

Status of Children in 14-18
Years:
Review Of Policy, Programme and
Legislative Framework
2012-2013



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Foreword

Adolescents (children between the ages of 10-19 years) account for 22.8% of the population and girls below 19 years of age constitute one-fifth of India's fast growing population (NFHS-3, 2005-06). In this document the focus is mostly on children in the 14-18 years age group who constitute 100.2 million children in our country, majority of whom have been forced to assume the role of adults, grapple with poverty, economic and personal security, ill health, early marriage, lack of education and exploitative environment from an early age both at home and in society. These are the young persons in our country who have not been able to realize their fullest potential.

Most often they have been regarded as objects of change receiving doles. The challenge is really in ensuring that adolescents are regarded as subjects in their own right requiring all support to exercise agency in reconstructing their life with dignity and selfhood. Their critical consciousness is to be developed, leading to their empowerment and to becoming politically, socially and culturally active and respecting them as productive persons with dignity, sense of well-being and ability to realize their creative potential.

Thus there have to be restorative policies and programs addressing the issue of the gross denial of fundamental rights and entitlements of adolescents – their very right to survival, development, dignity and protection. The fact that they have to catch up with what they have lost and move forward has to be appreciated. The more there is a delay in making wholehearted investments for them; more numbers of them would be left out lacking in capacities to claim their share in the process of building India's development and democracy.

It is hoped that this document would generate a national debate and discussion on children in 14-18 years of age, make them more visible and enable steps to be taken up with a sense of urgency in formulating legal and policy framework for them.



(Shantha Sinha)

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Abbreviations

AEP	Adolescent Education program
AFHC	Adolescent Friendly Health Clinics
AH	Adolescent Health
ARSH	Adolescent Reproductive & Sexual Health
AVI	Accredited Vocational Institutes
AWW	Aanganwadi Workers
BDO	Block Development Officer
BPL	Below Poverty Line
BSY	Balika Samridhi Yojana
CDPO	Child Development Project Officer
CLPRA	Child Labour (prohibition and regulation) Act, 1986
CMPO	Child Marriage Prohibition Officer
COI	Constitution Of India
CSO	Civil Society Organisations
DLHS	District Level Health Survey
DM	District Magistrate
DSEL	Directorate of School Education and Literacy
FYP	Five Year Plan
HIV	Human Immunodeficiency Virus
ICTCs	Integrated Counselling and Testing Centers
ITI	Industrial Training Institutes
JSY	Janani Suraksha Yojana
KGBV	Kasturba Gandhi Balika Vidyalaya
KSY	Kishori Shakti Yojana

MDG	Millennium Development Goal
MES	Modular Employable Skills
MHRD	Ministry of Human Resource Development
MHFW	Ministry of Health and Family Welfare
MMR	Maternal Mortality Rate
MoLE	Ministry of Labour and Employment
MSJE	Ministry of Social Justice and Empowerment
MW Act	Minimum Wages Act
MWCD	Ministry of Women and Child Development
MOYAS	Ministry of Youth Affairs and Sports
NCPCR	National Commission for Protection of Child Rights
NFHS	National Family Health Service data
NGO	Non-Governmental Organisation
NIOS	National Institute of Open Schooling
OBE	Open Basic Education
PCMA	Prohibition of Child Marriage Act 2006
PIB	Press Information Bureau
RCH	Reproductive and Child Health
RMSA	Rashtriya Madhyamik Shiksha Abhiyan
RTE	Right To Education
SC/ST	Scheduled caste and Scheduled Tribe
SDM	Sub-divisional Magistrate
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
UNCRC	United Nations Convention on Child Rights
VTP	Vocational Training Provider

Chapter 1: Introduction

1. Introduction

1.1 Rationale for focusing on 14-18 years

- 1.1.1 Adolescence is a period characterized by rapid physical, cognitive and social changes, including sexual and reproductive maturation; the gradual building up of the capacity to assume adult behaviours and roles involving new responsibilities requiring new knowledge and skills. It is also a period which poses new challenges to health and development owing to their relative vulnerability and pressure from society, including peers, to adopt risky health behaviour. These challenges include developing an individual identity and dealing with one's sexuality.
- 1.1.2 India has one of the fastest growing youth populations in the world. The vast majority of adolescents, (children in the 10-19 age group) account for 22.8% of the population of India and girls below 19 years of age constitute one-fourth of India's fast growing population¹.
- 1.1.3 While individuals aged 10-19 years are considered as adolescents, in this document there is a special focus on young men and women in the age group of 14-18 among the adolescents who constitute 11% and 100.2 million of India's population².
- 1.1.4 The focus on 14-18 years is guided by the fact that there are legislations protecting children up to 14 years such as the Right to Education Act (RTE Act) which guarantees children aged 6-14 eight years of elementary education; the Child Labour (Prohibition and Regulation) Act (CLPRA) which focuses on children upto 14 years of age and prohibits and regulates their employment in certain specified hazardous occupations, and so on. However, no such guarantees exist for children in the 14-18 years age group, who live in precarious conditions due to deprivation of education, early marriage, unwanted pregnancy, childbearing and rearing, untimely entry into the labour force, and exploitation at home and at workplace.

¹NFHS-3, 2005-06

²Census 2001

1.2 Background

- 1.2.1 Policies for children and adolescents in India are guided by the role of the State as articulated in the Constitution of India (COI) that provides for right to life, education, health, nutrition, food, development and protection from exploitation.
- 1.2.2 Further, as a signatory to the United Nations Convention on the Rights of the Child (UNCRC), India has affirmed its commitment to recognizing and protecting the rights of children and adolescents (up to 18 years of age) including their fundamental right to be heard and taken seriously. The UNCRC defines a child as “every human being below the age of 18 years unless, under the law applicable, majority is attained earlier” (art. 1). Consequently, adolescents up to 18 years old are holders of all the rights enshrined in the Convention; they are entitled to special protection measures and, according to their evolving capacities, they can progressively exercise their rights (art. 5).³
- 1.2.3 Planning for adolescents was first initiated in the 10th Five Year Plan (2002-2007). Taking this further, a Working Group on Youth Affairs and Adolescents development for Eleventh Five Year Plan (2007-2012) was constituted and it noted a few suggestions: (i) Setting up Regional Resource Centres for Adolescents Education and Development, (ii) Provision of quality of education for adolescents as it has direct relation to development of India, (iii) Setting up of counseling for adolescents and special attention on substance abuse problem, (iv) Life Skills for students and out of school and giving them a chance to finish education, (v) Special focus on education of Scheduled Castes, Scheduled Tribes, and other minorities’ and (vi) Sex and HIV related education for students and out of school adolescents.
- 1.2.4 The Draft Twelfth Plan (2012-17) lays further and specific emphasis on standardizing the age for adolescents and including 10 to 18 years for harmonizing varied guidelines under various schemes. It recommends the abolition of all forms of child labour for the effective implementation of the RTE Act and the extension of RTE upto the senior secondary level to

³Convention on the Rights of the Child, General Comment No. 4 (2003), “Adolescent health and development in the context of the Convention on the Rights of the Child”, p. 1.

include all adolescents. The Draft Twelfth Plan also recommends for strengthening of SABLA along the lines of the *Bal Bandhu* pilot programme for protection of child rights in areas affected by conflict.⁴

- 1.2.5 This policy document focuses entirely on the rights and entitlements of adolescent children (14-18 years) by examining their precarious conditions with respect to child labour, child marriage, teenage pregnancy, child birth and rearing, malnutrition, and trafficking for exploitation. Through a critical review and analysis of the existing constitutional provisions, legislations, and policy framework for adolescents in the country, it seeks to ascertain the efficacy of the same towards ensuring and safeguarding adolescents' right to survival, development, protection and participation. In doing so, it argues that these frameworks have not been able to address the barriers to access or translate into institutional mechanisms, thereby covering only a miniscule number of adolescent children. It finally argues for and recommends the need to weave in the element of education to the schemes, policies and programs meant for adolescent children as an indispensable component for their empowerment.

⁴ Draft Twelfth Five Year Plan 2012-17, Planning Commission, Government of India, Social Sectors (Volume 3), p. 196. http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_3.pdf

Chapter 2: Adolescent Child Labour

2. Adolescent Child Labour

2.1 Occupational Profile

- 2.1.1 Over 400 million people in India constitute the total workforce in the country, out of which adolescents (14-18 years) constitute close to 32 million. Of the 312 million employed as main workers, adolescents constitute over 20 million, and of the 90 million workers employed as marginal workers, adolescents are over 11 million of the total approximately. Hence, while the total number of children in the 14-18 age group is 100.2 million (Census 2001), approximately 32 million of these children are employed in the workforce (refer to Tables 1-3).
- 2.1.2 According to the NFHS 3, 33.4% of girls and 50.4% of boys (in the 15-24 years age group) are engaged in labour. Among boys, 60.9% of the workforce is in the rural sector and in production occupations and 88% of employed adolescent boys earn wages in cash. Significantly 70.5% of urban boys are engaged as workers.
- 2.1.3 In contrast only 22.2% of girls are employed in the rural sector and 64% of young women engaged in agricultural work are employed by a family member, 28% are employed by a non-family member, and 7% are self-employed. More than half of the girls engaged in agricultural work (54%) are employed seasonally. Unlike boys, less than two-thirds of them earn cash for their work. 11% of employed adolescent girls are paid only in kind and 26% are not paid at all and are unpaid family workers. Only 39.5% of urban girls – about half the proportion of boys - are in the work force.
- 2.1.4 Adolescent boys are in the labor market as wage earners on either long term or short term contracts or as daily wage earners, while girls continue in hidden and invisible work, most of which is non-wage work rendered for their families and unaccounted for. Thus, while girls in this age group lag behind boys in terms of education, they are also hidden in the labour force with most of their work in the informal, unorganized sector.

Tables 1-3

Main Workers	Male	Female	Total
5-14 yrs	3572190	2166325	5738515
15-19yrs	15098122	5448644	20546766
Total workforce	239923441	72708941	312632382
% of adolescent labour to work force	6.29%	7.49%	6.57%

Marginal Workers	Male	Female	Total
5-14 yrs	3206891	3681099	6887990
15-19yrs	5821090	5929351	11750441
Total workforce	34859808	54374298	89234106
% of adolescent labour to work force	16.69%	10.9%	13.16%

Total workforce	Males	Females	Total
5-14 yrs	6779081	5847424	12626505
15-19yrs	20919212	11377995	32297207
Total workforce	274783249	127083239	401866488
% of adolescent labour to work force	7.61%	8.95%	2.68%

2.1.5 Instead of going through a sturdy process of education through schools, very sizeable numbers of Indian children have been forced into a routine of drudgery and suffering at the cost of realizing their fullest potential. They are gradually edged out of active participation in any production process and economic activity that involves skills and have no claim to any system of security or insurance and thus are unable to take advantage of State programs and policies as well as market interventions. Ultimately their fate is sealed by their lack of access to education.

2.2 Current Legal Framework for Adolescent Labour

2.2.1 There is no specific law that governs child labour in the 14-18 years age group and thus the work rendered by them is legally permitted. **The Child Labour (Prohibition and Regulation) Act 1986 (CLPRA)** covers children only up to 14 years and prohibits their employment in certain identified “hazardous” occupations and processes, while regulating their employment in all other professions.⁵ Thus the Act does not prohibit child labour in the country and reflects a targeted and priority based approach. The proposed Child labour (Prohibition and Regulation) Amendment Bill, 2012 placed before the Parliament to amend the CLPRA covers children up to 18 years. While it proposes to abolish all forms of child labour up to 14 years of age, bringing the labour law in consonance with the RTE Act, it proposes to prohibit children in the 14 to 18 years of age from working only in mining, explosives and from the work under the Factories Act.

2.2.2 They can claim their fair share of wages through the **Minimum Wages Act 1948 (MW Act)** which enforces payment of minimum rates of wages and hours of work for a normal working day for all kinds of employment.

2.2.3 **The Mines Act, 1952** was first amended in 1983 and the new amendment bill, 2011 is still pending in the Parliament. While after the amendment of 1983, the Act banned employment of persons below the age of 18 in mines, trainees and apprentices above the age of 16 can still be employed therein. However, the trainees (not apprentices) need the permission of the Chief Inspector or the Inspector, as appointed under this Act, to be

⁵ Currently child labour is prohibited in 18 occupations and 65 processes

employed. Unfortunately, not many such Inspectors have been appointed under the Act. Also, though the Act bans employment of persons below the age of 18 in mines, the punishment for such violation of law is a fine of merely five hundred rupees and no imprisonment. The 2011 bill for amendment of the Act aspires to amend the provision to increase the fine to rupees fifty thousand rupees. The bill though has not been made into a law and amendment to the provision will only act as a proper deterrent to employers from employing adolescents and children in mines.

2.2.4 **The Factories Act, 1948** exhaustively deals with the working conditions of adolescents in factories and formulates regulations on their employment on dangerous machineries⁶. The Act defines adolescents as young persons between 15 to 18 years⁷ and calls for the appointment of DMs as Inspectors as well as surgeons to certify the age and capability of “young persons” in the concerned factory.

2.2.5 Since 1948 varied kinds of technical industries have sprouted up with varied kinds of dangerous machineries in use. Most of these adolescents are not technically trained to administer such machines and are given minimal training on such machines by the supervisor. Moreover such diversity in the industrial sector makes it manifestly impossible for the government to analyse every machine to declare a machine unfit for an adolescent to be employed near. Thus a perusal of the provisions of the Act indicate that while it attempts to lay down adequate regulations for employment of adolescents in factories and near dangerous machines, it finds itself unable to cope with the pace of developments in this sector the work rendered by the adolescent remains unregulated. Further, the Act places more of a moral responsibility upon the factory than a legal obligation to inform the adolescents of the perils of a machine and the precautions which need to be observed.

2.2.6 Under the Act, a great amount of duty rests upon the respective State governments to issue rules for safeguarding the rights of adolescents working in factories. The appropriate government should at regular intervals take cognizance of the conditions prevalent in the factories with

⁶ Section 23, The Factories Act, 1948

⁷ Ibid, Section 2 (b).

relation to employment of adolescents. However there is no evidence of such an exercise.

2.3 Current Policy Framework for Adolescent Labour

- 2.3.1 The Ministry of Labour and Employment has a **Skill Development Initiative Scheme** for early school drop-outs, unemployed adolescents, children previously involved in child labour and their families, and other existing workers in the unorganized sector in order to provide them vocational training, improve their employability, certify their skills acquired informally and to upgrade these skills. The Directorate General of Employment and Training (MoLE) provides the facility of registration in employment exchanges for job placements and career counselling and vocational guidance for adolescents. The Industrial Training Institutes (ITIs) provide vocational training to adolescents after class VIII or X.
- 2.3.2 So far, 1161 short term training courses (as on 30th October 2010) based on Modular Employable Skills (MES) in 52 Sectors have been identified and 6084 Vocational Training Providers (VTP) are registered and a total of 1.4 million persons have been trained/tested. The minimum age limit for persons to take part in the scheme is 14 years with no upper age limit. The scheme is not specific to adolescents nor does it target their skill development exclusively.
- 2.3.3 **The National Institute of Open Schooling** also has Distance Vocational Education Programmes and provides practical training through Accredited Vocational Institutes (AVIs) for school leavers with 5th, 7th, 8th and 10th pass for 6 months to two years. (see 6.4.3 for details and coverage)
- 2.3.4 **Parvaaz**, a pilot programme on "Comprehensive Skills and Education Program for Rural BPL Minority Youth", is an initiative of Ministry of Rural Development. The main objective of the programme is to mainstream the minority BPL youth (17-25 years) of the country by empowering them with education, skills and employment. It is geared towards helping the learners attain minimal education required for employability and also upgrading the necessary skills. It is specifically designed to provide a continuum based learning on a graded curriculum ensuring quality of education for minority youth school drop-outs/left-outs. Once the BPL youth is enrolled in the

project they are imparted basic foundation course in academics certified by NIOS. They are then imparted employability skills and further placed in the organized sector.⁸ Since the inception of the programme in 2011, 2735 youth have enrolled so far and 220 have been placed.

2.3.5 **List of all vocational courses/training schemes by various ministries of the Central Government is at Annexure I.**

2.3.6 Considering that the population of out of school children including child labour in the 14-18 years is close to 32 million⁹, it is estimated that only two to three million adolescents would have availed of these schemes each year.

⁸Parvaaz, Ministry of Rural Development, Government of India. <http://parvaaz.in/>

⁹ Census 2001

Chapter 3: Adolescent Child Marriage

3. Adolescent Child Marriage

3.1 Profile

- 3.1.1 According to the 2001 census there are 1.5 million girls in India under the age of 15 already married. Of these, 20% or approximately 300,000 are mothers to at least one child. At the national level, one in every five girls aged 15-17 years and slightly more than half of girls aged 15-24, are married. In all, 47% of India's girls aged 20-24 are married before the legal age of 18, with 56% from rural areas. Similarly, one in every 17 boys aged 15-20, and more than 80 percent of boys aged 15-24 are married¹⁰. 40% of the world's child marriages take place in India, resulting in a vicious cycle of gender discrimination, inter-generational poverty, illiteracy and high infant and maternal mortality rates¹¹.
- 3.1.2 The risk of domestic violence, abuse and exploitation inherent in child marriages is well known. Being married early they conceive at a very early stage in their life. In the three years preceding NFHS-3, there were 90 births per 1,000 girls aged 15-19 and 209 births per 1,000 girls aged 20-24, the highest of any age group¹². Among this age group, 9 percent have had one birth, 3 percent have had two births, and a smaller proportion has had three births.
- 3.1.3 NFHS-3 shows that there is an inverse correlation between the attainment of education and the odds of getting married. An analysis done to identify the determinants of early marriage reveals that "the higher the education the lower the odds that a girl aged 15-17 would be married and the lower the odds that a girl aged 18-24 would have been married before age 18". Similarly, the proportion of girls who have begun childbearing is about three times as high among girls who have no education as girls who have 10 or more years of education¹³.

¹⁰ NFHS 3, 2005-06

¹¹ The State of the World's Children, UNICEF Report, 2009

¹² NFHS 3, 2005-06

¹³ Ibid, p. 56.

