



**Inspection of Children Homes, Review of Child Labour and  
Investigation of Death of a Child in Adoption Centre in  
Thiruvananthapuram, Kerala**  
**REPORT OF DR. YOGESH DUBE**



**National Commission for Protection of Child Rights**  
**5<sup>th</sup> Floor, Chandralok Building, 36- Janpath**  
**New Delhi – 110001**  
**2012**

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## Abbreviations

ATR -	Action Taken Report
CWC -	Child Welfare Committee
DC -	Deputy Commissioner
ICDS-	Integrated Child Development Scheme
ICPS-	Integrated Child Protection of Scheme
JJ Act-	The Juvenile Justice (Care and Protection of Children) Act, 2000
NCPCR-	National Commission for Protection of Child Rights
NGO -	Non-Governmental Organisation
RTE -	Right to Education
SCPCR-	State Commission for Protection of Child Rights
SJPU-	Special Juvenile Police Unit
SMC-	School Management Committee

## Visit of NCPCR

From 30<sup>th</sup> March to 2<sup>nd</sup> April, 2012.

### 1. Team Composition

Dr. Yogesh Dube, Member- National Commission for Protection of Child Rights (NCPCR) - visited Thiruvananthapuram, Kerala from 30<sup>th</sup> March to 2<sup>nd</sup> April, 2012.

### 2. Brief Description of the Visit

The objective of the visit was to review the right rights situation in the State and investigation of the death of a child in Adoption Centre. Also visit to Children Homes in and around Thiruvananthapuram. Meeting with the representatives of NGOs working on child rights and the District Magistrate and senior officers (Labour, WCD/ Social Welfare, Education, Police and other concerned Departments) to review the child rights issues in the State.

### 3. The Tour Itinerary

Visit programme of Dr. Yogesh Dube, Member, NCPCR to Kerala, from 30.03.2012 to 02.04.2012.

#### Travel Itinerary

Date	Travel Plan/Activity
30.03.2012	<ul style="list-style-type: none"><li>• Departure from New Delhi at 05.30 p.m. (AI-465)</li><li>• Arrival at Thiruvananthapuram Airport at 10.00 p.m.</li></ul>
31.03.2012	<ul style="list-style-type: none"><li>• 04.00 p.m.– Meeting with NGOs working on child labour and other child rights issues.</li></ul>
01.04.2012	<ul style="list-style-type: none"><li>• 10.00 a.m. – Visit to Children Homes in and around Thiruvananthapuram, and tourist spots to assess the children engaged in promoting tourism.</li></ul>
02.04.2012	<ul style="list-style-type: none"><li>• 10.00 a.m. – Meeting with District Magistrate, other senior officers of Home, Education, Labour, WCD/Social Welfare and other concerned Departments.</li><li>• 02.30 p.m.- Departure from Thiruvananthapuram by AI-264 for Chennai &amp; then by AI-539 for Delhi. Arrival Delhi at 8.50 p.m.</li></ul>

#### **4. Meeting with officials of Social Welfare Department**

Dr. Yogesh Dube, Member, NCPCR met with the officials of Social Welfare Department on 31<sup>st</sup> March 2012. He had discussion regarding child labour in Kerala with Mrs. M. S. Jaya, IAS (Director, Social Welfare Department) and other officers of the Department at the Government Guest House, Thiruvananthapuram. Mrs. Jaya informed the visiting member that the Child Welfare Committees (CWCs) and Juvenile Justice Boards (JJBs) were constituted in all the Districts of Kerala. Responding to the query of Dr. Dube about the functioning of children homes and observation homes in the State, Mrs. Jaya stated that these are regularly monitored by the Department to ensure better functioning.



She also briefed about the types of cases generally presented before the Juvenile Justice Board. She further informed that some amount of ICPS fund has been received by the State.

#### **5. Meeting with the CWC, Thiruvananthapuram**

Dr. Yogesh Dube interacted with the members of Child Welfare Committee (CWC), Thiruvananthapuram. Dr. Dube (Member- NCPCR) directed constitution of an enquiry Committee, comprising of the four members under the chairmanship of Fr. James Joye SJ (Chairman, Child Welfare Committee) to inquire into the matter of death of the child in adoption centre. He insisted the committee to submit a detailed report to the Commission within 24 hours.

