

THE INTEGRATED CHILD PROTECTION SCHEME (ICPS)- *A Centrally Sponsored Scheme of Government – Civil Society Partnership*

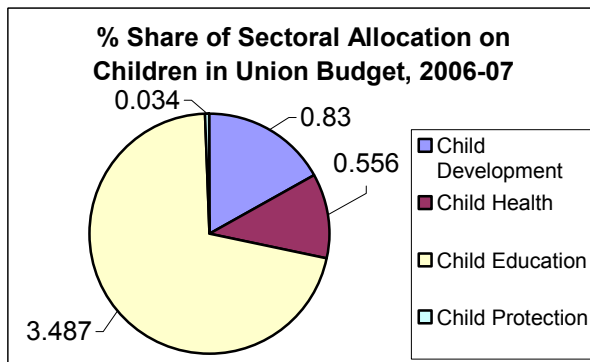
Chapter- I CONCEPTUAL BACKGROUND OF THE SCHEME

1. Introduction

India is home to almost 19% of the world's children. More than one third of the country's population, around 440 million, is below 18 years. The future and strength of the nation lies in a healthy, protected, educated and well-developed child population that will grow up to be productive citizens of the country. **India must invest resources in children proportionate to their huge numbers.** An exercise on child budgeting carried out by the Ministry of Women and Child Development revealed that total expenditure on children in 2005-2006 in health, education, development and protection together amounted to a mere 3.86%, rising to 4.91% in 2006-07. However, the share of resources for child protection were an abysmal low of 0.034% in 2005-06 and it remained the same in 2006-07.

Year	Total Union Budget (BE) (Rs. Crore)	Total Child Budget (BE) (Rs. Crore)	% Share of Child Budget in Union Budget
2004-05	477829.04	11695.72	2.45
2005-06	514343.82	19841.01	3.86
2006-07	563991.13	27674.58	4.91

Source: GOI Expenditure Budget, 2004-05, 2005-06 (Vols 1&2) and "what does Union Budget 2006-07 have for Children", Haq Centre for Child Rights, Delhi



There is an urgent case for increasing expenditure on child protection so that the rights of the children of India are protected. The neglect of child protection issues not only violates the rights of the children but also increases their vulnerability to abuse, neglect and exploitation.

The Constitution of India recognizes the vulnerable position of children and their right to protection. It guarantees in Article 15,

special attention to children through necessary and special laws and policies that safeguard their rights. The Right to equality, protection of life and personal liberty and the right against exploitation is enshrined in Articles 14, 15, 16, 17, 21, 23 and 24.

The concern for children has also been expressed in various international Conventions and Standards on child protection including the UN Convention of the Rights of the Child (UNCRC) 1989, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the Hague Convention on Inter-country Adoption, 1993. The Government of India ratified the

UN Convention on the Rights of the Child (UNCRC) in 1992. The Convention prescribes standards to be adhered to by all State parties in securing the best interest of the child. It emphasizes social reintegration of child victims, without resorting to judicial proceedings. The UNCRC outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse, and from physical or mental violence, as well as ensuring that children will not be separated from their family against their will.

Major policies and legislations formulated in the country to ensure children's protection and improvement in their status include, the Guardian and Wards Act 1890, Factories Act 1954, Hindu Adoption and Maintenance Act 1956, Probation of Offenders Act 1958, Bombay Prevention of Begging Act 1959, Orphanages and Other Charitable Homes (Supervision and Control) Act 1960, National Policy for Children 1974, Bonded Labour System (Abolition) Act 1976, Child Marriage and Restraint Act 1979, Immoral Traffic Prevention Act 1986, Child Labour (Prohibition and Regulation) Act 1986, National Policy on Education 1986, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1987, National Policy on Child Labour 1987, Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992, National Nutrition Policy 1993, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Persons with Disabilities (Equal Protection of Rights and Full Participation) Act 2000, Juvenile Justice (Care and Protection of Children) Act 2000, National Health Policy 2002, National Charter for Children 2004, National Plan of Action for Children 2005 and Commissions for Protection of the Rights of the Child 2005.

However, these policies and legislations for children have, on the whole, suffered from weak implementation, owing to scant attention to issues of child protection, resulting in scarce resources, minimal infrastructure, and inadequate services to address child protection problems.

'Child Protection' is about protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood. It is about reducing their vulnerability to any kind of harm and protecting them in harmful situations. It is about ensuring that no child falls out of the social security and safety net and, those who do, receive necessary care, protection and support so as to bring them back into the safety net. While protection is a right of every child, some children are more vulnerable than others and need special attention. The Government recognizes these children as 'children in difficult circumstances', characterized by their specific social, economic and geo-political situations. In addition to providing a safe environment for these children, it is imperative to ensure that all other children also remain protected. Child protection is integrally linked to every other right of the child. Failure to ensure children's right to protection adversely affects all other rights of the child. Thus, the Millennium Development Goals (MDGs) also cannot be achieved unless child protection is an integral part of programmes, strategies and plans. Failure to protect children from such issues as violence in schools, child labour, harmful traditional practices, child marriage, child abuse, the absence of parental care and commercial sexual exploitation among others, means failure in fulfilling both the Constitutional and international commitments towards children.

In light of its expanded mandate, the new Ministry of Women and Child Development views Child Protection as an essential component of the country's strategy to place '*Development of the child at the centre of the 11th Plan*'. Violations of the child's right to protection, in addition to being human rights violations, are massive, under-recognized and under-reported obstacles to child survival and development. Failure to protect children has serious consequences for the physical, mental, emotional, social development of the child, with consequences in loss in productivity and loss in quality human capital for the nation.

The National Plan of Action for Children 2005 articulates the rights agenda for the development of children. The NPAC 2005 is the basis for planning for children in the Eleventh Plan in all sectors and the principles articulated in it should guide the planning and investments for children. Moreover, to achieve the Millennium Development Goals also, such a comprehensive approach to child protection is required. All budgets for child protection schemes and programmes should be in the plan category and not in the non-plan category.

The Ministry of Women and Child, therefore, endeavors to create a strong foundation for a protective environment for children. Child protection incorporates both prevention and care as well as recovery and rehabilitation aspects. Children have a right to be prevented from becoming subjects of violence, abuse, neglect and exploitation, and once victimized, are entitled to services, which hasten their recovery, reduce further trauma and facilitate rehabilitation. The Ministry will undertake a strong advocacy and implementation strategy to enhance the infrastructure for protection services, increase access to a wider range and better quality of services, and increase the investment for protection of children.

2. Existing Child Protection Mechanisms

The existing mechanisms for child protection in India primarily flow from the provisions under the Juvenile Justice (Care and Protection of Children) Act, 2000 and National Plan of Action for Children 2005. These comprise several programmes and schemes implemented by different ministries and departments addressing child protection issues among which are:

- **A Programme for Juvenile Justice** for children in need of care and protection and children in conflict with law. The Government of India provides financial assistance to the State Governments/UT Administrations for establishment and maintenance of various homes, salary of staff, food, clothing, etc. for children in need of care and protection and juveniles in conflict with law. Financial assistance is based on proposals submitted by States on a 50-50 cost sharing basis.
- **An Integrated Programme for Street Children** without homes and family ties. Under the scheme NGOs are supported to run 24 hours drop-in shelters and provide food, clothing, shelter, non-formal education, recreation, counselling, guidance and referral services for children. The other components of the scheme include enrollment in schools, vocational training, occupational placement, mobilizing preventive health services and reducing the incidence of drug and substance abuse, HIV/AIDS etc.
- **CHILDLINE Service** for children in distress, especially children in need of care and protection so as to provide them medical services, shelter, rescue from abuse, counseling, repatriation and rehabilitation.

- **Shishu Greh Scheme** for care and protection of orphans/abandoned/destitute infants or children up to 6 years and promote in-country adoption for rehabilitating them.
- **Scheme for Working Children in Need of Care and Protection** for children working as domestic help, at roadside dhabas, mechanic shops, etc. The scheme provides for bridge education and vocational training, medicine, food, recreation/sports equipments, etc.
- **Rajiv Gandhi National Creche Scheme for the Children of Working Mothers** in the age group of 0-6 years. The scheme provides for comprehensive day-care services including facilities like food, shelter, medical, recreation, etc.
- **Pilot Project to Combat the Trafficking of women and Children for Commercial Sexual Exploitation** in source and destination areas for providing care and protection to trafficked and sexually abused women and children. Components of the scheme include networking with law enforcement agencies, rescue operation, temporary shelter for the victims, repatriation to hometown and legal services, etc.
- **Central Adoption Resource Agency (CARA)** is an Autonomous Body under the Ministry of Women and Child Development to promote in-country adoption and regulated inter-country adoption. CARA also helps both Indian and foreign agencies involved in adoption of Indian children to function within a prescribed framework so that such children are adopted legally through recognized agencies and no exploitation takes place.
- **National Child Labour Project (NCLP)** for the rehabilitation of child labour. Under the scheme, Project Societies at the district level are fully funded for opening up of Special Schools/Rehabilitation Centres for the rehabilitation of child labourers. These special schools/rehabilitation centers provide non-formal education, vocational training, supplementary nutrition, stipend etc. to children withdrawn from employment.

State Government Schemes: Various State Governments are also running different state-specific schemes for institutional and non-institutional care of children in difficult circumstances.

In early 2006 the Department of Women and Child Development became a full-fledged Ministry and all child protection matters including implementations of Juvenile Justice (Care and Protection) Act 2000, various schemes like, Integrated programme for Street children, CHILDLINE Service, Shishu Greha Scheme, Scheme for Working Children and CARA were transferred to this new Ministry. In spite of this rationalization of child protection issues, child labour issues continue to be dealt with by the Labour Ministry. However, for Child Protection to be dealt with more effectively there is a need for lateral linkages by the Ministry of Women and Child Development with relevant sectors such as Railways, Industry, Trade and Commerce, Rural Development, Urban Affairs, Tourism, Banking, Legal Affairs, Home Affairs, Health and Family Welfare, and Information and Broadcasting.

Some of the schemes of the Ministry of Women and Child Development under the women's welfare section address issues concerning protection of the girl child. These include Kishori Shakti Yojana, Swadhar, Short Stay Home and Relief and rehabilitation of rape victims among others. There are some schemes for the disabled persons under the Ministry of Social Justice and Empowerment. Since they do not have a child focus or specific component for children, issues of disabled children get very little attention.

