

CHAPTER II

WOMEN AND CHILD DEVELOPMENT DEPARTMENT

2.1. Implementation of Integrated Child Protection Scheme and other Child Protection Schemes

2.1.1. Introduction

‘Child Protection’ is about protecting children from any perceived or real danger or risk to their life, personhood and childhood. It is about reducing their vulnerability to any kind of harm and ensuring that no child falls out of the social safety net and that those who do, receive necessary care, protection and support so as to bring them back into the safety net. Integrated Child Protection Scheme (ICPS) was introduced⁴ as a centrally sponsored scheme under the Ministry of Women and Child Development in the year 2009-10. The scheme aimed to provide institutional, family and community-based care to children and promote preventive measures for protecting them from situations of vulnerability, risk and abuse, educating public on child rights, etc. ICPS provides financial support for implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015⁵ (Act).

Government of Kerala (GoK) also funds schemes for care and protection of children, viz., (i) Our Responsibility to Children (ORC) and (ii) Innovative Projects - including 12 sub schemes (**Appendix 2.1**).

2.1.2. Organisational setup

The Women and Child Development Department (WCDD) of the State is headed by the Principal Secretary at Government level. At the field level, it is headed by the Director, Women and Child Development Department. In order to ensure effective implementation of ICPS at State and District level, the State Child Protection Society (SCPS) and 14 District Child Protection Units (DCPUs) were set up (August 2014) in the State. There were 27 Government Child Care Institutions (CCIs) and 697 NGO⁶ run CCIs in the State. Besides, State Adoption Resource Agency (SARA) functioned as a unit under the SCPS, dealing with adoption of children and related matters. The DCPUs in 14 Districts are headed by the District Child Protection Officers (DCPOs). The Child Care Institutions⁷, Child Welfare Committees (CWC) and Juvenile Justice Board (JJB) function in all 14 districts.

⁴ Three schemes, viz., i) Programme for Juvenile Justice for Children in need of care and protection and Children in conflict with Law, ii) Integrated Programme for street children, and iii) Scheme for assistance to homes for children (Shishu Greh) were incorporated in the Integrated Child Protection Scheme (ICPS).

⁵ By repealing the Juvenile Justice (Care and Protection) Act, 2000, Government of India enacted the Juvenile Justice (Care and Protection of Children) Act, 2015 (Act).

⁶ Non-Governmental Organisation

⁷ Includes Specialised Adoption Agencies, Children’s homes, Observation homes, Special homes, Open shelters and Places of safety

2.1.3. Audit objectives and criteria

The Compliance Audit was conducted to ascertain whether:

- adequate mechanisms and structures were in place for the planning and implementation of ICPS and other Child protection schemes, as envisaged in the scheme/guidelines of Government of India (GoI), and the schemes of the State Government;
- rehabilitation and social re-integration were being achieved through the schemes as envisaged in the guidelines of the scheme, Act and Rules;
- the funds were adequate and received on time and subsequently routed to societies/units (*viz.*, SCPS, DCPUs and SARA) to manage the scheme effectively and efficiently; and
- effective monitoring mechanism was in place to supervise the implementation, progress and evaluation of schemes in accordance with the provisions contained in the guidelines, Act and rules.

Audit adopted the Juvenile Justice (Care and Protection of Children) Act, 2015 and Juvenile Justice (Care and Protection of Children) Model Rules, 2016, Guidelines of ICPS and Adoption Regulations, 2017 and 2022 as the major criteria against which audit observations were framed. The efficacy in implementation of State schemes was evaluated against the norms prescribed by Government orders/instructions.

2.1.4. Scope and methodology of audit

The Department of Women and Child Development was responsible for the implementation of ICPS and other Child Protection Schemes in the State. Audit was conducted from April to September 2023 and covered the Child Protection Schemes implemented during the period from 2018-19 to 2022-23.

The scope of audit extended to the implementation of child protection schemes in five⁸ out of 14 districts in the State, selected using Stratified Sampling. Audit methodology included scrutiny of records and registers, conduct of joint physical verification and obtaining data through issue of requisitions to the Government, SCPS, DCPUs, JJBs, CWCs, Specialised Adoption Agencies (SAA) and CCIs (**Appendix 2.2**). Only those CCIs that have received grant from the Government were sampled for scrutiny. As on 31 March 2023, 11,114 children were inmates of various CCIs in the State. In the CCIs located in selected districts, the inmate strength was 675. Audit also obtained data from departments like Police, Labour, Health and Scheduled Castes/Scheduled Tribes Development which partake in implementing child protection measures in the State.

⁸ Thiruvananthapuram, Alappuzha, Ernakulam, Wayanad and Kannur

An Entry Conference was conducted with the Principal Secretary, Women and Child Development Department on 16 May 2023 wherein the scope, methodology, criteria, etc., were discussed and agreed upon.

The Exit Conference was held on 17 May 2024 with the Principal Secretary, Women and Child Development Department, wherein the audit findings of the Compliance Audit were discussed in detail.

Audit findings

2.1.5. Funding

The ICPS is being implemented in the State with financial assistance from both GoI and GoK. Every year, State Government submits budget proposals before the Project Approval Board. After approval by the Project Approval Board, GoI releases the Central share to the State Government after adjusting the unspent balance of previous year, if any, available with State Government. On receipt of Central share, State Government releases the Central share along with matching State share to implementing units.

During the period 2018-22, the proportion of financial assistance to be borne by GoI for various components of the scheme ranged from 35 to 90 *per cent* depending upon the project components⁹. From the year 2022-23 onwards, the mode of funding was shifted from the conventional mode¹⁰ to the Public Financial Management mode¹¹ and the funding pattern to 60:40 between Centre and State.

The Central funds were allocated based on the fixed inmate strength of 50 and 25, at the CCIs, by GoI on the basis of standards of accommodation. As the number of children in the CCIs does not remain static, the State did not request for funds on the basis of actual inmate strength in the CCIs. Instead, the State had proposed to receive and release entire funds allocated by GoI, admissible as per scheme guidelines.

The funds received from GoI and GoK during the five-year period covered in audit and the expenditure incurred are shown in **Table 2.1**:

⁹ All structural components *viz.*, State Project Support Unit (SPSU), State Child Protection Society (SCPS), State Adoption Resource Agency (SARA), District Child Protection Units (DCPU), Regulatory bodies like Juvenile Justice Boards (JJB), Child Welfare Committees (CWC), all Homes/SAAAs run by Government/NGOs, Open Shelters.

¹⁰ Routed through State budget

¹¹ The Public Financial Management System (PFMS) is a web-based online software application developed and implemented by the Controller General of Accounts (CGA), Department of Expenditure, Ministry of Finance, Government of India

Table 2.1: Details of funds received, expenditure incurred and unspent balance during 2018-19 to 2022-23

(₹ in lakh)

Year	Funds received			Total expenditure ¹²	Unspent balance of GoI share which was revalidated/adjusted against next year's release ¹³
	GoI share ¹⁴	GoK share ¹⁵	Total		
1	2	3	4 (2+3)	5	6
2018-19	1263.47	1383.27	2646.74	2351.89	216.95
2019-20	1487.50	991.67	2479.17	1093.21	733.20
2020-21	1135.82	1246.01	2381.83	1808.06	783.85
2021-22	607.45	1132.37	1739.82	1809.30	357.57
2022-23	1284.88	1212.54	2497.42	3005.66	580.24

(Source: Utilisation Certificates furnished by GoK and abstracts of Detailed Appropriation Accounts)

Central funds ranging from ₹216.95 lakh to ₹783.85 lakh which remained unspent each year, were revalidated by GoI and adjusted against the release of next year.

The Principal Secretary assured to examine the scope of rationalising the budget in response to Audit suggestion to factor in the number of inmates, during Exit Conference (May 2024). Government stated in reply (August 2024) that as the second instalment from GoI is released only at the fag end of every financial year, it was not possible for all components to be fully utilised within the limited period remaining in the financial year.

2.1.6. Structural framework for implementation of ICPS

The JJ Act defines the 'child' as a person who has not completed 18 years of age. A 'child in conflict with law' (CCL) is defined as one who was alleged or found to have committed an offence and who has not completed 18 years of age on the date of committing the offence. A 'child in need of care and protection' (CNCP) is defined as one who is found without any home or settled place of abode or means of subsistence/found working in contravention of labour laws in force or begging, living on the street or who resides with a person who has injured, exploited, abused or neglected the child, etc. To decide upon the course of action to be adopted, a CCL is produced before a JJB, comprising a Metropolitan Magistrate or a Judicial Magistrate of First class with two social worker members, of whom one shall be a woman. A CNCP, is to be produced before a CWC comprising the Chairperson and members having a minimum of

¹² Figures booked by Office of the Accountant General (A&E) Kerala under the ICPS head of account '2235-02-102-61' (till 2021-22) and '2235-02-102-19' (from 2022-23).

¹³ As per utilisation certificates furnished to GoI

¹⁴ As per utilisation certificates furnished to GoI

¹⁵ Figures furnished by SCPS

seven years of experience of working with children in the field of education, health or welfare or a practising professional¹⁶ or a retired judicial officer.

Audit examined whether the mechanisms and structures prescribed by legislations were in place to enable effective implementation of the scheme, as detailed below:

2.1.6.1. Inconsistency of provisions in scheme guidelines vis-à-vis the Act

As per Sections 35 and 36 of the Act, a child who is an orphan, surrendered or appears to be abandoned and below six years of age can be placed by the CWC in a Specialised Adoption Agency (SAA) only. If the child is above six years of age, they can be placed in a Children's home.

Guidelines of ICPS and Mission Vatsalya¹⁷, lay down measures to support State and NGO run SAAs where adoptable children below six years of age are provided residential care. These guidelines however state that no child shall remain in the care of an SAA for more than a period of one year.