Discussing with them on the implementation of the Juvenile Justice Act in the District, he urged them to furnish a status report of the CWC personnel, number of sittings and status of pendency cases (as required under Sections 33(1) and 33(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000. Dr. Dube directed that the CWCs should be linked to the Department of Social Justice, ensuring regular and continuous interactions, making CWCs accountable to the Department on day-to-basis.

## 6. Inspecting the Death of a Child in Kerala Child Welfare Council

The NCPCR Member, Dr. Yogesh Dube visited the Kerala State Council for Child Welfare at Thycaud, Thiruvananthapuram to inquire into the matter regarding the death of an one and half year old child. Mr. Ramankutty (Administrative Officer of the Council) informed that the boy fell into a bucket of water which was kept in the room, and there were no Ayahs around in the room at that particular time. The Child had no parents and



was found from the “Ammathottil” (cradle baby). An Ayah in the council told that the child was alive and found immersed in water and immediately taken to the hospital. But the child died on the way to Medical College Hospital, Thiruvananthapuram. Dr. Dube inspected the kitchen of the council, where milk and other food items like Lactogen, Cerelac were prepared for the children. Then the Commission conducted an enquiry with different staff of the Council. There were 54 infant



children present in the Council.

The Council gets the grant from the following sources:

1. Integrated Child Protection Scheme (ICPS) grant of Rs. 8.1 Lakhs for 10 children
2. By selling stamps worth Rs. 2.5 crores every year.
3. Annual grant from the Indian Council for Child welfare New Delhi,



#### 4. Donations from the Public

The Specialized Adoption Agency (SAA) is located in the fourth floor of the building and there is no lift. So far there were more than 1500 children given in adoption within the country by the Council. The Council has got an Administrative Officer, 31 Ayahs, 2 Nurses, 1 Adoption Officer, etc. as Staff. None of them are permanent

Staff.

The Kerala State Council for Child Welfare has been registered on September 1960, under the Travancore Cochin Literary Scientific and Charitable Societies Registration Act, 1955. The Council has got an Administrative Council elected from the members, an Executive Committee and Standing Committee. The day to day administration and



management of the Council has been with the General Secretary of the Council.

On the direction of Dr. Yogesh Dube (Member- NCPCR), the four members Inquiry Committee under chairmanship of Fr. James Joye SJ (Chairman, Child Welfare Committee) had been formed to enquire into the matter. As the committee was expected to submit a detailed report to the Commission within 24 hours, the committee conducted a thorough enquiry and submitted the report to the Commission. The committee reported that the adoption centre severely lacks basic facilities, such as inadequate staff, safe drinking water, vehicles for meeting exigencies, training of ayahs, etc. It was reported that water being collected in buckets from nearby area. (Report of the Enquiry Committee is attached at **Annexure I**).

Dr. Dube directed the administration to take immediate steps and upgrade the facilities at Child Welfare Council and other agencies where orphan children are housed. He urged the Government to ensure posting of trained 'ayahs' at all centers. He emphasized that child's death had also turned the spotlight on the lack of adequate training for the caregivers at the centre. To remedy this all caregivers must be adequately trained on priority basis. He also directed that steps would be immediately taken to ensure that all children centres have adequate supply of drinking water.

## 7. Visit to Children Home





Dr. Yogesh Dube visited the children homes and met the staff of the institution, besides interacting with the children. There were only 37 children at the time when he visited the children home and the rest of them were on leave due to the school holidays. Then the Commission Member inspected to attendance Register of the children home.

## 8. Visit to Government Special Home

Dr. Yogesh Dube paid a visit to the Government Special Home and interacted with three Juveniles. Each Juvenile had separate rooms. This separation was made due to security of the Caretakers, who are looking after them. In one of the earlier occasions, three Juvenile attacked to a caretaker named Mr. Vinsing Albert with a cricket stump causing head injuries which required 14 stitches. One of the Juveniles showed his talent in Pencil



Drawing to the visiting member. Impressed upon the talent, Dr. Dube asked the caretakers to engage the juveniles in various extracurricular activities to explore their talents.

