

# Children's Alternative Report To UNCRC

February 2012 INDIA

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## Abbreviations and terms used

Adivasi –	Refers to indigenous tribes, aboriginals
Anganwadi –	an ICDS centre (see below)
CLPRA –	Child Labour Prevention and Regulation Act
CPCR –	Committee for Protection of Child Rights
CWC –	Child Welfare Committee
Dalit –	Refers to the most oppressed castes, who traditionally suffered from marginalization and continue to do so
ICDS –	Integrated Child Development Services, a centrally funded scheme for early childhood care and education.
IMR –	Infant Mortality Rate
JJ Act –	Juvenile Justice Act
JJB –	Juvenile Justice Board
MDM –	Mid-Day Meal provided in government elementary schools
NGO –	Non-Governmental Organisation
NREGA –	National Rural Employment Guarantee Act
PDS –	Public Distribution Service, providing subsidized food grains
PHC –	Public Health Centre
RTE –	Right to Education Act
RTI –	Right to Information Act
SSA –	Sarva Shiksha Abhiyan, centrally funded program for universalisation and quality improvement in elementary education
SC –	Scheduled castes
ST –	Scheduled tribes



## Children's Alternative Report to UNCRC February 2012 – INDIA

### About this report

In 2008, the government of India was due to send in its report to the UNCRC. All the NGOs belonging to two networks, Campaign Against Child Labour and Campaign Against Child Trafficking, agreed that a children's alternative report, based on actual research across the country, should also be sent. The different NGOs had discussions with the children with whom they work, and shared with them the concluding remarks made by the UNCRC on the last report submitted by the GOI. The children made a detailed study of these concluding remarks and discussed them with the adults. The children agreed that they needed to find out what the situation of child rights was.

They felt that they would like to conduct some surveys. So they elected or selected 10 child researchers from each state. Two members of the network, Balsena in Gujrat and Vidiyal Child Rights Movement in Tamil Nadu, pooled their ideas and prepared a comprehensive questionnaire covering all aspects of child rights. The children, with the help of their friends and classmates, conducted extensive surveys to gain an understanding of the situation on the ground regarding the realization of children's rights. Their findings were then discussed by children

and adults at state level consultations. 12 state reports emerged from this exercise.

In January 2012, representatives of this original team met in Mumbai to put together the state reports into one country report, and also to read and comment on the GOI report that had been submitted in August 2011. Here children from at nine different states, speaking six totally different languages gathered. Adult translators helped them to communicate. Discussions and presentations also took the forms of drawing, drama, song, and role play. Adults involved in the process were amazed by the seriousness and sincerity with which children worked for three long days, tried to understand the issues in other areas of the country, and to synthesize their findings into one country report.

All the children involved in this exercise were from deprived socio-economic backgrounds. Some were child labourers before being brought back into the education mainstream. All were in the age group 14 to 16 in 2008. This is their report.

The report tries to follow the format of the GOI report to the UNCRC. However, for the first section, General Measures of Implementation, the children did not have any particular comment on the government report which states all the new laws, policies and programs. Children's reactions to these laws and programs appear in the relevant sections.



## 1. DEFINITION OF A CHILD

We find it very confusing that different laws of our government define children differently. The Juvenile Justice Act says everyone below 18 is a child, but the Child Labour Law says that 14 years is the age for banning child labour. Other laws say 16, or even 12. We discussed the matter of children who are 15 and above. We felt that they are not so small that they should be excused for committing crimes. They need to understand their mistakes. They should also be helped so that they don't do the same bad things again. But they are not adults, they are still children.

We want a clear definition. We feel that everyone under 18 should be considered a child, and all the laws should be changed accordingly. We also want the Constitution of India to define the child as from birth to 18 years.

## 2. GENERAL PRINCIPLES

### Best Interests of the Child

We feel there are many policies and laws that are not in the best interest of the child:

- The Right to Education Act (2009) has some provisions like automatic promotion to the next grade. We find that this means that teachers take no interest in teaching children, as we have experienced in some government schools
- Some of our teachers have bad habits like chewing tobacco and drinking alcohol and they do this in school. They even ask children to buy these things for them. Shopkeepers too sell these things to children.
- The Public Distribution System (PDS) gives our families cheap cereals like rice. But it does not give pulses as cheaply, and this deprives us of proteins and other nutrients that are needed for our proper growth.
- Government hospitals are not easy for us to use. If we go without adults, no one pays attention to us.
- During floods, for example in the state of Orissa, children had to suffer a lot, and no one bothered about them.
- In places where there are conflicts going on, as in Jammu and Kashmir and in Orissa, Jharkhand,

Maharashtra, AP and Chhattisgarh, children are affected the most. Sometimes they are forced to join the militant groups.

- The school system is not in our best interest. The pressure of board exams makes children very depressed and even commit suicide. This is because teachers do not teach us well and prepare us properly for the exams.
- The Juvenile Justice Board (JJB) and the Child Welfare Committees (CWC) do not follow the proper rules and do not meet regularly on the fixed days, and this is against our best interest.
- There is no facility to make it easier for us to use public transport, especially if we have a physical disability. It is not made keeping our best interest in mind.
- The school Mid-Day Meal (MDM) scheme gives us good food in most cases, though there are problems in some areas.

### Non-Discrimination

In all our surveys, we found many examples of discrimination against girls, against children with special needs, against dalit children (*children from the most oppressed castes, who traditionally suffer from marginalization and continue to do so*) adivasi children (*children from indigenous tribes*) and from minority communities. This happens at home, in our

village or community, and also in school. We feel that having different types of schools discriminates between rich and poor children, and we feel that there should be a common school for all children in any locality.

