

**WEST BENGAL**

# **BUDGET FOR CHILDREN**

**2007–2008 TO 2011–2012**



# BUDGET FOR CHILDREN

WEST BENGAL  
2007–2008 TO 2011–2012

A Study by:



**HAQ: Centre for Child Rights**



In Partnership With:

**Society for People's Awareness (SPAN)**

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**Society for People's Awareness (SPAN)**

66/2, Sarat Chandra Dhar Road,  
Kolkata - 700090  
Phone: 91-33-2564-3305, 91-33-2566-3709  
Email: [info@spanvoice.org](mailto:info@spanvoice.org)  
Website: [www.spanvoice.org](http://www.spanvoice.org)

OR

**HAQ: Centre for Child Rights**

B 1/2, Malviya Nagar, Ground Floor  
New Delhi - 110017  
India  
Phone: 91-11-26677412/3599  
Fax: 91-11-26674688  
Email: [info@haqcrc.org](mailto:info@haqcrc.org)  
Website: [www.haqcrc.org](http://www.haqcrc.org)

**Credits****Research Team**

Biplab Das  
Amit Mitra  
Enakshi Ganguly Thukral

Supported by : FORD Foundation  
Photographs : Pallab Seth  
Designed and Printed by : Aspire Design

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# ABBREVIATIONS

<b>AE</b>	Actual Expenditure
<b>BfC</b>	Budget for Children
<b>BE</b>	Budget Estimate
<b>CAG</b>	Comptroller and Auditor General
<b>CICL</b>	Child in Conflict with Law
<b>CNCP</b>	Child in Need of Care and Protection
<b>CWC</b>	Child Welfare Committee
<b>EDI</b>	Education Development Index
<b>GDP</b>	Gross Domestic Product
<b>GOWB</b>	Government of West Bengal
<b>ICDS</b>	Integrated Child Development Scheme
<b>ICPS</b>	Integrated Child Protection Scheme
<b>IMR</b>	Infant Mortality Rate
<b>JJ</b>	Juvenile Justice
<b>JICL</b>	Juvenile in Conflict with Law
<b>JJ Act</b>	Juvenile Justice (Care and Protection) Act 2000
<b>JJB</b>	Juvenile Justice Board
<b>JWO</b>	Juvenile Welfare Officer
<b>KSJ</b>	Kishori Shakti Yojana
<b>MCH</b>	Mother and Child
<b>MDM</b>	Mid –day Meal

<b>MoU</b>	Memorandum of Understanding
<b>NCLP</b>	National Child Labour Project
<b>NCPCR</b>	National Commission for Protection of Child Rights
<b>NGO</b>	Non-governmental Organisation
<b>NUEPA</b>	National University for Educational Planning and Administration
<b>NSSO</b>	National Sample Survey Organisation
<b>PHC</b>	Primary Health Centre
<b>RCH</b>	Reproductive and Child Health
<b>RE</b>	Revised Expenditure
<b>RTE</b>	Right to (Free and Compulsory) Education Act, 2009
<b>SCPCR</b>	State Commission for Protection of Child Rights
<b>SHC</b>	Sub-Health Centre
<b>SJPU</b>	Special Juvenile Police Unit
<b>SNP</b>	Supplementary Nutrition Scheme
<b>SSA</b>	Sarva Shiksha Abhiyan
<b>WB</b>	West Bengal





# PREFACE

It has been thirteen years since HAQ first started questioning the State's responsibilities and promises towards children through budget analysis. Over these years, we have moved from the Union to the States.

In the last 10 years HAQ has worked with partners in the states of Andhra Pradesh, Himachal Pradesh, Orissa, Uttar Pradesh, West Bengal and Assam.

Society for People's Awareness (SPAN), Kolkata, started child budget analysis work in West Bengal in 2006 in partnership with HAQ. The first analysis came out in 2008. This second Report is the continuation of our efforts to raise accountability issues reflected through budget.

This study has been made possible with the support of FORD Foundation.

Enakshi Ganguly Thukral & Bharti Ali  
HAQ: Centre for Child Rights  
New Delhi

Prabir Basu  
Society for People's Awareness (SPAN)  
Kolkata





# 1 PART

## **BfC in West Bengal:** A Study from 2007–2008 TO 2011–2012



## CHAPTER ONE



# BUDGET FOR CHILDREN IN WEST BENGAL

### West Bengal's Children

West Bengal's (WB) 91 million (in 2001) people makes it numerically the fourth largest Indian State. 7.55 per cent of the Indian population lives in WB. The State consists of 19 districts, 341 sub-districts (Blocks) and 40,203 villages. WB has 909 towns. According to the 2011 census, the population of WB is 91.35 million out of which 46.9 million are males and 44.2 million are females.

The number of children less than six years of age is 10.1 million. 31.8 per cent population of the State lives in urban areas. In tune with the national average, WB recorded a sharp decline in the decadal growth rate from 17.8 per cent in 1991–2001 to 13.93 per cent during 2001–2011. The State recorded rapid urbanisation with the number of towns increasing from 378 to 909 in the last 10 years and the percentage of urban population increasing from 27.97 per cent to 31.89 per cent of the total population.<sup>1</sup>

WB is India's fifth largest economy as per the nominal GDP (₹498,760 crore in 2011–12). The per capita GDP of the State in 2011–2012 was ₹1011 which was just below the national average and 20<sup>th</sup> among all the States of India. The State had 9.8 per cent growth in GDP over the previous year in 2009–2010 which fell to 7.06 per cent in 2011–2012. This was just below the national average.<sup>2</sup> In spite of this considerable record of economic growth, development and protection of the children in WB got low priority. This is evident from the situation of children in the State (Table 1.1).

---

1 Provisional Census Data of India, 2011

2 Planning Commission, Govt. of India (Source: [http://planningcommission.nic.in/data/datatable/0904/tab\\_104.pdf](http://planningcommission.nic.in/data/datatable/0904/tab_104.pdf))

**TABLE 1.1** || Status of Children in West Bengal and India

	West Bengal	India
Percentage of out-of-school children (6–13 years old) in the year 2009	5.25	4.28
Number of Child Labour (less than 14 years old) (NSSO 2009–2010)	5,51,584	49,00,000
Number of Missing Children (Bachpan Bachao Andolan titled Missing Children of India) during 2008–2009	25,413	1,17,480
Infant Mortality Rate (per 1000 live births) (NFHS-III 2005–2006)	48	57
Percentage of Underweight Children under 3 years (as per NFHS-III 2005–2006)	44	46
Percentage of Children 12–23 months who received all recommended vaccines (NFHS-III 2005–2006)	64	44
Percentage of Institutional Deliveries (NFHS-III 2005–2006)	43	41
Percentage of Women aged 20–24 years Married by 18 (NFHS-III 2005–2006)	53.3	44.5

(Source: All India Survey of Out-of-School Children of age 5 & in 6–13 years age group by Social and Rural Research Institute on behalf of MHRD, GoI)

West Bengal has the fourth highest number of out-of-school children (7,06,713) aged up to 14 years in India, after Uttar Pradesh (UP), Bihar and Rajasthan.<sup>3</sup> According to the NSS data (2009–2010), WB also has the second highest number of child labour, after UP. WB ranked second among the Indian States in number of reported cases of missing children during 2008–2010.<sup>4</sup> WB has improved a lot in reducing infant mortality rate, malnutrition among children and ensuring routine immunisation, but the rate of institutional child delivery (49 per cent) and rate of child marriage (41 per cent) among the girls are of grave concern.<sup>5</sup>

According to the Education Development Index (EDI) for composite Primary and Upper primary stages, developed by the National University of Educational Planning and Administration (NUEPA), WB ranked 32nd among the 35 States of India in 2008–2009 but suddenly improved its position to 26 in 2009–2010. However, its performance in elementary education is very low.<sup>6</sup>

Sarva Shiksha Abhiyan (SSA) implemented by the Central and the State governments is a comprehensive and integrated flagship programme of the Government of India (GoI) to ensure elementary education for 6–14 year old children. The Government of West Bengal (GoWB), on 2 February 1995, established a registered society, ‘Paschim Bangla Rajya Prathamik Shiksha Unnayan Sanstha’, as an autonomous and independent body for the implementation of elementary education projects. The implementation of SSA was entrusted to this body on 14 March 2002. In some of the districts the budget went under-utilised while in others the approved budget did not match the expected expenditure. Thus, the scheme could not attain the expected outcome.<sup>7</sup>

Government of West Bengal took two years to bring out the State rules corresponding to ‘The Right of Children to Free and Compulsory Education (RTE) Act, 2009’. This further delayed the implementation of the act.

3 All India Survey of Out-of-School Children of age 5 & in 6–13 years age group by Social and Rural Research Institute on behalf of MHRD, GoI.

4 Missing Children of India by Bachpan Bachao Andolan.

5 DLHS-3, 2007–2008.

6 Impact of Educational Development Index by SSM, Kolkata.

7 Financial Monitoring and procurement audit relating to SSA by Institute of Public Auditor in India in 2008–2009.

West Bengal ranks better than other States<sup>8</sup> on the indicators like Infant Mortality Rate, Routine Immunisation Rate and Child nutrition status. WB has already established itself as polio free State with the last polio case reported on 13 January 2011.<sup>9</sup>

But there are areas of concern in terms of safe/institutional delivery of children, 49.2 per cent in 2007–2008, while 25 per cent of the 12–23 month olds were out of the ambit of routine immunisation.<sup>10</sup> Recently many malnutrition deaths of newborn babies have been recorded in different hospitals of WB, due to the lack of care before and after pregnancy and proper nutrition.<sup>11</sup> The National Commission for Protection of Child Rights (NCPCR) has questioned the GoWB on this situation.<sup>12</sup>

Additionally, all government initiatives related to child health are limited to reproductive child health care which covers the age group 0–5 years only. There are no provisions for health care support for children above five apart from the general health services provided by the hospitals and health centres which are not free and not even adequate to cover the total population.

Child protection is adversely impacted by high incidences of child labour, missing children, street children and child marriage. During 2008–2010, a total of 25,413 children were missing from WB, which has the highest number of missing children according to a Public Interest Litigation petition submitted in the Supreme Court by an NGO.<sup>13</sup>

Many children aged 6–14 years are out-of-school and a large number of children below six are deprived from early childhood care and education.

Even after five years of the establishment of the National Commission for Protection of Child Rights (NCPCR), the GoWB was unable to establish the State Commission for Protection of Child Rights (SCPCR).

This particularly is a matter of concern as setting up of the SCPCR became an absolute necessity after the enactment of the RTE in the State which has designated it as the monitoring body and grievance redressal mechanism for the implementation of the RTE.

According to government reports, the State has a foolproof child protection mechanism in terms of Juvenile Justice Board, Child Protection Committee, Special Juvenile Police Unit, and a Child Protection Society in every district.<sup>14</sup> In spite of that, 50 children are found in jail in Kolkata, depicting the failure of juvenile justice system in the State.<sup>15</sup>

There are regular incidents of physical punishment and mental harassment in the educational institutions, in spite of the ban imposed by ‘The RTE Act, 2009’ (Article 17). There is strong reluctance

8 NFHS-III, 2005–2006.

9 Article published on *The Hindu* on 25<sup>th</sup> Feb 2012 (Source: <http://www.thehindu.com/health/article2931523.ece>).

10 Data source: DLHS-3, 2007–2008.

11 Article titled ‘Bengal Needs to Check Children’s Death Malnutrition’ by IANS published in *twocircles.net* on 26/02/2012 (Link: [http://twocircles.net/2012feb29/bengal\\_needs\\_check\\_childrens\\_deaths\\_malnutrition.html](http://twocircles.net/2012feb29/bengal_needs_check_childrens_deaths_malnutrition.html)).

12 Article titled ‘Child rights panel questions Bengal on infant death’ by IANS published on *www.thaindian.com* (Link: [http://www.thaindian.com/newsportal/health1/child-rights-panel-questions-bengal-on-infant-deaths\\_100596138.html](http://www.thaindian.com/newsportal/health1/child-rights-panel-questions-bengal-on-infant-deaths_100596138.html)).

13 Source: <http://news.oneindia.in/2011/12/09/nearly-11-children-go-missing-every-hour-in-ind-report.html>.

14 Annual Report, Women and Children Development Department, GoWB, 2010–2011.

15 Article titled ‘Bengal’s shame: 50 children in jail’ published in *The Statesman* on 5<sup>th</sup> June, 2012.

on the part of State government in taking stringent steps. The government notifications<sup>16</sup> does not allow school punishments like suspension from class, imposing monetary fine on students, punishing students with extra academic work and preventing them from participating in co-curricular activities. This is in direct conflict with the central RTE act and NCPCR guidelines.

Natural disasters like cyclones (AILA in 2009), continuous river bank erosion in Malda and Murshidabad districts, eviction of squatters and slums for city beautification, armed conflict (Maoist insurgency) in few districts have enhanced the vulnerability of WB's children.

During the last few years, rising political insurgency in the State on the issue of land acquisition, fights between political parties, Maoist terrorisation has displaced many families from their original habitat. The prevailing anarchy makes children more vulnerable and subject to trafficking and neglect. In addition to this rampant corruption in the implementation of the Acts and schemes and politicisation of institutions (panchayats, local clubs and teachers' associations) have constrained WB's development.

In 2011, there was a major shift in political power in the State. The alliance of Trinamool Congress and Congress came to power by peoples' choice ending the 34 year long Left regime. It is being hoped that the new government which came in with a promise of change will consider the issues concerning children seriously.

## Budget for Children (BfC)

The budget for children work in West Bengal began in 2006. The first report was for the years 2004–2005 to 2008–2009. This is the second report covering the years 2007–2008 to 2010–2012. The methodology for this report is the same as that used in the previous one.

The Budget for Children (BfC) is not a separate budget. It is an attempt to separate the allocations made for implementation of all programmes and schemes that benefit children, defined as persons less than 18 years of age. Child budget analysis can be undertaken for all kinds of national, sectoral and departmental budgets. This study analyses the GoWB's annual budget.

## Methodology

This study seeks to undertake a critical assessment and analysis of the State budget provisions in accordance with the needs of the children. This includes analysis from the perspective of children's right to education, health, development and protection, by utilising the potential of the budget as a tool of evaluation of governance.

The three objectives of the study are:

- To critically analyse if the allocations for programmes and schemes of child welfare are able to meet the needs of children, that is matching children's needs with budgetary allocations.

<sup>16</sup> Notification by the School Education department, GoWB, No: 09SE(S)-SL/55-116/10, dated 6/1/2011.



- To understand the trends in allocations and expenditure and thereby the implications for children's programmes and schemes. The study seeks to examine whether the budgetary allocations and expenditures are increasing or decreasing in accordance with needs and if the State's priorities are shifting.
- To assess the utilisation of funds allocated for the child welfare programmes thereby deriving the utilisation of resources available for children, or in other words, evaluating utilisation against allocation.

## Budget Estimates, Revised Estimates and Actual Expenditure

In the Indian budgeting process, **Budget Estimate (BE)**, **Revised Estimate (RE)** and **Actual Expenditure (AE)** are key phases in the process of resource allocation and spending.

While the main budget is prepared by the Finance Department, it is a sum total of various budgets and demands from all the ministries as well as representation from various lobbies, including the Private Corporate Sector. The final BE is prepared by the Finance Department on the basis of figures sent by each department according to the latter's own assessment of the requirements for the ensuing year, based on the actual figures of the past year and the trend of utilisation of previous years, the past year in particular. The Finance Department usually has the last word on the final BE after discussions with all Departments. For this, the Budget Estimates of the various departments that implement programmes for children are considered.

The **Revised Estimates (RE)** takes into account any change in estimates for the year, such as additional allocations or reduction in allocation following any change in policy/programme/scheme. It is the most up-to-date version of the BE at the time of preparing the next budget which starts in the last quarter of the year and when the year is by no means complete. It is on the basis of both the BE and RE for any fiscal year that the next fiscal year's BE is prepared. However, in the case of many programmes, the BE and RE may remain the same.

The **Actual Expenditure (AE)** is the final version of the BE for any particular fiscal year, or in other words, the final expenditure incurred for any particular fiscal year. However, these are available to the general public with a time lag of two years.

The difference between BE and the AE shows how much of the budget has been spent in a given financial year. Under-utilisation/ non-spending of the budget allocation is rampant in child-focused schemes. Although the objective of the study is not to go into the reasons of such under spending in detail, we discuss them whenever the reasons are easily known to us.

**Plan and Non-plan expenditure** Both plan and non-plan expenditure has been considered in this study. Plan expenditure involves the expenditure already planned out in the current running Five-Year Plan. Thus, both the Tenth and the Eleventh Five-Year Plans are relevant to this study. These plans are subsequently divided into yearly plans. Plan expenditure is to be utilised within the time period set by the plan. If the schemes or programmes extend beyond that time period, then the future expenditure to be incurred on the project is called non-plan expenditure.

## Defining a Child

In consonance with the UN Convention on Child Rights and The Juvenile Justice (Care and Protection of Children) Act, 2000, a child includes all persons in the age group of 0–18 years.

## Time Frame of the Study

The present analysis is for four years from 2007–2008 to 2011–2012.

## Rationale of the Study

- Budget is one of the basic steps taken by the government for the development of the people. The allocations in budget in a welfare State for the different public programmes, determine the resources available for implementation of the programmes in the upcoming financial year.
- A child budget analysis, by showing how much the government allots and spends on programmes and schemes for children, enables the gauging of the significance of children for the policymakers.
- National and International commitments for attainment of child rights can be translated into action only when programmes and schemes are equipped adequately with resources and utilised optimally.
- Budget analysis findings could go a long way towards providing people and civil society with the information needed to hold the government accountable and exert pressure on it for course correction in the current policies and bringing about improved policies and programmes.

## Research Design and Analysis

In continuation with the research undertaken in the previous phase, in which departments running programmes for children or directly concerned with children, were identified and related data was extracted from the budgets of the same departments.

The identification was done after scrutinising the expense heads in the detail demand of grants. Then the child-related expense heads were segregated from the demands for grants submitted by the identified departments and data (BE, RE and AE) of the selected and segregated heads were further analysed.