3. Limited Resources/Budget Allocations

All the above schemes put together have an abysmally low budget. A Child Budget exercise carried out by the Ministry of Women and Child Development revealed the persistently low level of fund allocation for child protection. The total share of child protection in the Union Budget for 2005-06 was just 0.034% (see table below) and the budget estimates for the current financial year 2006-07 has remained the same. **Scarcely any allocations have been made for child protection since independence, a reflection of the low priority this sector has received in government's own planning and implementation, resulting in scant State interventions toward child protection.**

Union Government's Budgetary Provisions for Child Protection (2001-02 to 2006-07)

(Rs. Crore)

Sl. No.		2001-02 (RE)	2002-03 (RE)	2003-04 (RE)	2004-05 (RE)	2005-06 (RE)	2006-07 (RE)
1.	Prevention and Control of Juvenile Social Maladjustment (A Programme for Juvenile Justice)	11.25	14.40	14.40	18.90	20.43	23.00
2.	Other Schemes of Child Welfare**	15.8	16.02	14.80	17.50	16.10	19.00
3.	Scheme for Rescue of Victims of Trafficking	--	--	--	--	0.25	0.45
4.	Short Stay Home	12.84	12.84	15.35	14.40	15.00	15.90
5.	Swadhar	--	9.00	0.80	3.69	5.5	7.0
6.	Improvement in Working Conditions of Child/Women Labour	62.0	70.56	68.26	98.38	115.76	127.46
7.	Initiative to Develop Skills, ITIs and Elimination of Child Labour in 10th Plan	--	--	--	--	--	--
8.	Allocations on Child Protection in Union Budget- (1+2+3+4+5+6+7)	101.89	122.82	113.61	152.87	173.04	192.36
9.	Total Expenditure of Union Government	364436	404013	474254	505791	508705	563991
10.	Budget for Child Protection as %age of total Union Budget	0.028	0.030	0.024	0.030	0.034	0.034

** Other Schemes includes schemes for street children, assistance to homes for infant and young children, for promoting in-country and inter-country adoption, CARA and scheme for welfare of working children and children in need of care and protection (Ministry of Women and Child Development)

RE: Revised Estimates.

Note: The above table does not include financial allocation for Rajiv Gandhi National Crèche Scheme for Children of Working Mothers being implemented by the Ministry of Women and Child Development, Government of India, which is Rs. 100 Crores (BE) in the current financial year i.e.2006-07.

Percentage Share of Sectoral Allocation on Children in Union Budget

Year	% Share of Child Development in Child Budget	% Share of Child Health in Child Budget	% Share of Child Education in Child Budget	% Share of Child Protection in Child Budget	% Share of Total Child Budget in Union Budget
2004-05	0.422	0.423	1.567	0.033	2.445
2005-06	0.658	0.527	2.638	0.034	3.857
2006-07	0.830	0.556	3.487	0.034	4.907

Source: GOI Expenditure Budget 2004-05, 2005-06, 2006-07 (Vols 1&2) and Haq Centre for Child Rights, Delhi

The share of child protection in the Union Budget has remained at 0.03 percent, therefore child protection issues have remained largely un-addressed, specially, considering the fact that the number of children in need of care and protection would be well above 10 crores at a conservative estimates. Child protection is an overarching issue, which if not covered will affect each and every right of children. The meager financial resources invested in child protection translate into serious gaps in child protection measures and programmes.

4. Glaring Gaps in Services

A close examination by the newly created Ministry of Women and Child Development of existing child protection schemes has revealed major shortcomings and gaps in the infrastructure, set up and outreach services for children. The minimal government structure that exists is rigid and a lot of time and energy goes in maintaining the structure itself rather than concentrating on programmatic outcomes. Existing programmes and schemes are marked by limitations such as:

Poor planning and coordination

- Poor implementation of existing laws and legislations;
- Lack of linkages with essential lateral services for children, for example, education, health, police, judiciary, services for the disabled, etc.;
- No mapping has been done of the children in need of care and protection or of the services available for them at the district/city/state levels;
- Lack of coordination and convergence of programmes/services;
- Weak supervision, monitoring and evaluation of the juvenile justice system.

Low coverage

- Large percentage of children in need of care and protection are outside the safety net and get no support and services;
- Allotment of negligible resources to child protection and uneven utilization of allotted resources in terms of geographical spread;
- Existing Schemes inadequate in outreach and funding leading to marginal coverage of destitute children;

- Poverty and desire for a better life leading to a large scale migration of rural populations to urban and semi urban centers and lack of focused strategies and intervention to deal with urban vulnerabilities;
- Inadequate addressable of issues like child marriage, female foeticide, street children, working children, discrimination against the girl child, etc.
- Little interventions for children affected by HIV/AIDS, drug abuse, militancy, disasters (both manmade and natural), abused and exploited children and children of vulnerable groups like commercial sex workers, prisoners, migrant population and other socially vulnerable groups etc.
- Little interventions for children with special needs, particularly mentally challenged children.

Poor Infrastructure

- Inadequate structures setup through mandated by laws and legislations;
- Lack of institutional infrastructure to deal with child protection;
- Inadequate number of CWCs and JJBs;
- Existing CWCs and JJBs not provided with requisite facilities for their efficient functioning, resulting in delayed enquiries and disposal of cases.

Inadequate Human Resources

- Inappropriate appointments to key child protection services leading to inefficient and non-responsive services;
- Lack of training and capacity building of personnel working in the child protection system;
- Inadequate sensitization and capacity building of allied systems including police, judiciary, health care professions, etc.;
- Lack of proactive involvement of the voluntary sectors in child protection service delivery by the State/UT Administrations;
- Large number vacancies in existing child protection institutions.

Serious Service Gaps

- Improper use of institution in contravention to government guidelines;
- Lack of support services to families at risk leading children becoming vulnerable;
- Overbearing focus on institutional support and non-institutional services neglected;
- Inter-state and Intra-state transfer of children especially for their restoration to families not provided for in the existing schemes.
- Lack of standards of care (accommodation, sanitation, leisure, food, etc.) in all institutions due to lower funding;
- Lack of supervision and commitment to implement and monitor standards of care in institutions;
- Most 24-hour shelters do not provide all the basic facilities required, specially availability of shelter, food and mainstream education;
- Not all programmes address issues of drug abuse, HIV/AIDS and sexual abuse related vulnerabilities of children;
- None of the existing schemes address the needs of child beggars or children used for begging;
- Minimal use of non-institutional care options like adoption, foster care and sponsorship, etc. to children without home and family ties;

- No mechanism for child protection at community level or involvement of communities and local bodies in programmes and services;
- Serious service and infrastructure gaps leading to few adoptions;
- Cumbersome and time consuming adoption services;
- Lack of rehabilitation services for older children not adopted through the regular adoption process;
- Aftercare and rehabilitation programme for children above 18 years are not available in all States, and where they do exist they are run as any other institutions under the JJ Act 2000.

Chapter- II

THE INTEGRATED CHILD PROTECTION SCHEME (ICPS)

The Integrated Child Protection Scheme concretises the Government/State responsibility for creating a system to protect children in the country. Such a system is influenced by the nature of regulatory frameworks, structures, resources, professionals, and the relationships between them. When the child protection system functions in the best interest of the child, adequate state and voluntary institutions, services and structures are put in place, backed strongly by policies, laws and regulations. Professionals providing services for children are competent and bound by professional standards. Children’s views are taken into account.

The Integrated Child Protection Scheme is based on the cardinal principles of “**protection of child rights**” and “**best interests of the child**”. The ICPS aims to promote the best interests of the child and prevent violations of child rights through appropriate punitive measure against perpetrators of abuse and crimes against children and to ensure rehabilitation for all children in need of care and protection. It aims to create a protective environment by improving regulatory frameworks, strengthening structures and professional capacities at national, state and district levels so as to cover all child protection issues and provide child friendly services at all levels.

1. Principles of ICPS

The following key principles underlie the ICPS approach:

- (i) **Child protection, a shared responsibility:** The responsibility for child protection is a shared responsibility of government, family, community, professionals, and civil society. It is important that each role is articulated clearly and understood by all engaged in the effort to protect children. Government, both Central and State, has an obligation to ensure a range of services at all levels.
- (ii) **Reducing child vulnerability:** There is a need for a focus on systematic preventive measures not just programmes and schemes to address protection failures at various levels. A strong element of prevention will be integrated into programmes, converging the provisions and services of various sectors on the vulnerable families, like livelihood support (NREGS), SHGs, PDS, health, child day care, education, to strengthen families and reduce the likelihood of child neglect, abuse and vulnerability.
- (iii) **Strengthen family:** Children are best cared for in their own families and have a right to family care and parenting by both parents. Therefore a major thrust will be to strengthen the family capabilities to care for and protect the child by capacity building, family counselling and support services and linking to development and community support services.
- (iv) **Promote non-institutional care:** There is a need to shift the focus of interventions from an over reliance on institutionalization of children and move towards more family and community –based alternatives for care. Institutionalization should be used as a measure of last resort after all other options have been explored. Constant review of children cases to encourage deinstitutionalization.
- (v) **Inter-sectoral linkages and responsibilities:** Child protection needs dedicated sectoral focus as well as strengthening protection awareness and protection response from other

sectors outside the traditional protection sector, including health, education, judiciary, police, labour, among others.

- (vi) **Create a network of services at community level:** An appropriate network of essential protection services is required at all levels for supporting children and communities.
- (vii) **Establishing standards for care and protection:** All protection services should have prescribed standards, protocols for key actions and should be monitored regularly. Institutionalisation should be for the shortest period of time with strict criteria being established for residential placement and all cases of institutionalization reviewed periodically.
- (viii) **Building capacities:** Protection services require skilled, sensitive staff, equipped with knowledge of child rights and standards of care and protection. Capacities of all those in contact with children require strengthening on a continuing basis, including families and communities.
- (ix) **Providing professional child protection services at all levels:** There is a need for varied special services for the many situations of child neglect, exploitation and abuse, including for shelter, care, psychological recovery, social reintegration, legal services etc. which have to be professional and child-focused.
- (x) **Strengthening crisis management system at all levels:** First response and coordinated inter-sectoral actions for responding to crisis needs to be established and institutionalized.
- (xi) **Reintegration with family and community:** Systems to be put in place for efforts to reintegrate children with their families and community and regular review of efforts to be instituted.
- (xii) **Addressing protection of children in urban poverty:** Children in urban poverty are at high risk/ increased vulnerability, constantly under threat of eviction, denial or exclusion from basic services, social turmoil, and the stretched capacity of the adults to function as adequate caretakers due to their poverty. This indicates the need for developing a strong social support and service system.
- (xiii) **Child impact monitoring and social audit:** All policies, initiatives to be monitored for their child impact and reports made public, including for children themselves through child-friendly reports. In order to promote transparency in the child protection system, social audit of programmes and services to be undertaken.