Audit observed that the above clause in the guidelines restricting the period of stay of a child in SAA to one year may not be in the best interest of the child. In usual practice, a child who is less than six years of age, if not adopted, will have to be retained in a SAA until the child attains the age of six or gets adopted, whichever is earlier. Further, the time limit cannot also be applied to children coming from unfavourable family environment who were temporarily accommodated in SAA, and not for adoption. Thus, the time limit of one year set by guideline for stay of a child in SAA besides not being child-friendly, was not compatible with the Act, and may need to be reviewed.

Government stated (April 2024) that, as per Section 1(4) of the JJ Act, notwithstanding anything contained in any other law for the time being in force, the provisions of the Act shall apply to matters concerning children in need of care and protection and hence, considering the best interest of the child, the Act will prevail.

2.1.6.2. Non-framing of State Rules

Section 110 of the Act requires the State Government to make rules to carry out the purposes of the Act. Despite the Central Act and Guidelines of the scheme, formulated in September 2015 and 2014 respectively, for the effective implementation of child protection legislation and achievement of child protection goals, the State has not framed any Rules. The State Government is currently adhering to the Juvenile Justice (Care and Protection of Children) Model Amendment Rules, 2022, formulated by GoI and all activities are conducted in accordance with these Model Rules.

During the course of audit, instances demanding specific intervention of Government in the form of a norm/regulation were noticed, as detailed in

¹⁶ with a degree in child psychology/psychiatry/social work/sociology/human development or in the field of law

¹⁷ ICPS was renamed as Child Protection Services Scheme in 2017 and has been subsumed under Mission Vatsalya from 2022-23.

Paragraph 2.1.6.3. Formulation of State Rules for implementation of the Act would contribute to enhancing the efficiency of SCPS and DCPUs in complying with the provisions of the Act in State specific scenarios.

Government replied (April 2024) that redrafting of draft State rules in alignment with the amendments made to the JJ Rules in 2022, was in progress and was expected to be submitted soon.

2.1.6.3. Functioning of CCIs without valid registration

Section 41(1) of the Act states that all institutions, whether run by State Government or voluntary/non-governmental organisations should be registered, regardless of whether they are receiving grants or not from the Central/State Government. The period of registration shall be five years which was to be renewed quinquennially. The application for registration/renewal of an institution was to be submitted to the Government. At the time of registration, the State Government shall determine and record the capacity and purpose of the institution.

The CCIs were to seek renewal three months prior to the expiry of period of registration and an application of registration was to be disposed within 60 days from the date of receipt of application. Rule 21(6) of JJ Model Rules 2016 states that post registration, the Government shall annually review the facilities, staff strength, infrastructure and compliance with standards of care, rehabilitation and re-integration services and management of the CCI. The decision on renewal of registration shall be based on the annual review done in the year in which the renewal is sought. Neither had the Rules nor any orders of State Government specified an authority to conduct annual review of CCIs till September 2022, after which, the Rules were amended, authorising the District Magistrate (DM) to conduct annual inspection of CCIs. The DCPUs were to scrutinise the applications for registration received from CCIs and forward them to the DM, who, after conducting inspection of the CCI, conveyed his remarks to the Director, WCDD.

A total of 214 CCIs were functioning in the five selected districts during 2022-23, of which 165 were required to renew their registration before March 2023. Of these, registrations of only three CCIs in Kannur district were renewed before the date of expiry of registration. **Table 2.2** depicts the details regarding the submission of applications for renewal of registration and delay in processing them at DCPU level in the five selected districts during 2022-23.

Table 2.2: Details of delay in submission and processing of applications for renewal during 2022-23*

	Thiruvananthapuram	Alappuzha	Ernakulam	Wayanad	Kannur	Total
Total number of CCIs during 2022-23	84	26	71	12	21	214
No. of CCIs requiring registration before 31 March 2023	70	22	46	9	18	165
Number of applications received	59	21**	45	9	18	152
Number of CCIs which had not applied	11	1	0	0	0	12
No. of CCIs which had been re-registered	0	0	0	0	3	3
No. of cases in which delay occurred at DCPU level for more than six months	32	22	9	0	7	70

*as on 31 March 2023; ** one application received for cancellation.
(Source: Data furnished by DCPUs)

Audit observed that in majority of the cases requiring renewal, delay happened at the end of DCPU, in forwarding the applications to the DM. This in turn delayed the conduct of inspections by the DMs. Renewal of registration has not been granted (October 2023) to 149 CCIs¹⁸, consequent upon which the CCIs were functioning without a valid registration. It was also seen that 12 CCIs had not even submitted applications for renewal of registration. As valid registration to function is a mandatory requirement, non-renewal before expiry of registration and functioning without registration is against the provisions in the Act.

Government replied (April 2024) that a circular was issued to DCPOs to issue a temporary receipt to an institution while receiving the application, which could be considered as provisional registration as per Section 41(4) of JJ Act. It was also stated that detailed instructions will be issued to all DMs for processing the application in time and the process of CCI registration would be monitored by the SCPS within regular intervals.

Issuing a temporary receipt as acknowledgement of the application cannot be regarded as provisional registration. Hence, the contention of Government that the institutions could continue functioning on the basis of temporary receipt is unacceptable.

2.1.6.4. Grading of institutions

Paragraph 6(ii) of Mission Vatsalya guidelines issued in July 2022 envisages the State Government to take up exercise to grade each CCI at fixed intervals. The grading was to be done based on infrastructure, quality of services, wellbeing of children especially in terms of health and education, restoration and rehabilitation of children, etc. The grading of CCIs including designing of

¹⁸ 152 (CCIs requiring renewal) minus 3 (renewal granted) = 149

parameters and indicators was to be carried out in consultation with National Institute of Public Co-operation and Child Development (NIPCCD), Bangalore.

Audit found that no such grading of CCIs had been done by the State Government till date (February 2024).

Government replied (April 2024) that the State has initiated a social audit of all the institutions in the State with the collaboration of United Nations Children's Fund (UNICEF), which is to be considered as the initial process of grading. After the social audit, the State has planned to contact NIPCCD Bangalore for further support in grading the institutions.

The reply was not acceptable as the process of social audit would not suffice the objective of grading. The fact that the grading process, mandated as per guidelines, remains unimplemented, indicates that the Government was not keen on its implementation.

2.1.7. Rehabilitation and Social Re-integration

The process of rehabilitation and social re-integration of children was to be undertaken preferably through family based care such as by restoration to family or guardian, adoption or foster care. If this was not resorted to, rehabilitation and social re-integration was to be attained through institutional care. Deficiencies noticed by audit in the measures adopted to ensure the well-being of the child in the course of rehabilitation and social re-integration are elaborated below:

2.1.7.1. Deficiencies in preparation of Social Investigation Report

Social Investigation Report¹⁹ (SIR) presents detailed information on the circumstances of the child, the situation of the child on economic, social, psycho-social and other relevant factors, and the recommendation thereon. As per Rule 19(3) of JJ Rules, CWC shall assign the case of a child to a Social Worker/Case Worker/Child Welfare Officer or to any recognised NGO for conducting the social investigation. The JJB and CWC shall take into account the SIRs prepared in Form 6 and Form 22 respectively, by the Probation Officer or NGO along with the evidence produced by the parties producing the child. Information so collected formed the basis for arriving at a conclusion regarding the future course of action to be taken with respect to the supervision/custody of the child. The SIR was to be completed and submitted by the social worker within 15 days from the date of first production of the child before the JJB/CWC.

Audit undertook an assessment of timeliness in submission of SIRs in 100 cases each, which appeared before the JJB and CWC in the selected five districts during 2018-23 (**Appendix 2.3**). It was observed that there was delay extending to 364 and 447 days in submitting SIRs to JJB and CWC respectively.

¹⁹ Rule 2(xvii) of JJ Rules

In a specific instance in Ernakulam district, a child placed in a CCI, whose SIR was not prepared, was sent (2011) to foster care at the age of 4 ½ years and was subsequently adopted by the foster family in 2016. Later, in May 2019, the child was returned to institutional care by the mother citing difficulty in handling the child at home. However, SIR of the child was not seen prepared even at this stage. Audit observed that the child eventually committed suicide (July 2020) in the institution.

Timely preparation of SIR of the child at least on re-joining institutional care from foster setup would have helped CWC gain an insight into the psycho-social status and mental stature of the child, which could have facilitated effective counselling measures. As SIRs hold a crucial role in the decision-making process of JJB/CWC, delay in their preparation could have adverse consequences for the child.

Government replied (April 2024) that the completion of SIR has been delayed due to lack of adequate staff in DCPUs, especially considering the high volume of cases they need to address within their respective districts. The State has proposed to the Central Government, the posting of one extra social worker for DCPUs to resolve this issue. It was also assured that directions will be given to DCPOs to take steps to complete social investigation in time.

2.1.7.2. Lapses in preparation and review of Individual Care Plan

As per Rule 2(xi) of JJ Model Rules, Individual Care Plan (ICP) is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in order to restore their self-esteem, dignity and self-worth and nurture them into a responsible citizen. Accordingly, ICP shall address the needs of a child pertaining to health and nutrition, emotional and psychological support, education and training, etc. The ICP in Form 7, as prescribed in the JJ Model Rules encapsulating personal details and progress report of a child requiring institutional management shall be prepared by the Child Welfare Officer or Case Worker. The progress report of the child was to be prepared every fortnight for the first three months and thereafter on a monthly basis. Further, the ICPs were to be forwarded to the CWC within a fortnight for approval. The management committee²⁰ of the institution was to review the ICPs quarterly.

Audit noticed that none of the 17 selected CCIs were updating the ICPs as stipulated in the Rules. Neither were the ICPs forwarded to CWC nor were they reviewed by the management committee. At SAA Wayanad, though the ICPs were prepared, they were not seen forwarded to the CWC. The DCPUs attributed the shortfall in preparation of ICPs to dearth of counsellors and lack of awareness of the available staff regarding ICP updation.

As ICPs are designed to assess the needs and progress of the child, their preparation is crucial in evaluating the developmental stages of the child. Hence,

²⁰ Comprising DCPO as Chairperson, Person-in-charge as Member-Secretary, Probation Officer or Child Welfare Officer or Case Worker, Medical Officer, Psychologist or Counsellor, Workshop Supervisor or Vocational Instructor, etc., as members.