## Departments from which Programmes and Schemes were Selected

- Department of School Education
- Department of Mass Education Extension
- Department of Backward Classes Welfare
- Department of Higher Education

- Department of Technical Education
- Department of Public Works
- Department of Hill Affairs
- Department of Minorities Development
- Department of Panchayat and Rural Development
- Department of Sports and Youth Services
- Department of Women and Child Welfare
- Department of Health and Family Welfare
- Judicial Department
- Labour Department

For the purpose of the BfC analysis and as per the methodology developed, all the existing programmes and schemes in the WB budget have been categorised under the above-mentioned sectors, broadly demarcated as:

Development	Includes programmes and schemes for early childhood care and education; and other general schemes and programmes that do not fit within any particular sectoral category but are aimed at the overall development of children.
Health	Includes programmes and schemes related to the health care needs of children.
Education	Includes elementary and secondary education.
Protection	Includes interventions targetting child labours; children in need of adoption; physically or mentally challenged children; homeless or street children; neglected children or those children who are treated as juvenile offenders.

## Analysis

In the first step of analysis, the scheme/programme wise total allocation and expenditure was calculated.

In the second stage of analysis the sector wise total was made and total BfC was computed. Then the sectoral total and BfC was compared with total State budget.

In the third step, need versus allocation analysis was done comparing the allocation with the quantitative and qualitative status of the children in the State with the support of data and analysis from different Government and non-governmental reports and publications.

In the fourth step, allocation versus spending was analysed on the basis of AE data available from the Detail Demand of Grants for 2007–2008 to 2011–2012. The final report was prepared based on the above analysis.

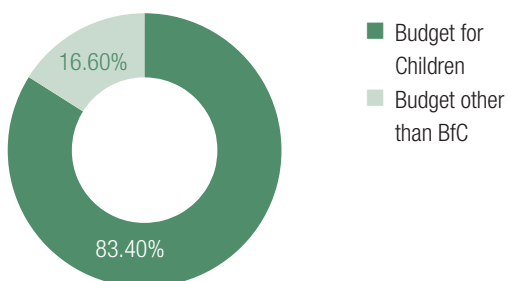
## Constraints of the Study

The main limitation of the study was unavailability of data. Budget publications, including the detail demand of grants, are neither available in market nor available at any government sales counter but are only on the government's website. Therefore the analysis is based on the web version of the budget publication. The Annual Reports of the different departments of the GoWB were not available publicly. They are available in the WB Assembly Library, and accessing them is not very easy.

## Budget for Children in West Bengal

Between 2007–2011, the government of India (GoI) instituted a number of administrative, programmatic and legislative reforms that directly impact the rights of the child. The Supreme Court verdict and the 2006 amendment to Juvenile Justice (Care & Protection) Act, 2000 mandates for active Child Welfare Committees (CWC), Juvenile Justice Boards (JJB) and Special Juvenile Police Units (SJPU) in each district. The Integrated Child Protection Scheme (ICPS) was introduced in 2009 to ensure holistic protection of the children by strengthening all existing programme of child protection. The RTE Act 2009 (RTE) came in to force from the 1 April 2010 ensuring fundamental right to education for children aged 6–14 years. The Rastriya Madhyamik Shiksha Abhiyan (RMSA) came in year 2009 with a goal of universalisation of secondary education targeting children in the age

group of 15–16 years. Despite the considerable number of children being deprived of their rights and entitlements, limited reflections of all these programmes were found in the State budget of WB in terms of allocation and expenditure.



**CHART 1.1** || Average Share of BfC BE within the State Budget During 2007–2008 to 2011–2012

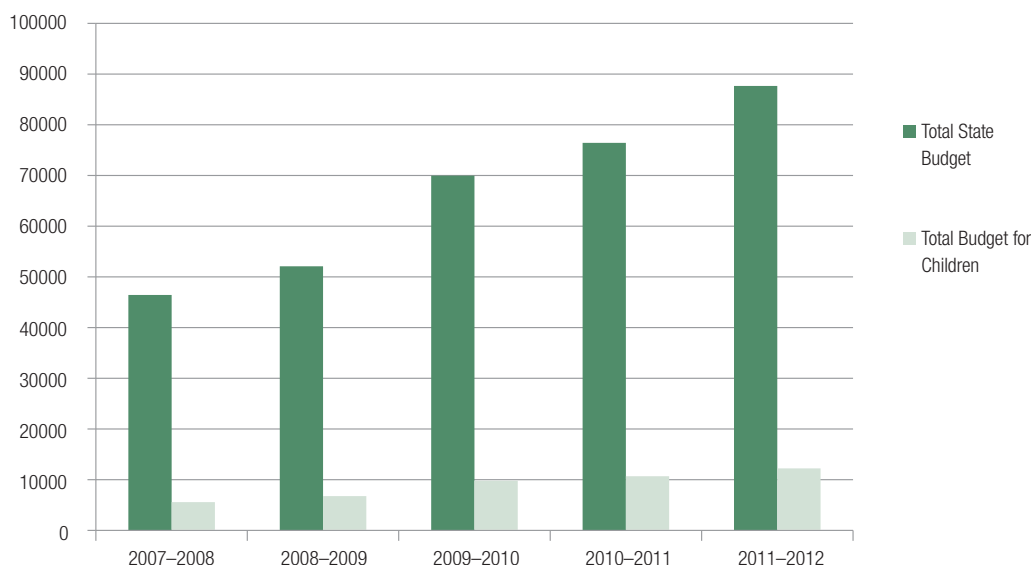
Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008, 2008–2009, 2009–2010, 2010–2011 and 2011–2012

Budget for Children (BfC) in the State budget of WB was increased by 122 per cent (in nominal terms) during 2007–2008 to 2011–2012. Comparing this increase with the overall increase of total State budget, 88.73 per cent nominally, it can be said that allocation for children received little importance in the State budget. But the average annual allocation for children in this period was only 16.60 per cent of the total State budget.

Year	Total State Budget	Total (BfC)	Percentage of BfC in State Budget
2007–2008	46438.45	6756.00	14.55
2008–2009	52092.73	8249.05	15.84
2009–2010	69974.62	12036.37	17.20
2010–2011	76432.07	13121.12	17.17
2011–2012	87646.51	15032.92	17.15
Average Share of Allocation within the State Budget			16.6

Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012

On analysing the increase in the BfC between 2007–2008 to 2011–2012 shows that the percentage of BfC in the total State budget increased steadily in 2008–2009 and 2009–2010. But between 2009–2010 and 2011–2012 the percentage of BfC in State budget was around 17 per cent. From the 1 April of 2010, the RTE came in force across the country. A huge increase in BfC was expected for the proper implementation of RTE but it did not happen. This study analyses how much the budget for elementary education increased in this period for the proper implementation of RTE.

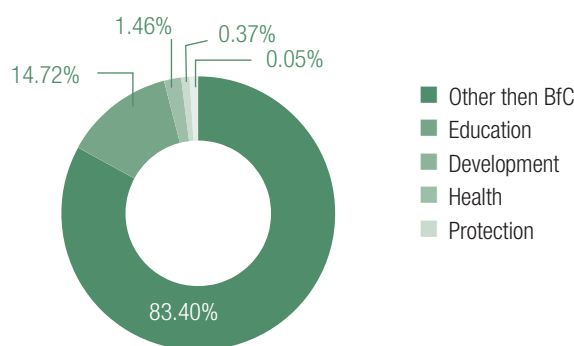


**FIGURE 1.1** || Allocation for BfC in the State Budget

Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008, 2008–2009, 2009–2010, 2010–2011 and 2011–2012

## Sectoral Allocations in BfC and State Budget

Disproportionate sectoral allocation in BfC is an issue in the WB Budget. Education has always had the lion's share of the BfC and sectors like Health, Development and Protection are severely neglected. In the financial year 2011–2012, ₹1,32,390 crore were allocated for education but only ₹435 crore were allotted for the protection. This is an injustice to the large number of child labours, street children, trafficked children, children who are victims of natural disasters and orphan children who need the special protection measures. The allocation for child health in the State budget was equally insignificant during this period. Presently, the coverage of child health is only limited to pre-natal and anti-natal care and immunisation (pulse polio and routine immunisation) where 100 per cent coverage is still a



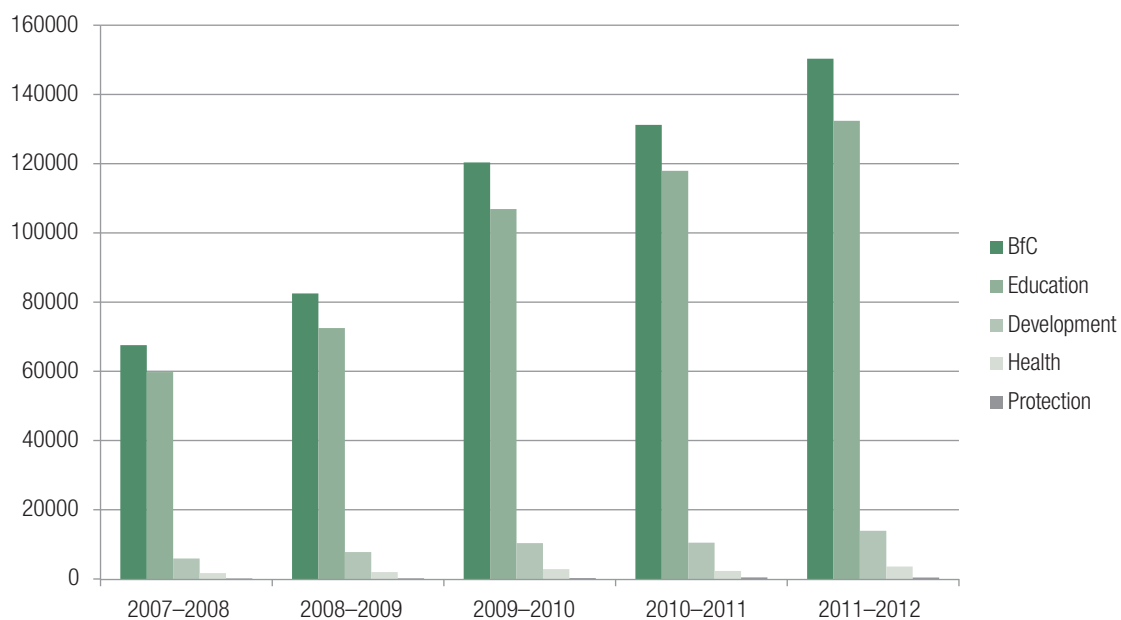
**FIGURE 1.2** || Average Share of Sectoral Allocations within BfC and State Budget from 2007–2008 to 2011–2012

Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008, 2008–2009, 2009–2010, 2010–2011 and 2011–2012

distant dream. There is no budgetary provision for the health care of children above six years. The WB budget allocated annually in the study period an average 0.37 per cent of the total and 2.25 per cent of the BfC for child health.

Year	Education	Development	Health	Protection	Total BfC	Total State Budget
2007–2008	59778.71	5920.75	1696.23	164.35	67560.04	464384.50
2008–2009	72482.91	7793.78	2003.11	210.66	82490.46	520927.30
2009–2010	106896.74	10363.25	2831.04	272.66	120363.69	699746.20
2010–2011	117942.40	10506.50	2316.47	445.86	131211.23	764320.70
2011–2012	132390.55	13913.31	3590.18	435.12	150329.15	876465.10
Average Percentage in BfC	88.68	8.79	2.25	0.28		
Average Percentage in Total State Budget	14.72	1.46	0.37	0.05		

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*



**FIGURE 1.3** || Sectoral Allocation (BE) in BfC and State Budget of WB

## Allocation vs Expenditure (BE, RE and AE)

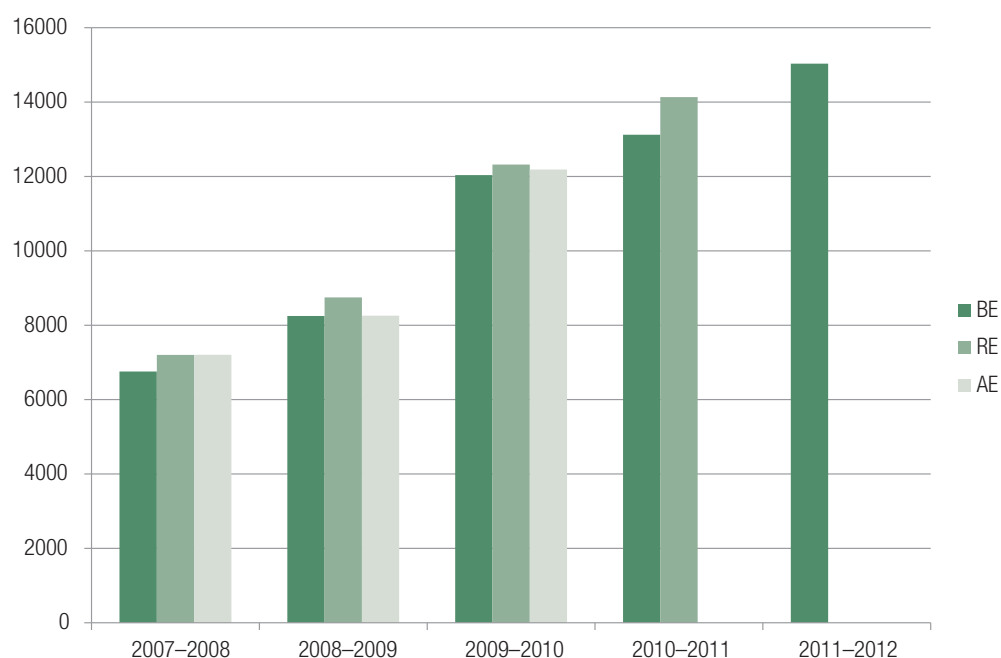
There is another important aspect in the analysis of budget for children and that is whether the amount allocated for the children in State budget are spent or not. The actual analysis of the expenditure of the BfC in the study period (2007–2008 to 2009–2010) shows a considerable amount of over-expenditure on BfC (BE). The over expenditure (BE–AE) is 6.66 per cent over BE in 2007–2008, it decreased to 0.08 per cent over BE in 2008–2009 and again increases to 1.24 per cent over

BE in 2009–2010. This reflects the absence of proper planning by the government in ensuring the rights of the children. This study found that in many budget heads relating to children during this period no financial allocation was there in the BE but later money was spent without allocating in BE which reflects in the actual expenditure.

**TABLE 1.4** || Allocation Vs Expenditure in BfC

Year	BE	RE	AE	BE–RE		BE–AE	
				₹ crore	Per cent	₹ crore	Per cent
2007–2008	6756.00	7201.44	7206.17	– 445.44	6.59	– 450.17	6.66
2008–2009	8249.05	8747.29	8255.63	– 498.25	6.04	– 6.59	0.08
2009–2010	12036.37	12320.33	12185.51	– 283.96	2.36	– 149.14	1.24
2010–2011	13121.12	14133.13	NA	– 1012.01	7.71	-	-
2011–2012	15032.92	NA	NA	-	-	-	-

Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012



**FIGURE 1.4** || BE, RE & AE for BfC in West Bengal

Inspecting the scheme-wise spending shows under-spending too in the BfC. Few example of under spending in different schemes and programmes are given in table 1.5.

Kishori Shakti Yojana is a scheme of the Union Government to improve the nutritional, health and development status of adolescent girls. A meagre amount of ₹20 lakhs were allocated for the programme in 2009–2010 of which 31.85 per cent remained unspent.



**TABLE 1.5** || Under Expenditure in Child Related Programmes (2009–2010) (in ₹ thousand)

Programme	BE	AE	BE–AE	BE–AE (Per cent)
Kishori Shakti Yojana	2000.00	1362.94	637.06	31.85
Nutrition programme of Adolescent girls	186000.00	56554.00	129446.00	69.59
Scheme for Prevention and control of juvenile social Maladjustment	69861	46758.728	23102.27	33.07
Integrated Child Protection Scheme	192350	21855	170495.00	88.64
State government programme on child labour	7000	1447.55	5552.45	79.32
Provision of toilet and drinking water facilities in school	10000	0.00	10000.00	100.00
Mid-day meal	10858811	7786827.087	3071983.91	28.29
School dresses for girl student in primary	48000	38000	10000.00	20.83
Rastriya Madhyamik Shiksha Abhiyan	100000	2134	97866.00	97.87
Inclusive education for disabled	15000	0.00	15000.00	100.00

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal: State Budget for 2007–2008 to 2011–2012*

Nutrition Programme for Adolescent Girls (NPAG) with 100 per cent central assistance targeted to improve the health and nutritional status of the girls aged between 11–18 years and weight less than 35 kg by providing them 6 kg free rice every month through the Public Distribution System (PDS). Presently this programme is operational in Purulia and Jalpaiguri districts. In the years 2009–2010, ₹18.6 crore was allotted for this programme and of which 69 per cent remained unspent.

Allocation for Rastriya Madhyamik Shiksha Abhiyan started reflecting in the State budget from the financial year 2009–2010. In the first year, ₹10 crore was allocated and 97 per cent remained unspent.

In 2009–2010, 100 per cent of the amount allocated for the programmes ‘Provision of Toilet and Drinking Water Facilities in School’ and ‘Inclusive Education for Disabled’ remained unspent.

Allocation for Integrated Child Protection Scheme (ICPS) started from the financial year 2009–2010. In the very first year, 88 per cent of the allocated amount was not spent.

## CHAPTER TWO

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# CHILD HEALTH

Survival of the new born is a major issue in WB. According to the Sample Registration Scheme (SRS) 2007, the Infant Mortality Rate (IMR) in WB was 37 (per thousand live births). The Neonatal Mortality Rate (NMR) — infant deaths within the first four weeks (per 1000 live births) remained at 28 accounted for 75.7 per cent of the IMR, while early NMR (infant deaths within the first week per 1000 live births) was 23 comprised 82.1 per cent of the NMR (SRS, 2007). In other words, 75 per cent of infant deaths occurred within four weeks of delivery; and out of that 82 per cent children died in the first week itself. This highlights the high level of shortcoming in pre- and post natal care and institutional delivery. The institutional delivery rate is 49 per cent and only 19.5 per cent mothers in WB had full ante-natal check-ups.<sup>17</sup> Lack of awareness about safe child birth, poor coverage of health centres/hospitals in rural areas and lack of infrastructure in the existing centres creates this situation.

Though India was declared polio free by the World Health Organization (WHO) in 2012,<sup>18</sup> the last polio case was reported on 13 January 2011 from WB. Hence there is a need to continue the pulse polio immunisation more intensely.

Routine immunisation is still a challenge for WB. 24.6 per cent of the 12–23 month olds were not completely immunised in 2007–2008.<sup>19</sup>

Malnutrition of children less than six is another challenge. The NFHS-III (2005–2006) found 44 per cent of children less than 3 years underweight.