- 3.1.4 Early marriage and childbearing also impacts adolescent health causing reproductive health problems, including complications that come with teenage pregnancies. The likelihood of girls aged 10-14 dying in pregnancy and child birth are five times more than that of women aged 20-24¹⁴. It is estimated that nearly 6000 adolescent mothers die every year in India. Further, children born to teenage mothers and mothers under the age of 20 years are much more likely to die in infancy than children born to mothers above the age of 20. NFHS-3 shows that the infant mortality of children born to mothers who are not yet age 20 is 77 deaths per 1,000 live births¹⁵.
- 3.1.5 Early marriage, lack of education, contraceptive information and reproductive rights, and often sexual violence and/or forced sex leads to early and unwanted pregnancy and unsafe childbearing. India has a high maternal and child mortality rate because young girls, whose bodies are still maturing, are burdened with repeated childbearing, often in the absence of any proper maternal and child care, in the presence of anaemia and iron deficiency, under nutrition, and due to short birth intervals.
- 3.1.6 Also, due to lack of and low access to appropriate information on safer sex, methods of protection, prevalence of sexual abuse and exploitation, sexual trafficking and slavery, and rape and prostitution, adolescents, especially girls, find themselves in an exposed and vulnerable environment (whether at home or at workplace) and are unable to exercise agency or decision making powers. This also leads to a high percentage of sexually transmitted infections / diseases (STIs / STDs) as well as new HIV cases amongst the adolescents. The emerging trends in new HIV cases in India shows that nearly two-fifths of new infections are reported among people below 25 years of age¹⁶. As a result, many preventable reproductive health-related problems, including unwanted teenage pregnancies and STDs, persist. There is also a high incidence of substance abuse, increased alcohol and tobacco consumption among the adolescents today.
- 3.1.7 Disturbingly, the NFHS-3 data also shows that domestic violence, particularly spousal violence, is very prevalent among youth. There is an

¹⁴See 'Report on Prevention of Child Marriages in the State of Karnataka' by the Core Committee headed by Justice Shivraj Patil, UNICEF and Dept of Women and Child Development, 2011

¹⁵ NFHS-3, 2005-06, p. 76.

¹⁶ Ibid.

increasing acceptance of wife beating and sexual violence among adolescents. This puts a tremendous burden on the socio-economic programmes for the development of women and children, hampers the process of empowerment of women, reinforces acceptability of violence amongst future generations and disrupts and destroys family systems.

3.2 Current Legal Framework for Adolescent Child Marriage

- 3.2.1 **Under the Prohibition of Child Marriage Act (PCMA) 2006**, 18 years is the permissible age of marriage for girls and 21 years for boys. A child marriage is void if the child is taken away from their lawful guardian by enticement, force or use of deceitful means or is sold or trafficked for the purpose of marriage. The Courts have the power to issue injunctions to prevent child marriages from taking place¹⁷. The solemnization of child marriages is a cognizable and non-bailable offence.
- 3.2.2 The Act has limitations because it fails to declare all child marriages as illegal. The law makes child marriages voidable only when children or guardians seek annulment of the marriage. In this sense, it presumes that the child is able to exercise her agency to say 'no' to child marriage and that there are appropriate support systems and institutions to enable a child to defy marriage and also to rehabilitate her. In reality it is unlikely that the guardian will take the initiative and risk of terminating a marriage. Also, the provisions of the PCMA are diluted by the personal laws in the country. For example, the Muslim personal law lays down the age of puberty as the age of marriage.¹⁸
- 3.2.3 Further, the Act provides for the institution of Child Marriage Prohibition Officers (CMPO) in every state to prevent child marriages, ensure protection of the victims as well as prosecution of the offenders. However, in the data received by the NCPDR from the States regarding the implementation of the PCMA, it was found that in most cases the CPMOs were officers with additional responsibilities such as the DM, SDM, CDPO

¹⁷ http://www.unicef.org/india/Child_Marriage_handbook.pdf

¹⁸ For critique of the Hindu Marriage Act, 1955, Muslim law on marriages, Christian Marriage Act, 1872, and the IPC, refer to: Pallavi Gupta, "Child Marriages and the Law: Contemporary Concerns" in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 50 and 51.

or BDO and thus could not address several issues pertaining to the prevention of child marriage in the State.

- 3.2.4 The numbers of child marriages reported and stopped under the Act have been negligible. For instance, in 2010 there were only 60 registered cases of child marriage under the PCMA¹⁹. Even the NCRB 2012 records have shown that the conviction rate concerning child marriage is low²⁰.

3.3 Current Policy Framework for Adolescent Child Marriage

- 3.3.1 The “**Dhanalakshmi Conditional Cash Transfer Scheme for Girl Child with Insurance Cover**” provides for cash transfer to the family of a girl child on fulfilling certain conditionality relating to registration of birth, immunization, enrolment and retention in school till class VIII, and an insurance coverage if the girl remains unmarried till the age of 18. The scheme is operational on a pilot basis in 11 blocks across the seven states of Andhra Pradesh, Bihar, Chhattisgarh, Orissa, Jharkhand, Punjab, and Uttar Pradesh and was expected to cover 79,555 girls during 2008-09.
- 3.3.2 During the first three years of the 11th five year plan, only 31 per cent of the funds under the Dhanalakshmi scheme were utilized. It has received no response yet from bigger states like Bihar and Uttar Pradesh²¹.
- 3.3.3 Another conditional cash transfer scheme of the MWCD, **Balika Samridhi Yojana**, aims to increase the enrolment and retention of girls in schools and raise their marriageable age. (refer to 6.4.2 for details of coverage)
- 3.3.4 Under the **Bhagyasri Kalyan Bima Yojana** of the MWCD, part of the money is given to the girl child at birth or in scholarships and part is put aside for paying the premium on an insurance policy in her name. Under this scheme, the girl child can withdraw the scholarship amount and interest when she turns 18 and is unmarried.

¹⁹ Report on the National Consultation on Prevention of Child Marriage held at New Delhi on 25th May 2012. <http://wcd.nic.in/childact/ReportChildMarriage.pdf>

²⁰ Pallavi Gupta, “*Child Marriages and the Law: Contemporary Concerns*” in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 54.

²¹ Mid Term Appraisal for Eleventh Five Year Plan 2007-2012

http://planningcommission.nic.in/plans/mta/11th_mta/chapterwise/chap11_women.pdf

- 3.3.5 The **Janani Suraksha Yojana (JSY)** of the Ministry of Health and Family Welfare aims at reducing maternal and infant mortality rates and increasing institutional deliveries in below poverty line (BPL) families, covering all pregnant women above 19 years of age and up to two live births. It provides conditional cash transfers to women giving birth in health facilities and is linked to prenatal, in-hospital, and post-natal services. However, girls below 19 are excluded from availing the benefits of this scheme sponsored by the Central government.

Apni Beti Apna Dhan, launched by the Haryana Government in 1994, is India's first cash incentive programme for unmarried 18 year old girls. It provides for the opening of bank accounts for the purpose of such transfer and also aims at increasing legal awareness among the community regarding the age of marriage.

Similarly, under the **Mukhya Mantri Kanya Vivah Yojana** in Bihar, the government issues a bond of Rs 2000/- at the time of the girl child's birth. The bond matures only when the girl attains 18 years of age.

In Karnataka, the benefit of the **Bhagyalakshmi scheme** is given to two girl children in a BPL family in form of scholarships which help till their PUC level education. Insurance for them is covered by LIC and a maturity grant of Rs. 20,000/- is paid in the name of the girl child after completion of 18 years of age, if she remains unmarried.

Mukhyamantri Balika Bicycle Yojana, a scheme originally started in Tamil Nadu, produced exceptional results in the State of Bihar wherein girls in class IX and X were given bicycles, or Rs. 2000 to purchase the same, in order to enable them to go to school every day. In 2009-10, 871,840 girls were given bicycles and in 2010-11, bicycles were provided to 490,000 girls.

- 3.3.6 Similarly, the **Indira Gandhi Matritva Sahayog Yojana**, another cash assistance scheme of the Central government to supplement pregnant and lactating women's nutrition and provide maternity benefits, excludes girls below 19 severely affecting the adolescent pregnant girls and mothers and their newborns.
- 3.3.7 Although the cash transfer schemes introduced by the Central and State governments are to help in delaying the age of marriage among girls in the country by incentivizing birth and sustenance of girl children, these have not been tested and evaluated. Also, very few schemes and programmes actually target the underlying causes of child marriage for delaying marriage.

- 3.3.8 These programmes are mainly driven by supplies and assume that adolescent girls are in a position to avail the services automatically, little realizing that they have to negotiate barriers of power and authority within the family, gender and caste discrimination, patriarchy and the nexus of economic exploitation. Existing programmes do not address these barriers up front in order to enable meaningful access by adolescents to the services. Nor do they provide the spaces, support structures, and shelter required to enable girls to defy traditions and cultures of domination, to exercise their agency and say no to labour, marriage, servitude, violence and abuse. None of the interventions for protection of children have woven education as an indispensable component for empowering adolescents.
- 3.3.9 The current policy framework for adolescent child marriage underrates the importance of education in disrupting the link between work and marriage for young girls and the intergenerational cycle of poverty and marginalization. Parents of these young girls, especially mothers who have experienced the impact of early (and untimely) entry into workforce on early marriage and childbirth, and vice-versa, are found to be making an unprecedented demand for education for their children. They are willing to make investments in their children's education, provided there exists a series of social security measures which ensure the retention of children in schools, and not their sudden drop-out, and enables them to exercise agency.²²

²²S. Sen, N. Sengupta, *Marriage, Work and Education among Domestic Workers in Kolkata* in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 67-68.

Sumangli

Parents who could not afford to provide their children with an education and worried about ways to get their adolescent girl children married had an answer in 'Sumangali Thittam'. Thus rooting for auspiciousness, the scheme was started in 1989, by the then Tamil Nadu government to facilitate women from poor families to earn some money in order to get married. Also called Mangalya Thittam or Camp Coolie, the scheme was envisioned promising a hefty sum of money to an unmarried girl at the end of her tenure (usually about three years) in a job besides getting monthly wages. Sadly, the scheme became a classic case of good intentions gone bad. Taking advantage, many fabric mills and manufacturing units started misusing the scheme for their own purposes. The girls from poor backgrounds were forced into employment by broker's chicanery. They were left to the mercy of the factory owners or brokers, made to live in captivity and suffered physical and sexual abuses. They were forced to work for long hours. It was found that they were usually made to terminate their job forcefully just before the end of their three year term so as to avoid funding the marriage assistance fund which usually ranged from Rs. 30,000 to Rs 50,000.

There were over 37,000 girls and women working in 913 cotton mills in Tamil Nadu in 2009 according to the Campaign for the Rights of the Unorganized Workers (The Hindu, dated Oct 7th, 2009). Thousands of adolescent girls from various southern districts of Tamil Nadu joined this program due to various trying circumstances at home. Also, taking advantage of illiteracy of parents of these unsuspecting girls, the brokers made them sign to fraudulent contracts. The affected girls, mostly from the *Dalit* and *Nadar* communities and drought-prone districts of Ramanathapuram, Tirunelveli, Tuticorin, Virudhunagar, Dindigul and Theni, migrated to other areas (for work) forced by poverty coupled with illiteracy. They suffered from anemia, TB, lung infections, respiratory problems and menstrual disorders because of the unhygienic condition of their work and living. Taking cognizance of these violations, the National Human Rights Commission (NHRC) issued notices to the Chief Secretary of Tamil Nadu to free the enslaved girls absorbed by spinning mills under the Sumangali scheme in Tirupur.

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2749&context=globaldocs>

Chapter 4: Adolescent Health

4. Adolescent Health

4.1 **Perspective**

- 4.1.1 Adolescence is often perceived as the healthiest stage of life and the many consequences of risky behaviours or unhealthy lifestyles in adolescence are only seen later on. While it is considered a healthy period, more than 33 percent of the disease burden and almost 60 percent of premature deaths among adults can be associated with behaviors or conditions that began or occurred during adolescence. All these risk factors have their origin in adolescence and therefore it is easy to become fatalistic or complacent and concentrate on short-term goals, leaving healthy development to chance. Adolescence is the best moment to target behavioural preventive efforts.
- 4.1.2 Unprecedented momentum is gathering globally to put adolescents at the centre of health and developing health policies in recognition of this distinct phase of life which encompasses significant physical, emotional and social changes and has specific vulnerabilities with serious implications for health and wellbeing. In a sense, adolescents offer a 'second' opportunity for promotive and preventative health interventions after the period of early childhood. Taking this life-course approach, adolescents and young people need to become one of the epicenters for health policy and programming.
- 4.1.3 India is still a long way off from attaining the MDG goals. To attain Reproductive and Child Health (RCH) goals of IMR, MMR and TFR, there is a need to increase access to quality health services for adolescents, address the unmet needs of contraception and reduce prevalence of STI and HIV infection. Increased focus needs to be placed on mental health and provision of counseling services and facilities.
- 4.1.4 Improving adolescent health requires improving young people's daily life with families and peers and in schools, addressing risk and protective factors in the social environment at a population level, and focusing on factors that are protective across various health outcomes.

4.2 Profile

- 4.2.1 While only 10% adolescents are in the age group of 15-19 years, mortality in this age group in Adolescent Girls (AGs) is greater than 10-14 years because 20% of the 1.5 million girls married under the age of 15 years are already mothers²³. To add to this, more than half (56%) of girls and 30% of boys in the age group 15-19 are anemic and almost half (47%) of girls and 58% boys are underweight with Body Mass Index of $< 18.5 \text{ kg/m}^2$ ²⁴.
- 4.2.2 Data on adolescents from national surveys including NFHS 3, DLHS 3 and SRS has revealed that only 14% of girls in the 15-19 age group have received complete ANC due to which 62% of currently married adolescents have had complications during pregnancy. 52% of girls in the 15-19 age group have delivered at home and 8.3% of all pregnancies in this age group have resulted in spontaneous abortions. 41% of all maternal deaths took place among the 15-24 age group and NMR was as high as 54/1000 among those in the age group of 15-19 years. NMR among rural adolescents was as high as 60/1000. There was found to be a 50% higher risk of infant deaths among mothers aged below 20 years. Notwithstanding, only 66.2% of pregnant girls below 20 years of age were given or purchased iron and folic acid tablets as part of the ANC which has resulted in the death of 6000 adolescent mothers every year due to anaemia.
- 4.2.3 Poor maternal, new-born and child health remains a significant problem in the many States of India. About 56,700 women die during childbirth and pregnancy every year and over an estimated 1.6 million children die under the age of five years²⁵. The common causes for maternal deaths include bleeding, high blood pressure, prolonged and obstructed labour, infections and unsafe abortions. The main causes of neonatal deaths are preterm births, infections, and birth asphyxia. Good maternal health and nutrition are important contributors to child survival. Interventions to address health and nutrition during adolescent years and other pre-pregnancy maternal health conditions are important to reduce neonatal morbidity and mortality.

²³ Census 2011

²⁴ NFHS-3, 2005-06

²⁵ Sample Registration System Statistical Report 2008

4.2.4 In terms of mental health and psychological well-being, 22% of adolescents have a mental or behavioral problem and depression among adolescents is on the rise²⁶. Drug abuse among adolescents is another major problem. Adolescents and youth with their penchant for experimentation and exploration are more vulnerable to drugs and this has further led to 35% of new HIV infections among this age-group²⁷. For the 15 to 19 age group, the disease burden shifts from injuries and communicable diseases to outcomes of sexual behaviors and mental health²⁸. Recognizing the importance of social determinants of health, the linkages with other key programmes that directly deal with these determinants need to be identified.

4.3 Current Policy Framework for Adolescent Health

4.3.1 **Adolescent Girls' Scheme**, under ICDS, concentrates on school drop-outs in the age group of 11-18 years to meet the needs of self development, nutrition, health, education, literacy and recreation and skill formation. The scheme attempts to mobilise and enhance the potential of adolescent girls. It also seeks to improve their capabilities in addressing nutrition and health issues through centre based instructions, training camps and hands on learning as well as sharing experiences. The scheme is being implemented throughout the country in 507 blocks covering around 350,000 girls through two sub schemes viz. the Girl to Girl approach and the *Balika Mandali*²⁹.

4.3.2 **Kishori Shakti Yojana (KSY)** is a redesign of the already existing Adolescent Girls (AG) Scheme. It extends the coverage of the earlier scheme to 6118 blocks and fosters convergence with other sectoral programmes, addressing the interrelated needs of adolescent girls and women. The objectives of the Scheme are to improve the nutritional, health and development status of adolescent girls, promote awareness of health, hygiene, nutrition and family care, link them to opportunities for learning life skills, going back to school, help them gain a better understanding of their social environment and take initiatives to become productive members of

²⁶NFHS-3, 2005-06

²⁷Ibid.

²⁸WHO 2011

²⁹Central Government Scheme, Adolescent Girls Scheme, <http://scstobc.org/csadolescent.html>

the society. As of 2008-09, 5016,445 girls availed the benefits of this scheme³⁰.

- 4.3.3 **Nutritional Program for Adolescent Girls (NPAG)** of the MWCD focuses on under-nutrition among adolescent girls and pregnant women as well as lactating mothers. It was launched on a pilot basis in 2002-03 by the Planning Commission in 51 backward districts in the country and 2005-06 onwards provided six kg of free food-grains to undernourished adolescent girls only, since pregnant women and lactating mothers were targeted under the ICDS. Eligibility was determined on the basis of weight. So far 1607,568 girls have benefitted from the scheme.³¹
- 4.3.4 Under the **Reproductive and Child Health Programme Phase II (RCH II)** of the MoHFW, **Adolescent Reproductive and Sexual Health (ARSH)** services were started for adolescent girls and boys, both married and unmarried. Operational links have been proposed between RCH-II and other interventions for young people planned in the National AIDS Control Programme Phase-III (NACP III). Under this programme counseling services, routine check-ups at primary, secondary and tertiary levels of care is provided on fixed days and fixed time to all adolescents during the clinic sessions through the Adolescent Friendly Health Clinics (AFHCs). Till date 3814 AFHCs are functional across the country and were supposed to cover 25% or 10.5 million girls in the age group of 10-19 years in 152 districts of 20 States.
- 4.3.5 The Ministry of Health and Family Welfare has introduced a **Scheme for Promotion of Menstrual Hygiene among Adolescent Girls** in the age group of 10-19 years in rural areas. 10.5 million girls across these districts are to be reached with the behaviour change communication campaign and provided access to an NRHM brand of sanitary napkins that will be sold to the girls by the ASHA. The training as well as BCC material to be used by ASHA has been developed by the GoI and disseminated to the States. The pilot is being implemented in 152 districts across 20 States in the country (25%), wherein supply in 105 districts is through central procurement and in 45 districts production with quality assurance guidelines is through local

³⁰KSY, Ministry of Women and Child Development, <http://wcd.nic.in/KSY/ksyintro.htm>. Also refer to <http://wcd.nic.in/npag/npag.htm>.