### ***Against girls***

Even before birth, the killing of female fetuses has become very common. Though it is illegal to tell parents the sex of a child, many doctors do so, and parents then kill the female foetus. If the female foetus survives, even then, good food is given to women who are expecting boys, but not to those who are expecting girls. The ratio of girls to boys in our country is dropping each year, and the infant mortality rate (IMR) is higher for girls than for boys. In most families, the birth of a boy is celebrated with sweets being distributed, but the birth of a girl is mourned. This continues even as children are growing up. Good food is given to boys, and left-overs to girls. Girls are made to do housework, and are often not taken out for festivals and to temples, while boys get all the freedom to enjoy themselves.

Many girls reported that they were made to stop going to school after upper primary as there was no secondary school in their village. Many have stopped going because there was not separate toilet for them in school. In many families, boys are sent to better private schools and even for private tuition, while

girls are sent to the local government school. Girls are forced to marry early as their parents feel they are not secure in their homes and in society, and also because of wrong traditional practices. There are many government schemes for girls, like scholarships, cycles to go to school and iron tablets and special classes for adolescent girls in the Anganwadi. But many of these schemes do not actually reach us girls.

The government has reported that it has clubbed the Girl Child Policy with general policies for children, and we feel this is wrong.

“The evil system of dowry continues, in different forms. Girls are made to earn their own dowry by learning some craft like tailoring. In Tamil Nadu, some factories have offered a scheme called Sumangali, where girls are made to work for three years and are given a sum of money after that to be used as dowry for their marriage.”

### ***Against children from dalit, adivasi and minority families***

In our villages, many children face discrimination because they belong to certain castes. They are often not allowed to use the common water source, or have to wait for others to finish first. In many schools children from backward castes are made to clean the classrooms and toilets, and not children from other castes. There are differences from state to state – the

children from Maharashtra found no caste-based discrimination while the children from Tamil Nadu reported it at a high level.

Teachers refer to our caste when they scold us for not studying well. There are special scholarships and other facilities for children from dalit families but they do not always reach them, they are stolen by the teachers or some other persons. For higher education, banks give loans to children from well-off and upper caste families but not to needy children from dalit families. There are separate schools for Muslim children called Madrassas, and many girls especially are made to go to these, where they do not get to learn all the subjects, only about their religion. In most regular schools only Hindu prayers are said, not of any other religion. In Orissa, children from other religions are not allowed to



go inside Hindu temples. In places where there are schools run by Muslims, Hindu children are not allowed to wear any religious symbols like the mark on the forehead.

“ Caste discrimination is practiced in the society which affects many children. At school Dalit children are forced to clean the toilets. When children refuse to do they are beaten by the teachers. Calling children by caste names is very common in the village schools. Children are discriminated for their caste, parent's occupation and living area. Our friends studying in a popular school in Madurai shared experiences of teachers saying -Why do you come to school, instead you could go and do the traditional work of your family.”

#### **Tamil Nadu**

**Comment by adults:** In addition, children whose home language differs from the school language in the area suffer in school as there is no facility to help them to learn in their mother-tongue or to make the transition to the regional language.

#### **Against children with special needs**

Most handicapped children do not get a good education as there are no special facilities for them in the schools. There are ramps in many schools but they are not well built and have broken. Physically challenged children cannot use the school toilets, and





many cannot sit comfortably on the floor mats or benches. There are no special teachers for children who are physically or mentally challenged. The mentally challenged children have the most difficulties as they need a different type of education and that is not available in most of the schools. Many states give money for buying a cycle to children when they enter secondary school, but they do not give enough money for a wheel chair or a three wheel cycle for children with a physical handicap.

In public places and public transportation, there is no special facility and so children with disabilities cannot move around much. Some schemes for handicapped

children are only available if the family has a ration card. Many families do not have one, and so the children cannot get the special facilities. Some families send the disabled child away to a hostel where the facilities are very bad. One child reported that there was no toilet in the hostel and he had to use a public toilet. One child also told us that children who are themselves physically disabled have to carry or help other younger disabled children in the hostel as there is not enough staff.

Sometimes children themselves are at fault, for teasing disabled children and calling them by rude names. More information needs to be given to such children so that they don't do this.

Overall, we feel that children with special needs are discriminated against and do not get a chance to participate in anything. They are usually kept away from other children, and teachers and other adults also do not try to include them in children's activities.

***“We visited the Government Special school for Handicapped children, Villapuram, Madurai. This is what we saw.***

The school infrastructure is not disabled-friendly. The school functions in a two floor building. The staircase is steep for the kids and there is no ramp attached to the stairs. Children find it extremely difficult to climb the stairs. The toilets are not designed for physically challenged children. Many children use their hands to walk. Unclean toilets make the use of toilets very difficult and it also paves the way for spreading of diseases. There are not many equipments provided to support the physically challenged children. The equipments supplied at times are of substandard quality and in bad condition.

The food provided in the school is of very poor quality. The nutrients to support the children with special needs are not provided. The school administration permits children to go for long holidays during the academic year. Many children loose interest in education because they lose many classes and finally end up dropping out of the school. The school management do not care about this.”

### ***Against HIV affected children***

HIV affected children are often put away in homes or hostels and separated from their families. Adults ask us not to play with them or even talk to them, and if they are admitted in school the other parents say that they will take their children out. So children also shun them. Medicines for them are available only at the district headquarters and not at the village. Their parents also keep them hidden away. For them, school is only a dream. The way people shun them is worse than the disease for them. The government reports that it has no clear idea of how many such children there are. This needs to be found out, so that they can be given what they need.

