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Impact of COVID-19 on Child Protection in India and Its Budgetary Implications

A Policy Brief



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Table of Contents

List of Acronyms	04
Abstract	05
Introduction	06
Resource shortage in child protection schemes over the years is weakening the system	07
Family and community-based care component of CPS scheme needs greater resource support	09
Shortage of human resources at every level of governance must be plugged	10
The COVID-19 pandemic has forced millions of children into child labour	12
An alarming surge in child marriages during the pandemic	15
The pandemic has exacerbated child trafficking	17
Protection of children orphaned by COVID-19 is crucial	19
Initiatives by state governments for child protection during the pandemic	21
Concluding Remarks	22
References	23

List of Acronyms

ADM	Additional District Magistrate	PAB	Project Approval Board
AHTU	Anti Human Trafficking Unit	PDS	Public Distribution System
CARA	Central Adoption Resource Authority	PMJAY	Pradhan Mantri Jan Arogya Yojana
CCI	Child Care Institution	RTE Act	Right of Children to Free and Compulsory Education Act
CPC	Child Protection Committee	SCPCR	State Commission for Protection of Child Rights
CPO	Child Protection Officer	SDG	Sustainable Development Goals
CPS	Child Protection Services	UNICEF	United Nations Children's Fund
CWC	Child Welfare Committee		
DCPU	District Child Protection Unit		
DM	District Magistrate		
GoI	Government of India		
ICPS	Integrated Child Protection Scheme		
ILO	International Labour Organisation		
JJ Act	Juvenile Justice (Care and Protection of Children) Act		
JJB	Juvenile Justice Board		
MoHFW	Ministry of Health and Family Welfare		
MoLE	Ministry of Labour and Employment		
MoLJ	Ministry of Law and Justice		
MWCD	Ministry of Women and Child Development		
NCLP	National Child Labour Project		
NCPCR	National Commission for Protection of Child Rights		
NCRB	National Crime Records Bureau		
NGO	Non-Governmental Organisation		

Abstract

'Child Protection' refers to prevention of and response to violence, exploitation and abuse of children in all contexts. This includes reaching out to children who are most vulnerable to such threats, such as those living without family care, on the streets, or in situations of conflict or natural disasters.¹ The COVID-19 pandemic has exacerbated pre-existing inequities and vulnerabilities of children.² Owing to disruptions in education,³ health-nutrition⁴ and protection services⁵ over the last one year, the vulnerabilities of children from rural areas and marginalised communities have compounded.

The shortcomings in child protection services need to be identified and resolved to address children's vulnerabilities. This can be achieved by enhancing the focus on preventive measures, increasing public provisioning and human resources, and strengthening convergence among various sectors such as education, health, and nutrition which are basic to child rights.

In this context, this policy brief attempts to examine some major challenges related to the overall functioning of child protection systems from a policy and budgeting perspective. It also analyses how the vulnerabilities of children were aggravated during the pandemic as reflected in rising instances of child marriage, child trafficking, and child labour. The significance of care and protection of children orphaned and abandoned

during the pandemic, particularly non-institutional care is also highlighted alongside a brief discussion of good practices by various state governments in this direction. Based on a situational analysis, the brief offers a set of policy recommendations, some of which can be implemented in the upcoming Union and state budgets. However, policy planning and budgetary allocations should be focused on addressing issues arising not only during the pandemic but also beyond.

¹ <https://data.unicef.org/topic/child-protection/overview/>

² <https://feature.undp.org/coronavirus-vs-inequality/>

³ <https://www.cry.org/downloads/education/Impact-of-COVID-19-on-School-Education-in-India.pdf>

⁴ <https://www.cry.org/downloads/health-and-nutrition/impact-of-covid-19-on-child-nutrition-in-india-what-are-the-budgetary-implications-policy-brief.pdf>

⁵ <https://www.cry.org/downloads/safety-and-protection/Policy-brief-Combating-Child-Marriage-During-COVID-19.pdf>

Introduction

Child vulnerability is a complex and interwoven issue. It is possible to list the intersections of different sorts of potential vulnerabilities related to gender, ethnicity, poverty, disability status, displacement, and the like. However, clearly, none on its own is a particular predictor; different combinations become salient in different situations and contexts. Emergencies often act as a magnifier for pre-existing disadvantages and discrimination, besides creating new vulnerable groups such as orphans and refugees (UNICEF, 2009). A critical component of the 2030 Agenda for Sustainable Development is the protection of every child from violence, exploitation and harmful practices. As a signatory to the Agenda 2030, India is committed towards meeting the targets related to child protection.

India is home to over 400 million children. The Constitution of India recognizes children as equal right holders and grants highest priority towards their protection and well-being. Therefore, successive governments have enacted and implemented various child-centric laws, child protection programmes and schemes from time to time. Yet there is a high prevalence of child marriage, child labour, and domestic violence against children, especially adolescent girls. In recent years, an increase in juvenile crime rates in India has been a matter of grave concern. According to National Crime Records Bureau (NCRB) data for 2020, the rate of crime against children in India is 29%, indicating a decrease of 13.2% from 2019 (NCRB, 2021). The situation has aggravated during the COVID-19 pandemic, especially in the Indian context. India being one of the largest South Asian countries, disruptions in child protection services here will have implications at the regional level as well, particularly in South Asia.

This policy brief argues that public provisioning for child protection and child welfare services is

fraught with challenges of under-allocation, poor planning and budgeting. This has resulted in consistently poor implementation of various government programmes and schemes. Two major drawbacks in the policy lens for child protection services are 1) more focus on responsive rather than preventive measures, and 2) lack of convergence among different sectors such as education, health, and nutrition which are basic to child rights. Moreover, the policies/programmes are not always inclusive by design as these often fail to cater to children with disability or girls who are frequently subjected to violence.

Increasing allocations and improving utilisation of funds by the child protection system is important to be able to build back better and achieve national targets under the National Plan of Action for Children 2016 as well as international commitments under the Sustainable Development Goals (SDGs).