Self Help Groups. 100% supply was done till May 2012 in 107 blocks where supply was through the centre. However, while the ToT for State trainers from 20 States was facilitated in August 2010, States are still in the process of translating the modules into vernacular languages and facilitating the ASHA trainings.

4.3.6 India has a very high prevalence of adolescent anaemia. Out of the 100 million adolescents in India, approximately 30.2 million girls and 20 million boys are anaemic. Thus it is estimated that more than 50 million adolescents in this age group are anaemic. Addressing anaemia is critical for ensuring good health of children and adults and also of the future generation. The Ministry of Health and Family Welfare has therefore developed the **Weekly Iron and Folic Acid Supplementation (WIFS)** programme that addresses this enormous health challenge³². The programme is in the process of being launched and the States are in various stages of preparation for the same.

4.3.7 **School health programme (SHP)** is the only public sector programme specifically focused on school age children. Its main focus is to address the health needs of children, both physical and mental, and in addition, it provides for nutrition interventions, physical activities and counseling. These preventative and curative service provisions have long fetched dividends in the future MCH and RCH profile.

³²*Guidelines for Control of Iron Deficiency Anaemia*, National Iron+ Initiative: Towards infinite potential in an anaemia free India, Adolescent Division, Ministry of Health and Family Welfare, Government of India, P. 20-21.

Chapter 5: Adolescent Trafficking

5. Adolescent Trafficking

5.1 Profile

- (i) Hundreds and thousands of girls and boys are caught in powerful nexuses of traffickers and agents and are 'missing'. They end up being victims of sexual assault; trafficking for sex work or for employment/labour and in particular, domestic help; begging; for transfer of organs; for pornography including pornographic performances; development of pornographic material, promotion of sex tourism, and sexual exploitation under the guise of bar tending, massage parlours etc. and abetment and involvement in armed conflict.
- (ii) All of them fight lonely battles of their lives every day to get out of exploitation. Some are lucky and win, but most lose resulting in their ill health, depression, loneliness, loss of selfhood, fractured psyche and even death. It is estimated that 92% victims of trafficking have not been rescued, 6% have been rescued once and 2% rescued twice³³.
- (iii) The routes of trafficking are a web of networks of exploitation across the 28 States and 7 Union Territories of our country. It is a pan-Indian phenomenon as deeply entrenched and pervasive as that of the market for domestic child labour, forced labour in sweat shops, entertainment sector, sex workers and child brides, conduits for drugs and other illegal nexuses, and so on. The political economy of trafficking indicates huge profits and vested interest in perpetuation of forced labour, servitude and exploitation of children. It is estimated that 'those who deliver human cargo make a profit of Rs20 crore or 200 million per day in India'³⁴.

³³ www.unodc.org

³⁴ www.unodc.org/.../MeasuresToCombatHumanTrafficking-Umapathi

5.2 Child Trafficking for Sexual Exploitation

- (i) India reportedly has the world's largest concentration of child sex workers, accounting for one in every four of the global number. It is estimated that there are about 3 million sex workers in the country of whom 40% are children³⁵. Almost 15% of the sex workers enter the profession before the age of 15 and 25% between 15 and 18 years. Around 60% of the sex workers belong to the scheduled castes, tribes and backward classes³⁶. Children are trafficked to and from states such as Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan and West Bengal. For instance, among the 23 districts of the State of Andhra Pradesh, 16 are identified as sending districts. Similarly, in the State of Bihar, 24 out of 37 districts are highly affected by trafficking in women and children. Rajasthan is also a major source State, where 27 out of 32 districts are found to be affected, sending children to States of Goa, Kerala, and North Karnataka.
- (ii) 10% of human trafficking in India is international, while almost 90% is interstate. Nearly 40,000 children are abducted every year of which 11,000 remain untraced according to a report by the National Human Rights Commission of India. Mumbai and Kolkata (Calcutta) have the country's largest brothel based sex industry, with over 100,000 sex workers in Mumbai. It is estimated that more than 50% of the sex workers in Mumbai have HIV.
- (iii) Examination of the percentage change in incidence of procurement of minor girls and selling and buying of girls for sex work from 1994 to 1998 indicates that there is a decline of 7% in the incidence of procurement, and a decline of 67.6% in the incidence of selling of girls for sex work. But, there is an increase in the incidence of buying of girls for sex work by 225% in these years³⁷.
- (iv) According to the National Crime Records Bureau, a total of 3991, 3029 and 2848 cases were reported in the country in 2007, 2008 and 2009 respectively, under various crime heads relating to human trafficking such as Procurement of Minor Girls (Sec 366-A Indian Penal Code (IPC)), Importation of Girls (Sec

³⁵ India Country Report: To Prevent and Combat Trafficking and Sexual Exploitation of Children and Women, World Congress III Against Sexual Exploitation of Women and Adolescents (Rio De Janeiro, Brazil, 2008)

³⁶ UNICEF 1995

³⁷ National Crime Records Bureau, 1998

366-B IPC), Selling of Girls for Prostitution (Sec 373 IPC) and Immoral Traffic (Prevention) Act.

- (v) The cases handled by the NCPCR through its public hearings as well as the complaints it received shows that several children are abducted or kidnapped without the knowledge of parents. They find that their child has not returned from school, or from the market, or from a friend's house, get anxious and begin to search, enquire and ask one and all in the neighborhood. When they are totally clueless they pick up courage to lodge a complaint with the local police station.
- (vi) Many a time only an entry is made in the General Station Diary (GD) which is followed by an enquiry. No FIR is registered although some States have issued clear orders that FIR will have to be filed in case of missing children. It is often that the parents just do not know the procedures of giving a complaint; they are unaware of what the DD entry, FIR or charge sheet is about (in fact many of them do not know the world of police or police station). They are unable to give the photograph of the child or birth certificate and any other documentation that could be of assistance to the police. In a way the poor parent spends at least 10-15 days to reach up to the stage of convincing the police about the seriousness of their child missing and in the meantime their child would have travelled hundreds of miles across States in the country or perhaps even sent out of the country.
- (vii) Most of the agents are well known in the neighborhood at source and do their business not by stealth but in full knowledge of the local communities, police, officials, bus drivers, local railway staff, musclemen and sundry transporters. Nor are they living a secret life at the destination points. The placement agencies are very much visible and house such children in crowded shacks, kept in waiting till they are matched with the employers. It is so important that all traffickers are profiled and their names, addresses, networks, records of the agents and sub agents are maintained and shared by all in the AHTUs in the country and intelligence alerted across States.

5.3 Trafficking for Marriage

- (i) The preference of a male child over a female child has resulted in excessive female feticide particularly in the States of Haryana and Punjab. This skewed sex ratio has led to the trafficking of young adolescents as brides from villages in Orissa, Jharkhand, Bihar, Assam and West Bengal who have been sold by their parents. The girls are forced to marry old men and treated as household skivvies who are fed on the smallest of portions and given a corner to sleep. Often, these children are shared for conjugal purposes and gang rapes are often the case. Further, they are also tortured and abused to give birth to male child.
- (ii) Trafficking for marriage is often disguised as money is seldom paid to the parents of these young brides and it is the brokers or middlemen who lure these girls on the promise of a better future outside their homes. Due to poverty, illiteracy, absence of support structures, and inability to pay dowries, parents consider these young girls as a burden and send them off to be married in the northern or north-western States, little realizing the exploitative nature of such marriages. Many of these girls are never able to go back home and are not allowed to keep ties with their families.³⁸

5.4 Child Trafficking for Labour

- (i) Children are also trafficked for labour as they are a source of cheap labour particularly in the informal/unorganized sector where the work is labour intensive, and more manual. It gives rise to irregular, trans-border movement. For example, labour from West Bengal is highly in demand in industrial areas like Delhi, Faridabad, and Uttar Pradesh as they can be bought cheaply and paid with nothing. Carpet industries, embroidery industry, garment industry, shrimp/fish export industry are all major recruiters.
- (ii) Further, there is a rising demand for live-in maids particularly in tier one and tier two cities. This has resulted in a spike in the number of trafficked girls from villages particularly from West Bengal, Jharkhand, and

³⁸R. Kaur, *Marriage and Migration: Citizenship and Marital Experience in Cross-border Marriages between Uttar Pradesh, West Bengal and Bangladesh* in *Economic & Political Weekly*, Vol. XLVII No. 43, October 27, 2012, p. 78-89.

Chhattisgarh. These girls suffer all along from the placement agencies' abysmal living conditions and later in the employee's home. This is being seen as a new form of bonded labour. Not only are the living conditions poor but also these children are quite often subjected to sexual abuse by the members of the employees family³⁹.

- (iii) In sum, human trafficking violates child rights, is forceful and a denial of basic human rights of free will and agency. Particularly vulnerable are women and children and within that adolescents as they are sought for labour and sex work. This particular age group is under threat because of the ease in poaching the stateless children, out of school children, refugees, migrants, school drop outs, children of Maoists. The problem of pornography is a rising menace by virtue of India opening up to global tourism on a massive scale.

5.5 Current Legal Framework for Adolescent Trafficking

- 5.5.1 **The Constitution of India** under Article 23 mandated the fundamental right against forced labour and trafficking stating that “traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”. In its Directive Principles of State Policy under Article 39, the State is exhorted to provide an enabling environment to children with no material and moral abandonment.
- 5.5.2 Traffic in human beings and forced labour is punishable under Suppression of Immoral Traffic in Women and Girls Act, 1956 and Immoral Traffic (Prevention) Act (ITPA) 1986. Under Section 4 of the ITPA the punishment for living on the earnings from the prostitution of a child is for a term not less than seven years and not more than ten years. On the contrary punishment for living on the earnings of prostitutes (adults) is for two and a half years with a fine of Rs. 1000. The government under section 21 of the ITPA has established Protective Homes for girls and women detained under this Act. Currently there are 80 such homes, which provide custodial

³⁹Case in point is the story of a 13 year old girl rescued from a locked house as the employees had left for Thailand on a holiday - <http://www.guardian.co.uk/world/2012/apr/07/india-child-labour-delhi-outrage>

- care, education, vocational training and rehabilitation including arranging marriages for the inmates.
- 5.5.3 The overarching legal framework for protection of children up to the age of 18 is the **Juvenile Justice (Care and Protection) Act 2000** (JJ Act)⁴⁰. Anybody in control of a child who assaults, abandons, exposes or willfully neglects the child or procures him to be assaulted, abandoned or exposed causing the child unnecessary mental or physical suffering, is liable under Section 23 of the Act. In practice it has been found that its capacity has been limited to cover a miniscule set of children.
- 5.5.4 A network of short stay homes under the sponsorship of the Department of Women and Child Development and juvenile homes under the Juvenile Justice Act have been established for the protection and rehabilitation of victims. Medical services and counselling are made available at these homes (refer to 5.6.5 and 5.6.6 for further details).
- 5.5.5 Effective implementation of the JJ Act also importantly requires that children are heard and they are enabled to take informed decisions regarding their lives. This also includes section 118 of the Indian Evidence Act and Article 12 of the UNCRC detailing the children's right to participation.⁴¹This is more honoured in breach than in practice.
- 5.5.6 **The Indian Penal Code** covers a wide range of crimes which violate protection of young men and women and guarantees punishment with respect to the crime committed. They are Sections 120B, 327, 329, 339, 340, 350, 351, 354, 361, 362, 365, 372, 373, 374, 375, 377, 499, and 506. There are many provisions for the same crime and many interpretations of a similar crime. This prevents the circling down of any one particular crime to a particular offence. The NCRB records do not provide data on each of these IPC crimes separately. For instance, it clubs all the kidnapping and abduction offences into one category and provides aggregated data for the entire category. As a result, there is no separate information on kidnapping

⁴⁰Other relevant legislations are the Protection of Women from Domestic Violence Act 2005; The Dowry Prohibition Act, 1961 (28 OF 1961); Immoral Traffic Prevention Act, 1986

⁴¹For details on Child Participation framework and practices, refer to *Road Map on Innovations for Instituting Mechanisms for Children's Participation in Decision making* (draft report) of Sectoral Innovation Council on Children's Participation, Constituted by the Ministry of Women and Child Development vide notification no. 2-17/2011-CW-1

for begging, kidnapping/abduction for slavery etc., which are two distinct IPC crimes under Sec. 363 A and 367 respectively.

- 5.5.7 There is wide spread consensus that the provisions of the Indian Penal Code (IPC) dealing with sexual offences are hopelessly inadequate to meet the rising tide of sexual offences against children. This is accompanied with more and more exposure in the media both in relation to adult victims and child victims and consequently the cry for law reform resulting in the **Act “Protection of Children from Sexual Offences Bill, 2012”**. The Act covers four offences along with aggravated forms of the first two: (i) Penetrative sexual assault, (ii) Sexual assault, (iii) Sexual Harassment and (iv) Pornographic offences. The Act has introduced elements of child jurisprudence in defining child friendly procedures for recording of statement of a child, a positive role for SJPUs and the Child Welfare Committee.
- 5.5.8 In order to provide for a comprehensive set of special measures to make sure that the quality of evidence of the child is not diminished, a speedy trial is critically useful and Special Courts, as provided for, are a welcome feature. The Special Court will record the statement of a child through video conferencing or by utilizing single visibility mirrors or curtains or any other such device and ensure that the child is not exposed in any way to the accused at the time of the evidence. It will also try cases in camera and in the presence of the parent of the child or any other person in whom the child has trust or confidence and wherever necessary, the Court may take the assistance of an interpreter while recording the evidence of the child. Significantly, where a person is prosecuted for violating any of the provisions of the Act, the burden of proving that he has not committed any such violation shall be on him.
- 5.5.9 All persons in position of trust for e.g. school teachers, wardens, doctors, are to mandatorily report any act of sexual offence that has come to their notice. All the armed forces governed under the various armed forces Acts are to take cognizance of sexual offences committed by them under the Act. Finally the law has stringent provisions for punishing the accused and compounded punishment if it is an aggravated sexual offence.

5.5.10 There is a debate on whether there is to be a lowering of the age of the child to 16 years in the definition of a 'child' under the Juvenile Justice Act in view of the 'heinous crimes' committed by children in recent times and refer them to the regular procedure for trial of offenders under the IPC. In this context it is stated that the definition of a child has to be in the context of the child's need for care and protection. Thus it is held that all children up to 18 years are to be defined as children. This is also in accordance with the U N Convention of Child Rights (Annexure II).

5.5.11 Since care and protection assumes primacy, it is also held that the Protection of Children against Sexual Offences Act which defines a child as up to 18 years should make an exception in its definition and not criminalise children in the 16-18 years of age for having sexual contact.

'Age of Consent for Sexual Intercourse: In the light of increasing evidence from courts, records of crimes, as well as studies on the exercise of agency by young people, it is suggested that the age of consent to sexual intercourse should be retained as 16 years and not increased to 18 years. Increasing the age of consent to 18 years would create conditions for misuse of the provision, particularly in the context of inter-caste/inter-religious relationships that attract social disapproval. A similar amendment needs to be made in *The Protection of Children from Sexual Offences Act, 2012*, where the age of consent has been raised to 18 years. It is well borne out from court cases that criminal cases of rape, abduction and kidnapping are frequently foisted upon young boys/men in situations, where the young boy and girl have exercised their right to choice, often against parental sanction. Raising the age of consent to 18 years will only lead to criminalizing the exercise of sexual agency by young people and will not in any way protect the bodily integrity of young women or their right to sexual autonomy.' (Vrinda Grover to Justice Verma Committee)

5.6 Current Policy Framework for Adolescent Trafficking

- 5.6.1 **The Palermo Protocol against Transnational Organised Crime**, under the jurisdiction of United Nations Office on Drugs and Crime, was signed by India in the year 2002 and ratified on 5th May 2011. According to the protocol, trafficking is defined as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’. Wherein the signed parties are obliged to criminalise the participation in an organised crime group and to criminalise the laundering of proceeds of crime by having multijurisdictional task forces that converges investigative resources from various groups and sub groups.
- 5.6.2 **The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**, 1979 has the article 6 which explicitly states that States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.
- 5.6.3 The State has constituted the **National Commission for Women** to particularly address these concerns of the protection of girls. The **National Commission for the Protection of Child Rights** has been fighting the menace of child abuse since 2005. Also, the **National Human Rights Commission**, set up in 1993, looks into all matters concerning human rights violations.
- 5.6.4 In pursuance of the Supreme Court Directives of 1990, the Government of India constituted a **Central Advisory Committee on Child Prostitution** in 1994, comprising government and non-governmental agencies to examine the issue of sexual exploitation of children, particularly girls, and identify policy and programme interventions. A desk has been set up in the Department of Women and Child Development to implement the

recommendations of the Advisory Committee. In 1997, under the directive of the Supreme Court, a **Committee on Prostitution, Child Prostitution and Children of Prostitutes** headed by the Secretary of Department of Women and Child Development, was set up. This committee looks into the problems of sex work and trafficking of women and children in order to evolve suitable programmes.