We understand that it is important for the government to have special facilities for girls and for children from dalit, adivasi and minority families. We have discussed this with our adult friends and understood the concept of 'positive discrimination', and we support that policy. But we also want to say that children who may not be covered by such schemes, if they are very poor, they should also get these facilities.

### **The Right to Life, Survival and Development**

Here we will put down our views about our rights to life and survival. We will mention the issues to do with development in the section on Education later in this report.

Many babies and young children die of illness in our

country, even though the government has many schemes and programs to prevent this. We have seen in our surveys that the ICDS Anganwadis in most places are not functioning properly. So pregnant women, young babies and children do not get the injections, food and health checkups that they should get there. As we mentioned before, girls have an even worse time than boys, often being killed even before they are born. One good development has been that children get polio drops and we are told that the cases of polio have come down.

Safe drinking water is not available for most of our families. In Andhra Pradesh, the levels of fluoride in water are very high and cause disabilities in children. We do not have good sanitation or a clean healthy



environment. This affects our health and goes against our right to life and survival.

We often hear about sexual abuse of children at home, in school and in residential institutions. Children who have been abused like this are looked down on by other people, even though it is not their fault. They do not get the help that they need.

In Kerala, we find that the rate of suicide of children is very high. The reasons for this are tension of school and exams, pressure on children from adults, sexual abuse, and the tension and fights within the family, which make children kill themselves.

Thousands of children work in very dangerous places, such as hotels, brick kilns and firecracker factories. During our surveys we saw many children who were very badly injured while working, and heard of children who died while doing this work. When children die in accidents there is no compensation for the parents, and the matter is usually hidden away. Many children also live on the streets and are always in danger.

We feel that our right to life and survival is not secure. In our government's report, we read about the different laws and policies that the government has made for children, but we find that they don't actually work for us.

## Respect for the Views of the Child

The government report says that a lot of awareness has been raised about child rights. But in our experience and in our surveys we found that only a few such awareness programs have been conducted, mostly in the cities. In our survey in West Bengal we found that 40% of the children knew about child rights but did not have any detailed understanding, and 60% had never even heard about child rights. 95% of the children surveyed felt that no one ever listens to them or takes their opinion into consideration. In the last two years, we have seen or heard of some awareness programs in school, but without the participation of children. The government gives some training to NGOs on child rights, but they do not give enough money for the NGOs to conduct such programs in schools or in the community.

We are told that the National Plan of Action for Children 2005 and the Juvenile Justice Act rules 2007 say something about child participation, and that children's institutions have a children's committee. But we have not seen this happening in the places that we surveyed.

We are never informed about what is happening in the government, and no one asks our views, at the village level or in any government office. In some states some children have participated in the village level meetings called gram sabhas. But they did not understand what

was happening, and no one paid any attention to them. In most states, in most schools there are no children's committees actually functioning. Some schools have the names of children on the school management committee, but those children themselves are not aware of it.

Only some NGOs who work in our village or town encourage us to say what we think, through our



children's groups. They listen to our views, and respect them. With our adult friends in the NGOs, we have learned about our rights, and the importance of education. We take out cycle rallies to encourage other children to come to school. We have become more bold and can speak to anyone. We have helped to reduce child labour in our area.

The government report says that media training has been given to 7000 children. Most of us have not heard of this, except some children from Karnataka and Andhra Pradesh. The government report also speaks of Child Development Banks, but none of us has ever heard of these.

Not a single one of us, or any child we interviewed, has ever been given any choice of which religion to follow. We are made to follow the religion of our family. In this and in all other matters, our opinions are never asked within the family. If we try to say something, we are told not to be rude and to listen to elders.

In school, no one asks us what we want to learn, or play. No one asks us what we would like to participate in. Teachers plan the programs and make us take part in them. Even our class monitors or leaders are chosen by teacher.

“We want to be a part of the decision making process in school in issues like where to go on study-tours, the content of the cultural programs and such other areas. We also want to know and therefore be told of decisions taken by school boards and school managements that affect our future in the school.” - **Gujarat**

“We want to learn so many things like music, dance, sports. But no one asks us what we want, and no one pays attention if we demand these things.”

**Goa**

“We are brainwashed from childhood about our religion and prejudiced against religions not our own. We are often actively discouraged from wanting to know about other religions, visiting their places of worship and so on.” - **Gujarat**

### 3. CIVIL RIGHTS AND FREEDOMS

#### Identity and citizenship

Many people now understand the need to register the birth of every child. But our surveys showed that many children are not registered when they are born and do not have birth certificates. One of our surveys showed that only 30 % of children's births are registered, and only 10 % actually get birth certificates. We heard of cases where false age certificates are given for payment. Then these are used to get under-age girls married.

Many families do not have a ration card, which is necessary for us to get our grains at a low price, as well as to get many other benefits. For families that migrate for work each year, this becomes an even bigger problem. Some families belong to nomadic



tribes that keep moving. Children from such families cannot get many government benefits including education. In some of the country's border areas, like Kutch, there are villages that are neither in India nor in Pakistan. The people there have no citizenship and the children get none of their rights.

### Information

Children in cities can get some information about the country and the world from newspapers, cable TV, and from the internet in some schools or NGO centres. But in villages, children cannot get such information at all. If there are newspapers in schools, they give only local district news, not about our country or the world. We have been told about the Right to Information (RTI) Act but most children are not aware of it and do not know how to use it.

