

Chapter 2

Implementation of Integrated Child Protection Scheme

GNCTD's efforts towards providing care and protection to children in need were deficient and slow in most areas. There were delays in creation of institutions viz. SARA, CWCs and DCPUs for implementation of the Scheme. DSCPS, which was the apex body for implementation of ICPS, failed to provide the necessary impetus and leadership as its Governing Body and Executive Committee were dysfunctional. There was no effort on the part of the Government to assess or identify the number of children in need of care through surveys etc. In the absence of data relating to CNCP in Delhi, GNCTD was not in a position to plan for care and allocation of adequate resources for the same. Financial management was also deficient with the expenditure falling much below the budget allocation indicating unrealistic budgeting. The Government failed to provide timely financial support to NGO run CCIs with delays in release of funds. GNCTD also failed to avail increased Central share in grants for implementation of ICPS.

The basic objective of ICPS was to provide care and protection to all Children in Need of Care and Protection and its guidelines require every state/UT to set up a State Child Protection Society (SCPS) for implementing the scheme. As per the MoU, while Secretary, DWCD, GNCTD dealing with Child Protection/Welfare matters is the nodal officer for effective implementation and monitoring of ICPS, the MoWCD has to provide funds to DWCD for implementation of ICPS and set up a Central Project Support Unit (CPSU) at Delhi and State Project Support Unit (SPSUs) in the state.

The CPSU and SPSU were to function as "Mission Directorates" headed by the Mission Director. The State Government was to assess the requirements of child protection services in the State under ICPS and accordingly make timely budgetary provisions in the State Budget. At the time of making a request for release of instalments, it has to furnish Utilisation Certificate of the total amount i.e., Central and State shares of the previous instalment and has to certify its "State Matching Share".

DWCD was to implement all the existing projects/programmes that have been brought under ICPS namely (i) Integrated Programme for street children; (ii) Programme for Juvenile Justice; and (iii) Scheme of assistance to Homes for children (Shishu Greh) to promote in-country adoption as per the ICPS norms.

2.1 Planning

2.1.1 Setting up of support structure – DSCPS/SARA/CWC/DCPUs for rehabilitation/restoration, adoption, and re-integration of children in need of care and protection.

DWCD was to develop an implementation Schedule to ensure setting up of DSCPS and SARA at State level and Juvenile Justice Boards, CWCs and Special Juvenile Police Units in each District within three months of signing the MoU. DWCD was also to set up District Child Protection Societies, Specialised Adoption Agencies in each District and an Adoption Coordinating Agency within six months.

2.1.1.1 Delhi State Child Protection Society (DSCPS)

As per MoU (March 2010) between the Central and Delhi Government, Delhi SCPS was constituted in August 2010 as a society registered under the Societies Act, for the specific purpose of implementation of ICPS in Delhi to facilitate and operate in an additional managerial and technical capacity to DWCD. The DSCPS is headed by the Minister, WCD as its Chairperson and had 16 members who were mostly senior officers from the Government with one member from a Non-Governmental Organisation.

As per clause 3.4 of the MoU, while the State was primarily responsible for the effective implementation, DSCPS was its implementing arm.

The Aims and Objectives of DSCPS included (a) establishing services for emergency outreach, institutional care, family and community based care, counselling and support services for children in need; (b) put in place and strengthen necessary structures and mechanisms for effective implementation of ICPS at district levels; (c) build capacities of all functionaries at all levels; (d) sensitise and train members of allied systems such as local bodies, police, judiciary etc. to undertake responsibilities under ICPS; (e) create mechanism for Child Protection Data Management System and Child Tracking System for implementation and monitoring of child protection services etc. It discharges various functions and exercises powers in accordance with its Memorandum of Association and Rules and Regulations. DSCPS functions through the Governing Body (GB), Executive Committee (EC).

Governing body of DSCPS - Audit noted that Governing Body of DSCPS had met only once (July 2019) during the period of three years 2018-21. In the lone meeting conducted, the only item in the agenda, apart from routine matters, was implementation of sponsorship scheme for which it was decided to submit the draft SOP to the Deputy Chief Minister. There was no further follow up. Thus issues relating to Annual Budget, Annual Action Plan, financial position and matters relating to recruitment/appointment of experts and administrative/technical staff could neither be discussed nor any necessary direction on the issues be sought.

