

SECTION IV

Civil Rights and Freedom

(Articles 7, 8, 13-17 and 37(a))

- A. Name and Nationality (Article 7)
- B. Preservation of Identity (Article 8)
- C. Freedom of Expression (Article 13)
- D. Freedom of Thought, Conscience and Religion (Article 14)
- E. Freedom of Association and Peaceful Assembly (Article 15)
- F. Protection of Privacy (Article 16)
- G. Access to Appropriate Information (Article 17)
- H. The Right Not to be Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment and Punishment (Article 37(a))



Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular, where the child would otherwise be Stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers— orally, in writing or in print, in the form of art, or through any other media.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order, public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security, public safety and public order (ordre public), or for the protection of public health, morals and the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;
- (b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18.

Article 37 (a)

States Parties shall ensure that:

- (a) 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 18 years of age.

4A

Name and Nationality

Article 7

1. Voluntary civil registration was first introduced in India in the nineteenth century mainly as an aid to public health administration for locating and identifying issues of public health importance and introducing remedial measures to control mortality. Different provinces had different legislations and sometimes, even within the same province, registration was carried out under different laws. The inadequacy of the system and its limited use were prime reasons for its slow evolution in the country. However, in view of the importance of the system in providing continuous and permanent vital statistics for public health administration and demographic analysis, a number of Commissions and Committees studied its inadequacies and made comprehensive recommendations for quantitative and qualitative improvements. These far-reaching recommendations included:

- Compulsory recording of vital events
- The need for a central legislation
- The need for a uniform process of registration
- Collection and compilation of vital statistics.

These formed the basis for the enactment of the current law namely, The Registration of Births and Deaths Act, 1969.

2. This Act repealed and replaced all the diverse laws that existed on the subject and thus integrated the system of registration in the country. The Registration of Births Act enables the Government of India (GOI) to regulate registration and compilation, ensuring uniformity and comparability, whilst leaving the States enough scope to develop an efficient system of registration as per their own requirements. While the actual responsibility of implementing the Act lies with the States/Union Territories the Office of the Registrar General has brought out Model Rules in consultation with the Union Law Ministry for adoption by the States, and this has proved to be an effective instrument in unifying and integrating the system nationwide.

3. Making arrangements for the registration of 25 million births on an annual basis is a mammoth task. There are 200,000 reporting units throughout the country and more than 100,000 local registrars. Except in a few States and UTs, multiple agencies are generally involved in registration work at the sub-national level. This poses immense problems of coordination, control and supervision. Therefore, in order to review the progress of registration in a State and also to resolve inter-departmental issues, high level inter-departmental coordination committees have been constituted in each UT and State.

4. The level of birth registration in India is estimated to be around 54 per cent. Even in States that have achieved high levels of registration, there is considerable lag in the reporting of statistics by local registrars, delaying the compilation of vital statistics at the State and National level. Therefore, the Office of the Registrar General of India undertook a comprehensive review of the functions of the Civil Registration System in India with a view to revamping the various forms currently in use, and reducing paper work and eliminating delays in submission of reports, thereby speeding up the compilation of these statistics.

5. The following information relating to birth is collected during birth registration, according to the format introduced in January 2000.

- Date of birth
- Sex
- Name of the child
- Name of the father
- Name of the mother
- Place of birth
- Informant's name
- Town or village of residence of mother
- Religion of the family
- Father's level of education
- Mother's level of education
- Father's occupation
- Mother's occupation
- Age of the mother at the time of marriage
- Number of children born alive to the mother so far, including the child
- Type of attention at delivery
- Method of delivery of the newborn
- Birth weight
- Duration of pregnancy.

A copy of the birth report form is in Appendix 4A.1.

6. The question on "Town or village of residence of mother" would make it possible to tabulate birth registration data on the basis of the mother's usual place of residence. While the age of the mother at the time of marriage is a useful demographic data item, the last three items listed above would provide useful information on reproductive and child health issues. In fact, there has been a conscious effort on the part of the Registrar General's Office to include certain important reproductive and child health items in the birth report form. These items are not collected on a regular or continuous basis through health information systems. This strategy of establishing linkages with other systems enhances the utility and credibility of the Civil Registration System and opens up channels of funding from sources outside the system. The new system has been implemented in the States of Andhra Pradesh, Goa, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Mizoram, Sikkim and Tamil Nadu and in the UTs of Delhi and Pondicherry. The other States and UTs are in the process of finalising the rules and printing forms, and will soon implement it. The Office of the Registrar General is also developing a common application software package to be used by all the States/UTs for data entry and tabulation of civil registration data.