## 9. Visit to Government Observation Home

Dr. Dube visited the Government Observation Home where there were only two Juvenile in conflict with law. The Commission expressed good opinion about the amenities provided to them, such as the computers. However, he expressed his resentment over the locks used in the doors of Observation Home. He directed that no child must be kept locked. He told that proper care must be taken in this regard as such practice is against the law. He emphasised that the primary aim should be of rehabilitation, behavioural change and social

integration and to help in restoring the dignity and self worth and mainstream these children.

## 10. Visit to Juvenile Justice Board

The visiting member of the Commission visited the Juvenile Justice Board and interacted with the Principal Magistrates and two women members. The Public Prosecutor, Probation Officer and Superintendent of the Observation Home were also present there. There were 165 cases related to juvenile conflict with law pending before the Board. Dr. Dube emphasized on the speedy disposal of the cases so that the children get relief at the earliest. So he instructed to furnish a status report of the JJBs pertaining to pendency cases [as required under Sections 14(1) and 14(2) of the Juvenile Justice (Care and Protection of Children) Act, 2000]. He urged to make the JJB a child friendly environment and shall not look like a court room in any manner whatsoever, and the procedure and interaction with the children must be done as per the guidelines laid by the Juvenile Justice Act.



## Visit to Anganwadi Centre



Dr. Dube visited and Anganwadi Centre at Chengalchoola, under the ICDS (Urban) Thiruvananthapuram. He verified the Growth Monitoring Chart, and later enquired whether the children received the curries along with rice seen prepared in the centre. He directed the Anganwadi worker to keep the premises clean. There were 25 children and none of them were malnourished. Dr. P. Prathapan, Additional Director in-charge Department of Social Welfare accompanied the Commission during the visit to the Anganwadi centre.

## **11. Visit to CHILDLINE Office, Thiruvananthapuram**

Dr. Yogesh Dube visited the CHILDLINE office in Thiruvananthapuram and inquired about the working. He eagerly asked about the type of cases the Childline receives and the response time. The officials of childline replied that the Childline responds to the cases as well efforts are made to track the missing children. they told that a call coming into a CHILDLINE centre is attended to by one of the team members who work in shifts



of nearly eight hours each. This ensures that the calls coming in are attended to, round the clock at the phone-receiving centre. Depending on the nature of the call, be it by a child or an adult, the team member responds to it effectively. This response could be by going to meet with the child first and then linking him or her to medical help, shelter, repatriation, rescue from abuse or even intensive counseling. Dr. Dube told that the NCPCR is also planning to set up a toll-free round the clock Helpline number to register complaints related to child rights violations. Later he carefully observed how the case being handled at the childline.



## 12. Visit to Railway Station, Thiruvananthapuram

Dr. Yogesh Dube visited the railway station of Thiruvananthapuram to take a firsthand experience of the situation of children there. He visited the Children help desk formed at railway station. The officials told that anyone who spots a child labour or a runaway child can report about him/her at this help desk, which is working round the clock. It was informed that if they find any child they immediately inform to the CWC and SJPU and necessary action is taken to protect the child.



## 13. Interaction with Migrant Labours

Dr. Dube visited the Kovalam beach and interacted with the migrant families engaged as wage labourers, mostly from West Bengal. He asked about their living condition in general and the children living with them in particular. Children of migrant workers are an extremely vulnerable population group. These children face a transient lifestyle. This lifestyle often begins at birth, and interferes with any hope for a stable education, steady friends, and familiarity with a community. He asked about the different social security and wages they receive. He found that the wage payment in the State is much better than any other States and the Labour Acts are being implemented in much better way.





## 14. Visit to Mahila Mandiram

Dr. Yogesh Dube too visited the Mahila Mandiram, which was one of the three wings meant for the adult women. This home is for the women in distress condition without any family support. The women in the home are imparted skill training and are engaged in various activities. The visiting NCPCR member suggested linking the products of the women with the market.

## 15. Visit to Srichitra Poor Home

Dr. Yogesh Dube also visited the Srichitra home for the poor people. The home was established by the then Maharaja of Travancore more than 100 years back. Now the home has been taken over by the Government and currently under the supervision of District administration. The District Magistrate is the Chairperson of the home. It was reported that there was inadequate fund and staff, so a Sub-Committee has been constituted in



this regard. The Sub-Committee is expected to look into the issues and concerns and make recommendations for better functioning of the home.