The following sections analyse various policy challenges and suggest responses alongside their budgetary implications in the larger context of the COVID-19 pandemic.

I. Resource shortage in child protection schemes over the years is weakening the system

- As per the Constitution of India, the state shall direct its policy towards securing (among other things), that *children are not abused; not forced by economic necessity to enter vocations unsuited to their age or strength; and that they are given opportunities to develop in a healthy manner and in conditions of freedom and dignity, protected against moral and material abandonment* [Article 39(IV)].
 - India is also a signatory to the UN Convention on the Rights of the Child which influences legislation and programmes for children. The child protection system is largely governed by the Juvenile Justice (Care and Protection of Children) Act (JJ Act), 2015 which caters to vulnerable children '*in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.*'
 - While the legislation has highlighted the need for increased attention towards child protection, adequate resources are lacking. A component-wise analysis of the budget for children as reflected in Statement 12 of the Union Budget reveals that child protection receives the lowest share. Except 2019-20,
- in the last five years, the share of child protection in the total child budget remained less than 2%. With the pandemic having exacerbated child protection concerns, the decline in allocations is indeed alarming.
- In 2009, Ministry of Women and Child Development (MWCD) introduced the Integrated Child Protection Schemes (ICPS) for well-being of children in difficult circumstances, as well as to reduce their vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation from their families. Given its lofty goals, the funding for the scheme has been inadequate since its inception. Despite the fact that children constitute a substantial 40% of the Indian population (CRY, 2021b), the child protection budget for the past ten years has oscillated between a tiny 0.03% to 0.07% of the total Union budget.
 - In contrast, instances of child protection violations have been increasing. A child goes missing every eight minutes in India (NCRB, 2021). The pandemic has only worsened the situation. Media reports show multi-fold increase in child trafficking, child marriage, child labour, and many other forms of violence during the pandemic. Violence against children, including home-based abuse, has seen a steep rise during the lockdown as reflected in a 50% rise in the number of calls to the Childline India helpline, 1098, in the first two weeks of the lockdown (PTI, 2020). According to data from National Commission for Protection of Child Rights (NCPCR), around 92,475 children had lost at least one parent to the deadly virus. About 8,161 children lost both their parents and 396 were abandoned by August 2021 (Barnagarwala, 2021).
 - Under Child Protection Services (CPS) scheme, 732 district child protection units (DCPUs) are operational across states. DCPUs

are responsible for the rehabilitation and alternative care of children along with other services. However, as reported by MWCD, in 2020-21, the allocation for DCPUs was Rs. 710 crores (Lok Sabha, 2021b). This implies a budget of less than Rs. 1 crore for child protection per district.

- In a survey of 9,589 Child Care Institutions (CCIs) in 2016-17, NCPDR found that not a single CCI was 100% compliant to the provisions of the JJ Act; 1.5% of those did not conform to rules and regulations of the JJ Act, and 29% of those had major shortcomings in their management (Roy, 2021).
- As of 2020-21, there are 2178 CCIs supported under CPS, catering to 76,591 children (Rajya Sabha Secretariat, 2021). As per the revised financial norms under CPS, an existing CCI with a capacity of 50 children and 14 staff would require approximately Rs. 55.54 lakhs per annum for maintenance purposes. Against this financial norm, a meagre Rs. 1 crore budgetary allocation for DCPUs in charge of several CCIs in a district indicates how resource-starved these CCIs are. Moreover, frequent delays in fund flow hamper the procurement and payment of suppliers of foods and materials (Prasanna, 2016). This partly explains the poor conditions of children in CCIs across many states.
- CCIs cater to children until they turn 18 years old. In most cases, children leaving CCIs upon attaining adulthood find themselves without any support in the outside world. The absence of aftercare is a huge gap across all such institutions. Training to sustain in the real world is not even a focus area in most of the CCIs (Jain, 2019).
- As for statutory support services, the Juvenile Justice (Care and Protection of Children) Act, 2000 makes it mandatory to establish one Child Welfare Committee (CWC) and one Juvenile Justice Board (JJB) in each district, and to set up Special Juvenile Police Units in

every district and city. The maintenance grants for CWC and JJB as suggested in the CPS scheme guidelines are Rs. 12 lakhs and Rs. 9 lakhs, respectively. However, these statutory bodies hardly receive adequate resources to implement their functions.

- Monitoring is one of the most important components of child protection. As per the CPS scheme guidelines, states need to constitute a Child Protection Committee (CPC) in every district, block and village level. The committees are responsible for reviewing functions of DCPUs, overall implementation of the scheme at various levels of governance, and gathering updated information on the situation of children, demand for and supply of child protection services, and performance of child protection systems. However, not all the villages/blocks/districts have CPCs in place. Many existing committees are also not functioning regularly. In most cases, there is a lack of basic incentives, logistical expenses to conduct meetings, and supervision of the functioning of these monitoring committees themselves.

Existing policies and budgetary interventions

- Children received only 2.46% of the total Union Budget 2021-22 (BE), a reduction from 3.16% in 2020-21 (CBGA, 2021). Child protection remains one of the least prioritised areas in the overall child welfare budget.
- In the Union Budget 2021-22, Child Protection Services and Child Welfare Services have been merged into a new scheme called Mission *Vatsalya*, which has received a total allocation of Rs. 900 crores. This is a huge shortfall of 40% against an allocation of Rs. 1,500 crores for ICPS alone in Union Budget 2020-21 (CBGA, 2021).
- Along with a decline in the overall scheme budget, state shares in the total GoI allocation for CPS have also been declining over the years (Rajya Sabha, 2019).

- During the pandemic, MWCD asked all the states to take immediate action to help children adversely impacted and in need of care and protection in accordance with the provisions of the JJ Act, 2015. The states were further advised to leverage the facilities funded under the CPS scheme (Lok Sabha, 2021c).
- The Union government as well as some state governments have taken some temporary policy measures largely in the form of cash assistance to children who lost one or both parents because of the pandemic.

