

Universal Periodic Review
(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

INDIA

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not Ratified	<i>Reservations to this Convention are not permitted</i>		Right to education
Convention on Technical and Vocational Education 1989	Not Ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	14/11/1977 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	09/09/2005 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the	15/12/2006 Ratification			Right to take part in cultural life

Diversity of Cultural Expressions 2005				
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II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. The **Constitution of India**¹, adopted by the Constituent Assembly on 26 November 1949, which came into force on 26 January 1950 and as last amended in 2015, enshrines the right to education in Article 21A, established through the Constitution (86th Amendment) Act 2002², enacted in December 2002.

2. **Article 21A** stipulates that “the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”. The amendment also introduced a new **article 51A (k)**³ which imposes a duty on parents and guardians to provide their children with educational opportunities from age six to fourteen⁴.

3. According to **Article 29** "(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them."

4. **Article 45** adds that “The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”.

5. **Article 30** specifies that "(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice."

6. Moreover, **Article 41** establishes that "The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

7. With regard to language of instruction, **Article 350A** states that "It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to

¹ <http://www.unesco.org/education/edurights/media/docs/59e5ef3c701622c9ff9765c8910c5741eacc73a2.pdf> or <https://india.gov.in/my-government/constitution-india/constitution-india-full-text>.

² Constitution (86th Amendment) Act 2002, see: <https://india.gov.in/my-government/constitution-india/amendments/constitution-india-eighty-sixth-amendment-act-2002>.

³ Inserted by the 86th Amendment in December, 2002 and passed by the Parliament in July, 2009. The provisions of the Act came into force from 1st April, 2010.

⁴ World Data on Education, IBE, 7th Edition, 2010/11, p. 4, accessible at: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/India.pdf

linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities."

8. With regard to religion, **Article 28** states that:

(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

9. Besides, according to **Article 14**, the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India and **Article 15** reads:

(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
(a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

10. **Article 17** establishes that "untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

1.2. Legislative Framework

11. The **Apprentice Act of 1961**⁵ provides the modalities for the apprentices and their training.

12. The **Institutes of Technology Act of 1961**, as amended in 2012, is an act to declare certain institutions of technology of national importance.⁶

13. The **All India Council for Technical Education Act of 1987** provides for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system throughout the country, the promotion of qualitative improvements of such education.⁷

14. **The National Council for Teacher Education Act of 1993** provides for the establishment of a National Council for Teacher Education with a view to achieving planned and coordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith.⁸

15. **The Persons with disabilities (Equal opportunities protection of rights and full participation) Act 1995**⁹, states in its article 26 that “The appropriate Governments and the local authorities shall:

- a. ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;
- b. endeavor to promote the integration of students with disabilities in the normal schools;
- c. promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;
- d. endeavor to equip the special schools for children with disabilities with vocational training facilities.”

16. Besides, according to the Act, appropriate Governments and local authorities shall make schemes and programmes for non-formal education (**Article 27**), set up teachers' training institutions to develop trained manpower for schools for children with disabilities (**Article 29**), and prepare a comprehensive education scheme providing for transport facilities, supply of books (**Article 30**).

17. **The Right of Children to Free and Compulsory Education (RTE) Act No. 35 of 2009**,¹⁰ in force from 1 April 2010, provides for the right of children to free and compulsory education

⁵ The Apprentice Act 1961, accessible at: http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/ApprenticeAct1961.pdf

⁶ The IT Act 1961, accessible at: http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/IIT-1961.pdf

⁷ The All India Council for TE act, accessible at: http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/AICTE.pdf

⁸ The NCTE act, accessible at: http://ncte-india.org/ncte_new/?page_id=883

⁹ Accessible at: <http://www.unesco.org/education/edurights/media/docs/42fc9808f00926c6b43390588c83ba0e8d7addfc.pdf>

¹⁰ Accessible at: <http://www.unesco.org/education/edurights/media/docs/a0e217d7dfcd23a5b5fcee86eedbb8cb2f581a947.pdf>

till completion of elementary education in a neighbourhood school. It clarifies that compulsory education means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the 6 to 14 age group. 18. It specifies the duties and responsibilities of appropriate governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the central and state governments. It lays down the norms and standards relating to, inter alia, pupil-teacher ratios, buildings and infrastructure, school working days and instructional hours in an academic year, and teacher working hours. It provides for rational deployment of teachers by ensuring that the specified pupil-teacher ratio is maintained for each school. It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite training and academic qualifications.

19. With regards to children, the RTE Act prohibits: (i) physical punishment and mental harassment, (ii) screening procedures for admission, (iii) capitation fees, (iv) private tuition by teachers, and (v) running of schools without recognition.

20. The Act provides for development of the curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child-friendly and child-centred learning; the medium of instruction shall, as far as practicable, be the child's mother tongue, and a comprehensive and continuous evaluation of child's understanding of knowledge and his/her ability to apply the same shall be applied (no child shall be required to pass any Board examination till completion of elementary education).¹¹

21. **Article 27** of the Act states that no teacher shall engage himself or herself in private tuition or private teaching activity; it covers grades 1 to 7 in government schools and 'aided' private schools, which receive government funding. The law, however, sparked outrage from teachers, who said they needed fees from tutoring to supplement their salaries to reach decent income levels.¹²

22. The **Central Universities Act, 2009**¹³ aims to establish and incorporate universities for teaching and research in the various States and to provide for matters connected therewith or incidental thereto.

23. The **Right of Children to Free and Compulsory Education Rules of 2010**¹⁴ is complementary to the RTE Act of 2009. It provides for the creation of a School Management Committee in each school (Article 3) that is in charge of elaborating a School Development

¹¹ World Data on Education, IBE, 7th Edition, 2010/11, pp. 4-5.

¹² EFA Global Monitoring Report 2013-2014, p 271, accessible at: <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

¹³ CU act, accessible at: <http://www.unesco.org/education/edurights/media/docs/ae42e29cf9df291eed9bfbf2228b13020432cc6.pdf>.

¹⁴ Right of Children to Free and Compulsory Education Rules of 2010, accessible at: <http://ssa.nic.in/rte-docs/The%20Right%20of%20Children%20to%20Free%20and%20Compulsory%20Education%20Rules%20,%202010..pdf/view>

Plan (Article 4). The committee is also responsible for identifying children with special needs and providing them with special training (Article 5). The rules also provide for responsibilities and duties of local, regional and central governments, as well as the ones of schools and teachers. Part VI deals with “Teachers”. It regulates the required qualifications and conditions of teaching.

