CHAPTER IV
THEORETICAL OVERVIEW OF INSTITUTIONAL SERVICES FOR CHILDREN IN NEED OF CARE & PROTECTION IN KERALA

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CHAPTER IV
THEORETICAL OVERVIEW OF INSTITUTIONAL SERVICES FOR CHILDREN IN NEED OF CARE AND PROTECTION IN KERALA

4.1 Introduction

Many tasks requiring great planning and foresight have been confronting India since the attainment of freedom in 1947. One of these is the care and education of socially and otherwise handicapped children who are underfed. Inadequately clothed and deprived of even the minimum care and opportunities needed for their physical, mental, emotional and spiritual growth. Unfortunately India had a large number of such children and the leaders of the nation in making projects for the all round development of the country had to pay great attention to this aspect of the society and as a result several “Child - Care” institutions have come up. Long before this problem was officially taken up, there had been a good number of voluntary organizations doing this work even when the country was under British rule. The problem is an old one and at no stage it could be entirely ignored by the leaders of the country.

The category of children who experience abuses and neglect from own family or are deprived of family and parents fall into the total care of welfare organizations. This system of institutionalization may be interpreted as defamilization in the sense that children represent themselves rather than being a member of the family. Welfare institutions in the true sense are expected to
protect and care the child on one hand and on the other hand equip them in all positive ways to face the challenges of the world outside. In Kerala such neglected and abandoned children are either protected by Children’s Homes run by the government or by NGOs functioning in different names such as Balasadan, Orphanages, Poor Homes, etc.

As the present study is focusing on the effectiveness of institutional care in protecting the best interest of institutionalized children, it is necessary to understand the theoretical framework of institutional care in both government and non-government sectors, i.e. to find out how these institutions are expected to function as per the laws and rules. This is the first objective of the study. In this chapter the researcher tries to do justice to the first objective.

4.2 Government Sector

Children’s Homes in the government sector are expected to perform as per the Juvenile Justice Act. Before elucidating this Act the history of Children’s Acts is very briefly looked into so that the significance of Juvenile Justice Act becomes apparent. Children’s Acts were enacted long back in different states for the treatment and protection of young offenders and the custody, trial and punishment of the Juvenile delinquents. Examples of such critical acts are Madras Children’s Act of 1920, Bengal Children Act of 1922, Bombay Children’s Act of 1924 and the like. Later all States passed Children’s Act. Besides Juvenile delinquents these Acts also dealt with neglected, destitute and socially handicapped children, victimized children
and uncontrollable children. These acts suffered from many deficiencies as there was no uniformity regarding certain aspects such as upper age limit in defining a child, provisions for juvenile courts, criteria and norms regarding staff and programmes in the institutions, minimum standard of basic needs and separation of neglected children from delinquents.

These acts were replaced by a single act called Juvenile Justice Act of 1986 which covered the whole of India except Jammu and Kashmir. An important feature of 1986 Juvenile Justice Act is that it provides a differential approach in dealing with ‘Neglected Juvenile’ as opposed to the ‘Juvenile Delinquents’. This law has separate provisions for dealing with both categories of children. The 1986 Juvenile Justice Act underwent various amendments and as per the 2000 amendment, each state is expected to come up with their own rules based on the provisions in the Act regarding the functioning of Juvenile Justice System. Today Juvenile Justice System is separated from the Prison Department (from 1975 onwards) and is under the Social Welfare Department. This department has framed a “Hand Book to Juvenile Justice Functionaries” which deals with “The Kerala Juvenile Justice (Care and Protection) of Children Rules 2003.

The new Juvenile Justice Act, 2000 is progressive, child related legislation and its preamble invokes the U.N. Convention on the Rights of the Child. The main features of the new act are that the Act covers all children below 18 years, the definition of a Child in Need of Care and Protection has been expanded to include children who are victims of any armed conflict,
civil commotion or natural disaster, adoption has been brought under the purview of this act with special focus on de- institutionalization, and setting up of special Juvenile Police units, Juvenile Justice Boards. Child Welfare Committee and Social Investigation Report from Probation Officer or NGOs. Besides, complete separation of the ‘Child in Conflict with Law’ from the ‘Child in Need of Care and Protection’ is envisaged. The new act gives ample scope for civil society to play a more active role in the administration and delivery of Juvenile Justice. The admission of Children in Need of Care and Protection to Children’s Home and the management of Children’s Homes are to be done as per the rules under this Act.