2. The Approach

In order to reach out to all children, in particular to those in difficult circumstances, the Ministry of Women and Child Development proposes to combine its existing child protection schemes under one **centrally sponsored** scheme titled “**Integrated Child Protection Scheme (ICPS)**”. The proposed ICPS brings together multiple vertical schemes under one comprehensive child protection programme and integrates interventions for protecting children and preventing harm.

It does not see child protection as the exclusive responsibility of the MWCD but stresses that other sectors have vital roles to play. The Ministry looks at child protection holistically and seeks to rationalize programmes for creating a strong protective environment for children, diversify and institutionalize essential services for children, mobilize inter-sectoral response for strengthening child protection and set standards for care and services.

ICPS will function as a **Government – Civil Society Partnership** scheme under the overarching direction and responsibility of the Central and State Governments. It will work closely with all stakeholders including government departments, the voluntary sector, community groups, academia and, most importantly, families and children to create a protective environment for children in the country. Its holistic approach to child protection services and mechanisms is reflected in strong lateral linkages and complementary systems for vigilance, detection and response. The scheme visualizes a structure for providing services as well as monitoring and supervising the effective functioning of child protection system, involving:

- **Government:** Government of India (GOI) will have the primary responsibility for the development and funding of the scheme as well as ensuring flexibility by cutting down rigid structures and norms. The Central Government will also create a database on children including child tracking systems and a Management Information System. It will be the responsibility of the State Governments to ensure effective implementation of the scheme by quick devolution and utilization of funds. State governments will attract the best professional talent and strengthen public-private partnership. The scheme proposes to hire the services of professionals on a contractual basis. The State Government will manage the database that includes child tracking system and MIS at the state and district levels.
- **Civil society organizations & individuals**
 - *Voluntary sector:* To provide vibrant, responsive and child friendly services for detection, counselling, rehabilitation for all children in need. Provide technical support for awareness creation, capacity development, innovations and monitoring. These may be financially supported by the State.
 - *Research and training institutions:* To carryout activities related to research and capacity building of existing human resource as well as support creation of a cadre of professionals.
 - *Media and advocacy groups:* To promote rights of the child and child protection issues with sensitivity and sustain a media discourse on protection issues.
 - *Corporate sector:* Partner with government and civil society initiatives under the scheme.
- **Community groups and local leaders, youth groups, families and children:** To provide protective and conducive environment for children, to act as watchdog and monitor child protection services.

Rationale for Government – Civil Society Partnership

A programme of this magnitude and nature requires multidisciplinary staff that is professional and committed to children and their rights. It has been consciously decided to have these personnel on a contractual basis for the following reasons:

- Implementation of scheme would be more effective if staff is recruited on contractual basis- minimum of three years and extendible for a period of 5 years based on performance. They can be paid consolidated remuneration with built in increment provisions that is performance based;
- It will attract high quality professional talent, strengthen public-private partnerships and will not lead to any permanent liability on the government;
- Contractual employment, outsourcing and performance linked promotion will ensure that the establishment is trim, vibrant and responsive to the needs of the children;
- By doing away with rigid government structures, the programme will have flexibility and scope for innovation.

3. Target Groups

Child in need of care & protection means a child who:

- is found without any home or settled place or abode and without any ostensible means of subsistence;
- resides with a person (whether a guardian of the child or not) and such person has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person;
- is a mentally or physically challenged or ill child or a child suffering from terminal diseases or incurable diseases, and/or having no one to support or look after him/her ;
- has a parent or guardian and such parent or guardian is unfit or incapacitated to care for or exercise control over the child;
- does not have a parent/parents and no one is willing to take care of him/her, or whose parents have abandoned him/her or who is a missing and/or runaway child and whose parents cannot be found after reasonable inquiry
- is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts
- is found vulnerable and is likely to be inducted into drug abuse or trafficking,
- is being or is likely to be abused for unconscionable gains
- is victim of any armed conflict, civil commotion or natural calamity

Children in conflict with the law is one who is alleged to have committed an offence.

Children in contact with law is one who has come in contact with the law either as victim or as a witness or due to any other circumstance.

Any other vulnerable child including, but not limited, to: Children of potentially vulnerable families and families at risk, Children of socially excluded groups like migrant families, families living in extreme poverty, lower caste families, families subjected to or affected by discrimination, minorities, children infected and/or affected by HIV/AIDS, orphans, child drug abusers, children of substance abusers, child beggars, trafficked or sexually exploited children, children of prisoners, and street and working children, would also be covered under the scheme.

4. Objectives of the scheme:

4.1 To institutionalise essential services and strengthen structures:

- To establish and strengthen a continuum of services for emergency outreach, institutional care, family and community based care, counselling and support services;
- To put in place and strengthen necessary structures and mechanisms for effective implementation of the scheme at the national, regional, state and district levels;
- To define and set standards of care and delivery of all services as well as mechanisms under the scheme.

4.2 To enhance capacities at all levels:

- To build capacities of all functionaries including, administrators and service providers, at all levels working under ICPS;
- To sensitize and train members of allied systems including, local bodies, police, judiciary and other concerned departments of State Governments to undertake responsibilities under ICPS.

4.3 To create database and knowledge base for child protection services:

- Create mechanisms for a child protection data management system including, MIS and child tracking system, in the country for effective implementation and monitoring of child protection services;
- Undertake research and documentation.

4.4 To strengthen child protection at family and community level:

- Build capacities of families and community to strengthen care, protection and response to children;
- Create and promote preventive measures to protect children from situations of vulnerability, risk and abuse.

4.5 To ensure appropriate inter-sectoral response at all levels:

- Coordinate and network with all allied systems i.e. Government departments and Non-Government agencies providing services for children for effective implementation of the scheme.

5. Strategies

The ICPS will be guided by the following critical child protection strategies:

- 1. Supporting Preventive Interventions:** The strategy would be focused on identification and support to vulnerable families by a cadre of trained district level functionaries through convergence of services, information and counselling. Community capacities for protection and monitoring shall be strengthened and child protection concerns and safeguards shall be integrated in all sectors.
- 2. Resource Allocation:** As a centrally sponsored scheme financial assistance from the Central Government will be disbursed to the State Government/ UT Administration. The Central Government shall provide 90% of the budgeted cost. The State/UT shall in turn provide grant-in-aid to voluntary organizations under the different components of the Scheme.
- 3. Partnership Building and Community Empowerment:** A key strategy for programme development and implementation would be developing close working relationships, information sharing and strategy building between government structures, civil society organizations including corporates and communities.

4. **Promotion of Family and Community-based Care:** A conscious shift to family and community based services shall be pursued. Periodic review of children in institutional care for restoration to families and community.
5. **Decentralization and flexibility to focus on local needs:** The scheme shall decentralize planning and implementation of child protection services at the State and District level based on specific needs. The allocation of human resource shall be based on protection service requirement for quality child protection services.
6. **Inter-sectoral linkages:** Recognising child protection as a shared responsibility, the scheme shall ensure inter-sectoral linkages with relevant Ministries/Departments at district, state and national level to ensure holistic child protection services.
7. **Building Capacities:** Ensuring best practices in protecting children rights by capacity building of all child protection functionaries at all levels.
8. **Evidence based monitoring system:** Setting up a child protection data management system to formulate and implement effective intervention strategies and monitor their outcomes.

Chapter- III

PROGRAMME FRAMEWORK

Through ICPS, the Ministry of Women and Child Development envisages to carve out a broad and comprehensive framework for child protection in the Eleventh Plan and set the foundation for creating and strengthening a robust protective environment for children. Child protection concept incorporates prevention, protection and rehabilitation aspects. Children have a right to live with dignity and be protected from violence, abuse, neglect and exploitation. The State has a duty to address the impact of violation of their rights through appropriate policies, laws and action. This should be carried out with strong advocacy and a detailed implementation strategy for enhancing the infrastructure for protection services, increasing the access and range of services and the investment for protection of children.

The Integrated Child Protection Scheme will focus on mapping of needs and services for children and families at risk and preparation of child protection plans at district and state levels, strengthening the service delivery mechanisms and programmes including capacity development of service providers, counseling and family support, strengthening knowledge base, awareness and advocacy. ICPS aims at greater outreach by bringing the existing programmes under one umbrella and initiating new interventions. The programme components of ICPS include:

1. EMERGENCY OUTREACH SERVICE THROUGH CHILDLINE:

CHILDLINE is a 24 hour emergency phone outreach service for children in need of care and protection linking them to long- term services for rehabilitation. The service can be accessed by a child in difficulty or an adult on his behalf by dialing 1098. The Government of India established the Childline service in 1999 and it is presently operational in 74 cities of the country. In order to create a protective environment for children in all parts of the country, ICPS envisages the expansion of the CHILDLINE service to all districts/cities. A detailed guideline for setting up CHILDLINE Service is given at **Annexure-I**.

2. DROP-IN SHELTERS FOR CHILDREN IN NEED IN URBAN AND SEMI-URBAN AREAS

An urban phenomenon of intense concern has been the huge number of homeless children, pavement dwellers, street and working children and child beggars, who are left alone to fend for themselves and are in need of care and support. 29% of the India's population lives in urban areas. An average of 50% of the urban population live in conditions of extreme deprivation compounded by lack of access to basic services like shelter, sanitation, safe drinking water, access to schools, health care, recreational facilities, etc.¹ The urban population is also rapidly expanding due to large-scale migration to cities for a possible better life. The cities and towns are also expanding and the sheer volume of people compromises the ability of the civic authorities to meet the people's basic needs. A large proportion of this migrating population ends up residing in slums, squatter colonies, railway platforms, pavements, bus stops, tourist spots, etc. in inhuman conditions. As a result, urban poverty and hunger are increasing.²

¹ Consortium for Street Children 2004, <http://www.streetchildren.org.uk/>

² Nutritional Problems in Urban Slum Children, <http://www.indianpediatrics.net/july2004/682.pdf>

Children are the worst sufferers. A vast majority of these children, with or without parental support, generally end up at traffic intersections, railways stations, streets, subzi mandi etc. These children are visible in the urban settings as begging for alms, wiping automobile windscreens, rag picking, vending wares and may also be involved in petty thefts, drug peddling or controlled by a begging or stealing mafia. Many of these children also peddle sex for survival and homosexuality is rampant. These children become victims of adult abuse of all kinds, physical, sexual, emotional as well as economic exploitation.