1.4. Policy Framework

i) General information

24. ***National Policy on Education 1986 (revised in 1992)***: A key milestone in India’s march towards Education for All was the adoption of the National Policy on Education 1986 (revised in 1992) which states “In our national perception, education is essentially for all”. Some of the key thrust areas of the National Policy on Education 1986/92 include; (i) national system of education which implies that “up to a given level, all students, irrespective of caste, creed, location or sex, have access to education of a comparative quality”; (ii) early Childhood Care and Education (ECCE) “both as a feeder and a strengthening factor for primary education and for human resource development in general”; (iii) focus on universal access and enrolment, universal retention of children up to 14 years of age; and a substantial improvement in the quality of education to enable all children achieve essential levels of learning; (iv) emphasis “on the removal of disparities and to equalize educational opportunity by attending to the specific needs of those who have been denied equality”; (v) widening of access to secondary education with emphasis on enrolment of girls, Scheduled Castes (SCs), Scheduled Tribes (STs), particularly in science, commerce and vocational streams; (vi) education for women’s equality, with special emphasis on the removal of women’s illiteracy and obstacles inhibiting their access to, and retention in, elementary education; (vii) the introduction of systematic, well-planned and rigorously implemented programmes of vocational education aimed at developing a healthy attitude amongst students towards work and life, enhancing individual employability, reducing the mismatch between the demand and supply of skilled manpower, and providing an alternative to those intending to pursue higher education without particular interest or purpose; (viii) making adult education programmes a mass movement involving literacy campaigns and comprehensive programmes of post-literacy and continuing education for neo-literates and youth who have received primary education with a view to enabling them to retain and upgrade their literacy skills, and to harness it for the improvement of their living and working condition; (ix) overhauling of the system of teacher education with emphasis on continuing professional development of teachers, establishment of District Institutes of Education and Training (DIET) with the capability to organize pre-service and in-service training of elementary school teachers, and upgradation of selected secondary teacher training colleges.¹⁵

25. The **XIIth Five-Year Plan (FYP – 2012/2017)**, has accorded high priority to the expansion of education, ensuring that educational opportunities are available to all segments of the

¹⁵ Education for All 2015 National Review Report: India, p. 7, available at: <http://unesdoc.unesco.org/images/0022/002298/229873e.pdf>

society, and ensuring that the quality of education imparted is significantly improved. The Twelfth Plan targets for school education and literacy include: (i) ensuring universal access and, in keeping with the letter and spirit of the RTE Act, providing good-quality free and compulsory education to all children in the age group of 6 to 14 years; (ii) improving attendance and reduce dropout rates at the elementary level to below 10 per cent and lower the percentage of out-of-school children (OoSC) at the elementary level to below 2 per cent for all socio-economic and minority groups and in all States/UTs; (iii) increasing enrolments at higher levels of education and raise the Gross Enrolment Ratio (GER) at the secondary level to over 90 per cent, at the higher secondary level to over 65 per cent; (iv) raising the overall literacy rate to over 80 per cent and reducing the gender gap in literacy to less than 10 per cent; (v) providing at least one year of well-supported/well-resourced pre-school education in primary schools to all children, particularly those in educationally backward blocks (EBBs); and (vi) improving learning outcomes that are measured, monitored and reported independently at all levels of school education with a special focus on ensuring that all children master basic reading and numeracy skills by Class II and skills of critical thinking, expression and problem solving by Class V.¹⁶

ii) Education levels

➤ Early childhood care and education (ECCE)

26. **National Policy on Early Childhood Care and Education (2013):** A National Policy on Early Childhood Care and Education was adopted in September 2013. The Policy envisages promotion of inclusive, equitable and contextualized opportunities for promoting optimal development and active learning capacity of all children below six years of age. The policy lays down the way forward for a comprehensive approach towards ensuring a sound foundation for survival, growth and development with focus on care and early learning for every child. The key goals of the policy include: Universal access with equity and inclusion; Quality in ECCE; and Strengthening capacity, monitoring and supervision, advocacy, research and review.¹⁷

27. The ECCE services in India are made available through three channels - public, private and Nongovernmental organisations. The major public initiative is the Integrated Child Development Services (ICDS) Scheme, which is coordinated by the Ministry of Women and Child Development, Government of India. Private-un-aided ECCE services (nurseries, kindergartens and pre-primary classes/sections in private schools) constitute a significant proportion of institutions delivering pre-primary education in the country, especially in urban areas. In addition, several NGOs have been engaged in conducting small-scale innovative ECCE programmes focused on children of disadvantaged population groups.

28. The ICDS Scheme is one of the world's largest programmes for early childhood development. The main programmatic interventions within ICDS include: (ii) pre-school education for children of age 3-5+ years, and (vi) nutrition and health education to adolescent

¹⁶ Education for All 2015 National Review Report: India, p. 8.

¹⁷ Education for All 2015 National Review Report: India, p. 7.

girls and women, especially in the age group of 15-45 years, so as to enable them to look after their own health, nutrition and development needs, as well as that of their children and families. All services under ICDS converge at the *Anganwadi* – a village courtyard – which is the main platform for delivering these services.¹⁸

29. In addition to pre-school education programmes provided by the Anganwadis under the ICDS scheme, pre-school education opportunities are provided to children in the age group 3-5 years through a large number of pre-school sections/classes attached to schools.¹⁹

30. The National Policy on Early Childhood Care and Education, 2013 seeks to achieve universal access to ECCE opportunities with equity and inclusion mainly through Integrated Child Development Services (ICDS) in public channel and through other service providers, particularly to reach the marginalized and vulnerable groups, and by facilitating the inclusion of children with special needs.²⁰

31. The formulation of the National Policy on Early Childhood Care and Education, 2013 was followed by the development of a National Curriculum Framework and Quality Standards for ECCE. The Ministry of Women and Child Development, Government of India has initiated measures to enable all States/UTs to develop and pilot the implementation of the early childhood education curriculum in the ICDS context. The National ECCE Curriculum Framework is to promote quality and excellence in early childhood care and education by providing guidelines for child care and early educational practices.²¹

32. India's new Early Childhood Education Curriculum Framework takes a developmental approach, with different activities for age groups 3 to 4 and 4 to 6.²²

➤ **Primary education**

33. Twelfth Plan Strategy for Elementary Education:

1. Shift from a project-based approach of Sarva Shiksha Abhiyan to a unified RTE-based governance system for Universalisation of Elementary Education;
2. Address residual access and equity gaps in elementary education by adopting special measures to ensure regular attendance of children in schools and devising special strategy to tackle the problem of dropping out before completing the full cycle of elementary schooling;
3. Integrate pre-school education with primary schooling in order to lay a strong foundation for learning during primary school;
4. Prioritise education quality with a system-wide focus on learning outcomes that are assessed through classroom-based Continuous and Comprehensive Evaluation independently measured, monitored and reported at the block/district/State levels;

¹⁸ Education for All 2015 National Review Report: India, p. 13.