### Freedom, safety and dignity

Some children said that for the meal in school, they were made to stand in a line and the food was handed out to them very roughly and rudely. This made them feel like beggars, and went against their dignity and self-respect.

We found that children, usually girls, are made to take full responsibility for the care of their younger siblings, feeding and bathing them and even having to take them to school, carry them or carry their schoolbags for them. This means that the girl cannot

enjoy her own childhood. Other children who work as child labourers also do not get any of their rights and no freedom. Children face sexual and physical abuse, both at home and in school. Children who are abused are then looked down on by others around them.

### Association and expression

Most children do not know about children's right to participation, and parents are also not very supportive about this. Our opinions are not counted as important in our schools. Religion is forced on us, and we are not even allowed to decide what clothes to wear. Children's committees are very few, and we have no say at all in the village or city government. The situation is a little better in some states like Karnataka.



#### **4. FAMILY ENVIRONMENT, ALTERNATIVE CARE**

Due to poverty, many parents do not take good care of their children and send them out to work. There is not enough money for good food and medicines. This is because there are no jobs, or if the parents have jobs, the wages are too low. If they have government jobs they are secure and get allowances, but others do not. But children reported that the NREGA (Government employment guarantee scheme) has helped their parents to get some work and income and to look after the family.

Migration to cities has become more common, and this means that either children are separated from their parents, or they have to leave their village and move away, where their health and education suffers. The same also happens when families are thrown out of their homes for any reason like road building or building of dams. Sometimes children are kept with some relatives when the parents move away, but they may not be happy there, and may be neglected or even exploited by the relatives.

There are many families where there is only one parent, usually the mother. Such children suffer more, as there is not enough money, and they are also more likely to get involved in anti-social activities.

Some children are put into 'bridge course' to help them to get back to school, but they reported that they do

not like to live away from their families, and were not learning anything in the bridge course.

#### **Alternative care**

Children who do not have families and need care are brought to government reception homes, but many children told us about the bad experiences they had where they were beaten up by police, and their money was taken away. There is no follow up of these children and they do not get any education. We have heard of no children's committees in these institutions, though the government report says such committees exist.

#### **5. BASIC HEALTH AND WELFARE**

##### **Birth to 5 years**

We found that many villages now have Anganwadis. This is a good development. But our surveys and our experience show that the ICDS Anganwadis mostly do not function well, though the registers and reports say that they are doing fine. They are in very bad rooms, with leaky roofs, no toilets, and in dangerous places near highways and railway tracks. Many times the food meant for the children does not reach them. But vaccination is happening regularly in many parts of the country through ICDS, and the anti-polio campaign seems to have been very successful.

### School age children

Child marriage is still common in our country. This affects the health of girls, as they may have babies when they are only 14 or 15 years old. Street children have many health problems, and the government hospitals don't pay any attention to them if they go there without an adult.

In our schools we get a mid-day meal and we all feel this is a very good scheme by the government. In some places the children said that the food was good, but in many schools the children said that it was not of good quality. There are no health check ups in most of our schools. Some families have to migrate for a few months each year for work. The children's health suffers when they have to keep moving like this.

“Malaria is the most common illness during the monsoons and afterwards, while diarrhoea, influenza, typhoid and pneumonia are also common. Children die of typhoid and pneumonia, while in some areas like Vijayanagaram and Prakasham, we found that tribal children died due to malaria. Most of the children are taken to private hospitals or clinics for treatment as the care and support from the government hospitals is of poor quality. Our parents have to spend more money on medical care if they go to private hospitals but that they have no choice.”

**Andhra Pradesh**

### Sanitation, water and environmental pollution

In one of our surveys in a city, children found that there are 4 or 5 toilets for every 350 people. This causes many health problems. Safe drinking water is not at all available, especially in cities. In urban areas where poor people live in slums, there are open drains, breeding mosquitoes which spread malaria. Dust bins are not cleared regularly. Children also get skin, ear and eye infections and worms in the stomach because of the dirty environment.

Many children reported that the environment in their area is getting very badly spoilt. The forests are being cut down, the rivers are polluted by industries pouring waste into them, and the air is also getting polluted.



We know that bad environment is one of the main reasons for health problems. We feel that the environment getting polluted makes the earth an unhealthy place for us children to grow up in.

“Many infectious disease are common, particularly TB, malaria, coughs, colds, diarrhea and skin diseases. In some places people also suffer from chikungunya. We also get sick because of the unhealthy environment and no proper garbage disposal. Children reported that in Baina the condition of the public toilets (paid toilets) is very poor. The number of toilets is not enough. For a population of 3000, there are 12 toilets and 12 bathrooms. The children are unable to pay and therefore defecate on the beach. In North Goa and in South Goa children found that many people have no toilets at all and have to go to the beach, fields, or open places.” - **Goa**

“Clean drinking water is not available, and many of us spend a lot of time fetching water, and have to miss school for this. In the bastis there are a few taps. Most of the people depend on the well water. Even in our schools, clean drinking water is not available. Normally we carry our own drinking water in plastic bottles.” - **Goa**

“Nearly all the surveys showed problems with access to clean drinking water both in their living areas as well as in their schools. Some of the children reported that in districts like Prakasham, drinking water had to be fetched from as far as 3 kms. Others reported the presence of borewells and overhead water tanks which supplied water to their homes. However everyone complained about the poor quality of water and irregular supply.”