Policy recommendations

- During the pandemic, both the Union and the state governments have proposed and implemented several initiatives for children, but these are often scattered across departments and ministries. There must be convergence across departments for better implementation and outcomes.
- There is a need to increase resource allocation for every component of child protection programme, including construction of CCIs, recruitment of human resources, capacity-building of personnel working on child protection through regular training, and improving monitoring mechanisms.
- Due to the pandemic, CCIs have become a temporary shelter of many children whose parents were infected with COVID-19 and have no extended family to take care of them. CCIs were also directed to make suitable arrangements for isolation facilities to take care of children infected by COVID-19. Given the situation, the role of CCIs has become vital. This necessitates an upward revision of unit cost for maintenance of CCIs.
- As suggested by the COVID-19 guidelines by MWCD for care and protection of children, each state government should work on creating a district-level multi-departmental task force on a priority basis to map the needs, monitor the progress, and ensure that all benefits reach the affected children (PTI, 2021a).
- As NGOs play an instrumental role in various interventions under CPS scheme, these need to be involved in a more systematic manner. For instance, they can be roped in to provide preparatory life-skill training to children aged 14-18 years for a productive aftercare life.

II. Family and community-based care component of CPS scheme needs greater resource support

Existing challenges

- The CPS scheme supports promoting and strengthening of alternative/family-based non-institutional services including sponsorship, foster care, adoption and aftercare. However, there is much scope for strengthening non-institutional care in India. There are a handful of states including Maharashtra, Karnataka, and Gujarat which have developed effective foster care programmes. Most state departments lack a systematic disaggregated database of the existing foster care placements (BOSCO, 2013).
- Due to shortage of child protection workers, there is next to no system for monitoring of children in foster care. Rehabilitation without proper information and monitoring might expose children to various risk factors, often pushing them back into the same environment that they were rescued from.

- According to UNICEF, India has 29.6 million orphaned and abandoned children (Kalra, 2018). However, the adoption rate is very low and the number of adoptions has been declining for the past few years. To illustrate, the adoption statistics by the government showed that there were 5,694 in-country adoptions in 2011-12 which dropped to 3,142 in 2020-21 (CARA, n.d.).
- As per CPS scheme guidelines, every district shall have a Sponsorship and Foster Care Approval Committee to review and sanction sponsorship (only for preventive settings) and foster care fund. However, in most of the districts, either no such committee exists or the constituted committee is largely non-functional.

Existing policy and budgetary interventions

- A special adoption agency with 10 children is entitled to Rs. 15.5 lakh per annum under the CPS scheme. But the minutes of the Project Approval Board (PAB) meeting show that most of the states are not planning for non-institutional care and hence not budgeting for related interventions under CPS scheme.
- The CPS scheme guidelines state that a maintenance grant of Rs. 2,000 per child per month is available for non-institutional care of children in need of care and protection. A grant of Rs. 2,160 per child per month is provided for children living in CCIs (PIB, 2021).
- The Ministry of Women and Child Development has requested States and UTs to take immediate action for care and protection of children adversely impacted by COVID-19, in accordance with the provisions of the JJ Act, 2015 and leverage the facilities funded under the Child Protection Services Scheme.

Policy recommendations

- Since the number of children in distress has increased owing to the pandemic, it is likely that the reduced allocations will be insufficient

to cover all of them. The pandemic has exposed the fault lines in the institutional care system. The surviving separated and unaccompanied children are now in precarious care arrangements, at risk of further alienation. Strengthening non-institutional care should be non-negotiable if we are to move away from institutionalisation.

- The government should adequately allocate towards the information, education and communication component of child protection schemes for wider dissemination of information regarding the various forms of non-institutional care options. There is a need for increased government involvement in the processes of budgetary allocation, mandatory quality checks, and monitoring the effectiveness of non-institutional care programmes. Adoption processes must be simplified and procedural delays minimised.

III. Shortage of human resources at every level of governance must be plugged

- One of the pillars of the child welfare system is the professionals who work in it. Unfortunately, the child protection sector in India is severely under-staffed. As per the revised CPS scheme guidelines, every district shall have a maximum of three Child Protection Officers (CPOs) for institutional care and non-institutional care each (MWCD, 2020). However, there is a vacancy of 40% in posts of CPOs among 3921 sanctioned posts. Besides, there are only 2,370 class I to class IV CPOs

carrying out various functions of DCPUs at the district level. Alongside CPOs, there are 262 Child Probation Officers, and 50 counsellors (Barnagarwala, 2021).

- According to a parliamentary standing committee report, as of 2020, there was a vacancy of about 36.2% in the MWCD, 45.9% in the Central Adoption Resource Authority (CARA), and 48.1% in the National Institute of Public Cooperation and Child Development (Rajya Sabha Secretariat, 2021). It must be noted that these institutions are responsible for effective implementation of missions and mandates of the JJ Act.
- CPOs are responsible for a range of tasks - coordinating and supervising the implementation of CPS and other child protection activities at district level, monitoring and supervising all institutions/agencies/projects/programs/NGOs; coordinating non-institutional care programmes at district level; and coordinating the development of an Annual District Child Protection Plan, resource directory of child-related services and child-tracking systems at the district level. Given the acute shortage of staff, CPOs are typically over-worked and over-stressed. As a result, the children they serve are at risk of not receiving the consideration they are entitled to.
- During the pandemic, the government instructed the CPOs to fast track the cases of children who lost parent/s. Given that the immediate service is required for more than 15,000 children, each officer would be required to handle more than 60 cases and this number varies across states.
- Under the JJ Act, the staff strength at a CCI should be 14. However, most of the CCIs are running with acute staff shortage. For example, most of the institutions are running with a staff of three or four in Kerala (Prasanna, 2016); the only government-run CCI in Haryana had only

nine staff members to take care of 62 children. All the sanctioned posts for counsellors, paramedical staff, child probation officers, as well as housekeeping staff and helpers were lying vacant at this CCI. This forced children to do the work of support staff (Arora, 2018). In a shocking instance, 24 children aged 7-18 fled the CCI citing torture and assault (Arora, 2019).

