education to beneficiaries esp. women and children through anganwadi centers having one supervisor and an assistant. At present 336 child development projects with 49784 anganwadi centers are approved and functional in the urban, rural and tribal areas of Madhya Pradesh.

## **RIGHT TO PROTECTION**

**Child labour in the state:** Madhya Pradesh is one of the three states in India where the number of child labour exceed one million. A study conducted by FICCI, ILO and IPEC (child labour in sports goods industry in Jalandhar) estimated 4,16,940 child labour in the state (1991). The child labour constituted 12.5% of the child population in the state. The study revealed that in 1981, **whereas as the proportion of working children in rural areas was 13.8%, it was only 2.4% in the urban areas.** Poverty, rising cost of living, inadequate development of small scale industries, lack of education etc. have been the generally perceived reasons for the swelling in the number of child labour. More than 90% child workers are believed to be engaged in rural areas in agriculture and allied

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<sup>58</sup> Provisional Population totals Census 2001, series 1

<sup>59</sup> NFHS 2

employments like cultivation, agricultural labour, live stock, forests and fisheries. Rapid urbanization has given substantial rise in the number of street children in towns and cities engaged in ragpicking, begging, boot polish, hawking and even in hazardous industries seriously imperiling the childhood and the future of the child.

**Child labour in the urban areas in the Madhya Pradesh:**

The child labour is manifest in the urban districts of the state mostly as help in the hotels/shops, domestic helps, boot polish, street vending, helping parents in their traditional occupation, rag pickers etc. almost all of these children are working 10-14 hrs a day without any holiday and earn Rs. 300-600 per month on an average. For the children who are working in the streets, they have to shell out a substantial part of their earning to the policemen otherwise they face physical assault and their goods and implements are also confiscated at times. They work in extremely dirty environs, which makes them susceptible to many kinds of disease. Inaccessibility to health services pose serious threats to their physical and mental wellbeing.

**Occupational distribution of child labor in the rural area of the state:** Working children in the rural areas are a substantial part of the workforce engaged in the agriculture and most of them work in the fields along with their families. They get Rs. 10-15 in cash or may be even in grains everyday and their availability of work is also on the daily basis. Apart from this shepherding, lumbering are the occupations, which engage children in the rural areas. Children engaged in the shepherding earn upto Rs. 100- 200 per month. Children engaged in lumbering or collecting low value products (wild fruits and vegetables, herbs etc.) earn Rs 10-15 per day and they also exchange it for food grains, salt or kerosene from the petty shopkeepers.

**Children working in the slate pencil factories of Mandsaur:** The availability of silica in the area has given rise to the pencil industries in the district of Mandsaur, which employs children in substantial number. Children engaged in these factories develop silicosis, TB and other respiratory problems very early in their life. They also develop back pains due to sitting in the same posture for very long stretches. In the city of Mandsaur itself, 8 pencil factories in the thickly populated areas create a lot of breathing trouble for the residents.

Child labour in the bidi factories of Jabalpur, Sagar, Bina etc.: Jabalpur, Sagar and Bina are considered the major centers of bidi making. Most of the bidi making is decentralized. The contractors provide households with raw material, which all the members of the household roll into bidis and the payment is made on the piece basis. The bidi making is the occupation, which is hazardous for all the members of the household. The children are introduced in this as early as at the age of 4-5 years, even infants in the lap of mothers making bidis is highly susceptible to the affects of inhaling tobacco-particles while breathing. The school going children are also engaged in the process as soon as they come back from the schools and work as late as till 10-12 p.m. these children often suffer regularly from coughs, chest pain, wetting and redness of eyes. A good number of them are also suffering from TB.

**Child labour in the Gwalior:** The district administration has identified 2200 child labour in the district while BAMA puts the estimate at 5600 including 4500 boys and 1100 girl child labour (based on a survey conducted by them). While the girls are generally engaged in the working as maids, assisting their mothers in bidi making, the boys are mainly working in carrying stones at stone crushers, carpet industries, dishwashing at the hotels, bidi making and fire crackers.

According to a sample survey conducted in 45 villages in the 12 blocks of Madhya Pradesh, 15.7% children in the school going age group (6-14) were found to be engaged in the child labour. Among the child labour population those in the carpet weaving industry constitute the majority (34.9%). 20.9% children were found to be engaged in the agriculture and allied sector, while 16.6% were in the mines. Raggickers constituted 13.8%, and an equal number were also engaged as domestic helps. All these occupations had also girl child workers in the equal proportions except carpet weaving where 78.6% girl child workers are engaged.

**Status of NCLP in the state:** NCLP is operational in the state in 3 districts of Mandsaur, Gwalior and Ujjain. The major activities under the NCLP is the establishment of special schools which is to provide a package of welfare measures including non-formal education, skill and craft training, supplementary nutrition, stipend health care etc. to the children withdrawn from the work. In Madhya Pradesh while the sanctioned coverage in the state was 88 schools involving 4600 children, the actual coverage was 44 schools