Dr. Dube found children below 18 years putting together along with other poor people in the home. He suggested that the children below 18 should be separated from the adults so as to protect them from exploitation.

## 16. Visit to Don Bosco Children Home

Dr. Yogesh Dube visited the Children Home run by the Don Bosco, which 300 meters away from the Central Railway Station and Bus Stand, Thiruvananthapuram. He was pleased to know that the Don Bosco is actively involved in providing care and love to the children who are on the street, rag-pickers, child labours, drug addicts, engaged in begging, runaway, victims of physical, sexual and psychological abuse and homeless. The institution aims at rekindling the lost childhood and capacitates them to come up with the confidence to face the society through various vocational and skill trainings.



Dr. Dube urged the Don Bosco group to collaborate in the effort of protecting the child rights. Seeking information of various types of child rights violations, he assured that the Commission would take to the logical conclusion to ensure an environment where every child is free from exploitation, discrimination and abuse and is in the right place, i.e., in the school.

## **17. Meeting with the District Administration**

**Meeting Chaired by Dr. Yogesh Dube, Member, National Commission for the Protection of Child Rights, New Delhi held at the Government Guest House, Thycaud, Thiruvananthapuram, on 02-04-2012.**

The meeting discussed in detail about the functioning of the Department of Social Welfare, Government of Kerala, Department of Labour and Police.

It was intimated that the components of ICPS like Child Welfare Committee (14), Juvenile Justice Boards (14), Childline (13), Shelter Homes (3), Specialized Adoption Agencies (17), Government Children's Homes (8), Government Observation Homes (14), Government Special Homes (2), Government Aftercare Homes (3), Home for Children with Special Needs (3) are established in the State. Bylaws of the State/District Child Protection Society had been approved by the Government and later registered as a society. The selection, appointment and training to various personnel under ICPS at State and District level are pending sanction from the State Government.



The Commission observed that the death of a child in the Specialised Adoption Agency run by State Child Welfare Council, Thycaud was not reported to the National Commission for Protection of Child Rights, and hence directed to report such incidents, hereafter. Dr. Yogesh Dube recommended to take necessary steps to dig two tube wells in the premises of the State Council for Child Welfare, Thycaud, Thiruvananthapuram. Steps are to be taken to appoint adequate number of Ayahs to look after the

children in the Child Welfare Council, Thycaud. Necessary training is to be imparted to the Ayahs of Child Welfare Council.

Dr. Dube directed that the District Social Welfare Officers of each District shall visit the concerned Specialized Adoption Agency of their districts on fortnight

basis to enquire about the welfare measures taken for the maintenance of children, and report. The District Social Welfare Officers may visit the Anganwadi training centres of their District and inspect the quality of the training imparted and report to the Commission within 30 days. It can be intimated to all District Social Welfare Officers.

Dr. Yogesh Dube stated that as soon as an abandoned/ run away child is found in a railway station premises, the fact may be immediately reported to the GRP, then only the child will be transferred to the shelter home for producing the child before the Child Welfare Committees. This can be intimated to all shelter home and Child Welfare Committees and GRP. Learning that the Special Juvenile Police Units are no been constituted under the railway police, instructed for immediate action in this regard. He ensured that necessary directions are given to the Railway Division Manager, Thiruvananthapuram and Palakkad division to constitute Special Juvenile Railway Police Unit in the State and to impart training to the members of the GRP. Expressing dissatisfaction over the functioning of the Labour Department, Dr. Dube instructed that they must carry out rescue of child labours in the State and mainstream them into the formal education system.

Dr. Dube asked the District Social Welfare Officers to collect data on the number of children (below 18 years) residing in various institutions for children including the orphanages in the State but have come from other States like Chhattisgarh, Manipur, Rajasthan, Kashmir etc. He expected that the information reached to the Commission within two weeks. He directed to take necessary steps to ensure quality food in Anganwadi Centres and the premises are maintained clean and conducive for play and learning experience by the children. Necessary instructions can be given to the ICDS Programme Officers and Child Development Project Officers in this regard.