To analyse child health in the BfC, only the allocations exclusively for children or related to Reproductive Child Health (RCH) have been considered. These allocations were found to be for children under six years and pregnant women and mothers. Children above six, though equally vulnerable, have no exclusive allocation for their health.

<sup>17</sup> District Level Household Survey-3, 2007–2008.

<sup>18</sup> *Times of India*, dated 26/2/12, source: [http://articles.timesofindia.indiatimes.com/2012-02-26/india/31101391\\_1\\_polio-cases-crippling-disease-zero-cases](http://articles.timesofindia.indiatimes.com/2012-02-26/india/31101391_1_polio-cases-crippling-disease-zero-cases).

<sup>19</sup> District Level Household Survey 2007–2008.

The allocation for child health in the budget was the least, just 0.37 per cent on an average, during 2007–2011. In the financial year 2011–12, the allocation for child health was only 2.39 per cent of BfC and 0.41 per cent of total WB budget. (table 2.1).

Year	BE	Percentage of BE in BfC	Percentage of BE in State Budget
2007–2008	169.62	2.51	0.37
2008–2009	200.31	2.43	0.38
2009–2010	283.1	2.35	0.4
2010–2011	231.64	1.77	0.3
2011–2012	359.01	2.39	0.41

The major allocation under child health was on Rural Family Welfare Services (RFWS), targeted towards establishing and running family welfare centres and sub-centres in each block level Primary Health Centre to provide family welfare, maternity and child health related services. During 2007–2011, the allocation for RFWS increased by 130 per cent. According to the Department of Health and Family Welfare data, as on 31 December 2010 there were 335 Family Welfare Centres (FWC) and 10,356 Family Welfare Sub-centres (FWSC).<sup>20</sup> Hence there is one FWC in each block of WB and one FWSC for every 6,000 rural population. The number of FWSCs need to be increased as per the norms of Rural Health Care System under National Rural Health Mission which is there should be one FWSC for every 5,000 population in plain areas and for every 3,000 population in hilly and tribal areas.<sup>21</sup>

The allocation for Urban Family Welfare (UFW) services did not increase in the same way during 2007–2011. It increased steadily between 2007–2008 and 2009–2010 by 48.66 per cent but the allocation decreased by 43.43 per cent between 2009–2010 and 2011–2012. The major objective of this programme is to run UFW centres to provide outreach services, primary health care, MCH and distribution of contraceptives. The allocation for UFW services is supposed to increase with the increased rate of urbanisation in WB.

Schemes and Programmes	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012
School Health Scheme	0.05	–	–	–	–
Manufacture of Sera and Vaccine	1.13	1.63	1.85	2.14	2.35
Training and employment of multipurpose worker	0.05	0.03	0.04	0.04	0.05
Training of A.N.M. and Dais	2.08	2.26	3.32	2.34	3.88
Rural Family Welfare Services	144.22	174.89	251.32	203.19	332.01
Village Health Guide Scheme	4.50	2.50	12.00	12.00	12.00
Urban Family Welfare Services	9.37	9.37	13.93	11.19	7.85
Post Partum Unit	8.16	9.50	0.51	0.62	0.72
Maternity and Child Health	0.06	0.13	0.14	0.14	0.15

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

20 Source: [http://www.wbhealth.gov.in/Health\\_Stat/2010\\_2011/9/IX.1.pdf](http://www.wbhealth.gov.in/Health_Stat/2010_2011/9/IX.1.pdf)

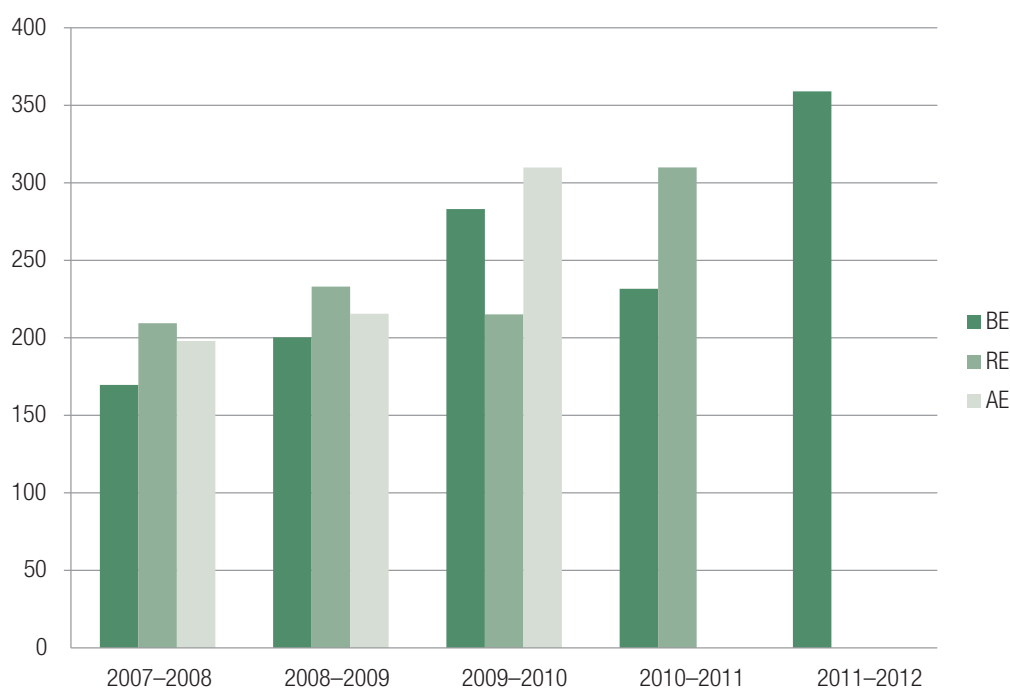
21 Source: <http://nrhm-mis.nic.in/UI/RHS/RHS%202011/Rural%20Health%20Care%20System%20in%20India-%20Final%20-%209.4.2012.pdf>

The allocation decreased in another very important scheme of establishing and running Post- Partum Units in different State hospitals are required to provide RCH services i.e. Maternal Health, Child Health, Adolescent Health, RTI, STD, AIDS and Family Planning Services (Table 2.2). There were 78 post- partum units as on 31<sup>st</sup> December 2010 attached to different hospitals of WB.<sup>22</sup>

The budget allocation for this programme has been decreased by 91 per cent during the period of 2007–2008 to 2011–2012 which might threaten the existence of 78 post partum units running in 2010 in different hospital of the State.

Only programme for children above six, the School Health Scheme, got ₹5 lakh in 2007–2008, after which it was stopped. The health of school going children is not a priority for the government.

Figure 2.1 shows the trends of allocations and expenditure for child health from the financial year 2007–2008 to 2011–2012. It is clear that the allocations for child health have been inconsistent over the period of five years with a significant increase in allocations for the year 2009–2010 and again with a decrease of 18.17 per cent at BE stage in the following year. But, for 2011–2012, the allocations at BE stage increased by 54.98 per cent. Also, there are over expenditures of budgetary allocations for child health in each year during 2007–2008 to 2009–2010 (Table 2.3). Over expenditures occur in all the sectoral allocation in the BfC. Evidently, over-spending is always unplanned.



**FIGURE 2.1** || BE, RE & AE in Child Health

22 Source: [http://www.wbhealth.gov.in/Health\\_Stat/2010\\_2011/9/IX.1.pdf](http://www.wbhealth.gov.in/Health_Stat/2010_2011/9/IX.1.pdf)

**TABLE 2.3** || BE, RE & AE for Child Health (in ₹ crore)

Year	BE	RE	AE	BE-AE	BE-RE
2007–2008	169.62	209.46	197.96	– 28.33	– 39.83
2008–2009	200.31	233.06	215.52	– 15.21	– 32.75
2009–2010	283.10	215.17	309.83	– 26.73	67.94
2010–2011	231.65	309.93	NA	NA	– 78.28
2011–2012	359.02	NA	NA	NA	NA

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State budget for 2007–2008 to 2011–2012*

Analysis of programme-wise expenditure under child health reveals under spending or no spending of the allocated amount in various programmes. For example not a single rupee of the allocated amount (BE) for the programme ‘Training and employment of multipurpose worker’ was spent during 2007–2008 to 2009–2010.

Multipurpose Health Workers (Male and Female) were introduced in 1974 for the delivery of preventive and promotive health care services at the level of Sub-Health Centres (SHCs). The Multipurpose Health Workers are also to facilitate ANM in MCH, Family Welfare, and Nutrition related activities. The non availability of health workers (Male) has been adversely affecting the implementation of maternal and child health programmes due to overburdening of the available ANMs.

As per the National Health Profile 2008 the number of Multipurpose Worker in WB was 4215 and there was a shortfall of 9312.<sup>23</sup> In spite of that, during the period 2007–2008 to 2009–2010 only around ₹12 lakh was allocated for the training and employment of multipurpose workers and that also was not spent.

**TABLE 2.4** || Under Expenditure in Various Programmes for Child Health (in ₹ crore)

Schemes and Programmes	2007–2008			2008–2009			2009–2010		
	BE	AE	BE-AE (per cent)	BE	AE	BE-AE (per cent)	BE	AE	BE-AE (per cent)
Manufacture of Sera and Vaccine	1.13	0.82	27.97	1.63	0.80	51.18	1.85	1.70	8.29
Training and employment of multipurpose worker	0.05	0.00	100.00	0.03	0.00	100.00	0.04	0.00	100.00
Training of A.N.M. and Dais	2.08	1.55	25.27	2.26	1.92	15.17	3.32	2.99	9.87
Village Health Guide Scheme	4.50	1.64	63.63	2.50	1.57	37.18	12.00	10.67	11.08
Urban Family Welfare Services	9.37	4.14	55.83	9.37	3.73	60.15	13.93	5.75	58.75

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State budget for 2007–2008 to 2011–2012*

Under expenditures were observed in other programmes of child health as mentioned in the table 2.4 which is not conducive to ensure children’s right to health. The allocation for child health must be increased not only in the existing programmes for their better and effective coverage keeping pace with increased number population and rapid urbanisation in the State but the need of additional allocation needs to be thought of for the children more than five years old. In addition this expenditure of the allocated amount for child budget must be well planned to benefit the children in the real sense.

<sup>23</sup> Guidelines for Multipurpose Health Worker 2010 – Ministry of Health and Family Welfare, Gol.

## Annexure Tables

### Health Sector

Manufacture of Sera and Vaccine (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	113.44	153.40	81.71
2008–2009	163.38	88.12	79.76
2009–2010	185.17	186.32	169.82
2010–2011	214.09	211.49	NA
2011–2012	235.33	NA	NA

Training and Employment of Multipurpose Worker (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	4.82	2.45	0
2008–2009	2.58	2.56	0
2009–2010	3.69	3.69	0
2010–2011	4.18	3.72	NA
2011–2012	4.85	NA	NA

Training of A.N.M. and Dais (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	207.83	211.23	155.30
2008–2009	225.88	227.98	191.62
2009–2010	331.83	214.84	299.08
2010–2011	233.51	334.02	NA
2011–2012	388.46	NA	NA

Rural Family Welfare Services (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	14422.32	18395.36	18234.07
2008–2009	17489.07	20673.58	19868.76
2009–2010	25131.85	18810.91	28208.66
2010–2011	20318.56	28508.80	NA
2011–2012	33200.73	NA	NA

Village Health Guide (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	450.00	340.00	163.68
2008–2009	250.00	250.00	157.04
2009–2010	1200.00	1200.00	1067.04
2010–2011	1200.00	1200.00	NA
2011–2012	1200.00	NA	NA

Urban Family Welfare Services (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	937.27	935.47	413.95
2008–2009	937.01	929.84	373.42
2009–2010	1393.43	1026.60	574.79
2010–2011	1118.52	688.45	NA
2011–2012	784.73	NA	NA

Post Partum Unit (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	815.60	890.49	741.01
2008–2009	950.00	1120.79	868.82
2009–2010	50.58	60.40	660.25
2010–2011	62.00	46.50	NA
2011–2012	72.36	NA	NA

Maternity and Child Health (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	6	12.31	6.04701
2008–2009	13.17	13.17	12.25
2009–2010	13.83	13.83	3.6
2010–2011	13.83	0	NA
2011–2012	15.35	NA	NA



## CHAPTER THREE

# CHILD DEVELOPMENT

This chapter focuses on the early childhood care and development of children in the 0–6 years age group and the nutrition and development of the adolescent girls. According to the Census 2011, there were 1,01,12,599 children in the 0–6 year age group in WB. They comprise 11.07 per cent of the State's total population. WB's IMR was 33 (per 1000 live births)<sup>24</sup> in 2011, a considerable decrease from 48 (per 1000 live births)<sup>25</sup> in 2005. Fully immunised children in the age group 9–11 increased considerably to 75.5 per cent in 2011.<sup>26</sup> But 44 per cent children below three years were malnourished in WB.<sup>27</sup> Adolescent girls in WB are highly vulnerable to trafficking and early marriage—42 per cent girls are married below 18.<sup>28</sup>

**TABLE 3.1** || Share of Child Development Allocation within BfC and State Budget (in ₹ crore)

Year	BE	Percentage of BE in BfC	Percentage of BE in State Budget
2007–2008	592.08	8.76	1.27
2008–2009	779.38	9.45	1.5
2009–2010	1036.33	8.61	1.48
2010–2011	1050.65	8.01	1.37
2011–2012	1391.33	9.26	1.59

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

In response to these problems, the GoWB allotted just 1.46 per cent on an average of the total budget during 2007–2011 to child development.

The allocation for child development was 8.76 per cent of the total BfC and 1.27 per cent of the total State budget in year 2007–2008. It increased marginally in the subsequent five years to 9.26 per cent of the total BfC and 1.59 per cent of the total State budget in 2011–2012 (Table 3.1).

24 Source: Registrar General, India, Govt. of India, Census and Vital Statistics, January 2011.

25 NFHS-III 2005–2006.

26 District Level Household Survey-3.

27 NFHS III, 2005–2006.

28 District Level Household Survey-3.

**TABLE 3.2** || Allocation for Various Child Development Schemes and Programmes (in ₹ crore)

Schemes and Programmes	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012
Government of India crash programme of nutrition for children	38.70	43.61	54.00	57.70	57.92
Family and Child Welfare Project	5.00	5.58	6.25	7.14	7.82
Establishment of day care centre, balwadis and crèches for children in district	0.10	0.10	0.10	0.10	0.10
Establishment of crèches for children of working mothers	0.07	0.09	0.15	0.16	0.16
Integrated Child Development Scheme	273.60	375.63	488.76	500.73	660.86
Kishori Shakti Yojana	2.00	1.00	2.00	1.50	2.50
Supplementary nutrition programme	217.85	299.32	415.87	450.12	661.37
Central Assistance for Nutrition Programme of adolescent girls	16.95	18.60	18.60	18.60	0
Nutrition Programme under DFID assisted HSDI Project	33.90	35.00	50.00	14.00	0
Special Nutrition Programme	3.50	0	0	0	0

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

The Supreme Court of India in November 2001 directed governments through an interim order to ensure one anganwadi centre in every hamlet, where supplementary nutrition is given to every child under six, pregnant and lactating mothers and adolescent girls.<sup>29</sup> Further on 13 December 2006 the Court directed that at least 14 lakh anganwadi centres to be sanctioned and operational by December 2008.<sup>30</sup>

On 9 July 2007 the Supreme Court directed that, ‘The backlog has to be cleared immediately and the centres which have been sanctioned up to September, 2006 shall be made operational and functional by 15 July 2007 in the case of all States except the State of U.P. where the last date is fixed to be 31 July 2007. Those centres which have been sanctioned up to January, 2007 shall be made functional by 30 September 2007.’<sup>31</sup>

In response to the Supreme Court directions, the GoWB increased the allocation for Integrated Child Development Scheme (ICDS) and Supplementary Nutrition Programme (SNP) by 141 per cent and 203 per cent respectively during the period 2007–2011. ICDS is the only scheme for early childhood care and development in India that ensures supplementary nutrition and pre-school education for the children of 0–6 years age group through anganwadi centres. The financial responsibility for ICDS is shared by the State and Central Government. The cost of the SNP is shared in the ratio 50:50 between State and Central Government, but all other costs related to ICDS are shared in the proportion 90:10 by the Central and State governments.<sup>32</sup>

29 Interim order of the Supreme Court of India on the writ petition no. 196 of 2001 dated 28 November 2001 (Source: <http://www.righttofoodindia.org/orders/interimorders.html#box14>).

30 Judgement of the Supreme Court of India on the writ petition no. 196 of 2001 dated 13 December 2006 (Source: <http://www.hindu.com/thehindu/nic/icds.htm>).

31 Judgement of the Supreme Court of India on the writ petition no. 196 of 2001 dated 9 July 2007 (Source: [http://www.righttofoodindia.org/data/SCO\\_09.07.2007.pdf](http://www.righttofoodindia.org/data/SCO_09.07.2007.pdf)).

32 Annual Report 2010–2011, Department of Women and Child Development, Govt. of West Bengal.

Despite the increase in the allocation for ICDS and SNP, WB still lags in fulfilling the Supreme Court directions. As on 2010–2011, 4,834 of the 1,16,390 angawadi centres sanctioned by the Central Government were not operational. Only 68,55,487, out of the total 1,01,12,599 children below six years in WB (67 per cent; Census 2011) are covered by the Anganwadi centres.<sup>33</sup> Another important scheme, Kishori Shakti Yojana (KSY), for the development and protection of adolescent girls, between 11 and 18 years, is supposed to be implemented through the ICDS infrastructure, to upgrade their nutritional, health, social and economic status. The scheme could help prevent early marriage and trafficking but a meagre amount was allotted for it.

According to the financial norms, ₹1,10,000 are supposed to be allocated per ICDS project per year for KSY. The Annual Report 2010–2011 of Department of Women and Child Development, claims that KSY was universalised in 2010–2011 and now runs in all the 414 ICDS projects across WB.<sup>34</sup> In the State budget, ₹1.5 crore was allocated in 2010–2011 for KSY (*see Table 3.2*). However, if the KSY were to run in 414 ICDS project the minimum allocation needed is ₹45 crore 54 lakh (1.10 lakh X 414 ICDS project). But the budgetary allocation was only ₹1.5 crore in 2010–2011 and 2.5 crore in 2011–2012 (*see Table 3.2*), only 3.2 per cent and 5.48 per cent of the amount required. It remains open as to how KSY could be universalised as claimed.