4.2.1 Functioning of Children’s Home under the Juvenile Justice Act

Children’s Homes run by the government in Kerala are regulated by the Juvenile Justice Act. This act lays down various provisions for dealing with Children in Conflict with Law and ‘Child in Need of Care and Protection. As the present study is concentrating on the later section alone, only provision for dealing with them and maintenance of homes for them are focused and described in this chapter. It is in the light of this theoretical information that the performance of Children’s Homes is analysed in the later chapters. This Act defines a Child in Need of care and Protection as “a child who is found without any home or settled place or abode and without any ostensible means of subsistence (Destitute), child facing cruelty from parents or guardian, mentally or physically challenged child, a child whose parents are unfit, orphan, abused or exploited, child vulnerable to drug abuse, likely to
be abused and a child who is a victim of any armed conflict, civil commotion or natural calamity

4.2.2 Provisions of the Act

4.2.2.1 Child Welfare Committee

A child in need of care and protection is to be admitted into the Children’s Home by the Child Welfare Committee. The act entitles the government to appoint a Child Welfare Committee consisting of a chairperson and four other members of whom at least one shall be a woman and another, an expert on matters concerning children. The members of the committee shall be selected from a panel of ten members of whom three shall be women, prepared by the District Judge in consultation with the District Collector and the panel shall remain valid till the expiry of the period of the committee. The chairperson shall be a law graduate and shall have five years experience in the respective field and also have experience in the field of child welfare. The chairperson should also have either of the following qualification such as special knowledge of social work, child psychology, education, sociology or home science or a teacher, doctor or a retired public servant or social workers of repute. The other members shall be graduates and should possess similar qualifications mentioned above.

Any child in need of care and protection shall be produced before the committee by any police officer, special juvenile police unit, public servant, child line, any social worker or a public spirited citizen or a child himself or herself. Any of these mentioned categories of people can produce a child
before the committee with a report of the circumstances under which the child was received within the shortest possible time, but not later than twelve hours of reception, excluding the journey time. For children below five years the person or organization shall send a written report along with photograph of the child within twenty four hours of reception, excluding journey time after admitting the child in a nearby fondling home or a placement agency.

On the production of the child before the committee, the committee shall initiate an enquiry into the child’s circumstances and after the enquiry, if the committee is of the opinion that the child has no family or ostensible support it can order for retention of child in the Children’s Home. The committee shall carry out an annual review of the progress of the child in the home. If the committee is satisfied that the child can be corrected and rehabilitated at his home surroundings with or without additional non institutional services the committee can order the release of the child with his parents or guardian or fit person or fit institution, as the case may be and give them suitable direction. Moreover whenever any case of child in difficult circumstances comes to the notice of the committee directly, it can issue proper orders for the best interest of the child such as adoption, foster care, appointment of guardian and institutionalization of the child under the provisions of the Act.

4.2.2.2 Management of Children’s Home

The act entitles the government to establish and maintain either by itself or in association with voluntary organization Children’s Homes for
children in need of care and protection, in the manner specified below, namely

- Children of both sexes below ten years of age may be kept in the same home.

- Separate Children’s Home shall be set up for boys and girls above ten years and also separate facilities to be maintained for the age group of ten to fourteen and fourteen to eighteen years of age considering their physical growth and maturity.

Every new child who is brought to the home, shall immediately be taken charge of by the counsellor, child welfare officer, designated officer, as the case may be and treated with dignity and love and that the child must be given an orientation to remove any inhibition from the mind of the child. The child shall be given facilities for bathing, clothing, food and accommodation and his or her name is to be entered into the admission register and a case file be maintained with photograph.

4.2.2.3 Children’s Home - A Comprehensive Child Care Centre

As per the Act, the primary objective of Children’s Home shall be to promote an integrated approach towards child care by involving the community and local NGOs. The activities of the center shall focus on the following areas.

- Family based services such as foster care, adoption and sponsorship.

- Specialised services in conflict or disaster affected areas such as family counselling, peer groups, etc.
• Provision of Child line and emergency outreach services.

• Linking up with ICDS to cater to the needs of children below six years.

• Establish linkages with organizations and individuals who can provide support services to children. These centers shall encourage volunteers to provide for various services for children and families to become foster parents or sponsors

4.2.2.4 Facilities in Children’s Home

There should be separate facilities for children below and above five years. Children between five and ten years should be given separate dormitories for boys and girls. There should be adequate lighting, ventilation, heating and cooling arrangements, drinking water and toilets in terms of age appropriation and hygiene. They have a daily routine to follow. Each child is to be given a wooden cot, two bed sheets, to be renewed every one year and a bed to be renewed every three years. They are to be given two pairs of dress at the time of admission and one pair to be renewed every four months. Further they are to be given washing soap twice a week, washing soda, fire wood once in a week, toilet soap once a month and coconut oil 30 ml thrice a week.

The children are to be provided nutritious food as per the diet scale prescribed in the Sub Rule (9) of rule 15 of the Act. The Children’s Home shall have the medical facility preferably with doctor and nurse. All children brought into the home shall be medically examined initially within twenty four hours of arrival. Routine medical check up of children must be done on a
monthly basis. The medical record of each child shall be meticulously maintained in the file of the child.

4.2.2.4.1 Educational Facility

The home shall provide educational facilities to all children according to their age and ability, either inside or outside the home, as per regulation. In ‘each Children’s Home there shall be a school to provide education up to and including 7th standard for the general education of the children detained therein. The provisions of ‘The Kerala Education Rules’ apply to the schools attached to theses homes. General education up to Std IV shall be compulsory to all children. Those who fail in VIIIth standard and those who do not show any aptitude or progress in their study may be exempted from study under orders of superintendent. Those who desire to raise their education level shall be encouraged and outstanding students must be given facilities for higher education. The superintendent shall watch the progress in study and conduct of children. He shall have the power to stop sending children for higher studies who misbehave, show escaping tendencies and the like. No children studying in outside schools who fail in the annual examination shall ordinarily be allowed to continue his studies at government expense. But if their parent, guardian or sponsor is willing to meet the expenditure, then he or she may be allowed to study further.