Because of this scenario, these children are most likely to become antisocial elements themselves, drug abusers and exploiters and if continued to be neglected will be a huge drain on society. Mainstreaming these children is a big challenge, compounded with the fact that they have no parental care and support. It becomes the responsibility of the State to meet their special needs. The State must create a flexible mechanism, which will meet the unique needs of these children and harness their talent and potential thus giving them the opportunity to become productive citizens.

In order to provide for the growing needs of these children in need of care and protection, the ICPS would facilitate setting up of drop-in shelters largely in urban areas. Such centers shall focus on providing space for children where they can play and engage themselves in creative activities through music, dance, drama, yoga & meditation, computers, indoor and outdoor games, etc. and use their time productively. These activities would encourage meaningful peer group participation and interaction. This will ensure their overall growth and development, and keep them away from socially deviant behaviours in addition to fulfilling their basic requirements of food, nutrition and health. These shelters shall also have provisions for health care, quality and flexi-time education and vocational training including provisions where children can safely keep their belongings and earnings. It will also provide them access to counseling guidance and life skill education for channelising their energy in productive manner.

The objective of such a service is to provide an opportunity for the increasing number of vulnerable children in urban areas to be protected from the abuse and neglect on the street and provide them access to alternatives. In the long term, these children would be weaned away from street life and capacitated to lead a dignified productive life. Financial assistance shall be provided through the State Government/UT Administration to voluntary organizations for establishing such Drop-in Shelters as per the detailed guidelines given at **Annexure-II**. In case a State/UT is unable to find suitable voluntary organizations to run these Drop-in-Shelters, the State Governments/UT Administrations shall run these centres from the funds available.

3. FAMILY BASED NON INSTITUTIONAL CARE THROUGH ADOPTION:

Adoption is a process through which a child in need of care and protection who has been orphaned, abandoned or surrendered is permanently separated from the biological parents and becomes the legitimate child of new set of parent(s) referred to as adoptive parents with all the rights, privileges and responsibilities that are attached to this relationship.

The state intervention in promotion of adoption has been limited and governed by the Honorable Supreme Court in the case LK Pandey v/s Union of India. CARA has been the

nodal agency coordinating the work and has been primarily engaged in streamlining inter country adoption. The number of adoptions appears to have plateaued in the last five years necessitating a proactive intervention by the Ministry. ICPS therefore incorporates a series of steps aimed at streamlining the adoption process addressing identified bottlenecks, regional disparities and promoting inter country adoptions. The adoption programme will be governed by the following guiding principles:

- **Best interest of the child is paramount**
- **Institutionalization of the child should be for the shortest possible time**
- **All attempts should be made to find a suitable Indian family within the district, state or within the country**
- **Child shall be offered for the inter-country adoption when all possibilities for placing the child in in-country adoption have been exhausted**
- **All adoptable children should be brought in to the adoption fold**
- **Inter-state coordination should be done by SARAs to match the list of PAPs with that of available children**
- **No birth mother/parent(s) should be forced to give up their child for monetary or any other consideration**
- **Adoption process from the beginning to end shall be completed in the shortest possible time**
- **The monitoring, regulating and promoting the concept and practice of ethical adoptions in the country should be ensured**

It is an accepted fact that the child develops best in his or her own cultural and social milieu in a family environment. Thus placement of a child through adoption in an indigenous setting is ideal for his or her growth and development. Inter-country adoption, i.e. adoption of Indian children by adoptive parents residing abroad, shall be resorted to only if all efforts to place the child with adoptive parents residing in India prove unsuccessful.

3.1 Adoption Coordinating Agency (ACA):

The Honorable Supreme Court in its judgment dated 27th September 1995 in the case of L. K. Pandey Vs. Union of India, observed that there may be Voluntary Coordinating Agency (VCA) in a State or in a city where there are more adoption agencies, for facilitating the search for a suitable Indian parent for the child within the country before he/she is proposed for inter-country adoption.

In order to facilitate ACAs [VCAs have now been re-designated as Adoption Coordinating Agencies (ACAs)] to achieve the objective of promoting the cause of in-country adoption for the permanent rehabilitation of orphaned, abandoned and surrendered children in family environment, and to popularize the concept of un-related adoption for wider acceptance in Indian society, the ICPS shall provide financial support to ACAs. The programmes and activities of the Adoption Coordinating Agencies along with the details of financial assistance to be provided by the Central Government under this scheme are given at **Annexure-III**.

3.2 Specialized Adoption Agency (SAA):

In order to facilitate the placement of orphaned, abandoned and surrendered children for adoption, the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 empowers the State Government to recognize one or more of its institutions or voluntary organizations in each district as SAA. Keeping in line with the provisions of the Act, the ICPS shall support setting up such SAAs in each district of the country. The SAA shall provide quality childcare facilities to children. In addition, the SAA shall facilitate adoption of adoptable children. If all attempts to rehabilitate the child through adoption fail and the child reaches the age of 12 years, then s/he shall be transferred to a suitable CCI under the overall supervision of DCPU and CWC.

The SAA shall work under the overall supervision of State Adoption Resource Agency and the District Child Protection Unit. In order to run a SAA, a Child Care Institution (CCI) must be registered under the provisions laid down by the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 under Section-34(3). The State Government shall recognize such CCIs as SAA under the provisions of Section-41(4) of the Act. CARA is empowered to give special accreditation to SAAs working towards placing in Inter-country adoption in accordance with the provisions laid down under Hague Convention.

SAAs are encouraged to develop programmes for family based non-institutional care including sponsorship and foster care support.

The detailed guidelines and financial provisions for supporting SAAs under the scheme are laid down at **Annexure-III**.

3.3 Cradle Baby Reception Centre:

At least 60 million girls who would otherwise be expected to be alive are "missing" from various populations, mostly in Asia, as a result of sex-selective abortions, infanticide or neglect.³ In India too female foeticide is a cause of growing concern, especially in states like Punjab, Haryana, Delhi, Himachal Pradesh and Gujarat, where the ratio has "drastically declined" to fewer than 800 girls for every 1,000 boys. A national decline from 945 to 927 in the number of girls per 1,000 boys, aged 0-6, between 1991 and 2001 indicates the seriousness of the problem.⁴

Recognizing the fact that over 80% of the districts in the country do not have facilities to receive or offer temporary shelter for children in crisis situation, specially those who are abandoned and are vulnerable to be trafficked, the ICPS envisages setting up Cradle Baby Reception Centres in each district. These Cradle Baby Reception Centres will be linked to Cradle Points at Primary Health Care Centres (PHCs), Hospitals/Nursing Homes, Swadhar Units, Short Stay Homes and in the office of the DCPU to receive abandoned babies. Such children will then be transferred to SAAs by an order of the CWC for care and rehabilitation through adoption. The detailed guidelines and financial provisions for Cradle Baby Reception Centre are laid down at **Annexure-III**.

³ State of Worlds Population, UNFPA, 2005

⁴ *Missing: Mapping the Adverse Child Sex Ratio in India*, UNFPA, <http://www.unfpa.org/news/news.cfm?ID=388>

4. FAMILY BASED NON-INSTITUTIONAL SERVICES THROUGH SPONSORSHIP AND FOSTER CARE:

The Convention on the Rights of the Child clearly states that the family, as the fundamental unit of society and the natural environment for the growth and well being of all its members and particularly children, should be offered the necessary support and supervised financial assistance so that it can fully assume its responsibilities of caring for its children.

The Juvenile Justice Act 2000 provides for the reintegration of children into the community by means of adoption, foster care and sponsorship.

4.1 Sponsorship:

Several children are at risk of abandonment, exploitation, neglect and destitution due to the poor socio-economic conditions of their families. The existing remedial measures for such families were to place their children in institutional care. There are children who because of the exploitative conditions within the families either run away or do not want to go back to their families. This has resulted in a large number of children forced to spend their lives in institutions. The Government of India realizes the importance of reintegrating these children into families through a process by reviewing individual cases of children in institutions and facilitating their reintegration with necessary support and supervised financial assistance.

Apart from above categories of children there are some children who are living in extreme conditions of deprivation or exploitation where families are unable to provide basic services to them. The Government of India also realizes the need to provide support and supervised financial assistance to such extreme cases as a preventive measure to keep children within families and remain protected.

In order to achieve the above, the Government of India proposes a Pilot initiative under the ICPS to provide support services to families at risk. ICPS shall create a special Sponsorship and Foster Care Fund within the DCPU. Sponsorship will offer supplementary financial support to families to meet the educational, medical, nutritional and other needs of children with a view to improving the quality of their lives.

Thus sponsorship support shall be provided in the following settings:

1. **Preventive:** Sponsorship support will be provided to a family to enable a child to continue to remain in the family, continue his/her education. These children will be prevented from becoming destitute/vulnerable, running away, forced into child marriage, forced into child work etc.
2. **Rehabilitative:** Children within institutions can also be restored to families with sponsorship assistance.

Sponsorship amount will be paid from a special Sponsorship Fund made available with the DCPU and disbursed on the approval of the DCPO and on the recommendation of the CWC. The ongoing supervision of the sponsorship programme will be undertaken by SAA. The SAA will be expected to raise funds from non-governmental sources for the programme.

4.2 Foster Care

Fostering is an arrangement whereby a child lives with an extended family member or unrelated family, usually on a temporary basis. Such an arrangement ensures that the birth parents do not lose any of their parental rights or responsibilities. It shall cater to children who are not legally free for adoption, and whose own parents are unable to care for them due to illness, death, desertion by one parent or any other crisis. The aim is to re-unite the child eventually with his/her own family when the family circumstances improve, and prevent institutionalization of children in difficult circumstances.

The detailed guidelines and financial provisions for supporting Sponsorship and Foster Care are provided at **Annexure-IV**.

5. AFTER-CARE PROGRAMME:

The Juvenile Justice (Care and Protection of Children) Act 2000 provides for institutional care for juveniles in conflict with law and children in need of care and protection up to the age of 18 years. However, several children at this age do not have the option of returning to their homes, and many also do not have the maturity or the adequate skills to lead an honest, industrious and useful life. Therefore there is a need to hand hold these children and help them in their transition from institutional life to independent life. The Juvenile Justice (Care and Protection of Children) Act 2000 provides for formulation of a scheme to meet the needs of such children.

The ICPS proposes to provide funds to DCPU to identify suitable organizations to take up this responsibility. Such organizations shall formulate an after-care programme for every child comprising of following key components:

- Meeting basic needs of the child
- Age appropriate and need based education and vocational training
- Counselling and life skills training
- Assistance with job placement/entrepreneurship development

The Scheme shall provide financial assistance as a bulk grant to DCPU for carrying out after care programme. The DCPU shall in turn release grant up to a maximum of @Rs.2000/- per child to the voluntary organization based on the individual needs of every child.