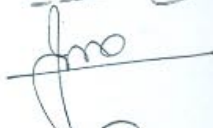
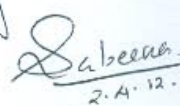
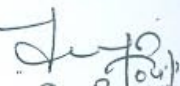
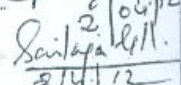
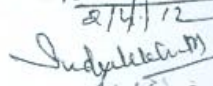
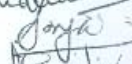
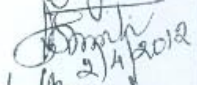
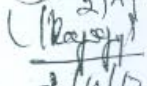
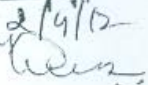
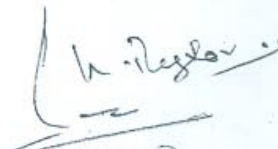


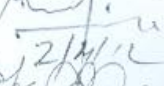

Dr. Dube stated that whenever a child is found in Ammathottil (baby cradle) the information be transferred to Special Juvenile Police Unit, District Collector and Child Welfare Committee. Such an instruction can be given to all CWCs, SJPU's and all the 14 Government District Hospitals where Ammathottil is installed by the Kerala Child Welfare Council. As far as possible the child be transferred to the nearest Specialized Adoption Agency.

Dr. Yogesh Dube directed to submit the immunization details of those children below the age of 6 years present along with their mothers in the Mahila Mandirams, after collecting the same from the Superintendent of Mahila Mandirams.



MEETING WITH Dy at other senior  
Child Welfare Council, Kerala <sup>offices</sup>

2-4-2012-ന് തിരുവനന്തപുരം നഗ്ന  
 നഗ്നൻമാരുടെ ഉടമസ്ഥതയിൽ  
 നടന്നു വരുന്ന  
Child Welfare Committee - Invendrum.

- 1) Dr. Joseph Dube.
- 2) K.N. Sathyan. Dist. Officer 
- 3) M.S. Jayer D & W 
- 4) Sabeena Begums CDPO, ICDS <sup>Urban II</sup> TUPM  2.4.12.
- 5) Jalaja S, Women Protection Officer, TUPM 
- 6) Babu Sasikala & R. CDPO, ICDS <sup>Urban-I</sup> TUPM  2/4/12
7. Indulekha B-S Supervisor ,, ,,  2/4/12
8. Dr. Sujay V CWC Member TUPM 
9. Shuber A Member, CWC TUPM  2/4/12
10. Rajagopal M Member CWC TUPM  2/4/12
11. R. Sudhakar Prabhakar Officer TUPM  2/4/12
12. C.K. Raghavan IAS, DSW, TUPM 
14. G. Ramesh IAS, DSW, TUPM 
15. Rohini Jay IAS, DSW, TUPM 
16. Dr. D. Prathapan Addl. District I/C of SAIL  2/4/12
17. C.K. Sreedharan, District Labour Officer (L), TUPM 

## **18. Recommendations**

### **The Recommendations made to the State Government:**

- i. Ensure that the State Government directly manages all the Child Welfare Council. For regular monitoring of such Councils, District Magistrate shall review situation in such council on monthly basis;
- ii. Recommendations of the Inquiry committee formed on the direction of Dr. Yogesh Dube shall be implemented at the earliest and action taken report (ATR) shall be sent to the Commission;
- iii. A committee shall be constituted under a retired District Judge to inquire into the deaths of children occurred till date in Child Welfare Council and report must be sent to the Commission within 1 month;
- iv. it was observed that the death of a child in the Specialised Adoption Agency run by State Child Welfare Council, Thycaud was not reported to the National Commission for Protection of Child Rights, and hence directed to report such incidents, hereafter;
- v. Take necessary steps to dig two tube wells in the premises of the State Council for Child Welfare, Thycaud, Thiruvananthapuram;
- vi. Ensure proper sanitation and drinking water facilities to all the Child Welfare Councils, children institutions and anganwadi centres;
- vii. Ensure appointment of adequate number of Ayahs to look after the children in the Child welfare Council, Thycaud. Necessary training may be imparted to the Ayahs of Child welfare Councils;
- viii. The District Social Welfare Officers of each District may visit the concerned Specialized Adoption Agency of the District on fortnight basis, to enquire about the welfare measures taken for the maintenance of children, and report;
- ix. The District Social Welfare Officers shall visit the anganwadi training centres of their District and inspect the quality of the training imparted and report to the Commission within 30 days. It can be intimated to all District social Welfare Officers;
- x. The State Government must ensure that no child in any children institutions shall clean utensils or wash their clothes, arrangement must be done for proper sanitation facilities in the children institutions;
- xi. Ensure that if an abandoned/ run away child is found in a railway station premises, the fact must be reported to the GRP immediately, before the child is transferred to the

shelter home for producing before the Child Welfare Committee. This can be intimated to all shelter home and Child Welfare Committees and GRPs;