¹⁹ Education for All 2015 National Review Report: India, p. 16.

²⁰ Education for All 2015 National Review Report: India, p. 18.

²¹ Education for All 2015 National Review Report: India, p. 19.

²² Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 69.

5. Focus on early grade supplemental instruction to ensure that all children achieve the defined age/class-specific learning levels by the end of class 2;

6. Articulate clear learning goals that have to be achieved by the end of each class or set of classes.²³

34. Under **Sarva Shiksha Abhiyan (SSA)**, the State Governments and UT Administrations are supported on several interventions to improve teaching standards, including regular in-service teachers' training, induction training for newly recruited teachers, training of all untrained teachers to acquire professional qualifications through Open Distance Learning (ODL) mode, recruitment of additional teachers for better pupil-teacher ratios, academic support for teachers through block and cluster resource centres, continuous and comprehensive evaluation system to equip the teacher to measure pupil performance and provide remedial action wherever required, and teacher and school grants for development of appropriate teaching-learning materials, etc.²⁴

35. A World Bank Report on "Student Learning in South Asia – Challenges, Opportunities and Policy Priorities" (2014), points out that both Sarva Shiksha Abhiyan (SSA) and Right of Children to Free and Compulsory Education (RTE) Act, 2009 have led to impressive increases in enrolment, school infrastructure, provision of trained teachers, free textbooks and ensuring access to elementary schools even in rural areas. The Report points out that overall student achievement is low and the policies to promote equity in education need to focus on reducing the large and growing learning gaps between poor and better-off children.²⁵

36. The Central Government through SSA, supports States/UTs on early grade reading, writing & comprehension, and early Mathematics programmes through a sub-programme namely "Padhe Bharat Badhe Bharat" (PBBB) in classes I and II. Further the Government has launched Rashtriya Aavishkar Abhiyan (RAA) programme on July 9th, 2015, inter alia, as a sub-component of SSA and RMSA, to motivate and engage children of the age group from 6-18 years in Science, Mathematics and Technology through observation, experimentation, inference drawing, model building, etc. both through inside and outside classroom activities.²⁶

37. The Annual Status of Education Report (ASER), 2014 brought out annually by "Pratham", a NGO, has expressed concern regarding learning levels of children in English reading and Mathematics at elementary level. It also presents certain positive findings, including the fact that 96% of children in the 6 to 14 age group are enrolled in schools in rural areas and that the percentage of out-of-school children in the 6-14 age group is at 3.3% in 2014, the same as the figure last year. It has also found steady improvement in school infrastructure. As per UNESCO EFA global Monitoring Report- 2015 India made marked progress, increasing its net enrolment

²³ XII FYP (Volume III on Social sectors), p. 56, accessible at:

http://planningcommission.gov.in/plans/planrel/12thplan/pdf/12fyp_vol3.pdf

²⁴ Government of India, Standard on primary education, March 2016, accessible at: http://mhrd.gov.in/sites/upload_files/mhrd/files/spe.PDF

²⁵ Government of India, Standard on primary education, March 2016.

²⁶ Government of India, Steps taken to improve standard of primary and secondary schools, March 2016, accessible at: http://mhrd.gov.in/sites/upload_files/mhrd/files/ru1498.PDF

ratio significantly as GNP per capita improved, suggesting a more equitable distribution of economic gains.²⁷

➤ Secondary education

38. The challenge of access is no longer one of enrolments at the primary level, but one of increasing attendance, reducing dropouts and increasing enrolments at the secondary level. These challenges will have to be tackled through a multi-pronged strategy that should include: (i) a realistic assessment of the problems of the most vulnerable categories of children; (ii) measures to help schools meet the required PTR, classroom and other infrastructure norms (since they impact the retention of children);(iii) improving management systems for better tracking and monitoring of school functioning; (iv) a focus on improvements in teaching-learning processes; and (v) on developing schools as inclusive learning spaces. Improving learning outcomes at the upper primary level is a critical requirement for improving enrolment levels in secondary schools. A big part of the increase in secondary enrolment has to come from students who are better prepared to benefit from secondary education and, therefore, are able to continue their education rather than drop out. This will require increasing the effectiveness of teaching models at both the primary and the secondary levels.²⁸

39. The **Rashtriya Madhyamik Shiksha Abhiyan (RMSA)** programme was launched in March, 2009 as part of the Central Government's commitment to make secondary education of good quality available, accessible and affordable to all young persons. The objective of the scheme is to universalize secondary education by enhancing access and to improve quality of education at secondary stage, while ensuring equity. The scheme envisages increasing the number of children enrolled for classes IX-X within 5 years by providing a secondary school within a reasonable distance of every habitation, improving quality of education imparted at secondary level through making all secondary schools conform to prescribed norms, removal of gender, socio-economic and disability barriers.²⁹

40. In order to provide quality education to students at the secondary level, various interventions are funded under the RMSA. These include provisions for: (i) additional teachers to improve Pupil Teacher Ratio, (ii) induction and in-service training for Principals, Teachers, Master Trainers and Key Resource Persons, (iii) Maths and Science kits, (iv) Lab equipments, (v) Special teaching for learning enhancement, (vi) ICT facilities in schools, (vii) introduction of vocational education component at the secondary level.³⁰

➤ Technical and vocational education

41. Pilot Project on Vocational Education under the **National Vocational Education Qualification Framework (NVEQF)**:

- Each of the pilot schools offers two vocational subjects out of IT/ITes, Retail, Automobile and Security. These would be started from Class 9 and Class 11.

²⁷ Government of India, Standard on primary education, March 2016.

²⁸ XII FYP (Volume III on Social sectors), p. 50.

²⁹ Government of India, Rashtriya Madhyamik Shiksha Abhiyan (RMSA), updated Status Programme, accessible at: http://mhrd.gov.in/rmsa_status.