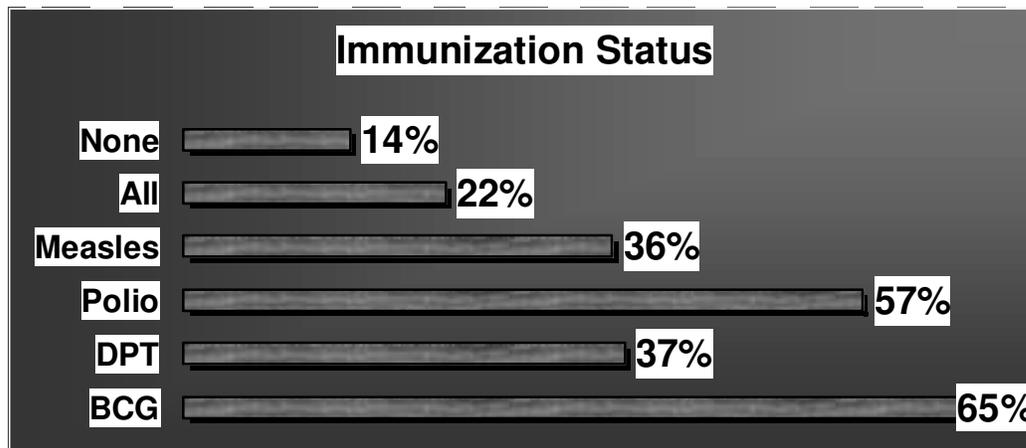
involving 2334 children (2001). While the recommended budget for the state was Rs. 1,88,44,200, the budget released was only Rs. 1,01,28,294.

**Child Prostitution:** Besides factors contributing to the surge in the number of child prostitutes throughout the country, traditional beliefs and practices of some of the tribes are also contributing to this social vice significantly in the state. At least two of these tribes Bedia and Baanchda are known to be forcing the girls of the community to the prostitution. The males of these tribes live off the earnings from the deplorable practice. Most of the families in these tribes, don't provide any education to their girls in the family and they are only trained in singing and dancing. Even among the boys the number of those going to school is very few. Earlier the girls used to enter this profession around 18-19 years but these days even the girls of tender age (12/13) are forced into the flesh trade. Right from the childhood they are convinced that their duty is to provide sustenance to the family through prostitution. They are also told that girls who get married has to lead a wretched life with assaults and abuses and they can escape it by not getting married. The girls from these communities are also being sold in other countries for prostitution.

**Protection against diseases:** The state is also obliged to protect the children from the disease and disability. The universal immunization programme was started in the 1985 with the objective of immunizing the children against the 5 vaccine preventable disease. It aimed to achieve cent per cent coverage by 2001. As against this target NFHS 2 found that only 22% children are fully immunized in the state and 14% children did not receive any immunization at all. The immunization coverage for the BCG is 65%, while the same for 3 doses of DPT is 37%, 57% for 3 doses of polio and 36% for measles vaccine.<sup>60</sup>

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<sup>60</sup> NFHS 2



The proportion of children who received DPT vaccination decreases from 63% for DPT 1 to 37% for DPT 3 and the proportion who received polio vaccinations decreases from 85% for polio 1 to 57% for polio 3.

The gender bias could not be done away with even in immunization and against 27% immunization of boys only 18% girls were immunized. The urban rural gap also remained a big factor and 41% children in the urban areas had accessibility to the immunization only 17% children in the rural areas received vaccination.<sup>61</sup>

Education of mother also played a major role in the will of the people to get their children vaccinated. 14% of children of illiterate mothers are fully vaccinated as against 60% children of mothers at least with a high school education.<sup>62</sup>

## **RIGHT TO DEVELOPMENT**

### **Education of children**

Education forms the core of the right to development. Gross enrollment ratio including the enrollment of marginalized children belonging to the SC/ST communities, and drop out rates are the indicators to assess the availability of education. The pupil teacher ratio as one of the indicators of quality of education and the enrollment of girls per hundred boys were include to see the gender parity in the education system in the state.

<sup>61</sup> NFHS 2

<sup>62</sup> *ibid*

**Gross enrollment ratio:** The selected educational statistics reveal that GER in classes I-VIII (6-14 years) stands at 91.55% with boys enrollment at 101.13% whereas the GER of girls drops down to 81.34%. While the GER in the classes I- V (6-11 years) is 111.24% (boys-119.82%, girls- 102.6%) comes drastically down to 59.27% for the classes V-VIII (11-14 years). Boys GER in the segment is 70.76% while girls' enrollment is pitiable at 46.9%

**GER of SC students:** With the GER of SC students at 101.40%, MP is one of the states where the GER of SC children are more than 100%. However, the enrollment in the classes V-VIII drops to 79.5% from 110.75% in the classes I-V

**GER of ST students:** The enrollment of ST students is poor at 73.28% for classes I-VIII with enrollment as low as 53.7% for classes V-VIII. The brunt has to be borne by girl children with an enrollment of mere 40.87% in the classes V-VIII

Classes I-V (6-11 yrs)			Classes V-VIII (11-14 yrs)			Classes I-VIII (6-14 yrs)		
Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total

**Drop out rates:** The state is one of the high drop out prevalence rate with 69.88% students dropping out through the classes I-X. While the drop out rate is comparatively low at 46.22% in classes I V, it creeps to more than half (50.11%) for classes I-VIII, peaking at 69% for the classes I-X. While the drop out rate among the boys and the girls remain almost the same for classes I-V, it increases for classes I-VIII till it becomes a substantial 12 point difference for all classes (I-X)

**Girls' enrollment per hundred boys:** While there are 81 girls per 100 boys in classes I- V, the ratio drops to 62/00 in classes VI-VIII, going further down to 51/00 boys in classes X-XI. However, the situation is somewhat retrieved in the classes XI-XII with 55 girls per hundred boys. (All India corresponding figures are 79,72, 65 and 66 respectively)

**PTR**

Madhya Pradesh is one of the states with better pupil teacher ratio. The teacher pupil ratio stands at 44 in primary school, 34 in middle, 29 in high schools, 27 in inter college and 29 in higher educational institutions. (All India averages 43, 34, 33, 36, 21 respectively)

**Educational programmes in the state:** Madhya Pradesh is one of the states aiming for the universalisation of the secondary education. The scheme has been launched in 2001 and 7575 schools were to be opened to achieve the objective. Current status of the programme could not be known. Besides there has been a Padhna Badhna scheme wherein literates are encouraged to form a Padna Badhna committee in the villages and appoint a teacher to promote education in the villages. Apart from these schemes, the state government also provides textbooks, uniforms etc. To the children and girls belonging to SC/ST/OBC communities. Among the centrally supported schemes for the promotion of primary education are operation blackboard, DPEP,SAS and EGS. EGS provides facility of secondary school within 3 Km. and primary schools within 1 km of the habitation.