Thus, in the absence of regular meetings of the Governing Body, implementation of ICPS lacked the necessary directions and impetus from the Government.

In its reply, DWCD stated (December 2021) that meetings of Governing Body could not be held due to pandemic Covid-19. The reply is not acceptable as the meetings of Governing Body were not conducted as required even before Covid-19.

Executive Committee of DSCPS: The Executive Committee (EC) of DSCPS is responsible for acting and doing all deeds on behalf of the Governing Body and for taking all decisions and exercising all powers vested in the Governing Body except those specifically excluded by the Governing Body. Chairman of EC spearheads the effective implementation of ICPS and all other child protection policies and programmes in the State by facilitating formulation of the State Child Protection Policy and State Plan of Action for Children. For discharging its functions, the EC was required to meet at least once in three months. In spite of having such huge responsibilities, the EC met only once (December 2018), during the period of three years from 2018-19 to 2020-21, vis-à-vis a minimum of 12 quarterly meetings prescribed. Absence of Periodical Meetings of the Governing Body and Executive Committee indicate that DSCPS, which is the apex institution for implementing ICPS was not doing its job meticulously and left the implementation of the scheme rudderless. Lapses in the functioning of DSCPS can be seen in the observations discussed in the succeeding paragraphs

Recommendation no. 1: Conduct regular meetings to review, improve and monitor the institutions implementing child protection schemes and ensure their follow-up. Responsibility of defaulters should be fixed.

2.1.1.2 State Adoption Resource Agency (SARA)

As per the MoU (March 2010), SARA was to be constituted within three months of signing the MoU, i.e., by June 2010. However, it was observed that SARA was constituted in September 2011, i.e. after a delay of 14 months. Even after delayed constitution of SARA, its Governing Body was constituted only in June 2018. The role of the Governing Body of SARA was to meet at least once in every quarter to review the progress of adoption work and address the operational as well as logistic issues and bottlenecks in the adoption process or systems in the State.

DWCD stated (December 2021) that there was no provision of SARA under the JJ Act, 2000 and it was constituted in September 2011 as per ICP Scheme. The reply is not acceptable as the MoU signed in March 2010 between MoWCD, GoI and GNCTD required SARA to be constituted within three months.

2.1.1.3 Child Welfare Committees

As per the MoU of March 2010 between the Central and Delhi Government, CWCs in each District were to be constituted by the Delhi Government within three months, i.e., by June 2010. However, two out of 10 CWCs, CWC-IX Gole Market and CWC-X Alipur, were constituted with delays of more than six years⁴.

2.1.1.4 District Child Protection Units (DCPUs)

The MoU (March 2010) between the Centre and Delhi Government stipulated constitution of DCPUs within six months. DWCD, GNCTD was responsible for timely constitution of these institutions. Audit observed that all the 11 DCPUs in the districts (including one at DWCD headquarters) were constituted after delays ranging up to six years as detailed in **Annexure III**.

Delay in constitution of DCPUs, which are the District-level institutions for providing child care services working at ground level to deliver necessary services to children in need, indicated lack of intent and insensitivity of the Government towards the needs of children.

DWCD replied (December 2021) that establishment of DCPUs is a gradual process involving multiple authorities and compliances. After ensuring minimum wages to the staff, DCPUs were set up in all 11 districts and recruitment process for staff to fill vacant posts is under process. The reasons given for delay are all administrative in nature and should have been addressed in time.

Shortage of Staff: DCPUs functions under the administrative control and overall supervision of the District Magistrate of the District concerned and each DCPU is headed by a District Child Protection Officer. In each DCPU, 12 officials are required for its smooth functioning which can be increased to 15 with three more Outreach Workers. The ICPS Guidelines provides that the Social Worker is responsible for coordinating field level activities in their respective cluster. Outreach Workers assist their respective Protection Officers in carrying out their roles and responsibilities.

Audit observed staff shortage ranging from 16 *per cent* to 63 *per cent*, especially in the key posts of Social Worker and Outreach Worker, in the four test-checked DCPUs. The status of availability of staff in all four DCPUs is given in **Annexure IV**. The Staff shortage in DCPUs could potentially affect their performance in identification of vulnerable children and various services DCPUs are required to provide and may have contributed to the deficiencies in functioning of DCPUs which are pointed in the preceding paragraphs.

⁴ CWC-IX Gole Market and CWC-X Alipur were constituted on September 2017 and January 2018 respectively.