4.2.2.4.2 Vocational Training

Each home shall provide facilities for useful vocational training under the guidance of trained instructors. The home shall develop networking with
Institution of Technical Instruction (ITI), government and private organizations, enterprises, agencies, non-government organizations with expertise or Placement Agencies. Each Children’s Home shall be treated as an Industrial Training Institute. Each Children’s Home shall have at least one trained instructor to impart training on selected vocational trade and inmates shall be prepared for appearing the Industrial Training Institute Certificate Examination. The class and various technical sessions shall function in shifts and shall be properly equipped with training aids, classrooms and other necessities. Each Children’s Home shall also provide facilities for computer training based on the norms of National Council for Vocational Training. The staff appointed shall be qualified persons as per National Council for Vocational Training Norms. Whenever possible juveniles above fourteen years shall be provided with opportunity to perform remunerated work, if possible within the local community

4.2.2.4.3 Other Facilities

Under the head of other facilities the rule says that each home shall have the services of a trained counsellor. Services of Child Guidance Centers, Psychology and Psychiatric. Departments or similar agencies may also be availed. The recreational facilities must include indoor and outdoor games, music, television, picnics, outings, cultural programmes, annual sports and arts day celebrations, family get-togethers and the like. This Act also calls for a Care Plan for each child. The in charge counsellor along with the child welfare officer, case worker or social worker shall prepare a care plan for
every child in the Home. The care plan shall be reviewed from time to time for appropriate development and rehabilitation including options for restoration to family, foster care, adoption and review shall not be delayed beyond a year. The focus should be on providing family and community based reintegration programmes. Children should be consulted while determining their care plan. Modern computer technology may be made applicable in keeping all the case files of the children maintained in the Children’s Home.

4.2.2.4.4 Rehabilitation and Social Integration

For the rehabilitation and social integration of the children the act provides for various provisions such as Adoption, Foster care, Sponsorship and After Care Homes.

4.2.2.4.4.1 Adoption

The children who are orphaned, abandoned, neglected and abused can be adopted under the Act. The guidelines for such adoption shall be issued by the government from time to time. The guidelines so issued shall form part of these rules. Further the guidelines on adoption issued by the Central Adoption Resources Agency shall be followed. Government shall recognize Children’s Home or government run homes as adoption agencies for in - country adoption. Any child declared as legally free for adoption by the Child Welfare Committee can be given in adoption. The Act also describes the procedure for adoption.

4.2.2.4.4.2 Foster Care

The Act also has provision for giving the child in foster care. Any
person desirous of giving foster care shall submit to the competent authorities an application in the prescribed form. The temporary foster care period shall not exceed four months. The short term foster care shall be carried out as given in sub section (2) of section 42 of the Act by the competent authority under the supervision of a probation officer, case worker or social worker. The total period of short term foster care shall not exceed five years unless extended by the competent authority. The Act also lays down the duties and responsibilities of foster care parents.

4.2.2.4.4.3 Sponsorship

Sponsorship services shall be considered to supplement the resources of the child and his or her parents or guardian so as to support efforts to re-integrate the child into the community and finance his or her education, vocational training, health care or to supplement the family income to encourage parents or guardian to fulfill their responsibility to the child. The government shall also permit individuals, institutions, corporate sectors, financial institutions, industries and so on to sponsor these activities for the benefit of children in the institutions established under the Act.

4.2.2.4.4 After Care Organizations

The government shall establish such number of after care institutions as they may find necessary for the after care and rehabilitation of the juveniles and children discharged from institution or children under supervision of probation officer or other fit person. The government may also give recognition to institutions run by after care organization, association or
society. After care organizations are to take care of Juveniles or children after they leave special Homes and Children’s Homes. The diet, bedding, clothing, medical facilities and other services of these homes shall be the same as specified for a Special Home under the Act. The Government shall also provide necessary staff in the same pattern of a special home for the administration and management of an after care home. The programmes under the scheme shall include continuing of education, training with sponsorship support till the completion of the course, facilitating employment generation and physical and psychological re-integration for these youths would be a key programme. A permanent qualified full-time counsellor shall be appointed in the Home. Under him a peer counsellor would also be available for youth at these homes. The probation officer or the case worker shall prepare and submit a report regarding the necessity and nature of after care assistance required by the juveniles at the after care Homes.