6. INSTITUTIONAL SERVICES:

As provided by the Juvenile Justice (Care and Protection of Children) Act 2000, the scheme shall support the creation of new institutional facilities and maintenance of existing institutional facilities for both children in conflict with law and children in need of care and protection. While setting up these institutions, the Minimum Standards of Care for children in institutions shall be adhered to, which is given at **Annexure-‘A’**. Financial details for setting up and maintaining institutions under the scheme are given at **Annexure- V**

6.1 Shelter Homes:

While a large number of urban marginalized children are in need of day care services, there are many others who require residential care for a temporary period for one or more reasons like children without parental care, run away children, migrant children etc. In order to cater to the

needs of such children, the Juvenile Justice (Care and Protection of Children) Act 2000 empowers State Governments to recognize reputed and competent voluntary organizations. The State Government shall provide financial assistance to set up and administer Shelter Homes for such children. These Shelter Homes shall offer day and night shelter facilities to the children in need of support services for a temporary period, while efforts are being made to rehabilitate them.

In order to facilitate and expedite setting up of Shelter Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territories.

6.2 Children's Homes:

A large number of children who enter the juvenile justice system through the Child Welfare Committee are in need of residential care and protection during the pendency of any inquiry and subsequently for their long-term care, treatment, education, training, development and rehabilitation. The Juvenile Justice (Care and Protection of Children) Act 2000 empowers the State Government either by itself or in collaboration with the voluntary organisations to set up Children's Homes in every district or group of districts for the reception and residential care of such children. These homes shall serve as a home away from home and provide comprehensive child care facilities to children for ensuring their all-round development. They shall work towards enhancing the capabilities and skills of children and work with their families, with the view of facilitating their reintegration and rehabilitation into the mainstream of the society.

6.3 Observation Homes:

Children in conflict with law who enter the juvenile justice system through the Juvenile Justice Boards require residential care and protection during the pendency of any inquiry regarding them under the Act. These children often termed, as "juveniles" are those who have committed an offence. There are large numbers of such children who committed an offence as they are left alone to fend for themselves. The Juvenile Justice Act 2000 therefore believe in giving an opportunity to such children to restart their lives and become productive citizens of the country.

In order to facilitate this the Act provides for institutional care facilities for these children. It empowers the State Government to establish and maintain either by itself or under an agreement with voluntary organisations, observation homes in every district or group of districts for their temporary reception. In order to facilitate and expedite setting up of Observation Homes in every district or group of districts, the scheme would provide financial support to the State Governments and Union Territories.

6.4 Special Homes:

Children in conflict with the law committed by the Juvenile Justice Board for long term rehabilitation and protection require institutional services. The State Governments are empowered to establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or group of districts for the reception and rehabilitation of juveniles in conflict with law.

In order to facilitate and expedite setting up of Special Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territories.

6.5 Specialised services for Children with special needs

A significant number of children affected by HIV/AIDS and substance abuse, mentally or physically challenged also require long term care due to abandonment, death of one or both parents or inability of parents to care for them. Such children are especially vulnerable and require specialized institutional care and treatment including medical, nutritional, psychological support etc.

The growing epidemic of HIV/AIDS in India has affected the lives of children in many ways. Primarily these are either infected or affected children. Infected children are those children, who are HIV+ and require long term special care to fight the disease. Affected children are those who have either lost their parents/siblings/extended family or those who are vulnerable because of their existing situation in life. There are a large number of children affected by substance abuse in the country including children who are either abuser themselves or are affected due to parental substance abuse. There are also those children who are often used by drug traffickers as carriers of drugs and they slowly get into the trap of substance abuse, often leading to delinquent behaviours. Growing poverty and lack of social security and medical services is known to compel several parents to also abandon children with physical and mental disability. Such children are in need of specialized services to meet their health, nutrition, educational needs and emotional well being.

The scheme shall provide an additional component to institutions having children with special needs and shall provide flexibility to the State Government to either integrate the programme for children with special needs in its existing institutions or support setting up of specialized homes for such children. The primary focus shall be on integrating services for children with special needs in existing Homes. A separate home for such children shall only be set up in a situation where there are a large number of children with special needs in a district or a group of districts.

7. GENERAL GRANT-IN-AID FOR NEED BASED/ INNOVATIVE INTERVENTIONS

While an attempt has been made to incorporate all major interventions/services for all children in difficult circumstance in the ICPS, the Ministry recognizes the importance of supporting other need-based/innovative intervention programmes. Such programmes shall depend on the specific needs of a district/city and can be initiated as pilot projects for example special programmes for children of prisoners, children of sex worker. This component can also be used for post disaster rehabilitation work. The Scheme shall provide flexibility to the State Government to initiate innovative projects on those issues, which are not covered under the components of this scheme. The State Child Protection Unit shall have a general grant-in-aid fund under which such projects can be supported.

8. STATUTORY SUPPORT SERVICES:

8.1. Child Welfare Committees (CWCs):

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 recently passed by both the houses of Parliament makes it mandatory to have one Child Welfare Committee in each district as the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care & protection and to provide for their basic needs and protection of human rights.

To facilitate the setting up of CWC's in every district and to ensure their effective functioning, the Scheme shall provide adequate infrastructure and financial support to the State Government and UT Administration. A detailed guideline for setting up Child Welfare Committees is given at **Annexure- VI**.

8.2. Juvenile Justice Boards (JJBs):

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 recently passed by both the houses of Parliament makes it mandatory to have one Juvenile Justice Board in each district to deal with matters relating to juveniles in conflict with law. There are many States/UT's in the country, which have not yet established JJBs. Even in those States/UT's where JJBs have been established, the infrastructure is inadequate making it difficult for the JJBs to effectively discharge their duties. In some States/UT's the number of JJBs are inadequate in terms of overall coverage of the total number of juveniles in conflict with law, which puts a lot of burden on the existing JJBs. All these ultimately result in unnecessary delays in disposition of matters pending before these Boards.

To facilitate setting up of a JJB in each district and to ensure their effective functioning, the Scheme shall provide adequate infrastructure and financial support to State Governments/UT Administrations. A detailed guideline for setting up Juvenile Justice Board is given at **Annexure- VII**.

8.3. Special Juvenile Police Units (SJPU):

The Juvenile Justice Act 2000 provides for setting up Special Juvenile Police Units in every district and city to coordinate and upgrade the police interface with children. All the police officers, designated as juvenile/child welfare officers in the district or city, are members of the SJPU. While some States/UT's have formed the SJPU, there are many State/UT's who have either not setup SJPU or are in the process of setting them up.

As a statutory requirement, the ICPS shall provide for two paid social workers in each SJPU for supporting the unit. The District Child Protection Unit shall appoint these social workers and depute their services to the SJPU as and when necessary. Of the two Social Workers, at least one should be a woman and another having expertise in child protection. The salary of these two social workers will be provided under the DCPU budget head.

9. Creation of Cadre of Professional Counsellors:

Counselling for children and families at risk is an integral component of the ICPS. Acknowledging the lack of such a cadre, the ICPS visualizes the creation of a cadre of Counsellors to provide professional counselling services under various components of the scheme.

NIPCCD and its four regional centers shall initiate professional counselling courses, by themselves and through the aegis of schools of social work, departments of social science etc. Such courses shall be accredited through a relevant institution/body.

10. Training and Capacity Building

There is an acute shortage of professionally trained manpower to provide comprehensive services to children in difficult circumstances. Trainings are required for a) new recruits under the ICPS; b) existing manpower that needs capacity enhancement and sensitization. Training and capacity building of all personnel involved in the child protection sector throughout the country including those working under the ICPS shall be taken up on priority basis. Such personnel need to be trained and groomed to join the child protection workforce to provide child friendly services at all levels. In order to meet these challenges, the ICPS shall adopt the following strategies:

10.1. Role of NIPCCD:

NIPCCD shall have the nodal responsibility of training and capacity building at national and regional level. ICPS proposes to set up a Child Protection Section within NIPCCD at the national level and in all its four Regional Centers to facilitate implementation of all child protection training and capacity building activities. NIPCCD shall ensure:

- Development of training modules and course curricula
- Conducting training of trainers
- Conducting regional level trainings and sharing of best practices
- Linkage with universities and educational institutions

Strong networking and coordination shall be developed with National Commission for Protection of Child Rights, NISD, NIMHANS, Judicial Academies, Police Training Schools and Administrative Institutions/Academies, CHILDLINE and recognized schools/institutes of social work and law and other relevant experts. This would ensure that child rights and child protection issues become part of the course curricula and receive the utmost priority in planning and implementation.

10.2. Role of SCPU:

At the State/UT level the nodal responsibility of training and capacity building shall be with the training section of the SCPU, which will be responsible for developing a training master plan for the State/UT with the help of all its DCPUs. The SCPU shall identify a pool of expert organizations/institutions/academies/universities/school of social work and individuals with specialization in the field of child rights and protection to facilitate training courses at state and district levels. The SCPU shall also identify personnel working under the ICPS and arrange for them to be trained as Master Trainers on the relevant subjects with the help of NIPCCD and its Regional Centers.

SCPU will establish linkages with universities and educational institutions for formulating new courses on Child Rights and Protection issues and developing a cadre of professionally equipped manpower to deal with children. The SCPU shall work with Universities and Educational Institutions for formulating new courses on Counselling and other specialized child protection

issues for building a cadre of professionally equipped manpower to work for the child protection sector in the country.

The scheme shall provide bulk grant to State Child Protection Units and State Adoption Resource Agencies for implementing training and capacity building programmes.

11.Strengthening the Knowledge-base

The creation of a protective environment for children requires strong knowledge base of information for developing informed and strategic responses. Lack of data adversely affects planning, the provision of appropriate services and allocation of resources. Under the ICPS following specific measures shall be developed and strengthened:

11.1. Research and Documentation

In order to develop effective intervention strategies and implement child protection programmes to reach every child, there is a strong need for availability of comprehensive information base and documentation of best practices. The scheme would facilitate carrying out comprehensive studies to assess the causes, nature and extent of specific child protection issues like trafficking and commercial sexual exploitation of children; violence against children; children in conflict with the law, child marriage, infanticide/foeticide, children in urban situations and any other area.

The scheme would also support research in areas of potential or new threats to child protection to build knowledge, evidence and integrate the learnings into policy and programmes. These would include issues related to livelihood and security, migration, internal displacement, child abuse and exploitation, child pornography and other emerging issues and their relationship to child rights.