- As per the Commission for Protection of Child Rights Act, 2005, NCPCR has been mandated to inquire into cases of violation of child rights and recommend initiation of proceedings in such cases. Due to shortage of human resources, 50,857 complaints were received but only 23,861 could be disposed of in the last five years (Rajya Sabha, 2021). Moreover, six out of 12 sanctioned posts at the Karnataka State Commission for Protection of Child Rights (SCPCR) were vacant. Thus, only around 20 complaints are disposed of per month despite receiving 12 to 14 complaints daily ("Child rights commission hit," 2019).

Existing policies and budgetary interventions

- As per the CPS guidelines, except the State Secretary and the Director dealing with child-related services, all other staff members shall be engaged on contractual basis or deputation. The monthly salary of a CPO is Rs. 33,250 and that of a child probation officer is Rs. 21,000. The employment guidelines of CPS suggest a salary revision every five years. However, there was no such revision for the CPOs in many states after 2014. Moreover, due to budget cuts and delay in fund flow, the salaries of many CPOs remained due for 3-4 months owing to non-renewal of their contract agreements under the pretext of COVID-19.
- As recruitments of staff under CPS scheme are largely contractual, they are not eligible for the benefits availed by regular government employees such as leave or social security benefits. In some states, the staff are paid less

than the minimum wages as mandated by the Union Government in 2016.

- The Juvenile Justice Amendment Bill, 2021 suggested changes in the role and functioning of various authorities. The amendment proposed transfer of authority to district magistrates (DMs) and additional district magistrates (ADMs) in several cases. These include the authority to issue adoption orders, oversee actions taken with respect to child marriage cases, draw up sponsorship plans for the district to generate resources through public and private contributions, and supervise three statutory boards, DCPUs, and CCIs (MoLJ, 2021).

Policy recommendations

- Special recruitment drives should be conducted to fill up the large-scale vacancies in the MWCD and the various organisations under its administrative control to ensure protection of every child in the country.
- Both the centre and the states should revise the salaries of district child protection officers. They should be regularised or at least given long-term contract to make the system sustainable.
- The suggested amendments for JJ Act, 2015 regarding additional roles of DMs and ADMs might slacken the processes as they are already dealing with multiple responsibilities including law and order, land and revenue administration, disaster management, general administration, and implementing government schemes and programmes. The government should take cognisance of the situation and should also recruit additional staff to support and ease the functioning of DMs and ADMs if required.
- Dealing with children's issues needs judicial training, competence, understanding of child-friendly procedures, and overall understanding of child rights. Training of CPC members on a regular basis is key to better monitoring of CPS. Government should conduct in-service training for the committee members and child protection officers at every level of governance. This would require more training institutes and higher unit cost for the training component under CPS.

IV. The pandemic has forced millions of children into child labour

- In July 2019, the United Nations General Assembly unanimously adopted a resolution declaring 2021 the International Year for the Elimination of Child Labour. While the goal itself was unreachable, after the pandemic it became more elusive. Around nine million additional children across the globe are estimated to join the labour force due to the pandemic (ILO and UNICEF, 2021).
- The situation is dire in India too. A study conducted by Campaign Against Child Labour in 24 districts of Tamil Nadu reported an increase in the proportion of working children from 28% to 80% because of the pandemic and school closures. This increase is to the tune of 280% among children from vulnerable communities ("Child labour on the rise," 2021). A similar survey in 19 districts of West Bengal showed an increase in child labour by around 105% during the pandemic. It also revealed that the incidence of child labour is more for girls than boys in the state (Nandini, 2020).

- Estimates based on data from Census 2011 reveal that around 15.3 million children aged 5-17 were already engaged in child labour before the COVID-19 outbreak. The pandemic has resulted in economic insecurity in households due to job losses, decline in earnings, increasing debts, and/or demise of earning members, especially for marginalised communities. This has left children particularly vulnerable, forcing them to engage in manual or unskilled labour to supplement the family income. This decision was easier for the households because of closure of schools that have kept children away from education for more than a year now.
- According to Census 2011, every fifth migrant happens to be a child in India (Pandey, 2021). Migrant children are more susceptible to exploitation. A 2013 study on migrant children in India found that 47% of children aged between 6–14 and 68% of those aged between 15–17 were working as bonded labour (ILO, 2013). Their future is more uncertain after the pandemic.
- Children of farmers and agricultural labourers are at greater risk. As the 2020 lockdown coincided with the harvesting and marketing season, children were the fallback option to assist parents in the fields in the absence of helping hands (Kundu, 2020).
- Children currently working, especially adolescents are more exposed to the crisis. As they are the cheapest labour force, many factories in the informal sector are employing children to make up for the losses incurred during the lockdown. In many cases, they are made to work up to 12 hours a day.
- The Child Labour (Prohibition and Regulation) Amendment Act, 2016, which prohibits the engagement of adolescent children in hazardous occupations and processes, slashed the list of occupations considered hazardous from 83 to 3 (mining, explosives, and occupations mentioned in the Factories Act, 1948) (Mehra, 2018).
- Furthermore, the exception in the child labour legislation permits children below the age of 14 years to 'help' in family and family enterprises during vacations and after school hours. This has created a loophole allowing involvement of children in agriculture and allied industries besides imperilling the lives of children working in challenging conditions. Given that a strong monitoring and support mechanism is yet to be put in place to ensure that children below 14 years 'help' only within the purview of the law, without compromising their education, it is quite likely that they might drop out of school and enter the labour force even prior to completing elementary education. Prolonged school closures and challenges in accessing online education has further increased the likelihood of children from marginalised communities being pushed out of education.