**RIGHT TO PARTICIPATION:** The children's right to participation in the state remains completely invisible. Whatever, participation is visible in the areas highly undesirable viz. work, crime etc. and can be termed negative participation. Whereas the positive and constructive participation empowers children by training them to learn decision making skills and helps them to be a responsible future citizens. negative participation is injurious to the children, harmful for the society and extremely dangerous to the future of the nation. No efforts whatsoever, is visible to encourage the children to seek, build and express opinion on matters affecting their lives.

## Chapter-8

### STATE OF CHILD RIGHTS IN PUNJAB

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**Introduction:**

Punjab is situated in the Northwest part of the Indian subcontinent. It has been blessed with fertile soils and a network of rivers, which in turn reflects on the fact that it has predominantly an agricultural economy. Out of its total population of 23.51 million, 16.56 million are in rural areas and only 6.95 million are in urban areas.<sup>63</sup> It is quite aptly known as the “ Granary of India” with an annual growth rate of 10% and the highest per capita income in India. Its economy is supplemented by manufacturing activities, which play a significant role in both the organized and unorganized sectors of the economy. In fact Punjab has carved a unique place in the manufacturing industry in the country as well as in the world, with the credit going to the small-scale industries or medium and small scale industries. Punjab occupies only 1.54% of the country’s total geographical area i.e. about 50,362 square kilometers. Much of the credit of this industrialization goes to the vibrant Punjabi spirit of hard work, innovation and entrepreneurship. The administrative structure of Punjab comprises of:

<b><i>Divisions</i></b>	<b><i>4</i></b>
Districts	17
Subdivisions/ Tehsils	71
Sub Tehsils	56
Blocks	138
Total villages	124885
Towns	120
Seats in Rajya Sabha	7
Lok Sabha Constituencies	13
Vidhan Sabha Constituencies	117

Given the state of the economy of Punjab as well as the comparative infrastructures (according to the Center for Monitoring Indian Economy, Govt. of India) Punjab is 191 in the Infrastructure Index, which is the highest in India; it would be expected that the children of the state would have a better quality of life and access to services. Indeed the economic arguments extended for investments in child rights has been that the increase in productivity and a better standard of living when the child becomes an adult saves on the later costs of remedial education and higher earnings for parents and caregivers who

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<sup>63</sup> Provisional population Totals, Census of India 2001

are free to enter the labour force. In fact, the often understood and propagated idea is that intergenerational cycles of poverty, disease, violence and discrimination are so entrenched in the ways that lives are lived and organized, that child rights are being constantly and routinely violated. However, a closer look at some of the data available at the different levels reveal a different picture in the case of Punjab. In fact in its case the social and political reasons for investing in child rights would hold true.

### Child population in Punjab

Children 0-6 years constitute 12.5% of the total population of the state.<sup>64</sup> Added with population projections in the age group of 6-11, 11-14 and 14-18 years, the child population in Punjab constitutes 48% of the total population. While the age group 6-11 constitutes 22.97% of the total child population, 11-14 children constitute 22.94% and 14-18 age group constitutes 28.04% of the total child population of the state.

Age group	Boys	Girls	Total
0-6 years	1,704,142	1,35,1350 (44.22%)	30,55,492
6-11	14,37,000	12,59,000 (46.69%)	26,96,000
11-14	13,71,000	13,22,000 (49.09%)	26,93,000
14-18	16,68,000	16,23,000 (49/31%)	32,91,000
Total	61,80,142	55,55,350 (47.33%)	1,17,35,492

\* Row percentage is the percentage of girls in the total age group population

The age distribution is typical of populations where fertility has fallen recently, with the increasing proportion of population in the under 15-age group. The lower proportion of the population under 5 compared to 5-9 age is consistent with decline in fertility. 31% of the population is below 15 years of age.<sup>65</sup> The sex ratio of the de facto population is 899/000 males and is higher in urban areas (941) as compared to rural areas (862), a clear contrast from the states with lower literacy and development indices; suggesting thereby that it has impacted the urban areas in reducing the preference for male child. In

<sup>64</sup> Census of India 2001, Provisional population totals, paper-1

<sup>65</sup> NFHS 2

other states where literacy has just permeated, the sex ratio has gone down with people using Amniocentesis and other techniques for sex determination of the foetus.

### **Right to Survival**

**Mortality indicators:** The IMR is 57/000 live births, child mortality is 16/000 live births and the under 5-mortality rate is 72/000 live births. The main cause of concern is that the IMR in Punjab has been stagnant and does not show the signs of improvement for the last five years. The IMR though better than the all India average (68/000 live births), is lagging behind half of the states.

The girls have much higher mortality risks than the boys. In fact all of the infant and child mortality rates are higher for the girls than the boys. Most notably the post neo-natal mortality rate is almost twice as high for girls than for boys. The child mortality rate is four times higher for girls as compared to boys.<sup>66</sup>

Infant mortality is 27% higher among the children born to mothers under age 20 than to mothers aged 20-29. IMR is more than twice for children born less than 24 months after the previous birth as for the children born after a gap of 24 months or more.

