
CHAPTER ONE

INTRODUCTION TO SUBJECT.

- I. PROBLEM OF ORPHANED CHILDREN, NATURE OF PROBLEM, REASONS BEHIND THE PROBLEM, THE MEASURES TAKEN BY GOVT. TO SOLVE THE PROBLEM, SCHEME FOR THE WELFARE OF CHILDREN IN NEED OF CARE AND PROTECTION.

SECTION I

INTRODUCTION TO THE SUBJECT.

" Scientific progress in the field of anthropology, biology, medicine, psychology and social research during the past hundred years has changed the attitude of society towards the child. He no longer is treated as an adult person only smaller in stature but as a human being with his own different rhythm of life and with his own laws of biological and mental growth. We are aware that the child is following drives, social forces and motivations which are basically different from those which govern adult behaviour " (1)

1. IMPORTANCE OF CHILD WELFARE

The child welfare is important for the child himself for the family and for the society. It is important for the child himself in the sense that he will be able to perform his duties well, when he has a good physique, a good mind and a good personality. His welfare is good for the family as he forms a part of the family being its member. His betterment is also the betterment of society, as he is the future leader of the Society. The child in this sense is the most important element of society. As Milton has rightly

1. Madan G.R. Indian Social Problems, Volume II

said " Child shows the man as morning shows the day". The study team on social welfare points out " The importance of child welfare services lies in the consideration that the personality of man is built up in the formative years and the physical and mental health of the nation is determined largely by the manner in which it is shaped in the early stages ". The childhood is the best period for physical, mental and spiritual development. He is the potential force for the nations. He is the future and should be developed on the right lines. He is the present as well as the future. The old saying that " child is the father of man " is true in more senses than one. Therefore what affects the interest of the children affects the well- being of the entire group of which child is but one member. On their welfare and satisfaction depends not only the health and welfare of the community, but the claim of the nation to civilisation itself. In the most of the advanced countries, child care has been accorded the highest priority and only the best is supposed to be good enough for children. On the statute book of many countries one comes across so many pieces of legislation for the protection of children's interests and promotion of their welfare. (2)

" India is among the first few countries that have

adopted a national policy for children, besides having a population policy on education policy and a health policy (3)".

Until fairly recently, the emphasis in welfare services for children has been mainly on the mentally and physically handicapped. Now the needs of emotionally and socially deprived children are being recognised. The national policy was adopted in 1974 and lays down a 15 point programme, the chief provisions of which stress the maintenance, education, and training of orphan and destitute children (4).

This proposed study deals with the problem of destitute children and destitute home. So I am trying to discuss the nature of this problem and various measures adopted by Govt. and Society.

2. Historical Background:

In India in the past and to a certain extent at present family system was the rule. The Indian family system was the source of love, affection and security so vitally needed for a growing child. The adverse effect of economic misfortunes and inadequacies of parents were off-set by the protection provided in the joint family by grand- parents

(3) Jagannathan, V. " National Policy for children", From :- Administration for child welfare. Edited by, Chaturvedi, T.N.P.6.

(4) Heredia R.C. and Kaul Kelpena, Children of the Streets p.3.

uncles and aunts. The child was born in the family and he grew, live and died in the family without being much separated from the family or the local community. The child was provided all the facilities needed by him i.e. material security, emotional security, vocational education and cultural education within the family or at the most within the community. The destitute children were generally protected by the joint family or by the community as the village panchayat was considered to be the guardian of the village in all respects. This was the general pattern of life and living followed in the village. Rulers changed, but village communities were not disturbed in their way of living.

3. Effect of British Rule : During the British rule the pattern of village living was seriously disturbed. Industrial revolution in England affected Indian economy. Due to peace and check of epidemics and famines the population of the country grew rapidly. The result was the growing poverty of the masses. Due to the introduction of a new system of administration and justice, village panchayats were no longer effective protectors of the village community.

All this brought disruption in the village social life. The number of destitute children grew in the villages as the village panchayat could no longer afford them protection due to paucity of funds. The joint family

system was also affected. Many person left for employment to the Urban areas. Poverty was also the cause of abandonment of children by their parents. This led to the problem like destitution , beggary, delinquency etc.

4. Measures Taken before Independence:

The State did very little directly to tackle the various problems of children as was done in other advanced countries. This made the problem complicated. However, there were certain leaders with vision who with the help of philanthropists ' made sporadic efforts to meet some of the needs of the children though there was no comprehensive plan to solve this problem. Missionary homes, orphanages, industrial schools and such other institutions were the outcome of these voluntary efforts. But as was the case with other social welfare agencies in the country, the child welfare institutions suffered from lack of funds, suitable personnel, proper management and co-ordination.

The State though it did not take any direct measure for the welfare of children, yet passed certain legislation, for their protection. Some of the Acts passed before Independence were as follows:-

- 1) The Apprentices Act 1850 (The father or guardian can bind the poor orphan child between 10 and 18 for 7 years for learning some trade, craft etc.)

2) The Guardians and Wards Act of 1890
(Guardians for minors could be appointed under this Act.)

3) The children pledging of Labour Act 1933 (No guardian could pledge a child for Labour)

These were the important acts passed by the central Government before Independence, while the States also passed various Acts in this connection after 1921. Among these the most important were children Acts and Borstal School Acts passed by different States. The children Acts were in a way extension of Reformatory Schools Act, but they also covered non-offenders.

The children Acts provided for the custody, protection, treatment and rehabilitation of neglected and destitute children and the custody, trial and punishment of youthful offenders.