Figure 3.1 puts up a clear picture of allocations and actual expenditure for child development sector. The allocations kept increasing gradually from 2007–2008 to 2011–2012 with an average annual growth of 24.60 per cent. Further, it can be seen from the graph that the allocations at RE stage has been increased against BE during this period and also, the actual expenditure has been more than the allocation at BE stage throughout these years. For the year 2007–2008 to 2009–2010, there has been an average over expenditure of 16.01 per cent against the allocations at BE stage. Such fluctuating figures do not reflect proper planning and allocations in the budget.

Comparison of the AE with the BE for child development during 2007–2010 shows over-expenditure in the three consecutive years (Table 3.3). This is because of the lack of proper planning and need assessment.

**TABLE 3.3** || BE, RE & AE for Child Development (in ₹ crore)

Year	BE	RE	AE	BE-AE	BE-RE
2007–2008	592.08	650.53	663.78	– 71.71	– 58.46
2008–2009	779.38	915.00	862.51	– 83.13	– 135.62
2009–2010	1036.33	1109.32	1267.04	– 230.72	– 73.00
2010–2011	1050.65	1501.48	NA	NA	– 450.83
2011–2012	1391.33	NA	NA	NA	NA

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

Did the over-expenditure directly benefit children? According to the NSS data of 2004–2005, 0.32 per cent of children aged 5–9 work as child labour in WB. These children are supposed to have been getting pre-schooling or primary education. Recent malnutrition deaths of children less than six jeopardises the right to survival. WB needs to follow the Supreme Court directions more meticulously.

<sup>33</sup> Annual Report 2010–11, Department of Women and Child Development, Govt. of West Bengal.

<sup>34</sup> Annual Report 2010–11, Department of Women and Child Development, Govt. of West Bengal (page 17).

## Annexure Tables

### Development Sector

Govt. of India Crash Programme of Nutrition for Children (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	3869.75	4060.00	4378.63
2008–2009	4361.30	5100.00	5427.99
2009–2010	5400.00	5337.10	5741.53
2010–2011	5770.00	5533.05	NA
2011–2012	5792.3	NA	NA

Family and Child Welfare Project (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	500.00	470.00	535.52
2008–2009	558.00	547.83	521.61
2009–2010	625.00	625.00	864.90
2010–2011	714.10	704.10	NA
2011–2012	781.65	NA	NA

Integrated Child Development Scheme (Excluding allocation for supplementary nutrition) (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	27359.50	32462.45	34341.83
2008–2009	37563.00	41200.00	46272.49
2009–2010	48875.54	52175.54	58911.78
2010–2011	50072.75	64445.24	NA
2011–2012	66086.00	NA	NA

Kishori Shakti Yojana (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	200.00	100.00	202.75
2008–2009	100.00	200.00	123.37
2009–2010	200.00	100.00	13.63
2010–2011	150.00	228.80	NA
2011–2012	250.00	NA	NA

Supplementary Nutrition Programme (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	21785.00	25907.35	26202.87
2008–2009	29932.25	39881.75	30692.56
2009–2010	41587.00	47012.00	55732.15
2010–2011	45012.00	75899.06	NA
2011–2012	66137.00	NA	NA

Central Assistance for Nutrition Programme of Adolescent Girls (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	1695.00	1695.00	634.13
2008–2009	1860.00	1000.00	46.97
2009–2010	1860.00	600.00	565.54
2010–2011	1860.00	1860.00	NA
2011–2012	0.00	NA	NA

Nutrition Programme Under DFID Assisted HSDI Project (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	3390.00	0.00	0.00
2008–2009	3500.00	3500.00	3121.74
2009–2010	5000.00	5000.00	4796.27
2010–2011	1400.00	1400.00	NA
2011–2012	0.00	NA	NA

## CHAPTER FOUR

## CHILD EDUCATION

Education has always got the highest outlay within the BfC in WB — an average of 88.68 per cent annually between 2007–2008 to 2011–2012. This averaged 14.72 per cent annually of WB's total budget over these years. Despite this substantial allocation on education, much higher than on child health, protection and development in the BfC, in 2009 there were 7,06,713 out-of-school children aged 5–13 years, comprising 5.25 per cent of WB's total children in this age group.<sup>35</sup> WB has the fourth highest number of out-of-school children less than 14 years, after UP, Bihar and Rajasthan.

**TABLE 4.1** || Share of Allocation for Child Education within BfC and State Budget (in ₹ crore)

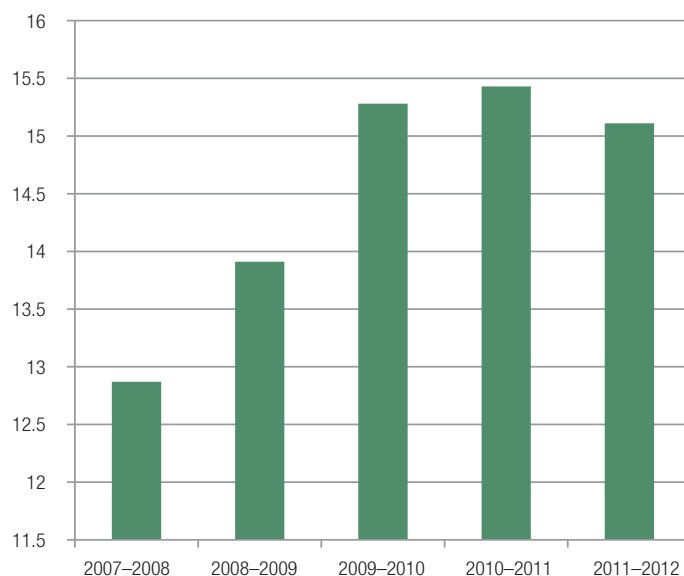
Year	BE	Percentage of BE in BfC	Percentage of BE in State Budget
2007–2008	5977.87	88.48	12.87
2008–2009	7248.29	87.87	13.91
2009–2010	10689.67	88.81	15.28
2010–2011	11794.24	89.89	15.43
2011–2012	13239.05	88.07	15.11

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

West Bengal ranked 26<sup>th</sup> among the 35 Indian States and UTs in the NUEPA's 2009–2010 Educational Development Index (composite primary and upper primary), just above nine States/UTs in elementary education, including Jharkhand, Bihar, Assam, Orissa, Tripura and others.<sup>36</sup>

<sup>35</sup> All India survey of out-of-school children of age 5 & 6–13 years age group by Social and Rural Research Institute (IRMB) on behalf of department of Elementary Education and Literacy, MHRD, GoI.

<sup>36</sup> Elementary Education in India: Progress towards UEE – DISE Flash Statistics, 2009–2010 by NUEPA, New Delhi (Source: <http://www.educationforallindia.com/elementary-education-in-india-progress-towards-UEE-DISE-flash-statistics-2009–2010-nuepa-mhrd-major-analysis.pdf>).



**FIGURE 4.1** || Percentage of Child Education within Total State Budget

A total of 7,06,713 (5.25 per cent) children in the 6–13 age group were out-of-school in WB in the year 2009.<sup>37</sup>

In 2002, the 86th Amendment to the Indian Constitution made free and compulsory education a fundamental right for 6–14 year old children. Corresponding to this amendment ‘The Right of Children to Free and Compulsory Education Act, 2009 (RTE)’ was enacted in 2009 and enforced throughout the country from 1 April 2010.

#### THE STATESMAN

#### **RTE still a far cry in Bengal**

Lois Kapila, 28th October 2011

KOLKATA, 28 OCT: The State has come under attack from the National Commission for Protection of Child Rights (NCPCR) for failing to implement the Right to Education Act (RTE), eighteen months after the Act's creation.

A recent public hearing, organised by the NCPCR and the State Education Chapter (SEC), a group of over 50 NGOs, revealed that parents and children were being forced to pay school fees or screened, and that mid-day meal services were not being provided. The NCPCR said that these are RTE Act violations. The NCPCR chairperson, Ms Shantha Sinha, has also alleged that two notifications issued by the West Bengal State Education Department (WBSED) violate the Act.

Mr E Ahmed, a member of staff at Government-aided Belgachia Urdu High School in Kolkata, admitted that charging fees is widespread. He said, “What fee the Government sanctions, we take. And then some extra for maintenance because we only have eight teaching staff and 1574 students.” The school charged a ₹75 admission fee this year, but this is likely to go up to ₹240 next year. “It is quite impossible to maintain the school without charging extra money,” he said.

There is some debate about whether schools can legally charge fees. A February notification issued by the WBSED says aided or Government-funded schools can charge a “development charge of up to a maximum amount of ₹240/- (Rupees two hundred and forty) only per year.” Ms Sinha said this notification “is a very clear violation of the RTE, which says you cannot charge any fees.”

37 All India Survey of out-of-school children by Social and Rural Research Institute under MHRD, Govt. of India



The secretary for education, Mr Vikram Sen, though, defended the rule. He said a guardian may apply for exemption on the grounds that the charges will prevent their child from pursuing their elementary education, and they can appeal any decision. He added, "we have not received any such reports that they have collected more than that amount; if we do, we will take action."

Mr Sen also denied that screening takes place in Government or Government-aided schools. He said that if they were found to be screening, the Government "will be very forceful from this calendar year, and we will issue circulars and we will recommend derecognition." He said, "We have already taken action against seven or eight schools."

The SEC also drew attention to the State's failure to provide mandatory mid-day meals. In a SEC survey of 63 schools, carried out in March 2011, 37 schools were still not providing mid day meals.

Source: [http://www.theStatesman.net/index.php?option=com\\_content&view=article&show=archive&id=388060&catid=42&year=2011&month=10&day=29&Itemid=66](http://www.theStatesman.net/index.php?option=com_content&view=article&show=archive&id=388060&catid=42&year=2011&month=10&day=29&Itemid=66)

The RTE made education absolutely free for all 6–14 year old children from class I–VIII in the neighbourhood government and government aided schools. The RTE also ensures barrier free school admission for any child (including disabled and special category of children) in schools in their neighbourhood. The act also stipulates a minimum standard of infrastructural facilities, school days and teacher–student ratio in every school. Enforcement of this act is the joint responsibility of union, State and local self-governments while the financial responsibility lies with the union and State governments jointly.

The centre estimated an annual budget of ₹2,31,000 crore for the implementation of RTE in the country for the coming five years. The Centre-State contribution ratio will be 65:35.<sup>38</sup> NUEPA estimated that WB required ₹16,000 crore additionally during 2010–2011 and 2014–2015 to implement the RTE.<sup>39</sup>

But the allocation for child education in WB (which includes elementary education, secondary education, higher secondary education and other kind of educational support programme for backward and special categories of children) during 2009–2010 to 2011–2012 increased very marginally, even in nominal terms, from ₹10,689 crore to ₹13,239 crore, which in no way includes the additional allocation for RTE implementation. The allocation for Child Education was 88.81 per cent of the BfC in 2009–2010 which decreased to 88.07 per cent in 2011–2012. The central government assistance for RTE implementation is supposed to come under the SSA grant to the State. This is not reflected in the State budget as the central assistance for SSA comes directly to WB's Sarva Shiksha Mission. But the State's share in SSA gets reflected in the budget. It was 35 per cent of the total allocation for SSA in WB. It ranged from ₹550 crore to ₹673 crore during 2009–2010 to 2011–2012, when the RTE was supposed to be implemented.

## West Bengal's Preparation to Implement the RTE

- The number of out-of-school children aged 5–13 years is 7,06,713 in WB. This is 5.25 per cent of the total child population in this age group according to a survey by the Ministry of Human Resource Development (MHRD), GoI in 2009. However, according to the Economic

38 Press Information Bureau, GoI, dated 8/8/2012 (Source: <http://pib.nic.in/newsite/erelease.aspx?relid=85788>)

39 Funding the Right to Education By Shruti Ambust (Source: [http://www.ccsindia.org/ccsindia/interns2010/shruti-ambust\\_funding-the-right-to-education.pdf](http://www.ccsindia.org/ccsindia/interns2010/shruti-ambust_funding-the-right-to-education.pdf))

Review of the GoB, 2009–2010, 2,82,526 children between 5–13 years are out-of-school. This huge difference in the number of out-of-school children estimated by two governments creates confusion about the number of out-of-school children in the State.

- In 2010–2011 there were 10,574 upper primary schools against 51,016 primary schools<sup>40</sup> and the ratio between primary and upper primary schools is 5:1 which excludes student from getting admitted in upper primary after completing primary education. The drop-out rate in the primary section is 30 per cent and between class I to class VIII is 50 per cent.<sup>41</sup>
- There are 7,979 primary schools in the State without buildings. 1,157 habitations in the State have no primary school or Shishu Shiksha Kendra (alternative primary school) within 1 km. 2,712 primary schools have only one room and 10,066 primary schools have only two rooms. 17 per cent primary schools in WB State don't have any drinking water facility and 65 per cent of the primary schools don't have separate toilet for girls.<sup>42</sup>
- Since the enactment of RTE, GoWB issued several notifications on the implementation of RTE in the last two years. The following notifications are in clear contradiction with the central act. The notifications are on the following issues:
  - Guidelines for prohibiting Physical Punishment and Mental Harassment in school. *Imposition of fines and penalties, extra academic work, temporary suspension of a child from classroom, prohibiting a child from participating in sports and other co-curricular work, are allowed and not considered as physical punishment and mental harassment. This is in-direct contradiction with RTE Act.*
  - Notification on school fees permits government aided schools to collect maximum ₹240 annually as development fees from all students. *This is against the mandate of free and compulsory education for the children as per RTE.*
- The Government of West Bengal notified State rules on RTE on 16 March 2012 after 2 years of the enactment of central act. But the State Commission for Protection of Child Rights (SCPCR), the monitoring body for the monitoring of RTE implementation, is yet to be constituted.

The Government of West Bengal in August 2010, through an official order, engaged the Indian Institute of Management Calcutta (IIMC) to conduct a study on 'Restructuring of School Education System' in the State. The study encompassed pre-school system to high school education. The main focus of the study was on three aspects of school education: (a) the implications of the Right to Education Act (RTE) vis-à-vis SSA/RMSA; (b) the administrative set up and governance structure of school education; and (c) the delivery mechanism and in-class transactions in the schools.<sup>43</sup> Some recommendations of the report are:

- 1,557 new primary schools and 14,934 new upper primary schools must be established.
- Up-gradation of infrastructural facilities in terms of one classroom school, one teacher school, toilet and drinking water facilities, barrier free access, playground, boundary wall, kitchen.

40 Provisional DISE data 2010–2011.

41 Reddy, A.N., Sinha, S., *School Dropouts or Pushouts? Overcoming Barriers for the Right to Education*. National University of Educational Planning and Administration.(NUEPE). New Delhi. Create Pathways to Access, Research Monograph No. 40. Research commissioned by the Consortium for Research on Educational Access, Transition and Equity (CREATE). University of Sussex. UK. July 2008.

42 Provisional DISE data, 2010–2011.

43 Restructuring School Education System in West Bengal by Indian Institute of Management Calcutta on behalf of School Education Department, GoWB.

- Primary and upper primary schools should not charge any fee, called by whatever name. Expenses for any festival should be met out of voluntary contribution/contingencies.
- SMC, VEC and the local authority (e.g., Gram Panchayat) should develop programmes to track children in respective areas to ensure 100 per cent enrolment and retention. The village education register has to be rigourously maintained.
- Shortage of teacher in primary school to maintain RTE norm (PTR 30:1) is 63,777. If that shortage fulfilled by the recruitment of teachers the government need to recruit 11,000 teachers per year due to retirement of about 5 per cent teachers every year.
- There are about 75,000 'untrained' teachers in primary and upper primary schools in West Bengal. All these teachers need to acquire D.Ed/B.Ed qualifications within 31 March 2015 as per the mandate of RTE Act.

These recommendations show that there are many gaps in the elementary education system of WB, requiring a lot of work and financial investment to fulfil the mandate of RTE. But the marginal increase under different budget heads related to elementary education between 2009–2010 and 2011–2012 doesn't reflect the urgency of additional investment in elementary education to fulfil the mandate of RTE.

Schemes and Programmes	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012
Primary Schools- Salaries to the teaching and non-teaching staff and other school administrative cost	1792.0995	1933.3705	2889.751	2878.5357	3217.1837
Govt. and Non-Govt. Secondary Schools - Establishment and running cost	2532.3832	3068.9583	4686.1474	5594.4302	6275.1543
Govt. and Non-Govt. Madrasa - Establishment and running cost	0	174.5977	316.3846	347.3266	285.5696
Development of Government and non-Government Schools as per the recommendation of Finance Commission	77.73	85.11	80.5118	0	0
Teacher's Cost at Elementary Level (Reimbursment from SSA)	0	21	0	0	0
Maintenance and repair of primary school building	1.3801	1.1	1.1775	1.2	1.2
Improvement, maintenance and repairing of building of secondary school	2.2	0.65	0.16	0.168	1.968
Mid-day Meal	494.0313	513.1945	1085.8811	970.516	1474.2593
Sarva Shiksha Abhiyan (State Share)	250	413.5	600	673.4	549
NPEGEL (State Share)	0	2.62	4.3	4.3	4.2
KGBV (State Share)	0	4.42	3.3	4.3	4.2
Shishu Shiksha and Madhya Shiksha Karmasuchi	7	121	10	30.25	10
Rastriya Madhyamik Shiksha Abhiyan	0	0	10	96.76	70.4
Provision of toilet and drinking water facilities in school	2	3.6	1	1	1

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

Allocation for teachers' salaries and administrative costs for primary and secondary schools doubled during the study period. But the allocation for teacher's salary and administrative costs as a percentage of total allocation for child education was 73 per cent in 2007–2008 and rose to 75 per cent in 2011–2012.

Allocation for mid-day meal rose from 8.26 per cent in 2007–2008 of the total allocation for child education to 11.14 per cent in 2011–2012.

Allocation for the State share of SSA, as a percentage of total budgets for child education, fell from 4.18 per cent in 2007–2008 to 4.15 per cent in 2011–2012.

On 20 March 2011 a Public Hearing was organised by National Commission for the Protection of Child Rights (NCPCR) on the violation of RTE at Town Hall of Kolkata. 250 cases on the violation of RTE were submitted from 8 districts West Bengal. The categories of violations are demand of school fees, physical punishment and mental harassment in school, denial of admission, conducting admission tests, demand for donation/capitation fees and expulsion from school. 34 representative cases were heard in the public hearing and recommendations on those cases were made by the NCPCR to the GoWB to ensure justice. Recommendations of the NCPCR on the individual cases were followed up by the GoWB. The NCPCR recommended withdrawal of notifications allowing the government schools to charge development fees (₹240 per student annually) and permitting suspension from class and imposing fines on the student which contravene the spirit of the RTE. No action has been taken by the GoWB on these issues.