**Andhra Pradesh**

“80% of children interviewed by reasearchers in WB said that their surroundings are not clean, 40 % said that they do not have proper sanitation system in their villages and 60 % said there are no separate toilets in schools.” - **West Bengal**

“Even the cities do not have under ground drainage system. Sewage water flows in to the streets which is the breeding ground for mosquitoes and other insects. The waste management in the state is done in a haphazard way and the living environment remains unclean. Waste bins located in major roads are cleared once in 15 days.” - **Tamil Nadu**

## Health Services

Our surveys showed that public health centres (PHC) are usually far from where we live, usually at least 6 km away. So our parents cannot take us there on time. They often try to treat sick children at home. At the PHC there is a lot of corruption, and they even charge money for the services. Those who do not pay do not get looked after. People who do not have a ration card or the right certificates do not get treatment. Many times children are not given the right vaccinations as the parents don't know about this. Some schools have health check ups but we found that most schools do not have them.

“Even if the health center is near home, our parents say that a lot of time goes in making case papers and waiting to be seen. Our parents have to pay for private health care but feel they save time. Children from South Goa said that they pay Rs 20 to make the case paper and spend a lot of time - this plus the bus fares comes to almost the same amount or more than what they pay the private doctors. They also said that there is no free treatment for children with life-threatening diseases. If children come from Baina, where many commercial sex workers live, people in the health centres look at them as if they are bad, and do not treat them well.”

## Work-related health problems

Children who work in different industries have different health problems. The children from Gujarat reported that children working in diamond cutting inhaled dust that destroyed their lungs, while children working in cotton fields suffered from the chemicals sprayed on cotton. Children also work in salt pans where the salt leeches into their skins and muscles.

## Mental health

Many children are under a lot of pressure because of school, exams, and private tuitions. Fights in the family or community also cause tension.

## 6. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

We are very happy that education has been made free and compulsory for children from 6 to 14 years. There are many more schools now, and most villages have a school. The schools give us books, uniforms, sometimes cycles, and a meal in the afternoon. All these things are very helpful for us to be able to attend school and get a good education. The RTE Act leaves out children below 6 and over 14.

## Reaching school

The government says that there is a school within 1km for all children, but this is not so for those who live in small hamlets. For us, though the schools are



there, we have difficulty getting to school. We have to walk long distances, sometimes through forests, crossing streams, and over hills. In places where we are given bus passes, the buses often don't stop for us. They prefer to take paying passengers, and insult us for traveling free. This problem of transport is even worse for girls as they and their families do not feel safe to travel far for high school. In cities, the little children have a big problem getting to school through the traffic, and there is no special arrangement for them to cross roads. Most disabled children are not able to get to school, and also children affected by HIV are left out.

*On the edge*



**JUST A FOOTHOLD WILL DO:** Be it city bus or any other modes of transport, school boys throw caution to the wind and travel on footboard, as seen in Madurai. - PHOTO: S. JAMES

## Teachers

There is a new law that says that teachers cannot beat us, and we really appreciate this law. But many children reported that their teachers beat them, sometimes with sticks. In many schools, there are very few teachers, sometimes only two teachers for over 100 children in grades 1-5. Many teachers do not teach at all, or do not teach well. Children told us how teachers make them do their personal work for them. In many schools they do not teach at all, but they write the test answers on the black board and ask children to copy them. So the children pass the exams, but they do not actually learn anything.

Reason for leaving school: "I was not very clever in studies so my parents and teachers were torturing me physically. One day I did not do my home work so teacher beat me in the school. They were doing the same every day, that is why I was fed up of going to school. And moreover, the school was 2 km away from my house so I stopped going to school and started working in the garage. The condition of my family is bad, I can help my family by working, and my brother can go to school."

**Asif , 15 years , Karnataka**

“Nearly all the researchers found that children are made to do dirty jobs like cleaning the school, washing vessels, and so on. They are also made to do personal work for the teachers, like bringing tobacco, tea, or water.” - **Maharashtra**

“Opportunities for participatory learning are very few in the class rooms. We just memorise lessons and expected to reproduce them in exams. The teaching methodology is very boring. Teachers just read lessons from text books. Teachers do not attempt to use interesting methodologies in teaching. They just make us read and write.”

**Tamilnadu**

### Facilities for learning

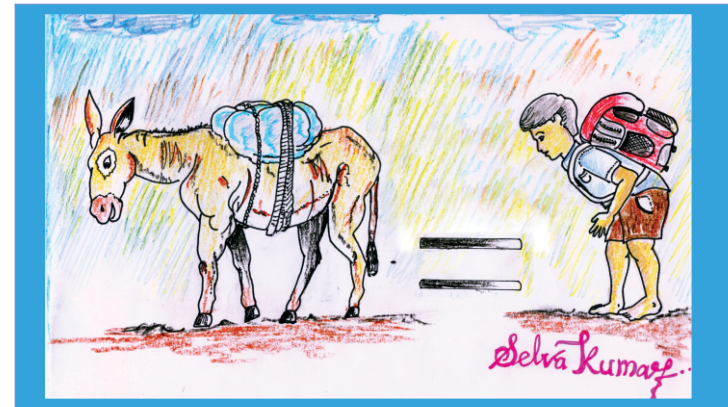
In all our surveys we found that school buildings are mostly in bad shape, or, if they are new, they are not at all attractive for children, or comfortable. There is no electricity, the roofs may be leaking, or there is no water to drink, and no toilets. If there are toilets, they may not work, or be broken. There are no separate toilets for girls. There are not enough classrooms, and very often there are no teaching aids, or games equipment. Most schools have no library. We found that many schools do have computers now, but they are not used for teaching the children. They are either used for office work or they are just locked up.