ICPs need to be prepared carefully and meticulously as envisaged in the guidelines.

Government replied (April 2024) that a surprise inspection committee will be formed at the district level to visit institutions and verify the availability of ICPs for all children. It was also stated that follow up training for counsellors on preparation of ICP will be conducted promptly.

2.1.7.3. Inadequate facilities in Juvenile Justice Boards and Child Welfare Committees

Rule 6(10) and 16(12) of JJ Rules require the State Government to provide infrastructure to the JJBs and CWCs respectively. Provisions in ICPS guidelines specify that the room where the CWC and JJB holds its sittings should be well equipped with sufficient space, necessary furniture and equipment, be well lit and have a child friendly environment. Section 7 of JJ Act mandates JJB to ensure that all procedures are conducted in a child friendly manner and that the venue does not appear intimidating to the child and does not resemble regular courts. JJ Model Rules insist that the JJB shall not sit on a raised platform. The waiting rooms for children and families should have provisions for drinking water as well as indoor recreation for children. List of facilities that were available/deficient in the JJBs and CWCs in the selected districts are given in **Appendix 2.4**.

Audit also observed that the space provided for the functioning of JJB in Thiruvananthapuram district resembles a court to the extent that the members of the JJB are conducting the procedures from a raised platform. Further, CWC Thiruvananthapuram did not have sufficient space for the waiting area, as seen in the photograph below.



Figure 2.1: Families and children stand, waiting outside CWC Thiruvananthapuram due to non-availability of facilities (October 2023)

Government should ensure that the children and families who approach the JJB/CWC are provided with basic facilities like waiting room, supply of drinking water, etc., and a child friendly environment.

Government replied (April 2024) that the non-recurring fund allotted by the Central Government to the JJBs/CWCs in selected districts could be utilised to ensure sufficient facilities in these Boards and Committees. It was added that the facilities for the remaining districts will be financed from the State fund.

2.1.7.4. Inadequate facilities at Government Children's Home for Girls, Kannur

The physical infrastructure required in a CCI had been prescribed in Rule 29(iv) of JJ Rules. The requirements include dormitories, sick room, recreation room, etc.

A joint physical verification (September 2023) at the Government Children's Home (GCH) for Girls, Kannur conducted along with the authorities of the institution revealed that the CCI did not have a sick room, outdoor play ground, recreation room, library and counselling room. Audit also found that the Children's Home did not have sufficient beds for the 26 inmates and the store room was congested.



Figure 2.2: Beds being arranged without in-between space, to accommodate more children at Government Children's Home for Girls, Kannur (September 2023)

Providing adequate facilities as prescribed in the Rules is to be prioritised, as these requirements have been framed with the intention of providing a congenial growing atmosphere to the child.

Government replied (April 2024) that an amount of ₹25 lakh has been sanctioned to Government Children's Home, Kannur for infrastructure works and renovation works and that after the completion of these works, recreation room, library and counselling room and storeroom will be set up.

2.1.7.5. *Children with special needs not provided with requisite facilities*

Section 53.1 (ii, iii) of the Act envisaged that the institutions in the process of rehabilitation and re-integration of children with special needs shall provide equipment such as wheelchairs, prosthetic devices, hearing aids, braille kits, etc., and extend appropriate education for children with special needs. Rule 36(4) of JJ Rules states that specialised trainers and experts shall be appointed to cater to the educational needs of children with special needs, whether physical or mental. Learning disorders are to be identified, assessed and reported in ICP and further assistance given to the child by trained professionals.

Audit observed that certain CCIs were not complying with the aforementioned statutes, in the following instances.

- The Home for Orphans and Destitute children (Boys), Vaduthala was registered as a CCI in Ernakulam district and was granted (December 2017) registration with validity of five years, for functioning as a Children's home with inmate capacity of 35. Despite 13 to 35 children with special needs residing in the CCI per year during 2018-23, no specialised trainers were seen appointed to train the children and learning disorders were not assessed and reported upon.
- On a scrutiny of files relating to the CCI at DCPU Ernakulam, Audit noticed that the DM Ernakulam had conducted (April 2023) an inspection of the CCI for renewal of registration. On detecting that the facilities provided by the CCI were not adequate to suit the needs of special children, the DM had served notice (July 2023) to the CCI. However, the report on the physical inspection of the institution was not available at the DCPU. Despite repeated requests made by Audit to the DM to produce the report of the inspection conducted in the CCI, this was not complied with (February 2024). Thus, Audit could not gather information about the nature of deficiencies in the running of the CCI, as pointed out by the DM, based on which notice was served to the CCI. Also, the extent of compliance on the part of the CCI in this regard, could not be ascertained.
- ICPS guidelines state that the Scheme shall provide for institutional care of children with special needs by supporting a specialised unit within the existing homes or by setting up specialised shelter homes for children with special needs. Audit noticed that in three out of seven Children's Homes test checked, 24 children²¹ with special needs were accommodated during the period covered in audit. These Homes did not set up specialised units within, to extend support and care to children with special needs.
- As per directions of CWC Ernakulam, a mentally and physically challenged girl aged 12, who was also a victim of sexual abuse registered

²¹ GCH for Girls, Alappuzha – 13, GCH, Ernakulam – 5, GCH for Boys, Kannur - 6

under the POCSO²² Act, 2012, was admitted (June 2019) to the Home for Orphan and Destitute (Girls), Pachalam in Ernakulam. This institution was not registered as a CCI for accommodating girls. The CWC had placed the child in this institution, as there was no registered special home for differently abled girl children in Ernakulam district. Records at DCPU Ernakulam mentioned that, as the CCI faced difficulties in handling the child in co-residence with normal children, it requested the CWC to shift the child to another institution. However, CWC directed the institution to retain the child as there was no alternate care home to which the child could be accommodated. Hence, the child continued in the institution until she succumbed to death in January 2021, from pneumonia. Following the demise of the child, the Programme Manager, ICPS conducted an inquiry into the situation which led to the death of the child and reported (February 2021) that the institution did not have sufficient staff for extending care and protection to the child and that appropriate measures to rehabilitate the child were not undertaken on time.

In the above instances, CWC could not shift the children from the resident homes to an alternate facility, as such a facility was not available in the entire district. This resulted in the children with special needs/mentally challenged children being kept in institutions which were not provided with the specified standards set for these children. Considering the fact that 96 *per cent* (697 out of 724) of CCIs in the State were run by NGOs, Government should carry out periodical checks to ensure that these CCIs are adhering to the prescribed standards, so that the inmates are provided with facilities envisaged by the Act and Rules.

Accepting the audit observations, Government replied (April 2024) that State-level inspection committee will be reconstituted soon to conduct surprise inspections at the CCIs in the State. Directions will also be issued to district-level inspection committees to inspect the CCIs in the district and take remedial actions. Department level inspection committee will be formed at district level to conduct surprise inspection at CCIs in the district to ascertain that CCIs have minimum facilities. It was further stated that the Home Management Committee will also follow up and monitor the existing facilities in CCIs.

2.1.7.6. Co-habitation of children with mental illness and children requiring de-addiction from drugs, liquor, etc., along with normal children

As per Rule 80(1) of JJ Model Rules 2016, the JJB/CWC/Children's Court may send the child who is mentally ill or addicted to alcohol or drugs or any other substance to a fit facility for such period as may be certified by a medical officer or mental health expert, as necessary for proper treatment of the child. In the

²² Protection of Children from sexual offences

selected districts, 179 cases²³ of children with mental illness and 138 cases²⁴ of children requiring assistance for de-addiction from use of drugs, substance, liquor, etc., were attended to by the CWCs during the period of audit.

Rule 80(3) of JJ Model Rules 2016 states that State Government may set up separate Integrated Rehabilitation Centres for children addicted to use of liquor, substance, etc., on the basis of appropriate age groups. Audit noticed that none of the test checked CWCs at Thiruvananthapuram, Ernakulam and Wayanad had a system in place to extend special care and treatment to children requiring de-addiction from use of drugs, substance and liquor. Further, there were no exclusive homes for protection/treatment/rehabilitation of children with mental illness at Thiruvananthapuram, Ernakulam and Wayanad due to which the child addicts had to be accommodated along with normal children, which was not a desirable practice.

The following adverse incidents were noticed in audit:

- The GCH for Boys, Thiruvananthapuram, with a total inmate strength ranging from 55 to 80 during the period from 2018-19 to 2022-23, was seen accommodating 11 to 28 children with mental illness and related behavioural problems along with normal children.
- At GCH for Girls at Mayithara, Alappuzha, children who were under psychiatric treatment were accommodated along with normal children during the five year period of audit.
- At GCH Wayanad, children with mental disabilities/special needs were residing with normal children during the five year period of audit.

Audit observed that no special facility was provided for managing mentally ill children in these CCIs. The staff of these institutions were not trained to handle such children. Further, co-habitation of children with mental illness along with normal children may turn detrimental to both categories of children. Considering the number of cases that require de-addiction, Government has to view the matter very seriously and urgent intervention is required as usage of drugs, substance, etc., puts the life of younger generation at risk. Integrated Rehabilitation Centres for child addicts on the basis of appropriate age groups may be set up as suggested under Rule 80(3).

Government replied (April 2024) that as per the directions of High Court JJ Committee, a de-addiction centre exclusively for children will be started at Thavanur in Malappuram District. Necessary directions will be given to CCIs to provide special facilities for mentally ill children. Child Welfare Committees will be given directions to declare NGO run JJ Homes with facilities to accommodate children with special needs and for de-addiction, as fit facilities and utilise them for rehabilitating children with special needs/ addicted children.