7. The National Population Policy 2000, recently released by the Department of Family Welfare, Ministry of Health and Family Welfare, GOI, has set 100 per cent registration of births as one of the 14 national socio-demographic goals to be achieved by 2010. The Office of the Registrar General, in July 1999, also issued guidelines facilitating the registration of destitute children taken in adoption from orphanages and other placement agencies as also from relatives and friends.

Birth Registration and the rights of the child

8. All children, whose birth is registered, receive a birth certificate, a legal document that provides proof of date of birth and is required in many situations during the course of life, including:

- First school admission. This is compulsory throughout or in sectors of many States.
- Entry of the name of the newborn in the ration card. This is compulsory in some States.
- Obtaining a passport.
- In courts, as evidence of proof of age.

9. Children who do not have a birth certificate are thus, certainly at a disadvantage. It is important to note that the birth certificate can, for instance, protect a child from exploitation, especially in situations where he or she has to prove his or her age. Proving nationality is not just a hypothetical exercise, it is a practical necessity, whether migrating to the city for work or at a national border or trying to avail basic services.

10. The Office of the Registrar General of India has undertaken several measures to improve the Civil Registration System (CRS). The CRS has been revamped with a view to reducing the paper work and making it more efficient in terms of the flow of returns regarding birth and death registration and making it amenable to the use of modern technology. A national workshop on birth registration was held in May 2000, with delegates from the Office of the Registrar General of India, Chief Registrar of Births and Deaths of several States, representatives of a few international agencies and NGOs.¹

11. The following areas were identified for action:

- Awareness generation should be undertaken to increase demand for birth registration in the community.
- Birth registration should be linked with service delivery like school admission, to raise awareness among the public about the importance of birth registration and possession of a birth certificate.
- Accessibility to birth registration units should be increased through—
 - a) Mobile registration units in remote areas, e.g., desert areas, hill areas and forest areas.
 - b) Providing an interface between the Civil Registration System and the community by use of ANMs, AWWs, Panchayats, etc., as notifiers.
- Panchayati Raj institutions should be given primary responsibility for birth registration.
- NGOs should be activated and involved in the birth registration process.
- A special campaign should be undertaken to remove the backlog of unregistered children. Pulse polio immunisation may be used to cover unregistered children below three years of age.
- Linkage of birth registration with the primary immunisation schedule should be considered and, if necessary, the period of birth registration should be reconciled to the first immunisation of the child.

- Image of the birth registration system should be improved to attract people to register the birth of their child. For this, customer services should be improved through—
 - a) Reducing delay in registration and issue of certificates.
 - b) Improving record keeping to facilitate information search.
 - c) Proper sign posting of centres.
 - d) Improving general format and printing of birth certificates, etc.
 - e) Issue of decorative certificates on payment, thereby also generating revenue.
- Employment of technology for Information, Education and Communication (IEC) campaigns to increase awareness, archiving of records, record search, issue of certificates and improving accessibility to records by inter-linkage of district-level offices.
- Since registrars at primary as well as district levels keep on changing due to transfers, retirement, etc., the annual training of registrars at different levels ought to be undertaken.
- A management system should be developed for supervision, monitoring and follow-up action.
- Policy makers and administrators should be educated that birth registration is a statutory responsibility and adequate funds should be provided to carry out this activity. They should also be sensitised about the fact that birth registration is the first right of the child.
- In States where vital statistics registration is 90 per cent and above, it should be used for micro-level planning and monitoring of development programmes. This would improve the image of the system.
- Seminars/workshops at local, State and National levels should be organised from time to time for exchange of views and experiences and to maintain a high level of motivation and commitment to birth registration activities.²

12. Newspaper advertisements, television spots, radio jingles, posters, stickers and cinema slides are some of the measures currently being used to sensitise and mobilise public opinion on the need and importance of birth registration. Training and workshops are being organised for registry personnel.³

Citizenship

13. Article 5 of the Constitution of India guarantees the right to citizenship to all its citizens. It holds that every person who is domiciled in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either or both whose parents was/were born in India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India.