Existing policies and budgetary interventions

- Out of school children have a higher probability of joining the workforce. On the education front, there is an intervention under *Samagra Shiksha Abhiyan* (SmSA) for mainstreaming out of school children through their residential and non-residential training for age-specific enrolment. However, the provision is limited to children of ages 6-14 as part of Right of Children to Free and Compulsory Education (RTE) Act, 2009 and the allocation for this intervention has remained less than 1% of the total SmSA budget for years.
- National Child Labour Project (NCLP), a programme under the Ministry of Labour and Employment is one of the key central sector schemes for identification and rehabilitation of child labour and bringing these children to the mainstream schooling system. As of 2021, 323 districts across 21 states are covered under NCLP scheme. The scheme is currently operational in 96 districts (Lok Sabha Secretariat, 2019). These are the only districts

from where requests are received from the District Magistrate/District Collector for conducting surveys to identify child and adolescent labour under NCLP.

- The budget for NCLP has decreased from Rs. 250 crores in 2015-16 to Rs. 120 crores in 2021-22. The allocation was same as the previous year despite the need for higher allocation. This amount is also being under-utilised as reflected from the revised estimates for 2020-21 which were Rs. 50 crores against an allocation of Rs. 120 crores.
- Surveys show that there is little awareness about the programme. Moreover, the unit cost for advocacy and awareness component under NCLP shrank from Rs. 2 lakhs to Rs. 50 thousand (MoLE, 2017).
- In 2017, an online portal named PENCIL (Platform for Effective Enforcement for No Child Labour) has been developed as a part of NCLP to identify instances of child labour. This portal connects the central government to state Government(s), district(s) and all District Project Societies for better implementation of the NCLP. By July 22, 2019, around 1,010 complaints were received on the portal but only 361 cases were resolved, denoting a success rate of only 36% (PIB, 2019b).
- In the view of the pandemic, the MoLE relaxed the norms with respect to functioning of Training Centres, and the financial grants released under NCLP from April-September 2020 (Lok Sabha, 2021a).

Policy recommendations

- There is a need to expand the coverage of NCLP districts. Surveys for identifying child labour at district level must be conducted at regular intervals. Effective implementation of these processes will require setting up special training centres and additional recruitment of district nodal officers. The government must step up the budget under NCLP substantially in the coming years.
- Awareness generation among communities is crucial for identifying children and ensuring that they receive the benefits under the scheme. The government should revise the budget for advocacy and awareness campaigns under NCLP. Evidence shows that children are unable to balance work with education, ultimately leading to dropping out of school (ILO, 2015). Therefore, a blanket ban on all forms of child labour up to a minimum of 14 years of age is critical to ensure that they complete at least elementary education as guaranteed by the RTE Act, 2009. To address these gaps, governments need to strengthen monitoring which requires additional human resources.
- More than responsive measures, governments should ramp up preventive measures to eliminate the incidence of child labour. Strengthening of school education system is the first step. Efforts must be centred on creating an environment which arrests drop out from school. Increasing overall school education budget, provision of monetary and non-monetary incentives, and waiving education fees are crucial measures on which government should work more closely.
- The unit cost for mainstreaming out of school children under SmSA needs to be increased and these endeavours should be extended to children aged 14-18 years as well.
- Only rescuing children will not suffice. A multipronged response is required to tackle the problem. It starts with the family children belong to. Efforts are required to achieve convergence of the ongoing developmental schemes including employment security (decent work and minimum wage), educational support, health security, food security (universalising PDS) and social protection so that parents are not compelled to send their children to work.

V. An alarming surge in child marriages during the pandemic

Existing challenges

- Despite being prohibited by law, the persistence of child marriage is a severe societal problem in India. As per UNICEF (2019) estimates, India has over 22.3 crore child brides, of which nearly half or 10.2 crore girls were married off before the age of 15. These also comprise one-third of all child brides in the world.
- Findings from the first phase of the National Family Health Survey 2019-20 (NFHS-5) reveal a fall in the proportion of women aged 20-24 who were married off before the age of 18 in 19 states/UTs except Assam, Manipur and Tripura as compared to NFHS-4, 2015-16 (MoHFW, 2020). For Tripura, this proportion has increased by 7 percentage points to 40.1% in 2019-20. This necessitates greater attention and budgetary allocation towards north-eastern states to combat child marriage. West Bengal (41.6%) and Bihar (40.8%) are other high-burden states where preventive efforts ought to be doubled.
- There has been an alarming spurt in child marriages across states such as Chhattisgarh, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, and Odisha during the lockdown (Banerjee, 2020; Sahu, 2020; "Lockdown linked to spike," 2021). In Maharashtra, the cases up to September 2020 were 78.3% higher vis-à-vis those during the same period in 2019 (Chakraborty, 2020).

Existing policies and budgetary interventions

- The primary legislation dealing with child marriage in India is the Prohibition of Child Marriage Act (PCMA), 2006, which allocates the lion's share of responsibilities of prevention and response to child marriage to Child Marriage Prohibition Officers, District Magistrates, and the police. The JJ Act, 2015 recognises children who are at risk of marriage as vulnerable children in need of care and protection. They are entitled to provisions and support mechanisms under the CPS scheme as well.
- In addition, raising awareness to end early marriage of young girls is one of the objectives of centrally sponsored schemes such as *Beti Bachao Beti Padhao* and *SABLA* (Rajiv Gandhi Scheme for the Empowerment of Adolescent Girls).
- Several state governments have launched schemes offering conditional cash transfers at birth as well as various phases of a girls' education up to class 12 or the age of 18. These are meant to stall dropouts as well as early marriages. Examples include *Apni Beti Apna Dhan* scheme in Haryana, *Ladli* scheme in Delhi, *Bhagyalakshmi* scheme in Karnataka, *Ladli Laxmi Yojana* in Madhya Pradesh, *Kanyashree Prakalpa* in West Bengal, and *Mamta* scheme in Goa. However, low investment towards the provisions of the PCMA, 2006 and the resultant inadequate support mechanisms for prohibition officers lead to poor implementation (Mahara, 2021).
- India is yet not a signatory to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriage enforced way back in 1964 (Thukral and Ali, n.d.). There is a dearth of specific schemes targeting child marriage. Data as per an RTI response from Childline India Foundation revealed a 33% year-on-year increase in child marriage during June-October 2020 as

compared to 2019 (Thomas, 2021). Both the Union and the state governments need to deploy the requisite human and financial resources to stall the increasing trend. Given that most cases go unreported, a pro-active approach alongside targeted budgetary interventions for monitoring, tracking, rescue and rehabilitation besides prevention was lacking during the pandemic.