²³ Thiruvananthapuram – 26, Ernakulam – 5 (data for 2018-19 to 2020-21 not furnished), Kannur – 9 (details for 2018-19 to 2020-21 not available), Alappuzha – 133 and Wayanad - 6

²⁴ Thiruvananthapuram – 76, Ernakulam – 16 (data for 2018-19 to 2020-21 not furnished), Kannur – 0 (details for 2018-19 to 2021-22 not available), Alappuzha – 43 and Wayanad - 3

2.1.7.7. *Functioning of Open Shelters*

Section 43 (2) of the Act states that the open shelters shall function as a community-based facility for children (up to the age of 18 years) in need of residential support, for protecting them from abuse, weaning them or keeping them away from life on the streets. These institutions were not meant to provide permanent residential facilities but were to complement the existing institutional care facilities on a short-term basis. Rule 22(7) stipulates that in cases where the child requires more than short-term care and protection exceeding 24 hours, he may be produced before CWC for initiating further appropriate steps.

Audit observed that CWC had issued (June and July 2022) orders permitting stay of two persons in the Open Shelter at Thiruvananthapuram even after attaining the age of 18, which was violative of provisions of the Act.

Audit also came across instances in which two children continued to stay in the open shelter for prolonged periods (one year and 2 ½ years) from the date of joining the shelter. As an open shelter is meant for temporary stay, continued stay for longer periods when facilities like Children's homes where the children can lead a normal life are available, is against the provisions of the Act and Rules. The CWC, which is to ensure the overall welfare of vulnerable children, was itself circumventing rules, which was not justifiable.

The Rules stipulated that the Open Shelters have to submit monthly information to the DCPU regarding the details of children availing the service in Form 29. Of the three Open Shelters²⁵ in selected districts, only one Open Shelter in Ernakulam had furnished monthly information regarding its inmates during the period 2018-19 to 2022-23.

Government replied (April 2024) that instructions have been given to DCPOs concerned to collect monthly information from Open Shelters and submit to the State office and that this would be monitored regularly.

2.1.7.8. *Deficiencies in operation of foster care system*

Foster care system enables a child to be placed for the purpose of alternate care in the domestic environment of a family, other than the child's biological family, that has been selected, qualified, approved and supervised for providing such care. It aims to eventually re-unite the child with own family when the family circumstances improve, and thus prevent institutionalisation of children in difficult circumstances. Children in need of care and protection could be placed in foster care including group foster care²⁶ through the order of the CWC for a short or extended period of time.

Table 2.3 shows the number of families who were extending foster care facilities in selected districts and the number of children being accommodated in these foster care families during the period covered in audit.

²⁵ at Thiruvananthapuram, Ernakulam and Kannur

²⁶ As per Section 2(32) of the JJ Act, "group foster care" means a family like care facility for children in need of care and protection who are without parental care, aiming at providing personalised care and fostering a sense of belonging and identity, through family like and community based solutions

Table 2.3: Details of families extending foster care facilities in selected districts during 2018-23

	Thiruvananthapuram	Alappuzha	Ernakulam	Wayanad	Kannur	Total
No. of families providing foster care	46	27	11	22	36	142
No. of children accommodated under foster care programme	48	25	27	29	37	166
No. of group foster care units	0	0	1 ²⁷	0	0	1
No. of children accommodated under group foster care	0	0	118	0	0	118

(Source: Data furnished by SCPS)

Audit noticed the following deficiencies in the operation of foster care system in test checked districts:

- ICPS Guidelines entrust the DCPU with the responsibility to ensure that the outreach worker²⁸ visits each foster family once a week for the first month, followed by monthly visits. These visits facilitate assessment of the extent to which the children in foster care adjust to the new environment and are comfortable with it. No such visits were being conducted by outreach workers in the selected districts of Thiruvananthapuram, Alappuzha, Ernakulam, Kannur and Wayanad.
- Rule 23(18) of JJ rules require the CWC to conduct monthly inspection of the foster families or foster care givers to check on the well-being of the child. This would include interaction with the child, its foster parents, their biological children, school teachers, parents of origin and neighbours. In the selected districts of Ernakulam and Wayanad, no inspection of this manner was seen conducted by the CWC during the audit period. As regards Kannur, the DCPU replied that the details of such inspections were not available on record.
- Rule 23(17) of JJ Rules require the DCPU to maintain a record of each child in foster care in Form 34. This form captures details of ICP, Home Study Report, Child Study Report, record of visits made to the foster family, etc. Audit noticed that in four selected districts of Thiruvananthapuram, Ernakulam, Wayanad and Kannur, these details regarding children in foster care were not maintained in Form 34.

In the absence of regular visits to the foster family by CWC and outreach workers and systematic updating of details of foster care in the prescribed format by DCPUs, the authorities were evidently not in active contact with the child sent to foster care and could not assess the extent to which the child was adapting to his environment.

²⁷ SOS Children's Village

²⁸ Outreach workers act as a link between the community and the DCPU and shall be responsible for identifying families and children at risk and offer necessary support services.

Government replied (April 2024) that instructions will be issued to CWCs to conduct inspections of foster families, either in person or in online mode, and that the District Magistrates will also be directed to monitor these inspections. Additionally, DCPOs will be instructed to ensure that Outreach workers/Social Workers attached to DCPUs visit each foster family/ foster caregiver regularly to monitor the well-being of the child.

2.1.7.9. Leave of absence of children and overstay on leave

As per Rule 18 of JJ Rules, any child in need of care and protection shall be produced before the CWC and the CWC, after interaction with the child, may issue directions for placing the child in a Children's Home. Section 98 of JJ Act empowers CWC and JJB to permit leave of absence to any child placed in an institution on special occasions like examination, marriage of relatives, serious illness of parent or emergency of like nature, under supervision, for a period generally not exceeding seven days in one instance. If a child fails to return to the Children's Home on expiry of leave period, the JJB or CWC can cause him to be taken back to the home concerned or issue release order permitting the child to live with parents or guardian. Scrutiny of records revealed certain instances wherein children going on leave from CCI did not return to the institution and the CCI and CWC did not initiate timely follow up measures, as detailed below:

- Five children within the age of six years who proceeded on leave²⁹ from SAA Wayanad did not return to the CCI on expiry of leave. Of these, in the case of three siblings who proceeded on leave on 01 January 2023, the release order of CWC terminating their stay in the Home to join family, was seen issued after eight months on 12 September 2023.

Audit observed that the fourth child who went on leave on 13 April 2023, had not returned to the Home till date (February 2024). Neither had the CCI informed the above fact to CWC nor has CWC issued any release order to the child.

As regards the fifth child who left SAA Wayanad on 16 March 2020, the CCI did not inform CWC that the child had not returned on expiry of allotted leave. CWC issued release order of the child from the institution, on request of parents, on 05 January 2022.

- A girl child, aged 11 years, who was placed in GCH Kakkanad, Ernakulam on 13 December 2021 went on leave, on the very next day of admission, as per orders of CWC. Though the granted leave period expired on 27 December 2021, the child did not return to the Children's Home. The institution reported the matter to CWC on 23 March 2022 only and CWC issued release orders after nine months, on 06 January 2023.

²⁹ One child in March 2020, three children in January 2023 and one child in April 2023

- On a scrutiny of Admission and Discharge registers and Attendance Book at GCH for Boys Nooranad, Alappuzha, Audit observed that two children aged eight years who proceeded (November 2018 and April 2019) on leave from the institution as per orders of CWC, did not return on expiry of leave. Further, the fact of overstay of the children was brought to the notice of CWC by the CCI belatedly in January 2019 and August 2019 only and the release orders of these children from GCH were seen issued by CWC in July 2022. While the Act specifies the number of days for which a child can go on leave as seven, the orders of CWC do not always limit the leave period to seven days or specify the number of days of leave. In this case, CWC had issued orders (March 2019) permitting the children to go on leave for two months which was much in excess of the prescribed limit.

Such instances as cited above, make way for situations wherein during the period of overstay between expiry of leave and issue of release order, the child remains physically absent from the institution and the whereabouts of the child are not being traced and the safety of the child is compromised. After a prolonged spell of absence of the child from the institution, without even ascertaining the status of well-being of the child, release order is issued, terminating their stay in the CCI. Considering the vulnerable circumstances of these children, in the event of an untoward incident which may occur during the period of overstay, the CCI/CWC/JJB/Government could land itself in a legally embarrassing position as regards the safety of the child.

Government assured (April 2024) that the Superintendents of CCIs have been instructed to report the matter to the CWC, if the children did not return to homes after leave within the stipulated time of seven days. It was also stated that necessary instructions will be given to the CWCs to issue release orders to the children who have not returned after leave. Audit underscores the need for CWCs/CCIs to pro-actively enquire the whereabouts of children gone on leave, so as to ensure their well-being and safety, before granting release orders to them.

2.1.7.10. Efficacy in implementation of adoption procedures

Adoption Regulations, 2017 and 2022 framed by Central Adoption Resource Authority (CARA) and notified by Central Government define any orphan or abandoned or surrendered child, declared legally free for adoption by the CWC, a child of a relative³⁰, or a child of spouse from earlier marriage who has been surrendered by the biological parents for adoption by the step-parent, as a child eligible for adoption. Audit examined whether a system was in place in the State, to ensure that adoption procedures were followed strictly in compliance with the regulations framed. The observations of Audit are detailed in the following paragraphs:

³⁰ As defined under Section 2(52) of the Act

Delay in preparing, uploading and revalidating Home Study Reports

‘Home Study Report’ (HSR)³¹ contains details of Prospective adoptive Parents³² (PaP) or foster parents, and shall include social and economic status, family background, description of home and atmosphere and health status. The CWC was to obtain the HSR of the foster family through the DCPUs.

Regulation 29(3)(d) of Adoption Regulations, 2017 states that every Specialised Adoption Agency (SAA) shall complete the HSR of PaPs, within one month from the date of their registration and submission of required documents. The period by which HSR was to be completed was extended to two months vide Regulation 30(3)(d) of Adoption Regulations, 2022 and it was also to be ensured that revalidation of HSR was to be done prior to its period of expiry.