³⁰ Government of India, Steps taken to improve standard of primary and secondary schools, March 2016.

- The Curriculum has been designed by the respective Sector Skills Councils (SSCs) under NSDC. The content has been created by PSSCIVE, CBSE and Wadhvani foundation.
- Teachers have been recruited on contract basis, and have undergone training in pedagogy and domain skills. Principals of schools have undergone orientation.
- Each school has a vocational coordinator to create and nurture linkages of local industry and business with the school and its students. They will also facilitate guest lectures, industry visits and placements.
- Assessment will be done by Board of School Education Haryana and assessors of respective SSCs.³¹

➤ **Formal and non-formal education**

42. In India, the National Institute of Open Schooling (NIOS) was established in 1990 with ‘authority to register, examine and certify students registered with it up to pre-degree courses.’ NIOS offers ‘open basic education programmes’ for those aged 14 and older. Courses and certification are geared for levels that are equivalent to grades 3, 5 and 8 in the formal system. Learners also have access to vocational courses and life enrichment programmes that lead to secondary and higher secondary certification examinations. For senior and secondary levels, NIOS allows choices of academic and vocational courses and flexibility in sitting examinations, with up to nine chances over five years. For academic courses beyond the basic level, there are close to 4,000 study centres run by accredited institutions and just under 2,000 accredited vocational institutions. Enrolment figures and the number of certified learners have risen steadily over the years. As of 2011, NIOS statistics indicate a cumulative total of 2.2 million students. Since 2007, the number of females has been significantly higher than that of males. NIOS is often called the world’s largest open school.

43. Also in India, the Pratham Open School of Education (POSE) aims to reach young girls and women who have been marginalized from the mainstream education system and give them a second chance to complete their schooling.³²

➤ **Literacy**

44. Saakshar Bharat is conceived as a variant of National Literacy Mission (NLM), [...] as a flagship scheme for adult education would be continued during the Twelfth Plan and, by 2017, it shall strive to raise the literacy rate to 80 per cent and reduce the gender gap to less than 10 per cent. Through continuing focus on literacy in the years to come, the goal of universal literacy by 2025 or even earlier would be achieved. During the Twelfth Plan, Saakshar Bharat will give special focus on young adults and OoS adolescents (15–19 years). [...] Saakshar Bharat would be revamped during the Twelfth Plan and aligned to the new paradigm of life long learning.³³

³¹ XII FYP (Volume III on Social sectors), p 101.

³² Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 125.

³³ XII FYP (Volume III on Social sectors), p 88.

45. Saakshar Bharat also aims to reach 1.5 million adults with a basic education programme and the same number with a vocational skills development programme. As with other such campaigns, its cost-effectiveness and capacity to promote sustainable reading skills on a large scale have not been evaluated independently.³⁴

46. India has made considerable progress in improving literacy rate among population aged 7 years and above during the period 2001-2011. One of the main targets relating to literacy in the Eleventh Five-Year Plan (2007-2012) was achieving 80 per cent literacy rate by the year 2012. Literacy rate for population aged 7 years and more grew by 8.15 percentage points from 2001 to 2011. Male literacy grew by 5.63 percentage points while female literacy grew by 10.97 percentage points.³⁵

iii) Education Content and quality

➤ Curriculum

47. The National Curriculum Framework for India recommends a broad curriculum of 10 subjects across the primary school cycle. The Indian framework aims to orient teaching towards higher order skills for secondary education.³⁶

48. In India, the Digital Study Hall project provides digital video recordings of live classes taught by expert teachers, which are shown by DVD in rural and slum schools. [...] In rural India, an after-school programme for children from low income families used mobile phone games to help them learn English.³⁷

49. A programme for Information and Communication Technology (ICT) in elementary schools will replace the erstwhile Computer-Aided Learning (CAL) under SSA. A variety of software tools and pedagogically appropriate e-content in local languages will be sourced or developed to serve the school curriculum. The focus will be to enable students and teachers to access wide variety of resources available in the digital format, and digital resources that are seamlessly integrated in classroom processes.³⁸

50. Adolescent Reproductive and Sexual Health strategy (ARSH) is adopted as part of the RCH II National Programme Implementation Plan (PIP). The strategy includes implementing education on adolescent reproductive and sexual health in the school curricula.³⁹

51. The Committee on the Rights of the Child notes that the State party has adopted a strategy on Adolescent Reproductive and Sexual Health (ARSH), however, it is concerned at the scarcity of information with respect to its implementation and impact on the health of

³⁴ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 147.

³⁵ Education for All 2015 National Review Report: India, p. 65.

³⁶ National Council of Educational Research and Training, *National Curriculum Framework 2005*, Accessible at <http://www.ncert.nic.in/rightside/links/pdf/framework/english/nf2005.pdf>

³⁷ EFA Global Monitoring Report 2013-2014, p 35.

³⁸ EFA Global Monitoring Report 2013-2014, p 35.

³⁹ Implementation Guide on RCH II ARSH Strategy, <http://countryoffice.unfpa.org/india/drive/ImplementationGuideFinal-RCH2ARSH.pdf>

adolescents throughout the country. It is seriously concerned at the lack of access to sexual and reproductive information and services, including modern contraception methods, by adolescent girls and the consequent high rate of teenage pregnancies, widespread use of female sterilization and unsafe abortions in the State party.⁴⁰

➤ **Human rights education**

52. During the Junior Years cycle, children are introduced to democratic values that are related to respect of fundamental freedoms, human rights and responsibilities as well as diversity, active participation and dealing with change. Children learn about social justice and democracy with an understanding of one's rights and responsibilities as they are actively engaged in discussions, debates and governance practices.⁴¹

➤ **Learning environment**

53. *Child-friendly assessment*: The RTE Act mandates that a system of **Continuous and Comprehensive Evaluation** should be put in place to enable the teacher to be continuously guided by the child's response and participation in classroom activities. Support will, therefore, be provided to enable teachers to maintain child-wise portfolios, incorporating a record of children's work and progress—as an integral part of their teaching– learning process. Teacher Training programme will include training on systems for CCE. Since a majority of children in Indian schools are not at grade level, adequate flexibility needs to be provided in the CCE framework and in its implementation to identify and to address the needs of such children. In fact, teacher education institutes must be mandated to use (not just teach) CCE during the pre-service teacher preparation programmes.⁴²

➤ **Language of instruction**

54. Promotion and development of Indian languages, including classical languages, English, and foreign languages will receive focused attention during the Twelfth Plan. Particular thrust would be on preservation, promotion and development of endangered languages which have less than 10,000 speakers. The National Translation Mission will be strengthened. There will be a focus on developing specialised courses in translation technology and related areas and capacity building of translators through short-term training programmes and language teaching programmes.⁴³

➤ **Learning outcomes**

55. The Activity Based Learning model, which has been mainstreamed in all government and government-aided primary schools in the Indian state of Tamil Nadu, shows that a classroom-based learning process that generates internal feedback to regulate and improve learning can be effective on a large scale. Activity Based Learning builds on innovative multigrade teaching methods developed by Rishi Valley Institute of Educational Resources in Andhra Pradesh

⁴⁰ Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of India, CRC/C/IND/CO/3-4, 07/07/2014.