We do not have access to computers or the internet at all.

The mid-day meal in some schools is not of good quality, and there is no proper place to cook it. Free books and uniforms do not reach us on time, and so our parents have to spend money to buy these for us, as our teacher demands them.

### Budget

We feel that there is a lot of money available for education under the Sarva Shiksha Abhiyan (SSA) but we are not aware of the exact budget and how it is used. But inspite of all this money, the facilities in our schools are still not good.



*We demanded education,  
Now education demands money.  
We asked for burden-less education,  
Now education itself has become a burden.*  
Jeyakumar, Tamil Nadu

## ICDS Anganwadis

The Anganwadis for small children do not have good toys and games for children to learn properly. Many children still do not go to the Anganwadi as it is too far from their house. So they do not get any education before they come to the primary school.

## Leisure and entertainment

We do not have many facilities for entertainment. The TV channels do not have many programs for young children in our languages, and we do not get a chance to see children's films. There are hardly any programs of dance, drama or music for children even in cities, and none at all in villages. There are very few safe public places where we can play in the cities. Very few of us get a chance to read any books other than our school books. There are no libraries either in our schools or in our village or towns where we can get books without having to pay a lot.

Many of us feel that we have special talents, but these are not encouraged in school or in our homes. We do not get special training for these, or for developing our personalities or leadership qualities.

“The government is shutting down government schools but opening more and more government liquor shops.”

## 7. SPECIAL PROTECTION MEASURES

### Armed Conflict

The government report says that India is not involved in any wars. But we know that in many parts of India, there are war-like situations, with terrorists, Maoists, and Naxalites. Children in Jammu and Kashmir were not involved in our survey but we have heard and read about their sufferings. We have ourselves experienced, in Orissa, Andhra Pradesh, Jharkhand, and Maharashtra, that in the Maoist affected areas, children cannot get health support or education. Many of them live in camps, away from their homes and villages. Many children have also been made to join the terrorist and Maoist groups, though they do not yet understand what the fight is about. We are also concerned about the children of terrorists and Maoists. We wonder what kind of family life they have, who looks after them, how they go to school or get any of their rights.

There have also been terrorist attacks in Mumbai, Delhi, and other towns, and communal violence also breaks out from time to time. There are local agitations like the Telangana movement in AP. In all these situations children get hurt, or lose a parent, or the parents lose their livelihood and the family suffers. Schools and shops are closed for many days. Sometimes people have to move away because of this violence. On the way to school and other places, very

often, boys and men tease and pass comments on girls. This makes them afraid to go out.

### Conflict with the law

If children are picked up by the police, they are treated very roughly, and are sometimes locked up in jails, even though the JJ Act says they should not be. Policemen come in uniform and frighten children. We interviewed some boys who reported that the police beat them and took away their money before putting them in the children's home. In many states, the Committee for Protection of Child Rights (CPCR) has not been formed. But children from Karnataka reported that there are CWC in all districts, and special homes for beggars and street children.

“The Juvenile Justice (care and protection) Act 2000 was further amended in the year 2004 and 2006 with changes in favour of children. This is a welcome move but the implementation of the Act is still very bad. The children involved in crimes and children in need of care and protection are separated which is really a positive step. But the Juvenile police handle children very badly.”

**Tamilnadu**

A child in a Reception home run under the Juvenile Justice system told us: “My parents have died. I had run away from Kerala and reached Madurai. The police have robbed my money and left me in the reception home. I have been staying in this home for more than 7 months with out any action. It is sad that I could not continue my studies”

**Anis, 15 years old, Kollam, Kerala.**

### Child labour

The government has added some more types of work to the list of banned occupations in the Child Labour Prevention and Regulation Act (CLPRA). But we feel that all work is dangerous for children and prevents them from growing and developing properly, and should be totally banned, but the government is not willing to do this. We found many children still working in hotels and in domestic labour, in spite of the ban. In our surveys we also saw children in mines, brick kilns, carpet weaving, bakeries, garages, salt pans, diamond cutting, and in fields. All of them are out of school and in danger for their health and safety. Another thing we saw was that even if a child is rescued in a raid by the labour department, and he or she happens to be over 14 years, but below 18, then he or she is sent back to the employer, not to the parents.

“Subhas – Subhas's age is either 10 year or 11 year and is working (cleaning dishes) in a hotel in Sealdah station. His father has passed away and mother is working as maid servant. He has two young sisters at home. Subhas has a lot of interest in studying, but could not get opportunity due to the economic crisis in the family. Whenever some child passes by him with a school bag for school, his eyes fill with tears. By cleaning dishes in this hotel he earns Rs 15. He is a resident of Sodepur, Ghola (North 24 Parganas) where sometimes he travels without a train ticket. At times when the owner of the hotel hits him he gets hurt and decides that he won't work any more in this place. But the next thought which haunts him is the family income and his mother, who he knows won't be able to support the family alone. This makes him continue work. He thinks, when will I grow big and earn more than now.” - **West Bengal**

### Childline

This is a help line for children in trouble, is very good for children in cities. Many children have got help by calling the number. But the number of public phones is reducing, because most people use their mobile phones, and so it is getting difficult for children to call Childline. Also, in smaller towns and villages there is no such facility.