Scrutiny of records pertaining to HSRs revealed following shortfalls during the audit period:

- In Ernakulam district, out of a total of 124 cases, HSRs were completed after a delay of 13 to 58 days in eight cases. In Wayanad district, the delay ranged from five to 245 days in 21 cases. In Kannur district, the delay ranged from three to 1031 days in 29 cases.
- The Regulations also envisage that the HSR shall be posted on the designated portal by the SAA within a period of three days from the date of completion of HSR.

However, in seven cases in Alappuzha district, the delay in uploading the HSR on the designated portal ranged between nine and 80 days. In Wayanad district, in 26 cases, the delay ranged between three and 158 days. In Kannur district, in 27 cases, the delay ranged between three to 225 days.

- In three cases in Alappuzha district, revalidation was not done before the date of expiry of HSR and the delay in revalidation ranged between 81 to 153 days. In Wayanad district, in four cases, though revalidation was due between April 2020 and September 2022, it has not been conducted till date (October 2023). In Kannur district, in 28 cases, the delay was in the range of 12 to 390 days.

As the CWC, before placing the child in foster care, shall obtain the HSR of the foster family through the DCPU, the timely preparation and uploading of HSR is a crucial step in ensuring congenial homes for adoptable children. Further, children with special needs were to be considered for placement in foster family, only if the HSR of the foster family supports its fitness and has facilities for care of such children.

Government replied (April 2024) that directions have been given to DCPUs at Ernakulam, Kannur and Wayanad districts to conduct home study in 174

³¹ Rule 2(viii) of JJ Rules

³² Section 2(49) of the Act defines “Prospective adoptive Parents” as a person or persons eligible to adopt a child as per the provisions of Section 57 of the Act.

pending cases at the earliest and to Alappuzha DCPU to upload the pending HSR by collecting documents from the applicants.

Non-setting up of cradle points and signages

Adoption Regulations, 2017 and 2022³³ insist that every SAA shall set up cradle baby points at its own home and may install cradles at primary health centres, hospitals, nursing homes, etc., to receive abandoned children. The SAA is to be nominated as a Cradle Baby Reception Centre and shall be equipped with all basic facilities for infants. The Cradle Baby Reception Centre was to be linked to cradle points at the Primary Health Care Centres/Hospitals/Nursing homes, etc. The DCPU shall facilitate procurement of cradles for the cradle points. Further, to provide guidance to biological parent/s to safely abandon children, the CARA had directed (September 2022) all SAAs to mandatorily display cradle signage at various places.

Audit noticed that cradle points were installed only in two³⁴ out of the 14 SAAs in the State. Among the test checked five districts, only Thiruvananthapuram had a cradle point at SAA. As regards cradle points installed at sites other than SAA, there was one³⁵ cradle at Alappuzha and two cradles at Ernakulam³⁶. There were no places for safe abandonment of children in Wayanad and Kannur districts. Non-availability of cradles as stipulated indicates that the DCPUs did not facilitate procurement of cradles as required by the Guidelines of ICPS. Further, there were no signages erected near any of these cradle baby points.

Instances of newborn babies being abandoned in unsafe and unhygienic surroundings can be avoided only by promoting more cradle points to hand over the infants and spreading awareness regarding the location of such points. Safe abandonment can benefit the newborn from possible loss of life and protect them against any possible harm or abuse when thrown in an inhuman manner into trash, garbage, bushes, etc. Installation of cradle baby points and erecting signages for easy detection as prescribed, would enable better chance of saving the life of an abandoned newborn.

Government stated (April 2024) that Kerala State Child Welfare Council has been directed to set up baby cradle reception centres in connection with SAA/hospitals in the State using MLA funds.

Delay in medical examination of adoptable children with special needs

Regulation 36 (8) of Adoption Regulations, 2022 requires the DM to refer children having health issues or suspected special needs/ conditions to the Chief Medical Officer of the District (District Medical Officer (DMO)) within 24 hours of receipt of information about such children from the respective SAA or CCI. The DMO shall then examine the health status of the child and assess

³³ w.e.f. 23 September 2022

³⁴ Thiruvananthapuram and Malappuram

³⁵ at Women and Child Hospital, Alappuzha

³⁶ at Little Flower Hospital, Angamaly and General Hospital, Ernakulam

whether the child is having any ailment or special needs, within a period of 15 days.

On a scrutiny of records in the SAAs in the selected districts, it was noticed that in Thiruvananthapuram SAA, the DMO was not conducting examination of health status of the children within the prescribed period of 15 days. The delay in examination by DMO, Thiruvananthapuram ranged from 228 to 275 days in respect of children with special needs. Details of delay are shown in **Table 2.4**.

Table 2.4: Details of delay in conducting medical examination by DMO

Child	Date on which examination was due	Date on which examination was done	Delay (in days)
Thiruvananthapuram			
Child 1	20.12.2022	20.09.2023	275
Child 2	20.12.2022	20.09.2023	275
Child 3	02.02.2023	Pending (October 2023)	Pending
Child 4	05.02.2023	20.09.2023	228
Child 5	25.01.2023	20.09.2023	239

(Source: Data furnished by Kerala State Council for Child Welfare)

The delay in conduct of medical examination hinders the declaration of child as legally free for adoption. As this would delay the process of adoption, the medical examination should be conducted within the time limit as prescribed in the rules.

Government replied (April 2024) that Medical Examination Report (MER) of children with special need was transferred to DMOs concerned via Child Adoption Resource Information and Guidance System (CARINGS) portal for detailed examination of their health status. It was further stated that due to the delay on the part of DMO, the Government intervened in this matter and the MERs of these children were completed and the same have been updated in the CARINGS portal.

The reply is not justifiable as such inordinate delay on the part of the DMO could restrict the chances of children with special needs being chosen for adoption. Hence, this step of medical examination and issue of MER must be accorded top priority.

Delay in conducting post-adoption follow up

Regulation 13 of Adoption Regulations, 2017 states that the SAA, which has prepared the HSR, shall prepare the post-adoption follow up report on six monthly basis for two years (four follow ups) from the date of pre-adoption foster placement with the PaPs. This report is to be uploaded in the CARINGS portal along with photographs of the child.

Audit noticed delay in conducting post-adoption follow ups in the test checked districts, which is detailed in **Appendix 2.5**.

Due to non-conduct of post-adoption follow ups as prescribed, it could not be assessed on a periodical basis, as to whether the adopted child was having adjustment problems with the adoptive parents. As the Regulations envisage the

SAA to arrange for counselling for adoptive parents and adoptees in such cases if required, regular conduct of these follow ups is very crucial.

Government replied (April 2024) that strict direction has been given to SAAs for the disposal of pending cases in a time-bound manner.

Diversion of adoption fee for other than adoption related expenses

Regulation 2(3) of Adoption Regulations, 2017 and 2022, define adoption fee as the fee to be received from the PaP directly, in case they are living in India and through Authorised Foreign Adoption Agency/Central Authority/Government department, in cases of inter-country adoptions. The adoption fee collected can be utilised for meeting expenses related to the welfare of children, maintenance of home and expenses incurred for finalising the adoption. The recognition of an SAA could be suspended or revoked for misuse or diversion of adoption fee for purposes other than the purposes for which it was received.

On scrutiny of records maintained at the SAAs in the selected districts, it was noticed that in Thiruvananthapuram and Ernakulam, expenses related to fish and hen farming, pet animal maintenance, cable and internet charges, repairs of two wheelers, etc., were met out of adoption fee collected. It was also noticed that an amount of ₹16.91 lakh of adoption fee was diverted for meeting salary expenses of SAA, Thiruvananthapuram. However, no action was seen taken against the SAAs for non-permissible use of adoption fee.

Government replied (April 2024) regarding the diversion of Grant-in-aid and adoption fee by the SAA, that direction will be given to DCPOs concerned for examining the same and to submit inquiry report, based on which necessary action will be taken.

2.1.7.11. Delay in completion of inquiry process by Juvenile Justice Board

Provisions in the Act³⁷ and JJ Rules³⁸ state that the State Government shall constitute for every district, one or more JJBs for exercising the powers and discharging its functions relating to children in conflict with law. In Kerala, JJB has been constituted in all the 14 districts. The Board shall sit on all working days for a minimum of six hours, commensurate with the working hours of a Magistrate court, unless the case pendency is less and the State Government issues an order in this regard.

Section 14 (1) and (2) and Section 15 of JJ Act states that when a Child in conflict with law (CCL) is produced before the JJB, it shall hold an inquiry which shall be completed within a period of four months from the date of first production of the child before the JJB, unless the period is extended for a maximum of two months considering the circumstances of the case.

In violation of the above, Audit noticed that in Thiruvananthapuram, inquiry of all 1,263 children produced before JJB, Thiruvananthapuram during the audit period was extended beyond six months, due to delay in submission of final

³⁷ Section 4

³⁸ Rule 3, 4

report and mental assessment report by counsellors. Inquiry of all 265 children produced before JJB, Wayanad was extended beyond six months, as the Board met only once in a week. In Alappuzha, out of 213 children produced before the JJB, inquiry of 64 children was extended beyond six months, for which no reasons were furnished.

Audit observed that the time lag in completion of inquiry process contributed to enhanced pendency in cases handled by JJB, as seen in **Table 2.5**.

Table 2.5: Details of pending cases and period of pendency with respect to the cases handled by JJB

Year	Thiruvananthapuram		Alappuzha		Ernakulam		Wayanad		Kannur	
	No. of pending cases	Period of maximum pendency	No. of pending cases	Period of maximum pendency	No. of pending cases	Period of maximum pendency	No. of pending cases	Period of maximum pendency	No. of pending cases	Period of maximum pendency
2018-19	273	7 years	109	5 years	384	6 years	10	4 years	296	1 year
2019-20	309	8 years	144	5 years	271	6 years	16	3 years	240	2 years
2020-21	380	9 years	164	5 years	287	6 years	31	2 years	286	3 years
2021-22	425	10 years	172	5 years	207	6 years	37	1 year	329	4 years
2022-23	413	11 years	190	6 years	251	5 years	29	less than one year	256	5 years

(Source: Data furnished by SCPS and DCPUs)

It was seen that there were cases with pendency of more than 11 years in Thiruvananthapuram and more than six years in Alappuzha. In Thiruvananthapuram, Alappuzha, Ernakulam and Kannur districts, the JJB did not sit on all working days, despite higher pendency of cases.