The reasons for high mortality are not too remote to seek. Even in a state as prosperous as Punjab, only 37% of the births were delivered in medical facilities.<sup>67</sup>

### **Nutritional status**

29% of children were found to be underweight in Punjab, while 39% were found stunted and 7% wasted. While nutrition has improved from the last census/NFHS, the number of wasted children remained unchanged. Most of the measures of undernutrition are much higher in rural than in urban areas and are particularly higher among children from the disadvantaged socio-economic groups. Girls are more likely to be underweight and severely stunted than boys, but the boys are more likely to be wasted.

Anemia among the children is also a cause of concern, as the apparent prosperity has no effect on the nutrition of children and on the international measures, 86% children are

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<sup>66</sup> ibid

<sup>67</sup> ibid

suffering from various degrees of anemia. While more than half of the children (57%) are moderately anemic, 7% are also severely anemic. <sup>68</sup>

**Immunization status;** According to NFHS 2, of all the children in Punjab in the age 12-35 months, 72% are fully vaccinated, 19% have received some but not all and 9% have received no vaccination at all. Though the number of children not receiving any vaccination is miniscule as compared to the other states however, there is a substantial gap in the coverage levels in the urban and rural areas. Besides, there is also a gender bias in the immunization. As against only 5% male children not receiving any vaccination, at least 13% of girls have not received any vaccination at all.

**Sex ratio:** Sex ratio in Punjab, has come down from 882 females per 1000 males, in 1981-91, to 874 females per 1000 males in 1991-2001. <sup>69</sup> The child sex ratio projects an even more dismal picture with 793 females per 1000 males.

#### Sex ratio by age

Age group	Sex ratio
0-6	793
6-11	876
11-14	964
14-18	973
Total children < 18	898

Besides, widely practiced female foeticide, this as well be attributed to the possibilities that there is discrimination against the girl child wherein she is denied proper nutrition and nurturance and also timely treatment thereby reducing her chances of survival. This discrimination is the result of deep-rooted patriarchal attitudes that exist in the society.

In 2002-3 every 9<sup>th</sup> household in India acknowledged female foeticide and every 29<sup>th</sup> girl is missing in India. In Punjab every 5<sup>th</sup> girl child is missing. In Fatehgarh Sahib, Punjab

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<sup>68</sup> NFHS 2

<sup>69</sup> Census of India, 2001, Provisional Population totals. The NFHS 2 gives the sex ratio of de facto population as 899 females per 000 males.

records show the lowest male- female ratio in the country 754/1000 (Hindustan Times, April 12, 2003).

Easy access to technology is a major contributing factor to female foeticide. Gynaecologists have sometimes forced sonography on expectant mothers keen on limiting family size irrespective of the sex of the child. Yet, if the foetus is found to be male, then the initial decision to abort is replaced by a desire to go ahead with the pregnancy (Hindustan Times, May 15<sup>th</sup> 2003). What emerges from these reports is that the girl-child is at risk in Punjab, the moment she is conceived.

## **RIGHT TO PROTECTION**

### **Child Labour**

In Punjab, despite its developmental achievements the number of working children is quite high. The 1991 Census reports 10,545 marginal child workers in Punjab, the male children being 7.7% of the total child population and 0.1% of female children.<sup>70</sup> It is to be remembered that Punjab is recovering from the trauma of a long history of terrorism, and it has had a long lasting impact on the children of Punjab.

According to the non-government sources, the largest category of child labour in Punjab is the agricultural bonded labor. The vicious system of bondage starts at an early age and continues for life. Children are forced to work as bonded labourers to pay off debts of their parents. These are mainly dalit families who are socially and economically marginalized and live in the fringes of the villages.

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<sup>70</sup> Census of India, Series Paper 2 of 1992

### Case Illustration

Sudhir's family lives in a small village of Punjab. They have no land and Sudhir's father is working as an agricultural labourer in the fields of a landowner. When Sudhir's elder brother was getting married the need arose to take a loan to meet the marriage expenses. At that time Sudhir was studying in class II and was 8 year old. His father asked his employer for a loan, to which the employer asked him to send Sudhir for work as a SIRI (a term used for the bonded labourers) to pay off the loan. For a loan of a paltry Rs. 450, Sudhir was bonded for life, unable to pay off the loan as the interest kept increasing every year.

Source: Campaigning for Social Justice- Some Case Studies Of Advocacy Efforts In North India, PAIRVI, 2001.

The children of marginalized population are worse off. They have no access to education, health and other basic amenities. Another category of child labour, a fairly large one, is of the migrant child labor. They are employed in agriculture as well as in other trades and occupations.

The Tribune, Nov 14<sup>th</sup> Chandigarh, reports 'For 14 year old Raju, all days including Nov.14<sup>th</sup> (Children's Day), are alike as he does not get any respite from his work as a domestic help. 10-year old Rani who picks rags does not count days and it makes no difference for her whether it is Nov.14<sup>th</sup> or any other day'. There are several children who are working in hotels and dhabas as waiters and doing all kinds of odd jobs. They have no strict working conditions and they are the unseen workers whose contribution is taken for granted. It is a well-known fact that children are malleable and cause least problems for their employers, being easy to hire and fire.