⁴¹ Ministry of education and employment, *A National Curriculum Framework for All*, 2012, p. 54.

⁴² XII FYP (Volume III on Social sectors), p. 59.

⁴³ XII FYP (Volume III on Social sectors), p. 110.

(Blum, 2009). For children in the programme, the chance to move at their own pace, without having to compete with classmates doing the same tasks at the same time, builds motivation to keep learning.⁴⁴

56. In India, the Accountability Initiative has shown through annual publications that despite increased resources for elementary education, the poorest districts in India are not improving learning outcomes (Accountability Initiative, 2014). The government should be credited for recognizing the failure to achieve learning outcomes, despite increased resources being made available. An overarching goal within the 12th National Plan is to achieve improved learning outcomes; this will require the government to ensure that its delivery system – including the execution of budgetary resources – focuses on outcomes (Accountability Initiative, 2013).⁴⁵

➤ **Quality**

57. In India, the Annual Status of Education Report (ASER) produced by Pratham, an NGO, has been influential in shaping policy and planning to improve education quality. ASER's findings contributed to India's 12th five-year plan (2012–2017), helping to place emphasis on basic learning as an explicit objective of primary education, and on the need for regular learning assessments to make sure quality goals are met. Pratham has also used ASER results to influence education policy and practice at state level. In Rajasthan, for example, ASER results have led the state government to focus on improving instruction in early grades.⁴⁶

58. During the Twelfth Plan, Rashtriya Madhyamik Shiksha Abhiyan (RMSA) will be made a single comprehensive scheme to address issues of coverage and quality in secondary education. This should be gradually extended to the higher secondary stage and should cover all government and government- aided schools.⁴⁷

59. The key interventions supported under the Sarva Shiksha Abhiyan (SSA) for fostering quality elementary education include: Renewal of curriculum based on the national Curricular Framework, 2005; Provision of free textbooks for pupils in Classes I to VIII; Introduction of continuous and comprehensive evaluation; Increasing teacher availability; In-service teacher training to upgrade pedagogical competence of teachers; orientation of head teachers to academic management, financial management and human resource management; creation of an academic support system to provide decentralised academic support, training and supervision to teachers through the establishment of Block Resource Centres (BRCs) and Cluster Resource Centres (CRCs); and learning enhancement programmes that are designed to improve the quality of teaching-learning process and learning outcomes.⁴⁸

iv) Education management

➤ **Financing education**

⁴⁴ EFA Global Monitoring Report 2013-2014, p 289-290.

⁴⁵ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 257.

⁴⁶ EFA Global Monitoring Report 2013-2014, p 90.

⁴⁷ XII FYP (Volume III on Social sectors), p. 77.

⁴⁸ Education for All 2015 National Review Report: India, p. 11.

60. Parents identified cost as a major concern. While primary education in India is now officially free, many schools continue to levy charges. Parents were often unclear about what they were paying for. In addition, parents were encouraged to give their children private tuition, which was widely considered affordable only to wealthier parents.⁴⁹

61. Financial allocations for elementary education from Central and State Governments have been consistently increasing during the past few years. A significant factor is the consistently high priority given to elementary education within the Education Sector expenditure. The expenditure on elementary education as percentage of total expenditure on education by Education and other Departments for the years 2007-08, 2008-09 and 2009-10 respectively was 44.6 percent, 43.6 per cent and 41.8 per cent respectively.⁵⁰

62. The Government of India has adopted some innovative ways of mobilizing financial resources needed to fulfill Government's commitment to universalize elementary education. One of these initiatives is what is popularly known as the Education Cess. In 2004, the Government of India's Finance Act introduced a two per cent surcharge on all taxes collected for financing elementary education. (Since 2008, an additional one per cent has been levied to create resources for the expansion and strengthening of secondary and higher secondary education). The proceeds from the Education Cess are maintained under a non-lapsable fund called the Prarambhik Shiksha Kosh (PSK), a fund created by the Government of India to be used as a supplementary resource to finance the SSA and the Mid-day Meal Scheme, in addition to other funds allocated by the Government of India for elementary education.⁵¹

63. The elementary education budget increased more than twofold between 2007/08 and 2012/13 (Accountability Initiative, 2013). While it is commendable that per pupil spending in the poorest districts increased under the Sarva Shiksha Abhiyan (Education for All) programme, schools in the poorest districts still lack the capacity to spend when and where needed (UNESCO, 2014c). In Bihar, one of the poorest states in India, per pupil spending increased by 27% between 2011/12 and 2012/13 compared to the national average of 5% over the same period. However, Bihar spent just 38% of its allocations in 2011/12 vs 62% at the national level.⁵²

64. In India, monitoring of financing allocations and funding delivery to implement the RTE found that funds were not allocated on time because of banking delays, and did not always reach schools. There were significant regional disparities in funding delivery: in 2011/12, 75% of all schools received the mandatory grants, but only 26% did in Meghalaya state (Accountability Initiative, 2013).⁵³

➤ Teachers

⁴⁹ EFA Global Monitoring Report 2011, p. 50, accessible at: <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>

⁵⁰ Education for All 2015 National Review Report: India, p. 49.

⁵¹ Education for All 2015 National Review Report: India, p. 100.

⁵² Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 255.

⁵³ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 88.