NIPCCD and its regional centers shall have provisions for carrying out research and documentation at national and regional levels, either by themselves or by sub-contracting an agency or individual. The scheme shall make required budgetary provisions under the proposed financial support and structures for strengthening NIPCCD and its regional centers. In addition, SCPU and SARA shall also have adequate budgetary provisions for supporting such activities at State and District levels.

11.2. Child Tracking System

11.2.1. Web-enabled child protection data management system

The DCPU is responsible for carrying out a district mapping of all services available for example location and contact details of all police stations, child care institutions, hospitals, PHCs, pediatricians, members of CWCs & JJBs, short-stay homes, CHILDLINE services etc. The DCPU shall also maintain a database of all children in institutional care at the district level and shall update it on a quarterly basis. In order to facilitate DCPU in development and management of the above database, the scheme shall support establishing a Data Management System. Initially, this would a pilot initiative of the ICPS in five selected States.

11.2.2. Website for missing children

There are large number children who either run away or go missing for various reasons. There is a need to create a systematic and centralized mechanism for tracking such children to ultimately facilitate their restoration and rehabilitation. The ICPS visualizes setting up of a National Website on Missing Children with its headquarters at NIPCCD with linkages to SCPUs and DCPUs. This pilot intervention shall be supported under the GOI-UNICEF Work Plan.

12. Advocacy and Communication

Every day thousands of children become victims of neglect, abuse and exploitation in the country. Certain child abusive practices are supported or accepted by society in the name of tradition and culture, eg. Child marriage, child labour, female foeticide/infanticide, gender bias among others. Very often mere formulation of legislations and policies are not enough to change mind-sets. What is required is a concerted all round effort to raise public awareness, point out the ill effects and gradually bring about social transformation. Further, it is an acknowledged fact that awareness about child protection issues is almost negligible in the country. Even the understanding of the terms 'Child Rights' and 'Child Protection' is low. The role of advocacy and communication is all about changing mind-sets at all levels.

There are various schemes/programmes being implemented by Government of India and State Governments on child protection. However, the awareness about such programmes is generally poor and therefore people are not able to avail services under those programmes. People are not even aware about the competent authorities in their States/districts responsible for providing care and protection to children in difficult circumstances. For example, the lack of awareness about adoption programme amongst childless parents works as a barrier to promotion of child adoption.

The Ministry of Women and Child Development shall develop an effective communication strategy for child rights and protection in partnership with other ministries, national/international organizations working in this sector. The communication strategy shall utilize all means of mass media including television, newspapers, periodicals, magazines, hoardings, bus panels, cinema halls, radio, street plays, discussion forums etc. The communication strategy shall also include printing and dissemination of Information, Education and Communication (IEC) materials and hold consultations and Advocacy Workshops with members of allied systems, communities and local bodies.

At State and District levels, the SCPU, SARA and DCPU shall be responsible for advocacy and communication relating to all issues pertaining to child protection. The scheme shall provide for necessary financial allocation to SCPU, SARA and DCPU for such purpose under their overall budgetary provisions.

13. Monitoring and Evaluation

The monitoring and evaluation of the implementation of ICPS shall be taken up at various levels:

13.1. Monitoring at district level

The District Magistrate shall supervise the activities of DCPU with the help of the District Child Protection Committee (DCPC). Such a Committee under the Chairpersonship of the District Magistrate shall include members from the allied government departments like health, education,

labour, housing, judiciary, home, railways and members of the local bodies like PRIs, ULBs, voluntary organizations and members of the civil society. The DCPC shall monitor the implementation of ICPS on the basis of following broad indicators at district level:

- Timely receipt of funds from the SCPU and its disbursement
- District plan developed and implemented;
- CWC, JJB and SJPU set up and meeting regularly to discharge their responsibilities;
- Implementation of scheme components and timely utilization of funds;
- Child care institutions functioning and licensed
- Personnel in place and capacitated
- Level of advocacy for child rights and protection

This is a suggestive list of indicator and the DCPC may expand the same as per the requirements at the district level.

13.2. Monitoring at State level

The State Secretary, Women and Child Development shall supervise the implementation of ICPS with the help of a State Child Protection Committee (SCPC). Such a Committee under the Chairpersonship of the State Secretary shall include members from the allied government departments like health, education, labour, housing, judiciary, home, railways and members of the local bodies like PRIs, ULBs, voluntary organizations and members of the civil society. The SCPC shall monitor the implementation of ICPS on the basis of following broad indicators at the State level:

- Timely receipt of funds from Government of India and its disbursement
- State Plan developed and implemented;
- State Commission for Protection of Child Rights set up and functioning;
- SCPU, SARA at the State level and DCPUs set up in every district;
- CWCs, JJBs and SJPU set up in every district;
- Implementation of scheme components and timely utilization of funds;
- Child care institutions functioning and licensed
- Personnel in place and capacitated
- Level of advocacy for child rights and protection

This is a suggestive list of indicator and the SCPC may expand the same as per the requirements at the State level.

The Chief Secretary of the concerned State/UT shall conduct an annual review and evaluation of the implementation of the ICPS at State level.

13.3. Monitoring at central level

The Ministry of Women and Child Development shall monitor and supervise the implementation of the ICPS at national level by:

- Holding annual review meeting of State Secretaries
- Closely monitoring the level of implementation in the five selected States by quarterly review meetings in the State
- Providing technical support for effective implementation of the scheme
- Instituting national level awards to encourage excellence in service delivery.

Since ICPS is a new scheme and it will be implemented in the phased manner, an annual evaluation of the scheme shall be conducted at the end of the first and second year of the implementation to evaluate effectiveness and suggest course correction. This will be followed by a final evaluation at the end of the Eleventh Five Year Plan. The Ministry of WCD will have these evaluations conducted by an independent agency.

Chapter- IV

SERVICE DELIVERY STRUCTURE

1. District level

1.1 District Child Protection Unit:

ICPS visualizes setting up of **District Child Protection Units** in every district as the fundamental unit for the implementation of the scheme.

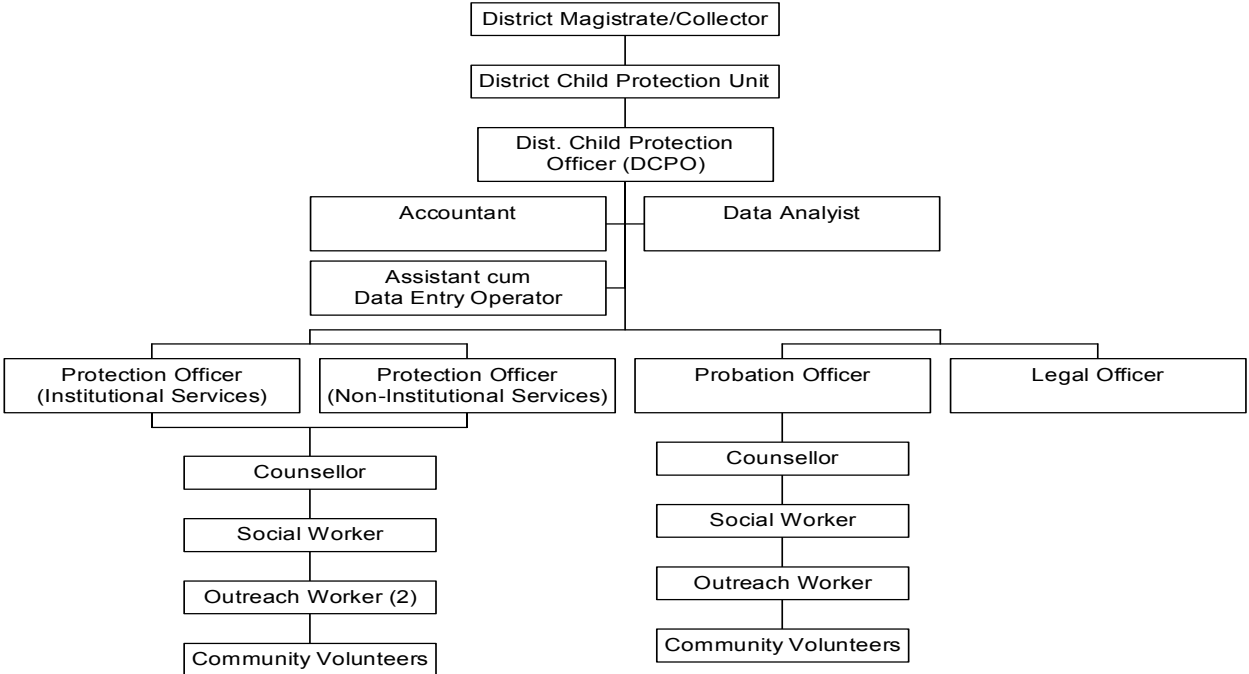
Functions of District Child Protection Unit (DCPU):

The DCPU shall coordinate and implement all child rights and protection activities at district level. The specific functions of the DCPU shall include:

1. Identify families at risk and children in need of care and protection through effective networking and linkages with the ICDS functionaries, Specialized Adoption Agencies (SAA), NGOs dealing with child protection issues and local bodies, viz. PRIs and Urban Local Bodies, etc.;
2. Assess the number of children in difficult circumstances and creating district-specific databases to monitor trends and patterns of children in difficult circumstances;
3. Map of all child related services at district for creating a resource directory;
4. Identify and support credible voluntary organizations to implement programme components of the ICPS;
5. Implement family based non-institutional services including sponsorship, foster care, adoption and after care;
6. Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 at district/city levels by supporting creation of adequate infrastructure, viz. setting up JJBs, CWCs, SJPU and homes in each districts;
7. Facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;
8. Supporting SARA in implementation of family based non-institutional services at district level;
9. Facilitate effective implementation of other legislations for child protection in the district, viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 etc. and any other Act that comes into force for protecting child rights;
10. Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
11. Network and coordinate with voluntary and civil organizations working in the field of child rights and protection;
12. Develop parameters and tools for effective monitoring and supervision of ICPS in the district;

- 13. Supervise and monitor all institutions/agencies providing residential facilities to children in district;
- 14. Train and build capacity of all personnel (Government and Non-government) working under child protection system to provide effective services to children;
- 15. Encourage voluntary youth participation in child protection programmes at district, block and community levels;
- 16. Organize quarterly meeting with all stakeholders at district level including CHILDLINE, SAA, superintendents of homes, NGOs and members of public to review the progress and achievement of child protection activities;
- 17. Liaison with the SCPU, SARAs and DCPUs of other districts;
- 18. Provide secretarial support to the DCPC.