Of all the working children in Punjab, the most talked about and notable have been the children working in the sports goods industries. It is estimated that 10,000 of them are working in the production of sports goods in and around Jalandhar district only. Among these children, 1,350 are only full time working, while the rest are also going to school. Of all the full time working children 37% are between five to twelve and the rest are thirteen or fourteen. Of the working-and-school going children two-thirds are between five and twelve, indicating that most children are starting to stitch footballs when they are quite young. The combination of school and work leads most children to drop out of

school around age of ten. **The work intensity of the children is high.** A six-year old 'only working child' spends an average of 7.5 hours stitching footballs while a 13 year old spends 9 hours. The children who go to school shoulder a bigger baggage of work as they spend 9 hours stitching, when they are six and 11 hours when they are 13. One fourth of all full time working children work at night. These children suffer from common health problems like joint pains and backache.<sup>71</sup> This problem has received worldwide attention and a global campaign has been launched to highlight the issue. However, the legal situation in India is that football stitching is not an illegal or hazardous occupation. The Child Labour (Prohibition and Regulation) Act, 1986, which bans child labour in certain hazardous industries like carpet weaving, does not consider stitching of footballs as hazardous. Even if it did, it would not affect the children who stitch, as they do it from home and therefore do not come under the purview of the Act. The study has revealed that the wages given to the stitchers is below the minimum wages prescribed in the State, i.e. Rs.63 per day. Despite claims by the Sports Goods Foundation of India (SGFI, which has been established to help regulate conditions of work and child labour), the study reveals that the average daily earning of an adult male ranges from Rs.18-Rs.24 per day way below the minimum wages. This is because of the contractors who give the work to the stitchers and act as middlemen. They have devised ways and means to take out their commission and earn a profit out of the same.

### **Disability among Children**

In Punjab children with multiple learning disabilities have nowhere to go for remedial education, as there isn't even a single Institute for them in the State. Despite the **Persons with Disability (Protection against Discrimination) Act**, in Punjab there are hardly any educational services available for the special children. Only the visually impaired have access to educational services in Blind Institutes. The mentally challenged and children suffering from acute developmental disorders like autism and learning disabilities like dyslexia do not have any services available for them. No school in the region is ready to accommodate children who have lost their sight after birth. Lack of sensitivity at the level of instructors and lack of funds hampers the growth of such children. In Punjab, Ludhiana has two institutes for the visually handicapped. While one of them does not have adequate infrastructure to accommodate many students, another

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<sup>71</sup> The Dark Side of Football-Child and Adult Labour in India's football Industry and the Role of FIFA-India Committee Report of Netherlands, June2000

offers expensive, almost unaffordable vocational training and education. There are institutes for the blind in Jalandhar, Amritsar, Malerkotla and Ferozepur, but recent data shows that many students drop out of these to enroll in the Institute for the Blind at Chandigarh because it provides better facilities and opportunities. For special children there is only one remedial education center in Chandigarh, (for the mentally retarded) in the entire state and there are no sheltered workshops or any kind of vocational training program as a measure for self-employment in Punjab.<sup>72</sup>

Clearly a lot needs to be done to provide for the disabled child in Punjab. It is only this time that data is being collated for the disabled in the Census 2001. Together with this data an integrated approach for prevention of disability as well as disability management will have to be developed focusing on area specific needs both in urban and rural areas. It becomes the responsibility of the State and NGOs to develop appropriate strategies of advocacy, service delivery and management of the disabled child in Punjab.

### **Drug Abuse among Children**

The incidence of drug abuse is getting to alarming proportions in the recent years especially post- Khalistan prosperity, reports 'The Outlook, June 9<sup>th</sup> 2003'. The "drug problem" which was earlier limited to the border districts of Amritsar, Ferozepur and Gurdaspur, has now spread to every corner of the state. Today Punjab's rural youth have an entire range of deadly drugs to choose from- heroin, opium and others. Health officials estimate the number of addicts could run into lakhs. A preliminary state health department study in March shows:

- More than 405 of the youth between the ages of 15-25 are addicts.
- In Doaba and Majha regions 65% of homes have at least one addict.
- About 48% of farmers and labourers are addicts.
- Multiple drug use is common.

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<sup>72</sup> The Tribune, 27<sup>th</sup> May, 2003

The Institute for Development and Communication, a Chandigarh based research organization, has more worrisome figures. One of its studies in three geographical areas shows that the households affected by drug abuse is 61% in Majha, 64% in Malwa and 68% in Doaba. To quote Pramod Kumar, Director of the Institute “It’s a comment on the fragile economic affluence of Punjab. Social development isn’t leading to a better life for the productive involvement of the youth.”

## **RIGHT TO DEVELOPMENT**

### **Education of children**

For healthy development the child has a right to education and the State’s duty is to ensure that primary education is free and compulsory, to encourage different forms of secondary education accessible to every child and to make higher education available to all on the basis of capacity. The right to leisure, recreation and culture also forms an important part of the right to development. This along with education prepares the child for an active adult life in a free society and foster respect for the child’s parents, his or her own identity, language and values, and for the cultural values of others.

### **GER (Gross Enrollment Ratio)**

The GER for classes I-VIII is 72.55%. While the GER for junior classes (I-V) is 76% it drops by 10% points for the classes V-VIII to 72%. Not lagging much behind the GER of boys; Interestingly, the enrollment of girls is more than that of boys for the classes I-V.

### **GER in Punjab**

	Classes I-V			Classes V-VIII			Classes I-VIII		
	B	G	T	B	G	T	B	G	T
GER	76.49	77.38	76.91	65.16	64.87	72.41	72.41	72.72	72.55
GER (SC)	110.22	109.44	109.85	81.87	81.28	81.59	100.93	100.31	100.64

**GER of SC students:** The GER of children belonging to schedule Caste is higher than the overall gross enrollment ratio. It remains steadily above 100% for all the classes upto VIII.

### **Educational infrastructure for children**

The high enrollment of children in the schools may be attributed to the comparatively better educational infrastructure and facilities. The overall coverage of primary and higher levels of education is extensive. For 12,428 inhabited villages in Punjab and 120 towns and cities there are 1674 higher secondary schools, 1674 pre-degree or junior colleges, 2227 high schools, 2512 Middle schools and 13074 Primary (Government) schools.

