

Understanding Policy Focus on Child Protection

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Introduction

The COVID-19 pandemic has not only impacted the implementation of government programmes related to children's welfare and protection, but has also undone to a great extent, the progress achieved so far in education, nutrition, immunisation, and reduction in child labour. Global evidence shows a high correlation between poverty and child labour - a 1% increase in poverty can increase child labour by 0.7%, as families need to find alternative avenues for income (International Labour Organisation and United Nations Children's Fund, 2020).

India is no different – estimates project that the crisis could push further 354 million people into poverty (Saini, 2020). With relatively higher unemployment levels (CMIE, 2020) during the last two years, closure of schools (UNICEF, 2021), increase in dropouts (ASER, 2021), and the burden of deaths and health crises among households, certain categories of children are now at a higher risk of vulnerability. This includes girls, children of Dalit and tribal families, those below the poverty line, migrant labourers, homeless children, children in contact with the law, institutionalised children, and children with disabilities (UNICEF, 2020). The national helpline for children - Childline, reported a sharp increase in child marriage and child trafficking (Ghose, 2020). Bachpan Bachao Andolan, a child rights organisation, reported nearly double the number of children rescued between April and September 2020, compared to the same period in 2019; 1,197 children versus 613 (Bhaduri, 2020).

Currently, the Government of India's (GoI) primary

policy to deal with child protection systems stems from the Juvenile Justice (Care and Protection of Children) Act or (JJ Act), enacted in 2000, and subsequently amended in 2015, and again in 2018. The Act emphasises rehabilitation and reintegration of children through non-institutional and institutional measures, with priority given to the role of family care. A key vehicle for implementing the provision of the Act was the Child Protection Services (CPS) scheme, which aimed at providing preventive and statutory care, and rehabilitation services to children in need of protection. This is done through three types of services: Institutional care through Child Care Institutions (CCIs), such as Open Shelters, Children Homes, and Specialised Adoption Agencies (SAAs); family-based non-institutional care through sponsorship, foster care, and adoption; and after-care services provided to children in 18 to 21 years age-group, to help them transition from institutional care to an independent life.

Union budget 2022-23, announced the renaming and restructuring of the CPS scheme to 'Mission Vatsalaya' to address both child protection and child welfare. This piece critically looks at the extent to which the new guidelines are able to move towards a more holistic understanding of child protection and welfare and address shortcomings of the erstwhile CPS scheme.

1. Increase in Overall Child Welfare Allocations and Per-Child Costs for CCIs

Over the years, GoI budgets for child welfare including

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¹ Guidelines available online at: <https://wcd.nic.in/sites/default/files/GUIDELINES%20OF%20MISSION%20VATSALYA%20>

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the CPS scheme have remained abysmally low. In absolute terms, during the peak COVID-19 period of Financial Year (FY) 2021-22, allocations were lower than those even in FY 2018-19. According to Union budget 2022-23², while allocations for newly structured Mission Vatsalya in FY 2022-23 saw a 77% increase compared to CPS scheme the previous year and stood at ₹1,472 crore, the scope of the scheme has also broadened considerably and not confining to child protection only. Moreover, the revised estimates of budgets and actual spending at the end of the year, are likely to be lower as has usually been the case in the past.

Low allocations in the past have resulted in difficulties in delivering multiple services envisaged under the scheme in terms of quality as benchmarked by the JJ Act.

The dismal condition of CCIs was even recognised in the survey of 9,589 CCIs conducted by the Ministry of Women and Child Development (MWCD) across the country (MWCD, 2018). The survey found that while Non-Governmental Organisations (NGOs) ran 91% of CCIs, only around one-third (32%) were registered under the JJ Act, implying that most of them were outside government supervision. The survey also found the sub-standard condition of nutrition, maintenance, and education for children.

Recognising this, the new guidelines have increased the maintenance cost per child in CCIs from ₹2,160 per child per month to ₹3,000 per month. This money is to be used for food, clothing, medicine, toiletries, oil etc, along with a newly added component of providing supplementary education. Similarly, monthly grant for family-based sponsorship or foster-care has been proposed to be doubled from ₹2,000 to ₹4,000.

This is indeed a positive step. Public investment to ensure the protection of children and their rights is important as a moral responsibility and for economic development towards a more equitable society (Jha et al., 2019). However, it will be important that this revision is not just a one-time exercise but instead follows an annual inflation indexation to ensure that the children rescued receive the proper medical care

and professional socio-emotional support they require.

2. Strengthen Fund-Flows

Currently, the financial planning process for many schemes including the erstwhile CPS, has three steps. First, states prepare and submit annual financial plans to the Project Approval Board (PAB) at MWCD, which are to be approved by the Union government. Once approved, the Union government releases the funds to the states in two or three instalments. Finally, the states contribute their shares and then release the funds to different implementing bodies at district-level and below, including the private CCIs run by NGOs.

In the past, delays have been found at every step in the process. States usually receive the final sanction letter towards the latter half or the last quarter of a financial year. This makes it difficult to plan resources and results in lower utilisation of funds. Recent data shows that the funds released to states as a percentage of total GoI allocations have been declining. In FY 2017-18 and FY 2018-19, share of funds released to states were 81 % and 79 %, respectively³. During FY 2019-20 (latest year with publicly available data), release of CPS funds to states in absolute terms declined compared to the previous year by 5 %, despite a 46 % increase in allocations. As a result, releases as a share of allocations went down considerably to 51 %. Specifically, the NGO-run CCIs face significant delays in payment released from the government. States do not start releasing funds to NGO-run CCIs unless they receive the final sanction letter from GoI for a particular financial year. Interactions with the CPS scheme officials in Rajasthan revealed that the state was unaware of the final approved amount till they receive the sanction letter.