The NCPCR also directed the State government to return school fees to all the students who were forced to give school fees. But the government has not taken any steps on this issue. Instead of returning the fees, the schools are pressurising the parents (who complained in the public hearing) to declare in writing the school that they paid the fees voluntarily.<sup>44</sup>

In WB no steps have been taken on the following issues related to implementing the RTE<sup>45</sup>

- All government aided schools are charging at least ₹240 as development fees from each student. Many schools are charging more than that.
- Some schools are still continuing with admission tests and demanding birth certificates for school admission. Children are denied admission without birth certificates.
- Most of the schools admitted children in this academic session through lottery process which excluded many children.
- No arrangement has been made for special training programmes and thus children who are over age, drop outs, child labour, have no scope of admission in government schools.
- School Management Committee (SMC), mandatory under the RTE has been formed in any school.

Child education being one of the primary focuses of the State government both in its policy making and financial allocations, has been getting an average share of 88.68 per cent of the total BfC during the study period (Table 4.3).

44 SPAN's report on the proceedings of Public Hearing and enquiry report on the implementation of the recommendations of Public Hearing (SPAN was one of the organizer of the public hearing together with NCPCR).

45 Enquiry report of SPAN and West Bengal Right to Education Forum.

**TABLE 4.3** || BE, RE & AE in Education (in ₹ crore)

Year	BE	RE	AE	BE-AE	BE-RE
2007–2008	5977.87	6321.90	6316.61	– 338.74	– 344.03
2008–2009	7248.29	7577.77	7159.70	88.59	– 329.48
2009–2010	10689.67	10948.66	10584.23	105.45	– 258.99
2010–2011	11794.24	12284.77	NA	NA	– 490.53
2011–2012	13239.05	NA	NA	NA	NA

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

Analysis of the expenditure against allocation for child education shows a nominal under expenditure in the year 2008–2009 and 2009–2010 (Table 4.3). But inspection of the expenditure under different budget heads of child education shows considerable under expenditure under several heads.

**TABLE 4.4** || Percentage of Not Fully Spent Amount Under Various Education Related Schemes

Schemes and Programmes	2007–2008	2008–2009	2009–2010
Primary Schools- Salaries to the teaching and non-teaching staff and other school administrative cost	2.86	2.02	5.86
Development of Government and non-Government Schools as per the recommendation of Finance Commission	54.38	67.82	26.63
Teacher's Cost at Elementary Level (Reimbursement from SSA)		100.00	
Maintenance and repair of primary school building		12.82	100.00
Improvement, maintenance and repairing of building of secondary school	74.92	75.42	37.44
Mid-day meal	14.77		28.29
Sarva Shiksha Abhiyan (State Share)		33.93	
Rastriya Madhyamik Shiksha Abhiyan			97.87
Provision of toilet and drinking water facilities in school	0.11	100.00	100.00

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

Inadequate budgetary allocations, unplanned expenditure, confusing notifications on RTE at State level, large number of out-of-school children and tremendous infrastructural gaps pose a huge challenge to the implementation of the RTE. Unfortunately, the State government has failed to show strong political will till date towards proper implementation of the RTE.

## Annexure Tables: Education

### Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes

Book Grants and Examination Fees (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	2488.30	2488.30	2637.92
2008–2009	2953.70	2955.51	3485.36
2009–2010	4600.67	5439.69	5438.68
2010–2011	5594.78	5594.67	NA
2011–2012	5594.78	NA	NA

Hostel Charges (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	4583.64	4583.91	4110.60
2008–2009	5028.76	4934.21	4407.55
2009–2010	5477.65	5199.89	4394.49
2010–2011	7286.53	4667.88	NA
2011–2012	7286.53	NA	NA

Payment of maintenance charges to the students belonging to the families having income not exceeding ₹3600/- per annum (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	1723.09	1723.09	1545.63
2008–2009	1988.31	1909.30	1808.14
2009–2010	2252.03	2101.83	1986.39
2010–2011	3191.17	3020.55	NA
2011–2012	3191.17	NA	NA

Merit Scholarship (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	9450.68	8961.74	5695.34
2008–2009	9523.30	11303.28	10410.42
2009–2010	10279.74	8921.44	10332.80
2010–2011	10541.18	9463.36	NA
2011–2012	10541.18	NA	NA

## Elementary Education

Maintenance and Repair of Primary School Building (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	138.01	100.00	328.21
2008–2009	110.00	110.00	95.90
2009–2010	117.75	105.98	0.00
2010–2011	120.00	120.00	NA
2011–2012	120.00	NA	NA

Provision of Toilet and Drinking Water Facilities in School (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	200	200	199.78
2008–2009	360	360	0
2009–2010	100	100	0
2010–2011	100	100	NA
2011–2012	100	NA	NA

Primary Schools - Salaries to the teaching and non-teaching staff and other school administrative cost (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	179209.95	180470.21	174080.63
2008–2009	193337.05	191131.96	189438.95
2009–2010	288975.10	279655.39	272053.04
2010–2011	287853.57	294536.28	NA
2011–2012	321718.37	NA	NA

Mid-day meal (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	49403.13	46313.08	42108.34
2008–2009	51319.45	98236.48	76922.67
2009–2010	108588.11	96757.50	77868.27
2010–2011	97051.60	92597.37	NA
2011–2012	147425.93	NA	NA

Sarva Shiksha Abhiyan – State Share (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	25000.00	40000.00	48505.31
2008–2009	41350.00	36307.00	27319.44
2009–2010	60000.00	63307.00	62761.33
2010–2011	67340.00	94233.00	NA
2011–2012	54900.00	NA	NA

NPEGEL – State Share (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	0	0	0
2008–2009	262.00	280.00	7774.87
2009–2010	430.00	430.00	93.99
2010–2011	430.00	430.00	NA
2011–2012	420.00	NA	NA

Kasturba Gandhi Balika Vidyalaya – State Share (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	0	0	0
2008–2009	442.00	189.00	189.00
2009–2010	330.00	430.00	200.11
2010–2011	430.00	351.08	NA
2011–2012	420.00	NA	NA

Shishu Shiksha and Madhya Shiksha Karmasuchi (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	700.00	9068.45	13151.56
2008–2009	12100.00	0.00	9075.99
2009–2010	1000.00	7900.00	3793.65
2010–2011	3025.00	1010.00	NA
2011–2012	1000.00	NA	NA

Expansion of Teaching and Educational Facilities for Children of Age Group 11–14 years (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	10781.43	7344.58	2011.89
2008–2009	7712.10	2519.94	6233.07
2009–2010	3675.94	3675.30	2271.63
2010–2011	4043.21	4042.53	NA
2011–2012	4487.21	NA	NA

Teacher's Training at Elementary level (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	3891.37	2750.90	1060.92
2008–2009	2874.70	2307.28	1349.66
2009–2010	2228.10	2185.53	1756.62
2010–2011	2557.64	2980.22	NA
2011–2012	3209.65	NA	NA



Text Book for Primary (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	5870.57	4707.40	5833.36
2008–2009	5099.18	4692.82	4822.36
2009–2010	4767.82	5368.28	4904.59
2010–2011	5054.60	32764.48	NA
2011–2012	5084.60	NA	NA

Govt. and non-Govt. Secondary Schools Establishment and Running Cost (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	253238.32	273828.01	281897.39
2008–2009	306895.83	312719.58	309925.10
2009–2010	468614.74	508267.78	529275.47
2010–2011	559443.02	571299.09	NA
2011–2012	627515.43	NA	NA

Rashtriya Madhyamik Shiksha Abhiyan (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	0	0	0
2008–2009	0	0	0
2009–2010	1000.00	6800.00	21.34
2010–2011	9676.00	8992.60	NA
2011–2012	7040.00	NA	NA

Govt. and Non-Govt. Madrassa – Establishment and Running Cost (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	0	48.68	6854.20
2008–2009	17459.77	25093.52	11906.51
2009–2010	31638.46	26574.88	20175.47
2010–2011	34732.66	24735.9	NA
2011–2012	28556.96	NA	NA

Development of Government and Non-Government Schools as per the Recommendation of Finance Commission (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	7773.00	3550.00	3546.27
2008–2009	8511.00	7870.73	2739.02
2009–2010	8051.18	6796.60	5907.34
2010–2011	0	0	NA
2011–2012	0	NA	NA

Development of Government and Non-Government Schools as per the Recommendation of Finance Commission (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	7773.00	3550.00	3546.27
2008–2009	8511.00	7870.73	2739.02
2009–2010	8051.18	6796.60	5907.34
2010–2011	0	0	NA
2011–2012	0	NA	NA

State Open School (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	51.84	48.61	0
2008–2009	49.77	49.77	49.77
2009–2010	55	53.5	49.5
2010–2011	55.75	54.18	NA
2011–2012	725.75	NA	NA

Integrated Education for Disabled Children (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	1066.77	1340.00	806.47
2008–2009	1540.00	75.00	1678.16
2009–2010	0	0	0
2010–2011	0	0	NA
2011–2012	0	NA	NA

## CHAPTER FIVE

## CHILD PROTECTION

During 2007–2011 several steps towards ensuring child protection were taken by the GoWB and the GoI. The introduction of the Integrated Child Protection Scheme (ICPS) in 2009 initiated the process of the formation of State and District Level Child Protection Society, appointment of additional functionaries designated for child protection, setting up State adoption advisory committee at the State level and Special Juvenile Police Unit in each district. This is reflected in the allocation for Child Protection in the WB budget in this period. But protection of children got low priority in the BfC during 2007–2008 to 2011–2012, with only 0.06 per cent of the State budget being allocated.

**TABLE 5.1** || Share of Allocation for Child Protection within BfC and State Budget (in ₹ crore)

Year	BE	Percentage of BE in BfC	Percentage of BE in State Budget
2007–2008	164.35	0.24	0.04
2008–2009	210.66	0.26	0.04
2009–2010	272.66	0.23	0.04
2010–2011	445.86	0.34	0.06
2011–2012	435.12	0.29	0.05

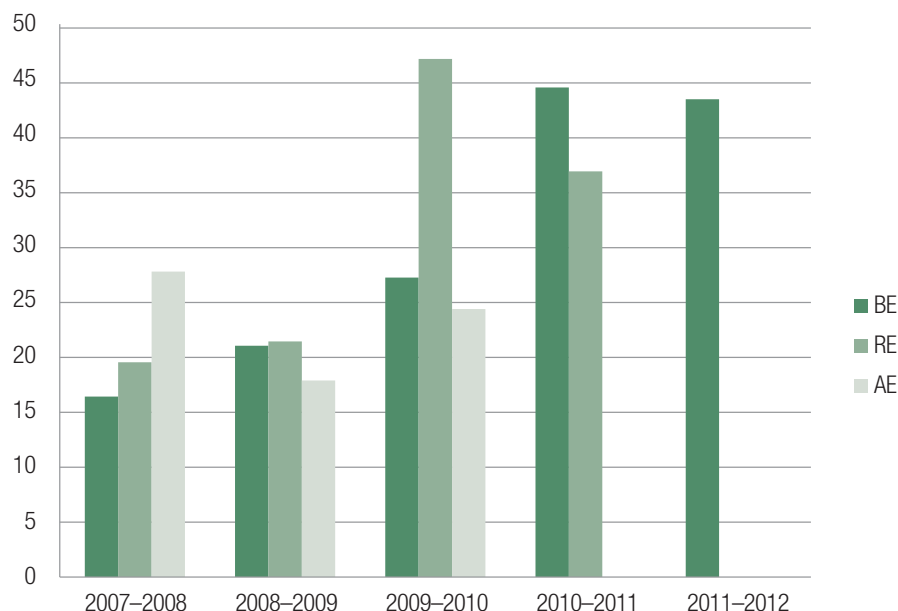
*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

In fact, this was in 2010–2011, when 0.06 per cent of the State budget was allocated for protection of children. But in the very next financial year (2011–2012), the allocation fell to 0.05 per cent of the State budget. However, over a five year period, the share of child protection in the total budget remained more or less constant, at slightly more 0.4 per cent (Table 5.1). The allocations appear insignificant considering the large number of unprotected children in WB. There were 5.52 lakh child labours in WB according to the latest NSS data.<sup>46</sup> There were 15,000 street children in Kolkata alone in 2010.<sup>47</sup> 25,413 children were missing from WB (the number is second highest in the country) during 2008–2010.<sup>48</sup> Also, in this period, political turmoil in the form of movement for a separate

<sup>46</sup> National Sample Survey, 2009–2010.

<sup>47</sup> Substance use, sexual abuse and HIV/STIs among street children of Kolkata city: study by National Institute of Cholera and enteric diseases.

<sup>48</sup> Missing Children of India: A study by Bachpan Bachao Andolan, source: <http://bba.org.in/images/Synopsis.pdf>.



**FIGURE 5.1** || BE, RE & AE in Child Protection

Gorkhaland State in northern Bengal, peasant movements against land acquisition in Nandigram and Singur and left extremism in the western districts rendered many children vulnerable and unprotected. Natural disasters like the cyclone Aila in the Sunderbans have left thousands of families vulnerable and homeless and thereby leaving children unprotected.

### Children of Sunderbans still bear scars of Aila havoc

Gosaba (West Bengal), May 25, 2010: Archia Khatun, 16, does not know Kusum, a year younger to her. Nor has she heard about 10-year-old Asma. The three have never met but they share a common destiny, scripted by Aila. The cyclone cast them as domestic helps in distant Delhi, where they became victims of physical abuse. Archia, Kusum and Asma were brought back to Sunderbans by an NGO and are now struggling to return to a semblance of normal life a year after the deadly cyclone.

The May 25, 2009, cyclone that hit India and Bangladesh killed 138 people in West Bengal alone. The mangrove land of the Sunderbans - which runs through most of South 24-Parganas district and parts of North 24-Parganas - bore the brunt of nature's fury. A large number of families lost means of livelihood, making the children more vulnerable to child trafficking.

"The child trafficking in this region after Aila has increased to a large extent. We have brought many children from different states and Kolkata back to Sunderbans and are trying to get them back to normal life," said Manabendra Nath Roy, an official of the NGO Save the Children.

Another problem is that a large number of children has stopped attending school due to economic reasons. For many others, going to school has become a thing of the past as the school buildings are damaged.

"The situation in the Sunderbans after one year of Aila has improved only a bit. Most of the damaged school buildings are yet to be built. Some of the schools which were not damaged are without teachers," said Tushar Kanjilal, Secretary of the Tagore Society for Rural Development, an NGO working in the Sunderbans. – INAS

Source: <http://www.newkerala.com/news/fullnews-114532.html> seen on 26th May 2010

**TABLE 5.2** || Allocations for Various Schemes and Programmes Of Child Protection (in ₹ crore)

Schemes and Programmes	2007–2008	2008–2009	2009–2010	2010–2011	2011–2012
Scheme for prevention and control of Juvenile social maladjustment	2.91	3.05	6.99	7.18	5.34
Integrated Child Protection Scheme – Total	0.00	0.00	0.00	17.00	12.00
Grant-in-aid to voluntary organisations for services for the children in need of care and protection – Total	4.65	5.78	6.10	6.60	7.60
Cottage Scheme	0.23	0.14	0.30	0.30	0.30
Establishment and maintenance of government run homes under Juvenile Justice system – Total	3.46	3.75	5.67	6.08	6.90
Prevention and eradication of child beggary – Total	0.40	0.50	0.82	0.91	0.82
Social Welfare Homes under mass education Extn department	3.23	5.52	5.24	3.77	7.77
State government programme on child labour – Total	0.60	1.20	0.70	1.15	1.00

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

The Juvenile Justice (Care & Protection) Amendment Act, 2006 mandates for establishing Child Welfare Committee and Juvenile Justice Board in all the 19 districts of the State. The amendment also mandates for establishing State level adoption authority and infrastructure. In addition to this, the amendment includes all the working children upto 18 years under the category of “Children in Need of Care and Protection”. The constitution of State and district level Child Protection Committee is also mandatory.

Table 5.2 shows that the allocation for ‘Scheme for Prevention and Control of Juvenile Social Maladjustment’ has increased considerably during 2007–2008 to 2010–2011 though the allocation suddenly dropped in the financial year 2011–2012. To support this scheme, the ICPS was started in the financial year 2010–2011. The allocation for ICPS was ₹17 crore in the first year but it suddenly decreased to ₹12 crore in the next year.

The infrastructure and arrangement for the implementation of the Juvenile Justice (Care and Protection) Act was very limited in WB in 2006 when the amendment came. There were Juvenile Justice Boards in only two districts and Child Welfare Committees only in five districts. Special Juvenile Police Units existed in a few districts but did not function properly. Five observation homes and five special homes were run by the State. In addition to these, 14 State run children homes had been established. There were 22 shelter Homes run by NGOs. There were eight after care homes in the State. There was no Child Protection Unit either in districts or in the State.<sup>49</sup>

But according to the Annual Report of Women and Child Development Department, WB as on March 2011, the State had Juvenile Justice Boards and Child Welfare Committees in every district, a considerable improvement towards the implementation of the Juvenile Justice Act.

Presently, the GoWB directly runs three special homes and four observation homes for Children in conflict with law, 15 children/juvenile homes for the children in need of care and protection including one exclusively for blind boys and five after care homes. The GoWB supports NGOs to run 26

<sup>49</sup> Source: <http://wcd.nic.in/childprot/jjimp.htm>

shelter homes for the children in need of care and protection.<sup>50</sup> Comparing the number of homes of different categories with the earlier statistics of 2006 shows the NGO run shelter homes increased fourfold but the number of special, observation and after care homes have decreased.

The allocation for the implementation of the juvenile justice system<sup>51</sup> shows a steady increase under all heads during 2007–2008 to 2011–2012. Yet there was no significant increase in the number of homes in WB. The number of special, observation and after care homes decreased by two, one and four respectively. There are actually 18 State run homes. The government runs two or more categories of homes from the same premises. The SSM home in Liluah shelters both children in conflict with law and children in need of care and protection. This is undesirable.

Enhanced allocation for implementation of juvenile justice system and the introduction of the allocation on ICPS in the State budget notwithstanding, WB lags behind in ensuring child protection. A fully functional Special Juvenile Police Unit is not operational in every district. There no significant increase in the coverage and number of homes notified under Juvenile Justice Act. The District Child Protection Societies and Committees do not function properly due to the required staff not being recruited.<sup>52</sup>

Child labour in India decreased by 46 per cent between 2004–2005 and 2009–2010, according to NSSO data. However, in WB the reduction was only 20 per cent. In 2004–2005 WB had the fifth highest number of child labourers in India and in 2009–2010 it had the second highest (5,51,584).<sup>53</sup> This shows that WB has failed to implement the child protection measures including juvenile justice and has not been very successful in implementing the SSA, MDM and the MGNREGA that helped the other States to reduce child labour.