14. The Indian Citizenship Act, 1955, provides for acquisition, termination, and renunciation of Indian citizenship and other matters. A child born in India or abroad acquires Indian citizenship if either parent is an Indian citizen. A minor child ceases to be an Indian citizen when his parents have renounced Indian citizenship. But any such child may, within one year of his attaining 18 years of age, resume Indian citizenship by making a declaration to that effect.⁴

4B

Preservation of Identity

Article 8

15. In India, the institution of the family plays an important role in preserving the identity of children. Whenever children are separated from their parents, efforts are made to reunite them with their families. Only when such an effort fails are alternative arrangements made, keeping the best interests of the child in mind. The traditional approach primarily has been to set up orphanages for destitute and abandoned children. With the gradual passage of time, however, emphasis is now being laid on alternative care programmes for children deprived of a family environment. When a child is adopted legally, it takes on the name of the adoptive father.

16. The Juvenile Justice (Care and Protection of Children) Act, 2000, deals with children who may be found in situations of delinquency and neglect. The Ministry of Social Justice and Empowerment has been implementing a scheme for the welfare of children in need of care and protection. The objective of the schemes is to take care of and rehabilitate abandoned, neglected, orphaned and homeless children. The welfare services being provided under the scheme include food, shelter, education, health and vocational training.⁵ Details of the scheme are dealt with under the section on Administration of Juvenile Justice in the report.

17. Article 30 of the Indian Constitution provides a guarantee to all minorities (religious or linguistic) the right to establish and administer educational institutions of their choice. For example, in the State of Delhi, Tamilians have established schools where the children are taught in Tamil till Class IV. Similarly, Sikhs have established schools where they profess, practice and propagate their religion, i.e., Sikhism. *Madrasas* impart education to Muslim children through the medium of Urdu in several States, including Uttar Pradesh.

4C

Freedom of Expression

Article 13

18. Freedom of expression is a fundamental right, available to every person in India, including children. The Right to Freedom of Speech and Expression has been construed by judicial interpretation in India to include freedom of the press and other media. The child's right to information is sometimes determined by parents or teachers, which may sometimes be misinterpreted as limiting their rights. However, such determination is undertaken predominantly in the best interests of the child and should not be seen as preventing free access to information or freedom of expression. The child's view is taken into account in a number of cases involving custody, fixing criminal liability and giving evidence in court.

19. The Children's Film Society, earlier known as the National Centre of Films for Children and Young Persons (NCYP), was formed with the aim of harnessing the medium of films to provide healthy entertainment to children and young people, thereby providing an alternative to commercial cinema. Children also play important roles in films produced by the Children's Film Society. This gives them a unique chance to give full expression to their creative talents. India also has a censor board which monitors the dissemination of information harmful to children, including violence and pornography on radio and television. Local police and NGOs also play an important role in regulating information and material injurious to children and in monitoring these.⁶ However, with the growth of information technology, children in India have access to information through the Internet. The fact that this freedom, especially in case of children, may be circumscribed by the cultural ethos of any society needs to be acknowledged.

20. Many newspapers in India publish articles written by children. Some newspapers keep aside a page once a week for children to express their opinion and ideas on various issues. A few leading newspapers have also started collaborations with schools wherein children are given an opportunity to express their views. Most schools in India have school magazines run by children, and children participate in school parliaments and voice their concerns. Doordarshan and All India Radio also broadcast children's programmes.⁷

21. The International Children's Day of Broadcasting (ICDB) is celebrated every year on the second Sunday in December. On this day, children in India have control of allotted time over the electronic media. In December 2000, 31 TV stations and 60 radio stations all over the world involved over 2000 children in their programmes for ICDB.

4D

Freedom of Conscience, Thought and Religion

Article 14

22. Religion is a way of life and for the majority of Indians, permeating every aspect of life, from commonplace daily chores to education and politics. Secular India is home to Hinduism, Islam, Christianity, Buddhism, Jainism, Sikhism and many other religious traditions. Hinduism is the dominant faith, practised by over 80 per cent of the population. Muslims are the second most prominent religious group and are an integral part of Indian society. Common practices have crept into most religious faiths in India and the festivals are marked by music, dance and feasting, which are shared by all, including children. Each religion has its own pilgrimage sites, heroes, legends and even culinary specialities, mingling in a unique diversity that is the very pulse of Indian society. In fact, unity in diversity has proved to be the greatest strength of the country. It is the bedrock on which our multi-ethnic, multi-linguistic, multi-religious and multi-cultural nation proudly stands.

23. Article 25 of the Constitution empowers the citizen of India with freedom of conscience and free profession, practice and propagation of religion, subject to reasonable restrictions. This right applies to children as well. In fact, children's right to freedom of thought, conscience and religion forms an important part of participation rights.⁸ At the same time, the right to religion or religious practices is curtailed in instances where there is conflict of religion and the best interests of the society.

