

4

CHILD PROTECTION IN INDIA

NICOLE RANGEL MENEZES

Photo: Claudio



Introduction

“You should have let me die that night,” 26-year-old Y tells his mother who is frustrated at how they seem to be back at square one. Two years ago, he met with an almost fatal motorcycle accident on his way home from work. Months of hospital care, multiple brain surgeries, and Rs.12 lakhs of bills later, his family has lost the little sense of ease they had acquired after years of struggle. They hail from the hilly reaches of Pauri Garhwal where Y lived until he was nine years old with his mother, two younger siblings and grandmother. Every day the three children walked two kilometers uphill to school, while his mother took their cow to graze as she collected wood for fire. At that time his father worked as casual labour in Delhi visiting periodically with small sums of cash. Y’s father was diagnosed with mental illness and lost his work. They were penniless. In 2000, Y’s mother moved with the children to Delhi to find work. At times, Y’s parents would lock the three children in their single rented room leaving them to go out in search of work. As they grew older Y and his sister would return from school and sew embroidery pieces with their mother to augment income. The parents undertook domestic work. Y studied till Class 10 after which he did an ITI diploma and joined a computer hardware company, where after six years he was earning ₹15000/- a month. S, Y’s younger brother failed through school, finally dropping out after class 11. “Whether I study or not I’m going to be a driver or a security guard”, was a remark S made often as a teenager. S had not worked till Y’s accident when he was forced to. He found work as a loader of boxes where he earns ₹7000/- a month. Y’s father broke down after the accident, attempted suicide and gave up work altogether. The family feels hopeless. Y was a responsible young man. He gave his earnings to his mother, helped her pay back loans taken for his sister’s marriage and to build a small house in their village. Their lives were looking up and yet so fragile. In a fraction of a second the accident brought them back to where they started.

The lives of Y and S make evident that they did not receive the head-start that every child must as guaranteed by the State. The young men are living example of millions of young people for whom economic fragility did not go away with the onset of rapid economic growth and development that arrived in India.

Without agency, low in political priority, at the bottom of social structures, children (39 per cent of total population¹) are most vulnerable to the shocks their families and communities experience. Childhoods without adequate facilities for care, protection and development lead young people into adulthood ill prepared and insecure, without much hope for a better life. Across the timeline of a child's life India's data on children discussed in this volume and in this article evidences how childhoods are increasingly being placed in peril.

A Working Definition

For India, as for anywhere else, child protection is dynamic, evolves or regresses based on social, political and economic history and current reality. India is an old civilisation with positive traditions which favour child protection and yet extraordinarily burdened by outdated beliefs and practices that are harmful to members of its society, especially children.

The young population is raring to get ahead. Aware and enabled by technology, eager to participate in a flatter world, young people are held back by a feudal system entrenched in caste, patriarchy and other conventions that perpetuate inequity. Protecting children, keeping them safe is a critical pathway to getting young people prepared to make the desired leap.



The richest 10 per cent of Indians own 77.4 per cent of the country's wealth, bottom 60 per cent, the majority of the population, own 4.7 per cent. The richest 1 per cent own 51.5 per cent., the Gini wealth coefficient in India has gone up from 81.3 per cent in 2013 to 85.4 per cent this year, which shows inequality has risen—Credit Suisse 2018 Global Wealth Report.²



The Economic Survey of India 2017 estimates that the magnitude of inter-state migration in India was close to 9 million annually between 2011 and 2016, while Census 2011 pegs the total number of internal migrants in the country (inter- and intra-state movement included) at 139 million.³



According to CMIE India's unemployment rate in April accelerated to 7.6 per cent, the highest since October 2016, and up from 6.71 per cent in March 2019.⁴



India has very large numbers of poor people who rely on the natural resource base for their livelihoods, with a high dependence on rainfall. By 2020, pressure on India's water, air, soil, and forests is expected to become the highest in the world—World Bank.⁵

WHAT IS CHILD PROTECTION?

Child protection is a set of thoughts, policy, law, and services which anticipate prevent and respond to keep children safe from abuse, harm, violence and exploitation.

Child protection is a subset of the umbrella of child rights, an integral cross cutting set of rights without which other rights cannot be adequately realized.

At the heart of child protection work is change in attitudes, behaviour and eventually societal norms.

Child protection is a constant 'work in progress' towards expanding horizons of what a society considers to be safe and protected childhoods.

Some Results

The Indian Constitution guarantees rights to children as equal citizens on par with adults, and further provides special rights and protections to children recognising their special needs, tender age, and need to develop into citizens who are healthy in mind and body.

India has also ratified the UN Convention on the Rights of the Child in 1992 (UNCRC), and subsequently in 2005 ratified its Optional Protocols on the Sale Trafficking and Use of Children in Pornography, and the Use of Children in Armed Conflict.⁵

The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJA 2000) amended in 2006, stepped up from its 1986 avatar. It sharpened child focus in nomenclature and procedure, brought uniformity in definition of child as all individuals under the age of 18 years, expanded definitions of children in need of care and protection (CNCP) to also include children at risk, brought care, protection, development as primary needs for both children in need of care and protection and children in conflict with law (CICL), and brought the Act on par with provisions of the UNCRC.

The shift from protection of rights of children to child protection happened in the mid-2000s. Recognition of increasing crimes against children (crime data reported in the Crime in India⁶ statistics and reports from CHILDLINE 1098⁷), very low investment in Child Protection (Budget analysis by HAQ: Centre for Child Rights and Government on its own since 2003) and also the World Report on Violence Against Children in 2006⁸, to which India was obliged to submit a response report thereby drawing the government's attention specifically to the issue – all contributed to the interest in child protection. One important step in this direction was the approach paper to the Eleventh Five Year Plan⁹ The Government of India undertook a nation-wide study on prevalence of child abuse in India which was published in 2007.¹⁰ The MWCD published a document titled “India-Creating Protective Environment for Children”,¹¹ which laid the foundation for the introduction of the Integrated Child Protection Scheme (ICPS) in 2009.

Defining Child Protection in ‘India-Creating Protective Environment for Children’ the MWCD in 2006 said:

Child Protection means creation of a protective environment in the home, school, community and society so that children are protected from all kinds of harm and harmful situations. It means providing a safety net for all those children who are more vulnerable than others and who need special care and protection. It must be understood that a child's right to protection is part of each and every other right and is not possible to ensure other rights without ensuring protection.

In 2006, the Department of Women and Child Development (DWCD) under the Ministry of Human Resources and Development (MHRD) was upgraded to a ministry, the Ministry of Women and Child Development (MWCD). The prime intention was to address gaps in State action for women and children for promotion of inter-ministerial and inter-sectoral convergence to create gender equitable and child-centred legislation, policies and programmes.

The subject of child protection was brought within the mandate of new ministry created for women and child development in 2006. Juvenile justice, psychosocial rehabilitation, institutional care, non-institutional care, adoption, CHILDLINE 1098, street children, trafficking of women and girls, adolescent reproductive health, along with related schemes for welfare and rehabilitation were brought under the MWCD. Important issues with serious considerations for child protection such as child labour, disability, substance abuse and de-addiction, mental health of children, continued to rest within the purview of other ministries.

The ICPS was designed to mark a shift from addressing children after they fell out of the protective net to creating a protective environment for children, through the creation of community level child protection structures. It brought most of the existing schemes and programmes that addressed children who had fallen out of the protective net, within its fold. Through this, MWCD articulated

the government's intention for children to be surrounded by a protective environment achieved through collaborative efforts between civil society organisations, communities and the government. Special legislations were enacted and amended to protect children from child marriage, sexual offences, child labour, namely The Prohibition of Child Marriage Act, 2006, The Protection of Children from Sexual Offences, 2012 (POCSO), and The Child Labour and Adolescent(Prohibition and Regulation) Amendment 2016.

An optimistic view suggests that the work thereon was beginnings of an integrated child protection system. In this duration however, despite progressive policy intention, financial allocations for child protection remained limited grossly inadequate hovering around 0.03 per cent over the last 20 years. Consequently, infrastructure, services, and human resource have also remained constantly and severely lacking in implementation.

In the last two decades, civil society grew in understanding undertook several critical interventions towards building capacity, informing policy and programme through research and theory building, enhancement of child protection service delivery through demonstration of good practice. CHILDLINE 1098, incubated as a civil society and government collaboration, was incorporated as a national emergency helpline service for child protection that is now functional in 502 districts across the country.¹² The technique of child budgeting was brought into the country by civil society organisations in 2000. For example, HAQ: Centre for Child Rights led the advocacy for the adoption of child budgeting in the government which was achieved in the Government of India's National Plan of Action for Children 2005.

In the last two decades, civil society grew in understanding undertook several critical interventions towards building capacity, informing policy and programme through research and theory building, enhancement of child protection service delivery through demonstration of good practice.