65. The Centrally-Sponsored Scheme (CSS) of Restructuring and Reorganisation of Teacher Education was initiated in 1987 pursuant to the formulation of the National Policy on Education (NPE), 1986. The programme emphasised the need for a decentralised system for the professional preparation of teachers, and envisaged the establishment of District Institutes of Education and Training (DIETs), Colleges of Teacher Education (CTEs) and Institutes of Advanced Study in Education (IASEs). The scheme has been revised in order to meet the challenges facing the teacher education system arising from the massive spatial and numerical expansion of schooling facilities at the elementary and secondary levels, the corresponding increase in the demand for teachers and to fulfill the statutory obligations with regard to teacher preparation and continuing professional development of teachers under the Right of Children to Free and Compulsory Education Act (RTE Act), 2009.⁵⁴

66. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 specifies statutory duties and responsibilities of teachers and lays down the minimum qualifications for a person to be eligible for appointment as a teacher in elementary schools.⁵⁵

67. The NCERT has developed Performance Indicators for Elementary Education (PINDICS) to track teacher performance and attendance in Government schools. PINDICS have been shared with State Governments/UTs to assess teacher's performance.⁵⁶

68. Twelfth Plan Strategy for Elementary Education:

7. Improve teacher training with an emphasis on effective pedagogy given the realities of Indian classrooms such as multi-age, multi-grade and multi-level contexts. Also, make teachers' professional development a needs-driven process as opposed to top-down decision wherein curriculum design and delivery is centrally driven.⁵⁷

69. In India, while regular teachers have to complete two years of initial teacher education, contract teachers are only required to undertake a short induction programme (Kingdon et al., 2013). [...]In India, learning outcomes did not differ overall between contract and regular teachers, and sometimes children taught by contract teachers did better (Atherton and Kingdon, 2010).⁵⁸

➤ **Private education**

70. Two key priorities identified by the National Youth Policy 2014 to promote youth education include: (i) building capacity and improving quality in the system and (ii) promoting skill development and life-long learning. Building capacity and quality in the system is expected to include: clearly defining the role of government vis-a-vis private sector in the delivery of education, and exploring new PPP models and developing appropriate regulation systems,

⁵⁴ Education for All 2015 National Review Report: India, p. 11-12.

⁵⁵ Government of India, Standard on primary education, March 2016.

⁵⁶ Government of India, Steps taken to improve standard of primary and secondary schools, March 2016.

⁵⁷ XII FYP (Volume III on Social sectors), p. 56.

⁵⁸ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 201.

accreditation procedures, policies and incentives to enable private education providers to take on the challenge of expanding and improving secondary education.⁵⁹

71. In the absence of adequate government policy and planning, NGOs and the private sector have played a significant role in providing education to slum dwellers. Low-fee private schools have proliferated in urban slums in India.⁶⁰

v) Inclusive education

➤ Gender equality

72. The *Sarva Shiksha Abhiyan* (SSA) provides a special focus on education of girls. Bridging gender gaps in elementary education continues to be a key goal of the SSA. The SSA has mainstreamed gender concerns in all activities under the programme.⁶¹

73. ***National Programme for Education of Girls at Elementary Level (NPEGEL)***: The National Programme for Education of Girls at Elementary Level (NPEGEL) launched in 2003 is implemented in Educationally Backward Blocks (EBB) and addresses the needs of girls who are ‘in’ and ‘out’ of school. Since many girls become vulnerable to leaving school when they are not able to cope with the pace of learning in the class or feel neglected by teachers/peers in class, the NPEGEL emphasises the responsibility of teachers to recognize such girls and pay special attention to bring them out of their state of vulnerability and prevent them from dropping out. By the end of 2012-13, under NPEGEL, 41.2 million girls have been covered in 3,353 Educationally Backward Blocks in 442 districts. The NPEGEL follows up on girls’ enrolment, attendance and learning achievement by involving village level women’s and community groups.⁶²

74. ***Kasturba Gandhi Balika Vidyalaya (KGBV) scheme***: The Kasturba Gandhi Balika Vidyalayas (KGBVs) are residential upper primary schools for girls from Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Classes (OBC) and Muslim communities. KGBVs are set up in educationally backward blocks where schools are at great distances and are a challenge to the security of girls and often compel them to discontinue their education. The KGBVs reach out to adolescent girls who are unable to go to regular schools, out-of-school girls in the 10+ age group unable to complete primary school, younger girls of migratory populations in difficult areas of scattered populations that do not qualify for primary/upper primary schools.⁶³

75. ***Mahila Samakhya Programme***: The *Mahila Samakhya* (MS) programme was started in 1989 for the education and empowerment of women in rural areas, particularly those from the socially and economically marginalized groups. The main focus of the programmatic interventions under the MS programme has been on developing capacities of poor women to

⁵⁹ Education for All 2015 National Review Report: India, p. 62.

⁶⁰ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 100.

⁶¹ Education for All 2015 National Review Report: India, p. 70.

⁶² Education for All 2015 National Review Report: India, p. 70-71.

⁶³ Education for All 2015 National Review Report: India, p. 71.

address gender and social barriers to education and for the realisation of women's rights at the family and community levels.⁶⁴

76. Promoting girls' education and achieving gender equity and equality have been accorded high priority in the XIIth five-year Plan. Interventions to promote girls education are guided by the principle that gender equality in education is both a quality issue and an equity issue. Gender is recognised as a critical cross-cutting equity issue which implies not only making efforts to enable girls to keep pace with boys, but viewing education from the perspective spelt out in the National Policy on Education 1986/92, i.e. a decisive intervention to bring about a basic change in the status of women.⁶⁵

77. Multiple strategies helped improve the accessibility and quality of girls' schooling. They included free textbooks for all girls, back-to-school camps and bridging courses, recruitment of female teachers, and national programmes to increase demand for schooling among rural and disadvantaged girls.⁶⁶

➤ **Students from minority groups**

78. The XIIth FYP (2012-2017) has accorded high priority to the expansion of education, ensuring that educational opportunities are available to all segments of the society, and ensuring that the quality of education imparted is significantly improved. The Twelfth Plan targets for school education and literacy include: improving attendance and reduce dropout rates at the elementary level to below 10 per cent and lower the percentage of out-of-school children (OoSC) at the elementary level to below 2 per cent for all socio-economic and minority groups and in all States/UTs.⁶⁷

➤ **Students with special needs**

79. Despite substantial progress towards the goal of Education for All, education sector in India faces several challenges. Some of the issues which need increased attention include: lower level of participation in education of children with special needs.⁶⁸

80. A number of strategies have been adopted to ensure increased enrolment and participation of disadvantaged social groups, including SC, ST, Muslims and children with special needs (CWSN). These include, but are not limited to, opening of neighbourhood schools, transportation, escort and residential facilities as per need, free textbooks and uniforms, Mid-Day Meal, increasing the number of seats in tribal schools, curricular adaptation for inclusion, support to Madrasas/Maktabas, curricular and pedagogic reforms, innovative activities funded from the Innovation Head of SSA, and schemes like Kasturba Gandhi Balika Vidyalaya (KGBV) etc. As a result of these interventions, participation in elementary education of children belonging to these groups has improved substantially.⁶⁹

⁶⁴ Education for All 2015 National Review Report: India, p. 72.