In its reply, DWCD stated (December 2021) that advertisements inviting applications for the vacant posts in DCPUs have been published in July 2021 and candidates have been shortlisted.

Recommendation no. 2: Adequate staff with requisite training in District Child Protection Units should be ensured to improve their services towards vulnerable children.

2.1.2 Identification of Children in Need of Care and Protection

Success of child protection activities depend on proper identification of children in difficult circumstances. Para 2.1(iii) and (iv) of Chapter 3 of Revised ICPS Guidelines, 2014 stipulates that DCPU shall be responsible for identification of children in need of care and protection and create District specific database of such children. Audit examination, however, revealed negligence on the part of the DCPUs in identification of children in need of care and protection.

The following deficiencies were noticed:

- In all four test-checked DCPUs, District-wise database of CNCP was not available.
- GNCTD was not proactive in identifying children in need and depended primarily on other institutions/individuals such as Delhi Police, Social Workers, Voluntary/Non-Governmental Organisations etc. for identifying such children and bringing them under the care of Government.
- One of the test checked DCPU (Central) stated (June 2021) that due to unavailability of funds and less manpower, they did not identify families at risk.

Thus, the basic activity of identification of vulnerable children/preparation of Database which was required to be done by the test checked DCPUs under the overall supervision of the DWCD was not done. In the absence of information regarding children in need, any policy planning or implementation for protection of children was bound to be defective.

In its reply, DWCD stated (December 2021) that a Survey was conducted in 2018 and 73,128 children were identified as vulnerable street children. It was further stated that the Data of street children has been shared with DCPUs in December 2021.

The reply is misleading as no Survey Report was made available during field audit nor annexed with reply. It was also observed that overall, only 3401⁵ children were cared for in the Child Care Institutions in Delhi, vis-à-vis as per their own estimate of more than 73,000 destitute children living in abject misery.

⁵ As of March 2021

Recommendation no. 3: Conduct Surveys to identify the Children in Need of Care and Protection within a fixed timeline and maintain district wise database of such children.

2.2 Financial arrangement

ICPS is a Centrally Sponsored programme and is to be implemented through the State Governments or UT Administrations with bulk financial assistance from the Central Government. The Scheme is implemented with the following cost sharing ratios between Centre/States/NGOs as given in **Table 2.1**.

Table 2.1: Cost sharing ratios between Centre/States/NGOs

Sl. No.	Component	Central Share	State Share	NGO Share
i.	All structural components of State Project Support Unit, State Child Protection Society, State Adoption Resource Agency and District Child Protection Units	75%	25%	---
ii.	Regulatory bodies provided for under JJ Act	35%	65%	---
iii.	All Homes/ Specialised Adoption Agency (SAA) run by Government	75%	25%	---
iv.	All Homes/SAA run by NGOs	75%	15%	10%
v.	Open shelters run by NGO participation	90%	---	10%

Details of budget (both GoI and GNCTD shares) under ICPS during the years 2018-19 to 2020-21, expenditure incurred there-against and unspent balance are as given in **Table 2.2**.

Table 2.2: Funds released to DSCPS and expenditure incurred

(₹ in lakh)

Year	Budget		Total	Expenditure		Total	Unspent balance		Total
	Central Share*	State Share		Central Share	State Share		Central Share	State Share	
2018-19	1063.7	688.91	1752.61	849.99	509.05	1359.04	213.71	179.86	393.57
2019-20	1104.44	722.14	1826.58	717.64	407.98	1125.62	386.80	314.16	700.96
2020-21	964.47	648.83	1613.30	726.87	425.14	1152.01	237.60	223.69	461.29
Total	3132.61	2059.88	5192.49	2294.50	1342.17	3636.67			

*Grant in aid received from GoI

The total budget and expenditure on ICPS during the years from 2018-19 to 2020-21 was ₹ 5192.49 lakh and ₹ 3636.67 lakh respectively and the unspent balance at the end of these financial years were 22 to 38 per cent of the budget. Unspent balances in budget were due to not executing child care activities such as conducting surveys, improving living condition of GNCTD run child care institutions, etc. as discussed in Para 4.2 – Functioning of GNCTD run CCIs.