Policy recommendations

- An analysis of existing State Rules drafted under the PCMA, 2006 shows significant divergences among these rules especially when it comes to the powers of Child Marriage Prohibition Officers, accountability structures from *Panchayat* to state level, mechanisms for collecting and collating data on child marriage, role of police, convergence with child protection mechanisms, and rehabilitation of married children. Therefore, developing central guidelines will ensure that there are standard core minimum provisions that are similar across all states and will strengthen implementation of existing legal provisions (CRY, 2020). Thus, investment on human resources and institution-building for monitoring and evaluation are the need of the hour.
- While child marriage harms both girls and boys, the former are disproportionately affected. Early marriage and child-bearing are detrimental to the health of adolescent girls, besides aggravating the risk of infant mortality and child malnutrition (Tewari, 2014). Mandatory registration of marriages as well as births is essential to ensure documentation and data availability. The registrar of marriages must be empowered to verify the age of the couple and report cases of child marriage (Thukral and Ali, n.d.). More investment is needed for appointment and training of all involved personnel besides creating databases at a disaggregated level.
- School closures, learning losses, loss of midday meals and other incentives, in addition to household financial crises owing to income and employment losses during the COVID-19 pandemic contributed to the surge in early marriages in socially disadvantaged poor households. The RTE Act, 2009 can be extended up to 18 years of age. There is a strong case for offering girls free education at least up to class 12 and subsequent livelihood opportunities. A study by CBGA-CRY estimated the total cost of universalising the secondary education of girls aged 15-19 years (including out of school girls) to range from 0.4% to 0.6% of the GDP. Greater public provisioning for girls' education is thus crucial for preventing child marriages.
- A scheme specifically targeted towards ending child marriage must be launched under which villages can be incentivised to be declared as 'child-marriage free'. In rural areas, accountability can be ensured by making it mandatory for local bodies such as *gram panchayats* to report such cases (Panchal, Thusoo, and Ajgaonkar, 2020). The allocation under the scheme must include components of gender sensitisation and awareness for functioning officers, police personnel, judiciary, local body members, and teachers besides the larger community. Resources are also required for protecting whistle-blowers and activists.
- A multi-agency approach converging across various departments is essential as child marriage is interlinked with issues such as domestic violence, gender-based violence and abuse, adolescent sexual and reproductive health, infant and child mortality, low education and labour force participation. Therefore, addressing the issue of child marriage can accelerate progress in achieving several SDG commitments such as those related to poverty, hunger, education, gender equality and economic growth, to name a few. Enhancing budgetary allocations for better implementation of child protection mechanisms is thus essential.

VI. The pandemic has exacerbated child trafficking

- Trafficking is one of the most heinous organised crimes against children in India. Common reasons for internal as well as international trafficking include commercial sexual exploitation, bonded labour, marriage, adoption, and organ trading. Child trafficking often occurs under the pretext of child marriage. The nexus among traffickers and poor parents selling their children out of abject poverty makes arresting and conviction difficult (Lal, 2021). The rate of conviction remains low at around one in ten cases as per NCRB data for 2020.
- Amid media reports of escalation of cases of child trafficking during the COVID-19 lockdown, 1,714 such cases were reported in 2020 (NCRB, 2021). This is 22.4% lower than the data for 2019, indicating under-reporting rather than progress in prevention. About 47% of the 4,709 victims were children. Moreover, more than 40% of all crimes against children in the past decade were sexual offences (CRY, 2021a).
- Children from socioeconomically disadvantaged and vulnerable backgrounds are most vulnerable to trafficking. The massive reverse migration of migrant workers due to the COVID-19 lockdown caused an unprecedented shortage of labour, following which trafficking of women and children intensified. Employers targeted poor children from backward regions of Jharkhand, Bihar, Uttar Pradesh, West Bengal, Andhra Pradesh, Haryana, and Chhattisgarh where families grappled with destitution, hunger, and unemployment (Ghose, 2020a; Yeung and Sur, 2020; Ghosh, 2021). While several victims were rescued, not much attention is paid towards what happens after that or the situation in shelter homes.

Existing policies and budgetary interventions

- India does not have a separate law against child trafficking. The Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 is the legislation proposed to counter the offence and includes women, children and transgender persons as victims (Dasgupta, 2021). This bill has incorporated much needed provisions for prevention and rehabilitation. However, the ambiguities related to accountability and reporting structures, duplicity of efforts and channelling of scarce resources towards creation of yet another structure instead of strengthening existing ones are areas that need further deliberations.
- Following reports of the heightened risk of trafficking during the lockdown and the large number of survivors rescued, states and Union Territories were advised to accelerate the process of establishing more anti-human trafficking units (AHTUs) and upgrade existing ones. Earlier, in March 2020, nearly Rs. 100 crores were released from the Nirbhaya fund for this purpose. India has 330 existing AHTUs acting as district-level integrated task forces and convergence centres for the Ministry of Home Affairs, Ministry of Women and Child Development, as well as the Ministry of Labour and Employment (Bhardwaj, 2020).
- The pandemic also saw a rise in illegal adoptions often undertaken for the purpose of trafficking and exploitation. In July 2021, the Women and Children Welfare Department of Telangana initiated awareness and counselling sessions to prevent illegal adoptions in the state ("Telangana government launches campaigns," 2021). However, most other

states failed to take preventive action. Despite the aforementioned advisory in March, several states such as Maharashtra, Uttar Pradesh, Haryana, Chhattisgarh, Nagaland, and Mizoram failed to set up a single new AHTU until October 2020, citing lack of funds from the Central government (Ghose, 2020b). The Centre maintained that Rs. 100 crores had been released in March itself. The inadequacy of resources ultimately jeopardises the lives of vulnerable children.