Civil society led litigation resulted in efforts towards child protection system strengthening, and improved understanding and justice for children. Notable outcomes include securing a ban on the employment of children in circuses, secured by the Bachpan Bachao Andolan (BBA) through a PIL to the Supreme Court, orders in the Sampurna Behura vs Union of India¹³, PIL filed by the Human Rights Law Network (HRLN) for all states and UTs to comply with implementation of the JJA including setting up of JJBs in all districts, training of police and legal aid lawyers by the legal aid service authorities, implementation of ICPS, and set up of State Commissions for Protection of Child Rights. More recently Committees led by the Supreme Court and High Court in the states have been working in collaboration with government, UNICEF and civil society organisations (HAQ: Centre for Child Rights, Centre for Child Rights and the Law, National Law School Bangalore) towards quality jurisprudence and effective implementation of the child protection system.

The 86th Amendment to the Indian Constitution and the insertion of Article 21A made elementary education free and compulsory for children aged between 6-14 years of age via the Right of Children to Free and Compulsory Education Act 2009 (RTE).¹⁴ The subsequent achievement of universal enrolment ensured children under the age of 14 years stay in school and therefore reduced their exposure to protection risks. Evidence of the benefit of the RTE was found in the reduction of child marriage from 58 per cent in the National Family Health Survey (NFHS) Round 3, 2005-06,¹⁵ to 27 per cent in NFHS Round 4, 2015-16.¹⁶

Wide Gaps Still to be Addressed

Low Priority and Traction for Child Protection

There is a dearth of national level data to enable in-depth understanding of the status of child protection. National institutional mechanisms for data collection do not include indicators to measure status of child protection. Child protection is not viewed or understood as requisite for access and effective participation in education, a key determinant of health indicators, access to public services, utilities and entitlements, or a necessary element of a quality childhood. Comments on status of child protection is informed through decipherment of national data sets on health, labour, child marriage, crimes against children, crimes by children, and access to education.

Lack of data, and nationally accepted indicators to measure protection, have left the child protection discourse limited in understanding and reach. The nature of child protection and related work is complex. While curative work may be measured more easily, the success of work on prevention of child abuse and exploitation remains a challenge to measure. In India there has never been interest in a concerted effort either by government, academia, UN agencies, or civil society to work on indicators which can be measured at scale. It is a challenge therefore, to make accurate forecasts for resources required for child protection and even harder to garner support for the work. As a consequence, child protection suffers from low priority and traction in government planning and public attention.

Child Related Data

A look at a limited set of indicators related to health, crime and education helps piece together a social context from which to examine child protection. India's son preference has grown. Nationally, 82 girls die at birth for every 1000 boys born.¹⁷ According to Census of India 2011, Haryana, Punjab, Jammu and Kashmir, NCT of Delhi, Chandigarh, Gujarat, and Rajasthan are among the worst states.¹⁸

Data on crimes against children shows an increase in crimes in general as well as for crimes against children from the previous years. The decadal increase since 2006 is by over 500 per cent.¹⁹ The increase in reporting post implementation of the POCSO 2012 is at least partially responsible for the spike in reporting and must be acknowledged. For every 100 girls 27 marry before the age of 18 years.²⁰ The State has achieved universal enrolment in primary school. Drop out is four per cent in elementary school, rises to 17 per cent in secondary school and drops to two per cent in upper secondary school.²¹ Drop out of Scheduled Caste and Scheduled Tribes students is higher and significantly higher respectively across all levels of education.²²

School attendance substantially drops by around 40 per cent and even lower in classes 9-10 and classes 10-12, showing no significant gender disparity. Reasons for drop out (and also presumably for low attendance) in higher classes include lack of interest in education for both boys (24 per cent) and girls (16 per cent), domestic activities and marriage for girls, economic activities and financial constraints for boys. Class 5 learning levels were found to be lower in 2015 than in 2012.²³ Enrolment in higher education (Grades 9-12 and upwards) in India is in range comparable to Bangladesh, Nepal and Pakistan.²⁴ 10 million children under eighteen years of age of work in India²⁵.

This data is telling of a strongly patriarchal society, with crimes and violence against children on the increase, an education system constrained to keep up in quality, demand and unable to bring large disadvantaged groups on par. Taking into account only drop out after elementary education and no other factor—the entry of unskilled young people into the unorganised workforce would still be in hundreds of thousands. India's complex web of poverty, discrimination and exploitation continues to be reinforced.

The data is telling of a strongly patriarchal society, with crimes and violence against children on the increase, an education system constrained to keep up in quality, demand and unable to bring large disadvantaged groups on par. India's complex of poverty, discrimination and exploitation continues to be reinforced.

Changes in The Legal Environment for Children: Diminishing Child Protection

Since 2015, there have been critical shifts in special laws for child protection namely the laws for juvenile justice, child sexual abuse and criminal law. The intention to protect children and women underpinned the changes.

There have been some critical shifts in special laws for child protection. The narrative that was created worked well to appease an emotionally charged public left hopeless by the lack of implementation of public services for child protection, law and order, and justice. But whether it will result in greater protection for children remains doubtful. Experience has shown that it is only certainty of prosecution and rightful conviction that works- not highly punitive law.

The most substantive change across the legislations was introduction of a regime of severe punishment, 'tough time for tough crime', a deterrent for crimes against women and children. The changes in law were critiqued as ad-hoc not founded in assessment of evidence, failing to address implementation gaps in the system for child protection and justice. They tear away layers of protection from children and shrink spaces for childhood.

Many human rights activists, academics, and child rights practitioners came together in concerted efforts to educate the government about the risk and consequences around their intention to protect children, and women and without adequate consideration of impact on other members of society also including, families, children and women themselves, the very people they set out to protect.

The Criminal Law Amendment Act 2018²⁶ and POCSO Amendment Bill 2019

The Criminal Law Amendment Act 2018²⁷ introduced death penalty for those who rape minor girls under the age of 12 years, and substantially enhanced punishment for rape of girls under 16 years of age.

According to Crimes in India 2017, 90.1 per cent of trials under the POCSO Act were pending.²⁸ Moreover, according to the same report, the conviction rate in cases of child sexual offences is as low as 24 per cent and of 'child rape' (sections 4 & 6 of the POCSO Act and section 376 of IPC) is 28 per cent.

Findings of studies of the implementation of the POCSO 2012, by eminent institutions including The Centre for Child Rights and The Law, National Law School Bangalore, and HAQ: Centre for Child Rights have pointed out that lack of infrastructure, Special Courts, skilled human resource in the law and order and justice system, leads to procedural gaps, faulty investigation, lack of credible evidence, limited facilities for rehabilitation, poor quality free legal aid, stigmatisation of children and their families, compound in high pendency, low conviction, withdrawal of cases, and therefore loss of justice for children.²⁹



A significant finding of the HAQ study was that in majority of cases of child sexual abuse, the perpetrators were known to the child survivors.³⁰ This makes children vulnerable to manipulation, exploitation, threat and therefore they become more reluctant to report the abuse. With enhanced punishment (life imprisonment and death), the reluctance of the child or other care givers/family members to report cases is expected to increase.

The Protection of Children from Sexual Offences (POCSO) Amendment Act, 2019 was notified on 5 August 2019 (Amendment) Act 2019 was notified on 5 September 2019. The Amendment addresses penetrative sexual assault, aggravated penetrative sexual assault, aggravated sexual assault and use of children for pornographic purposes. While the POCSO Amendment 2019 adds to the definitions and grounds for offences mentioned above, it introduces more stringent punishments for certain offences. Key to note among these is the increase in minimum punishment for aggravated penetrative sexual assault from 10 years to 20 years with death penalty as maximum punishment; for penetrative sexual assault on a child below the age of 16 years, minimum punishment has been increased from 7 years to 10 years; and if the child is under 16 years of age, then imprisonment between 20 years to life, with a fine³¹.

The Government would have been best advised to work towards justice for survivors of child sexual abuse by undertaking concrete measures to improve the rate of conviction, pendency, support and rehabilitative services offered to a child victim of sexual abuse.

Juvenile Justice (Care and Protection) of Children Act 2015³²

An outcome of the Nirbhaya case, in the spirit of getting tough on crime was the re-enactment of the juvenile justice law to exclude certain children between the ages of 16-18 years of age accused of committing heinous offences from the absolute protection of the juvenile justice law (Discussed in detail in Chapter 9).

The amendment overrode two Supreme Court Judgements³³ which upheld the constitutionality of the JJA 2000 in so far as it allows all children in conflict with the law to be dealt with under the beneficial juvenile justice system irrespective of the gravity of the offence, data which evidenced that the low numbers of children in conflict with law, who account for four per cent of the total number of crimes did not warrant such a major shift.