### **Drop out rates**

Drop out rates though less than most of the states in India and the overall average rates, increases steadily with the higher classes. While the rate 20% for lower classes( I-V), it rises to 36% for the classes I-VIII, suggesting still higher drop out rates for the classes V-VIII. It increases further for the classes I-X to 38%, meaning thereby that almost 2/5<sup>th</sup> of the children enrolled in school drop out through the school.

Classes I-V			Classes I-VIII			Classes I-X		
B	G	T	B	G	T	B	G	T
21.28	19.29	20.34	35.31	38.83	36.99	38.94	38.25	38.62

### **Womens' education**

Though the enrollment ratio and drop out rates do not show much difference in the education of the girls and boys however, there still remains a large gap in the male and female literacy rates in a number of districts. **These are Bhatinda, Mansa, Ferozepur, Faridkot, Sangrur, Muktsar and Moga etc. where female literacy is around 50% (lowest at Mansa (45%) and highest at Moga (58%))** This can be attributed to the low status attached to the girl child.

### **RIGHT TO PARTICIPATION**

According to Article 13 of CRC, the child has the right to express his or her views, obtain information, and develop ideas or information known, regardless of frontiers. Children also have the right to meet with others, and join or form associations. This right extends from decisions affecting them as individuals, to decisions, which affect them as a body-, an acknowledgement that children are social actors in their own lives. Yet making a

reality of children's participation is an enormous challenge. In Punjab the children seem to be completely invisible and their participation in decision-making is nil, across all sections. This is evident from the various policy documents and lack of relevant statistical information. Punjab's dilemma is its consistent projection of successful economy with adequate infrastructure and developmental indices, in comparison to other Indian states. As a result social indicators have been given less priority.

There is still a section of the society in Punjab, which has been denied the fruits of this development. The children of these lesser humans have to be mobilized for their participation in the developmental processes. Most of all, the girl child in Punjab has been receiving a raw deal and she remains a silent spectator and participant of discriminatory practices against her. The patriarchal and authoritarian attitude, combined with a skewed affluence is a potent mixture promoting inequality and suppression of the voices of many. Punjab will have to take urgent steps to ensure transparency, fairness of spirit, flexibility, partnership with the children and creating awareness on all issues.

## Chapter-9

### EMERGING CONCERNS

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The rights of the child depend upon creating a protective network involving a number of committed key players, a sensitized legislature, a curious administration, a watchful community, strengthened education system, better trained police and judiciary and most importantly, rehabilitation package for the children who do not have the benefits of a child friendly and concerned allied systems. All components should work in tandem to create an infrastructure, which is conducive to the development of the child and gives priority to its needs and demands as a matter of duty. The belief that the children do have rights has to sink deep in the ethos of the society, government and individuals, not later than in children themselves.

On the basis of the discussed indicators the state of child rights in the state does not seem to be very bright. The state must share the responsibility for not providing the desired thrust in the existing programmes and make innovative changes to ensure compliance to child rights. India as a nation committed itself to promote the rights of the child as delineated in the CRC by ratifying it more than a decade ago, however, the spirit of the clarion call of “ first for children” is still to pervade the policies and programmes giving it the perspective that rights of the children reasons or dictates.

The review of the rights of the child in the states brings about the need to reorient the child centric programmes/ strategies (viz. ICDS, UIP, SSA, MDM etc) in particular and approach of the state in general towards the rights of the child. But the share of the blame must also be borne by the society as rights of the child have remained on a low priority. In all the states reviewed, irrespective of regional, spatial, magnitudinal differences, one silver lining is that the rights of the child have been a victim.

### RIGHT TO LIFE

**High IMR and U5MR:** A relatively high infant and child mortality rates continue to deny the right to survival - the mother and fountain of all other rights, to children. An exceptionally high under five-mortality rate (U5MR) further jeopardizes the safety of child. These statistics speak a lot about the quality and efficacy of the post natal care and medical attention provided to the newborns and reflect on the priority accorded to children by the state, constitutionally and morally obliged to protect every single life seeing the light of the day.

High IMR and under 5 mortality rates continue to plague the right to survival of children. The more worrisome fact is that the IMR has stagnated over the decade and showing no signs of letting. An already high IMR (68) and U5MR (95) shows shocking regional variations with IMR peaking at UP (86) and U5MR peaking at MP (137).

Child-survival programmes need to focus on very young mothers and the mothers whose children are closely spaced besides specific groups with particularly high infant and child mortality rates, such as children belonging to the scheduled tribes, children of illiterate, children living in rural areas, and children from households with a low to medium standard of living.

**Poor MCH status:** The high IMR is not very surprising in view of the fact that only one-third deliveries took place in medical institutions. A lesser number were assisted by a health professional. While the overall figure remained 33% for India it was best in Punjab at 37% dropping down to 16% in Uttar Pradesh.

**Malnutrition and Anemia scourge of children:** On international parameters, 68% children below age of three are underweight and 74% are anaemic. This constitutes a blatant violation of the right of the child to the enjoyment of highest attainable standards of health and nutrition. There is an urgent need to integrate the education of children with provision of ensuring nutritional supplement to them. The novel scheme of mid-day meals has faded off before the meals could reach children. Even where the meals are continued its quality and nutritional value must be ensured before it is laid before the children for many of whom meal is the only reason for coming to the school and their only link to education.

Nutritional status of children was still poorer in the states Chhattisgarh (71% anemia, 61% malnutrition), Uttar Pradesh (71% anemia, 51% malnutrition), and MP (71% anemia). Surprisingly the Punjab too has failed to address the malnutrition among children, as 80% children in the state are anemic.