Other deficiencies observed in financial management are as under:

2.2.1 Increase in Central share of GiA not claimed

Revised Guidelines of ICPS, 2014 increased the cost share of Centre in ICPS as shown in **Table-2.1**. Audit, however, observed that DSCPS continued sending proposals to GoI as per the old sharing ratio (Central/State/NGOs shares - 60:30:10) and GoI sanctioned funds according to old sharing ratio. Due to not-adopting the revised sharing ratio between Centre: States/NGOs, GNCTD received less share of ₹ 839.50 lakh (₹ 294.53 lakh + ₹ 290.66 lakh + ₹ 254.31 lakh) during 2018-21 as details shown in the **Annexure V**.

In its reply, DWCD stated (December 2021) that there has been no ambiguity as the proposal sent to GOI was as per the revised guidelines of SCPS 2014 and accordingly DWCD has received the GIA. The contention of DWCD is not correct as audit observed that proposals were sent as per old formula.

2.2.2 Delay in release of funds to CCIs

GoI releases funds to DWCD, GNCTD in two instalments every financial year on the basis of budget proposals sent by DWCD. As per Rule 230 (11) of GFR, 2017 budget proposals for allocation of funds for a financial year are to be sent to GoI by September of the previous year. However, DWCD did not send the proposals to GoI in time and proposals for 2018-19, 2019-20 and 2020-21 were sent in July 2018, June 2019 and December 2020 respectively i.e., three to nine months after the financial year had begun rather than six months before its start.

There was delay in release of funds by DWCD to institutions engaged in providing care to children in need. Funds for the year 2018-19 were released to DCPUs/CCIs in next financial year, one instalment in April 2019 and another in December 2019. In 2019-20, funds were released in February and March 2020 whereas in 2020-21, funds were released in February and May 2021. There was no reason on record for the delay in releasing funds.

Audit observed that delay in release of funds had an adverse impact on the functioning of various institutions such as delay in payment of salary to staff, etc. Such delays are also detrimental to the morale of the staff running various institutions apart from compromising with the quality and timeliness of services provided including providing adequate food to children. The delay in releasing funds contributed to unspent balances lying with DSCPS, CWCs, SARA, DCPUs and Government CCIs. The unspent balances lying with these institutions ranged between 20 to 100 *per cent* of the funds released.

Voluntary organisations involved in providing care for children are trying to fill the gap between the requirement and availability of infrastructure for care of children in need which is essentially the responsibility of the Government. Delay in release of funds to CCIs reflect on the attitude of the Government that running these institutions is the responsibility of voluntary organisations which does not bode well for the children in need.

In its reply, DWCD stated (December 2021) that proposals had been sent by them to the Ministry of Women and Child Development (MoWCD), GoI well before the meeting of Project Approval Board (PAB) and there has been no delay on their part as the sanction depends only on the decision of PAB and sanctions received from MoWCD. Reply is not correct as Rule 230(11) of GFR requires DWCD, GNCTD to send the proposal for allocation of fund for financial year by September of previous year. The delay in sending of proposals to MoWCD, GoI, resulted in further delay in release of funds to CCI/DCPU/CWCs.

Recommendation no. 4: Release funds to CCIs and other institutions at the beginning of the financial year so as to enable them to function properly.

2.2.3 Release of grants to ineligible CCIs by DSCPS

Delhi State Child Protection Society (DSCPS) provides grants-in-aid (GiA) to NGOs for running Child Care Institutions (CCIs). As per the grant conditions, State Government reserves the right to terminate the GiA if terms and conditions of the sanction is violated. The NGO would refund the amount under such eventuality. Grantee institutions are also required to submit certified copies of Audited Accounts and Utilisation Certificates for the financial year concerned to DSCPS.

DSCPS withheld 25 *per cent* Grant-in-Aid to 13 grantee CCIs for 2018-19, owing to non-submission of Audit Report for the year 2017-18. Subsequently, eight of these 13 grantees submitted Audited Accounts to DSCPS. However, DSCPS released grants to all the 13 grantees even though the remaining five grantees did not submit the Audited Annual Accounts. Grants released to these five grantees amounted to ₹ 22.77 lakh.

DWCD stated (December 2021) that SCPS received the requisite documents from the NGOs concerned including Audited Accounts and Utilization Certificates. Due to delay in audit, grant was released later considering the best interests of children placed in the said CCI and 25 *per cent* of total grant was withheld.

The reply is not acceptable as it a fact that grants were released to these five CCIs before Audit Reports were submitted, which was the requirement.