24. One such example would be the ban on *Sati* and the increase in the penalties for the practice of *Sati*. This has been done to prevent the occurrence of any such incident irrespective of any religious or social sanction. It is therefore recognised that constraints can be placed on practices that may be authorised by religions, in the wider public interest. The Indian Constitution also recognises the parent's right to determine a child's religious beliefs in which it indicates that a guardian can express consent with regard to religious instruction in State schools.⁹

25. The National Agenda of Governance states that the Government is committed to establishing a civilised, humane and just civil order that does not discriminate on grounds of caste, religion, class, colour, race or sex. It truly and genuinely upholds and practices the concept of secularism consistent with the tradition of *sarva panth samadara* (equal respect to all faiths) and on the basis of equality for all. The Government is committed to the economic and educational development of the minorities and will take effective steps in this regard.¹⁰

26. All minority groups have the right to set up their own educational institutions and give instructions on the teachings of their religion. For example, the institution of *Wakf*, administered by the Ministry of Social Justice and Empowerment, is dedicated to the purpose recognised by Muslim Law as religious, pious and charitable. Apart from the religious aspect, *Wakfs* are also instruments of socio-economic upliftment, as benefits provided by them flow to the needy persons for their socio-economic, cultural and educational development. The Maulana Azad Education Foundation has been set up as a society with the objective of promoting education amongst the educationally backward sections of society, minorities in particular, and others in general. Up to

January 2000, the Foundation sanctioned grants-in-aid amounting to Rs 330.6 million, to 248 NGOs spread over 19 States/UTs.¹¹

27. For centuries, India has been known for its religious tolerance. The Ministry of Home Affairs also has a separate division to look after preservation and promotion of national integration.

4E

Freedom of Association and Peaceful Assembly

Article 15

28. Article 19 (b) and 19 (c) of the Constitution of India provide the Right to Assemble Peacefully and to form associations or unions. Freedom of peaceful assembly is permitted for reasonable purposes as laid down by law, subject to reasonable restrictions.¹²

29. The *Nehru Yuvak Kendra Sangathan* (NYKS), an autonomous organisation of the Department of Youth Affairs and Sports, caters to the needs of more than eight million non-student rural youth in the age group of 15–35 years enrolled through 0.181 million village-based youth organisations called Youth Clubs. The Youth Club works in the areas of education and training, awareness generation, skill development, self-employment, entrepreneurial development, thrift and cooperation. In addition, programmes are organised with active involvement and participation of rural youth in areas such as health, family welfare, HIV/AIDS, drug abuse, poverty alleviation, child labour, environment, adult literacy, women's empowerment and eradication of social evils.

30. The *Bharat Scouts and Guides* is one of India's largest youth organisations, and the third largest in the world, with an enrolment of 2.3 million and with about 85,000 units spread all over the country. These units conduct activities in the areas of adult literacy, tree plantation, community service, leprosy awareness, crafts and promotion of hygiene and sanitation. Bharat Scouts and Guides are also associated with various programmes run by WHO and UNICEF in different fields.¹³

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

32. The Right to Peaceful Assembly has been effectively used by NGOs such as the Social Work and Research Centre (SWRC), Tilonia, Rajasthan, Concerned for Working Children (CWC), Bangalore, Karnataka and Butterflies, Delhi, to name a few. The main objective of their programmes has been to empower children deprived of liberty by helping them form their own associations and unions. The CWC has organised the children into a union called *Bhima Sanghas* to fight for their rights. It has also assisted children in setting up a *Panchayat*. Similarly, SWRC has helped to set up a *Bal Sansad* or Children's Parliament.¹⁴

4F

Protection of Privacy

Article 16

33. The concept of family privacy and the role of parents in child care and nurturing is important in India. Though the State intervenes in child care, parents continue to remain the most important holders of legal authority with respect to the child, with a status higher than that of any third party or public authority. The family thus continues to be recognised as the institution that shoulders the responsibility for child care and development. Courts and public authorities intervene only if the family fails to fulfil its responsibilities towards the child. The legal system in India functions on the principle that it should foster rather than invade family privacy when consulting the child's wishes and assessing the long-term interests of the child. Judicial review of parental decisions are done in such a manner that a healthy respect for the family is instilled in the child and that the role of the family in relation to the child is not undermined.

34. However, in certain situations, children are exploited, considered as “non-persons” or used as an economic resource. Hence, a right balance between parental rights and responsibilities with regard to nurturing and upbringing of the child, and the child's right to participation and privacy assumes special significance. The State can intervene to protect children in situations where their rights and interests are in conflict with parental rights and responsibilities. However, in general, State interventions are done in such a manner that they do not conflict with efforts made to strengthen the family.