The allocation for the National Child Labour Project (NCLP) does not get reflected in the State budget and hence is not under the scope of this study. But child labour as per the 2006 amendment of Juvenile Justice Act is now under the coverage of Juvenile Justice System administered by State. The magnitude of the problem and the limited allocations to address the issue highlights the lack of sincerity on part of the government to address the issues effectively.

**TABLE 5.3** || BE, RE & AE for Child Protection (in ₹ crore)

Year	BE	RE	AE	BE-AE	BE-RE
2007–2008	16.44	19.56	27.82	– 11.39	– 3.12
2008–2009	21.07	21.46	17.90	3.16	– 0.39
2009–2010	27.27	47.18	24.41	2.85	– 19.92
2010–2011	44.59	36.95	NA	NA	7.64
2011–2012	43.51	NA	NA	NA	NA

*Data Source: Detail Demand of Grants & Budget at a Glance of West Bengal State Budget for 2007–2008 to 2011–2012*

50 Annual Report 2010–2011: Department of Women and Child Development, Government of West Bengal.

51 This includes allocations for the scheme for prevention and control of juvenile social maladjustment, ICPS, establishment and maintenance government run homes under the Juvenile Justice System and grant-in-aid to voluntary organisations for services for the children in need of care and protection.

52 Status of implementation of Juvenile Justice (Care and Protection) Act, 2000 as on March 2010, Source: <http://icps.in>

53 NSSO data 2004–2005 and 2009–2010.

There was an over-expenditure of around 69 per cent against what was budgeted (BE) for child protection in 2007–2008. This was mainly due to the over spending on running 47 Social Welfare Homes under the department of Mass Education Extension (MEE). In 2007–2008, ₹3.22 crore was allocated under this budget head (BE) and ₹16.24 crore was spent. The purpose of the welfare homes is to provide social security and education to its inmates who come from the deprived section of society and who are unable to arrange for their minimum basic needs. In the homes for boys and girls, education is imparted to the inmates up to Madhyamik (Class 10) level and an inmate is allowed to stay till he or she attains 18 years or passing Madhyamik, whichever is earlier.<sup>54</sup> The children in these homes are not selected through the process of the Juvenile Justice System. Hence it is doubtful how many children in need of care and protection, as laid down in the Juvenile Justice (Care & Protection) Act, 2000, benefit and can benefit from these homes.

The GoWB supports the running of 205 homes for the deprived children. 114 homes are run by NGOs with State support under the Cottage Scheme, 47 Social Welfare Homes are run by the department of Mass Education Extension and 44 homes are notified under the Juvenile Justice (Care and Protection) Act, 2000. This implies that the remaining 117 homes are not bound to comply with the minimum infrastructural and qualitative norms of children homes set by the Juvenile Justice (Care & Protection) Act, 2000 and the ICPS. The children of these homes are not selected through the processes of CWC or JJB and there is always a chance that the actually needy children remain excluded. All the children home must be notified under Juvenile Justice (Care & Protection) Act, 2000 for delivering quality service of same standard and to ensure inclusion of children truly in need of care and protection.

Besides, the over expenditure on the allocation of child protection in 2007–2008, there are under expenditures in both 2008–2009 and 2009–2010. This means the meagre amount allocated for child protection remained under utilised in the 2008–2009 and 2009–2010. The allocation for child protection in BE increased in the RE of both the years. The allocation in the RE increased by 73 per cent over BE in 2009–2010 mainly due to the first time allocation for ICPS in the middle of the year. But 88 per cent of the ICPS allocation for that year remained unspent since it came in the middle of the financial year and the GoWB had not prepared comprehensive plans to spend the amount.

The issue of child protection must be taken on serious note not only in the budget allocation but the implementation of different child protection measures is equally important. That will ensure the proper and full spending of allocated amount for child protection and also ensure justice and protection to thousands of children who are victims of violence, natural disasters, atrocities, exploitation and corporal punishment in schools in the State.

54 Annual Plan, Government of West Bengal, 2007–2008.

## Annexure Tables

### Protection

Scheme for Prevention and Control of Juvenile Social Maladjustment (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	291.20	294.00	246.22
2008–2009	305.00	507.00	328.27
2009–2010	698.61	837.56	467.59
2010–2011	717.64	420.39	NA
2011–2012	534.08	NA	NA

Integrated Child Protection Scheme (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	0.00	0.00	0.00
2008–2009	0.00	0.00	0.00
2009–2010	0.00	1923.50	2185.50
2010–2011	1700.00	1200.86	NA
2011–2012	1200.00	NA	NA

Establishment and Maintenance of Government Run Homes Under Juvenile Justice System (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	346.00	354.95	357.36
2008–2009	375.00	388.75	406.21
2009–2010	567.05	552.75	577.92
2010–2011	608.15	626.29	NA
2011–2012	689.62	NA	NA

Grant in Aid to Voluntary Organisation for Services for the Children in Need of Care and Protection (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	465.15	440.00	391.67
2008–2009	578.00	578.25	427.20
2009–2010	610.26	594.26	592.93
2010–2011	660.26	644.26	NA
2011–2012	760.29	NA	NA

Welfare of Street Children (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	1.00	1.96	11.42
2008–2009	3.00	3.00	1.62
2009–2010	3.00	3.00	2.93
2010–2011	3.00	4.04	NA
2011–2012	1.20	NA	NA



Cottage Scheme (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	22.50	11.30	11.16
2008–2009	13.50	13.51	12.02
2009–2010	30.00	28.00	16.32
2010–2011	30.00	27.00	NA
2011–2012	30.00	NA	NA

Prevention and Eradication of Child Beggary (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	39.75	47.25	48.60
2008–2009	50.15	55.83	52.26
2009–2010	82.49	81.87	77.83
2010–2011	90.7	73.38	NA
2011–2012	81.95	NA	NA

Cottages and Holiday Home at Digha (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	39.75	47.25	48.60
2008–2009	50.15	55.83	52.26
2009–2010	82.49	81.87	77.83
2010–2011	90.70	73.38	NA
2011–2012	81.95	NA	NA

Social Welfare Homes Under Mass Education Extension Department (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	322.95	682.45	1624.94
2008–2009	552.03	463.25	467.57
2009–2010	523.51	508.22	355.84
2010–2011	376.85	457.96	NA
2011–2012	776.63	NA	NA

Introduction and Expansion of Probation System Under West Bengal Children Act, 1959 (in ₹ lakh)			
Year	BE	RE	AE
2007–2008	3.4	3.4	5.62
2008–2009	3.6	3.8	7.18
2009–2010	5.64	10.25	11.39
2010–2011	11.33	12.4	NA
2011–2012	14.03	NA	NA

# **PART 2**

## **Study on Implementation of ICPS & Juvenile Justice System in West Bengal**



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# STUDY ON IMPLEMENTATION OF ICPS & JUVENILE JUSTICE SYSTEM IN WEST BENGAL

The Integrated Child Protection Scheme (ICPS) was developed as part of the Eleventh Five Year Plan as a comprehensive scheme to address child protection in India. It is expected that the scheme will create a system based on cardinal principles of ‘protection of child rights’ and ‘best interest of the child’.

The ICPS objectives are to contribute to the improvements in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children.

These are to be achieved by:

- (i) improved quality and access to child protection services;
- (ii) increased public awareness about the reality of child rights, situation and protection in India;
- (iii) clearly articulated responsibilities and enforced accountability for child protection;
- (iv) established and functioning structures at all government levels for delivery of statutory and support services to children in difficult circumstances;
- (v) introduced and operational evidence based monitoring and evaluation.

## Specific Objectives

- To institutionalise essential services and strengthen structures
- To enhance capacities at all levels
- To create database and knowledge base for child protection services
- To strengthen child protection at family and community level
- To ensure appropriate inter-sectoral response at all levels
- To raise public awareness

The ICPS focuses its activities on children in need of care and protection and children in conflict and contact with the law.

Prevention of abuse, violence and exploitation of children wherever they are, is the basic approach of the scheme. In this, it is a departure from the earlier approach wherein schemes were designed to address needs of children once they have fallen out of the protective net – i.e, become trafficked children, reached the streets or become child labourers.

The other approaches include promoting family based care; endeavour to bring services closer to vulnerable children and families for increased access. Provision of services on the basis of an individual care plan, established through professional assessment, an interface with various sectors, including health, education, judiciary, police, and labour, among others, the scheme would strive to integrate service provisions into a range of services, decentralised planning and implementation of child protection services at the State and district level based on specific needs, developing close working relationships, information sharing and strategy building between government structures, civil society organisations including corporate and communities.

A key aspect of this scheme is the setting up of the juvenile justice system and its proper implementation. This is a centrally sponsored scheme with contribution from both the State and the Centre. The scheme is to be implemented at the State, District, Block and even the Panchayat levels. It is therefore important to track the flow of the financial resources at every level.

To begin with an attempt was made to track the flow of financial resources for the ICPS at every level. In December 2009, WB signed a memorandum of understanding (MoU) with the Ministry of Women & Child Development for implementing this scheme. However, it was found that its implementation was at a very nascent stage. Hence, it was decided that the study would undertake a financial tracking of ICPS, but concentrate on the implementation of the Juvenile Justice System (JJS), which is a part of ICPS. The study was divided into two parts:

- i. **Present status of the ICPS in WB:** Attempts are made to study the status of the scheme in terms of different stages of initiation, such as, signing of the MoU with the GoI; status of formation of bodies and their composition; recruitment and training of staff; situation of infrastructure, financial allocation and the process of fund transfer for effective implementation of the scheme.

- ii. Review of existing schemes/programmes under the Juvenile Justice System (JJS) in WB:** The second part of this study aims at reviewing the overall implementation status of the juvenile justice system in WB. With the JJS being implemented in WB much before ICPS was planned, an attempt is made to assess the activities carried out, identifying the gaps and shortcomings in the system and/or administration processes that hinder implementation of the programmes and realisation of objectives of the JJ Act.

Apart from the above, an attempt is made to study the functioning of Child Line separately as one of the important agencies or as crucial service providers under the JJS as well as for the implementation of ICPS.

West Bengal (WB) shares its border with Bangladesh, Nepal and Bhutan. It is therefore a destination for a lot of children from across the borders. The State also shares its border with four Indian States namely Odisha, Bihar, Jharkhand and Assam. Children from these States also are found in WB, which is an important destination for trafficked children as also a transit location which trafficked and migrating children are taken. The State is a supplier of cheap child labour for various small industries and domestic work across the country.

There are 5,51,584 child labour in the State<sup>55</sup> and 15,000 children are to be found on the streets of Kolkata.<sup>56</sup> There are 25,413 children missing from the State (the number is second highest in the country) during the period 2008–2010.<sup>57</sup>

Besides this during the period of study fierce political movement on the issue of Gorkhaland, peasant movement on the issue of land acquisition in Nandigram and Singur and Maoist Insurgency in the western districts of the State regularly made thousands of children vulnerable and unprotected. The natural disaster in form of cyclone (AILA) made thousands of families vulnerable and homeless in Sundarban region which in turn leave children unprotected.

In WB the ICPS supports the following components:

### Service Delivery Structure

- State Project Support Unit
- District Child Protection Societies in 19 districts
- State Child Protection Society
- State Adoption Resource Agency (SARA)

### Care, Support and Rehabilitation Services

Twenty-four Open Shelters in Urban and Semi-Urban Areas—these are presently functioning under the Integrated Programme for Street Children (IPSC)

### Family-based Non-institutional Care

- Sponsorship and Foster Care Fund in 19 districts
- After Care Fund in 19 districts
- Adoption Coordinating Agency (ACA)
- Specialised Adoption Agencies (SAAs)

<sup>55</sup> National Sample Survey, 2009–2010.

<sup>56</sup> Substance use, sexual abuse and HIV/STIs among street children of Kolkata city: study by National Institute of Cholera and enteric diseases.

<sup>57</sup> Missing Children of India: A study by Bachpan Bachao Andolon, source: <http://bba.org.in/images/Synopsis.pdf>



### **Institutional Services**

- Maintenance grant to 18 existing government run Homes
- Maintenance grant to 21 existing NGO run Homes
- General grant-in-aid to support need based/innovative interventions

### **Statutory Support Services**

- Child Welfare Committees in 19 districts
- Juvenile Justice Boards in 19 districts

### **MoU on ICPS between the GoI and the GoWB<sup>58</sup>**

Conditions laid in the MoU between the President of India and the Governor of WB for the implementation of the ICPS regarding the transfer of fund from the Central government to the State and Districts, cost sharing ratio, formation of implementation structure at State level are as follows:

The State will develop an implementation schedule so as to ensure the following structures are set up within a period of three months from the date of signing of the MoU:

- State Child Protection Society
- State Adoption Resource Agency
- Juvenile Justice Board in each District
- Child Welfare Committee in each district
- Special Juvenile Police Unit in each District and designated Child Welfare Officer in each Police Station

### **The Fund Flow Pattern for ICPS from Centre to State and Districts**

ICPS is a centrally sponsored programme implemented through the State Government with bulk financial assistance from the Central Government. The scheme is implemented with the following cost sharing ratios between the Centre: State/NGOs:

- 90:10 for all the components for the State
- 90:10 for all the scheme components with NGO participation will be continued
- 100 per cent funding by the Centre to the Childline services
- 100 per cent funding by the Centre to all structural mechanisms and services under the Government of India like NIPCCD and its Regional Centres, Central Adoption Resource Agency, Central Project Support Unit, and State Project Support Unit
- 35:65 for the State for regulatory bodies provided for under the Juvenile Justice Act, i.e., Juvenile Justice Boards, Child Welfare Committees (CWC) and Special Juvenile Police Units
- 75:25 for other structural components in the States

<sup>58</sup> Memorandum of Understanding between president of Indian and the governor of the State of West Bengal for the implementation of centrally sponsored scheme. Source: [wcd.nic.in/icpsmon/pdf/MoA/wbdttd11122009.pdf](http://wcd.nic.in/icpsmon/pdf/MoA/wbdttd11122009.pdf)

**TABLE 1 ||** Details of Allocation and Release of Fund for ICPS for the State of West Bengal 2009–2010 to 2011–2012 (in ₹ lakhs)

Component	2009–2010			2010–2011			2011–2012		
	Central	State	Total	Central	State	Total	Central	State	Total
Service Delivery Structure									
State Project Support Unit (SPSU)	13.11	0	13.11	8.53	0	8.53	0	0	0
District Child Protection Societies (DCPS) in 19 Districts	102.62	34.20	136.82	8.72	2.91	11.63	0	0	0
Child Protection Society (SCPS)	16.5	5.5	22	72.12	24.04	96.16	0.57	0	0.57
State Adoption Resource Agency (SARA)	4.37	1.45	5.82	3.29	1.06	4.25	0	0	0
Care Support and Rehabilitation Service	–	–	–	–	–	–	–	–	–
Open Shelters in Urban and Semi Urban Areas	235.61	26.18*	261.79	228.84	25.43*	254.27	608.87	67.65	676.52
Family based non-institutional care	–	–	–	–	–	–	–	–	–
Sponsorship and foster care fund in 19 districts	–	–	–	–	–	–	–	–	–
After care fund in 19 districts	–	–	–	–	–	–	–	–	–
Adoption Coordinating Agency (ACA)	3.15	0	3.15	0.98	0.11*	1.09	5.87	0.65	6.52
1 Existing Specialized Adoption Agencies (SAA)	5.47	0.61	6.08	7.53	0.84*	8.37	NA	NA	NA
14 new Specialized Adoption Agencies	0	0	0	NA	NA	NA	80.43	8.94	89.37
14 SAA already formed and five new SAA	NA	NA	NA	52.45	5.83	58.28	NA	NA	NA
Institutional services									
Maintenance grant for government run homes	47.08	47.08	94.16	NA	NA	NA	139.30	46.43	185.73
Maintenance of 18 existing govt. run homes + upgradation of 4 government run homes and non recurring and recurring grant for 13 specialised unit for children with special need	NA	NA	NA	123.16	41.05	164.21	–	–	–
Maintenance grant for NGO runs homes	45.68	45.68 10.16*	101.52	NA	NA	NA	408.94	136.31	545.24
Maintenance of 25 NGO run home + upgradation of 1 NGO run home + non recurring and recurring grant for 9 specialised unit for children with special need	NA	NA	NA	135.75	45.25**	181	–	–	–
Statutory Support Service	–	–	–	–	–	–	–	–	–
Child Welfare Committees (CWC) in 19 districts	14.63	27.18	41.81	25.7	47.74	73.44	31.73	58.93	90.66
Juvenile Justice Board (JJB) in 19 districts	12.64	23.47	31.11	20.72	38.47	59.19	23.75	44.11	67.86
Total	500.86	221.51**	717.37	687.69	232.73**	920.42	1299.46	363.02	1630.66
Less unspent balance of central share for previous year	NA	NA	NA	500.98	NA	NA	93.94		
Net Total (Central share released)	500.86			186.83			1205.52		

Source : Letter no. 14-28/2009-CW-II, Government of India, Ministry of Women and Child Development dated 15/3/2010, 22/11/2010 and 7/3/2012

\*share of NGOs, \*\*both State and NGO share



The Principal Secretary of the State Department of Women and Child Development is the nodal officer for the implementation of the ICPS. The Principal Secretary prepares and submits annual financial proposal to the Central Government which is approved by the Project Approval Board meeting. If approved the Central Government releases central share for the implementation of the ICPS to the State in the bank account of the State Child Protection Society (SCPS). The GoWB has to release State share of fund for the ICPS to the bank Account of SCPS. The central fund will come in two installments each year.

The State Society in turn will release fund to the District Child Protection Society (DCPS) for the implementation of the ICPS.

Utilisation Certificates for the ICPS fund need to be submitted from the District Society to the State Society and from State society to Central and State Government.

From 2009-2011, a total ₹1048.69 lakhs was released (including Central and State share) for the implementation of the ICPS in WB. But in this period ₹1018.533 lakhs was utilised and ₹30.157 lakhs remained unspent.