The Chief Judicial Magistrate (CJM) or the Chief Metropolitan Magistrate (CMM) was to review the pendency of cases of JJB once every three months and direct the Board to increase the frequency of its sittings or recommend the constitution of additional Boards. The status of pendency and reasons thereof, were to be reviewed every six months by a High Level Committee³⁹.

In contravention of the above, the CJM or the CMM did not review the pendency of cases every three months in Wayanad and Alappuzha. Further, the High Level Committee was not constituted in the State till date (February 2024).

Government replied (April 2024) that action will be taken in collaboration with the Police and Judicial Departments to ensure prompt submission of final reports and maintain full-time judicial officers in the JJBs. It was further stated that a directive will be issued to facilitate the review by the CJM and the DM, as well as to ensure the prompt formation of High Level Committee.

Delay in completion of inquiry process by JJB would contribute to the undue extension of period of trial undergone by a CCL, which is not acceptable in terms of the child's right to live with dignity.

³⁹ consisting of the Executive Chairperson of the State Legal Services Authority, who shall be the Chairperson, Secretary of the Home Department, Secretary of WCDD and representative nominated by the Chairperson.

2.1.7.12. Lack of trained Child Welfare Police Officers in police stations

Complying with Section 107 of the Act, to co-ordinate all functions of police relating to children, the State Government shall constitute Special Juvenile Police Units (SJPU) in each district and city, headed by a police officer not below the rank of a Deputy Superintendent of Police. In every police station, at least one officer not below the rank of Assistant Sub-Inspector (ASI) had to be designated as the Child Welfare Police Officer (CWPO) to exclusively deal with children who are either victims or perpetrators. Further, all police officers of SJPU shall be imparted special training, especially at induction as CWPO, to enable them to perform their functions more effectively.

Audit observed that SJPU has been constituted in all the 20 police districts in the State. Though CWPOs were posted in all the 249 police stations in selected districts, in 45⁴⁰ stations, officers below the rank of ASI were being posted as CWPOs.

Audit further noticed that apart from the CWPOs posted to two police stations each in Thiruvananthapuram City, Alappuzha and Kochi City and 20 stations in Ernakulam Rural who have received special training, none of the CWPOs in other stations in the test checked districts were imparted training in this regard.

As per information furnished by selected police districts, a total of 1186, 77 and 1322 children respectively had been apprehended for producing before JJBs, involvement in drug/substance cases and involvement in criminal cases during the period covered in audit. Considering the volume of juveniles involved in such cases, Government must take serious initiative to provide appropriate training to CWPOs as envisaged in the Act.

Government replied (April 2024) that due to transfer of trained officials, appointment of untrained officers has occurred and to address this, funds⁴¹ have been allocated for an extensive training program for the CWPOs in SJPU with the co-operation of Police Department.

2.1.7.13. Lapses in execution of central sponsorship programme

Section 45 of JJ Act and Rule 24 of JJ Rules mandate the State Government to make rules for the purpose of undertaking various programmes of sponsorship of children through DCPUs. Paragraph C(3) of Chapter X of ICPS guidelines elaborates the reasons and criteria for selection of children for central sponsorship programme. Sponsorship programmes were aimed at providing supplementary support to families with medical, nutritional, educational and other needs of the children with a view to improve their quality of life.

The criteria of the scheme stipulated that children below 18 years hailing from families with annual income not exceeding ₹30,000 and ₹24,000 per annum in cities (other than Metro cities) and rural areas respectively, were to be

⁴⁰ Thiruvananthapuram City – 2, Thiruvananthapuram Rural – 2, Alappuzha – 1, Kochi City – 5, Ernakulam Rural – 24, Kannur City – 10 and Wayanad – 1

⁴¹ vide Proceedings of Member Secretary, SCPS dated 01 December 2023.

considered for sponsorship. The sponsorship amount was limited to ₹2,000⁴² per month per child and the period of sponsorship was not to exceed three years. The transaction was to be made through a joint account of the child with parent, preferably mother, in a bank or post office. Funds for central sponsorship were allotted by GoI to the extent of 60 *per cent*, while the remaining 40 *per cent* was allotted by the State Government.

The pattern of allotment of funds by the Government and the expenditure incurred in selected districts were as given in **Appendix 2.6(a)**. Audit observed the following deviations from the rules, in the execution of the programme in Wayanad district.

- Out of 88 children covered under the programme, sponsorship was paid beyond the age of 18 years in three cases, leading to excess payment of ₹0.50 lakh. Details are given in **Appendix 2.7**.
- In two out of 18 records test checked, transactions relating to the programme were made through single account, as against the requirement of a joint account.
- In one out of 18 records test checked, sponsorship amount was granted to a child where the annual family income exceeded⁴³ the prescribed limit of ₹24,000.

The above lapses are indicative of the ineffective monitoring exercised by the DCPUs.

2.1.8. Other Child Protection Schemes

There were 12 sub schemes under innovative projects for child care and protection, funded by the State Government. Audit analysed whether the mode of implementation of these schemes complied with extant Government orders and instructions, as detailed in following paragraphs:

2.1.8.1. Our Responsibility to Children

Our Responsibility to Children (ORC) was introduced (2015) by the State Government with the objective of creating a safe, nurturing environment where vulnerable children involved or at the risk of getting involved in destructive behaviour are brought to the mainstream, equipped and empowered with life skills, support and knowledge to realise their full potential and become productive members of the society.

ORC operates at three levels, *viz.*, school, district and State. While the State Governing Body of ICPS oversees all ORC activities in the State, the District Level Action Group (DAG)⁴⁴ managed by the District Child Protection Officer (DCPO) guides the implementation of the project in the district. At the school

⁴² Revised to ₹4000 from 2022-23

⁴³ ₹30,000

⁴⁴ consists of ORC co-ordinator and representatives of the District Collector, District Police Chief, General Education Department, Health Department, etc.

level, the head of the school has the overall charge of the ORC unit⁴⁵. Class teachers identify⁴⁶ students in need of expert evaluation and management and refer the student to the nodal teacher. The nodal teacher, in consultation with the counsellor undertakes an inquiry and determines school level measures for children with moderate issues and refers children with severe issues to the District Resource Centre (DRC).

While the number of schools in which ORC was implemented in 2015 was 93, 380 schools in the State joined the scheme in 2022-23. In the selected districts, the number of schools implementing the scheme ranged from 110 to 137 during the period from 2018-19 to 2022-23. Audit noticed the following deficiencies in the selected districts regarding the implementation of the scheme.

- The guidelines required the DCPO to organise consultative sessions with the nodal teachers and counsellors once every quarter to obtain feedback on the functioning of the project in the schools. Similarly, the DAG managed by the DCPO was to meet before the 10th of each month. However, this was not seen complied with, in four⁴⁷ selected districts.
- An Expert Resource Group (ERG) was to be formed by the DRC consisting of a panel of specialists who can treat specific issues that are beyond behavioural issues. The ERG was expected to provide training to the mentors/expert teachers on a regular basis.

In Alappuzha and Kannur districts, there were no specialists under the ERG for the years 2018-19, 2019-20 and 2020-21. In Ernakulam district, only one specialist⁴⁸ was available during 2018-19 and 2019-20.

Though trainings were to be conducted on a regular basis, it was seen that no trainings were conducted by the ERG in Alappuzha in 2018-19 and 2019-20 and in Kannur in 2018-19 and 2020-21. In Thiruvananthapuram, no trainings were conducted during 2018-19 and 2019-20.

In the absence of a regular and consistent interaction between the DCPO, nodal teachers and counsellors and lack of specialists in ERG, audit could not ascertain that the mentors and teachers were sufficiently trained to handhold the vulnerable children to realise their full potential and become productive members of the society.

The DCPU was to maintain a subgroup of District Voluntary Mentors (DVMs) comprising retired teachers, qualified parents, etc., experienced in dealing with children. These mentors were to be imparted regular training on matters related to mentoring children and were expected to engage with the child at least once every week. The DAG has to appoint District Mentor Co-ordinators (DMC) from the pool of DVMs. The DMCs were responsible for regular monitoring of

⁴⁵ ORC team includes a nodal teacher, counsellor and school Junior Public Health Nurse

⁴⁶ Students with behavioural, learning and emotional problems are identified

⁴⁷ Alappuzha, Thiruvananthapuram, Kannur, Wayanad

⁴⁸ ORC Psychologist

the quality of care provided to the children and were to visit each school every three months to supervise the activities.

- Audit observed that in Wayanad and Kannur districts, the pool of volunteers was not being maintained. In Wayanad district, Audit noticed that DVMs were available only during 2018-19 (91 DVMs) and only one⁴⁹ training was conducted for DVMs. In Kannur district, the DVMs were available only for the years 2018-19 (50 DVMs) and 2019-20 (20 DVMs) and only one⁵⁰ training was conducted for DVMs till date. As DVMs were not available for the remaining years, DMCs were also not selected.
- In Ernakulam district, though a pool of DVMs were being maintained, only two trainings on matters relating to mentoring children have been conducted in each year during the period from 2018-19 to 2022-23. The visit to schools by DMCs in Ernakulam district was only 50 *per cent* during 2018-19 and 2019-20, three *per cent* in 2020-21⁵¹, 58 *per cent* in 2021-22 and 43 *per cent* during 2022-23.

Government replied (April 2024) that a directive will be issued to all DCPOs to ensure that consultative sessions are held regularly in all quarters, as outlined in the guidelines. It was also stated that training sessions were planned by ERGs and efforts to re-activate district voluntary movement were underway.

2.1.8.2. *Saranabalyam*

The scheme Saranabalyam was implemented by the State Government with the objective of making the State free from child labour, child begging and child trafficking. In order to rescue children engaged in child labour, child begging and child trafficking, the DCPOs were directed (September 2020) to conduct rescue drives at least three times in a week.