- *Ujjawala* is a comprehensive scheme under MWCD for prevention of trafficking alongside rescue, rehabilitation and reintegration of survivors of commercial sexual exploitation (MWCD, 2021). Ever since its inception in 2016-17, there has been an underutilisation of funds. For instance, the budget allocation (BE) was Rs. 20 crores in 2019-20, but the expenditure (A) was only Rs. 6.33 crores. A declining trend can be observed in expenditure since 2017-18. In fact, no fresh budgetary allocation was made towards schemes protecting children such as *Ujjawala* and *Beti Bachao Beti Padhao*, as well as gender budgeting, research, publication and monitoring under the Mission for Protection and Empowerment of Women in 2021-22. Similar was the state of Child Protection Services and Scheme for Adolescent Girls under Umbrella Integrated Child Development Services. Thus, existing policies grapple with budgetary constraints of both under-allocation and under-utilisation.

Policy recommendations

- Similar to other areas of child protection, a policy shift towards prevention rather than response is essential to combat child trafficking. Free education and residential hostels for vulnerable and poor children in government institutions up to class 12, identification of vulnerable children and regular outreach with their families are essential to prevent dropouts and their trafficking for child labour. Investment towards human and technical resources is required for tracking and monitoring of survivors for their reintegration in society.
- Funds must be earmarked for efforts towards speedy investigation, rescue, rehabilitation and reintegration of survivors of trafficking. They must receive free legal assistance (HAQCRC, 2001). Compensation must be paid to them at the earliest. Greater investment towards AHTUs for expediting investigation, compensation procedures, as well as ensuring accountability has led to positive outcomes, as exemplified by Odisha (Patnaik, 2021).
- As of July 2019, there were only 134 protective and rehabilitative homes (PIB, 2019a). This is insufficient given that as many as 9,000 children were rescued from traffickers from the outset of the pandemic in April 2020 to July 2021 (“Over 9,000 trafficked kids rescued,” 2021). Rehabilitation and reintegration include components of care and support, counselling, and training for education and employment. Monitoring the situation in shelter homes is also imperative to ensure that these do not become sites of exploitation and abuse themselves. Budgetary interventions are necessary to make up for the shortage of trained human resources as well as adequate infrastructural facilities for the same.
- Law enforcement personnel, immigration and border staff must undergo child sensitisation training to be able to identify modes and channels of trafficking and rescue trafficked children. Similarly, schools must arrange for awareness sessions for teachers as well as children. The latter must be made aware of the issue and helplines in case of distress. Adequate funds must be allocated towards the same.

VII. Protection of children orphaned by COVID-19 is crucial

Existing challenges

- Among those whose lives were shattered as a result of the pandemic were children who lost their parent/s to the contagion. This unprecedented crisis left thousands of them without any economic or emotional support for their present and future. It is alarming that the rate of suicide among children was 31 per day in 2020 as per NCRB data, family problems being the most common reason (PTI, 2021b). The grief and trauma have been unimaginable for over one lakh children who have lost one or both parents, or have been abandoned during the pandemic between April 1, 2020 to August 23, 2021 according to data from NCPDR (Scroll staff, 2021).
- In such times, identification and avoiding disruption of education of children rendered without a primary caregiver is a pressing challenge. Part of the PM Cares fund shall be used for supporting their education and providing them health insurance. However, as of October 29, 2021, merely 30% of the 4,366 applications filed on behalf of such children were approved (Tandon, 2021).
- On the one hand, the number of claims filed itself is a tiny proportion of the total number of eligible children. Most children might lack the necessary support to be able to file such applications. Further, children without bank accounts and ID proofs will not be able to

access cash transfers (Ghosh and Chanda, 2021). It is also difficult for them to prove that their parent/s died of COVID-19 in the absence of necessary documentation from a hospital. On the other hand, most of these claims are being rejected for lack of authentication, which might be difficult for children to arrange themselves. In addition, children left with no guardians shall be relocated to childcare institutions, where the state of infrastructure is in dire need of renovation.

- Moreover, there is little talk about children with disability and what happens to those left without their primary caregiver/s or a single parent. There is a need for initiatives to provide psychological support to these children to overcome the trauma of losing parents suddenly.

Existing policies and budgetary interventions

- Under the PM Cares for Children package, a corpus will be created for children who have lost their parent/s or legal guardian to COVID-19 through a fixed deposit of Rs. 10 lakhs. Once they turn 18, they will be paid a monthly stipend for higher education for five years. They will be entitled to the corpus amount at the age of 23. All children will also be provided a health insurance cover of Rs. 5 lakhs under *Ayushman Bharat* scheme (PM-JAY) (TNN, 2021). The premium for the same will be paid by the central government until the beneficiaries turn 18 years old.
- Several state governments have also announced a slew of measures to protect orphaned children. These include monthly financial assistance, fixed deposits, free education, and counselling (Barnagarwala, 2021). For example, the government of Andhra Pradesh announced an assistance of Rs. 10 lakhs in the form of a fixed deposit for orphaned children belonging to families living below the poverty line. Similarly, the Kerala government announced a special package for children

orphaned by COVID-19 under which an amount of Rs. 3 lakhs will be given to the children as a lump sum initially. On May 31, 2021, the government of Uttarakhand launched the *Mukhyamantri Vatsalya Yojana* under which orphaned children will be provided a monthly allowance of Rs. 3,000 up to the age of 21 (Srivastava, 2021).