35. In the area of adoption, owing to strong societal and family ties, the need for secrecy and confidentiality is dominant and the adopted child quite often is unaware of the fact of his/her own adoption. In view of the social stigma attached to unwed motherhood in India, the single mother who gives up her child prefers to do so in perfect anonymity so that none can trace her later. Adoption agencies in India have a sealed and confidential record system whereby there is no access to the relinquishment document and it remains the property of the Court.¹⁵

36. The Juvenile Justice (Care and Protection of Children) Act, 2000, prohibits the publication of the identity of any juvenile who has fallen under the purview of the Act, by disclosing the name, address, photograph or other particulars in newspapers, magazines or news-sheets. Section 21 of the Act further prohibits disclosure of name, address or other particulars relating to the juvenile, calculated to lead to the identification of such juveniles or publication of his/her picture in any newspaper, magazine, etc., at the cost of penal consequences. This is aimed at protecting the child against any social stigma attached to any inquiry under this Act. The prohibition is not limited only to inquiries before the competent authority but also applies to any inquiry regarding a juvenile under this Act. It means that the prohibition extends to appeal and revision also. The principle against publicity of juvenile proceedings has been universally accepted. No separate procedures exist to try cases where children are witnesses, and trials of children are conducted under the Juvenile Justice (Care and Protection of Children) Act, 2000.

37. Further, the Immoral Trafficking (Prevention) Act, 1956, lays down that women and girls arrested under this Act will be interrogated by women police officers and if no woman police officer is present, then the interrogation would be carried out in the presence of a lady member of a recognised welfare organisation. Additionally, if a child is a victim of rape, then proceedings are held in-camera. However, there is scope for improvement in medical and legal aid and counselling provided to children who are victims of sexual abuse and exploitation.

38. The Right of children to counselling is increasingly gaining acceptance. There are numerous Government and private agencies as well as schools offering counselling to children on issues pertaining to health, sexuality, education, career, etc., and there is no restriction on any child to access such a service. Schools in urban cities of India have been successful in providing counselling for their students. *Salaam Balak Trust*, Voluntary Health Association of India and the Family Planning Association are some organisations that offer counselling to children on HIV/AIDS, reproductive health and personal behaviour issues. *Mahila Courts* (Women's Courts), though very small in number, deal with criminal cases pertaining to women and children. These courts are an extension of Session Courts and are meant to give special attention to women and children in protecting them against attacks and interference and in ensuring their privacy. There are family courts with civil jurisdiction to deal with family disputes. There are more than 70 such courts spread all over the country. Generally, lawyers are not permitted in these courts, and the judge can seek advice from psychiatrists and social workers. The privacy of children thus is ensured in the family courts.

4G

Access to Appropriate Information

Article 17

39. In a country like India, where the reach of the mass media is limited by poverty, inaccessibility and low literacy levels, other means of communication through word of mouth, community events and performances of mobile, cultural troops play a crucial role in providing information and opinion-building. They create a positive climate in favour of basic education and motivate parents to enrol their children, especially girls, in primary schools and encourage those who drop out to attend non-formal education centres to assist in decision making and resultant action.¹⁶ The GOI is therefore developing mechanisms to ensure that all children are allowed adequate access to information. To begin with, community TV sets have been distributed to *Panchayats*.¹⁷ In recent years, the media scene has become increasingly competitive with the coming of private TV channels and radio stations with their own

newscasts. One aspect of the proliferation of mass media channels in the urban areas has been the impact of such media on young minds.¹⁸

40. The Government reconstituted the erstwhile National Book Development Council (NBDC) in December 1997, and formed the National Book Promotion Council. The Council offers a forum to facilitate exchange of views on issues such as writing, production, publication and sale of books, pricing and copyright, reading habits of people, availability of books for different segments of population and the quality and content of books in general. As per the import policy for books and publications, all kinds of books, magazines and journals, including children's literature, can be imported without any restriction by any individual or organisation. The National Book Trust is an apex organisation which caters to all segments of society by publishing fiction and non-fiction on a variety of subjects in English, Hindi and 11 other Indian languages. It has also published select titles for children in some tribal languages such as Ao, Garo and Khasi. In all, 230 titles in various languages have been published from April to September 1999. The National Centre for Children's Literature (NCCL) was established in trust to bridge the gap between the creators and readers of literature for the young.¹⁹ Journals of the Publications Division (Ministry of Information and Broadcasting) are a good mix of information on issues of national importance and social concerns. *Bal Bharti*, a children's monthly journal in Hindi, is being published in a bigger, colourful and more attractive format since January 1999. Further, many private business houses bring out children's literature like *Chandamama*, *Twinkle*, and *Amar Chitra Katha* (names of children's magazines).