- 5.6.5 To provide safe and secure environment for overall development of children in difficult circumstances, the Ministry of Women and Child Development introduced a comprehensive Centrally Sponsored Scheme namely **Integrated Child Protection Scheme (ICPS)** in 2009-10. Under the Scheme, there is provision for setting up of 'Open Shelters' for children in need of care and protection, including the street children, in urban and semi-urban areas. These Open Shelters provide age-appropriate education, access to vocational training, recreation, bridge education, linkages to the National Open School (NOS) Programme, health care, counselling etc.
- 5.6.6 However, there are not enough homes and the quality of care in all such homes has been found to be grossly inadequate including reports of incidence of abuse and violence⁴². These homes operate with an insular focus - in isolation from the community and even the children's guardians and families. In many cases the process of institutionalizing is one of disempowerment, and labels the child as a victim.
- 5.6.7 ICPS provides for setting up of **District Child Protection Societies** by the State Governments/UT Administrations in every district of the State. The role and responsibility of the District Child Protection Society includes identifying families and children at risk to prevent destitution of children and carrying out a situational analysis of children in difficult circumstances, including street children.
- 5.6.8 Along with institutional support, **non-institutional options** such as foster care, sponsorship and adoption are also envisaged as part of the ICPS. However at present these non institutional options are operational only in a few areas and are yet to evolve into a comprehensive nation-wide program.

⁴² Study on Child Abuse: India 2007, Ministry of Women and Child Development, Government of India

The Government of Karnataka has initiated *Devdasi* rehabilitation and training schemes which include moral education and social upliftment. The Government of Andhra Pradesh has sanctioned a project in 1997-98 for the rehabilitation of victims of sex work who are HIV positive. The Government of Maharashtra has set up special juvenile homes with facilities for counselling, vocational training and health unit for child sex workers infected with HIV. The Government of Madhya Pradesh has initiated a scheme called '*Jawali Yojna*' in 1992-93 targeting the '*Bedias*' (community in the prostitution trade). The programme emphasizes primary education for girls at age six, middle school, and/or vocational education and training.

Also international organizations like USAID have led by example to tackle this menace by collaborating with many local NGOs. Amongst the United Nations Organizations, UNIFEM is a premier institute combating the trafficking of women and children in South Asia particularly.

5.6.9 ***Ujjwala Scheme*** was launched in 2008 to prevent and combat trafficking and ensure rescue, rehabilitation, reintegration and repatriation of victims of trafficking. 188 *Ujjwala* projects across 19 states have been sanctioned till 2012.⁴³ Anti-Human Trafficking Units (AHTUs) have been set up in many States and equipped with infrastructure to assist the States in their efforts. The scheme provides prevention through formation of community vigilance groups and awareness and sensitization for key functioning, rescue and safe withdrawal of the victim from the place of exploitation. Provisions have also been made for rehabilitation, which include safe shelter for victims with basic inputs of food, clothing, counselling and vocational training. Numbers of *Swadhar* and Short Stay Homes which cater to trafficked women rescued or run away from brothels have increased to 240 and 380 respectively this year⁴⁴. However, there are 73 rehabilitation centres so far in 16 States in the country under the *Ujjwala* scheme⁴⁵. Considering the vast number of children in such a predicament, this is just a drop in the ocean.

⁴³Schemes of Ministry of Women and Child Development, <http://wcd.nic.in/schemes.htm>

⁴⁴Ibid

⁴⁵Ibid

5.6.10 However, the State can do a lot for these girls. An example of how State intervention can help mitigate this is best found in the case study of Sonagachi, a red light district in Kolkata. The education program helped create a sense of hope in many girls. Condoms usage was propagated. When the project was launched in 1992, 27% of sex workers reported condom use. By 1995 this had risen to 82%, and in 2001 it was 86%.

Chapter 6: Adolescent Education

6. Adolescent Education

6.1 Educational Profile

- 6.1.1 Of the approximate 100 million children in the 14-18 age group, 20.5 million children are in classes 9 and 10, and 10.3 million children are in classes 11 and 12, thereby indicating that only 30.8 million children in India are in secondary schools (see table 4).
- 6.1.2 Over 95% of the 252 million child population in the 6-14 age group⁴⁶ (192 million in class 1 to 8⁴⁷) have enrolled into schools in India which is an indication of the enormous demand for education today. However, the statistics on retention show that 25.09% of these children drop-out before completing class 5, 42.68% drop-out by class 8 and 56.71% of children drop-out of school before completing class 10. In all, 111 million children are out of school before completing class 8 in India⁴⁸.
- 6.1.3 As a cumulative effect of this, only 41% of youth in the 15 to 17 years attends school and more than half of the adolescents in the country are school dropouts⁴⁹. At age 15-19, the girls' literacy rate lags behind the literacy rate of boys by 15 percentage points⁵⁰. While 74% girls and 88% boys are literate, only 38% girls and 35% boys have completed class 10 – a basic requirement for all vocational and skill development trainings. Even for any official employment (including Governmental Class C and D posts), the minimum requirement is a tenth pass certificate.

⁴⁶Census 2001

⁴⁷Statistics of School Education, 2007-08

⁴⁸Statistics of School Education, 2007-08

⁴⁹NFHS-3, 2005-06

⁵⁰NFHS-3, 2005-06

TABLE 4

The following statistics give an overview of the present status of Secondary and Higher Secondary Education in the country (as on 30.9.2005):

1. No. of secondary Schools (IX-X)	106,084
2. No. of Hr. secondary schools (XI-XII)	53,619
3. No. of Students at secondary level (IX-X)	20.5 million
4. No. of Students at Hr. Secondary level (XI-XII)	10.3 million
5. Population of 14-16 age group (as on 30.9.2004)	50 million (approx.)
6. Population of 16-18 age group (as on 30.9.2004)	50 million (approx.)
7. Pupil Teacher Ratio (IX-X)	33
8. Pupil Teacher Ratio (XI-XII)	34

[Source: Abstract of Selected Educational Statistics (2005-06) (provisional), population projections are based on census data compiled by Registrar General of India]

The following shows the status of enrolment, dropout rates and pass percentage in classes IX-XII (as on 30.9.2005):

S No.	Indicators	Boys	Girls	Total
1.	Enrolment (IX-X)	10.5 mn	10 mn	20.5 mn
2.	Enrolment (XI-XII)	6 mn	4 mn	10.3 mn
3.	Gross Enrolment Ratio (IX-X)	57.72	46.23	52.26
4.	Gross Enrolment Ratio (XI-XII)	31.54	25.19	28.54
5.	Dropout rate (Class I – X)	60.04	63.56	61.59
6.	Pass percentage (Class X State Board Exam. -2006)			
		66.30%	70.26%	67.86%
7.	Pass percentage (Class XII State Board Exam.-2006)			
		67.49%	77.25%	71.28%

- 6.1.4 The school attendance rate in rural areas (37%) is much lower than that in urban areas (51%). Further, school attendance is lower among girls (34%) than boys (49%). The proportion of persons who have never attended school is higher among Muslims (34% of girls and 16% of boys) than among Hindus (26% of girls and 9% of boys) and girls belonging to other religions. Similarly, out of 20.6% of the SCs which constitute the general population in 14-18 age group, 17.9% are in schools⁵¹.
- 6.1.5 Thus there is a large gender, urban-rural and socio-economic gap in educational attainment. Girls, youth in rural areas, and minority groups are less likely to have any education and to have completed secondary schooling. Even the school drop-out rate is very high among these groups, especially adolescent girls (66%). Thus, for an adolescent girl, from a rural area, and belonging to a scheduled caste, tribe or a minority religious group, the chances of being educated are bleak.

6.2 Current Legal Framework for Adolescent Education

- 6.2.1 The Constitution of India provides for Right to Life (art 21), Education (art 21A, art 51, art 45), protection from exploitation (art 24), health and nutrition (art 47), food and protection (art 46) among other things. These guarantees have not been extended to children in the 14-18 age group.
- 6.2.2 India being a signatory to UNCRC is directed in its Articles 28 and 29 to recognize the right of child to education, and achieve this right progressively and on the basis of equal opportunity. Further, the Committee on the Rights of the Child, constituted under the UNCRC, has released a General Comment⁵² expressing concern over the gross neglect of the educational needs of adolescents by various countries world over and to raise awareness about the same.

⁵¹T. Linden "*Secondary Education*" in India Infrastructure Report 2012: Private Sector in Education, IDFC Foundation, Routledge, Delhi p. 128-131

⁵²Convention on the Rights of the Child, General Comment No. 4 (2003), "Adolescent health and development in the context of the Convention on the Rights of the Child"

6.3 Current Policy Framework for Adolescent Education

- 6.3.1 **Rashtriya Madhyamik Shiksha Abhiyan (RMSA)**, launched in 2009, is a shared scheme by the Centre and State to achieve universalization of secondary education viz standard 9th and 10th to check the dropout rate after elementary education. The objective of the scheme is to make secondary education of good quality available, accessible and affordable to all young people by providing one secondary school within 5 kilometre of every habitation. (see table 4)
- 6.3.2 While the physical target under the RMSA for 11th Five Year Plan was to open about 11000 new secondary schools (Classes IX-X), according to Press Information Bureau (PIB) reports only 9636 new schools have been sanctioned out of which 7297 schools have become functional (as of June, 2012). Also, while the policy envisions having a general enrolment ratio of 75% for classes 9-10 within 5 years, there seems to be a serious dearth of trained personnel as teacher : pupil ratio is severely skewed and teachers refuse to go to remote villages due to lack of transport, attendance monitoring and abysmal institutional support⁵³. As per the PIB reports, 55964 additional teachers have been approved, out of which 9569 additional teachers have been appointed. 4633 additional classrooms have been completed and construction in respect of 83970 additional classrooms is in progress. As a result, the number of schools and hostels required to keep the students in school are falling short in meeting the required demands for secondary and higher education.⁵⁴
- 6.3.3 In order to increase the enrolment and retention of girls in schools and raise the marriageable age of girl child, a scheme entitled **Balika Samridhi Yojana**, was started in 1997 to provide monetary free ships and incentives. A periodic series of incentives have been incorporated into the program starting from the birth of the child and until she finishes her schooling. A post birth grant amount of Rs. 500 is given to the family and as the girl child progresses further with her education, she receives annual scholarships per class of Rs 300 from class 1-3, Rs 500 for class 4, Rs 600 for class 5,

⁵³Survey Report 2011 by the Naandi Foundation

⁵⁴Education, Draft Twelfth Five Year Plan (2012-2017), Social Sectors, Volume III, Planning Commission, Government of India, p. 47-123

- Rs 700 from class 6-7, Rs 800 for class 8, and Rs 1000 from class 9-10. According to 2003-2004 reports, only 7441 beneficiaries have been covered in a large State like Haryana⁵⁵.
- 6.3.4 Parents often face difficulties in accessing such programmes owing to laborious documentation that is required which the parents are unable to procure and so many eligible children are left out. Also the scheme fails to address the needs of children who are pursuing education post 10th class.
- 6.3.5 **The National Institute of Open Schooling (NIOS) or the National Open School** offers many courses offering a second chance to those who have dropped out of school without completing formal primary education which include life skills, vocational training, community oriented courses, and skills upgradation, besides general and academic courses for secondary and senior secondary level. It also offers Elementary Level Courses through its Open Basic Education Programmes (OBE) for many life supporting skills like early childhood care, teacher training, public health workers, electrician technicians, carpenters, and beauticians. Its GyanDarshan program on Edusat and VidyaVahini has facilitated further coverage. In 2011-12, 278,644 students in the 14-20 years age group took admission in the NIOS⁵⁶.
- 6.3.6 However, the lack of awareness of such a program is a major limitation. Though it envisions universalized, equitable and inclusive education for all programs, in the case of adolescents, there is a dearth of specific programs that deal with the complicated needs of this age group. No special efforts are made to enable adolescent children access these facilities. Further, since a fee of Rs 1200 to 1500 is charged for enrolment and examination through the NIOS, each year only one million students in the 15-25 years age group graduate from the Open School system from a pool of nearly 100 million children who are school dropouts in this age group.
- 6.3.7 The Ministry of Human Resource Development introduced an educational program, known as **Adolescence Education Programme (AEP)** at secondary level which focuses on making students aware of the concerns

⁵⁵Review of the Annual Administrative Report of the Department of Women and Child Development, Haryana for the year 2003-2004

⁵⁶ NIOS: A Profile (2012), Age Wise Academic Admission 2011-12, National Institute of Open Schooling, p. 38

of adolescence stage, and dangers of HIV/AIDS and substance abuse; helping them to acquire necessary life skills to enable them to avoid risky situations; to take informed decisions and to develop healthy and responsible behaviour. The objective of the AEP is to provide young people with accurate, age appropriate and culturally relevant information; promote healthy attitudes and develop skills to enable them to respond to real-life situations effectively.

6.3.8 The program however is limited in the sense of its outreach and teachers still feel quite uncomfortable dealing with such topics. The victimization of a few chance offenders is still rampant. Although the program is a unique targeted program, teachers and parents continue to doubt its need and reportedly owing to objections from various sections of society, several States have discontinued the AEP.

6.3.9 **National Literacy Mission / Sakshar Bharat** is a centrally sponsored scheme of Department of School Education and Literacy (DSEL), Ministry Of Human Resource Development (MHRD) since 2009 with the mandate of promoting adult education, especially of women. This is done by extending the facilities of the programme for those who had missed the opportunity in their childhood and have crossed the standard age for receiving such education. Learning of any kind, be it basic math, applied science, language skills apart from vocational skills also including sports and recreation, is imparted. The age group intended is around 15-35 years. The programme provides funds for setting up of at least one Adult Education Centre in each Gram Panchayat of the areas covered under it and yet only 372 districts have been covered⁵⁷. It does not encompass any specific policy to address the educational needs of adolescent children.

6.3.10 **The Mahila Samakhya program** was started in 1989 in pursuance of the National Policy on Education 1986 with a critical focus on women empowerment. The program has been quite effective in mobilizing adolescents to pursue the goal of education albeit with a limited outreach through the *Mahila Shiksha Kendras* and the *Jagjagi* centres. The *Jagjagi* centres are non-residential learning centres with insistence on participation

⁵⁷ Press Information Bureau report dated 12/10/2012

and completion of formal education with teachers chosen by *Mahila Samoohs* called *Sahelis*. Along with this, there are the *Mahila Shiksha Kendras* which are residential houses where adolescent girls come to study. It has a special curriculum of 6-8 months duration specifically to aid those who have been left out of the formal educational system like an elementary knowledge of law, health, contraceptives, sanitation with other skills like training in Karate/Judo. These early school drop-outs finish their elementary education and basic math skills in such *kendras* which helps in re-gaining of self-respect through leadership activities. Passing out from which, the girls are encouraged to join the formal schools. Further the *Kishori Manch* helps in imparting education and life skills to adolescents and young women.

6.3.11 The scheme is presently being implemented in 83 districts of 9 states with coverage of 15,823 girls according to 2007 statistics⁵⁸ and thus is too small. The good results of its implementation need to be replicated all over the country as women are starting to play a major role in community mobilization at the grassroots level.

6.3.12 **Hostels/Scholarships for SC/ST, girls, boys**

The Babu Jagjivan Ram Chhatrawas Yojana has been initiated by the Ministry of Social Justice & Empowerment and envisages the construction of Hostels for SC Girls and Boys through Field Implementing Agencies (States/UTs/Universities/NGOs) with the overall vision of reduction of their drop-out rate. The hostels are primarily constructed for middle and higher secondary levels of education and further for college and university levels. It is a centrally sponsored scheme to counteract the dropping literacy rates of tribal children particularly of girls. The Ministry of Tribal Affairs is also implementing a scheme on similar lines called the **Hostel For Scheduled Tribe Boys and Girls**. The scheme also provides for grant of Rs. 10,000/- per annum per girl boarder. This was particularly important for girls who had to travel long distances.

6.3.13 However, there are serious concerns on the issue of health and sanitation in these hostels. Several social watch groups have reported massive

⁵⁸Annual Report 2005-06, Department of Elementary Education and Literacy, MHRD

misappropriation of funds with many NGOs exploiting minor loopholes in the law. Often the hostels are not given to the actual beneficiaries with a lot of children belonging to middle income levels using these facilities due to regional nepotism and influence of local political leaders. Higher preference is given to hostels that are integrated with already running educational institutions rather than construction of stand-alone hostels. There are also case reports of child molestation and sexual abuse. The quality of food is low grade leading to anaemia in many adolescent girls. Despite these drawbacks, significant mobilization of SC/ST students in the pursuit of their education has taken place.

6.3.14 Taking into the consideration the peculiar needs (educational, health, empowerment) of adolescent girls, the **SABLA scheme** was launched as **Rajiv Gandhi Scheme for Empowerment of Adolescent Girls** in 2012. It was envisaged as a comprehensive intervention for adolescent girls in the age group of 11-18 with a special focus on out of school girls. Under the scheme, the out of school adolescent girls are to be provided with life skills education, sexual counseling, leadership schools and vocational training. The program has been rolled out in 200 districts as a pilot so far with a coverage of 98,74,861 girls⁵⁹.

6.3.15 Several limitations in the programme have been identified. Training of AWWs and *kishori sahelis*, who are to help in peer-to-peer learning, needs to be bettered. Also, there is a dearth of trained counselors to deal with adolescent troubles and concerns as well as sex education in schools. The focus on mainstreaming children has been weak. Most such adolescent girls are subject to abuse and exploitation either as child labour, victims of trafficking, and early marriage, or due to violence in the family. There has been little attempt to create an environment where such children are given confidence to exercise agency and seek a fresh lease of life under the program. The scheme also envisages a conflation of various other areas of concern as in health, education, youth affairs and sports but no concrete plans have been rolled out in this area.

⁵⁹ PIB reports dated 30/08/12

The scheme of Kasturba Gandhi Balika Vidyalaya (KGBV) was started in 2004 under the SSA to enhance opportunities for girls to access education. Residential schools are provided at upper primary level for girls predominantly belonging to the SC/ST/BC in backward districts who have dropped out of school. This otherwise well-crafted policy provides schooling only up to class 8 and many girls who wish to pursue their education beyond class 8 cannot access residential facilities such as hostels and so drop out of schools. Currently over 200,000 children are studying in the 2423 functional KGBVs.