The decision of the government ignored findings of brain science research which found that adolescent brains are not matured in formation and structure which leads them to be susceptible to negative influences and peer pressure, less likely to focus on future outcomes, less risk-averse than adults, have poor impulse control, and evaluate risks and benefits differently, all of which pre-dispose them to make poor decisions.

The Justice Verma Committee 2013³⁴ constituted to make recommendations on the Criminal Law Amendment Bill 2013 post the Nirbhaya case, discussed stringent punishment recommended imprisonment for life for those found guilty of raping but did not support awarding death penalty. The Committee also took a view that no child should be kept out of the purview of the juvenile justice system. The Committee spoke of quality implementation of service delivery and justice systems.

The Child Labour & Adolescent (Prohibition and Regulation) Act 1986, Amendment 2016³⁵

33 million children under 18 years of age are engaged in work, accounting for 7 per cent of the total workforce. Of these, 10.1 million are between five-14 years and 22.8 million are between 15-18 years³⁶. Data demonstrates that while child labour in India may have declined since 2001, with such large numbers of children at work the issue cannot be made light of.

In 2016, the child labour law was amended to prohibit employment of children below 14 years in all occupations except where the child helps his family after school hours and during vacations. Children between the age of 15 and 18 years were classified as adolescents and are permitted to work in certain non-hazardous occupations as defined by the Factories Act 1948. The government maintained that the exception emanated from a move to balance between the need for education for a child and reality of the socio-economic condition and social fabric in the country. A new category of children between 15 and 18 years of age was carved out, named 'adolescents' and permitted to work in industries classified as non-hazardous under the Factories Act 1948, a substantially reduced list contained in the schedule of the previous Act, which was then expanded in the rules after demands from experts and activists.

Intent to monitor the situation to ensure that children are not exploited by the exception was articulated by the government. It is a mammoth task given the scale and size of population, and children already in the work force and in need of protection. Track record of low number of complaints and high pendency of cases indicate that the system is unable to cater to the existing burden. Crimes in India 2017 recorded that of the unresolved cases at the beginning of year (335) and the total cases for investigation (728), 46.0 per cent cases were pending.³⁷ Child Labour Task Forces (CLTF) constituted across districts have also been ineffective reporting anecdotally that they are limited by inadequate infrastructure, human resources, and lacking in role clarity (Discussed in detail in Chapter 15).

In recent years due to increased awareness amongst buyers about child exploitation, and international pressure, child labour is increasingly becoming invisible and the location of the work has changed from the more formal setting of factories, to business owners' homes.³⁸ There has also been an increasing involvement of children in the home-based and informal sectors. Further, the definition of family is vague and difficult to prove.

Children have always helped in their families and would have continued to do so. Legitimisation of this phenomenon with no system in place to monitor or manage the exposure of millions of children to risk of exploitation is unnecessary and dangerous. 10 years into the implementation of free and compulsory education for children aged 6-14 years of age, the endeavour should have been towards elimination of children in the workforce completely, guaranteeing secondary and upper secondary education, along with scaled up vocational education.

Child Protection System Remains Broken

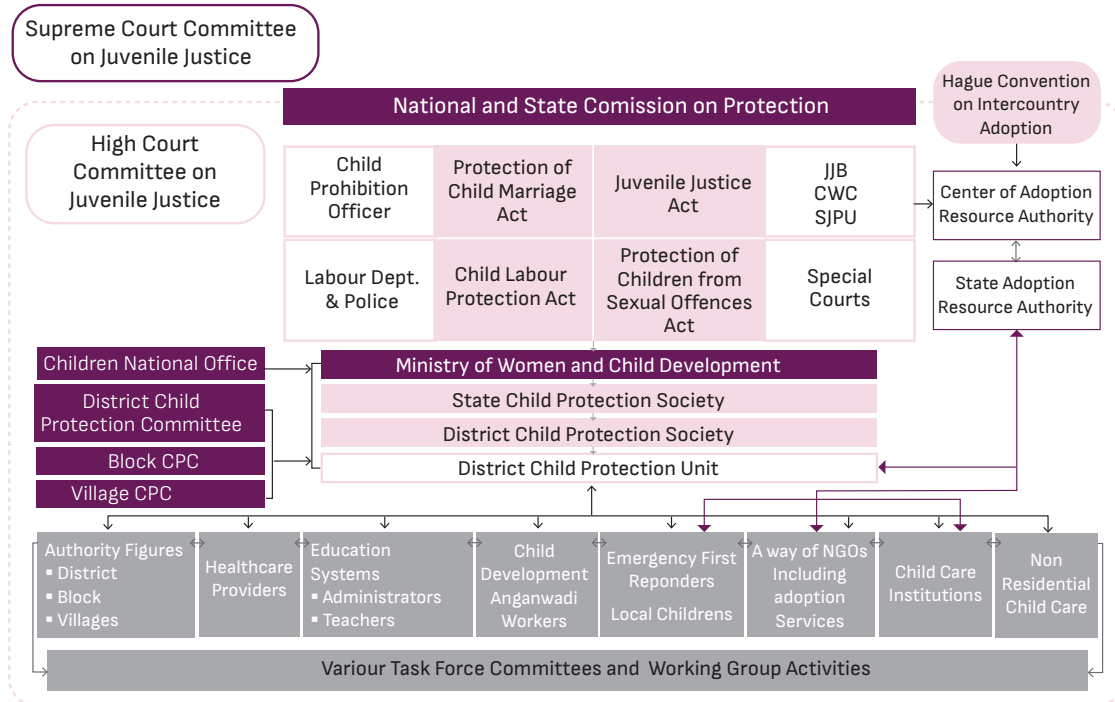
The child protection system in India is characterised by an elaborate legal and policy framework, articulating sound intent, a thick population of structures and services concentrated at state governments and district headquarters which taper to nearly nothing at the block and village level including their urban equivalents where communities, families and children reside. So far, the system has adopted a top down approach, that is tilted towards curative interventions in response to children who have experienced harm.

Since the enactment of the Juvenile Justice (Care and Protection of Children) Act 2000, and the ICPS in 2009, the need for a protective environment, for family support and strengthening, to shift away from institutional care, the addition of preventive interventions towards ensuring the safety and protection of all



An elaborate legal and policy framework, articulating sound intent, a thick population of structures and services concentrated at state governments and district headquarters which taper to nearly nothing at the block and village level including their urban equivalents where communities, families and children reside- forms the child protection system in India. Not surprising that children remain vulnerable and unprotected!

CHILD PROTECTION SYSTEM



children began to make entry into government and civil society parlance presenting an opportunity to revamp, and envision an integrated and comprehensive child protection system. To achieve this requires assessment, investment, and thoughtful consideration of some issues.

- **System remains largely curative despite preventive parlance and pressing need:** According to MWCD year-end review report for 2018, there are 8200 childcare institutions (CCI) registered under the JJAct 2015. ICPS supports approximately 1800 CCIs providing care to 78000 children, while on the other hand sponsorship was provided to 6000 children. Approximately 2000 children were given in adoption. Number of children directly assisted through institutional care exceeds those assisted through family support.³⁹

The demand on CHILDLINE 1098 emergency helpline services increases exponentially with each passing year, registering 13 million calls each year.⁴⁰ The high-volume call data indicates a that large volumes of children are in distress situations, and importantly highlight the missing piece of anticipation and prevention interventions in the community, and for families. There is an urgent and pressing need to take forward preventive work in at the community level in mission mode.

- **Child Protection Workforce needs capacities built, rationalisation, and protection:** In 2013 UNICEF based on government data sources estimated the child protection workforce in the country which included 639 persons from state and centre cadres, 7680 at the district (DCPU level), CWC/JJB at the district level comprising 5120 persons, had provided child protection services/assistance to 170000 children.⁴¹ This group considered the ‘mid-level cadre’ would have grown substantially since then with all states and districts coming on board to implement ICPS.

The CHILDLINE 1098 service in 502 districts currently comprises approximately 7000 persons.⁴² There are a 723 CWC and 702 JJB comprising almost 6000 individuals according to MWCD data for 2018.⁴³ In addition, from the police force, there are juvenile police officers, CCI staff, teams from the District Legal Service Authority (DALSA), medical practitioners, special units including SJPU, AHTU, CLTF who are charged with child protection.

It is a vast and complex network comprising those fully charged with child protection to those for whom child protection is a small portion of work. Majority of the core child protection workforce is informal, with no security, incentive or protection to their employment.

The child protection workforce needs a comprehensive review, scale up and strengthening. There is need for systematic and systematised capacity building, role clarity, sensitivity, infrastructure and financial support to enable them to function effectively.

Appreciating that child protection work is challenging given the size, diversity, and scale of country and population, it must be said that the progress of work does not keep pace with stated intent. There is need to re-examine the vision for the child protection system through study of the nature and scale of the task at hand.