4.2.2.4.5 Shelter Homes

The Government may support creation of requisite number of Shelter Homes or Drop - in - center through the voluntary organization, local bodies for children in need of care and protection. The existing social welfare institutions for women and children shall also be treated as shelter homes for the purpose of this Act. Such homes should have minimum facilities of boarding, lodging, basic needs and also facilities for education, vocational training, and recreation as well. The child shall be retained there temporarily for four months. By then he or she should be placed in a home or rehabilitated, if not the case shall be referred to the committee.
4.2.2.4.6 Visitors Book

A visitors book shall be maintained at every institution, in which the persons visiting shall record the date and purpose of visit and remarks or suggestions, if any. The officer-in-charge shall forward a copy of every such entry to the Director of Social Welfare with such remarks as he may desire to offer explanation.

4.2.2.4.7 Grievance- Redressal Mechanism

A complaint box shall be placed in one of the dormitories of each juvenile justice institution. The box shall be opened twice in a month and proper action will be initiated for the redressal of the grievances.

4.2.2.4.8 Library

There shall be a library for stock and issue of books required for the inmates in every institution. The Deputy Superintendent shall be in charge of the library.

4.2.2.4.9 Scout Unit

According to the Act, a scout unit may be started in each Children’s Homes. The expenditure towards registration fee, uniform to the scouts and so on shall be met by the government. The physical training instructor or any teacher or vocational instructor or caretaker trained in scouting may be designated as Scout Master also.

4.2.2.4.10 Maintenance of Registers

The Officer-in-charge shall maintain in the office such register and forms as may be prescribed by the Act and Rules.
4.2.2.4.11 Religious and Moral Instruction

The religious observances of the children shall be duly respected. The selection of moral and religious instruction shall be made by the superintendent and entrusted duty with the approval of the Director of Social Welfare.

4.2.2.4.12 Institutional Organization

The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and requirements of programmes. The regular staff in a home may consist of superintendent, probation officer, para medical staff, administrative staff, caretakers, store keeper, cook, helper, washer man, gardener etc or any other staff as the government may prescribe from time to time. The part time staff include doctors, psychiatrists, psychologists, occupational therapists, yoga teacher, music teacher and other professionals as may be required from time to time. The number of posts in each category of staff shall be fixed on the basis of capacity of the institution. The suggested staff pattern for a Children’s Home is as mentioned below
### Table - 4.1

<table>
<thead>
<tr>
<th>Sl.no</th>
<th>Designation</th>
<th>Number of Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Superintendent</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Deputy Superintendent –cum Headmaster</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>District Probation Officer Grade-III/Case worker</td>
<td>4(one for each 25 inmates)</td>
</tr>
<tr>
<td>4</td>
<td>Care Takers</td>
<td>10(one for each 10 inmates)</td>
</tr>
<tr>
<td>5</td>
<td>P.D./Literacy Teacher</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>Hindi Teacher</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Vocational Instructor</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>Doctor</td>
<td>1(part-time)</td>
</tr>
<tr>
<td>9</td>
<td>Psychiatrist</td>
<td>1(part-time)</td>
</tr>
<tr>
<td>10</td>
<td>Psychologist</td>
<td>1(part-time)</td>
</tr>
<tr>
<td>11</td>
<td>Male/Female Nurse</td>
<td>1(Deputation from Health Department)</td>
</tr>
<tr>
<td>12</td>
<td>Store-keeper/U.D.Account</td>
<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Lower Division Clerk</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>L.D.Typist</td>
<td>1</td>
</tr>
<tr>
<td>15</td>
<td>Head Clerk</td>
<td>1</td>
</tr>
<tr>
<td>16</td>
<td>Cook</td>
<td>3</td>
</tr>
<tr>
<td>17</td>
<td>Santititation Worker-Cum-Pump operator</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>Music Teacher</td>
<td>1</td>
</tr>
<tr>
<td>19</td>
<td>Physical Education-Cum Yoga Teacher</td>
<td>1</td>
</tr>
<tr>
<td>20</td>
<td>Gardner</td>
<td>1</td>
</tr>
<tr>
<td>21</td>
<td>Peon</td>
<td>1</td>
</tr>
<tr>
<td>22</td>
<td>Night Watch Man or Woman</td>
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</tbody>
</table>

Source: Handbook of Juvenile Justice Functionaries
4.2.2.4.13 Training of Personnel

All the institutional staff (other than the administrative staff) is to be provided training as prescribed by the Act. Even the ministerial staff is to attend one week training. The training are to be given on various areas such as Counselling and Guidance, Case Work Methods and Intake Procedure Juvenile Justice Act and Rules, Behaviour Management Techniques, United Nation’s Standard Minimum Rules for the Administration of Juvenile Justice and United Nation’s Rules for the Protection of Juveniles deprived of their liberty, etc. Training is given only to permanent staff.

4.2.2.4.14 Balasabha

There shall be a Balasabha constituted in a representative manner for ten juveniles and the members of the Balasabha shall elect a leader or convener from among themselves. Case worker or probation officer shall be the patron of the Balasabha. The Balasabha shall convene monthly meetings and discuss all matters affecting the children and also their grievances.