A National evaluation of the KGBV scheme was conducted by the Department of School Education and Literacy, MoHRD in 12 States to assess if the objectives of the program were being met. The team was pleased to see that the program had received high priority and political attention in the States and was being well received by the society. The girls were observed to have grown and settled well, turned more articulate and it had turned out to be an opportunity that many of the girls and their parents never dreamt of. The teachers and all those involved had shown a high level of commitment. It was also found that some of the KGBVs were catering to many young girls who had dropped out at the primary level as well as those who never enrolled. Every State had a customized perception of the program so as to accommodate their unique diversified differences. For eg., in Arunachal Pradesh, the vidyalayas were running from classes 2 to 6. Similarly in Gujarat, the high percentage of never enrolled girls meant that the vidyalayas had to act as bridge courses for enabling girls to complete their primary schooling. States like Orissa and Jharkand were doing great work by extending the KGBVs to 11th and 12th classes. However with the accent being on education, the co-curricular activities were being left behind. Nonetheless, it was found to be one of the few successful models adopted by the GoI and thus needed replication in every district to reach every adolescent girl child by extending these schools until these girls finished their secondary education.

Chapter 7: Recommendations

7. Recommendations

7.1 Policy for Adolescents – Perspective

- 7.1.1 Flowing from the above rationale and basis, a policy perspective on adolescents must recognise their multiple, inter-linked deprivations and challenges such as poverty, lack of education, and economic and personal security, exploitative environment at home, and lack of information and counselling services. It must therefore support a resilient continuum of protection, care and support within a rights based framework to address all the issues faced by each adolescent.
- 7.1.2 It must also address the needs of young men and especially women in this age group, especially those who find themselves unable to negotiate due to age, gender and socio-cultural expectations and get entangled due to early marriage, teenage pregnancy, unsafe child bearing and lack of adequate and proper maternal and child care.
- 7.1.3 It must regard these young men and women as an end in themselves and not as instruments of demographic dividend. The well-being of an adolescent worker is often discussed as how they have become a demographic burden and not demographic dividend that could provide for skilled human capital for socio economic development of the country. This instrumentalist's perspective disregards them as individuals in their own rights needing enhancement of their capacities.
- 7.1.4 In a way there has to be multiple interventions to ensure care and protection for 14-18 year olds to encompass both preventive mechanisms as well as mechanisms for rescue and rehabilitation.

7.2 Adolescent Child Labour

- 7.2.1 There is a need to revisit the laws concerning adolescent children such as CLPRA, Factories Act, and Minimum Wages Act that address children. The CLPRA has to include children in 14-18 years of age and abolish all forms of child labour in all age groups. Given their commitments to the family, an exception could be made to allow them to work during school vacations but only under regulation of work conditions and duration and number of hours they could work in a day.
- 7.2.2 Likewise the Factories Act is archaic and there is a need to clearly abolish child labour under this Act. Adolescents are to be engaged only as trainees and apprentices to learn skills on job and not as workers. This too has to be under the supervision of a trainer/inspector, governed by a structured training program with course work resulting in a certification accredited by a registered institution at the end of the apprenticeship.
- 7.2.3 There has to be a comprehensive policy framework that tracks every adolescent child, rescues them from the labour force and a program for their rehabilitation, with emphasis on their access to education.

7.3 Adolescent Child Marriage

- 7.3.1 Child Marriage is a human right violation causing damage to the child in more than one way. It should become voidable by law.
- 7.3.2 Arrangements are to be made to ensure that the archaic tradition of child marriage becomes socially unacceptable through intensive and sustained campaigns and public awareness drives, community mobilization.
- 7.3.3 Simultaneously programs such as SABLA are to be strengthened in support of girls enabling them to exercise agency to say no to child marriage. SABLA has to be assessed on the basis of the number of girls it has assisted in stopping their marriages and enabling them pursuing education.
- 7.3.4 Shelter homes, admission into hostels without any hassles, community support and other interventions are to be made readily available for potential child brides or victims of early marriage.

- 7.3.5 Legal aid is to be given to all such children informing them about their entitlements should they get victimized through marriage under SABLA.

7.4 Adolescent Child Health

- 7.4.1 Adolescent Reproductive and Sexual Health strategy is to focus on reorganizing the existing public health system in order to meet the service needs of adolescents. Steps are to be taken to ensure improved service delivery for adolescents during routine sub-centre clinics and ensure service availability on fixed days and timings at the PHC and CHC levels. This is to be in tune with the outreach activities.
- 7.4.2 A core package of services including preventive, promotive, curative and counselling, and referral services is to be developed for physical health and nutrition, risky sexual behaviours, mental health, substance abuse, violence, as well as communicable and non-communicable diseases.
- 7.4.3 Adolescent-friendly services are to be made available for all adolescents – married and unmarried, girls and boys – during the clinic sessions, but should not be denied services during routine hours. Focus is to be given to vulnerable and marginalized sub-groups. Special focus is to be given on linking up with ICTCs and establishing appropriate referrals for HIV/AIDS and RTI/STI cases.
- 7.4.4 While the School Health Program was launched to address the health needs of school going children and adolescents in the 6-18 years age group, majority of States are providing health care to only a few classes of students such as either primary or elementary classes. Secondary and higher secondary classes are usually not covered under SHP despite this being the age of major physical and psychological changes with issues such as anemia, sexual and reproductive health, lifestyle issues, nutrition and poor health seeking behavior.
- 7.4.5 A National Adolescent Health and Development Policy should be formulated as a framework for action and focus on information access, life skills, comprehensive health services, and safe and supportive

environments to ensure the development of adolescents through their active participation, appropriate knowledge and assertive skills in realizing their own responsibilities for health.

- 7.4.6 Guidelines for improving the availability, accessibility and quality of adolescent-friendly sexual and reproductive health services at district health centers and the community health centers and availability of comprehensive range of preventive and curative services which are acceptable, accessible and affordable to adolescents, like MTP, family planning services, counseling and referrals, health services in schools, JJ institutions, children's homes, ashram shalas etc
- 7.4.7 Increased access to effective reproductive, maternal, adolescent, child and new-born care, particularly for the underserved and marginalised population (including tribal and other vulnerable groups) by removing physical, social and financial barriers and fostering community mobilization and increasing the role of parents, teachers, and community leaders and other relevant adults, to promote adolescent health and development
- 7.4.8 To keep children free from physical and mental problems, adolescents have to be the focus point of programmes and policies of various Ministries of the Government of India. However there is lack of effort in identifying specific areas of convergence and there is no defined role of various divisions. There has to be greater coordination and collaboration within the health sector and between health and other sectors. Department of Health needs to converge and have inter-sectoral linkages with Women and Child development, Education, Youth affairs and Water and Sanitation department at National, State, District, block and village level for effective implementation of the programs. Ensure that adolescent health and development policies complement and strengthen other national and social policies. Preventing the sale of tobacco products to adolescents as part of a national tobacco control policy is a point in case.
- 7.4.9 The strategy should be to provide services for women and children from pre-pregnancy to delivery, the immediate post natal period and childhood, at home and through community outreach and at health

facilities and thus establishing the **continuum of care** across the **life cycle**. Health of young adults and adolescents is brought into focus in this strategy, taking into account the inextricable links of adolescent health with future maternal and new-born health. Interventions and strategies for improving reproductive, maternal, child and newborn health and survival when linked together can lower costs, promote greater efficiencies and reduce duplication of efforts.

7.5 Adolescent Child Trafficking

- 7.5.1 The Juvenile Justice Act should have a special section to cover the care and protection of children in the 14-18 years. This has to be preceded by a study and a policy for adolescent children in need of care and protection.
- 7.5.2 The definition of trafficking as contained in the Palermo Protocol is to be adopted and the ITPA is to be amended thus.
- 7.5.3 Children are to be regarded as victims of trafficking and crime and not as criminals or offenders and thus are not to be charged with any offence under the ITPA. They must be given protection under the Juvenile Justice Act.
- 7.5.4 The Supreme Court guidelines in the case of Horilal v/s Commissioner of Police on the procedure to be adopted in case of missing children and kidnapped minor girls and women are to be followed.
- 7.5.5 Local bodies and the community are to be empowered to be on alert on any case of a child being trafficked and report the matter to the police and the CWC regarding the same.

7.6 Adolescent Education for Out of School Children

- 7.6.1 The starting point for an education policy for children in 14-18 years is on the understanding that they are willing to learn and sacrifice for the purpose of education. They know that access to education gives them compelling ammunition not to yield to pressures of marriage, gives them capacities to respond to reproductive health care and life skills and is the most powerful entry point in the fortress of power for countering the processes of marginalization.

7.6.2 Adolescents' right to education is intrinsically linked with their empowerment. If adolescents are to exercise choice and agency, there has to be an enabling environment for them to do so which can only be ensured through the provision of education. Thus education is not a stop-gap arrangement for them but a means for empowerment and often an end in itself.

7.6.3 Also, while there might be a broad commonality in the learning needs of adolescent children, educational interventions have to be context and culture specific. Interventions for adolescents' education require an understanding of their educational needs and style of learning. In addition there is a need to address the learning differentials, as given below, of those who have been left behind:

- (i) Never been to school
- (ii) Up to class 5 but can't remember
- (iii) Up to class 8
- (iv) Class 10 dropout
- (v) 10th – missed one or two subjects
- (vi) 10th pass
- (vii) Intermediate – missed one or two subjects

7.6.4 Children in the 14-18 years age group are to be given a second chance by providing them a range of educational opportunities which they can actually access and move on to the next level. Since they are from complex occupational and educational backgrounds; there is a need for multiplicity of educational interventions. Even as such interventions have to include giving skills to read and write and attain academic certification for the beginners to completion of 10th class or 12th class and continuous support to all of them in the process until they attain the education and skills they are willing to work for.

7.6.5 Efforts need to be made through a process of community mobilisation and involvement of *gram panchayats* as well as municipal wards – which could include house visits, meetings with the girls and boys and community etc. to contact children in 14-18 years of age and make them part of youth activities. Initially mobilising participants for camps, especially girls, can be difficult and effort needs to be put into it.

Getting girls essentially means challenging gender relations—of mobility, division of labour etc.—which often leads to resistance from the family and community. They have to be supported in such situations and a community level base is crucial in these circumstances.

7.6.6 Motivation Centres are to be set up under the National Child Labour Program of the Ministry of Labour and Employment on demand from the *gram panchayats* to the District NCLP Society and vetted by the State government which could provide life skills, leadership programs, awareness of laws and policies as well as rights of children in 14-18 years age group including information on opportunities for accessing education programs. Motivation centres should also be able to provide some basic literacy skills and act as non-residential bridge course centres. There has to be ample material for reading, work sheets and other education tools in the motivation centres.

7.6.7 Residential mode has proven to be a nurturing environment to provide education⁶⁰. The first level of communication with children in such a mode affirms that they matter and are not simply an asset to society. It helps adolescents experience equality and justice, the joy of learning and accept diversity through a lived experience. Also, a residential mode of education helps them to constantly discover multiple dimensions of learning such as sports, music, theatre etc. This further necessitates the redefining of educational agenda, giving a fresh environment to adolescents for discovering their identity and affirming their faith in Constitution, with an ultimate goal of holistic development of their personality.

7.6.8 Thus, there is a need to make provision for a Residential Camp Complex in each district to address the education needs of the children in 14-18 years. This should be one separately for boys and one for girls. The Residential Camp Complex would offer two sets of programs. The first is an on-going program of residential nature wherein there is a continuous flow of neo-learners seeking to acquire

⁶⁰Presentation made by Ms. Sharda Jain, Secretary/Director, Sandhan, Society for Study of Education and Development at the National Consultation on... held on 10th and 11th December 2012.

the basic reading and writing skills and learning/refreshing their knowledge of the alphabet. Other than teaching them language and math, the curriculum for adolescents should also aim to develop a positive attitude in them. It should aim to develop an understanding of society, natural environment and aesthetic appreciation. The basic aims should be to (a) help absorb and internalize a positive attitude (b) enable experience of a just, equitable environment (c) enable coexistence of 'diversity' and 'equality' in a meaningful manner, and (d) ensure educational engagement which can successfully elicit potential and meaningful education.

- 7.6.9 The second program is for such children who need refresher courses, tuitions and coaching classes to complete their Board examination at the levels of class 8, 10 or 12. In addition all the children who are admitted into the RCC at any level of education should also be given life skills program. Such a complex would have trained teachers, resource persons who play the role of mentors and have the ability to involve the participants in co-curricular activities in life skills, leadership development, public policies, laws and programs, sports and games, culture and art etc.
- 7.6.10 In the RCCs children are to be prepared for taking the NIOS examination, or motivated to complete class 8 or 10 in the RCCs depending upon their choice and circumstances. In addition they are to be given tuition and coaching classes in the premises of nearest govt. schools on Saturdays and Sundays and during vacations with the support of the school teachers of nearest high school who could be given remuneration for teaching the students during weekends.
- 7.6.11 An education policy is to be formulated to support all such children with free education material and exemption for payment of any fees.
- 7.6.12 For children who have passed class 10, they have to be counseled to choose options of further education programs in the academic stream or the choice of upgrading their skills through the existing schemes and programs of the government. If they prefer to choose the vocational stream, they are to be directed to the programs of the Ministries of HRD, WCD, Social Justice, Agriculture, Health and

Family Welfare, Labour and so on as being implemented in the States.
(See Annexure for details).

7.7 Support for Adolescent Children in Secondary and Higher Secondary Schools

- 7.7.1 Free bus passes to all children travelling more than 3kms to the nearest high school.
- 7.7.2 Hostel facilities and scholarships for girls and boys from SC, ST and EWS categories.
- 7.7.3 Free education material.
- 7.7.4 Free education and waiver of school/college fees, examination fees

7.8 Role of local bodies⁶¹

- 7.8.1 Every *gram panchayat* should have a list of all children in the 14-18 years who are out of school. They must also have knowledge of all the educational interventions that children could avail of.
- 7.8.2 There shall be a committee headed by the *Sarpanch* of a *gram panchayat* comprising the headmaster of nearest high school and upper primary schools, chairperson of School Management Committee, village secretary and at least two members of *gram panchayat* for reviewing the programs meant for children in 14-18 years age group.

7.9 Linking Local Bodies with ICPS and Juvenile Justice System

- 7.9.1 The issue of children in the 14-18 age-group and their predicament are to be deliberated upon and several institutions, structures and processes have to be put in place up to the level of the district. It is important to link this with efforts at the level of habitation, indeed the households where the child is.

⁶¹In the *Bal Bandhu* program of the NCPDR in the areas of civil unrest, children are being tracked by the local community and *gram panchayats* and brought back from across States to their villages. They have shown that if trust and faith is reposed in the community they can take care of their children. After such children have come back to their families, getting support from the system for such children to enjoy their entitlement to education, health, nutrition has been a herculean task. (Annexure for details)

- 7.9.2 Children are to be protected from vulnerabilities and despair, violence and abuse at the community. This would require huge campaigns and social mobilization where every child is discussed through local committees for child rights and the *gram panchayats*. *Aanganwadi* workers, school teachers, Village officers, revenue inspectors and the health workers – in fact every functionary at the local level are to be inspired to watch children, keep track of them and report to *gram panchayats* when they feel that a child is at risk.
- 7.9.3 The *gram panchayats* are to be involved in prompt reporting of all vulnerabilities of children such as child marriage, labour, abuse including reporting on the movement of persons under suspicious circumstances; dissemination of intelligence, if any, to the law enforcement agencies; rendering assistance to law enforcement agencies for tracing children; and providing timely feedback to the law enforcement agencies about rescue, release and repatriation of the children.
- 7.9.4 Simultaneously there is a need to build capacities of the State in deepening the protection networks and outreach program of the Integrated Child Protection System up to the Block and *gram panchayat* level; interconnecting the CWC's , SPJUs and the police across the States.

ANNEXURES

Annexure I

Bal Bandhu Scheme

Intervention for Adolescents (aged 14-18 years) in Areas of Civil Unrest

The Bal Bandhu Scheme for Protection of Children's Rights in Areas of Civil Unrest, under the National Commission for Protection of Child Rights (NCPCR), is a pilot project currently functional in 9 violence-affected districts of 5 States. The *bal bandhus* (child rights' defenders), during their several tasks of addressing concerns of children in such conflict-ridden areas, frequently come across many children between the age group of 14 and 18 years. This especially is a vulnerable age group, as along with being an impressionable age, children in this age group are expected to follow the demands of their elders. It features as a stage of dilemma and idealism- both of which can be exploited by anyone with power.

It has been generally found that children of this age are occupied by either of these vocations: engagement in household chores, working as labour and engagement in wage-earning occupations, migration to other cities in search of more work, or worse, being drafted into naxal outfits. More often than not, parents are keen to get their adolescent daughters married off, once they reach adolescence. Amidst all these difficulties plaguing the older children, bal bandhus make earnest efforts to help them continue with their schooling, as education alone keeps them away from all these evils. Bal bandhus hold regular meetings with parents and community, highlighting how the education of their children would significantly improve their quality of life. Beyond motivating people to make education a preferred choice for these adolescents, there have been other efforts targeting this age, which help these young adults and adolescents gain a hold onto their lives.

Some of the case examples below highlight interesting interventions which have been taken from the field, where BBS is being implemented:

Interventions-

Case Examples:

1. **Extended schooling facilities:** *The Kasturba Gandhi Balika Vidyalaya in Rohtas block of Rohtas district, Bihar has been ensuring education of girl children from tribal communities, thus saving girls from tribal dominated Rohtasgarh panchayat from being married before age, trafficked to work in bigger cities and drafted into naxal child groups. However the education being provided is only upto 8th standard. This is when they are 14-18 years of age.*

The demand for children from this age group for joining bal sanghams organized by the Maoists is very high. During the implementation of the Scheme 32 girls who had just passed out of KGBV approached the Resource Persons of the Bal Bandhu Program to help them continue their education lest they are drawn to Bal Sanghams in Jharkhand, contiguous to Rohtas block.

When approached the education and social welfare departments had no scheme to offer to continue their education in a residential program. As a temporary measure NCPCR with support from the Ministry of Home, Government of India is providing residential care and protection for such children who are now attending class 9 in the local high school. The gram panchayat in the neighborhood has constituted a committee to oversee the well-being of these girls.

Similar effort has been replicated in Jamui district of Bihar where there is a large number of children from tribal communities. With financial support from NCPCR and logistic support of the district administration and the education department, residential accommodation is being provided for 67 girls to continue their education after passing out of KGBV. These are the girls who were found working and to be trafficked and also under pressure for joining naxal bal sanghams.