Child protection monitoring indicators, expanding the scope of the system to include community led initiatives for child protection, workforce requirement in terms of technical competence, quantity, estimates of the cost of a workforce, budget provisioning for services, cost benefit analysis of adopting a preventive approach, building traction for child protection, partnerships and convergence must form integral components of assessment of requirements of an optimal child protection system for children in India. Child protection workers need to belong in a system which accords priority for the mandate, which hones skill and expertise, provides a growth path, and protection.



It is unfortunate that majority of the core child protection workforce is informal, with no security, incentive or protection to their employment. The result is a shaky child protection edifice.

- **Village Level Child Protection Committees (VCPC), great potential accompanied by zero budget, rests on paper:** ICPS introduced a non-formal structure of village duty bearers and community members to be the link between families, communities and the child protection system.⁴⁴ The role of the VCPC can potentially be transformational in bringing change at levels closest to children—the community and family. It includes awareness and dialogue for behaviour change, keeping watch on the situation of children in the community, tracking services for children in the community, follow-up of cases and linking children to the system.

With the necessary investment in strengthening of capacities, the VCPC can play a critical role in keeping children safe at home, in the communities, preventing harm and linking children to the system when necessary. The VCPC must be considered an integral part of the child protection system and grow into vibrant platforms owned by the community to lead thought shift, dialogue and action for child protection.

While the work of VCPC must remain voluntary and community led, their capacity building and facilitation at a very large scale would necessarily require smart deployment of substantial resources provided for within the child protection services or ICPS. Civil society organisations including Child in Need Institute (CINI), HAQ: Centre for Child Rights along with its partner organisations in the states⁴⁵, Leher, Save the Children and partners, Plan International and partners, UNICEF and Partners, have demonstrated qualitative pieces of work in this area over the last 10 years, some even leveraging technology and use of interactive audio-visual content to educate and orient communities which must be scaled up through capacity building institutions of the State.

- **Lack of knowledge and reach of the child protection system to community and vice versa:** Child protection district need assessment studies which are intended to be the basis on which ICPS planning at the district level takes place.

The findings of studies in 8 districts across 3 diverse states found limited commonality between data provided by CWC and child protection issues of concern identified by communities for similar periods of time.⁴⁶ Communities identified corporal punishment, sexual harassment, bullying, disability, substance abuse.

Urban and rural areas had unique vulnerabilities, some chronic and age old visibly invisible (seasonal migration; gender discrimination; child labour among others); some acute and emergency like (drought; substance abuse, lack of access to sanitation, exposure to domestic violence, sexual harassment, all exacerbated by cramped urban living).

Other than a few cases of sexual abuse, CWCs in 8 districts did not address any such cases as were identified by communities. Further, across all 8 districts, other than the police, awareness of structures, services for child protection was negligible (6 per cent), evidencing the fact that communities are not engaging with the child protection system and vice versa.

Funding Dynamics and Patterns for Child Protection

For a very long time, the biggest challenge faced by the child protection sector was the meagre share of the money it received in the national and the state budgets. This was one of the major planks used to argue for a separate and dedicated scheme for preventing and protecting children from harm.

FUNDING AND ITS DIVERSIFIED SOURCES

According to the India Philanthropy report 2019, the overall social sector funds have grown at a rate of 11 per cent over the past five years.⁴⁷ There are four major sources through which social organisations acquire funding. First, the government, the largest contributor (6 per cent of GDP) playing a critical role as it allocates a substantial percentage of the annual national budget for the social sector and development initiatives; the second source includes donations from individuals and high net individuals (HNIs) led by a few individuals currently contributions are about 60 per cent of the total private funding, estimated at Rs 43,000 crore. The third source of funding is international aid, channelled through unilateral or bilateral agencies. Foreign contributions declined by about 40 per cent. The fourth source is Corporate Social Responsibility (CSR) funding. The CSR budget outlays of the domestic corporations and contributions of corporate charitable trusts, combined, have grown at a rate of 12 per cent between FY2014 and FY2018, and they contributed approximately INR 13,000 crore to social sector funding in FY2018.

In India, almost 80 per cent of donations go to the education sector; the remaining sectors being rural development, health care and environmental protection.⁴⁸ This trend can be observed even in the union budget where education (2.25 per cent) and health (0.82 per cent) have been and continue to be the largest priorities in the budget for children (3.24 per cent). The government's allocation for child protection services stays at 0.03 per cent of the budget over 20 years. The 107 per cent increase in allocation for the ICPS in 2019-2020 is very welcome. It is also heartening to see that 98 per cent of the budget allocated in 2017-18 was spent in the same year (Actual Expenditure (AE) figures). In all probability the cost of child protection has gone up over the years with the cost of every other service escalating. Yet, for now, there is a feel-good factor in the 2019-20 budget for child protection services finally meeting requirements for ICPS stated in the Eleventh Five Year Plan.⁴⁹

While HNIs and CSR have made contributions to child protection work, there is no published data on the quantum of the contribution of private funding for child protection. The comment below is made based on perception, discussions and observations of patterns over the last decade.

The politics of funding highlights how the 'small players' are marginalised by the rise of international organisations in the recent periods.

Needless to say, the primary responsibility of protecting children is that of the government. However, NGOs and other civil society organisations – small and big, have always played a critical role as implementers, as technical experts as well as 'monitors' holding governments accountable.

As foreign funding began to decline, many international funding agencies/ International Non-government organisations (INGOs) registered themselves as domestic agencies and began to undertake domestic fund raising which compelled them to take up direct implementation work themselves. INGOs are more management systems oriented better equipped to raise funds than their smaller domestic counter parts. It ended up shrinking the pool of funds for small domestic organisations with limited capacity to raise funds, and who erstwhile depended on the funding agencies (now turned implementers) for money.

This is fast changing with the role international organisations have begun to play. This phenomenon brought the funding agencies in a competition of sorts with domestic NGOs they would earlier fund and the marginalisation of the domestic organisations. This process has weakened the capacities of domestic civil society organisations and their work. Further, the volume of the spends of the large agencies creates perception that they are doing the major work, and they end up coveting a large part of policy discussion spaces.

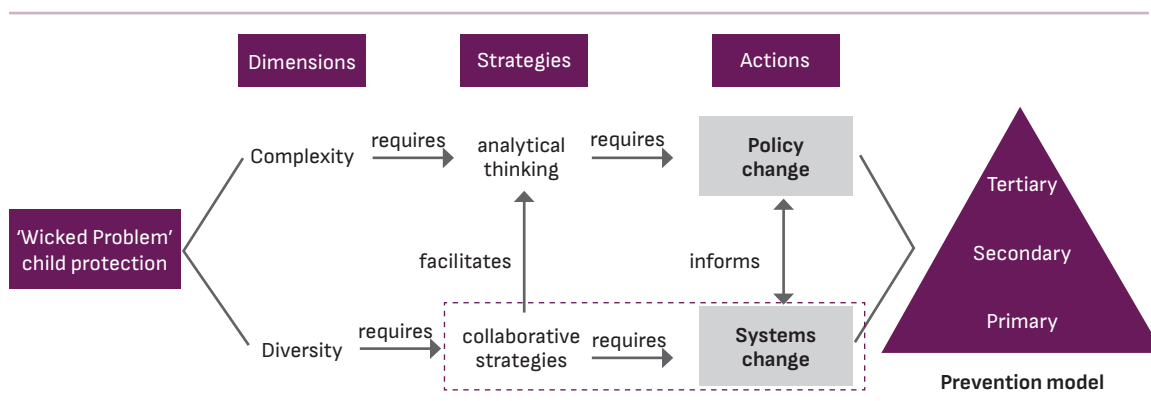
It is also observed that to eliminate risks around funding of domestic NGOs perceived to be weak in management systems, funding agencies both corporate and private make grants to each other. These kinds of arrangements favour a status quo environment in which large organisations tend not to raise questions to each other, or with regards to issues that affect children.

Inverting the Pyramid for Child Protection

Australia's Research Alliance for Children and Youth (ARACY) in a research report, 'Inverting the pyramid: Enhancing systems for protecting children', examines factors that could facilitate a shift across child protection systems towards the prevention of child abuse and neglect thereby reducing demand on tertiary child protection services.⁵⁰ The research aspires to Australia's public health model of prevention and assumes agreement that the best way to protect children is to prevent child abuse and neglect from occurring in the first place. The model of prevention would include interventions—universal or primary (for all children), secondary (targeted at those vulnerable or at risk), tertiary (for those already harmed).