Audit noticed that in the selected districts, the number of rescue drives conducted were much less than the targeted number of 156⁵² during 2021 to 2023 as shown in **Table 2.6:**

⁴⁹ in 2018-19

⁵⁰ in 2019-20

⁵¹ COVID period

⁵² 52 weeks x 3 inspections = 156

Table 2.6: Details of rescue drives conducted by DCPOs during the period 2018-19 to 2022-23

Period	Thiruvananthapuram		Alappuzha		Ernakulam		Wayanad		Kannur	
	No. of rescue drives conducted	No. of children rescued	No. of rescue drives conducted	No. of children rescued	No. of rescue drives conducted	No. of children rescued	No. of rescue drives conducted	No. of children rescued	No. of rescue drives conducted	No. of children rescued
2018-19	8	3	106	15	3	2	0	0	0	0
2019-20	21	22	118	20	6	4	42	0	42	20
2020-21	3	8	11	9	1	1	27	0	30	2
2021-22	8	7	16	11	2	11	25	0	47	1
2022-23	17	5	25	10	2	31	12	0	52	0
Total	57	45	276	65	14	49	106	0	171	23

(Source: Data furnished by SCPS)

Audit noticed that 182 children could be rescued during the drives undertaken in the audit period. Hence, the authorities may consider stepping up the number of inspections/rescue drives to identify children involved in begging, labour and trafficking.

Government replied (April 2024) that the Department has developed plans to enrich capacity building of district level stakeholders, reframing existing evaluation indicators and that proposals for the same would be submitted.

2.1.8.3. State sponsorship program - Vijnanadeepthi

In line with the criteria governing the Central sponsorship programme detailed in paragraph 2.1.7.13, the State Government launched (October 2017) the State sponsorship programme, Vijnanadeepthi to grant sponsorship to 1000 children in the State per year. The pattern of allotment of funds by the Government and the expenditure incurred in selected districts were as given in **Appendix 2.6 (b)**. It was noticed that a total of 789 children⁵³ were granted State sponsorship in selected districts during the period covered in audit. Audit conducted a test check of records relating to granting of sponsorship to these children and came across the following deficiencies in DCPU, Wayanad.

- In six out of 119 cases, sponsorship was granted to children beyond the age of 18 years resulting in an excess payment of ₹0.54 lakh (**Appendix 2.7**).
- As against the prescribed period of three years, Audit noticed that out of 119 cases, sponsorship was granted (February 2018 to August 2021) in excess of permissible amount in 20 cases for seven additional months and in 26 cases, for six additional months, resulting in excess payment of ₹5.92 lakh⁵⁴.
- In three⁵⁵ out of 10 records test checked, sponsorship was seen granted to children where the annual family income exceeded the prescribed limit of ₹24000.

⁵³ Thiruvananthapuram – 305, Alappuzha – 106, Ernakulam – 128, Wayanad – 119, Kannur - 131

⁵⁴ (20 cases x ₹2,000 x 7 months) + (26 cases x ₹2,000 x 6 months) = ₹5,92,000

⁵⁵ ₹36,000 (2 cases) and ₹48,000

Government replied (April 2024) that a comprehensive report has been requested from the DCPOs and further action will be taken once detailed report is received.

2.1.8.4. *Simultaneous receipt of Central and State ICPS sponsorships/ICPS sponsorship and financial assistance from other departments*

The guidelines for Central sponsorship consider children receiving financial assistance under any similar scheme of Government as not eligible for sponsorship under the scheme, whereas guidelines for State sponsorship consider children receiving any type of financial assistance from the Central/State Government as ineligible for assistance under the programme.

A total of 1,320⁵⁶ children received sponsorships in the five selected districts during the period covered in audit. Scrutiny of related data revealed instances of children simultaneously receiving both the Central and State sponsorship as detailed in **Table 2.7**.

Table 2.7: Details of children simultaneously receiving both the Central and State sponsorship

(₹ in lakh)

	Districts	Period	Amount
Child 1	Thiruvananthapuram	April 2022 to September 2022	0.12
Child 2	Thiruvananthapuram	April 2022 to September 2022	0.12
Child 3	Ernakulam	September 2021 to December 2022	0.40
Child 4	Wayanad	December 2021 to February 2022	0.06

(Source: Data from DCPUs)

The total excess sponsorship paid amounted to ₹0.70 lakh.

- Sixty nine children belonging to Scheduled Castes (SC) category and six children belonging to Scheduled Tribes (ST) category were in receipt of Central/State sponsorship from WCDD. Of these, 56 SC and all six ST children were in receipt of financial assistance from SC/ST Development Department and hence were not eligible for sponsorships from WCDD. This resulted in ineligible payment of financial assistance worth ₹20.78 lakh⁵⁷ from WCDD.

As both sponsorship guidelines have clearly barred double payments of similar nature, before grant of financial assistance, the DCPUs should make adequate enquiries, at least in schools or at SC/ST Development Departments to ensure that the children were not in receipt of other similar financial assistance. Payment of multiple financial assistance to the same beneficiary, apart from the possibility of depriving an eligible child of its rightful share, is a violation of the guidelines.

Government replied (April 2024) that a comprehensive report has been called for from the DCPOs. Further action will be taken once the detailed report is received.

⁵⁶ Central sponsorship – 531, State sponsorship - 789

⁵⁷ ₹19.30 lakh for 56 SC children and ₹1.48 lakh for six ST children

2.1.8.5. Sanctioning of Juvenile Justice Fund without the orders of Child Welfare Committee

Section 105 of JJ Act and Rule 83 of the Rules required the State Government to form a Juvenile Justice Fund and make adequate budgetary allocations towards this fund. The fund may also receive donations, voluntary contributions, etc. Accordingly, the State Government formed a fund, Balanidhi and issued guidelines (November 2017) as to its collection and utilisation and selection of beneficiaries. Clause 3 under Section IV of the above guidelines states that a child can be granted financial assistance as per the medical certificate, on the basis of recommendation of the CWC and the DCPO.

Audit noticed that 84 children in the State have been granted financial assistance for medical treatment during the audit period, of which 24 children⁵⁸ were from the selected districts. Twenty two of these 24 children have been granted financial assistance without the recommendation of CWC, as specified in the guidelines.

Government replied (April 2024) that the Department will ensure that procedures followed align with guidelines and that as part of guaranteeing the timely release of funds, the said clause has been omitted in the newly proposed guidelines submitted to the Government in October 2023. The action of the Government in omitting the said clause is not justifiable as it may cause infringement of eligibility criteria.

2.1.9. Monitoring

Monitoring is a continuous process of collecting and analysing information about a programme, and comparing actual against planned results in order to judge how well the intervention was being implemented. Audit analysed whether the monitoring mechanisms as envisaged in the Act and Rules were in place to impart efficiency to the implementation of child protection schemes.

2.1.9.1. Shortfall in conduct of inspections

State/District Inspection Committees

As per Section 54 of the JJ Act and the provisions⁵⁹ contained in the rules, the State Government shall appoint Inspection Committees for the State and districts, for all institutions registered or recognised to be fit under the Act. The Inspection Committees were to mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.

⁵⁸ Thiruvananthapuram -16, Alappuzha - 1, Ernakulam - 1, Wayanad - 3 and Kannur - 3

⁵⁹ Rule 41(4) of JJ Model Rules states that the SIC shall carry out random inspections of the institutions and Rule 41(10) states that the DIC shall carry out inspection of the facilities housing children in the district at least once every three months

Audit observed that the State Inspection Committee (SIC) and District Inspection Committees (DIC) have been formed in the State in 2017 and 2018 respectively. However, in the selected 17 CCIs, against the prescribed number of 340 inspections⁶⁰, the SIC conducted only six inspections during the audit period, which was a meagre two *per cent*. The DCPO Kannur replied to audit that, though a DIC was formed in the district, it was not reconstituted since November 2020. Owing to this, Inspection Reports have not been submitted to the DCPU and corrective actions could not be initiated. In Wayanad district, though Inspection Committee was formed, no inspections were seen conducted in the selected CCIs. The number of inspections conducted in test checked districts during the audit period are detailed in **Appendix 2.8**. In the absence of regular inspections of the CCIs, the lack of facilities and problems encountered by children would go unnoticed.

Government replied (April 2024) that the inspections were carried out as part of renewal of the JJ registration and detailed instructions will be issued to carry out periodic inspections at Children's Homes. However shortfall in inspections and its adverse consequences were noticed in the course of audit, which need to be addressed urgently.

Non-conduct of inspection by Child Welfare Committees

The CWC was to conduct at least two inspections per month, of residential facilities for children in need of care and protection and recommend action for improvement in quality of services extended, to the DCPU and the State Government.

Audit noticed that the CWC has not conducted any inspection of the residential facilities for children in Ernakulam, during the period 2018-19 to 2022-23. In Wayanad, the number of inspections during 2018-19 to 2020-21 ranged from seven to 15. Thiruvananthapuram and Kannur districts did not furnish any records to audit in this regard.

Non-conduct of inspections by CWCs would adversely impact the possible improvements to the quality of services in CCIs.

Government replied (April 2024) that all CWCs have been directed to conduct inspections. Furthermore, detailed instructions will be provided to all CWCs to conduct periodical visits to CCIs.

Non-conduct of inspection in JJB by the District Judge

The Rules required the District Judge to conduct an inspection of the JJB once every quarter and appraise the performance of the members of the JJB on the basis of their participation in the proceedings of the Board and submit a report to the Selection Committee constituted under Rule 87 of the Rules.

⁶⁰ (17 CCIs) x (four inspections per year) x (five years)

Audit noticed that in the selected districts of Thiruvananthapuram, Alappuzha, Wayanad and Kannur, no inspection in this regard has been conducted during 2018-19 to 2022-23.

Government stated (April 2024) that the matter will be included as an agenda item in the upcoming Juvenile Justice Committee meeting to seek a decision on ensuring periodic inspections by the District Judge.