Structure of District Child Protection Unit (DCPU)



Note:

1. All the staff members to the unit shall be engaged on contractual basis. The Probation Officer already on the existing pay scale of the State shall continue to receive the same scale, however, the new recruits on the post of Probation Officer shall receive a consolidated salary as indicated in the budget under the detailed guidelines given at Annexure-XX. The scheme shall allow the flexibility to increase the number of staff on the basis of the geographical spread and population of the State.

Detailed guidelines for setting up District Child Protection Units along with financial support to be provided by the Central Government under this scheme are given at **Annexure-VIII**.

District Child Protection Committee (DCPC)

Every district shall have a District Child Protection Committee (DCPC) under the Chairpersonship of the District Magistrate to monitor the implementation of ICPS. Details are given under the Monitoring and Evaluation Section of the Scheme.

District Placement Committee (DPC)

A District Placement Committee shall be constituted in each district under the Chairpersonship of the DCPO to approve adoption placement recommendations of the SAA. The committee shall include a representative of the concerned SAA and the Protection Officer (Non-institutional Care).

2. State level

2.1 State Child Protection Unit (SCPU):

ICPS visualizes setting up of **State Child Protection Unit** in every State/UT as the fundamental unit for the implementation of the scheme.

Functions of SCPU:

The specific functions of the State Child Protection Unit shall include:

1. Implementation, supervision and monitoring of ICPS and all other child protection scheme/programmes and agencies/institutions at State/UT level;
2. Set up, support and monitor the District Child Protection Unit and ensure proper flow and utilization of funds to the districts through ICPS and other grant-in-aid schemes;
3. Ensure effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000;
4. Ensure effective implementation of other legislations and policies for child protection in the State viz. Hindu Adoption and Maintenance Act (HAMA) 1956; Guardians and Wards Act (GAWA) 1890; Child Labour (Prohibition and Regulation) Act 1986; Child Marriage and Restraint Act 1979 and Immoral Traffic Prevention Act 1986, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994 etc. and any other Act that comes into force for protecting child rights;
5. Network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;
6. Network and coordinate with voluntary and civil organizations working in the field of child rights and protection;
7. Carry out need-based research and documentation activities at state-level for assessing the number of children in difficult circumstances and creating State-specific databases to monitor trends and patterns;
8. Training and capacity building of all personnel (Government and Non-government) working under child protection system;
9. Quarterly Progress report to the Ministry of Women and Child Development, Government of India on programme implementation and fund utilization;
10. Liaisoning with the Ministry of Women and Child Development, Government of India and State Child Protection Units of other States/UTs;
11. Provide secretarial support to the State Child Protection Committee (SCPC).

Detailed guidelines for setting up State Child Protection Units along with financial support to be provided by the Central Government under this scheme are given at **Annexure-VIII**.

2.2 State Adoption Resource Agency (SARA):

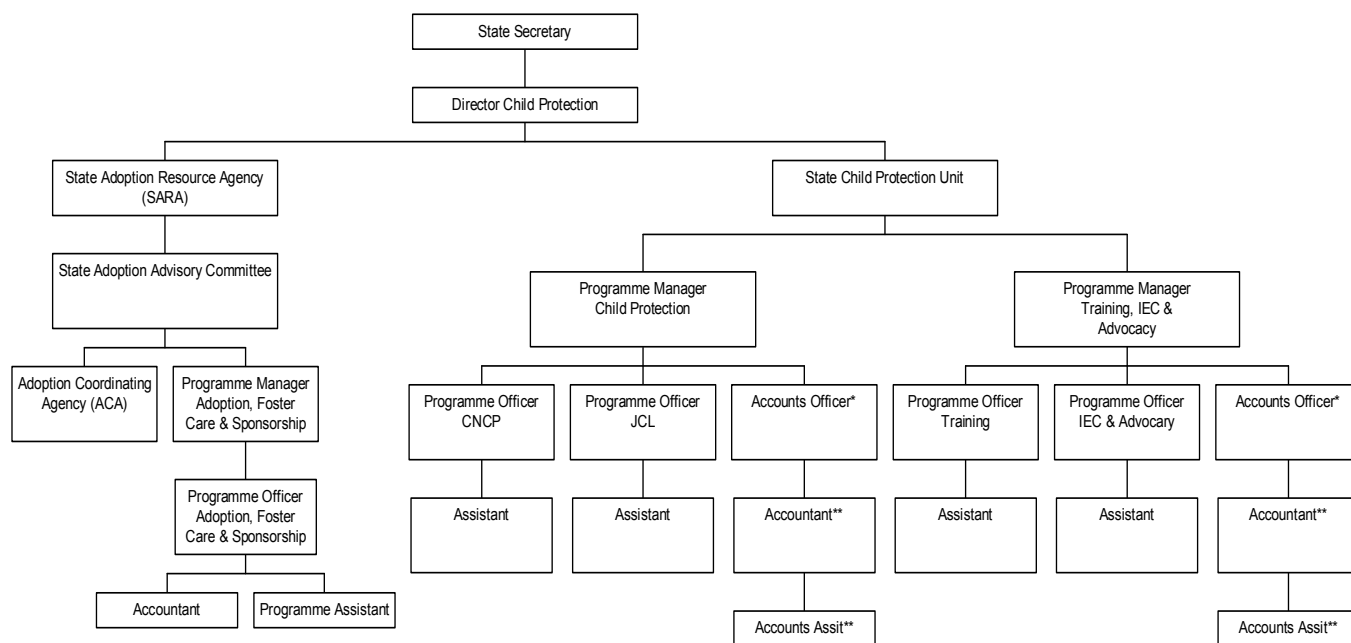
In order to support CARA in promoting in-country adoption and regulating inter-country adoption, ICPS shall support setting up of a State Adoption Resource Agency in every State/UT. Such SARA will coordinate, monitor and develop the work of adoption and render secretarial and administrative assistance to the Advisory Committee on Adoption.

SARA shall liaison with DCPU at District levels and provide technical support to the Child Welfare Committees in carrying out the process of rehabilitation and social reintegration of all children through adoption, foster care and sponsorship. The specific roles and responsibilities of SARA shall include:

1. Function as the State level Resource Centre to coordinate, monitor and develop the adoption programme in the State;
2. Facilitate the setting up of ACAs where they do not exist and recommend to CARA for recognition;
3. Facilitate the setting up of SAAs and will provide legal recognition to SAAs and maintain a comprehensive list of such agencies;
4. Ensure that all Adoptions/permanent placements of children are done in accordance with the Laws & Guidelines of the Supreme Court of India and Government of India;
5. Promote in-country and regulating inter-country adoptions in coordination with CARA;
6. Maintain a centralized (state-specific) database of adoptable children with the help of District Child Protection Units and ACAs;
7. Supervise the work of Adoption Coordinating Agency (ACA) and Specialised Adoption Agencies (SAA) and ensuring coordination between them within State;
8. Ensure that all PAPs are registered at DCPU/ SAA/ ACA/ SARA;
9. Provide comprehensive adoption data to CARA on monthly basis.;
10. Ensure sensitization of all agencies and allied systems;
11. Enhance capacity of those working in the adoption system;
12. Taking necessary punitive action when malpractices occur in the adoption programme whether by licensed /recognized adoption agencies or by unlicensed individuals or organizations;
13. Advocacy and awareness for promoting adoptions in the State;
14. Develop and disseminate IEC materials.

Detailed guidelines for setting up SARA along with financial support to be provided by the Central Government under this scheme are given at **Annexure-IX**.

2.3 Structure of State Child Protection Units and State Adoption Resource Agency



*Same person, one Accounts Officer for the State Child Protection Unit.

** Same person, one Accountant and One Accounts Asst. for the State Child Protection Unit.

Note:

- Except State Secretary and Director dealing with child related services all other staff members to the unit shall be engaged on contractual basis. The scheme shall allow the flexibility to increase the number of staff on the basis of the geographical spread and population of the State.
- At District level the State Adoption Resource Agency shall coordinate with the DCPO and Protection Officer (Non-institutional Care)
- Programme Manager (Training, IEC & Advocacy) shall be responsible for training and capacity building of all personnel including those working in Adoption System
- While selecting the contractual staff in SARA and member for the Management Committee, preference would be given to the members/ functionaries of existing Adoption Coordinating Agencies (ACAs)

2.4 State Child Protection Committee (SCPC)

Every State/UT shall have a State Child Protection Committee (SCPC) under the Chairpersonship of the State Secretary dealing with ICPS to monitor the implementation. Details are given under the Monitoring and Evaluation Section of the Scheme.

2.5 State Adoption Advisory Committee:

In order to promote, implement, supervise and monitor the non-institutional programmes including adoption, foster care and sponsorship at State level, a State Adoption Advisory Committee shall be constituted at every State/UT. The Adoption Advisory Committee will meet quarterly to discuss child welfare measures and ways and means to promote in-country adoption of children. Minutes of every meeting shall be sent to CARA. The tenure of such committee will be three years. The composition of this committee shall be as under:

Sl. No.	Members	No.	Designation
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1.	Secretary, Women & Child Development or the Administrative Department for Adoption Programme	1	Chairman
2.	Director, Women & Child Development or the concerned Directorate for Adoption Programme.	1	Member Secretary
3.	Representative of State Health Department	1	Member
4.	Representative of CARA on invitation	1	Member
5.	Programme Manager, SARA	1	Member
6.	Chairperson/Representatives of Adoption Coordinating Agencies	1	Member
7.	Representatives of SAA by rotation	2	Member
8.	Expert in the field of Child Rights and Child Protection	1	Member
9.	Legal Expert	1	Member
10.	Representative of CHILDLINE Nodal	1	Member

The Clearance Certificate (CC) stating that all efforts to find a suitable Indian family for the child within the time frame have been exhausted and hence the child is released for inter-country adoption, shall be co-signed by the Director concerned (DWCD/Social Welfare) and the Chairperson of ACA. However, in absence of the Director, the Programme Manager, SARA shall be empowered to be the co-signatory on the Clearance Certificate.