In the diagrammatic representation below, the ARACY research study offers a conceptual framework, which describes child protection as a 'wicked' problem further breaking up 'wicked' into two dimensions, complexity (resistant to solutions) and diversity (involving numbers diverse stakeholders). Child protection requires both dimensions to be addressed to arrive at effective systems and policy change that are interlinked and reflective of ground reality.

In India, child protection issues present themselves in plain sight—on the streets, in the community, at home, in public spaces, public services. The work is complex, bringing head on collision with politics of caste, class, poverty, power, gender, ability, geography and access among others. Diverse stakeholders including children, families, communities, and government need to come together in a collaborative approach to find solutions.



When the discussions began in 2007 about creating a child protection framework in India, this was exactly the idea—to catch the children before they fell out of the protective net by creating preventive mechanism wherever they are. This was based on a convergence model of existing structures and services. But, by the time the ICPS got formalised, it was no longer what it had been envisaged to be.

Currently, almost all of India's child protection work takes place at the tertiary level, with focus on children who have already been harmed/violated, thereby inviting reflection on the conceptual framework mentioned above. Local governance through the Panchayati Raj system, strong social networks of community and family present viable resources and opportunity for child protection interventions at the primary level. There can be no doubt that for India too, the child protection system needs to be turned on its head. The major thrust must be towards preventive interventions for all children, with children themselves, their families and communities at the helm of dialogue and action.

Emerging Child Protection Issues – The System Must Gear Up

Child protection issues could be looked at as chronic issues, that have been in existence for years, and emerging acute child protection issues, an outcome of 21st century living, which must be brought into focus of child protection policy, laws and programme implementation.

Children's unrestricted and unsupervised access to the internet -Vulnerability to Online Abuse:

According to UNICEF, one in three internet users worldwide is a child. There are currently about 400 million Internet users in India. Most of the growth in internet access is driven by mobile internet use. Worldwide, 71 per cent of people in the age group of 15-24 are online.⁵¹

In India, it is estimated that about 134 million children have mobile phones. The number is growing by leaps and bounds. This phenomenal growth will provide opportunities to the children of the country to access and share useful material for learning purposes. But on the other hand, lack of digital literacy and online safety measures will also expose these children to hazards of cyber bullying, sexual predation and other crimes.⁵²

In 2012, Telenor India did a study on child online safety in 12 countries and found that children in India are in the highest risk category due to a combination of increased access enabled by affordable Internet and smartphones, and low resilience with parents and children lacking the knowledge of how to safeguard themselves against different cyber threats.⁵³

A study commissioned by Microsoft in 2012 ranked India third for high online bullying rates (after China and Singapore) among 25 countries where the survey was conducted.⁵⁴

What begins as entertainment (usage of apps like Whatsapp, snapchat, Facebook etc. gaming apps) ends up as an addiction, with children glued to the screen for hours together. This affects their health, sleep cycle, food intake, studies, interpersonal communication.⁵⁵ The unfiltered, unsupervised use of many of apps (blue whale challenge⁵⁶, Tik-tok, PUBG etc.) sometimes puts the child in a vulnerable position – egging them to perform and upload videos/ perform tasks, divulge personal information (location details, provides access to media files, photographs on the phone), cyberbullying, blackmail etc. Use of smartphones can lead children to engage in inappropriate behaviours. They can easily check sites that show harmful and shocking content. This can result in leaving the child scared and confused and also influence their daily interactions/ thought process etc. Exposure to this material at a young age can also result in body image issues. Texting and sending inappropriate pictures has also become common among teenagers.⁵⁷ Internet online games are increasingly violent and trivialize violence and encourage violent behaviour in children.

NIMHANS sees no less than six children (aged 14-20 years) a week at the Services for Healthy Use of Technology (SHUT) clinic at NIMHANS.⁵⁸ Parents across socioeconomic divides are unaware of what

the risks their children face, even those who think they are in a position to monitor their children are in fact unable to do so.

The 2014 report of the Parliamentary Committee on Information Technology recognised that the online bullying of children by their peers was probably far more common than other offences. As per the Teens, Tweens and Technology Survey commissioned by Intel Securities in India in 2015, 43 per cent of children active on social media claimed to have witnessed cruel behaviour on social networks, while 52 per cent of children indicated that they had themselves bullied people over social media.⁵⁹

While access to ICT and participation in the online environment are rightly priorities for the Indian Government, online risks have received relatively less attention. Cybercrime statistics focus on commercial online fraud and political radicalisation. The risks of online abuse and exploitation of children have received much less attention and are not included in the NCRB statistics as a separate category. India's ability to protect children from online abuse and respond effectively to the dissemination and consumption of online child sexual abuse materials (aka child online pornography) falls far short of meeting existing needs. In fact, there is a widespread lack of awareness among parents, teachers, the police and policymakers of the growing and ever-changing risks of online abuse and exploitation of children. Legislation, mechanisms and services are inadequate to respond to these threats and have to be updated and strengthened.⁶⁰

Recognising the increasing menace of online abuse the Protection of Children from Sexual Offences (POCSO) Amendment Act 2019 has addressed this in some detail.⁶¹ Under the Act, a person was already held guilty of using a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification. The Act also penalised persons who use children for pornographic purposes resulting in sexual assault. The Amendment now additionally defines child pornography as any visual depiction of sexually explicit conduct involving a child including photograph, video, digital or computer generated image indistinguishable from an actual child. It has also enhanced the penalties for certain offences in this category (Table 1)

TABLE 1: PUNISHMENT FOR OFFENCES FOR USING CHILD FOR PORNOGRAPHIC PURPOSES⁶²

Offence	POCSO Act, 2012	2019 Amendment
Use of child for pornographic purposes	Maximum: 5 years	Minimum: 5 years
Use of child for pornographic purposes resulting in penetrative sexual assault	Minimum: 10 years Maximum: life imprisonment	Minimum: 10 years (in case of child below 16 years: 20 years) Maximum: life imprisonment
Use of child for pornographic purposes resulting in aggravated penetrative sexual assault	Life imprisonment	Minimum: 20 years Maximum: life imprisonment, or death.
Use of child for pornographic purposes resulting in sexual assault	Minimum: Six years Maximum: Eight years	Minimum: Three years Maximum: Five years
Use of child for pornographic purposes resulting in aggravated sexual assault	Minimum: Eight years Maximum: 10 years	Minimum: Five years Maximum: Seven years

Note: Punishment for using a child or children for pornographic purposes resulting in any form of sexual assault is in addition to minimum five years for use of child for pornographic purposes.

Substance Abuse: Onset of substance abuse during the formative years interferes with academic, social and life skills development, and warrants both primary and secondary prevention.⁶³ In spite of a serious threat posed by child substance use and presence of a large proportion of the young, substance use among children has remained grossly under-researched in India, limited to sporadic studies at a local or regional level. Substance use among youth is uniquely associated with an increased risk

of psychiatric disorders, e.g. depressive disorders, anxiety disorders, attention deficit hyperactivity disorder and conduct disorders. Further, behavioural addictions, e.g. internet gaming disorder, are also increasing in this age group as reported from western settings.⁶⁴

According to a study by the National Commission for Protection of Child Rights (NCPCR) in 2013 on the pattern, profile and correlates of child substance, it was found that the problem of substance use among children is not confined to metropolitan areas as is often perceived; Tobacco (83.2 per cent) and alcohol (67.7 per cent) were the most common substances ever used followed by cannabis (35.4 per cent), inhalants (34.7 per cent), pharmaceutical opioids (18.1 per cent), sedatives (7.9 per cent) and heroin/smack (7.9 per cent). Use of injectable substances was reported by a significant proportion (12.6 per cent); The mean age of onset was lowest for tobacco (12.3 years) followed by onset of inhalants (12.4 years), cannabis (13.4 years), alcohol (13.6 years), proceeding then to use of harder substances -opium, pharmaceutical opioids, heroin (14.3-14.9 years) and then finally use of substances through injecting route (15.1 years). While tobacco and inhalants were used almost on a daily basis, several other substances were being used on less than daily or intermittent basis in past month (17 days- cannabis, 16 days-opioids/ sedatives/ injectable and 13 days –alcohol).⁶⁵

NCPCR also found tobacco and alcohol use was higher among those living at home compared to those living on the streets. This difference was more prominent for alcohol. Of the children living at home or on streets, about 18 per cent and 29 per cent respectively indulged in sexual behaviour under the effects of substance, 16.9 per cent and 20 per cent indulged in sexual behaviour in exchange for either substances or money.