The case of girls who passed out of KGBV in Rohtas and in Jamui indicate the significance of support for continuing education beyond class 8th in preventing children from labour, joining violence and especially keeping girls away from child marriage and trafficking for sex work. Any delay in extending this service would result in harmful effects on child rights. Munni Hasda (name changed) a girl from Kewali village in Sonu block passed out of KGBV in 2011. Her village being remote

and parents being scared about protection of Munni got her married off and presently she is pregnant and she is just 14 years old. This is a typical case of early marriage and suppression of aspirations of girl children to be educated due to lack of opportunities. Similarly, some girls have migrated to Patna to pursue work in shops and establishments. While this is the case of girls from moderately affected areas of civil unrest, the story of girls and boys in severely affected areas is one of constant demand for joining naxal forces.

2. Maharashtra Government helps children re-appear for their tenth standard examinations:

The Integrated Tribal Development Project/ Tribal Development Department, Maharashtra has made commendable efforts to help the tenth standard failed students to sit for their exams. A total of 120 tribal children had been identified as those who had failed their standard tenth examinations in Dhanora block. Among these, 112 children were enrolled for the residential tuition programme pledged by the Integrated Tribal Development Project/ Tribal Development Department, Maharashtra. Provisions were made by the Department towards the following: payment of examination fees, tuitions and accommodation.

The examination fee for appearing for the tenth standard examination was paid by the Tribal Development Department. All the 112 children were provided with regular tuitions so as to prepare them to sit for the examinations. To ensure this, subject-wise teachers were appointed, to teach children subjects they had difficulty in grasping. For a period of almost 3 months beginning 8th January until the end of examinations in March, the children were provided accommodation and other required facilities to stay and study. Finally, 104 children appeared for the board examinations this year in March, schooled through the above-mentioned efforts. The results have shown that 54 children passed 10th class this year.

3. Panchayats and officials' efforts for bringing back migrant children:

Kokrajhar district of Assam has been witness to a large number of children having to forcefully migrate to other cities for work and wages. The traffickers convince unsuspecting parents that once their children are taken away to another city, they (traffickers) will ensure that their children receive quality education and a healthy living, and that their earnings later support their families well. Parents, on account of lack of education and poverty let their children off, not knowing fully well that their children are engaged in labour!

In Kokrajhar, during the survey exercise, children who had been trafficked were identified by the bal bandhus, who stepped up operations to rescue and bring these children back to their villages. After several meetings and conversations with teachers, youth organizations and with the aid of the police, the traffickers were nabbed and the children rescued. In such similar efforts, almost 200 children have been saved so far.

4. Stopping child marriage:

Early marriage seems to be the easy way out for many parents- marrying off their young daughter to safeguard her chastity and the family honour. In areas of civil unrest, with even more limited educational/vocational opportunities, girls are not left with many options, than giving in to an early marriage- against which they have little say.

Surgahi Panchayat, Sheohar district (Bihar): A girl named Babita Kumari, aged 14 years, studying in class 4, and daughter of Mr. Ramyash Ram was a school drop-out. The father was looking forward to getting her married. It was during the door-to-door motivation programme carried out by the bal bandhus amongst the youth that it was found that a girl child was getting married in the Mahadalit habitation. A campaign against child marriage was started, with participation of the youth. We (bal bandhus) approached the girl's father and made him aware of the physical and mental stress that comes with an early marriage, and that girls must not be married under 18 years of age. Once he understood the significance of what we explained, he did not marry her; and instead enrolled her in a school.

5. Engagement in co-curricular activities: *Through the district administration and zilla parishad Dantewada district, Sports' meets are supported to encourage youth to engage in sports activities. Children are feeling encouraged by this initiative and approached the zilla parishad on their own in some blocks. Infrastructure like indoor stadia, coach, and play ground should be made available. The district administration of Dantewada is creating such infrastructure to encourage sports amongst youth from the tribal community.*

Annexure II

Arguments against Lowering the Age of Juvenility

Submitted by NCPCR to Justice Verma Committee

1. Context

- i. There has been an outcry that the juvenile involved in the rape and murder of our "Braveheart" on the 16th of December 2012 at Delhi should not be allowed to get away with a light punishment under the Juvenile Justice Act 2000 (JJ Act). At the same time those who have been working on the application of adult criminal law to children are actively advocating caution against any knee jerk reaction which would be a regressive step.
- ii. Changing the application of adult laws to children is a process that has taken place worldwide over many decades of experience, debate and discussion among international experts about what is good for the children of a mature "Rule of Law" society. All these experiences were brought together by the UNO and made into an international treaty called the Convention on the Rights of Children (CRC) which is today the most widely ratified treaty in the world. All countries except one have ratified it. India also ratified this Convention along with the Beijing Rules for Juveniles and the age of juvenility under Sec. 2 (l) of the Juvenile Justice Act means "a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence".
- iii. Indian Laws relating to children have evolved over 70 years and it is only through carefully measured steps and stages that we decided to have a different system of law for adults and for children. The Juvenile Justice Act 2000 (which was further amended in 2006) is one such law which was finally passed in 2000 after repealing an earlier law of 1986 on the same subject. It was the product of extensive national debate and it is therefore not advisable to reverse child rights jurisprudence by a stroke of the pen without a mature and exhaustive deliberation on the pros and cons of such a move.

2. Children in need of Care and Protection-Services

- i. Consider the situation of children in the country. It is estimated by the State that around '170 million or 40% of India's children are vulnerable to or experiencing difficult circumstances". Approximately, 100 million children are in the age group of 15-18 years, who are illiterates, school dropouts and have no skills to sustain themselves. Many of them suffer from vulnerabilities such as fractured homes, violence and abuse, drug and substance abuse, poverty. Consequently, they run the risk of being caught in the nexus of exploitation as child labour, street children, child trafficking, criminal activities such as theft, drug and substance abuse, participation in gangs, rape, murder, etc.
- ii. All such children are considered children in need of care and protection as defined under Sec.2. (d)of the Juvenile Justice Act. The actual numbers who actually enter the Juvenile Justice System through the district based quasi-judicial bodies known as Child Welfare Committees are less than 1,00,000, most of whom are admitted into Children's Homes run both by the State and non-State parties. They are but a miniscule number of those who actually require the protective umbrella of the State. While the Act calls for family and community based alternatives to support children, sadly the services available even for these 1,00,000 children are more custodial in nature. All other paths including protection and rehabilitation mechanisms, towards mentoring and guiding them, do not exist as the system of outreach is negligible.
- iii. The failure of the system to reach out to such vulnerable children and to prevent the consequent risks mentioned above, has unfortunately resulted in a small percentage of the larger universe of 170 million children in need of care and protection taking to violence in varying degrees.
- iv. Thus there are approximately 32,000 children a year at any point of time as 'Children in conflict with the law'. Within this smaller universe, looking at NCRB data for 2011 we find that 7537 children were apprehended for murder, rape and theft which is about 22% and this number would slide further if we are to consider that a large percentage of those accused of 'rape' of minor girls are juveniles and adults

incarcerated in Observation Homes and Jails respectively even though the relationship was consensual. Further, as against all forms of crimes recorded each year, NCRB's compilation of data reflects that juvenile crimes for the years 2001 and 2012 accounted for 16509 and 25125 which is only 0.9% and 1.1% percentage respectively of the total crimes committed in the country. The fact that there is a only a miniscule number of children in conflict with law and that too that they have not been given protection has to be factored in while discussing either reduction in age or increase in punishment of the juvenile.

3. Relevant Provisions of Law and Related Government Schemes

- i. The Constitution has, in several provisions, including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47, imposed on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected;
- ii. On 11th December 1992 India ratified the United Nations Convention on the Rights of the Child which has prescribed a set of standards to be adhered to in securing the best interests of the child and which emphasizes the social reintegration of child victims, to the extent possible, without resorting to judicial proceedings;
- iii. A closer reading of the Article 37 and 40 of the UN CRC throws light on the mode of treatment of juvenile offenders. Article 37 (a) requires that 'No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age' while Art. 37 (b) states that, 'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time';
- iv. Article 40 requires that 'States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's

respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society'.

- v. Hon'ble Supreme Court and High Court judgements have held that juvenile legislation shall reign supreme in juvenile cases no matter what the offence.

4. Juvenile Justice Act 2000 as amended in 2006

- The Juvenile Justice (Care and Protection of Children) Act, 2000 ('JJ Act') amended in 2006, read with the JJ rules, 2007 is a law to consolidate and amend the legal framework relating to children in conflict with law and children in need of care and protection. It provides for **proper care, protection and treatment** by catering to a child's development needs. It attempts to adopt a child friendly approach in the adjudication and disposition of matters in her best interests and to secure her ultimate rehabilitation. The JJ Act draws its basis from the national and international legal instruments:

(1) UN Convention on the Rights of the Child, 1989

(2) The Constitution of India

(3) UN Standard Minimum Rules for Administration of Juvenile Justice, 1985 (Beijing Rules)

(4) UN Rules for Protection of Juveniles Deprived of their Liberty, 1990

(5) UN Guidelines for Prevention of Juvenile Delinquency, 1990(The Riyadh Guidelines)

(6) UN Standard Minimum Rules for Non-Custodial Measures 1990 (Tokyo Rules)

(7) Other International Conventions / treatises

- The Preamble of the JJ act reads as:

"An Act to consolidate and amend existing law relating to juveniles in conflict with law and children in need of care and protection, by providing proper care, protection ad treatment by catering to their

development needs and by adopting a child friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation”

- Through the lofty Principles propounded under Rule 3 of the Model Rules 2007, the JJ Act further commits the State, the Juvenile Justice Boards, the Child Welfare Committees and other competent authorities or agencies as the case maybe, while interpreting and implementing the provisions of the Act to abide and be guided by fourteen fundamental Principles’ specified therein. They include:
- Principle of presumption of innocence, Principle of dignity and worth, Principle of Right to be heard, Principle of Family Responsibility, Principle of Best Interest, Principle of Safety (no harm, no abuse, no neglect, no exploitation and no maltreatment), Principle of non-stigmatizing semantics, decisions and actions, Principle of non-waiver of rights, Principle of equality and non-discrimination, Principle of right to privacy and confidentiality, Principle of last resort, Principle of repatriation and restoration and Principle of Fresh Start.
- Children in conflict with the law are covered under Section 1(4) JJ Act as under:

“Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law. “

- With the passing of this Act, there has been a change in perspective and appreciation of the needs and relevant policies for children who are in need of care and protection and those in conflict with the law. The focus has shifted to protection of dignity of the child and ensuring that she enjoys all her rights through State action and responsibility.
- However there have been gross failures in the JJ system predominantly not because of the law, but in its implementation. Failure of the State to fulfill its own duty and obligations to protect children and vulnerable families, prevent entrenched criminalization

and institutionalization of children in conflict with law and children in need of care and protection which is reflective in the pervasive violation of children's fundamental rights at every step of a child's contact with the JJ system.

- The Police, a key stakeholder under the JJ Act, has its role and functions defined under Sec. 63 for the prevention of juvenile crime or handling of juveniles or children to perform their functions more effectively. They are to be specially instructed and trained and be designated as juvenile or child welfare officers and work in coordination with the police. It calls for setting up of Special Juvenile Police Units in every district level and city and a child welfare officer at every police station to co-ordinate and upgrade the police treatment of the juveniles and children. SJPU's and Child Welfare Officers do not exist in every police station and even where they do they have been largely untrained.
- Child Welfare Committees and Juvenile Justice Boards are yet to get the infrastructure they require to function optimally and structures such as Observation Homes and Special Homes are not yet established in several districts and it is not surprising that JJ functionaries find it extremely challenging to work in such situations which do have not have reformatory and rehabilitative services.
- It is necessary not only to improve the institutions and structures provided in the JJ System but to also strengthen the organization and management of the system in a meaningful manner.

5. The Integrated Child Protection Scheme

- In 2009, to strengthen the implementation of the JJ Act and create a protective umbrella for children, the State launched the Integrated Child Protection (ICPS) to bring together multiple vertical schemes under one comprehensive child protection programme so as to reach as many children living in difficult circumstances as possible. It was also intended to integrate interventions for protecting and preventing children from any harm. The ICPS stressed the role of other sectors with a vision to see it

function as a Government-Civil Society partnership scheme under the overarching direction and responsibility of the Central and State Governments.

- At the moment there are only a total of about 10,000 functionaries i.e the Probation Officers, Case Workers, Superintendents, Counselors administrative and field staff etc of the ICPS for a population of 170 million children in need of care and protection, which is at the ratio of 1: 17000. Further they still are to have proper orientation, training, knowledge and skills for social investigation reports, counseling, supervision and mentoring. To take this forward the investment has risen from a meager amount of Rs. 186.40 crore in 2009 to Rs. 400 crore in 2012-13. Sadly, the State has not been able to accord due priority to children or child protection though children comprise 42% of the population.

6. Definition of child as 0-18 years or lowering of age

- i. The current debate on lowering the age of a child to 16 years, and exposing a large number of children to the adult criminal justice system has to be seen in the above context. It is regressive for the following reasons:
- ii. As stated, children in need of care and protection do not enjoy equal rights to survival, protection, development and participation; and when they are not covered by effective outreach, protection and rehabilitation services such children are at risk of becoming offenders.
- iii. Even younger children (10-15 years) could commit serious offenses for survival. Going by the logic being furnished currently, if a grave offense is committed by a 10 year old child, it would be logical to argue that there should be a further lowering of age to perhaps 10 years of age in defining who constitutes a child. There is thus a fallacy in defining a child based on the offences committed by children in a particular age group.
- iv. On the other hand the criteria for defining a child should be based on the period for which a person would require full support of the State for her care, protection and development in all respects. It was on this basis that the UN CRC defined a child as a person up to 18 years to which India is a signatory .Consequently the J.J. Act 2000 was brought in consonance with

the relevant provisions of UNCRC to include the age of the child as 18 years.

- v. Children including juveniles between the age group of 16-18 years are still physically, cognitively, socially, emotionally and legally minors. Hence imposition of death penalty on juveniles is deemed to be immoral and contrary to norms of a civilized society. The State as *parens patriae* is the ultimate custodian of children in need of care and protection would be guilty of not facilitating a happy and safe childhood.
- vi. We therefore need to amend more laws to cover all children up to 18 years. This means child labour must be banned up to 18 and education must be provided beyond age 14 and the present eight standard limit. Children of the middle class have all become at least graduates today and children of the excluded communities are still working as child labourers. On the one hand we are trying to progressively reach this standard and while we are on this journey we cannot suddenly stop and start a journey in the opposite direction and begin to reverse the gains achieved over several decades beginning with the Constitution.
- vii. The inconsistency in arguments given to increase or reduce age when it comes to applying the relevant law to children needs to be highlighted. To provide a protective cover to all children, the exception (age of consent for children in the age group of 16 to 18 years) was removed under POCSO Act to apply to all children under 18 years. Consequently, any such activity between children in 16-18 years age group has been criminalized. A child attains majority only at 18 years when he becomes eligible to vote, sign an affidavit and represent himself. Marriage age for men stands at 21 years. These same factors have influenced the age of juvenility of youth and influenced the need to treat them differently from adults when they commit crimes.
- viii. Experts reiterate that for children, 10 to 18 years is the formative stage and the inputs and exposure that a child experiences in these years, would instruct her personality development in due course. The test of effective outreach is whether the intervention assists such children to overcome/ withstand forces that push them into a life of crime and exploitation. The Beijing Rules provides guidance as to the grounds for deciding the age

adding that “the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity” (Rule 4.1).

- ix. Finally, if youths do not possess the same capacities as adults, should they be held responsible for their behavior in the same way as adults? Many studies have shown that by the age of sixteen, adolescents’ cognitive abilities—loosely, their intelligence or ability to reason—closely mirrors that of adults. But how people reason is only one influence on how they make decisions. In the real world, especially in high-pressure crime situations, judgments are made in the heat of the moment, often in the company of peers. In these situations, adolescents’ other common traits—their short-sightedness, their impulsivity, their susceptibility to peer influence. The same factors that make youths ineligible to vote or to serve on a jury require us to treat them differently from adults when they commit crimes.

7. Punishment / Rehabilitation

- i. The demand to amend the JJ Act by lowering the cut off age to define a ‘child’ and to provide for exclusion of children committing violent offences from the purview of the JJ Act, allowing for imposition of extreme forms of punishment (such as death/ life imprisonment), must be viewed with caution. The current discussion on increasing the punishment to the juvenile when caught in an offense especially in the ‘rarest of rare cases of brutal violence’ **cannot be considered.**
- ii. Although children in the age between 12-18 years who have committed an offence are responsible for their criminal acts they should come under the purview of the JJ System and are not to be treated or sentenced in the same manner as an adult. It is important to contextualize the accountability and responsibility for crime in a broader ambit of human rights, child psychology, parental upbringing and socio economic circumstances. Reformatory and correctional services should be vigorously engaged with to re-mould and reintegrate the juvenile into a law abiding citizen. Knee jerk responses would prove detrimental to the painstaking rights based

juvenile justice jurisprudence entrenched so far. Punishing juveniles as adults would undermine the value of today's youth

- iii. When a child is found to have committed an offence, it is more the result of the State and its systems failing to take care of such children, and ensuring a secure and protective environment. Offences committed by children have to be seen in the context of their abuse and neglect. It is time to focus first on their care and protection before we push to punish them for their actions.
- iv. The need to care and reform children must be the focus instead of seeking life imprisonment or death penalties. Hence this episode must strengthen our resolve to make all children receive the best of education till they are adults instead of raising a shrill voice to send children to the gallows. Our criminology and child jurisprudence must aspire to move in the direction of constitutional goals and international standards and not go back to the dark ages.
- v. Sec 15 of the JJ Act provides for a range of options for the JJB to pass such as counseling, bail, community service, supervision, probation, paying a fine and sending the juvenile to be housed in a Special Home and to mandatorily classify and segregate children here and provide a range of services designed to reform and rehabilitate juveniles and a keep the community safe. Once out of the JJ System children in conflict with the law need to be provided opportunities to become responsible citizens who are well integrated in the community.
- vi. Any child is to serve the maximum 3 year sentence if the JJB so decides and during this period he/she is to be given support for reformation and skills to be mainstreamed. Subsequently the child should be followed up closely through the CWC and given all facilities to be reintegrated. There is evidence to show that many children in Observation Homes have been rehabilitated successfully even after a track record as serious offenders.
- vii. This reformative approach to juveniles in conflict with the law rests upon the growing body of research on the brain development of children which indicate that as compared to adult brains adolescent brains do not fully develop until about age 25, and the immature, emotional and impulsive nature characteristic of adolescents makes them more susceptible to

committing crimes. In the U.S.A. Studies have shown that juveniles who commit crimes or engage in socially deviant behavior are not necessarily destined to be adult criminals. This research has provided the basis for widespread state legislative policy reforms in juvenile justice systems.