4.2.2.4.15 Openness and Transparency

All the Children’s Homes shall be open to visitors with the permission of superintendent particularly the representatives of Local Self Government, voluntary organizations, social workers, researchers, medicos, academicians prominent personalities, media and any other person, as the superintendent considers appropriate keeping in view the security, welfare and interest of the children.
4.2.2.4.16 Miscellaneous

The Chapter VI of the Rules titled Miscellaneous deals with some other facilities and provisions with regard to the institutions under Juvenile Justice Act. Some of those Provisions are applicable for the Children’s Home as well.

4.2.2.4.17 Recognition of Fit Person or Fit Institution

Any suitable individual or a suitable place or institution, the occupier or manager of which is willing temporarily to receive a juvenile or child in need of care and protection or treatment for so long a period as may be necessary, may be recognized by the Competent Authority as Fit Person or Fit Institution. A list of names and the address of such persons and institutions approved by the competent authority shall be kept in the office of the Juvenile Justice Board or Child Welfare Committee and shall be used when necessary. Efforts shall be made to identify and recognize institutions, which meet the specialized needs of all categories of children and inmates shall be referred to these institutions, if found necessary.

4.2.2.4.18 Social Auditing

The Government shall monitor and evaluate the functioning of the Children’s Homes annually with the help of leading organization working with children, besides, autonomous bodies like National Institute of Public Co-operation and Child Development, ICCW, ICSW, Indian Social Institute, Institute of social Defense, Child Line Foundation of Social Defense, Schools of Social Works, Social Welfare Boards, etc. Social Audit shall include a
program audit as well as review of progress of all children in care such as incoming and outgoing children, rehabilitated children and children residing within institutions as supervised by monitoring and evaluation committees

4.2.2.4.19 Inspection, Monitoring and Evaluation

The Director of Social Welfare and any other officer authorized by him shall enter into the premises of any Children’s Home for the purpose of inspection of such institutions. The Programme Development and Monitoring cell, The District Advisory Committee, Local Government Authorities shall inspect, monitor and evaluate institutional and non-institutional programmes on Juvenile Justice Administration. The inspection shall not be a fault finding process, it shall be constructive.

Those working in the field of juvenile justice need to be conversant with all the relevant rules, existing in government and departmental guidance and instructions. In order to facilitate the process, The Programme Development Monitoring Cell under the Juvenile Justice Administration of Social Welfare Department has complied the Juvenile Justice Kerala Rules, important court decisions and other Government Orders and administrative instructions. This publication covers all the areas of Juvenile Justice System and is capable of ensuring smooth functioning of the system. Effectiveness of the administrative system in implementing these rules is analysed in the next chapter.

4.3 Non-Government Sector

The care and protection of socially and otherwise deprived children is a
problem that is very old in India. Long before this problem was officially taken up, there had been a good number of voluntary organizations doing this work even when the country was under the British control. Later NGOs were formed in large numbers and began to play an established role in development. They also filled the gaps created by the government sector. But the non-government sector lacked coordination and organization which in turn gave rise to other problems. The Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 is an important step in tackling this difficulty and bringing about co-ordination among them.

This Act extends to the whole of India except the state of Jammu and Kashmir and has come into force in Kerala on 01.07.1962. This Act is meant for any institution whether called an orphanage, a home for neglected women or children, a widows home or by any other name, maintained or intended to be maintained for the reception, care protection and welfare of women or children. According to this Act, The State Government, by notification in the Official Gazette shall establish a Board of Control for Supervision and Control of Charitable Homes in the state.

4.3.1 Provisions under the Act

This Act does not lay down any direct rules for the administration and functioning of charitable homes. Instead, the Act calls for the establishment of a Board of Control for Orphanages and other Charitable Homes in all states and lays down various provisions for the functioning of this Board and gives necessary guidelines and powers for this Board to frame rules for controlling the administration and functioning of these homes.
4.3.1.1 Board of Control for Orphanages and Other Charitable Homes

The state Government may, by notification in the Official Gazette, shall establish a Board of Control for Orphanages and other Charitable Homes in the state. The Board shall consist of the following members- Three members of State Legislature, five members of the managing committees in the state, the officer in charge of Social Welfare work in the state and six members to be nominated by the State Government, of whom not more than one shall be a Member of Parliament from the state and not less than three shall be women. The chairman of the Board shall be elected by the members of the Board from among themselves. The term of office of a member of the Board shall be five years. A casual vacancy in the Board shall be filled by fresh election or nomination.

It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act, and exercise such other powers, perform such other functions as may be prescribed by or under this Act. The Board has the power to give directions to the manager of a recognized home and also power of inspection of homes.

4.3.1.1.1 Recognition of Homes

After the commencement of this Act no person shall maintain or conduct any home except under and in accordance with, the conditions of a certificate of recognition granted as per this Act (by the Board) The Certificate of Recognition shall specify.
- The name and location of the recognized home.
- The name of the manager thereof.
- The nature of the home, whether for women generally or for widows or for children generally or for orphans or for one or more of these classes.
- The number of inmates to be taken by the home.
- The minimum standards regarding boarding, lodging, clothing, sanitation, health and hygiene with regard to the conditions of the locality in which the recognized home is situated and its resources should be combat within the home.
- The standard of education or training to be provided for the inmates of the home, in case the education or training of its inmates is undertaken.
- Such other conditions and particulars as may be prescribed.