Nearly half experienced physical and psychological problems related to substance use and a large proportion reported legal problems due to substance use – 82.4 per cent reported having close contact with friends who use substances and 67.7 per cent had never sought any help for substance use problems. About 43.8 per cent did not have a problem due to substance use nor needed help.⁶⁶

A study by the Delhi Commission for Protection of Child Rights (DCPCR) on substance abuse by children showed that 100 per cent of the children in conflict with the law were drug abusers, 95.5 per cent of them staying in childcare institutions were on drugs and 93 per cent of street children consumed narcotics. The study also said 88 per cent of the children consumed drugs due to peer pressure.⁶⁷

There are severely limited facilities for rehabilitation of children and youth who were addicted. An information portal for de-addiction services (deaddictionservices.in) in the country, states “Currently, only 33 per cent of the 580 centres listed on our site offer youth de-addiction. This statistic must change if India hopes to save its youth.”⁶⁸

As was sought by NGO Bachpan Bachao Andolan in its PIL to Supreme Court in 2014, on which the Supreme Court in 2018 placed responsibility on the AIIMS on an urgent basis to formulate a national action plan for children addicted to drugs and other substances abuse including all issues of prevention, identification, investigation, recovery, counselling and rehabilitation.⁶⁹ BBA had also sought creation of model syllabus on ill-effects of drugs and substance abuse.

Dire need for relevant skills and job options for young people: Schools do not prepare children/ youth for entrepreneurship, they all go for jobs, and the job market does not absorb even 30 per cent of them.⁷⁰ More than eight million jobs are required every year for India to keep its employment rate constant, as its working-age population (above 15 years) is increasing by 1.3 million every month, a new study has found.⁷¹

The 2012 University of Pennsylvania study, found that there is a significant mismatch between student aspirations and the skill requirements of Indian industry.⁷² Almost 50 per cent of those respondents who specified a career said they would like to work in sectors other than those identified as high growth sectors by the NSDC. The construction sector has been projected to create almost 50 million jobs by 2022 – yet only 0.3 per cent of respondents said they aspire to work in this sector. Students

may have limited awareness of the various career progression opportunities in these sectors and may associate them with unskilled roles or jobs with low prestige.

Young people without a real pathway towards gainful employment, bright, young, fit and with time in hand and nothing to do are fertile ground for negative influences such as drug and substance abuse, gambling, gangs and violence, sexual violence, theft, and religious radicalisation to name some. Low self-esteem, frustration, resentment, and depression are also likely consequences. Unorganised sector irregular work continues to thrive for millions, perpetuating endless cycles of poverty and exploitation.

Sex education for young people: Sex education is not a subject taken up with seriousness with children in school or at home in the community. Most public and private schools in India do not provide any kind of sexuality education. The few schools that do, focus on health and hygiene in those classes. A study⁷³ shows that a majority of Indian parents also do not discuss sexuality with their children. This is because the family's conservative social fabric does not allow for an open space wherein conversations about issues related to sexuality can be initiated. And since the adults did not receive sexuality education themselves, and do not have a culture of discussing their own sexuality issues with others, they fail to see the need for formal comprehensive sexuality education. There is also a common concern that these 'unnecessary' talks will disrupt the social order or affect family values and culture that has been held strongly for all these years. Another common criticism of sexuality education is that it teaches youngsters how to have sex, thus allowing and even encouraging them to engage in sexual activity.

A study conducted by World Health Organization (WHO) shows that sexuality education actually delays the start of sexual activity, and encourages safe sex practices. Comprehensive Sexuality Education is much more than sex education: it focuses on the individual, their identity and sexuality. It covers the physical, biological, psychological and social aspects of a person's being and sexuality. It covers issues like bodily changes and differences, and relationships with other youngsters, teachers, and society at large, to discussing important social issues like bullying, abuse, infections, and breakups. And yes, it also provides information about sex along with the importance of consent and safety, all in age and stage appropriate terms.⁷⁴

Sex and sexuality education is an essential life skill. In an environment where crimes against women and children are increasing, where there is also an apparent increase in cases of young people eloping, and where the patriarchal system remains intact, sex education will enable young people deal with their sexuality maturely, stay physically and mentally healthy, make responsible and informed decisions, and also develop mutual respect for themselves as well as other people across the gender spectrum.

Need for child protection system to deliver for children from higher socioeconomic families:

It is common knowledge that almost all cases of children in the child protection system are those of children from poor and less educated families. However, a new trend of cases from higher socioeconomic families have been finding their way into the system.

While there is little published data, the comment is informed by anecdotal information gathered from media, first-hand requests for help, and the work of peer NGOs. Custody battles between parents seeking divorce, sexual abuse including incest, online child abuse, children displaying violent behaviour, children abusing drugs and other contrabands, children accused of offences like murder, rape, underage drivers, hit-and-run, circulation of videos of sexual activity with peers/partners – are also issues that affect middle class and rich children.

The system is in habit of delivering services in a manner which poor families with limited choices accept more readily. However, it is observed that the system can be reluctant, unprepared and challenged by cases of children from more elite families. Patriarchy thrives in affluent families. There is much shame, stigma, fear of losing the breadwinner, loss of name in society, economic dependence of women, unwillingness to accept bare bones frill-less government services. Characteristic of these cases

is dithering, withdrawal, search for quick fix solutions on one hand and desperate families going from pillar to post unable to get qualitative assistance for their children on the other.

The child protection system must deliver for all children. If the system geared itself to deliver to more affluent children, it would only improve in quality. Overall public interest, profile and traction for child protection would also increase.

Urban Poor Children – A Silent Emergency

India has an urban population of 377.1 million (31 per cent), of which 34 per cent (128476879) are children below the age of 18 years.⁷⁵ In comparison to 2001, the number of children (0-6) in urban areas has increased by 10.3 per cent while in rural areas it has decreased by 7 per cent.⁷⁶

While the demographic dividend of India (over 65 per cent of the population is below the age of 35 years, and 39 per cent is 18 years or below) is often hailed as the key to the future growth of the country, an inconvenient truth is that more than 8 million children under six years live in slums. That is more than the combined population of the five north-eastern states: Sikkim, Arunachal Pradesh, Nagaland, Manipur and Mizoram.⁷⁷

Several child protection issues rise with growth of cities. Crimes in India 2017 records 19,544 crimes against children in metropolitan cities in 2017 (Table 4B.1). There has been a 2.4 per cent increase from 2016. Of the 19 cities recognized by NCRB, Delhi (6844) and Mumbai (3,790) record the highest crimes against children.⁷⁸ Kidnapping and abduction of children accounts for 56.93 per cent of the crimes against children.⁷⁹

It is estimated that approximately 50 per cent of the Indian population will reside in urban areas by 2030. Currently it is estimated that there are 81 million urban poor living below the poverty line. Urban child sex ratio at 902/1000 stands lower than the 919/1000 for rural India. Urban poor childhood mortality indicators are far worse than the urban average.

A child protection district needs assessment study carried out in suburban Mumbai in 2017 whose findings are enumerated below paints a picture of what urban poverty looks like for children.⁸⁰ Percentage of communities which identified child protection issues as prevalent were: substance abuse 97 per cent, bullying 97 per cent, corporal punishment 96 per cent, negative impacts of exposure to technology and internet 95 per cent, sexual harassment 87 per cent, disability 75 per cent, Involvement of children in gangs 60 per cent, neglect 74 per cent, organised drug trafficking 47 per cent, early marriage 37 per cent, teenage pregnancy were some other issues reported to be prevalent in communities.

In more than 50 per cent communities it was reported that children work in the 10-15 years age group (which also correlates with the age at which children tend to drop out of school in class 6-10). The study found that, children are forced to make unfair alterations to their daily routines for inadequacies in basic amenities (giving up on study and play time to stand in line to fetch water) or to protect themselves from danger when accessing these amenities (girls avoid use of community toilet or limit their movement in the evening and night to evade being sexually harassed). Inadequate/not proximate play space was another issue reported, pushing children to play in spaces around them (include roads/building by-lanes, construction sites etc.) which make them vulnerable to accidents/ injuries etc.



It is estimated that approximately 50 per cent of the Indian population will reside in urban areas by 2030. Several child protection issues rise with growth of cities. Crimes in India 2017 records 19,544 crimes against children in 2017.

Issues prevalent in communities were not found in the data provided by the CWC. The findings also pointed out that the child protection system is underutilised by communities who seldom made complaints on child protection issues and mostly remained unaware about the child protection system (CWC/SJPU/ JJB/CPC-below 5 per cent, Childline 30 per cent). Other than Mid-day meal, Jaccha Baccha Card and ICDS services, social protection schemes for children and families were also grossly underutilised.

Most studies on protection of urban children, highlight that children are left out of urban planning where such takes place.⁸¹ In the metropolitan cities complex urban structures (a web of Commissionerate, municipalities, state governments) super imposed over local self-governance structures are very hard to navigate through for child protection because there is no articulation for children's safety and protection in local planning and policies. The politics and scarcity of land, the economic struggles for survival, are grave. What urban poor children experience as normal course of life must be considered a silent emergency, almost a crime and needs to be acted upon on an urgent basis.