3. Regional Level

3.1 Child Protection Division in the four Regional Centres of National Institute of Public Cooperation and Child Development (NIPCCD)

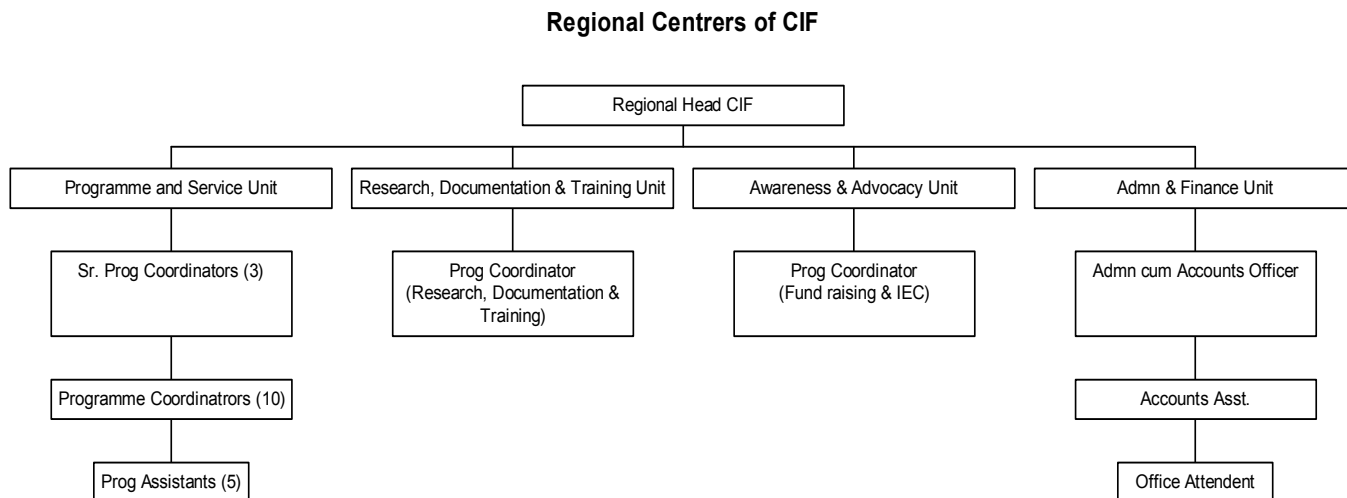
In order to facilitate training, capacity building, research and documentation and data management on Child Protection at regional levels, ICPS shall support the creation of Child Protection Division within the existing four Regional Centres of NIPCCD at Bangalore, Guwahati, Indore and Lucknow respectively. The programmes and activities of the Regional Centres along with the financial allocation are given at **Annexure-X**.

3.2 Four Regional Centres of Childline India Foundation (CIF)

In the Eleventh Five Year Plan, the Ministry of Women and Child Development has proposed the expansion of the Childline service in the country and has visualized setting up a Childline service in each district/city of the country by the end of the plan period. . In order to achieve this vision, there is a need to strengthen, not only the headquarters of the CIF at Mumbai to take up the nodal responsibility, but also expand CIF at regional levels to facilitate easy coordination, implementation and supervision of the Childline service. Under the ICPS, the Ministry would support the setting up four Regional Centres of CIF at Delhi, Kolkata, Mumbai and Chennai for Northern, Eastern, Western and Southern Regions respectively. These centers would report to the CIF Headquarters at Mumbai and broadly carry out following roles and responsibilities:

- Expand the Childline services to all districts in the states covered by each region
- Monitor the Childline service in all districts in the states covered by each region
- Undertake advocacy, training and research on child protection issues in the region

Structure of Regional Centres



In order to support the setting up and functioning of the four our Regional Centres of CIF for supporting its headquarters in with the responsibility of expansion and monitoring of Childline services in all the districts/cities of the country, the Scheme shall provide financial support as per the detailed guideline given at **Annexure-XI**.

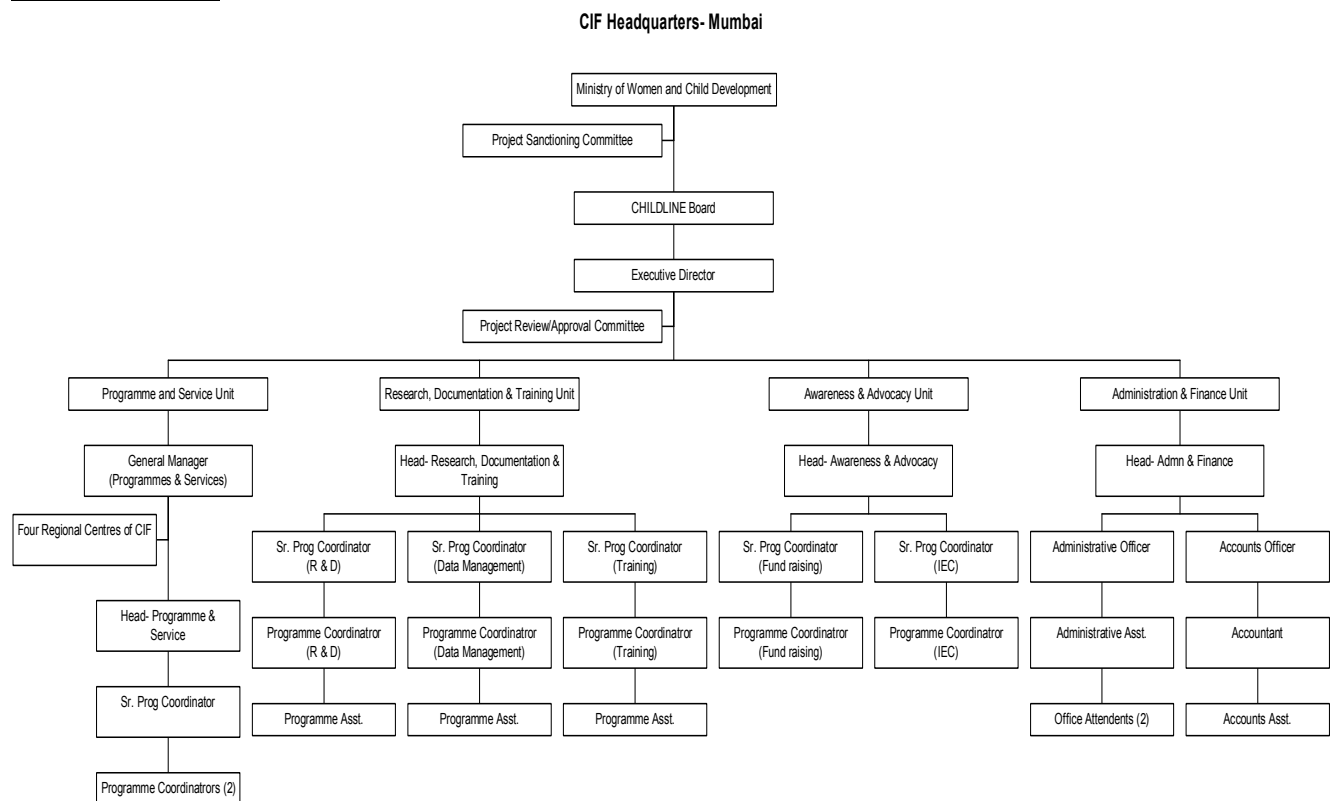
4. National Level

4.1 Childline India Foundation- Headquarters

The Childline India Foundation is a voluntary organisation established by the Government of India in 1999 as the nodal agency for the Childline service to initiate and monitor the performance of Childline service in cities and districts and to conduct training/sensitization, research and advocacy at the national level on child protection issues.

Under the ICPS, CIF shall be given the status of a “Mother NGO” for running Childline Service in the country. The Ministry of Women and Child Development shall provide a bulk grant to CIF every year in two installments of 50% each, which shall be released to the partner NGOs of Childline network. The Scheme shall strengthen the capacity of CIF by launching four Regional Centres in the country, besides supporting CIF’s Headquarters in Mumbai.

Structure of CIF



Note: Short-term Consultancy for Fundraising, IEC, Training, Research, Advocacy and Communication etc. can be given to individuals by CIF. The Ministry of Women and Child Development would make a lump sum amount available to CIF for this purpose under the scheme.

In order to support CIF in carrying out the nodal responsibility of expansion and monitoring of Childline services in the country, the Scheme shall provide financial support as per the detailed guideline given at **Annexure-XI**.

4.2 Child Protection Division in the National Institute of Public Cooperation and Child Development (NIPCCD)

In view of the transfer of all Child Protection Schemes from the Ministry of Social Justice & Empowerment to the Ministry of Women and Child Development (MWCD), the training and capacity building of functionaries working in the child protection sector and research and documentation pertaining to the subject has come under the purview of the MWCD by the virtue of it being the nodal Ministry for the care and protection of children.

Prior to the transfer of the subject to the MWCD, the National Institute of Social Defence (NISD) an autonomous organisation under the Ministry of Social Justice & Empowerment, was responsible for carrying out all child protection training and research activities throughout the country. However, as NISD has remained with the Ministry of Social Justice & Empowerment, it has been resolved to entrust NIPCCD at the national level and its four Regional Centers with this responsibility for carrying out all child protection training and research activities in the country.

Accordingly, to strengthen NIPCCD's capacity for taking up the nodal responsibility of child protection training, research and documentation, ICPS proposes to create a Child Protection Division within NIPCCD. Detailed structure, activities and financial allocations for NIPCCD is given at **Annexure-X**.

4.3 Central Adoption Resource Agency (CARA)

CARA was set up to function as the Central Authority in all matters concerning Adoption and to implement various provisions of the Hague Convention on Inter-country Adoption 1993 in the matter of rights, safeguards and procedures involving children that are orphaned, abandoned or surrendered. CARA shall function as an advisory body and think-tank for the Ministry of Women and Child Development and be accountable for all matters concerning non-institutional family based care of children.

The Government of India is concerned by the fact that the adoption programme in the country has not been effective in providing family placement to a very large number of orphaned, surrendered and abandoned children. In view of this urgent need, the roles and responsibilities of CARA need to be expanded and ICPS shall support the strengthening CARA to enable it to play this role. Detailed guidelines for strengthening CARA along with financial implications are given at **Annexure-XII**.

4.4 Child Protection Bureau in the Ministry of Women and Child Development

Child Protection is a totally new programme for the Ministry of Women and Child Development. While the Ministry has a Child Welfare Bureau to handle programmes for children, it is virtually not possible for the same section to deal with a comprehensive scheme as large as the ICPS as its current responsibility includes the formulation of policies and legislations for children and ensure the implementation of various international norms and standards related to children. This Bureau also represents the Government of India at various national and international fora and carries out advocacy for the effective implementation of policies, programme and services for children of the country.

In order to realize the vision of ICPS for creating a protective environment for children in the country in the best interest of all children, effective implementation of the ICPS scheme holds a big challenge. It would require the tireless effort of a full-fledged team of dedicated personnel to work closely with State Governments and other stakeholders to ensure the successful implementation of this massive task. This necessitates the setting up of a separate Bureau for Child Protection within the Ministry of Women and Child headed by the Joint Secretary, Child Protection. With this in view, the scheme proposes to set up a Child Protection Bureau within the Ministry. The details structure and financial allocations are given at **Annexure-XIII**.