⁶⁵ Education for All 2015 National Review Report: India, p. 83.

⁶⁶ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 166.

⁶⁷ Education for All 2015 National Review Report: India, p. 8.

⁶⁸ Education for All 2015 National Review Report: India, p. xx.

⁶⁹ Education for All 2015 National Review Report: India, p. 31.

81. The *Sarva Shiksha Abhiyan* (SSA) seeks to ensure that every child in the age group of 6-14 years with special needs, irrespective of the kind, category and degree of disability, is provided meaningful and quality education. The RTE Act, 2009 was amended in 2012 and the RTE Amendment Act, 2009 which came into force with effect from 1 August 2012, provides for inclusion of children with disability as contained in the Persons with Disabilities Act 2005 and the National Trust Act under the purview of RTE Act and providing them free and compulsory education. Further, the RTE Act also provides to parents of children with severe and profound disabilities the right to opt for home based education. The Act has been instrumental, to a large extent, in changing public perceptions about the abilities of children with special needs (CWSN).

82. Under the SSA, the focus of the education programme for children with special needs has been on mainstreaming children with special needs (CWSN) in regular schools and supporting their participation in the schooling process. The main components of the interventions for children with special needs include (i) identification, functional and formal assessment, appropriate educational placement, preparation of Individualized Educational Plan, provision of aids and appliances, teacher training, appointment of resource teachers and therapists, establishing resource rooms to provide specialized support to children with disabilities, and provision of ramps, handrails and disabled friendly toilets, monitoring and evaluation and a special focus on girls with special needs; (ii) special training for children with special needs with a view to preparing them for schools and promoting their effective inclusion in elementary education; (iii) home-based education for children with severe and profound disabilities with the objective of preparing children with special needs for schools and for life by imparting to them basic life skills; (iv) financial support for integration of children with special needs, as per specific proposal. These provisions have resulted in increased identification and enrollment of CWSN.⁷⁰

83. In India, the RTE and the main EFA programme, Sarva Shiksha Abhiyan, created opportunities for people with disabilities to be included in mainstream schools. National estimates of enrolment of children with special needs show a sharp increase. However, a large share of children with disabilities still remains out of school.⁷¹

2. COOPERATION

84. India is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

85. India **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999)
- **Seventh Consultation** of Member States (covering the period 2000-2005)
- **Eighth Consultation** of Member States (covering the period 2006-2011)

⁷⁰ Education for All 2015 National Review Report: India, p. 42-43.

⁷¹ Global Monitoring Report, *Education for All 2000-2015: Achievements and Challenges*, 2015, p. 102-103.

86. India **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008)
- **Fifth Consultation** of Member States (covering the period 2009-2012)

87. India **reported** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:

- **First Consultation** of Member States (1993)
- **Second Consultation** of Member States (2011)
-

88. India is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

89. Freedom of Speech and Expression is protected under the Constitution (Article 19 1.a)⁷².

90. The Right to Information Act (RTI Act 2005) guarantees the freedom and access to information⁷³. The act is monitored by the Central and State Public Information Offices to impact information that has been requested. There are few obstacles to the full implementation of the RTI Act in India, in the form of other legislative restrictions such Official Secrets Act of 1923 (OSA 1923). RTI Act 2005 insists on the need for public interests to prevail in line with OSA 1923 as per section 8 (2). Section 22 (4) of the RTI provides that in respect of violations of Human Rights, information requests are only provided after the approval of the State Information Commission, which supervises the implementation of RTI Act 2005. RTI Act 2005 lacks provisions for support to citizens who are illiterate.

91. Close to one hundred legal acts regulate mass media in India. Some of them could be used to restrict media freedom. The sedition law⁷⁴, formally Section 124A of the 1860 penal code, outlaws expression that can cause “hatred or contempt, or excites or attempts to excite disaffection,” toward the government. The 1923 Official Secrets Act⁷⁵ empowers authorities to censor security-related articles and prosecute members of the press. Section 69A of the Information Technology Act (ITA) permits surveillance in the circumstance of any offense and criminalizes online information intended to cause “annoyance or inconvenience”⁷⁶. Under ITA the government has the authority to block content whenever it is the “national interest” to do so.

⁷² https://www.constituteproject.org/constitution/India_2015?lang=en

⁷³ <http://www.righttoinformation.gov.in/>

⁷⁴ <http://www.indianlawcases.com/Act-Indian.Penal.Code.1860-1557>

⁷⁵ http://oris.sasoochanacommission.nic.in/Official%20Secret%20Act_1923.PDF

⁷⁶ <http://www.dot.gov.in/act-rules/information-technology-act-2000>

92. Broadcast media is regulated by both the Telecom Regulatory Authority of India (TRAI) and the Ministry of Information and Broadcasting's Electronic Media Monitoring Centre. The latter monitors all TV channels and Private FM Channels to check the violation of the Programme and Advertisement Code. Cable television networks are regulated by the Cable Television Networks (Regulation) Act, 1995⁷⁷.

93. Online content is regulated through the Ministry of Communications and Information Technology. It manages spectrum allocation, develops internet policies and licenses internet providers. Internet protocol (IP) addresses are regulated by the Indian Registry for Internet Names and Numbers (IRINN). The Information Technology Act, 2000⁷⁸ through section 66A establishes punishment for sending offensive messages by means of a computer resource or a communication device.

94. Libel and defamation is a criminal offence⁷⁹.

95. There is no specific legal protection for journalistic sources within the constitution.

2. Media Self-Regulation:

96. There is no one overarching press code of conduct or press ethics in India.

97. The Press Council of India⁸⁰, established in 1966 works to preserve the freedom of the press and to maintain and improve the standards of newspapers and print media in India. The Press Council is co-regulated with the State. It is headed by a Chairperson who is either a sitting or retired judge of the Supreme Court of India. Furthermore, the council consists of 28 additional members, 20 representing the press, five from Parliament and three representing the cultural, literary and legal fields.