### Corporal punishment

We are very happy that the government has made a law against beating children at home and school. In some areas children said that the beating in school had reduced, but many children said that their teachers beat them. People are not aware that beating children when they are young can harm them mentally and make them more violent. Our estimate is that 80% children face physical abuse in school and at home.



### Sexual abuse and exploitation

This has increased with the increase of tourism. In Goa and Kerala, many NGOs and government also are trying hard to stop this, and we are happy about that. But the problem is there, and children are in danger,



especially in tourist areas. Children living on the street also report that they are in fear and danger of sexual abuse, and many such cases were narrated to us. Girls are sometimes molested by their own male teachers in schools. Children who are sexually abused are also shunned by others, and may be forced into prostitution.

*Adult comment: There are increasing instances of sexual abuse of children in government run and privately run institutions and residential facilities for children being reported in the media. Better regulation of these institutions is an urgent need.*

### **Trafficking**

Children from Andhra Pradesh reported that there are many child labourers from neighbouring Maharashtra and Orissa working on constructions sites in Hyderabad. Cases of child trafficking from different parts of the country for labour or sexual exploitation were reported to us in our surveys.

### **Police**

We find that the police are not child-friendly. They threaten us and treat us like criminals even if we have done no crime. Children who live on the street in cities live in fear of the police. Even if adults make a police complaint, if they are poor people, or children, the police pay no attention. We are told that the police are given special training for handling children, but we wonder if this is so.

### **IN CONCLUSION**

We are aware of and happy about many new laws, policies and programmes of our government that support child rights. We feel, however, that some improvements are needed in these laws and policies. This, and better implementation, will surely help us to have a better childhood.

**In solidarity  
On behalf of all the children of India**

**Children who participated in the final workshop to put together this report in January 2012 at Navi Mumbai**

S.no	Name	Age	M/F	State
1	Riddhi Raval	16	F	Gujarat
2	Afsana Noida	15	F	Gujarat
3	Kalpesh Koli	15	M	Gujarat
4	Akash Kamble	16	M	Maharashtra
5	Namdev Naikwade	17	M	Maharashtra
6	Anajali Kashid	18	F	Maharashtra
7	Ganesh	14	M	Karnataka
8	Muhammad Anas	14	M	Karnataka
9	Manjula Munavalli	15	F	Karnataka
10	Rajani	12	F	Andhra Pradesh
11	Kalyani	13	F	Andhra Pradesh
12	Bhavani	12	F	Andhra Pradesh
13	P.Malika	19	F	Tamil Nadu
14	T.Iyanar	16	M	Tamil Nadu
15	S.Bharath Kumar	16	M	Tamil Nadu
16	Krishna Sethy	14	F	Orissa
17	Deabaki Sutar	15	F	Orissa
18	Ujjayinee Mohanti	15	F	Orissa
19	Nazma Khatoon	14	F	West Bengal
20	Firoza Khatoon	17	F	West Bengal
21	Manjur Alam	15	M	Jharkhand
22	Praful Hembram	10	M	Jharkhand
23	Pallabi Hembram	13	F	Jharkhand
24	Akshai Kumar	16	M	Kerala
25	Keerthy Divakaran	15	F	Kerala
26	Habrila Pareed	15	F	Kerala

Campaign Against Child Labour and Campaign Against Child Trafficking are national campaign covering most states of India and having around 1000 NGOs as members. This report was compiled, as described in the introduction, with the participation of CACL and CACT with support from Terre des Hommes Germany India Programme. The following are some of the key organisations in the networks, with contact details.

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## UPDATE MAY 2013

### About this update

In February 2012, a group of children connected with different NGOs across India came together for an intense two days to consolidate a process started in 2008. The result was an alternative children's report to the one sent by the Government of India. A year has gone by, and when we heard that the UN committee would be reading the report later this year, we felt very strongly that it was necessary to update it with the changes that have taken place, both in laws as well as on the ground.



During the original process in 2012, the children had elected 7 among themselves to represent them when it came to presenting the report in any forum. Out of this group of 7, only 4 were still available, the other three having got busy with higher education and other pursuits. But 5 other children out of the 2012 group were available and volunteered to go through the intense and tough job of updating their report. All 9 children involved in this update have been involved in the whole process from the beginning.

The group met in Mumai during the school vacations in May 2013. Helped by their adult friends from different NGOs they reviewed the report they had prepared last year, and identified issues they wanted to reiterate because they were very important. They also discussed and put down what they perceived as new developments, both positive and negative, in the child rights situation in India during the last year.

This update is an outcome of that process.

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## Update to the Children's Alternative Report submitted to the UNCRC Committee in 2012

Mumbai, India, May 2013



We represent the group of children who studied the situation of children's rights in their areas from 9 states of India and wrote a report in early 2012. We are now updating this report to the UNCRC because we feel that some things have changed since we made the last report in May 2012. Some things have improved, and some things have become worse. Some things have remained the same. We are repeating some points that we feel are very important to emphasize again, as well as mentioning some changes in the situation. We are also making some suggestions about how things can be improved for children in India.

## Survival

First of all, the definition of 'child' itself is still very confused in all the laws and amendments made recently. There is still no clarity on this, and this threatens our rights in many ways.

We are happy that we get meals in our schools and Anganwadis, and they are better than they were before. We sometimes get fruits and eggs. But our nutrition needs are not fully met by what we get on our family ration cards. For example, the focus is on grains, while we have been taught that pulses and vegetables are equally important for our growth. For the little children, the centres where they get their injections are often very far away, so they miss the ones they should be getting at the right time.