Without the previous written consent of the Board, no recognized home shall change its name or locality or purposes of service.

4.3.1.1.2 Management of Recognised Homes

Chapter II of the Act deals with the rules regarding the management of homes. According to the Act, there shall be a managing committee in charge of the management of every home and the members of the committee shall appoint a member of the committee as the manager. The constitution powers and functions of the managing committee and the term of office of the member there of shall be such as, may be provided in the constitution pertaining to such a home.
4.3.1.1.3 Duty of Manager

It shall be the duty of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders there under in respect of every women or child admitted to the home until the women is rehabilitated or the child completes age of eighteen years or until the certificate ceases to have effect.

4.3.1.1.4 Discharge of Inmates

Subject to the regulations, if any made by the Board, if the managing committee of a home is satisfied that the inmates of the home have become fit to earn his or her livelihood or is otherwise fit to be discharged from the home, the manager may discharge the inmate. No female inmate shall be given in marriage or entrusted to the care of any other person unless such a female has made a declaration before the Board or an officer specified by it in this behalf that she consents to such discharge, marriage or entrustment.

4.3.1.1.5 Death of Inmates

The manager shall immediately after the occurrence of any death among the inmates of the house, send a written report there of to the Board explaining the cause of death to the best of his knowledge.

4.3.1.1.6 Powers of State Government

Chapter V of the Act, deals with the powers of State Government and powers of the Board to make rules. The State Government may issue notification in the Official Gazette to make rules to carry out the purposes of this Act. Such rules may provide for all or any of the following matters
namely- matters relating to the elections to the Board, disqualifications for membership of the Board, funds of the Board, travelling and other allowances for the Board members, appointment of staff, calling of returns and other information by the State Government from the Board of managing committees. The form in which an application for certificate of recognition may be made, the maintenance of registers and accounts by the Board and the audit of its accounts and any other matter which is to be or may be prescribed.

4.3.1.7 Powers of the Board

The Board may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act. Such regulations may provide for all or any of the following matters.

- Time and place of the meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at such meetings
- Maintenance of the minutes of meetings of the Board.
- Appointment of sub-committees and local committees and of persons by the Board.
- The supervision and control of the management of recognized homes.
- The inspection of homes
- The calling of returns and other information by the Board from managing committees.
The reception, care, treatment, maintenance, protection, training, welfare, instruction, control and discipline of inmates in recognized homes.

Visit to and communications with, inmates of recognized homes and the grant of permission to such inmates to be absent themselves for short periods.

The discharge of inmates from recognized homes, their transfer from one home to another and the reports to be sent by managers to the Board.

Any other matter in respect of which proves is, in the opinion of the Board, necessary for the efficient supervision and control of homes.

As from the date of the coming into force in any state of this Act, The Women’s and Children’s institutions (Licensing) Act, 1956 or any other Act corresponding to this Act in force in that State immediately before such commencement, shall stand repealed.

4.3.2 Rules by the Board of Control for the Orphanages and Other Charitable Homes, Kerala

Having understood the various provisions of ‘The Orphanages and other Charitable Homes (Supervision and Control) Act and the powers of the Board as granted by this Act, the researcher now considers the rules and regulations actually framed and followed by the Board with regard to the recognition, maintenance and control of orphanages and other charitable homes in Kerala. The functioning of the NGOs depend not only on these rules.
but also on the rules by the government as per the Grant-in-Aid Rules. The rules by both these authorities are incomplete. Together they cover a lot of areas concerned with the daily functioning and administration of NGOs. But the larger responsibility lies with the managing committee of each institution. They have to frame their own bye-laws that help in its own administration and in the benefit of inmates.

The Home Department of Government of Kerala issued the Government Order No. 46658/B4161/Home dated 21 June 1962 (Kerala Gazette No. 27 dated 3rd July 1962) which states as follows—“In exercise of the powers conferred by the section 1 (3) and 29 (1) of the Orphanages and Charitable Homes (Control and Supervision) Act of 1960, The Government of Kerala hereby order that the said Act shall come into force in the State of Kerala from 01.07.1962 and also issue the Rules published herewith for carrying out the purpose of this Act” Accordingly the Board of Control for the Orphanages and Other Charitable Homes was established. Formation of the Board is already explained. The thus formed Board performs the following functions.

4.3.2.1 Recognition of Homes

In order to receive recognition, the organizations should fulfill the following criteria prescribed by the Board

- Each inmate shall have a boarding facility of minimum 24 Sq. Ft.
- There shall be separate bedrooms, dinning hall, study hall, kitchen, bathrooms and toilets.
- For every 100 inmates, there should be bathrooms and toilets at a ratio
of 10:1 and in organizations having more than 100 inmates, every additional, 20 inmates shall have a bathroom and toilet.

- There should be proper cleaning and sanitation facilities
- There shall be a minimum of ten inmates.
- There shall be separate facilities for boys and girls.