Non-conduct of inspection in CWC by the District Magistrate

The District Magistrate (DM) who was the District Collector was to inspect and review the functioning of the CWC once in every quarter and submit a report on the performance of the Chairperson and the members of the CWC, on the basis of their participation in the proceedings of the CWC, to the Selection Committee.

Audit noticed that in Thiruvananthapuram, Alappuzha, Ernakulam, and Wayanad districts, no inspection in this regard had been conducted by the DM during 2018-19 to 2022-23. In Kannur district, no inspection had been conducted by the DM since June 2022.

Government replied (April 2024) that a directive will be issued to all DMs, instructing them to ensure periodic inspections of CWCs.

2.1.9.2. Housing of district offices away from district headquarters

As per the ICPS guidelines⁶¹, the DCPU shall function under the overall administrative control and supervision of the DM of the district concerned. In the detailed counter affidavit⁶² filed (November 2019) by the State Government in the Hon'ble High Court of Kerala, it was stated that steps were being taken to make sure that all the DCPU offices were housed at the district headquarters.

Audit noticed that among the DCPUs in the selected districts, the DCPU at Ernakulam district alone was housed at the district headquarters, which was the seat of administrative head of implementation of ICPS and other child protection programmes at the district level. Three of the remaining four DCPUs were located away⁶³ from the district headquarters. Even after four years of filing of affidavit, the State Government has not complied with its own undertaking to the Hon'ble High Court of Kerala regarding functioning of DCPUs at the district headquarters.

Government replied (April 2024) that the DCPUs are currently functioning in District headquarters at only four locations in the State. Steps will be taken to relocate the DCPUs to District headquarters in consultation with the DM, taking into account the availability of space at the headquarters.

⁶¹ Item 1.1 in Annexure 1

⁶² Submissions as regards Paragraph 95.3 of the judgment of the Hon'ble Apex Court in Writ Petition (Civil) No. 473 of 2005 contained in counter affidavit to WP(C) No. 23669 of 2019(S), Bachpan Bachao Andolan vs State of Kerala on 17 November 2021.

⁶³ Thiruvananthapuram – 10 kms, Wayanad – 10 kms, Kannur – 22 kms

2.1.9.3. *Non-functioning of Child Protection Management Information System*

Rule 84 (ix) of JJ Rules required the SCPS to maintain a State level database of all children in institutional and non-institutional care and update it on a quarterly basis.

The WCDD entered into an agreement (May 2020) with the Centre for Development of Imaging Technology (C-DIT) for the design and development, technical support and annual maintenance of website and software for Child Care Homes Management. Accordingly, a Child Protection Management Information System (CPMIS) software was developed⁶⁴ by C-DIT for maintenance of data relating to ICPS. The admission of inmates to the childcare homes, their transfer and release, etc., were to be recorded online in the CPMIS and monitored by WCDD. An amount of ₹2.67 lakh was paid (September 2020) to C-DIT for this purpose.

Though the agreement was signed and payment made as early as in May 2020 and September 2020 respectively, the portal could not be made functional due to technical reasons even as of March 2024.

Government replied (April 2024) that a plan has been devised to integrate all websites and portals under the umbrella of SCPS into a single platform. To facilitate this, the State has allocated ₹23 lakh for the project and an agency has been selected for execution.

Lack of effective utilisation of Track Child portal

Rule 18(7) of JJ Model Rules envisaged that in the case of an abandoned/lost/orphaned child, the CWC, before passing an order granting interim custody of the child pending inquiry, shall ensure that, the information regarding such child is uploaded on a designated portal. Regulation 6(6) of Adoption Regulations, 2017 states that for tracing out the biological parents or the legal guardians, the CWC may direct the DCPU to advertise the particulars and photograph of the child in a national newspaper with wide circulation within three working days from the time of receiving the child and also ensure entry of data in the designated portal (Track Child portal⁶⁵ or Khoya Paya portal⁶⁶).

Audit scrutiny revealed that in Thiruvananthapuram, details of 46 orphaned/abandoned/missing children were not uploaded in the portal. Neither was the existing data in portal referred to, to ascertain whether the child was a

⁶⁴ Scope of the project included Child Care Homes registration and renewal, ownership and manager database, Childcare homes management, inmate registration and approval, inmate database management, Individual Care Plan for inmates, JJB and ICPS dashboards, etc.

⁶⁵ Track Child portal provides an integrated virtual space for all stakeholders and ICPS bodies which includes Central Project Support Unit (CPSU), SCPS/Units and DCPUs, CCIs, Police Stations, CWCs, JJBs, etc. in the 35 States/UTs. It also provides a networking system amongst all the stakeholders and citizens to facilitate tracking of a "Child in distress". It requires data entry and updating at various levels such as Police stations, CCIs/Homes, Shelters, CWCs and JJBs, etc.

⁶⁶ Khoya Paya portal helps parents to register and report online the details of their missing children. Parents, whose child is missing, can register to report a missing child, give details of a missing child and search details of missing child.

missing child. Further, the particulars and photographs of the children were advertised only in two regional vernacular dailies instead of a national newspaper. In Alappuzha, though five abandoned/missing/orphaned children were found since the formation of SAA in 2022-23, the data was not uploaded in Track Child Portal/Khoya Paya portal. Moreover, the particulars and photographs of the children were advertised only in regional vernacular dailies, that too after 19 to 79 days. In Ernakulam and Kannur, the portal was not found utilised for uploading of data and ascertaining that the received children were missing from their homes.

Government stated (April 2024) that the DCPUs have been instructed to input data into the portal and that training sessions will be arranged for persons concerned to ensure proficient utilisation of the portal. It was also stated that instructions will be given to all DCPOs, to publish the particulars of an orphan or abandoned child in national newspaper with wide circulation for tracing out the biological parents or legal guardians as per Regulation 6(7) of Adoption Regulations, 2022.

Non-maintenance of databases

- Rule 85(viii) of JJ Model Rules 2016 requires the DCPO to assess the number of children in difficult circumstances and create district-specific databases to monitor trends and patterns of children in difficult circumstances. Audit noticed that in the selected districts, the DCPOs have neither assessed the number of children nor created any database to monitor the trends and patterns of children in difficult circumstances. Given the fact that considerable number⁶⁷ of children in conflict with law received psycho-social support through KAVAL scheme⁶⁸ during 2018-19 to 2022-23, formulation of database would help identify more such children in need of intervention in these districts.

No remarks were offered by Government in this regard.

- Rule 85(xix) of JJ Model Rules 2016 requires the DCPO to maintain a database of medical and counselling centres, de-addiction centres, hospitals, open schools, education facilities, apprenticeship and vocational training programmes and centres, recreational facilities for children with special needs, etc., and forward the same to JJBs, CWCs, Children's Courts and SCPS. Among the selected districts, Thiruvananthapuram, Alappuzha, Ernakulam and Wayanad were not maintaining a database of de-addiction centres, hospitals, etc., which would limit the scope of timely rehabilitation of vulnerable children from difficult circumstances, children with special needs or mental illness, etc.

No remarks were offered by Government in this regard.

⁶⁷ ranging from 54 to 96 in Ernakulam, 17 to 119 in Wayanad, 98 to 151 in Thiruvananthapuram, 3 to 54 in Alappuzha and 36 to 64 in Kannur

⁶⁸ KAVAL is a State Scheme that aims at social re-integration and rehabilitation of children in conflict with law (under ICPS)

2.1.10. Conclusion

While the JJ Act stipulated that a child less than six years has to be placed in a SAA till adoption, provisions in the ICPS and Mission Vatsalya guidelines permitted a child to be accommodated in an SAA for not more than one year, which was not consistent with the provisions of the Act. Though the Act requires the State Government to formulate rules for streamlining the implementation of the Act, the State Government has not complied with the same, which would have facilitated effective management of State specific scenarios. While registration to function as a CCI was a mandatory requirement, non-renewal of registration before its expiry led to the CCIs functioning without registration. Children and families who had to approach the JJB/CWC during their sittings were not provided with basic facilities like waiting room, drinking water, etc., and child friendly environment. Alternate facilities to accommodate children with special needs were not established, which resulted in children with special needs being forced to continue in CCIs not meeting specified standards. Certain selected CCIs had to accommodate mentally challenged children alongside normal children, even though no special facilities were available and the staff was not equipped to manage such children. Facilities to accommodate children with mental illness and children requiring de-addiction from use of drug, substance and liquor were inadequate. Children permitted to go home on vacation and overstaying without the orders of CWC could put Government in a legally embarrassing situation in case of an untoward incident during the period of overstay. Monthly inspection of the foster families or foster care givers to check on the well-being of the child was not performed adequately. Sufficient number of cradle baby points were not seen installed for safe abandonment of children. Payments were seen made in violation of guidelines in both Central and State sponsorship schemes. Delay in examination of children with special needs in the SAAs by the DMOs in two test checked districts ranged from 49 to 275 days. Only a few CWPOs have been imparted appropriate training as per the requirement in the Act. Twenty two out of 25 children have been granted financial assistance from Juvenile Justice Fund without the recommendations of the specified authorities. In two SAAs, expenditure from adoption fee collected was incurred on unspecified items. There was shortfall in conduct of inspection of facilities housing children, by the State and District Inspection Committees, CWCs, etc. The operationalisation of software intended for maintenance of data relating to ICPS was delayed due to recurrent technical glitches.

2.1.11. Recommendations

- Adequate basic facilities may be provided for children and families approaching JJBs and CWCs.
- Government must ensure that children with special needs are provided safe stay with adequate facilities.

- Government must ensure that co-habitation of children with mental illness and those requiring de-addiction from drugs, liquor etc., with normal children is not permitted.
- CWCs should conduct regular visits to CCIs and facilitate effective follow up to ensure that children in foster care lead a safe and comfortable life.
- Cradle Baby Points must be installed as prescribed under the Rules, for safe abandonment of babies.
- The Department should ensure that children in receipt of sponsorship from ICPS are not receiving financial assistance from SC/ST Development Department.