Discrimination of all sorts continues, and most particularly between boys and girls. The worst threat to our survival is the practice of killing female foetuses before birth. Though there are laws against this and a lot of people have stopped doing it, it still continues. Children with physical disabilities and those with HIV find it difficult to survive and participate in education and play.

## Development

The Right to Education Act has been a very good development. Especially for girls, many things have improved and many facilities have been given. The

new system of semesters and tests has also reduced the pressure on children. However, we feel that the learning level of children is falling, because they are promoted to the next class automatically. We find that teachers are encouraging child labourers to join school and conducting surveys to find child labourers. The number of Anganwadi centres is also increasing.

There are still hundreds of hamlets where there is no school and there is no transport for children to go to the nearby village school. There are also schools where there are not enough teachers, and where children are beaten and harshly punished, or discriminated against on the basis of caste. Tobacco and alcohol shops are near some schools, and this is not only unhealthy for us, but may tempt some children too. Another thing that we feel is very important for our development is regular access to computers, and we do not get this in most schools. Basic things like working toilets and water are still missing from many schools.

While the RTE has brought us many benefits, we are not happy that children from 0-6 years and from 15-18 years are left out of this Act. We also feel that adults put too much pressure on us to study. In most cities there is just no place to play for poor children.

Loans for higher education are given by banks only to rich children, but poor children find it impossible to pay the fees needed for good colleges and courses, and we don't get loans.

## Protection

The most positive development has been the new law, Protection of Children against Sexual Offences (POSCO) Act 2012. But we are still to see the effect of this law on our lives. We have seen that even the police are not aware of the laws and don't follow them.

We feel that sexual abuse of children is increasing, sometimes of very young children. Child marriage, child trafficking and child labour still exist all over the country. Girls are also kept away from school and play because of having to look after housework and young children. When parents migrate for work, their children, especially girls, are more exposed to dangers and abuse. In states where there is ongoing violence, children are at risk.

Children's homes where we are supposed to be protected are also often not safe spaces for us. Childline is not available to all children, especially in villages, and sometimes the phones don't work.

## Participation

The participation of children in Gram Sabhas is not as much as we would like it to be. We do not get a voice in things that affect us. People do not listen to us. Children with disabilities have even less chance than others of participating in education or in deciding what they need.

## New Developments

### **Child Labour Prohibition and Regulation Act 1986:**

*Amendment suggested in August 2012 and renamed as Child & Adolescent Labor (Prohibition) Act (CALPA). The new (proposed) amendment has banned all forms of child labour up to the age of 14 years, penalty of Rs. 50000 towards the child labour welfare fund.*

**Comments:** We are happy with this change. It will allow children up to 14 years of age to study and play. We want the government to pass this amendment as soon as possible. But we want to say again that the law should ban child labour up to the age of 18 years. We also want to emphasise our earlier demand for better implementation of government schemes for the poor and to control migration, and better wages for our parents so that children from poor families can study and develop.

### **POCSO - Protection of Children against Sexual Offenses Act 2012**

The above act passed by GOI is good as it will prevent child sexual abuse and secure physical and mental health of children

**Comments:** We are very happy about the passing of this law, as it will help to prevent sexual abuse and protect the mental and physical health of children. We feel that such abusers will now be afraid to do such things. We are particularly happy about the fact that it

is compulsory to report cases of sexual abuse of children, and that such cases will be tried in a fast track court.

We want to suggest that there is still a great need to protect children, both inside and outside their homes. We also ask that support and counselling should be given to child victims during the police and court processes.

**Juvenile Justice Act -2000:** *After a recent gang rape case, known as the Nirbhaya case, there has been discussion about reducing the age of children protected under the JJ Act to 16 years.*

**Comments:** We are against lowering the age. It should be kept at 18 years, in keeping with the UNCRC. The JJ Act has defined the punishment for children involved in crimes. Children who commit serious crimes should be kept separately from other children, as stated in the law. In any case, children involved in such serious crimes is a very rare thing.

### **National Policy For Children:**

**Comments:** We welcome the policy and hope that it will help all children in India to realise their rights.

**The 'UNCRC Optional Protocol on UN Complaints procedure on the children's rights'** *which was open for signature in February 2012 allows individuals to approach UNCRC for redressal any matters related to Child Rights.*

**Comments:** We think that this would greatly help children, and we demand that the Government of India ratify the protocol

**RTE Act 2009:***The private school association had challenged the provision in the act that provided for 25% reservation in private schools for children from the economically weaker section. The Supreme Court upheld the constitutional validity of the act.*

**Comment:** We welcome the Supreme Court's order to continue 25% reservation in private schools as this will help poor children get access to quality education.

Many of the other provisions of the Act were to be fulfilled by March 2013. This has not happened. One survey showed that only 8% of the schools in some states have got the facilities stated in the Act. We feel the government should move faster on this and improve quality in all schools on an urgent basis.

### Children who made this update

Name	Organisation
Aksah Kamble	India Sponsorship Committee, Pune, Maharashtra
Anjali Kashid	Tara Mobile Crèches, Pune, Maharashtra
Afsana Noida	Gram Swaraj Sangh, Kutch, Gujarat
Kamlesh Koli	Gram Swaraj Sangh, Kutch, Gujarat
Namdev Naikwade	NPM, Latur, Maharashtra
Firoza Khatoon	Right Track, Kolkata
S. Bharatkumar	Vidiyal, Tamilnadu
Manjula Munavalli	KIDS, Dharwad, Karnataka
Muhammad Anas	PADI, Mangalore, Karnataka