41. Since April 1999, a new series on sports has also been started. To encourage original writing in Hindi on mass communication, the Publications Division has instituted the *Bharatendu Harishchandra Awards*. Awards are also given for promoting writing on women's issues, national legislation and children's literature.²⁰ The Department of Women's Studies, NCERT, under the Innovative Pilot Project on Promotion of Primary Education of Disadvantaged Girls in Rural Areas of Haryana prepared posters, campaign songs and audio cassettes, which were disseminated to teachers, children and the community. With the help of the above resource materials, mass awareness campaigns were carried out.²¹

42. From the very beginning, the Government-owned television channel, Doordarshan, has accorded high priority to programmes on education. The school telecasts started from Delhi in 1961. As part of the Satellite Instructional Television Education, programmes for school-children were started in 1982. At present, school programmes produced by Doordarshan are telecast in regional segments from Delhi and Chennai, and programmes produced by State institutes of education are telecast in Hindi, Marathi, Gujarati, Oriya and Telegu for relay by all transmitters in a particular language zone. Separate slots have been earmarked for programmes for secondary schools on the national network. These programmes are produced by the Central Institute for Educational Technology (CIET). Doordarshan is also providing time on the national network for the telecast of higher education programmes. The Countrywide Classroom of UGC extends higher education to those living in smaller towns and villages. Programmes produced by the Indira Gandhi National Open University (IGNOU) supplement the education provided by other modes such as Distance Education.²²

43. The telecast of a programme for children, titled *Tarang*, was telecast on Doordarshan (DD-I) during the year under report. The current telecast included 473 programme capsules and 92

continuities. A weekly audio programme, *Umang*, was broadcast throughout the year from 10 All-India Radio Stations, viz., Allahabad, Lucknow, Jaipur, Jodhpur, Bhopal, Indore, Patna, Rohtak, Shimla and Delhi. Eighty-five educational television programmes, covering a wide range of subjects for students and teachers, were scripted and produced. Besides, 29 educational video spots of short duration were conceived, planned and produced. A series of 10 audio programmes, called *Rang Ras Barse*, was also produced to teach *Sargam* of different *Ragaas* (music). Under the series *Land and People*, two films titled *Abode of Gods* (with its Hindi version *Dev Bhoomi*) and *Land of Warriors* (with its Hindi version *Veer Bhoomi*) were produced (history and culture).²³

44. The Children's Film Society of India (CFSI) is engaged in the production of films, television serials, featurettes and animation films for children and young people. It endeavours to provide healthy entertainment to the younger generation by exhibiting films and serials in theatres and on television. Rights of foreign films are also purchased by CFSI and the same are exhibited after dubbing them in Indian languages. Films produced by CFSI are entered in various national and international film festivals. The society also organises its own International Film Festival, which is held every alternate year. Hyderabad is the permanent venue of this biennial event. The eleventh such festival, called the "Golden Elephant", was held in November 1999.

45. The Festival received 178 entries from 29 countries for its various sections. As many as 49 foreign and 56 Indian delegates were invited. In addition, CFSI invited 50 children as delegates from various parts of India. *The Cart* a feature film from Iran, bagged the Golden Elephant Award for Best Feature Film. This film also won the Children's Jury Award. During 1999–2000, nine children's feature films were taken up for production. These included films in Bengali, Manipuri and Hindi. The CFSI also took up production of two short animation films—*Pink Camel* and *Ajeeb Ghar* (Strange House). The society also took up dubbing of one foreign (Persian) feature film *Nanelal* (Her Children) in Hindi. In the area of exhibition of children's films, 556 shows were organised in Assam between May 20 and 30 1999, covering an audience of 190,873. In addition, 1441 film shows were organised by the Mumbai, Chennai and Delhi offices of CFSI, covering the States of Maharashtra, Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Haryana, Uttar Pradesh and the Union Territory of Delhi.²⁴ Most newspapers in India publish articles for children. Some of the newspapers keep aside a page once in a week for children's articles, where they can express their opinion and ideas on various issues. With the growth of information technology, a number of websites such as *Pitara*, *Egurucool* and *Planetvidya* provide information specially for children.