If any institution fulfills the above mentioned criteria, an application for recognition can be submitted in the form prescribed by the Board. Recognition is usually given for seven years. Application for renewal of recognition shall be submitted three months before the period of earlier recognition ends in the prescribed form.

4.3.2.2 The institutions that have received recognition shall fulfill few more criteria.

- There shall be a managing committee for the administration of the home.
- There shall be a correspondent in the committee to deal with official correspondence.
- Each institution shall have an accepted constitution.
- Homes for girls or women shall be supervised by women.
- Inmates shall only be rehabilitated with family or referred to other institutions. They shall not be expelled from the homes.
- All institutions shall maintain the registers and accounts as per the Grant-in-Aid Rules.
- The name, locality or nature of any institution shall not be changed without prior consent of the Board.
4.3.2.3 Care and Treatment of Inmates

All inmates shall be segregated according to sex and age groups in each sex. Each inmate shall be provided with sufficient clothing and beddings, food and medical aid. Inmates affected by contagious or infectious disease shall be effectively isolated. The treatment given to the inmates should be suitable for the rehabilitation of each individual. Compulsory elementary education shall be given to them according to aptitude and convenience. There should be sound discipline among inmates. For this good disciplinary norms and daily programmes should be prepared and worked out by the management.

4.3.2.4 Maintenance of Registers

The management shall maintain the following registers and other registers prescribed by the Board from time to time namely

4.3.2.4.1 Admission register
4.3.2.4.2 Attendance register
4.3.2.4.3 Visitors Register
4.3.2.4.4 Log books for record of inspection
4.3.2.4.5 Minutes Book
4.3.2.4.6 Cash Book
4.3.2.4.7 Complaint Book
4.3.2.4.8 Office Order Book
4.3.2.4.9 Staff Register
4.3.2.4.9 Stock Book of ration
4.3.2.4.10 Stock Book of miscellaneous articles
4.3.3 Grant -in -Aid Rules

Apart from all above mentioned rules by the Board, institutions that receive grants from government (All institutions recognized by board are receiving grants from government) are expected to follow the instructions mentioned in the Grant - in-Aid scheme. This is known as “The Kerala Grant in Aid Rules” for the payment of Boarding grants to Orphanages and Boarding Homes for Destitute Children [Issued in the G.O.(MS) No S 376/64/Home dated 17. 08. 64 and published in Kerala Gazette No. 40 dtd . 13-10-1964]. This Grant - in - Aid is intended to encourage socially minded people to take up the work of care, maintenance and education of unprotected children to prevent them from falling into evil ways and to bring them up as useful citizens. Only orphanages and boarding homes for destitute children run by private agencies in the state of Kerala which satisfy the conditions mentioned (in rule 3) below shall be eligible for grant under these rules.

4.3.3.1 Conditions for Grant

- Only children studying in recognized educational institutions and between the ages of 5 to 21 years shall be eligible for grants

- Only those orphanages or boarding homes, where not less than 75% of the total number of inmates are undergoing education and are in the age group mentioned above will be entitled to receive grant as per these rules.

- No person other than an orphan or a destitute child shall reside in the orphanages and homes.
• The whole amount of grant shall be utilized towards the boarding charges of inmates.

• In each home, there shall be proper accommodation, sanitary arrangement and other facilities.

• In each orphanage or home there shall be a manager or managing committee to look after the affairs of the institution,

• Accounts and registers be maintained as per instructions.

• The institution shall not be in receipt of any assistance from any State or Central Government or Quasi Government for the maintenance and protection of the same children for whom maintenance grant is received from State Government. The institution may get assistance for expansion of their services and for construction of building, for accommodation for which separate accounts shall be maintained,

• Institutions receiving foreign aid shall furnish along with the application for grant, a certificate showing its details.

4.3.2.2 Boarding Charges

Boarding charges for the purpose of the Grant shall comprise only the following:

• Cost of food stuff as rice, wheat, ragi, maida ,dal ,peas, gram , vegetables, tapioca ,meat fish, fruits, sweets, chillies, coconut oil, onions, salt. coriander, tamarind , turmeric, buttermilk ,spices, milk, tea, coffee, sugar, jiggery, eggs, coconuts, ghee, mustard and garlic.
• Payment of cooks and other servants if any employed for the purpose of cooking and serving meals.

• Cost of clothing and bedding, special fees, stationary articles, books, medical aid.

• Contingencies such as fuel charges, hewing charges, cooking charges, lighting electric bills, chimneys, grinding charges, kitchen utensils, kerosene, matches, wicks, lamps, ropes, brooms, pulley, washing charges of clothes, water charges, barber charges, bathing, ST. on articles.

• Purchase of stores.

• Educational expense of inmates

• Medical expense of inmates

As per the GO (MS) No. 15/ 95/SWD, the age limit of the inmates for the eligibility of grant has been increased from 5 to 18 years to 5 to 21 years.

As per the GO No. 496 / 05 /SWD, the monthly grant for inmates has increased from 125 rupees to 150 rupees per month.