Although not seen in Table 2, in 2011–2012, WB could not utilise ₹15 lakhs of the fund released for the implementation of the ICPS.<sup>59</sup>

**TABLE 2** || Allocation and Expenditure in the State of West Bengal for Integrated Child Protection Scheme During 2009–2010 to 2011–2012

Year	Fund released by central Government (in ₹ lakh)	Fund Released by State Government (in ₹ lakh)	Total Fund Released (in ₹ lakh)	Total Fund Utilized	Percentage of Fund Left Unspent
2009–2010	500.86	218.55	719.41	250.363	65.19
2010–2011	186.83	142.45	329.28	768.17	–
2011–2012	1205.52	363.02	1568.54	–	–

*Data Source: Annual Report 2010–2011, Department of Women and Child Development and Social Welfare, Government of West Bengal*

## Status of Implementation of Integrated Child Protection Scheme in the State of West Bengal

As per the MoU the following statutory bodies, Units and Agencies has been constituted in all the 19 districts of West Bengal.

- State Child Protection Society (one at State level)
- District Child Protection Society
- Child Welfare Committee
- Juvenile Justice Board

<sup>59</sup> As per the minutes of the 44th Project Approval Board meeting on ICPS in West Bengal held on 6 July 2012. Source : <http://wcd.nic.in/icpsmon/pdf/PAB-Minutes/Final%20Minutes%20PAB%20meeting%20West%20Bengal%202012-2013.pdf>

According to the government, though the State and District Child Protection Society (DCPS) have been formed, it is not functional due to non-recruitment of most of the sanctioned staff.<sup>60</sup> Till the end of March 2011, the Special Juvenile Police Unit had not been formed in three districts namely Birbhum, Bankura and Darjeeling.<sup>61</sup> As per the minutes of the 5th PAB meeting held on 26 October 2010, the GoWB states that it has Special Juvenile Police Units (SJPU) in each of the 19 districts. But during our visit to the districts police headquarters of Birbhum (August, 2012), Murshidabad (September, 2012) and Jalpaiguri (September, 2012) we found no SJPU to be functional. In Murshidabad and Jalpaiguri district, we found one officer of DSP rank district who is working as nodal officer in the case of Juvenile Justice.

It was found that instead of appointing a District Child Protection Officer (DCPO), an official such as the District Social Welfare Officer was given the additional charge of DCPO, often along with being the Child Marriage Prohibition Officer as well as Domestic Violence Prohibition Officer, the requirements for which is mandated by the respective laws dealing with these subjects.

Only 12 Specialised Adoption Agencies (SAA) were constituted in West Bengal till March 2011 in 11 district among the 19 districts of the State.<sup>62</sup>

The District Project Officer of Integrated Child Development Scheme (ICDS)<sup>63</sup> of Murshidabad held the additional charges of District Social Welfare Officer, District Child Protection Officer (DCPO) under the ICPS and Child Marriage Prohibition Officer.

The District Child Protection Society (DCPS) was formed and in his capacity as the DCPO, he was the member secretary of that society. The DCPS had been registered; a bank account had been opened and had received funds as well. But the DCPS was not functioning as the staff recruitment had not been done. At the time of our meeting, he had been able to organise two meetings of the DCPS. According to him, in the absence of human resources and infrastructure, the implementation of ICPS in the district is limping, as was the case with Juvenile Justice. He clearly said that he could not concentrate on working on ICPS because he has too many responsibilities.

In Birbhum too the DSW held the additional charge of DCPO and Child Marriage Prohibition Officer. At the time of our visit in August, the District Child Protection Society in Birbhum<sup>64</sup> had been formed but not functional due to lack of staff. But regular meeting of the committee had been held.

According to the District Social Welfare Officer (DSW) who is also the Member Secretary of District Child Protection Society (DCPS), the DCPS was formed in Birbhum District but it is not operational due to delay in recruitment of Required staff. One training of the DCPS members had been conducted by the overnment with support from Jayprakash Institute for Social Change a Non–

60 Minutes of the 44th PAB meeting under the ICPS –WB, dated 6 July 2012.

61 As per the Details of Child Welfare Officer (CWO) in West Bengal given in the website of West Bengal Police three districts --Darjeeling, Birbhum and Bankura --have neither any SJPU nor any designated Police officer at District Level. But officially the second officer (sub-inspector rank) of every police station is designated as Child Welfare Officer.

62 Annual Report 2010–2011, Department of Women and Children Development and Social Welfare, Government of West Bengal.

63 Interview with District Social Welfare Officer, Mushidabad on 12th September, 2011.

64 Interview with District Social Welfare Officer, Birbhum, on 16th August 2012.

Governmental Organisation on Child Protection but as per the opinion of DSW officer, regular training of this kind is needed with a concrete plan.

The implementation of the JJS in the State is dependent on the successful implementation of ICPS. It was informed by the GoWB in the 44th PAB meeting that due to shortage and non-recruitment of human resource the inspections and functioning of homes notified under JJ Act was hampered. It was informed that all homes were inadequately staffed. It was said that the Government Homes were inadequately staffed because the ICPS norms are insufficient, salaries for staff in homes were being provided by the GoWB and this has resulted in delay in creation of posts due to budgetary constraints. The State informed that they are trying to sort out these salary issues as soon as possible. They have started appointing contractual staff in homes with the appointment of counsellors under the ICPS. It was mentioned that though the Inspection Committees had been constituted for the inspections of Homes notified under JJ Act, inspections are not being conducted as per the provision of the JJ Act as there was a dearth of personnel and most officers were holding additional charge. The Child Development Project Officers had been promoted in most districts for the task and did not have the requisite time for inspections of JJ Homes, as a result of which, regular inspections were not being conducted.<sup>65</sup>

## Juvenile Justice

In 1959 the GoWB passed the WB Children's Act, 1959. It was the first legislation in the State to recognise any person less than 18 years old as a child. Special provisions were made for care and protection of 'Neglected Children' and 'Juvenile Delinquents' namely 'Juvenile Court', Borstal School, Reformatory School and Industrial School. The main objective of the Act is to ensure care and protection for the children who were either neglected or had committed an offence. The idea which was initiated by the WB Bengal Children's Act later came in a more comprehensive form with a rights based approach as the JJ Act, 1986 which was the Central Act. In 1989, the General Assembly of United Nation adopted the United Nations Convention on the Rights of the Child (UNCRC) which sets an international standard of child rights. GoI ratified the UNCRC in 1992.

The JJA Act, 1986 was reviewed in 2000 and a new legislation, the Juvenile Justice (Care and Protection for Children) Act, 2000 was passed by the Parliament. This Act was further amended in 2006 and then in 2011. The GoWB formulated rules under the JJ (Care and Protection for Children) Act, 2000 in 2003 and 2009.

The JJ (Care and Protection for Children) Act, 2000 was enacted to consolidate and amend the law relating to Juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation.

<sup>65</sup> Minutes of the 44th PAB meeting on ICPS with West Bengal held on 6th July 2012.

The responsibility of implementation of this Act vests with the State government. In WB, the Department of Women and Child Development and Social Welfare (WCDSW) is the nodal department.

There are different centrally assisted schemes run by the GoWB to ensure protection for children. Among these schemes and programmes 'A Scheme of Cottages for the Welfare of Destitute Children' is the oldest and the ICPS is the latest. These schemes and programmes assist the implementation of the JJ Act in the State. There are also statutory bodies like Child Welfare Committee and JJ Board constituted under the mandate of JJ Act. There are also the four categories of homes for children.

But in spite of all these legal, institutional and programmatic provisions, the number of unprotected children is huge in the State. This study is an effort to look into the enforcement of the legal provisions for the protection of the children focusing mainly the implementation of JJ (Care and Protection for Children) Act, 2000 and ICPS in WB to determine the challenges of ensuring protection of children.

## Structure of Implementation of Juvenile Justice (Care and Protection for Children) Act 2000 in the State of West Bengal

GoWB has a Department of Women and Child Development and Social Welfare. This department has the overall responsibilities of the implementation of the Act. The department has a Directorate of Social Welfare which has the responsibilities of implementing the schemes and programmes for child protection which support the implementation of this Act.

At the district level, the implementation of the schemes and programmes related to child protection is the responsibility of the District Social Welfare Officer. The District Social Welfare Officer is supported by the Block Social Welfare Officer in each of the blocks.

There is a centrally assisted scheme called 'A Programme for Juvenile Justice' which has 50 per cent Central assistance. The financial allocation under this scheme comes under the following budget heads in the State budget:

- Scheme for prevention and control of Juvenile Social Maladjustment
- Grant-in-aid to Voluntary Organisations for Services for the Children in need of Care and Protection
- Establishment and maintenance of homes under JJ Act run by the government<sup>66</sup>
- Reception-cum-founding home at Sukanya
- Home for Non-Delinquent Children under Borstal School Site
- After-care Home for Ex-inmates of Reformatory, Industrial and Borstal School at Benjatia House
- Composite Reformatory Industrial and Borstal School

<sup>66</sup> It is difficult to identify the particular home and the district from the detailed demand for grants heads.

- Care and after-care institution at Lilluah
- Destitute home for Boys at Kadai, Murshidabad
- Destitute Homes for Boys at Birbhum and 24-Parganas
- Destitute Homes for boys
- Girls Home in the periphery of Gop Palace
- District shelters, after-care homes and rescue homes
- Destitute Homes for Girls

The Scheme 'A programme for Juvenile Justice' supports the following components of the implementation of JJ (Care and Protection for Children) Act, 2000.

- Establishment and running of JJB and CWC in each district of the State.
- Establishment and running of the Government Homes notified under Juvenile Justice Act.
- Providing assistance to the NGOs for the running of Homes notified under Juvenile Justice Act.

The State government provides ₹500 to the every member of CWC and JJB including chairperson of JJB for every sitting. In the State, CWC sits for 3 days in a week while JJB sits for 5 days in a week. The travel allowances are not provided. The Principle Magistrates of JJB are separately paid as all Principal Magistrates of JJBs are appointed on a part time basis in addition to their duties in either session of metropolitan court of the respective districts.

Both in the case of government run or NGO run homes notified under JJ Act, the GoWB is allocating ₹1100 per child per month for their upkeep. In this ₹1100, ₹250 was contributed by the GoI before the ICPS norms were formulated.

As per the norms of the ICPS, the implementation and fund disbursement structure for JJ Act are supposed to be different. The control is supposed to under the State and the District Child Protection Society. These bodies were not fully functional in WB till 2011.

**TABLE 3** || Allocation and Expenditure in the State Budget for the Schemes Related to the Implementation of JJ Act, 2007–2008 to 2011–2012 ( in ₹ lakh)

Programmes	2007–2008			2008–2009			2009–2010			2010–2011		2011–2012
	BE	RE	AE	BE	RE	AE	BE	RE	AE	BE	RE	BE
Scheme for prevention and control of Juvenile social maladjustment	291.20	294.00	246.22	305.00	507.00	328.27	698.61	837.56	467.59	717.64	420.39	534.08
Grant-in-aid to voluntary Organisations for services for the children in need of care and protection	465.15	440.00	391.67	578.00	578.25	427.20	610.26	594.26	592.93	660.26	644.26	760.29
Establishment and maintenance Government run Homes under Juvenile Justice system	346.00	354.95	357.36	375.00	388.75	406.21	567.05	552.75	577.92	608.15	626.29	689.62

## Status of Implementation of JJ Act in WB

For the study, we interviewed the Chairperson of the Child Welfare Committee (CWC), Member of Juvenile Justice Board (JJB), Coordinator of Child Line, Child Welfare Officer of one Police Station and visited one NGO run Girls Home. The findings are given below.

### Child Welfare Committees and Juvenile Justice Boards

According to the Department of Social Welfare, GoWB, there is one CWC and JJB in each of the 19 districts of the State, including its capital, Kolkata. The CWC and JJB members are selected for three years term by a Selection Committee present in every district.

Murshidabad is the most important district for Child Protection as it shares its border with Bangladesh and Jharkhand. It has high incidence of child labour, child trafficking and child marriage. On paper, Murshidabad has a CWC and JJB in place and has also constituted its District Child Protection Society. It has a Child Line with one nodal and two collaborative agencies. There was a JJB and CWC selection committee in the district chaired by the District Magistrate.

At the time of our first visit in July 2011, the CWC was not functioning. A peculiar situation prevailed. The CWC members had stopped attending the sittings and three of its members had resigned but the Government hadn't accepted their resignations.<sup>67</sup>

The CWC in Murshidabad sits in Ananda Ashram (Children's Home for boys) in Behrampur, the district head- quarter. According to the District Social Welfare Officer (DSW), the CWC members

<sup>67</sup> The information collected about CWC Murshidabad from the Coordinator of Child Line(Nodal) Murshidabad and the District Social Welfare Officer.

were not attending the sittings every day, although the CWC attendance register showed full attendance and the Government was paying the sitting fees to the members.

Realising what was happening, the DSW had issued a written order to every CWC member including the Chairperson and the Superintendent of the Ananda Ashram that all the CWC members must also sign home visitor book, which is kept at the entrance of the home, when they come to sit at the CWC. This would enable the cross checking of the records. The CWC members refused to do this and instead decided to hold a *dharna* to protest against this decision. This protest was covered by media.<sup>68</sup>

The Chairperson and the two members of the CWC had also resigned as part of this protest. According to the DSW, they had not been given one month notice and would not heed to the request of district authority to continue until the new members were selected and appointed. Although their resignations were yet to be accepted by the district administration, the 2 members and chairperson had stopped coming and were not involved in any work. The two remaining members of the CWC were coming to the sittings very irregularly. As a result the children and their families were being produced before the DSW who said he was being forced to pass orders in the absence of a functioning CWC. He admitted he was passing these orders based on his individual judgement and wisdom with no hearing from the children and no enquiry about the situation. In the absence of CWC, the DSW had already passed four orders on his own but now he is not willing to go any further.

Even while we were visiting the DSW in Murshidabad, there was a case of a girl who was found un-protected at a bus stop and was taken to the government run girls home for safe custody. The parents of the girl had been traced but were unable to take their child back, as without a CWC it is not possible to issue the release order for the girl.

Till September 2011 there was no functional CWC in the district. A new CWC was constituted in November 2011.

During the study we visited the JJB of Kolkata, Murshidabad, Birbhum and Jalpaiguri. In all these four districts we found that the JJB sits for half day from 2:30 pm to 5:00 pm for five days in a week because the Principal Magistrate attended the normal court in the morning and then came to the JJB.

At the time of our visit to the JJB in Murshidabad, the Principal Magistrate was alone on the Board. One of the social workers was seriously ill and another resigned. The Principal Magistrate had been there for only two and half month. She attends the JJB after completing her work as Judicial Magistrate in Behrampur court. The JJB runs six a week from 2:30 pm to 4:30 pm.

At the time of this study (in September, 2011), the Principal Magistrate<sup>69</sup> said that the number of pending cases in Murshidabad were 500. On an average, 13-14 cases are placed every day before the JJB. Among these cases 3-4 cases are new and are referred to the JJB by the District Court and 9-10 cases are pending.

<sup>68</sup> Interview with District Social Welfare Officer, Murshidabad on 12th September 2011.

<sup>69</sup> Interview with Justice Ishita Roy, Principal Magistrate, Juvenile Justice Board, Murshidabad.



According to her, there were a number of cases of abduction or kidnapping of minor girls for marriage by minor boys (25–30 per cent). Cases of infiltration from Bangladesh were 5–10 per cent of the total cases. There is no counsellor in the JJB nor are there probation officers to prepare the enquiry report. The magistrate argued that since the age limit is upto 18, many persons were taking advantage of that. According to her there is no difference of mental status between 17, 18 and 19 but if the person is below eighteen they have the advantage of the JJ Act.

Kolkata has an active CWC, JJB, Child Line, SJPU (Protection of Women and Children Cell at Lalbazar Police Head quarters).

We sit every day and get almost 500 cases a month. Our CWC has no staff support and thus it almost impossible to run the work, preparing the enquiry report, counselling of the children and completing the legal formalities. The only financial support CWC receives from the state Government is the sitting fees for the chairpersons and members.

*Chairperson of a CWC, Kolkata*

Two JJBs in Kolkata were visited and it was found that although the working time of the JJB is from 10 am to 4 pm every day, the Magistrate on most of the days was available at the JJB from 2:30 pm because they needed to attend the regular court in the morning.

A member of the JJB in Kolkata said that non-availability of social investigation reports and late reporting by probation officers in cases of children from other States as well as the part time availability of Principal Magistrate and non-availability of counselling services for the children in conflict with law, hampers the implementation of the Act. This causes pendency. The State Legal Aid Services are not prompt in their response to providing legal aid for Juveniles in Conflict with Law. She has found that the Police are not very sensitive about the Juvenile in conflict with law and this is reflected in their actions.

She also added that many Juveniles in Conflict with Law (JCL) brought to the JJB are actually children in Need of Care and Protection (CNCP). But often they are not identified as CNCP and not sent to the CWC but instead produced before the JJB.

The CWC, Birbhum sits for five days a week at the Asha Short Stay Home, Suri. But the CWC face number of challenges, the most important of them being the non-availability of a home where the children can be placed for safe custody. Besides there is no infrastructure, transport or staff support available for the CWC. This affects the effective functioning of the CWC.<sup>70</sup>

The JJB sits five days in a week at the Collectorate office complex in Suri. This was set up in 2009. Prior to this, the children had to be sent to the JJB that sat in Salt Lake, Kolkata. There is one Principal Magistrate who works as part timer and two members. One of the members of the JJB is a woman. Like the CWC, the JJB too is constrained by the lack of Observation or Special homes. The Police Department is not sensitive about the issue of juvenile justice and child protection and thus a number of cases were not forwarded to the JJB.<sup>71</sup>

<sup>70</sup> Interview with Ms. Sanjukta Bhattacharya, the Chairperson of Child Welfare Committee, Birbhum, on 16th August 2012.

<sup>71</sup> Interview with Ms. Saswati Saha, the member of Juvenile Justice Board, Birbhum, on 17th August, 2012.



## Observation Homes and Children's Homes

The GoWB has registered 18 government managed homes and 28 NGO managed homes under the JJ Amendment Act, 2006. Each of them has also been notified under one or more sections of the aforesaid Act so that they may function as Observation Home, Special Home, Children Home and Shelter Home.<sup>72</sup>

The Additional Director, Directorate of Social Welfare said that there were no separate homes demarcated as Children home, Special home or Observation home. There are eight homes in all in the State, in which both categories of children, those in need of care and protection (CNCP) as well as those in conflict with law (JCL) were made to live together. What is often done, if more space is available, the space for the two categories of children is demarcated within the same premises.