46. As regards the development of appropriate guidelines for the protection of their children from information and material injurious to well-being as well as harmful exposure in the mass media, India has a Censor Board which regulates dissemination of harmful information, including violence and pornography on radio and television. Local police also plays an important role in regulating information and material injurious to children.²⁵

47. The Young Persons (Harmful Publications) Act, 1956, lays down provisions to prevent dissemination of certain publications harmful to young persons (under the age of 20 years). According to the Act, harmful publications include books, magazines, pamphlets, leaflets,

newspapers or other publications which contain stories told with or without the aid of pictures or wholly of pictures; stories portraying wholly or mainly—

1. The commission of offences; or
2. Acts of violence or cruelty; or
3. Incidents of a repulsive or horrible nature.

in such a way that the publication as a whole would tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever.²⁶

48. As public service broadcasting organisations, All India Radio and Doordarshan have responsibilities to ensure that advertisements, either in terms of content or treatment, do not mislead the listeners and viewers and are not repugnant to good taste. There are certain restrictions to the right to expression on radio and TV.

49. The General Broadcasting Code, which is otherwise called the Programme Code, for both All India Radio and Doordarshan, prohibits the following:

- Criticism of friendly countries
- Attacks on religions and communities
- Anything obscene and defamatory
- Incitement to violence or anything against the maintenance of law and order
- Anything amounting to contempt of court
- Aspersion against the integrity of the President and Judiciary
- Anything affecting the integrity of the nation, and
- Criticism by name of any person.

50. The Cable Television Networks (Regulation) Act, 1995, was enacted to regulate the operation of cable television networks in the country and for matters connected therewith or incidental thereto. Rule-6 (Programme Code) of the Cable Television Networks Rules, 1994, made under the Cable Television Networks (Regulation) Act, 1995, prohibits broadcasting of any programmes that denigrates children. Further, it states that care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence. Also that programmes unsuitable for children must not be carried on the cable service at times when viewership of children are the highest. The Advertising Code enacted under the rule prohibits any advertisements which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner. Such advertisements shall not be carried by cable networks.²⁷

4H

The Right not to be subjected to Torture or other Degrading Treatment or Punishment

Article 37 (a)

51. Acts of torture and other kinds of cruel, inhuman and degrading treatment to children are penalised under the Indian Penal Code. Measures spelt out in various laws relating to children, including the Indian Penal Code, are taken into cognisance while investigating cases of such atrocities and punishing those responsible. India has a well laid out juvenile justice system which provides for the care, protection, treatment, development and rehabilitation of children who have been physically and psychologically battered so as to reintegrate them back into mainstream of the society.²⁸ Complaint procedures have been spelt out in the Juvenile Justice (Care and Protection of Children) Act, 2000, and remedies thereof are also available for the children. There are also no widespread incidences of victimisation of children in the country. However, whenever such instances come to notice, suitable remedies, as provided in the law, are taken. NGOs such as *Bachpan Bachao Andolan* (Save Childhood Campaign) and 'Concerned for Working Children' (CWC) are spearheading campaigns to prevent torture and other cruel, inhuman and degrading treatment meted out to children. The personnel of child care institutions are being sensitised on the survival, protection, development and participation rights of children.²⁹

Appendix 4A.1

FORM NO. 1 BIRTH REPORT

Legal Information

This part to be added to the birth register as the case may be, in the remarks column in the box below left

To be filled by the informant

1. Date of birth : (Enter the exact day, month and year the child was born, e.g., 1-1-2000)
2. Sex : (Enter "male" or "female"; do not use abbreviation)
3. Name of the child, if any :
(If not named, leave blank)
4. Name of the father :
(Full name as usually written)
5. Name of the mother :
(Full name as usually written)
6. Place of birth : (Tick the appropriate entry 1 or 2 below and give the name of the hospital/ institution or the address of the house the birth took place in)
 1. Hospital/ Name:
Institution
 2. House Address:
7. Informant's name:
Address:
(After completing all columns 1 to 20, informant will put date and signature here:)

Date: Signature or left thumb mark of the informant

To be filled by the Registrar

Registration No. : Registration Date :
Registration Unit :
Town/ Village : District :
Remarks : (if any)