**Low immunization coverage:** Despite the impetus to the UIP a large number of children are still vulnerable to the deadly but vaccine preventable diseases. The fully immunized children still only constitute a minority of the children. While in the country 42% children have been fully immunized, 14% have not received any vaccination at all. The immunization coverage is better in Punjab with 72% children fully immunized. In the majority of the states the total immunization coverage is near one fifth. In Chhattisgarh, Uttaranchal, UP and MP the total immunization coverage hovers around 21-22%. Almost one-third children (30%) have not been vaccinated against any disease at all in the UP.

**Declining sex ratios;** The overall sex ratio (933 females /1000 males) of India highly unfavorable to the females becomes a cause of concern for the children in 0-6 age group (927). The situation is still poorer in the states. Chhattisgarh only third after Kerala and Pondicherry among the states, droops substantially when it comes to the child (0-6) sex-ratio (from 990 to 975). It is most disappointing in the Punjab where the overall sex ratio of 874 females per thousand males drops down to 793/1000 in case of children in 0-6 age group. It is disappointing to see that the sex ratios are more unfavorable to girls in more literate districts. Largely attributed to sex-determination techniques, these unethical and illegal practices need to be curbed at once to enable an equal right to life to girl child.

## **RIGHT TO PROTECTION**

**Tackling child labor:** Documented child labour in the country is highly underreported as almost 65-70% of the population is dependant on agriculture for their subsistence where child labour is largely invisible. The government estimates refuse to consider child labour as a problem assuming menacing proportions, generally at loggerheads with the non-institutional estimates of the child labour including those in agricultural operations. Child

Labour (Prohibition and Regulation) Act, 1986 has extended the ban on employment of children to more than 150 areas/processes/operations but it is yet to include agriculture as one of the focus areas. Even in other recognized sectors child labour control measures seem to have lost its sting and millions of children are languishing in extremely inhuman conditions in the lack of release and rehabilitation facilities. National Child Labour Project schools are functional in 100 districts of the country and have hardly remained any different from the government primary schools.

The country lacks an exact estimate of the child labor in the country in the light of which an effective and expansive child labor control programme could be initiated. In the existing provisions the CLPR Act has hardly played any role in curbing this menace. The coverage of NCLP too has been highly inadequate in withdrawing children from work and bringing them into education. The actual coverage of the NCLP has been lower than the sanctioned coverage in the majority of states. While the 100 projects of NCLP intended to cover a meager 2,11,200 beneficiaries, it has actually covered only 1,81,796 beneficiaries (GOI, 2001)

Madhya Pradesh and Uttar Pradesh are among the states where the child labour exceeds one million (according to the government estimates) but the policies and programmes of the states do not reflect the kind of urgency, which the matter of this magnitude requires. NCLP is operational in only 3 distts, in MP and Punjab and 11 districts of UP and has benefited a embarrassingly low number of beneficiaries. Children continue to be employed in substantial numbers both in organized industries (carpet, lock, brassware, potteries, glass bangles, pencil, construction, sports goods industries) as they have been in agriculture and allied occupations throughout the length and breadth of the country.

Tackling the problem of child labour requires an integrated approach, which can view all the specific needs of the working children and address it in a holistic manner to wean the child away from the work. Educating the parents and the society about the deleterious affects of labour on child, futility and inadequacy of child labour in fulfilling the needs of the family and social and economic cost of child labour on the nation, is equally important. The problem will defy halfhearted measures and solutions till identification of disguised workers among children- within the households or outside, in the agriculture or

in the industrial units, shackled by employment or free but driven by wants to wilderness, and summarily addressing to their rights, which are largely synonymous with their needs.

**Child sexual abuse:** Child sexual abuse especially child rape, child trafficking and child prostitution is assuming alarming proportions in the country, but have not attracted any special measure to counter it. Child rape constitutes almost one third of the all cases of rapes. However, offences of child rape are still tried under the IPC provisions of rape (S. 376 IPC) in which the procedural formalities and technicalities restrict offence being proved beyond reasonable doubts resulting in a very low conviction rate. Similarly in the case of child prostitution, the ITPA has hardly proved deterrence. Therefore, these two offences need separate provisions for dealing with the offenders, stricter punishments and speedy disposal of cases. Tribal communities like Bedia, Baanchhda in the MP and rajnats in Rajasthan and the traditional practice of devdasis need urgent social and legal interventions to save countless girls being forced into organized prostitution.

**Child marriages:** Child marriages continue to force a number of girls into early marriage, premature conception and unsafe motherhood often leading to death during deliveries. Child marriages continue to be arranged with impunity without attracting sanctions from the Child Marriage Restraint Act. The situation calls for a review of the Act, making the child marriages void in place of voidable and providing stringent punishment to the parties violating the Act.

**Protection from disease and disability:** Disabled children are more marginalized and disadvantaged than any other section of the society. The world population of disabled children is placed around 140 million of which 25 million are believed to be India. According to generally accepted view one tenth of children in India are supposed to be suffering from one disability or the other. The number of special schools and emphasis on providing equal opportunities to disabled children is highly inadequate. According to the 6<sup>th</sup> All India Educational Survey (1999) only 5.1% towns and cities have special schools. The situation in rural areas is dismal with almost 80% disabled children in rural areas. CRY estimates that 3% of India's children are mentally challenged. Of these 15 million are below 10. The IEPD too has not been very beneficial for those with intellectual impairment as the academic integration of such children is not possible and they need special care.