There is a serious threat posed by substance abuse among children and adolescents. This uniquely associated with an increased risk of psychiatric disorders, e.g. depressive disorders, anxiety disorders, attention deficit hyperactivity disorder and conduct disorder. Further, behavioural addictions, e.g. internet gaming disorder, are also increasing in this age group.

Conclusion and Questions

Nothing in this chapter could be considered a new finding for any child protection practitioner, academic, or duty bearer observing ground reality. The old arguments of children's lack of political agency, patriarchy, lack of a convergent approach in addressing protection of children, budget constraints, limited technical capacities, inadequate implementation, dearth of child protection workforce, lack of indicators for measuring protection, public apathy and disengagement, systematic and structural flaws in policy and implementation due to which disadvantaged groups in society continue to lag in development, still remain core issues.

Perhaps the question to ask is what can be changed in current approaches. Are there less orthodox approaches to break the old stalemates? Can young people themselves be protagonists in struggles for child protection at scale? Can data be generated to measure child protection? Can internet connectivity and new age media facilitate dialogue? What kind of conversations need to be had? How can funding issues for child protection be addressed? Can child rights issues be seen in isolation? What can be done to bring children's issues to the front of human rights and political struggles?

Child protection is a critical cross-cutting area of intervention towards giving young people a secure and firm footing they need for fulfilled childhoods and entry into adulthood prepared with skills to participate on equal footing in society and economy. A regroup and reflection is imperative.

Endnotes

- 1 Census 2011 – http://www.censusindia.gov.in/2011census/Age_level_data/Age_level_data.html Last accessed on 9 October, 2019
- 2 <https://www.weforum.org/agenda/2017/10/india-has-139-million-internal-migrants-we-must-not-forget-them/> Last accessed on 9 October 20
- 3 <https://www.livemint.com/industry/human-resource/india-s-april-jobless-rate-accelerates-to-7-6-cmie-1556801343684.html>, <https://in.reuters.com/article/india-economy-jobs/indias-april-jobless-rate-rises-to-7-6-percent-cmie-idINKCN1S816Q>, Last accessed on 4 October 2019
- 4 http://web.worldbank.org/archive/website01291/WEB/0__CO-78.HTM Last accessed on 4 October 2019
- 5 National Human Rights Commission, 2006, Children in India and their Rights, Delhi. <http://nhrc.nic.in/sites/default/files/ChildrenRights.pdf>, Last accessed on 9 October 2019
- 6 National Crimes Records Bureau (MHA), 2016, Crimes in India, Delhi <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>, Last accessed on 4th October, 2019
- 7 CHILDLINE India Foundation, 2018, CHILDLINE Calling...Is India Listening? An analysis of calls to 1098, volume XI. <https://childlineindia.org.in/pdf/Childnet-Volume-11.pdf>, Last accessed on 9 October 2019
- 8 <https://www.unicef.org/violencestudy/l.%20World%20Report%20on%20Violence%20against%20Children.pdf> Last accessed on 30 August 2019
- 9 Ganguly, Enakshi and Razia Ismail Abassi, 2005. Ensuring child protection Approach to the Eleventh Plan. Paper prepared for the Planning Commission and Institute for Human Development
- 10 Study on child abuse, India, 2007, Ministry of Women and Child Development, Prayas and UNICEF.
- 11 Ministry of Women and Child Development. 22 July 2006. Government of India.
- 12 MWCD, 2019, Annual Report 2018–19, Delhi. <https://wcd.nic.in/sites/default/files/WCD%20ENGLISH%202018-19.pdf>, Last accessed on 4 October 2019
- 13 Supreme Court of India. Writ Petition (Civil) No. 473 Of 2005
- 14 <https://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-eighty-sixth-amendment-act-2002>, Last accessed on 4 October 2019
- 15 Ministry of Health and Family Welfare, 2007, NFHS 3 (2005–06) http://rchiips.org/NFHS/NFHS-3%20Data/VOL-1/India_volume_1_corrected_17oct08.pdf, Last accessed on 4 October 2019
- 16 Ministry of Health and Family Welfare, 2017, NFHS 4 (2015–16). <http://rchiips.org/NFHS/NFHS-4Reports/India.pdf> Last accessed on 4 October 2019
- 17 Central Statistics Office, Ministry of Statistics and Programme Implementation, 2019, Women and Men in India (A statistical compilation of Gender related Indicators in India) 2018, Delhi. http://www.mospi.gov.in/sites/default/files/publication_reports/Women%20and%20Men%20in%20India%202018.pdf Last accessed on 4 October 2019
- 18 Central Statistics Office, Ministry of Statistics and Programme Implementation, 2019, Women and Men in India (A statistical compilation of Gender related Indicators in India) 2018, Delhi. http://www.mospi.gov.in/sites/default/files/publication_reports/Women%20and%20Men%20in%20India%202018.pdf Last accessed on 4 October 2019
- 19 <https://inbreakthrough.org/an-analysis-of-violence-against-women-and-children/> Last accessed on August 30, 2019
- 20 The NFHS4 reports a decline in child marriage to 27 per cent. – The National Family Health Survey 4 (2015–16). <http://haqrcr.org/publication/prevention-child-marriage-impact-girls/>, <http://rchiips.org/nfhs/NFHS-4Reports/India.pdf> Last accessed on 30 August 2019
- 21 <https://www.prsindia.org/policy/vital-stats/overview-school-education-india> Last accessed on 30 August 2019
- 22 <http://www.dise.in/Downloads/Publications/Documents/U-DISE-SchoolEducationInIndia-2015-16.pdf> Last accessed on 30 August 2019
- 23 <https://www.prsindia.org/policy/vital-stats/overview-school-education-india> (Last accessed on 30 August 2019) <https://www.livemint.com/Education/k1ANVHwheaCFWCupY3jkFP/Trends-in-school-enrolment-and-dropout-levels.html>, NSSO (71st round) Last accessed on 30 August 2019
- 24 https://mhrd.gov.in/sites/upload_files/mhrd/files/statistics/ESG2016_0.pdf Last accessed on August 30, 2019
- 25 Census 2011 – http://www.censusindia.gov.in/2011census/Age_level_data/Age_level_data.html Last accessed on 30 August 2019
- 26 Extracted from joint submissions to parliamentarians by the ProChild network based on research studies on implementation of the POCSO Act by the HAQ: Centre for Child Rights and the Centre for Child Rights and Law, National Law School Bangalore supported by UNICEF, Tata Trusts and Others.
- 27 The Criminal Law (Amendment) Act 2018, https://mha.gov.in/sites/default/files/CSdivTheCriminalLawAct_14082018_0.pdf Last accessed on 9 October 2019
- 28 National Crimes Records Bureau (MHA), 2019, Crimes in India 2017, New Delhi <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/CII2017-Full.pdf>, Last accessed on 24th October, 2019. Cases pending trial at the end of the year = 84,143 Total cases for trial = 93,423 (Table 4A.5)
- 29 <https://www.haqrcr.org/new-at-haq/national-consultation/>, Last accessed on 9 October 2019
- 30 HAQ: Centre for Child Rights. 2018 Children's Access to Justice and Restorative Care – Fact sheets. <http://haqrcr.org/publication/childrens-access-to-justice-and-restorative-care> Last accessed 30 August 2019
- 31 <http://www.prsindia.org/billtrack/protection-children-sexual-offences-amendment-bill-2019-0>