8. Prevention and Rehabilitation

- i.** The focus is to be on improvements in outreach, protection and rehabilitation services for all children below 18 years. The more accepted approach is to invest in preventive measures as against curative measures to curb the alleged increase in crimes committed by children. It is relevant to begin with the Article 39 (f) Directive Principles of State Policy of the Constitution of India wherein 'children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment'.
- ii.** There is a need to have a reliable system to reach out to a child. Children leave their parents and live on the streets without any care or opportunity to know about what it means to be a good citizen. Only a proper schooling system can provide this. A better educated child alone can access better values and develop with a healthy mental attitude towards girls and women.
- iii.** There is all the more a reason for making education compulsory for all children up to 18 years of age and providing all support of affirmative action such as free education, scholarships, free supply of text books and education material, hostels and so on as a preventive as well as a rehabilitation mechanism. A child after completing 12 years of school education is in a better intellectual position both in terms reasoning and decision making to choose the right path in her/his career.
- iv.** The use of education as a means for not only enabling a child to grow to his/her full potential, but also as a means to realize other rights and address child rights violations is a well-established idea. However, the system has failed in this area, leading many juveniles and children getting discharged from the system without any real education that could empower them to live with dignity away from a life of crime. In fact

children in need of care and protection who are not effectively rehabilitated also enter into the cycle of crime, more in order to survive.

Annexure III

Coverage of Central and State Schemes on Adolescents in India

Sl. No.	Scheme	Ministry/ Dept.	Focus	Objectives	Coverage (10-11)
1.	ICPS	MWCD	Nutrition	Provide for children in difficult circumstances, reduce the risks and vulnerabilities children have in various situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children Childline Service	35,215 Results Framework Document, MWCD
2.	ICDS	MWCD	Nutrition	provides a package of six services viz., supplementary nutrition, immunization, health check-up, referral services, nutrition and health education for mothers and non-formal pre-school education for children between 0-6 years. Beneficiaries: children below six years of age, pregnant women, nursing mothers and adolescent girls, through AWCs.	
3.	Adolescent Girl's Scheme (under ICDS)	MWCD	Health/ Nutrition	Concentrates on school-drop outs in the age group of 11-18 years Two sub schemes: 1.Girl-to-Girl Approach(11-15 yrs) 2.Balika Mandal (11-18 yrs)	At present, in 507 blocks in the country, covering around 3.5 lakh adolescent girls
4.	SABLA	MWCD	Health/ Nutrition/Edu cation	Objective to improve the nutritional and health status of adolescent girls in the 11-18 years age group Empower them by providing life skill education, health and nutrition education	98,74,861

5.	NPAG Nutritional Program For Adolescent Girls	MWCD	Health/ Nutrition	Under-nutrition among adolescent girls and pregnant women and lactating mothers - eligibility determined based on weight	16,07,568
6.	BalikaSamr idhiYojana	MWCD	Scholarship/E ducation	Centrally sponsored scheme to extend 100% support to States and UTs. The scheme covers all urban and rural districts in the country and targets the families that are BPL The girl child is entitled to receive scholarship for each class of study completed by her.	2003-2004, 7441 beneficiaries covered
7.	BhagyasriK alyanBima Yojana	MWCD	Insurance	Part of the money given to the girl child at birth or in scholarships can be put aside for paying the premium on an insurance policy in the name of the girl child. Under this scheme, the girl child can withdraw the scholarship amount and interest when she turns 18. If she marries or dies before she is 18 the amount incurred the amount incurred in interest bearing account will be withdrawn.	
8.	Ujjwala	MWCD	Trafficking	Prevent trafficking of adolescents	The Ministry of Women and Child Development has sanctioned 187 projects in 19 states under the 'Ujjawal' scheme as on 16.3.2012. Of these 94 proposals are for rehabilitation centres with capacity to provide shelter to about 4700

					beneficiaries.
9.	Kishori Shakti Yojana	MWCD	Health/ Nutrition/ Empowerment	Redesign of AG Programme under ICDS Improve and promote awareness of the nutritional and health of girls, improve literacy through non-formal stream of education.	50,16,445 (http://wcd.nic.in/proisanc/ksy06-09.htm)
10.	RCH	MoHFW	Health/Nutrition	reducing infant, child and maternal mortality Adolescent reproductive health	Category A: 58 districts Category B:184 districts Category C: 265 districts All the districts to be covered in a phased manner over a period of 3 years
11.	JananiSuraksha Yojana (under RCH)	MoHFW	Health/Nutrition	Safe motherhood intervention under the NRHM - objective of reducing maternal and neo-natal mortality by promoting institutional delivery among the poor pregnant women	7,43,184
12.	ARSH (part of RCH-II)	MoHFW	Health/ Nutrition	Part of RCH – II Provision of adolescent-friendly health services (AFHS) -to both AGS and ABS- both married and unmarried	In the first phase, the scheme will cover 25% of the population i.e. 1.5 crore girls in the age group of 10-19 years in 152 districts of 20 states
13.	RMSA	MHRD	Education	Expansion of Secondary Education	9636 new schools sanctioned out of which 7297 schools have become functional (as on June, 2012). 55964 additional teachers have been approved,

					out of which 9569 additional teachers have been appointed. 4633 additional classrooms have been completed and construction in respect of 83970 additional classrooms is in progress.
14.	School Health Programme	MoHFW	Health	<p>School health service under National Rural Health Mission</p> <p>The SHP- only public sector programme specifically focused on school focus- address the health needs of children, both physical and mental, plus it provides for nutrition interventions, yoga facilities and counseling.</p>	Strengthening of 34300 existing schools
15.	NIOS	MHRD	Education	Access to education to school drop outs and disadvantaged adolescents through open learning system	<p>493534</p> <p>http://www.nios.ac.in/stactical-report/academic-enrolment-report-year-2011-12.aspx#a1</p>
16.	KGBV	MHRD	Education	Provision of education to girls in 11-13 age group from SC, ST and other minorities through residential schools	2578 KGBVs were sanctioned by Government of India till date. Of these, 427 KGBVs have been sanctioned in Muslim concentration blocks, 612 in ST blocks, 688 in SC blocks. As on 31 st January, 2009, 2423 KGBVs are

					<p>reported to be functional (i.e. 94%) in the States and 1,90,404 girls enrolled in them (50,630 SC girls (27%); 58,682 ST girls (31%); 50,161 OBC girls (26%); 18,206 BPL girls (9%); 12,725 Minority girls (7%). Out of the total 2578 sanctioned KGBVs, 547 KGBVs have been constructed + 1262 are in progress and 769 have not been started. The Kasturba Gandhi Balika Vidyalaya scheme is merged with Sarva Shiksha Abhiyan in the XIth Plan with effect from 1st April, 2007.</p> <p>http://ssa.nic.in/girls-education/kasturba-gandhi-balika-vidyalaya/kgbv-scheme</p>
17.	Saakshar Bharat			<p>a centrally sponsored scheme of Department of School Education and Literacy (DSEL), Ministry of Human Resource Development (MHRD), Government of India (GOI)</p>	<p>the total number of eligible districts to 409 out of which 35 are left wing extremism affected districts</p>

					http://mhrd.gov.in/sites/upload_files/mhrd/files/HRD_Portal.pdf
18.	Mahila Samakhya	MHRD	Education	Education for empowerment of adolescent girls from socially and economically marginalized groups through village level women's collectives called 'Mahila Sanghas' Significant in Bihar	15,823 girls have been helped. http://ssa.nic.in/girls-education/mahila-samakhya-scheme/EXPANSION.pdf/view
19.	MoLE			The Directorate General of Employment and Training, Ministry of Labour provides the facility of registration in employment exchanges for job placements and career counselling and vocational guidance for adolescents The Industrial Training Institutes provide vocational training to adolescents after class VIII or X	
20.	AEP	MHRD	Health/Education	Life Skills Education Awareness about adolescent's reproductive health including HIV and substance abuse	
21.	Continuing Education Scheme	MHRD	Education	Part of the National Literacy Mission Treating basic literacy, post literacy and continuing education as one sustained, coherent learning	
22.	Pre and Post Matric Scholarship for SC/ST students	MoSJE	Scholarship	Enables a considerable number of Scheduled Caste students to obtain post matric and higher level of education. Provides for 100 percent Central Assistance to the State Governments and UT Administrations over and above the respective	.

				committed liability of the States/UTs. The committed liability of the North Eastern States has, however been dispensed with.	
23.	Scheme for Construction of Hostels for OBC Boys and Girls	MHRD	Education		57 hostels have been built with 4035 seats made available http://socialjustice.nic.in/pdf/hostelrel.pdf
24.	Education Development Programme for SC Girls	MHRD	Education	To provide a package of educational inputs through residential schools for SC girls in areas of very low literacy- where traditions and environment are not conducive to learning amongst SC girls. Implemented by the Zilla Parishads of the concerned Districts.	
25	National Programme for Education of Girls at the Elementary Level	MHRD	Education	Reaching out to 'hardest to reach' poor adolescent girls for upper primary education through community mobilization	
26	Nehru Yuva Kendras – National Programme for Youth and Adolescent Development	MOYAS	Empowerment	Youth Clubs are composed of youth members ranging between the age group of 15-35 years. Holistic Development of youth and adolescents through Adolescent Development Programs and National Integration Camps	
27	National Service Scheme	MOYAS	Empowerment	Development of personality of students through community service	
28.	Jana Shiksha Sansthan	MHRD	Education	Earlier known as Shramik Vidyapeeth Institutional framework for	So far 149 Jana Shiksha Sansthan have been

				offering Non-formal, Adult and Continuing Education Programmes to disadvantaged groups Extension of coverage of CES to Zila Saksharata Samitis in both urban and rural areas	established across the country. The number of beneficiaries for the year 2011-12 is 613344
29.	Babu Jagjiwan Ram Chhatrawas Yojana	MoSJE	Hostels	Effective from 2008 provide residential accommodation facilities to SC Boys and Girls studying in middle schools, higher secondary schools, colleges and Universities	.
30.	Post matric Scholarships for SC /ST Students Similarly, Pre matric Scholarship for SC/ST Students	MoSJE	Scholarship	Enables a considerable number of Scheduled Caste students to obtain post-matric and higher level of education Provides for 100 per cent Central Assistance to the State Governments and UT Administrations over and above the respective committed liability of the State/UT The committed liability of the North Eastern States has, however, been dispensed with	
31.	Scheme for construction of hostels for OBC boys and girls	MoSJE	Hostel		
32.	Educational Development Programme for Scheduled Castes Girls			To provide a package of educational inputs through residential schools for SC girls in areas of very low literacy- where traditions and environment are not conducive to learning amongst SC girls.	Due to existing national policy and provisions for reservation of seats and teaching positions in educational institutions, the

				Implemented by the Zilla Parishads of the concerned Districts.	beneficiaries of various programme include 8.08% STs and 16.73% SCs of the total population
33.	Dhanalakshmi	MWCD	Girl Child	The scheme provides for cash transfer to the family of a girl child on fulfilling certain conditionality relating to registration of birth, immunization, enrolment and retention in school till class VIII; and an insurance coverage if the girl remains unmarried till the age of 18	79,555 girls are expected to benefit under the scheme during 2008-09.
34.	National Child Labour Project (NCLP)	MoLE	Child Labour rehabilitation	Under the Project, children withdrawn from work are enrolled in special schools, where they are provided education, vocational training, nutrition, stipend, health care, etc. before mainstreaming them into formal education system.	As per available information, 94657 child labour during 2010-11 have been mainstreamed
35.	Skill Development Initiative	MLE	Skill Enhancement	<p>The objectives of the scheme are:</p> <ol style="list-style-type: none"> 1. To provide vocational training to school leavers, existing workers, ITI graduates, etc. to improve their employability by optimally utilizing the infrastructure available in Govt., private institutions and the Industry. Existing skills of the persons can also be tested and certified under this scheme. 2. To build capacity in the area of development of competency standards, course curricula, learning. 	Since the inception of this scheme a total of 14.21 lakh persons have been trained/tested. The total number of Vocational Training Providers (VTPs) has been registered so far is 7125.

36.	Parvaaz	Ministry of Rural Development	Skills Training	The main objective of this program is to mainstream the minority BPL youth of the country by empowering them with education, skills and employment. It is geared towards helping the learners attain minimal education required for employability and also upgrading the necessary skills needed to step into a new world thereby graduate into their next phase.	1982 trainees have been enrolled so far
37.	Sakshar Bharat Mission	Ministry of Human Resource Development	Education	The main objective of this program is to impart education to all those people who have missed out on the opportunity in their childhood.	By the end of the Tenth Five Year Plan (March 2007), NLM had covered 597 districts under Total Literacy Campaign (TLC), 485 districts under Post Literacy Program (PLP) and 328 districts under Continuing Education Program (CEP). As a cumulative outcome of these efforts, 127.45 million persons became literate, of which, 60% learners were females, while 23 % learners belonged to Scheduled Castes (SCs) and 12 % to Scheduled Tribes (STs).
38.	NPEP National Popular Education Program	Ministry Of Human Resource Development	Education	It aims to develop awareness and positive attitude toward population and development issues leading to responsible behavior among students and	It is being implemented in 30 States and Union Territories

				teachers and, indirectly, among parents and the community at large. Imparting authentic knowledge to learners about Adolescent Reproductive and Sexual Health (ARSH) concerns, inculcating positive attitude and developing appropriate life skills for responsible behavior are also the objectives of NPEP.	
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Annexure IV

STATE WISE SCHEMES FOR ADOLESCENTS IN INDIA

S.no	Name Of Scheme	State	Focus	Objectives	Coverage
1	Ladli	Haryana	Declining sex ratio	Under the scheme, Rs 5,000 per year per family is being given on the birth of second daughter for five years. On maturity, Rs one lakh at current rate of interest would be paid after the second daughter attains the age of 18 years through Life Insurance Corporation.	12,574 http://zeenews.india.com/news/haryana/haryana-12-574-benefitted-by-ladli-scheme_807217.html
2.	Mukhyamantri Balika Bicycle Yojana	Bihar	Bicycles for Education	Under this scheme, all girls would be given bicycles free of cost by the State Government after getting admission to Class IX	8,71,000 from 2007-08 to 2009-10 http://www.microfinanceindia.org/download_reports/soil_2011.pdf
3.	Kishori Shakti Yojana	Delhi	Sanitation	under which sanitary napkins would be distributed to adolescent girls. It aims to promote menstrual hygiene among these girls.	1,75,000
4.	Lok Jumbish	Rajasthan	Education	Organizing residential Adolescents' Girls Camps of about 6 months duration - providing primary education and various empowerment activities Started short duration camps for boys & girls in upper primary classes to introduce reproductive health and other issues relevant for adolescents Nonformal education programme has also contributed to education and development of adolescent	

5.	Haryana Integrated Women's Empowerment & Development Project	Haryana	Health	<p>Provides information and generates awareness regarding basic health, sanitation and reproductive health.</p> <p>A Life Skills Development Programme for adolescent girls -for personal, physical and mental development of adolescents. Short duration camps for adolescent boys- to impart family life education and sensitize them to gender issues.</p>	
6.	Sabla	Orissa	Self-Reliance	The state government has prioritized training the girls in textile craft and has tied up the vocational training with the existing cottage industries and market linked the trainings so that the older girls can be economically independent	
7.	Sabla	Gujarat	Self Reliance	The programme is aimed at providing healthcare to girls who are out of school, because there already exists a health programme especially for school students. Through this programme the young girls are also given physical and psychological counseling for the changes taking place in the body during adolescence. Every six months, the nutritional status and hemoglobin levels of the girl are achieved and they are given treatment for anemia if needed. To ensure maximum participation in the programme, the state government has introduced a small monetary provision.	