4.3.3.3 Education

As per the GO (MS) No. 18/ 2006 /SWD dated. 07.07.01, children who fail in SSLC examination are eligible for grant, for re-appearing for the same examination (a maximum of three chances) Those inmates who after SSLC are studying in the unrecognized institutions, including parallel colleges, in the event of not getting admission in recognized institutions will also be eligible for grant subject to production of certain documents as prescribed.
Further as per the GO (MS) 500/67, RD, dtd 19.10.67 any special fees paid for the inmates shall be re-imbursed to the institution.

4.3.3.4 Vocational Education

The Question of rehabilitating orphans from the various government-aided institutions in the state has been engaging the attention of the government. As a step in this direction, government has issued certain orders that give special assistance for inmates who satisfy prescribed qualifications to secure better prospects of employment and training. The important orders in this regard are:

a) G.O. (MS) 616/62/HLD dtd 23.08.1962 reserves five seats each in all Industrial Training Institute centers in the state for the boys and girls of the approved orphanages in the state.

b) GO. (MS) No.406/645/HDL. Dtd. 11/06/1964 reserves 10% of the seats for the training of pharmacists in the Medical College, Calicut for candidates from government-aided homes.

c) GO. (MS) No. 242/68) Fin. Dtd. 25 reserves seats in the polytechnics for orphan students, sponsored by approved orphanages who have got a basic training in any technical field, provided that they are eligible for admission in the polytechnics as per eligibility conditions in force. Seats are reserved as follows.

i. Textile Technology Diploma - I seat

ii. Automobile Engineering Diploma - I Seat

iii. Printing Technology Diploma - I Seat

iv. Civil Engineering and Mechanical - 3 seats.
d) 4. G.O. (MS) 365 / PD. dtd 13.09.66 gives priority for appointment through Employment Exchanges by including them as item (h) under category No. I mentioned in this order.

e) G.O. (MS) No. 266/72 /PD 07.07.72 gives age concession of 10 years over and above the existing maximum age limit prescribed for direct recruitment to posts in the various services of the state (including posts that are outside the purview of the P.S.C)

f) GO (MS) No. 29/2000, SWD Dtd. 29.11.00 has issued financial assistance for children from orphanages who have completed elementary education to pursue job-oriented courses. Fifty percent of the fees or 20,000 rupees which ever is less will be given by the government for children from orphanages to undergo job-oriented education in government quasi-government organizations or institutions run by individuals or trust with recognition of government. Ten students from each district are given this opportunity for courses that completes in two years or less than that. Rest of the fees has to be borne by the homes. This assistance is given only for those joining for courses recognized by government, and is given only once for one child.

4.3.3.5 Medical Services

The fifth conference of the Board of Control of Orphanages and other Charitable Homes has resolved that the Medical Officers of the Health Service Department may visit the orphanage once a month, arrange health
check up and give medicines to them. This matter was examined in consultation with the Director of Social Welfare and Director of Health Services and the Government in the order - G.O. Rt. No. 3637 /77/40 dtd. 25.11.77 issued that the District Medical Officers will depute Medical Officers from the nearest dispensaries or hospitals or health centers once a month to visit recognized homes and to render free medical assistance purely on honorary basis.

4.3.3.6 Visits, Communication and Absence on short Leave of Inmates

The person in charge of each home may allow visit and communication with inmates by their relatives, friends, and well wishers at reasonable times. Absence on short leave may be allowed to the inmates to go home to meet their kith and kin on important occasions. Such permission shall be granted by the management and recorded then and there in the registers.

4.3.3.7 Transfer or Discharge

Transfer from one home to another of a similar nature can be done with the mutual consent of the managers of those homes. Discharge of inmates may be done only on sufficient reason and the fact may be reported to the secretary, soon after discharge.

4.3.3 .8 Details of Staff, Vocational Training and Moral Training

The Board has not prescribed any specific rules on aspects such as number of staff, vocational training for inmates within homes, moral instruction and entertainment facilities for children. But details regarding all these aspects are to be furnished by these homes in the ‘Form- A’ prescribed
by the Board while applying for recognition. Thus it is clear that the Board allows the organizations to form their own rules and programmes necessary for the internal administration of these homes.

4.4 Conclusion

Theoretical framework for the functioning and administration of Children’s Homes in both government and non-government sectors are described in this chapter. In the Govt. sector, Juvenile Justice Act regulates all the homes. The provisions of this Act are specific, clear and cover even the minute details such as the number of staff, number of dress and other material to be given to inmates and even the interval for its renewal. But in the non-government sector, the rules by the Board, Grant in-Aid rules and also the bye-laws of each home regulates the functioning and administration of such homes. These rules are not as specific and complete as the Juvenile Justice Act. Hence unlike the government sector, one cannot expect a uniform pattern of functioning in the Non-government sector. On the basis of these facts the researcher is analyzing the actual performance of Children’s Home in both sectors in following chapters.

4.5 Notes and Reference


Development and Monitoring Cell (Juvenile Justice). Directorate of Social Welfare: Trivandrum


The Orphanages and Other Charitable Homes (Control and Supervision) Act of 1960. Centre for Legal and Development Studies: Trivandrum.