Besides the salary and establishment costs, the State government allocates ₹1100 per children per month in every home, which is much higher than the norms set up of the Central Government in ICPS schemes. There is an arrangement for the education of the children in every home upto primary level. The CNCP children often go to the local schools for study. We have different indoor games and television in home for the recreation of the children. But we don't have much arrangement for vocational training of the children.<sup>73</sup>

There are three districts in West Bengal namely Darjeeling, Birbhum and South 24-Parganas which have no home of any category and that creates a tremendous challenge for the CWC, JJB and Police Department of those districts to arrange safe custody for the children of both CNCP and JCL categories. Particularly JCL children, whose cases are pending with JJB need to be kept in Observation home. In the absence of Observation home in respective districts it becomes a challenge for Police Department to escort and bring the children to JJB for every hearing from the observation home of neighbouring districts (if there is any).

Kolkata District has one government run observation home for boys and 7 NGO run shelter home notified under the JJ Act.

Murshidabad has one Observation and after-care home for girl and one Observation and Special home for boys. The girls home, Shilayan which houses the observation home, children's home and after-care is located at Panchanantala, Behrampur. Since this used to be a Borstal Jail for the children under the Children's Act 1960, it is still known to the local people as Borstal Jail.<sup>74</sup> This is the only girls home in Murshidabad notified under the JJ Act.

The home has a good infrastructure with wide open space, gardens and open ground which has grown into a jungle of sorts due to neglect. The home has a primary school inside for the resident girls.

<sup>72</sup> Annual Report 2010–2011, Department of Women and Child Development and Social Welfare, Government of West Bengal.

<sup>73</sup> Interview with Additional Director, Directorate of Social Welfare, Department of Women and Child Development and Social Welfare, Government of West Bengal.

<sup>74</sup> Interview with Assistant Superintendent, on 12th September 2011.

The home has the capacity to accommodate 250 girls. However, at the time of visit in September 2011, there were only 123 girls are living in the home. There are around 25 girls who are of observation category, 4 girls in after care and 4–5 girls have pending cases.

There are 30–32 staff members in the home. The only resident staff are the caretakers and the security. None of the other staff, including the Superintendent and the Assistant Superintendent, live on the campus.

The home has no counsellors. One part time doctor visits twice in a week. A regular pharmacist mostly handles the medical treatment of the residents.

All the girls study in school, either in the primary school which is inside the compound or they go to a high school which is outside. Only those girls whose cases are pending in court, are not allowed to go outside. They work in the weaving and printing unit of the home which was started running when the home was functioned as Borstal Jail.

The home receives ₹1100 per child per month from the government. This includes the cost of infrastructure maintenance. Besides this, the home also receives salaries for the staff. The requirement for the home has to be sent in the beginning of each financial year in a prescribed format to the DSW. On the basis of that plan and budget, money is allocated for that home. The money is then reimbursed to them three times in a year in three installments. The last financial audit for this home was undertaken in 2002.

According to the Assistant Superintendent, most of the children who are under observation are early marriage victims or Bangladeshi migrants.

Children were sent to Shilayan by the CWC. But since in September 2011, the Murshidabad CWC was not functioning for last four months, children were being sent either by the orders of the DSW or one of the two members of the CWC who had not resigned. The non-functioning of the CWC meant that the girls inside the home who could have been released were still forced to live inside the home. At the time of visit, there were 4–5 girls according to the Assistant Superintendent who could be released, but with the CWC not sitting, their release orders were held up.

In the absence of probation officers, home enquiry and follow-ups remain pending even when the CWC is active.

A Shelter Home run by All Bengal Women's Union in Kolkata was visited.<sup>75</sup> There were 90 girls less 18 years old staying in this home. However, they receive government support for 75 children only. While the girls were children in need for care and protection (CNCP), this home also houses female Juveniles in Conflict with Law (JCL) on a short term basis. At the time of our visit there were five such girls. There were 15-18 staff in the home to look after the children. The staff included superintendent, house mothers, cooks and helpers. There is also a visiting doctor and counsellor for the children.

<sup>75</sup> Visited on 29th June 2011.

The home had a play ground and primary school inside its premises. All the children of the home received primary education from the school free of cost. This school which was run by the same NGO received no support from the government. The home also provides vocational training to the children in craft making, block printing and bakery

There is always much noise in the media on the issue of children running away from the Government homes. But if you look in to the matter you would find that no CNCP children ever run away from any home. The JCL children are those who run away and that is because of their criminal nature. Besides we cannot make our homes like jails. That is not permissible.

*A Government official*

#### THE STATESMAN

##### **Bengal's shame: 50 children in jail**

Date – 20th April, 2012

KOLKATA , 20 APRIL: There may be as many as 50 juveniles currently held in adult correctional facilities in West Bengal, according to a public interest litigation filed today in the High Court by the Commonwealth Human Rights Initiative (CHRI).

"They are all people we have interviewed and claim to be juveniles," said Ms Madhurima Dhanuka, consultant at CHRI. Some say they are 17, others 15 or 16, she said. One juvenile claims he is just 12 years old.

The Kolkata High Court has issued notice to the State Human Rights Commission and the Department of Social Welfare, she said. "They noted it is a very serious matter, and something should be done as soon as possible."

#### THE INDIAN EXPRESS

##### **HC directs release of juvenile prisoners from two jails**

Date – 5th May, 2012

KOLKATA: The Calcutta High Court on Friday directed the release of all juvenile prisoners from Dum Dum and Presidency jails after producing them before the Juvenile Justice Board. The Division Bench also directed the state Government to financially compensate the juveniles for the period of their "illegal detention" according to the legal provisions.

Hearing on a petition filed by Commonwealth Human Rights Initiative (CHRI), a human rights group, which stated that around 50 juveniles under-trials were illegally lodged in the two jails. According to the petitioner, neither the police, public prosecutor nor magistrates examined the age of the juveniles. The High Court also asked the IG (Prison) to file a report on the detention of the juveniles in all the jails across West Bengal within a week.

Source : <http://www.indianexpress.com/news/hc-directs-release-of-jvenile-prisoners-from-two-jails/945532>

According to an official of the Social Welfare Department, the trainings for the staff for the implementation of the JJ Act are organised with the support of NGOs like Jayprakash Institute for Social Change, CINI-ASHA and Socio Legal Aid Research and Training Centre. However, what the staff of government run homes lack most is motivation. Because they are employed by government and are assured job security, they cannot be fired from their jobs for their lack of performance. They felt that the NGO runs homes function better because the staff know they can lose their jobs if they do not perform their tasks.

There is no home at all in Birbhum district notified under JJ Act. There is a Social Welfare home which runs under the Mass Education Extension Department of the GoWB. Since this home is not notified under JJ Act, it cannot keep the children referred by the CWC. Hence the CWC is forced to send children needing shelter to the homes in Bardhaman, Murshidabad or Maldah which is a big challenge in the absence of transport or staff support available for the CWC.<sup>76</sup>

<sup>76</sup> Interview with Ms. Sanjukta Bhattacharya, the Chairperson of Child Welfare Committee, Birbhum, on 16th August 2012.

The situation is even more difficult when the child in question is mentally disabled and there is no home available even in the neighbouring districts where such a child can be placed.

Since there is no Observation home in Birbhum, children are housed in the Observation Homes in Murshidabad. This means that children have to be taken from the home to the JJB for hearings every week. In the absence of transport provided to the homes or the JJBs the children are taken by public transport. For fear that the children may run away, the police travel with the child in uniform and handcuff them, contravening the JJ Act.

## Special Juvenile Police Unit

According to the official response, there are Special Juvenile Police Unit in every district and in every police station there was one police officer designated as Juvenile Welfare Officer.

### THE STATESMAN

#### **No designated juvenile justice officer**

Date – 20th April, 2012

Many police stations in Kolkata have failed to take seriously a Supreme Court order last year that they must have a designated juvenile justice officer.

Officers at police stations also continue to ignore the Juvenile Justice (Care and Protection of Children) Rules 2007, which state that the names and contact details of these juvenile justice officers – also known as child welfare officers – should be “prominently displayed in every police station”.

Central police stations like Shakespeare Sarani, Park Street, Hare Street and New Market do not have the name of the juvenile justice officer and contact details on display.

At the New Market police station, the police constables on duty said they did not have a juvenile justice officer. The officer-in-charge at New Market, Mr S S Biswas, first said they did not have a juvenile justice officer, but later changed his mind and said “I am not authorised to tell the name”. He finally named one constable but said The Statesman could not talk to him about procedures in place to deal with juveniles.

The juvenile justice officer at the Hare Street police station said that he hadn’t been given any training, somebody else was sent in his place as he was on leave. A duty officer at Girish Park police station said they have a juvenile justice officer but was unavailable as he was on his rounds.

Duty officers at Phoolbagan police station and Jadavpur police station also said they do not have a juvenile justice officer. At Behala police station, a lady sub-inspector was quickly identified as the juvenile justice officer, and said she had training two months ago to deal with “children in need of care and protection.”

An official at the juvenile justice cell at Lal Bazar, which falls under the Women Grievance Cell in the Detective Division, said, “There are 26 police stations, and there are 26 juvenile justice officers.” She directed further questions to the Joint Commissioner (Crime), Mr P K Ghosh, who was unavailable to comment today.

In October 2011, the Supreme Court issued an order that all police stations across the country should have a juvenile justice officer to deal with children who come into contact with the law.

As per the Police Order No.: 10/05 The district level Women Grievance Cells are ordered to be re-named as the Protection of Women and Children Cell which is supposed to work as Special Juvenile Police Unit (SJPU) at district level as per the JJ Act, 2000. As per the minutes of the 5th PAB meeting held on 26th October 2010, the GoWB reported that it has set-up SJPU in each of the 19 districts.

There is no SJPU in Murshidabad district.<sup>77</sup> The Deputy Superintendent of Police (DSP) is the nodal officer and the 2<sup>nd</sup> officer of all the 24 Police Stations had been designated as the Juvenile Welfare Officer. The DSP said that although he was the nodal officer in charge of JJ, he did not even have a copy of the JJ Act and neither he nor the designated officers in the police stations had undergone any training on Juvenile Justice. In the absence of adequate knowledge of the law, in most of the cases involving juveniles the police refer to IPC provisions and the major/minor definition according to IPC. In fact he corroborated what the JJB Principal Magistrate said about the cases reaching the JJB on being sent there from the District Courts. Age of the children in most of the cases is determined by the school leaving certificate. However, as in the case of Murshidabad late admission in school is common and the children's age is not properly recorded in school records. After medical examination or ossification test, doctors sometimes give six year range in the age instead of two making it very difficult to determine the age of the juvenile.

On our visit to the Districts Police Headquarters of Birbhum (August, 2012), Murshidabad (September, 2012) and Jalpaiguri (September, 2012) we found that despite these districts having SJPUs as per the government records, there was no functioning SJPU. In Murshidabad and Jalpaiguri we found one officer of DSP rank working as nodal officer in the case of Juvenile Justice.

The DSP in charge of JJ in Murshidabad clearly said that the JJ Act was seldom used by the police at the thana level, as most of them were not aware of its provisions. The police found it much easier to use IPC provisions.

One of the Juvenile Welfare Officers said that police officers in Kolkata rarely got training on the JJ Act while they required special training on Juvenile Justice and techniques of dealing with children.<sup>78</sup>

#### THE TIMES OF INDIA

#### **Tainted juvenile official denied bail**

Date – 11th September, 2012

BEHRAMPORE: The chief judicial magistrate on Monday rejected the bail plea and ordered 14-day judicial custody for Malay Chandra Aich, the district juvenile probationary officer who was arrested on Sunday after a 14-year-old rape victim brought charges of sexual harassment against him.

About a month ago, the girl was raped by a 17-year-old in Choan village under Hariharpara police station. Since both were minors, the case was handed over to the juvenile justice board. After Aich took over the investigation, he went to the girl's house a number of times and asked all family members to leave the house to facilitate investigation. He even called the victim to his office thrice. On each occasion, he allegedly molested the Class VII student and threatened her.

"We had thought this officer had come to our house to help. We had no idea about rape investigation. So, we left home as per the officer's instruction. He sexually harassed our daughter thrice in the name of inquiry," the victim's mother alleged on Monday.

Criminal lawyer Pijush Ghosh condemned the assault saying: "Based on the victim's complaint, police have framed charges under sections 376, 511 and 506. It's a shame that law-keepers have started violating law. I have no word to condemn it." Advocate Pannalal Mukherjee echoed, "The officer knows the law and broke it, so he must be strictly punished. Otherwise, common people will lose hope on our judicial system."

Source : [http://articles.timesofindia.indiatimes.com/2012-09-11/kolkata/33761902\\_1\\_14-day-judicial-custody-juvenile-justice-board-judicial-system](http://articles.timesofindia.indiatimes.com/2012-09-11/kolkata/33761902_1_14-day-judicial-custody-juvenile-justice-board-judicial-system)

<sup>77</sup> Interview with Mr. S. K. Roy Chowdhury, Deputy Superintendent of Police, Murshidabad, on 13th September 2011.

<sup>78</sup> Interview with 2nd officer of Maliktala Police Station other officials of the same police station on 24th June 2011.

## CHILDLINE in West Bengal

Child Line is a unique programme to support children in need of care and protection in India. It is a 100 per cent centrally assisted programme. It has a toll free telephone line which is active in every district of India where any person including children can ask for support for those who are in need of care and protection. From 2009, the GoI supports the Child Line through the ICPS. The total fund was transferred to the Child Line India Foundation (CIF). The CIF in turn provides funds to the Nodal and collaborative agency of Child Line in every District.

The Child Line Functions in the 17 districts of West Bengal.

CINI-ASHA is the nodal Agency for Child Line in Kolkata.<sup>79</sup> It runs one short stay home for children at 37, Bengal Pottery Road, Kolkata. Eastern Zonal Office of Child Line India Foundation supports City Level Plan of Action for Street and Working Children as a Nodal Agency for Child Line in West Bengal. CINI-Asha receives ₹9, 00,000 annually to run the Child Line in Kolkata.

It receives about 200–250 calls in a day. Most of the calls come from Police, NGOs and common citizens. Of course, sometimes children call too. If they receive any call for assistance and the child needs to be rescued, they keep him/her in the short stay home, and produce them before the CWC, conduct enquiry about the parents and home of the child. They even escort the child back to the family.

The short stay home is not supported by any government fund. According to the co-ordinator, the funds received from Child Line India Foundation is not enough to run all the services they are supposed to provide, particularly for conducting the enquiry about the missing children and for the restoring the children to their homes. They had no fund support for a vehicle while they always need transport facilities for tracing, tracking or rescuing children in distress. The Kolkata Child Line also conducts awareness programmes in the community and with the police though they have very limited fund support for that.

CINI-ASHA is district child line nodal agency in Murshidabad from November 2004. Palsa Pally Unnayan Samiti is the collaborative agency and Shahid Khudiram Pathagar is the service provider. Despite this, the number of Child Line affiliated organisations are much less than required in respect to the 26 blocks of Murshidabad. Districts like Birbhum<sup>80</sup> and Bankura have no Child Line Services available till date.

<sup>79</sup> Interview with co-ordinator of Child Line Run by CINI-ASHA in Kolkata, on 27th June 2011.

<sup>80</sup> Interview with Ms. Sanjukta Bhattacharya, the Chairperson of Child Welfare Committee, Birbhum, on 16th August 2012.

**HAQ**: Centre for Child Rights, formed in 1998, works towards the recognition, promotion and protection of rights of all children. It aims at contributing to the building of an environment where every child's rights are recognised and promoted without discrimination and in an integrated manner. HAQ believes that child rights and children's concerns have to be mainstreamed into all developmental planning and action and must also become a core development indicator.

To carry forward this mandate, HAQ undertakes research and documentation and is actively engaged in public education and advocacy. In India, HAQ pioneered the Budget for Children analysis in 2001. Over the years, it has developed skills for quick and incisive scanning of law and policy documents and commenting on them. It works with existing networks, builds alliances and partnerships with other actors/ stakeholders such as the bureaucrats, parliamentarians, judges and lawyers, police and media.

HAQ seeks to serve as a resource and support base for individuals and groups dealing with children at every level. It not only provides information and referral services but also undertakes training and capacity building for all those working with children or on issues concerning them, and for the children themselves.

HAQ works on children and governance, violence and abuse of children, child trafficking and juvenile justice. It provides legal support to children in need, particularly those who are victims of abuse and exploitation or are in conflict with the law.

## **PUBLICATIONS:**

Children and Governance (2012) | India – Child Rights Index. (2011) | Twenty Years of CRC – A Balance Sheet (Volumes I, II and III) (2011) | Budget for Children, set of seven publications on child budget analysis for India, Andhra Pradesh, Assam, Himachal Pradesh, Orissa, Uttar Pradesh and West Bengal (2009) | Kandhmal's Forgotten Children: A Status report | India's Childhood in the "Pits": A Report on the Impacts of Mining on Children in India | Blind Alley: Juvenile Justice in India (2009) | National Consultation on 'Countering Challenges in Adoption: Combating Child Trafficking' (2009) | Proceedings of the International Colloquium on Children and Governance: Holding the State Accountable (2009) | Still Out of Focus: Status of India's Children (2008) | Handbook on Children's Right to adequate Housing | Combating Child Trafficking | Budget for Children, set of four publications on child budget analysis for India, Andhra Pradesh, Himachal Pradesh and Orissa (2007) | Child Protection (A Handbook for Panchayat at Members in English and Hindi) | Status of Children in India Inc. (2005) | Says a child... Who Speaks for My Rights? (A series of booklets analysing parliamentary questions and debates from 2003 to 2007 in English and Hindi) | Stop Child Trafficking (A Handbook for Parliamentarians) | Children in Globalising India: Challenging our Conscience (2003) | Children Bought and Sold: We can stop It! (Booklet on Child Trafficking in Hindi and English) (2003) | Children and Right to Adequate Housing: A Guide to International Legal Resources (2002) | India's Children and the Union Budget (2001)

### **HAQ: Centre for Child Rights**

B 1/2, Malviya Nagar, Ground Floor  
New Delhi - 110017, India

Phone: 91-11-26677412/3599 | Fax: 91-11-26674688

Email: [info@haqcrc.org](mailto:info@haqcrc.org)

Website: [www.haqcrc.org](http://www.haqcrc.org)

### **Society for People's Awareness (SPAN)**

66/2, Sarat Chandra Dhar Road,  
Kolkata - 700090, India

Phone: 91-33-2564-3305, 91-33-2566-3709

Email: [info@spanvoice.org](mailto:info@spanvoice.org)

Website: [www.spanvoice.org](http://www.spanvoice.org)