98. The Cable Television Networks (Regulation) Act, 1995, led to the application of the Programme Code and the Advertising Code, which restrict the broadcasting of any content which does not comply with the code. Self-regulation of broadcasting content is divided into news and non-news sectors. The non-news sector is regulated by the Broadcasting Content Complaints Council (BCCC) within the Indian Broadcasting Foundation (IBF) that oversees channels other than the news and current affairs channels. News and current affairs is regulated by the Broadcasting Standard Authority (NBSA), a self-regulatory body established by the News Broadcasting Association (NBA). The guiding laws for regulation of news and current affairs are the "Code of Ethics and Broadcasting Standards"⁸¹.

99. There are multiple journalists' unions at both the national and state level such as Indian Journalists Union (IJU), Journalist Association of India (JAOI), Indian Journalists Association (IJA) etc. Media professionals working in the broadcasting sector are represented through independent associations such as Broadcasters Editors Association (BEA), Indian Broadcasting Foundation (IBF), Advertising Standards Council of India (ASCI), and the News Broadcasting Association (NBA).

⁷⁷ <http://www.wipo.int/edocs/lexdocs/laws/en/in/in033en.pdf>

⁷⁸ http://www.tifrh.res.in/tcis/events/facilities/IT_act_2008.pdf

⁷⁹ http://www.wipo.int/wipolex/en/text.jsp?file_id=201592

⁸⁰ <http://presscouncil.nic.in/>

⁸¹ http://nbanewdelhi.com/pdf/final/nba_code-of-ethics_english.pdf

3. Safety of journalists:

100. There have been 24 recorded killings of journalists in India by UNESCO⁸².

III. RECOMMENDATIONS

101. Recommendations made within the framework of the second cycle of the Working Group on the Universal Periodic Review, considered in July 2012⁸³.

138. The recommendations formulated during the interactive dialogue and listed below will be examined by India:

138.52. Enhance the coordination of both the central and state governments in an effective manner in order to guarantee the smooth implementation of the 2010 Right of Children to Free and Compulsory Education Act;

138.54. Establishment and implementation of a National Human Rights Plan which cover access to education and health, including aspects of sexual and reproductive and health, as well as, concrete measures to eliminate violence against women;

138.55. Continue with action to include human rights education in the school curricula;

138.88. Strictly enforce the legal provisions prohibiting harmful and discriminatory practices that violate the rights of women and girls, and that it undertake effective public education measures, including awareness-raising programmes designed to eliminate gender-based prejudices, traditional practices and provisions of personal status laws that are harmful and discriminatory to women and girls;

138.115. Extend the minimum age to 18 years for any form of labour that prevents children from accessing a full education;

138.135. Allocate more resources in sectors that provide basic services such as health, education and employment opportunities;

138.149. Meet the stated commitment from the Common Minimum Program of 2004 to dedicate 3 percent of India's GDP to health and 6 percent to education;

138.157. Continue to strengthen its programmes and initiatives geared towards guaranteeing the rights to health and education;

138.158. Redouble its efforts in the field of education and health;

138.160. Further promote children's right to education;

⁸² <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/india/>

⁸³ India, Report of the Working Group on the Universal Periodic Review, A/HRC/21/10, accessible at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/21/10&Lang=E>

- 138.161. Reinforce its efforts in provision of free and compulsory primary education;
- 138.162. Continue implementing a non-discriminatory and inclusive policy and guarantee quality education to all the girls and boys in its country;
- 138.163. Strengthen human rights training aimed at teachers in order to eliminate discriminatory treatment of children of specific castes, as well as appropriately follow-up on the results of the training that has occurred thus far;
- 138.164. Ensure universal, compulsory and free education, carrying out on a priority basis measures aimed at eradicating discrimination, particularly discrimination that affects girls, marginal groups and persons with disabilities;
- 138.165. Continue its efforts to promote the right to children's education and ensure the importance of the principles of children's education in the country;
- 138.166. Prioritise efforts to ensure that children with disabilities are afforded the same right to education as all children.

102. Analysis:

India has, to the extent of our knowledge, continued its efforts to promote the right to education, notably by ensuring the implementation of *Sarva Shiksha Abhiyan* which has fostered quality elementary education and led to making education more accessible; it can also be commended for bridging gender gaps and promoting inclusive education. Nevertheless, as far as we know, despite an increase of the education budget, India has not taken further sufficient measures to assure that the funds reached all districts.

103. Specific Recommendations:

1. India should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
2. India should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
3. India should be encouraged to pursue efforts to ensure universal, compulsory and free education.
4. India could be encouraged to ensure that funds are duly allocated and monitor state spending.
5. India could strengthen action to ensure children with disabilities are afforded the same right to education as all children.

Cultural Rights

104. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)⁸⁴, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)⁸⁵, and the Convention on the Protection and Promotion of the Diversity of

⁸⁴ Periodic Report available at: <http://w hc.unesco.org/document/116967>

⁸⁵ Periodic Report available at: <http://w ww.unesco.org/culture/ich/en/state/india-IN?info=periodic-reporting>

Cultural Expressions (2005)⁸⁶, India is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, India is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

105. India is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.⁸⁷

106. The ITA may be amended to provide for more narrowly defined and proportionate considerations in regard to surveillance and blocking of online content. The Government is urged to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

107. India is advised to set up an independent broadcasting media authority as suggested by the Supreme Court⁸⁸.

108. India could consider to set up provisions to support illiterate citizens to file for RTI requests and Section 22 (4) of the RTI Act 2005 should be reviewed to remove unnecessary restrictions for requests related to Human Rights violations.

109. The Government could also consider to allow news broadcasts in Private and Community radio stations to allow for plurality and diversity of news content and news media in general.

Freedom of scientific research and the right to benefit from scientific progress and its applications

110. India, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016 monitoring exercise (November 2016 - April 2017), is encouraged to report to UNESCO on any legislative or other steps undertaken by it to implement this international standard-setting instrument, adopted by UNESCO in 1974. India is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. India is invited to complete the online questionnaire which has been

⁸⁶ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-india>

⁸⁷ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

⁸⁸ <http://judis.nic.in/supremecourt/imgs1.aspx?filename=10896>

prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on the promotion of respect for autonomy and independence of scientific researchers and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: <http://en.unesco.org/themes/ethics-science-and-technology>.