Name and signature of the Registrar

BIRTH REPORT

Statistical information

This part to be detached and sent for statistical processing

To be filled by the informant

8. Town or village of residence of the mother :
(Place where the mother usually lives. This can be different from the place where the delivery occurred. The house address is not required to be entered.)
 - a) Name of town/ village:
 - b) Is it a town or village : (Tick the appropriate entry below)
 1. Town 2. Village
 - c) Name of District:
 - d) Name of State:
9. Religion of Family : (Tick the appropriate entry below)
 1. Hindu 2. Muslim 3. Christian
 4. Any other religion: (write name of the religion)
10. Father's level of education:
(Enter the completed level of education, e.g., if studied up to class VII but passed only class VI, write class VI)
11. Mother's level of education:
(Enter the completed level of education, e.g., if studied upto class VII but passed only class VI, write class VI)
12. Father's occupation:
(If no occupation write 'Nil')
13. Mother's occupation:
(If no occupation write 'Nil')

To be filled by the Registrar

Name Code No.
District :
Tehsil :
Town/ Village :
Registration Unit :

Registration No.: Registration Date :
Date of Birth:
Sex : 1. Male 2. Female
Place of Birth : 1. Hospital/ Institution 2. House

Name and Signature of the Registrar

In the case of multiple births, fill in a separate form for each child and write 'Twin birth' or 'Triple birth', etc.,

To be filled by the informant

14. Age of the mother (in completed years) at the time of marriage: (If married more than once, age at first marriage may be entered)
15. Age of the mother (in completed years) at the time of this birth:
16. Number of children born alive to the mother so far including this child :
(Number of children born alive to include also those from earlier marriage(s), if any)
17. Type of attention at delivery:
(Tick the appropriate entry below)
 1. Institutional – Government
 2. Institutional – Private or Non-Government
 3. Doctor, nurse or trained midwife
 4. Traditional birth attendant
 5. Relatives or others
18. Method of Delivery:
 1. Natural
 2. Cesarean
 3. Forceps/Vacuum
19. Birth weight (in kgs.) (if available):
20. Duration of pregnancy (in weeks):
(Columns to be filled are over. Now put signature at left)

Endnotes

- ¹ Reply to Lok Sabha starred question No +418 for 22. 8. 2000 by Shri Madhavrao Scindia regarding Birth Registration.
- ² NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 12.
- ³ Ibid.
- ⁴ *The Child and Law*, Indian Council for Child Welfare, Chennai, Tamil Nadu 1998, page 6.
- ⁵ NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 17.
- ⁶ Ibid, page 16.
- ⁷ Ibid, page 14.
- ⁸ Ibid, page 14.
- ⁹ *Children, Law and Justice: A South Asian Perspective*, Savitri Gooneskere, SAGE, 1998, page 341.
- ¹⁰ National Agenda of Governance.
- ¹¹ Annual Report, 1999–2000, Ministry of Social Justice and Empowerment, GOI, pp. 40, 42.
- ¹² NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 14.
- ¹³ Annual Report, 1999–2000, Department of Youth Affairs and Sports, GOI, pp. 14, 21–22.
- ¹⁴ NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 15.
- ¹⁵ *Children, Law and Justice: A South Asian Perspective*, Savitri Gooneskere, SAGE, 1998.
- ¹⁶ *Role of Media in Education for All*, Avik Ghosh, National Institute of Educational Planning and Administration, GOI, 2000, page 2.
- ¹⁷ NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 16.
- ¹⁸ *Role of Media in Education for All*, Avik Ghosh, National Institute of Educational Planning and Administration, GOI, 2000, page 2.
- ¹⁹ Annual Report, 1999–2000, Department of Elementary Education and Literacy, Department of Secondary Education and Higher Education, GOI, pp. 147–149.
- ²⁰ Annual Report, 1999–2000, Ministry of Information and Broadcasting, GOI, pp. 56–57.
- ²¹ No. F-9/99-2000/PPMED, October 17, 2000, NCERT, GOI.
- ²² Annual Report, 1999–2000, Ministry of Information and Broadcasting, GOI, page 23.
- ²³ Annual Report, 1999–2000, NCERT, GOI, pp. 91–92
- ²⁴ Annual Report, 1999–2000, Ministry of Information and Broadcasting, GOI, page 43.
- ²⁵ NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child development, GOI, page 16.
- ²⁶ *Child and Law in India*, Indian Council for Child Welfare, Chennai, Tamil Nadu, 1998, pp. 72–73.
- ²⁷ [http://mib.nic.in/information & b/codes/broadcasting.htm](http://mib.nic.in/information&b/codes/broadcasting.htm)
- ²⁸ NI/PC/SAP/132/2000/908 dated July 31, 2000, National Institute for Public Cooperation and Child Development, GOI, page 17.
- ²⁹ Ibid.