- 32 The Juvenile Justice (Care and Protection) Act 2015. <http://cara.nic.in/PDF/JJ%20act%202015.pdf>, Last accessed on 9 October 2019
- 33 Salil Bali vs Union Of India & Anr on 17 July, 2013. Writ Petition (C) NO. 10 OF 2013 and Dr. Subramanian Swamy And Ors vs Raju Thr. Member Juvenile Justice on 28 March, 2014 Criminal Appellate Jurisdiction Criminal Appeal No. 695 Of 2014 (Arising Out of SLP (Crl.) No.1953 of 2013)
- 34 Justice J.S Verma, Justice Leila Seth and Gopal Subramaniam. January 23, 2013. Report of the Committee on Amendments to Criminal Law, 2013.
- 35 The Child Labour (Prohibition and Regulation) Amendment Act 2016. https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%2C%202016_0.pdf, Last accessed on 9 October 2019
- 36 Census of India 2011 http://www.censusindia.gov.in/2011census/Age_level_data/Age_level_data.html Last accessed on 4 October 2019
- 37 National Crimes Records Bureau (MHA), 2019, Crimes in India 2017, New Delhi. <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/CII2017-Full.pdf>, Last accessed on 24th October, 2019
- 38 <http://unicef.in/whatwedo/21/child-labour> Last accessed on 30 August 2019
- 39 <http://pib.gov.in/newsite/PrintRelease.aspx?relid=187560> Last accessed on 30 August 2019
- 40 CHILDLINE India Foundation, 2018, CHILDLINE Calling...Is India Listening? An analysis of calls to 1098, volume XI, <https://childlineindia.org.in/pdf/Childnet-Volume-11.pdf> Last accessed on 9 October 2019
- 41 <https://unicef.in/Whatwedo/20/Child-Protection-Systems> Last accessed on 4 October 2019
- 42 MWCD, 2019, Annual Report 2018-19, Delhi. <https://wcd.nic.in/sites/default/files/WCD%20ENGLISH%202018-19.pdf> Last accessed on 4 October 2019
- 43 <https://pib.gov.in/newsite/PrintRelease.aspx?relid=187560> Last accessed on 4 October 2019
- 44 Integrated Child Protection Scheme, <http://cara.nic.in/PDF/revised%20ICPS%20scheme.pdf> Last accessed on 9 October 2019
- 45 MV Foundation in Telangana; Jabala in West Bengal and Mahila Jan Adhikar Samiti in Rajasthan
- 46 District Need Assessment studies Jalna, Leh, Madhubani, Morigaon, Mumbai, Rajouri, and Yavatmal conducted by Leher in partnership with various organizations including district administrations, National Development Foundation Jammu, Sarvo Prayas Sansthan, UNICEF and partners. <https://leher.org/whatwedo/> Last accessed on 30 August 2019
- 47 <https://www.bain.com/insights/india-philanthropy-report-2019/> Last accessed on 30 August 2019
- 48 https://www.unescap.org/sites/default/files/6-ESCAP-Social%20Sector_July2015_share_1.pdf Last accessed on 30 August 2019
- 49 HAQ: Centre for Child Rights 2019 New Delhi. HAQ: Centre for Child Rights. Children in the 'Trillion Dollar Economy'. Budget for Children
- 50 Allen Consulting Group, 2009. Australia's Research Alliance for Children and Youth (ARACY) Research Report, Inverting the Pyramid: Systems for Protecting Children
- 51 <https://www.livemint.com/Opinion/QE197bsC8SCzfr8C5kajVO/Are-kids-safe-online.html> Last accessed on 30 August 2019
- 52 https://unicef.in/Uploads/Publications/Resources/pub_doc115.pdf Last accessed on 30 August 2019
- 53 Telenor & BCG, 2012. Building Digital Resilience. https://unicef.in/Uploads/Publications/Resources/pub_doc115.pdf Last accessed on 30 August 2019
- 54 UNICEF, 2016, Child Online Protection Report. https://www.icmec.org/wp-content/uploads/2016/09/UNICEF-Child-Protection-Online-India-pub_doc115-1.pdf Last accessed on 4 October 2019
- 55 http://timesofindia.indiatimes.com/articleshow/64676694.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst Last accessed on 30 August 2019
- 56 Blue Whale challenge: In this game, an online administrator assigns tasks to its participants. The participants are given a period of 50 days to complete each task. The players are expected to take photos of them undertaking the challenge and upload them as proofs for the curator's approval. The last challenge is to commit suicide. Players of this game cannot stop playing because they are blackmailed and cyber bullied into completing the game. This deadly game has spread all over the globe, and in India there have been reports of children harming themselves and in a few cases even committing suicides, which are allegedly linked to Blue Whale Challenge. More than six children across India in the age group of 12-19 years have taken their lives allegedly playing this game within a span of two weeks <http://www.unicef.in/STAYSAFEONLINE/Story-What-is-the-Blue-Whale-Challenge-and-why-should-parents-be-concerned-about-this-game-.html> Last accessed on 30 August 2019
- 57 <https://www.nischint.com/harmful-effects-smartphones-children> Last accessed on 30 August 2019
- 58 <https://timesofindia.indiatimes.com/city/bengaluru/gaming-addiction-6-children-seek-help-at-nimhans-clinic-every-week/articleshow/64676694.cms> Last accessed on 30 August 2019
- 59 UNICEF, 2016, Child Online Protection Report. https://www.icmec.org/wp-content/uploads/2016/09/UNICEF-Child-Protection-Online-India-pub_doc115-1.pdf Last accessed on 4 October 2019
- 60 UNICEF, 2016. Child Online Protection Report
- 61 POC SO, <https://wcd.nic.in/sites/default/files/Protection%20of%20Children%20From%20Sexual%20Offences%20%28Amendment%29%20Act%2C%202019.pdf> Last accessed on 9 October 2019
- 62 <https://www.prsindia.org/billtrack/protection-children-sexual-offences-amendment-bill-2019-0> Last accessed on 30 August 2019
- 63 Squeglia LM, Jacobus J, Tapert SF. The influence of substance use on adolescent brain development. Clin EEG Neurosci 2009;40:31-8.

- 64 <http://www.nmji.in/article.asp?issn=0970-258X;year=2017;volume=30;issue=4;spage=224;epage=229;aulast=Dhawan#ref2> Last Accessed on 30 August 2019
- 65 Tikoo VK, Dhawan A, Pattanayak RD, Chopra A. Assessment of pattern, profile and profile of substance use among children in India. 2013. National Commission for Protection of Child Rights (NCPCR) and All India Institute of Medical Sciences (AIIMS). New Delhi https://www.ncpcr.gov.in/view_file.php?fid=17 Last Accessed on 30 August 2019
- 66 Tikoo VK, Dhawan A, Pattanayak RD, Chopra A. Assessment of pattern, profile and profile of substance use among children in India. 2013. National Commission for Protection of Child Rights (NCPCR) and All India Institute of Medical Sciences (AIIMS). New Delhi http://www.ncpcr.gov.in/view_file.php?fid=17 Last accessed on 30 August 2019
- 67 http://dcpcr.delhi.gov.in/wps/wcm/connect/doit_dcpcr/DCPCR/Publication/Substance+Abuse+by+Children+in+Delhi Last accessed on 30 August 2019
- 68 <https://deaddictioncentres.in/news/indias-youth-drugs/> Last accessed on 30 August 2019
- 69 Writ Petition (Civil) NO. 906 OF 2014. <https://bba.org.in/assets/pdf/rop.pdf> Last accessed on 30 August 2019
- 70 <https://www.financialexpress.com/opinion/what-is-ailing-indias-education-system/1270524/> Last accessed on 30 August 2019
- 71 <https://www.firstpost.com/india/indias-unemployment-crisis-1-3-million-youth-need-jobs-every-month-eight-million-a-year-says-world-bank-report-4453457.html> Last accessed on 30 August 2019
- 72 The Skills They Want: Aspirations of students in Emerging India, University of Pennsylvania. <https://casi.sas.upenn.edu/sites/default/files/bio/uploads/Theper cent20Skillsper cent20Theyper cent20Wantper cent20Cper cent20Aspirationsper cent20ofper cent20Studentsper cent20inper cent20Emergingper cent20Indiaper cent20-per cent20Aggarwalper cent20Cper cent20Kapurper cent20Cper cent20Tognatta.pdf> Last Accessed on 30 August 2019
- 73 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4711229/> Last accessed on 30 August 2019
- 74 <https://feminisminindia.com/2017/08/29/sexuality-education-indian-culture/>
- 75 Census 2011 – Total population = 1210854977, Urban total population = 377106125, Urban child population = 128476879
- 76 <https://www.downtoearth.org.in/news/health/urban-children-in-slums-more-vulnerable-to-health-risks-says-report-50539> Last accessed on 30 August 2019
- 77 <https://www.savethechildren.in/sci-in/files/79/79bfb888-7ed0-496e-b1e7-e71f7814ea7e.pdf> Last accessed on 30 August 2019
- 78 National Crimes Records Bureau (MHA), 2019, Crimes in India (Table 4B.1) 2017, New Delhi. <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/CII2017-Full.pdf>, Last accessed on 24th October, 2019
- 79 National Crimes Records Bureau (MHA), 2019, Crimes in India 2017, New Delhi (Table 4A.3) <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/CII2017-Full.pdf>, Last accessed on 24th October, 2019. Kidnapping and Abduction of Children (Sec. 363, 363A, 364, 364A, 365, 366, 366A, 367, 368 & 369 IPC) (Total) =11128 Total IPC + SLL in Metropolitan cities = 19544 (Table 4B.2(ii))
- 80 Child Protection District Need Assessment Study (DNA), Mumbai Suburban, Maharashtra. A collaboration between UNICEF, AILSG & Leher 2018, <https://leher.org/whatwedo/> Last accessed on 30 August 2019
- 81 Save the Children and PWC, 2015, Forgotten voices: The world of urban children in India. <https://www.savethechildren.in/sci-in/files/79/79bfb888-7ed0-496e-b1e7-e71f7814ea7e.pdf>, Last accessed on 4th October, 2019