8.	Hunar	Bihar	Vocational Training	Women from the minority communities are being trained in computers and other skills like weaving, knitting, and child and maternity care. Under the 'Hunar' scheme, after completing the training, the candidates would be given Rs.2000/- as a grant to purchase machines or equipment related to their trade so that they can start their own business.	Over 13,000
9.	Mamta Taruni Abhiyan	Gujarat	Health	It is proposed for adolescent girls in the age group of 10 to 19 years in rural areas. This is a community level intervention to cater the need of the above said group. The only group remains uncovered is out of school unmarried adolescents. Various studies and data both from central and state level shows the poor nutrition status of out of school adolescents boys and girls, early marriages and early pregnancies, unsafe abortions and unwanted pregnancies in this group, prone to sexual abuse and violence, high risk to RTI/STI including HIV/AIDS. This all in turn leads to various mental health problems. This is a group which least access the health care facilities for all the above mentioned problems. Mamta Taruni Abhiyan is a community based intervention under the umbrella of RCH-II ARSH strategy to provide health care out of school	

				unmarried adolescent girls.	
10.	Chiranjivi Yojana	Gujarat	Health	Increase access to safe delivery services. It is in partnerships with private providers.	
11.	Apni Beti Apni Dhan	Chandigarh	Marriage	A scheme known as Apni Beti Apni Dhan is being implemented in UT, Chandigarh for improving the status of the girl child in the families living below poverty line. An amount of Rs.5000/- on the birth of girl child is being deposited in the name of girl child in the children career plan which will be payable after the girl completes the age of 18 years and have passed matriculation examination.	
12.	Balika Mandals	Andhra Pradesh	Self-Empowerment	Formed with 25-30 Adolescent Girls in the age group of 11-18 years in a village both with school dropouts and school going girls. The girls are attached to local AWC and given awareness on social issues like Child marriages, Child trafficking and hygiene, health, nutrition. Skill Development training in Home-based activities are provided	11,340 numbers of Balika Mandals are formed with 3,4 lakh adolescent girls so far.
14.	Bhagyalakshmi	Karnataka	Girl Child	Under the scheme, the State Government would deposit Rs. 10,000 in the name of new born girl child, irrespective of caste and creed, and the interest accrued from it could be utilized for her education. The deposit would mature when the child attains 18 years and the money could be utilized for her higher	

				studies or marriage.	
15.	Banangaladattha Bale	Karnataka	Child Tracking System	The software developed enables the Departments concerned to know the status of the beneficiaries with regard to health, education, migration from one place to another and other benefits availed from other departments in different schemes and also the status of payments to the beneficiaries from time to time.	
16.	Hostel for Girls	Karnataka	Hostels	Hostel for girls have been started in the backward areas of the State with an objective to enable girls from rural areas to pursue higher education and reduce school drop out of girls. Admissions to the hostels are available for students residing in rural areas whose family income is less than Rs.10,000 p.a. and are studying in 6th Std. and above up to post-matriculation courses.	
17.	Kanya Vidya Dhan	Uttar Pradesh	Education	Under the scheme, the class XII pass out girls hailing from economically weaker background will be provided a consolidated one-time financial help of Rs 30,000.	A total of 22,263 girls of the city are scheduled to be benefited from the scheme.
18.	Bal Bhavan	Manipur	Vocation	The State Bal Bhavan has been contributing towards enhancing creativity amongst the children in the age group of 6 – 16 yrs. Especially from the weaker sections of the society. Over the years, it has focused on providing opportunities for creative co-curricular activities ranging from creative / performing arts like music,	

				dance, creative arts like painting, clay modeling, crafts and science related activities including computer classes.	
19.	Free Education for Meritorious Scheduled Castes/Other Backward Classes Students	Chandigarh	Education	The SC/OBC students who have passed +2 or qualifying examination from any school/ college of Chandigarh in first attempt with a minimum of 50% marks and the annual income of their parents is up to Rs. 2,50,000 are eligible under the scheme.	
20.	Finishing school for women	Kerala	Vocations	The flagship programme on finishing school for women was initiated in the year 2007-08. It proposes to equip and upgrade the faculties and skills of women job seekers through additional training so as to make them employable. To achieve this objective the services of a number of institutions like ITIs, Engg. Colleges. IITs, Public, Private agencies etc. are used	
21.	Orissa Model Tribal Education Society	Orissa	Education	This program aims to make positive interventions in the field of tribal education. Started in March, it has been instrumental in starting 11 Ekalabya Model Residential Schools alongwith the management of 19 Educational Complexities set up for providing education to ST girls belonging primarily to Primitive Tribal Groups so that they get an education on par with the non tribal population.	

22.	BetiHaiAnmol	Himacal Pradesh	Girl Child Education	Taking a cue from the Balika Samriddhi Yojana, this program was fabricated with the mandate of the 'Beti Hai Anmol' programme, a sum of Rs 5,100 was being deposited at the time of birth of a girl child in poor families, with the amount multiplying substantially by the time she grows up, providing financial aid in meeting her education and marriage expenses. Girls were being given free education up to university level and provided text books and uniforms free of cost.	
23.	Rajiv Yuva Kiranalu	Andhra Pradesh	Employment	Rajiv Yuva Kiranalu is conceived by the Govt. of Andhra Pradesh to build job specific skills among the unemployed and place them in appropriate private jobs. Vision of RYK is to convert large number of non literate, school drop outs, unskilled and unemployed youth into productive workforce by building their skills thereby promoting inclusive growth.	The mission proposes to employ 15 lakh jobs in the private industry by 2014.
24.	Ladli Laxmi Yojana	Madhya Pradesh	Girl Child	For girls born after January 1 st , 2006. Under this scheme, the state government initiates a Rs.6,000 National Savings Certificate which will be renewed from time to time. At the time of girls admission to the sixth standard, Rs. 2000 and in the ninth standard Rs. 4,000 and in the 11 th standard Rs. 7500	More than 11.42 lakh girls set to get Rs 1 lakh financial benefit as they have been enrolled so far in the MP's government. http://www.wewomenotoday.com/2012/06/28/girls-to-get-rs-1-lakh-under-ladli-

				would be paid. During higher secondary education she would get Rs200/month. On completion of 21 years she would receive the remaining amount.	laxmi-yojana/
25.	Laadli	Delhi	Girl Child	Linking financial assistance with education up to senior secondary level. For girl child born on or after 1/1/2008. For institutional level delivery Rs. 11000, for delivery at home Rs. 10,000, for admission in class 1, 6, 9, 10, 12; Rs5000/- will be deposited.	Till December 2009 as many as 86,820 girls have benefited under this scheme, as per official records. http://ccsindia.org/ccsindia/interns2010/pranav-sukhija_laadli-scheme-an-appraisal.pdf
26.	MukhyaMantri Kanya Suraksha Yojana	Bihar	Girl Child	This is to ensure the security of the girl child. An amount of 2000/- will be invested in UTI-Children's Career Balanced Plan-Growth Option. On completion of 18 years the amount equal to the maturity value will be paid to the girl child (Rs. 18,000/-)	In the last four years, this scheme has covered 14,411 beneficiaries. http://www.newconceptinfosys.com/dsw_demo/Publications/Publications_details.php?PUBID=1
27.	Lakshmi Bai Pension Plan	Bihar	Girl Child	This is to provide financial assistance to widows by giving a stipend of Rs.200/- per month.	
28.	Balri Rakshak Yojana	Punjab	Girl Child	To promote the birth of girl child an incentive of Rs. 500/month will be given to the female child under the condition that the parents adopt terminal methods of sterilization after the birth of only one girl. A further incentive of Rs.700/- (350+350) will be available for two girls provided for the birth of the second girl	

				child and if parents adopt immediate termination by means of sterilization. The incentive is available till the age of 18 years.	
29.	MukhyaMantri Kanya Vivah Yojana	Bihar	Girl Child	The State assists in conducting mass marriages of girls from poor backgrounds provided they attain the legal marriage. A onetime payment of Rs.10,000/- will be paid for meeting the household expenses after the marriage.	2425 women have benefited under this scheme. http://www.newconceptinfosys.com/dsw_demo/Publications/Publications_details.php?PUBID=1

Best Practices in States

State	Coverage	Approach
Uttarakhand	Physical Achievement claimed to cover 293,124 students from 6,340 schools. Only primary and upper primary schools of the state were covered	Chirayu programme. 27 teams of two MO's (01 male & 01 female), one pharmacist, and one Community Mobilizer. Besides this there are 2 Regional Coordinator (Garhwal and Kumoun) in position for monitoring and monthly report compilation of the programme
Sikkim	Physical Achievement claimed to cover 167,780 students from 788 schools. All government and private schools are covered	Services are provided through school health teams. Each school health team comprises of a Medical Officer, Dental Surgeon, Counselor, Extension Educator, ANM/Staff Nurse, and school health co-ordinator (at the State & District level).
Andhra Pradesh	Physical Achievement claimed to cover 83,606,406 students from 513,334 schools classes 1-10 (Govt. and Aided) Schools	JBAR (Jawahar Bala Arogya Raksha). Each PHC will have a screening plan of every school in their jurisdiction with day and date of visit intimated to the school authorities well in advance. For screening purpose the school teachers, ANMs and MOs will have specific assigned duties.
Gujarat	Physical Achievement claimed to cover 14,860,412 students from 99,968 schools. Additionally agnawari centres- New born to 6 years of age groups. Primary, secondary, higher secondary and new born to 14 years of non- school going children are beneficiaries of SHP Gujarat. In year 2011-12 in School health Programme, out of total 1, 55, 66,622 students enrolled 1, 48, 6,412 (96%) students were examined.	Campaign mode "Shala Arogya Saptah". Aims to provide health examination to children, counseling, health education, cleaning of water sources in village, nutrition day activities and Cultural activities. It's a five day programme in each village /ward. Screening is done through mapping of all resources at PHC, Block and district level. School Health Programme is organized from 15th November 2011 to 24th January 2012. Mass media is used for monitoring the program as each district is to submit report against media reports for school health. Elected public representatives are been linked with the programme for monitoring and implementation in his/her constituency.
Maharashtra	Physical Achievement claimed to cover 10,232,000 students from 75,469 schools, Age group under coverage 1st to 10th std	Dedicated team approach - 33 Program Supervisors at district level, (one at each district). At block level 840 medical officers and 420 pharmacists are implementing the program constituting 440 dedicated teams, positioned for conducting school health program. (356 for Rural, 29 for Corporation, 18 for Municipal Corporation and 37 for Ashram Schools) doing once a year screening of all children and linkages with ARSH programme component

Annexure V

List of Vocational Courses

Ministry of Human Resource Development

- (i) Vocationalisation of Secondary Education (6800 schools covered) for students having passed 10th class
- (ii) Polytechnics (1244) + Institutions for diploma in pharmacy (415), hotel management (63), architecture (25) for 2 years and 3 years diploma course respectively for 10th pass
- (iii) Community Polytechnic Scheme (675 CPs) for poorer sections of society in both rural and urban areas for 3 to 6 months
- (iv) National Institute of Open Schooling - Distance Vocational Education Programmes [Practical training through Accredited Vocational Institutes (AVIs)] for school leavers with 5th, 7th, 8th and 10th pass for 6 months to two years
- (v) Jan ShikshanSansthan (157 Vocational Training Centres run by NGOs offering more than 250 courses) for disadvantaged groups of adults. Priority is given to adult neo-literates/ semi-literates, SC and ST, women/girls, oppressed, migrants, slum/ pavement dwellers and working children. The program is need-based (1-4 weeks).

Ministry of Women and Child Development

- (vi) Training in Home scale preservation of fruits and vegetables, (by Community Food and Nutrition Extension Units (CFNEUs) for two weeks for House wives and Adolescent girls with a view to promote preservation and consumption of fruits and vegetables which provide much needed micronutrients, as well as to provide necessary skills which could be useful for income generation purposes
- (vii) Kishori Shakti Yojana to train and equip adolescent girls to improve home based and vocational skills

- (viii) Other programmes like UDISHA, Training of Anganwadi Workers, NIPCCB, Rashtriya Mahila Kosh etc. for minimum 60 days

Ministry of Agriculture

- (ix) CIFNET – Regular courses (2) and special training courses (14) of 6-18 months for 10th Standard students by Ministry of Agriculture

Ministry of Health and Family Welfare

- (x) Basic Training of multipurpose health worker (Female & Male) - 478 ANM/ MPW (F) Training Centres and 28 HFWTC & 30 Basic MPWA (M) Schools for 12-18 months for educated youth with minimum 10th pass

Ministry of Labour

- (xi) Craftsmen Training Scheme (CTS) (5114 ITIs) for one to three years for School leavers with 8th, 10th and 12th pass
- (xii) Apprenticeship Training Scheme (ATS) (20,800 establishments) for six months to four years for School leavers with 8th, 10th and 12th pass or National Trade Certificate (from NCVT) Holder
- (xiii) Model Training Institutes and Model Industrial Training Institutes for one to three years for School leavers with 8th, 10th and 12th pass

Ministry of Small and Medium Enterprises

- (xiv) Entrepreneurship Development Programme, Skill Development Programme (SDP), Management Development Programme, both short term and long term, for workers, educated unemployed youth and entrepreneurs

Ministry of Social Justice and Empowerment

- (xv) National Institute of Mentally Handicapped, National Institute for the Orthopaedically Handicapped, Institute for Physically Handicapped, National Institute for the Hearing Handicapped, National Handicapped Finance and Development Corporation, National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents, National Scheduled Castes and Scheduled Tribes Finance and Development Corporation, Rehabilitation Council of India for Disadvantaged and marginalized sections of the society viz., SC, Minorities, B.C., Persons with disabilities, Aged Persons, Street children and victims of Drug Abuse etc. runs short term training up to six months duration and orientation programs up to one week duration

Ministry of Rural Development

- (xvi) National Rural Livelihood Mission: to re-design and re-structure the on-going Swarnjayanti Gram Swarojgar Yojana (SGSY) into National Livelihood Mission (NRLM). By promoting diversified and gainful self-employment and wage employment opportunities and provide self-employment to the rural folks, the Mission will also help in enhancing their capabilities and facilitate access to other entitlements such as wage employment and food security and benefits of Indira Awas Yojana (IAY), drinking water, land improvement, education, and health and risk mitigation through convergence and coordination mechanism

Ministry of Urban Development and Poverty Alleviation

- (xvii) Urban Self Employment Programme under Swarna Jayanti Shahari Rozgar Yojana (SJSRY) for Urban Unemployed or underemployed poor below poverty line – Short term (2-6 months) subject to minimum 300 hours

Khadi and Village Industries Corporation

- (xviii) 51 training centres run 35 types of programmes for unemployed rural youth from 2 to 12 months

Department of Tourism

- (xix) 15 Food Craft Institutes under State Governments from 6 months to one year for 10th pass

Ministry of Tribal Affairs

- (xx) Vocational Training Centres (VTC) in Tribal Areas with 100% central assistance is given to State/ UT / NGO for setting up VTs for unemployed tribal youth whereby each person is given training in two trades – 6 months in VTC and 6 months with master craftsmen

Construction Sector

- (xxi) Company run schools (NBCC HCC, L&T, ECC etc.) & association etc. and Construction Industry Development Council (CIDC) & others for one to six months for Worker& Supervisor having qualification of 5th to 12th Standard

References

Action Plan for Abolition of Child Labour in Delhi (2010), National Commission for Protection of Child Rights, Government of India

Annual Report 2005-06, Department of Elementary Education and Literacy, MHRD

Bal Bandhu in Defence of Child Rights (2012), National Commission for Protection of Child Rights, Government of India

Census 2001, Government of India

<http://censusindia.gov.in/>

Convention on the Rights of the Child, General Comment No. 4 (2003), “*Adolescent health and development in the context of the Convention on the Rights of the Child*”, UN (2003)

Draft Twelfth Five Year Plan 2012-17, Social Sectors, Volume III, Planning Commission, Government of India

http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_3.pdf

Education as Emergency Relief for Children in Areas of Civil Unrest (under publication), National Commission for Protection of Child Rights, Government of India

Guidelines for Control of Iron Deficiency Anaemia, National Iron+ Initiative: Towards infinite potential in an anaemia free India, Adolescent Division, Ministry of Health and Family Welfare, Government of India

India Country Report: To Prevent and Combat Trafficking and Sexual Exploitation of Children and Women, World Congress III Against Sexual Exploitation of Women and Adolescents (Rio De Janeiro, Brazil, 2008)

India Infrastructure Report 2012: Private Sector in Education, IDFC Foundation, Routledge, Delhi

Mid Term Appraisal for Eleventh Five Year Plan 2007-2012

http://planningcommission.nic.in/plans/mta/11th_mta/chapterwise/chap11_women.pdf

Ministry of Rural Development, Government of India

Ministry of Women and Child Development, Government of India

National Commission for Protection of Child Rights, Government of India
<http://www.ncpcr.gov.in/>

National Crime Records Bureau, 1998

NIOS: A Profile (2012), National Institute of Open Schooling, MHRD, Govt. of India

Pallavi Gupta, “*Child Marriages and the Law: Contemporary Concerns*” in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 49-55.

Press Information Bureau reports

Protection of Children’s Rights in Areas of Civil Unrest (2010), National Commission for Protection of Child Rights, Government of India

R. Kaur, *Marriage and Migration: Citizenship and Marital Experience in Cross-border Marriages between Uttar Pradesh, West Bengal and Bangladesh* in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 78-89

Report on the National Consultation on Prevention of Child Marriage held at New Delhi on 25th May 2012. <http://wcd.nic.in/childact/ReportChildMarriage.pdf>

Report on Prevention of Child Marriages in the State of Karnataka by the Core Committee headed by Justice Shivraj Patil, UNICEF and Dept of Women and Child Development, 2011

Review of the Annual Administrative Report of the Department of Women and Child Development, Haryana, 2003-2004

Road Map on Innovations for Instituting Mechanisms for Children’s Participation in Decision making (draft report) of Sectoral Innovation Council on Children’s Participation, Constituted by the Ministry of Women and Child Development vide notification no. 2-17/2011-CW-1

S. Sen, N. Sengupta, “*Marriage, Work and Education among Domestic Workers in Kolkata*” in Economic & Political Weekly, Vol. XLVII No. 43, October 27, 2012, p. 67-77

Sample Registration System Statistical Report, 2008

Sarva Siksha Abhiyan, Ministry of Human Resource Development, Department of School Education and Literacy, Government of India (<http://ssa.nic.in/girls-education/kasturba-gandhi-balika-vidyalaya/kgbv-scheme/>)

The State of the World's Children, *Adolescence: An Age of Opportunity*, UNICEF (2009-12)

Secondary Education in India: Universalizing Opportunity, Human Development Unit (South Asia Region), Document of the World Bank, January 2009

Statistics of School Education, 2007-08, p. D 102,
http://mhrd.gov.in/sites/upload_files/mhrd/files/SES-School-2007-08.pdf

Study on Child Abuse: India 2007, Ministry of Women and Child Development, Government of India

Sulabha Parasuraman, Sunita Kishor, Shri Kant Singh, and Y. Vaidehi. 2009. *A Profile of Youth in India*. National Family Health Survey (NFHS-3), India, 2005-06. Mumbai: International Institute for Population Sciences; Calverton, Maryland, USA: ICF Macro.

T. Linden "*Secondary Education*" in India Infrastructure Report 2012: Private Sector in Education, IDFC Foundation, Routledge, Delhi p. 127-141

The Child Labour (Prohibition and Regulation) Act, 1986

The Factories Act, 1948

The Indian Penal Code

The Juvenile Justice (Care and Protection) Act, 2000

The Mines Act, 1952

The Minimum Wages Act, 1948

The Prohibition of Child Marriage Act, 2006

The hidden crisis: Armed conflict and education; EFA Global Monitoring Report, 2011, UNESCO, 2011

The National Policy for Children, 2012,
<http://www.ncpcr.gov.in/Letters/NPC%202012-NCPCR.pdf>