**Children in conflict with law:** Poor quality of services has deprived the children on the other side of the law of the protection that law of the land offers them despite their delinquent status. Most of the juvenile homes are running without teachers and “protection homes” are working only as the place of detention for the children, divorced in principle and practice from idea behind establishing these welfare homes.

Moreover, their number is highly inadequate and more so for the female delinquents. It is recommended to review the status of child delinquents and neglected child in the country and evolve and streamline a policy that seeks to restore the rights of the child treats delinquencies as an aberration rather than castigating them with hardcore criminality.

The First Periodic Report on the Rights of the Child admits “an unsuitable environment prevails in homes across the country manned with inadequate personnel” Non-implementation of Juvenile Justice Act, 2001 in the states (like Chhattisgarh) have deprived the child delinquents of the environment, which these homes can provide. The idea of detention prevails over the purpose of bringing reform in children by keeping them in environs conducive for that. Wherever these institutions exist, they are highly inadequate seeing the number of children requiring the services. Most of the states do not have the figures of the number of beneficiaries of the Act, or children apprehended under Act.

## **RIGHT TO DEVELOPMENT**

**Education;** Education is urgent than any other need, better than any other investment, empowers more than any other right and fuels all other achievements. Every child left out of the school suffer a lifetime of lost opportunity as he/she is less capable to develop to the fullest potential and remains more vulnerable to poverty, exploitation and disease. This loss impacts the family, the society and even future generations. The education of children in India remain beset with difficulties

**Higher enrollment but low retention ratio:** With still 35% of the males and almost half of the females illiterate, the country faces the challenge of improvement in retention ratio. There is a need to hold the children in the educational stream to provide them with

a growth and employment oriented education. The literacy and gross enrollment in the schools have improved substantially over the decade, the problem of insufficient and poor infrastructure remains to be addressed. The pupil teacher ratio too around 40 in primary classes at times going as chaotic as 80 pupils per teacher in Bihar, does not present a pleasant picture. Almost in all the states the GER drops substantially for classes V-VIII as compared to that in classes I-IV. This holds truer for girl students. Enrollment also shows a significant rural urban gap suggesting inaccessibility of education in the hinterland. UP is at the bottom among the states in terms of GER with only 54% Enrollments, in case of girls it is only 39%. This added to the fact that only 33% children are full time student sounds alarming.

**Gender differentials in enrollment:** The states have recorded quite low enrollment of girls per hundred boys enrolled. While in India there are 79 girls per hundred boys in primary classes, Chhattisgarh has 89, **Uttaranchal-101**, UP-57, MP-81, Punjab 71 girls enrolled per hundred boys. This enrollment shows a continuous decline towards higher classes with only 66/100 for India, 56 for Chhattisgarh, 89 for Uttaranchal, 46 for UP, 55 for MP and 74 for Punjab in classes XI-XII.

**High drop out rates:** High GER cannot translate into education for the majority of children till the prevailing high drop out rates are arrested. The high drop out rates show the inability of the education system to inculcate an interests in the child towards education as it points to the inability of the parents to continue with the education of their wards due to costs involved. While the all India dropout rates for classes I- X stands at 66% with only 4% difference in the boys and girls, it goes up to 75 % in case of many states peaking at ridiculously high at 88% in Sikkim, 83% in Meghalaya and 82% in Bihar. Among the states profiled, MP tops the list with 69% drop out rate.

**Right to leisure, recreation and culture:** With most of the schools operating with inadequate infrastructure and insufficient manpower the sports and recreation and cultural activities become a preserve of the costly public schools and few government schools, most of the children in the rural areas, studying in government schools do not have playgrounds, leave alone sports kits.

## **RIGHT TO PARTICIPATION**

Child participation is a process of sharing with children the decisions that will affect their lives and the life of their community. In accordance with the CRC provisions, children's views should be listened to taken seriously, but child participation does not mean decision. The evolving capacities and maturity of the child should be taken into account when considering his/her views. Child participation should take place at every level, in the families, in schools, in the administrative and judicial set up. The child participation is essential to prepare children for responsible life as an adult, especially in a democratic country like India. It is bemoanable that participation of children does not come into picture till he turns 18 and no sooner than he turns 18, he is expected to behave in a responsible manner. He is given the voting the rights and overnight he is supposed to turn into a being mature enough to even elect the government of the country. It is unrealistic to expect children to suddenly become adult responsible participating agents without any prior exposure to skills and responsibilities involved. Children can only learn when they are given a forum to participate. They need to learn how the how local governing system operates so that they can also play a vital role instigating change.

Child participation is the obligation of every system, which has ratified the CRC. It entails encouraging children to make their views known. In practice it means listening to children. it is not about replacing adults in the decision making process with children, as is generally perceived by giving right to participation to children. Due to a flawed perception of right to participation of children, the we have been very cautious rather circumspect about it with the result that not sufficient for encouraging children to voice their opinions and taking them on record, are coming. At the national level, few organizations like NYKS, Bal Bahawan Society, Bharat Scouts and guide etc. are supposed to encourage the participation of children which they are doing however, the idea of participations remains restricted to participation of children in sports, cultural events, adventure sports. As far as participation and opinion of children in matters affecting their social, economic and political lives are concerned; there are hardly any efforts to register their participation. The scenario in the states is more depressing. More efforts in this direction are forthcoming through the voluntary efforts of the NGOs including UNICEF which tries to train and make children participate, learn to take decisions through Bal Panchayat, Children's parliament etc.

India being a country of 500 million population below 25 and more than 4000 million below 18 needs better initiatives to train growing up children to take responsibilities. It becomes all the more important in the democratic set up that the country has. It is worth saying that democracies begin with children and empowering children necessarily means considering children's opinion valuable and listening and adhering to it.