Policy recommendations

- A child-sensitive approach is necessary to formulate policy measures for the protection and welfare of children rendered without guardians during the pandemic. First and foremost, there is a need to relax the eligibility conditions to ensure that no child is left behind. Inclusion can be maximised by expanding the purview of relief packages to include children who have lost one parent as well as those who have been abandoned. Under some state schemes, only those whose parents died during specific periods (e.g., during the first wave in 2020 or the second wave in 2021) are eligible to claim benefits (Barnagarwala, 2021). Such conditions need to be done away with as these will only lead to massive errors of omission. Greater inclusion demands higher budgetary commitments for not only tracking and identification but also immediate delivery of assistance.
- There also exist several anomalies among state decisions on relief packages. It is far from clear what the basis for deciding the amount of assistance is, and how their immediate short-term needs will be taken care of. The fixed deposits including that under PM Cares can be utilised only when the child becomes an adult. Present poverty must not force children into child labour or bonded labour for everyday sustenance. It is imperative that both the central and state governments clearly lay down the norms and eligibility criteria for beneficiaries of schemes and relief packages. Long-term measures are welcome but immediate measures ought to be prioritised to address the vulnerability of children.
- Moreover, mass recruitment of child protection officers and support staff is needed on an urgent basis. At present, *Anganwadi* workers who are being overburdened with the responsibility of identification and tracking ought to be adequately compensated. Nevertheless, additional recruitment of human and technical resources is essential and higher budgetary resources must be provided for it without further ado.
- There is an urgent need for multi-level tracking and monitoring mechanisms to ensure that the identified children can continue their education and not fall prey to child marriage, trafficking, or labour. Besides, PM Cares as well as state schemes must take measures to address issues of exploitation, violence, abuse and trauma. Trained personnel must be engaged to create an ecosystem for psychosocial well-being and counselling. In addition, given that PM Cares largely relies on donations, its sustainability remains a moot question (Chakraborty, 2021). It alone would not suffice to protect orphaned children as it is only an emergency or supplementary measure.
- Moreover, cash transfers are most likely to be availed of by guardians until the children reach adulthood. The existing schemes such as ICPS must be scaled up and the service delivery models must not be sidestepped in favour of cash transfers. This can only be done with specifically earmarked higher budgetary commitments for immediate and effective implementation of existing schemes as well as recently announced relief measures.

VIII. Initiatives by state governments to ensure care and protection of children during the pandemic

The disruptions to society and economy because of the pandemic dealt a heavy blow to the safety, well-being and future of children. While the challenges for children as well as the governments are multiple, several state governments have taken up additional measures to ensure care and protection of children in distress due to the pandemic. Some important policy measures at the state level are as follows.

- In view of the pandemic situation, the Women and Child Development Department of Delhi government has formulated a policy for welfare of street children. Among many measures, one significant proposal was the composition of District Child Protection Convergence Committee over and above the District Task Force or rescuing children. The policy clearly recognises the role of civil society organisations in this domain and expanded their scope for works along with government (PTI, 2021c).
- The governments of Delhi and Rajasthan have undertaken door-to door surveys to identify children orphaned during the COVID-19 pandemic. Similarly, the governments of Uttar Pradesh and Maharashtra have set up a task force in each district of the state to identify the children orphaned due to the pandemic (Lalchandani, 2021; “Maharashtra to set up,” 2021; Srivastava, 2021).
- The Andhra Pradesh government has set up child care institutions in each of its 32 districts to look after children orphaned or separated from their parents due to COVID-19. For assistance pertaining to these centres, two helpline numbers – 181 and 1098 — have also been set up by the government (Sreenivas, 2021).
- Tripura government has extended the benefits of all the child welfare schemes to the children who have lost their parents during the pandemic on a priority basis (Panday, 2021).
- Karnataka government has formulated an action plan to cater to children in four scenarios — both parents are deceased, both parents hospitalized, one parent deceased and the other hospitalised, one parent is hospitalized and other is out of station. Karnataka SCPCR also directed the government to create a task force of paediatricians and mental health professionals like therapists and neurosurgeons to support children (Chatterjee, 2021).
- The government of Odisha has issued a dedicated helpline 1098, Odisha SCPCR helpline 1800-345-4494, and state COVID-19 helpline 104 for immediate tracking of children in vulnerable situations. The government has also arranged temporary homes in all 30 districts for distressed children whose families were affected by COVID (Srivastava, 2021). In August 2021, Odisha State Child Protection Society in collaboration with UNICEF India launched *Sampark*, a state helpdesk to provide psychosocial support to children during the pandemic. Through this, the government will provide tele-counselling to children and their parents/caregivers impacted by the pandemic (“Odisha: SAMPARK State help desk,” 2021).

Concluding Remarks

This policy brief shed light on the many vulnerabilities of children in India which were aggravated due to the COVID-19 pandemic. It also revealed the gaps in the existing child protection systems and attempted to suggest how these can be bridged to enhance their functioning.

Ensuring all children are able to grow in a secure and protected environment, and providing support to those who fall out of the safety net is critical for the holistic development of children. Children's right to protection is linked to the realisation of other rights to education, development and participation. Therefore, reversing the declining trends in budgetary allocations for child protection is essential in order to realise India's commitments to the SDGs and mitigate the impact of the pandemic on the lives of vulnerable children.

Depriving children from their rights to decent living shall go on to hinder their future participation in democracy. Thus, there is a strong case for public provisioning of care and support to every child of the country. The Union as well as the

state governments have begun to take steps for supporting children in distress during the pandemic. Reimagining children's futures in a post-pandemic world requires child-sensitive policy and budgetary measures, convergence across interrelated sectors, and collaborative efforts of the state, NGOs, and civil society.

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