- xii. Ensure constitution of Special Juvenile Police Units (SJPUs) under the railway police through necessary directions to the Railway Division Manager, Thiruvananthapuram and Palakkad divisions in the State and to impart training to the members of the GRPs;
- xiii. Furnish a report on children below 18 years residing in various children institutions in the State. The data may be collected through the District Social Welfare Officers within two weeks. Also the figure on the children migrated from other States like Chhattisgarh, Manipur, Rajasthan, Kashmir, etc. and engaged in various economic activities. The same may be reported to the Commission;
- xiv. Conduct Child Labour survey in all the tea gardens and coffee gardens of the State and rescue them immediately;
- xv. The State government shall rescue and rehabilitate all the child labourers working at restaurants, tourist places etc.
- xvi. Whenever a child is found in Ammathottil (baby cradle) the information may be transferred to SJPUs, District Collector and Child Welfare Committee. Such an Instruction can be given to all CWC, SJPUs and all the 14 Government District Hospitals where Ammathottil is installed by the Kerala Child Welfare Council. As far as possible the child shall be transferred to the nearest Specialized Adoption Agency;
- xvii. Furnish details on the immunization of children below the age of 6 years along with their mothers in the Mahila Mandirams. The details can be collected from the Superintendent of Mahilamandirams;
- xviii. Submit a report on the number of arrest made and prosecution done in last 3 years in violation of Child Labour (Prohibition and Regulation) Act, 1986;
- xix. Ensure Training and Orientation of officials concerned with child rights issues on regular basis;
- xx. A monitoring committee must be formed at the District level in all the Districts to monitor child rights comprising the representative of civil society, media persons, local bodies representatives, Child Welfare Committee and concerned Government Departments;
- xxi. No male staff should be posted in any children home for girls;
- xxii. Child Welfare Committees must be strengthened and training of the Members shall be arranged;
- xxiii. Notification must be issued to open Shelter Homes in the various Districts of the State where there is no such Shelter Home and a copy of notification must be sent to the Commission;

- xxiv. Action Plan must be developed to rehabilitate the children of migrant labourers and street children and shall be shared with the Commission;
- xxv. Ensure that all ICDS centers maintain proper records and make it available at the ICDS centers itself;
- xxvi. Conduct a survey to find out the drop out children in the State. Steps must be taken to ensure that the drop out children must be bring back to formal education as soon as possible
- xxvii. Ensure appropriate food storage area, for utensils, clean cooking area. The premises of Anganwadi centres ensure clean and conducive environment for learning and playing experience for the children. Necessary instructions can be given to the ICDS programme officers and Child Development Project officers;
- xxviii. Ensure Refresher training for Supervisors and CDPOs on regular basis;
- xxix. Supervisor must visit AWC fortnightly, weigh the SAM (Severely Acute Malnourished) children, children discharged from hospital after management of malnutrition, in front of her, and sign the chart;
- xxx. Need to maintain separate register for SAM children, indicating their weight, date, action taken including referral and diet given. Children referred back to AWC also need to be detailed here.
- xxxi. All SAM children and children between 0-6 months shall to be examined by PHC/ CHC doctor within 15 days of identification, so that an appropriate plan of management can be formulated;
- xxxii. Doctor responsible for visiting and managing SAM children need to be designated, along with an alternate doctor. Both of them need to be provided with the guidelines on management and follow up of SAM and MAM. The same guidelines also need to be provided to the pediatrician responsible for managing SAM children in the Taluka/District hospital to ensure uniformity of management;
- xxxiii. Nutritional surveillance system may be developed in the state;
- xxxiv. The State Government must ensure that all the schools have working toilets separately for boys and girls in all schools. The State will give the report in this regard to the Commission within 3 months; and
- xxxv. There must be facilities of school in neighbourhood as per the RTE Act, 2009. The report related to all new schools constructed in last one year shall be send to the Commission.

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