The delay in releases exacerbates the issue. A large share of releases happens during the last 2 to 3 months of a financial year. For instance, in FY 2019-20, nearly 40% of the funds were still to be released between the 2nd week of February and the end of March 2020 (Bordoloi et al., 2021).

Such huge delays have an adverse impact on expenditures that states eventually have to incur. The situation is an ironic one; despite lower than needed

² Union Expenditure Budget, Vol. 2, MWCD. Available online at: www.indiabudget.gov.in

³ GoI releases of funds under CPS scheme to states from FY 2016-17 to FY 2019-20 from Rajya Sabha Unstarred Question No. 2869 answered on 12 December 2019. Available online at: <https://pqars.nic.in/annex/250/AU2869.docx>. Last accessed on 10

allocations, states are left with unspent balances that only get spent in the subsequent year. Until 31 January 2020, expenditure under most MWCD schemes including CPS was under 70% as noted by the Parliamentary Standing Committee.

The pandemic has led to a significant contraction of resources. Critical in this time is going to be ensuring that even the limited resources reach the last mile on time.

The new guidelines do provide recommendations of timelines for fund flows. However, the extent to which this will be operationalised and tracked will be key. One way to do this is to create an online and publicly accessible Management Information System (MIS) to track the performance and flow of funds from the Union government to states and districts to ensure funds reach the last mile on time. With Single Nodal Accounts now mandatory, we hope that this can be one step in creating a transparent and accountable system and reducing fund flow delays under the scheme.

3. Activate Local Child Welfare and Protection Committees (CWPCs)

The lack of adequate data on children facing different vulnerabilities was a hindrance even before the pandemic. However, the adverse effects of the pandemic including a rise in child labour, make it imperative to track children in vulnerable situations and help them avail government child protection services. As part of the erstwhile CPS scheme, the Child Protection Committees (CPCs) were envisaged to play this role in rural and semi-urban areas. However, discussions conducted by us before the pandemic with CPS scheme officials across Assam, Bihar, and Rajasthan, found that CPCs are mostly non-functional at the village or Gram Panchayat level. This was partly attributed to the fact that these committees did not receive any financial assistance to perform this role. As a result, members had no incentive to dedicate any effort to such services, which are advisory (Bordoloi et al, 2021). Thus, it has been a long-standing requirement for the Union and state governments to take immediate steps to activate the CPCs at the local level.

The new Mission Vatsalaya guidelines are interesting in this regard for two reasons. First, it has suggested restructuring CPCs into CWPCs by expanding their role to overall child welfare including protection. Second, instead of forming new committees, it proposes to assign this role to the existing committee of the urban local body (ULB) or Panchayati Raj Institution (PRI), which deals with issues of social justice/welfare of women and children. As the third tier of government, local bodies typically have both the mandate, visibility on the ground, as well as more access to resources which would allow them to play a far more comprehensive role with respect to children's welfare. The guidelines for instance suggest earmarking 5% of the untied grant available to local bodies for women and child related activities.

With adequate attention to trainings and capacity-building at the local level, this step could go a long way in moving towards a more preventative approach with a focus on family-based non-institutional care. In parallel, the state governments should create awareness among communities about family-based, preventive-care services and invest resources in facilitating them.

4. Strengthen the Number of CCIs

There is an unmet need for CCIs, evidenced in the high child to children home ratio in several states. As per the guidelines, there should be a maximum of 50 children per children home. Several states, however, have much higher numbers. As of February 2020, Odisha had as many as 76 children per home; followed by Tamil Nadu (67), and West Bengal (59)⁴. In other instances, many CCIs cannot accommodate even 50 children. Recognising the need to invest in adequate infrastructure for safely accommodating the current requirements and planning for the repercussions of the pandemic, Mission Vatsalya aims to “provide infrastructure and financial support to the States/UTs for facilitating setting up of CWC in every district and to ensure their effective functioning” (MWCD, 2022).

5. Child Protection Initiatives Should take an Allied-Sector Approach

Last but probably the most important, enabling

⁴ Source: Rajya Sabha Unstarred Question No. 3025 answered on 19 March 2020. Available online at: <https://pqars.nic.in/annex/251/AU3025.docx>

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children from falling into exploitative or vulnerable situations cannot be effectively implemented only through Mission Vatsalaya as children face several intersectional issues from learning deficits, malnutrition, and protection from violence and exploitation. These need to be addressed adequately.

Multiple government departments are running children-related programmes, some of which have components designed to safeguard the basic rights of children and protect them from exploitation of different kinds. It is important to identify such interventions or components under different schemes and thereafter, develop an allied-sector approach for ensuring child protection. For instance, a component under the Samagra Shiksha scheme allocates funds to bring out-of-school children back into schools and provide them with initial educational training. This is an important step to ensure that these children do not fall into exploitative situations such as child labour. Effective and true convergence is the only way to ensure that we can safeguard the needs of children in vulnerable situations more effectively. While the new guidelines propose a convergence matrix by involving

multiple departments to efficiently realise the desired outcome for child protection as well as welfare, past experience with convergence has been mixed, especially as guidelines remain unclear on how the planning and budgeting converges across schemes.

Even before the COVID-19 pandemic hit India, several children were in vulnerable situations with a rising number of crimes and rampant child labour cases. The economic and fiscal contraction following the pandemic means that there is a greater need to ensure the care and protection of children. This is an important opportunity to not just tinker around the edges but also strengthen our approach in ensuring the welfare of our children. The recently released guidelines under Mission Vatsalaya, has made progress towards this direction by suggesting some positive changes to ensure children's right to survival, development, participation and protection. However, they are still to be operationalised and it will take sometime before the extent of implementation by the states can be assessed.

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