It is said that, the legislations passed to protect the welfare of children though good in itself was not made effective through proper machinery. The legislation was also not comprehensive and differed from State to State.

5. Work done in Post Independence period:

Compulsory education was enforced, ^{the destitute} the destitutes, the ⁺ vagrants the

truants, the vagrants the delinquents, the children in need of special care will also be thrown up for which special institutions will have to be provided.

Ours is a economically under developed country the number of destitute children are very large in number. This may be added the number of children who are virtually destitute in view of the fact that they are without guardians. Such are lone, orphaned, neglected, deserted or destitute children. Children Acts have been passed in various States, but they are not very effectively enforced. There are some Ashrams, Missionary Homes, Salvation Army Homes, Ramakrishna Mission Homes, etc. for the destitutes.

The Planning Commission in the Fourth Plan rightly observes " Although children Acts in most of the States cover both neglected and delinquent children in practice the organisation of services for neglected children has not received much attention. The grant-in-aid programme of the Central Social Welfare Board is proposed to be utilised on a larger extent than has been possible in past through voluntary institutions engaged in the welfare of destitute.

6. Child Begging. Child begging is a corollary to destitution when destitute children are unable to find a place in welfare institutions they are used as tools for begging . Sometimes some people used the childrens as a tool

for asking alms, children become victim of gangs of exploiters. The Indian Penal Code provides for severe punishment of persons found guilty of exploiting children for anti-social purposes and kidnapping ^{or} maiming children for the purpose of begging. Children Acts also provide for protection against exploitation of children for antisocial purposes, including begging. Thus the necessary legislation already exists but effective enforcement is needed (4) (5)

7. Nature of the Problem:

In India according to the 1971 census child population (under 15 years of age) was around 42 percent of the total population of the country. The broad base of the age sex pyramid of the population has adversely affected the national economy and millions of people, young and old are trapped in the vicious circle of poverty. A majority of the children are denied the basic necessities of life, for 40 percent of the population lives below the poverty line and most of the parents cannot provide their large families even with the minimum standard of life more than 50 percent of these children belong to the cohort of the fourth or higher order of births. Now withstanding the continued and sustained efforts of the Government to bring down the level of fertility in the country substantially. The total child population in

India would grow unabated in a few more decades to come. This influx would pose many and varied problems in future. Adequate measures should therefore be taken, how to meet this challenge.

The problem of the children who are the victims of catastrophe are acute. These children need special attention and greater protection from Society. One such class of children is that of the 'orphans'

An 'orphan' is defined as a dependant child who has lost one or both of its natural parents. A 'complete' orphan has lost ^{both parents. a 'maternal' orphan has lost only -} ~~only~~ its mother and a 'paternal' orphan has lost only its father.

The plight of the children who lose their father or mother or both may well be imagined when the father dies, many young children are forced to take up jobs to supplement the inadequate income of the family, sometimes they even shoulder the entire economic burden of the family. There is a large number of orphans in our society, as a result of the high levels of mortality in this country. Although there have been encouraging improvements in mortality rates since independence, the levels are still higher than those in the developed countries of the world, the number of orphans in our society is therefore relatively higher. The gravity of the problem calls for planned and sustained efforts to ensure a good future for these children. Hence the importance of

focusing the attention of planners and social scientists on the problem size of the future population of orphan, particularly when one of the objectives of the country's development plans is to improve the quality of life cannot be denied.

It is attempt to project the population of orphan children by their categories, namely paternal, maternal and complete in the State of Maharashtra and India.

In some countries information on the size of the population of orphan children is easily available because their census schedules include direct questions on it, but this is not in India. Although some idea of the size of the orphan population may be gathered by analysing the data on family composition.

Projection III of the Expert Committee estimates of the future size of orphan children in various age group are obtained for India and its major States.- See the table -

Following table would enable one to study the effects of declining mortality on the incidence of orphanhood-in its different categories in the various age groups of the child population.

Estimates of orphan (in hundreds) and probability (in ^{exen} percentais) of orphanhood by its category for

various Age Group of the child population in India.

1971-1991

INDIA

Category of orphanhood	Age Group	1971	1976	1981	1986	1991
Paternal	0- 4	26,939	24,714	21,953	19,105	16,552
	5- 9	31,095	31,053	29,213	26,088	23,027
	10-14	46,615	37,213	37,707	32,947	32,946
Maternal	0- 4	22,108	20,075	18,154	15,877	13,837
	5- 9	23,661	23,859	21,839	19,852	17,525
	10-14	23,762	25,348	25,817	23,896	21,911
Complete	0- 4	673	529	428	325	243
	5- 9	954	876	821	575	444
	10-14	1,706	1,299	1,179	906	810

MAHARASHTRA

Paternal	0- 4	2,178	1,627	1,450	1,223	1,203
	5- 9	2,568	2,564	2,050	1,732	1,654
	10-14	2,952	3,139	3,167	2,573	2,303
Maternal	0- 4	1,647	1,357	1,152	1,083	976
	5- 9	1,796	1,786	1,624	1,261	1,212
	10-14	1,862	1,966	1,978	1,637	1,431
Complete	0- 4	44	30	34	17	14
	5- 9	66	59	47	32	26
	10-14	93	89	82	60	48

From the projected figure of orphan children it is evident that the number of orphan has decreased substantially in all categories by 1991. Notwithstanding the fact that the size of the child population has shown an increase over this period. This decline in the incidence of orphanhood in the country is due to the decrease in mortality rates during the past two decades and the anticipated decline in the future for both sexes. For India as a whole the number of complete orphans has decreased from 67,300 in 1971 to 24,300 in 1991 in the age group 0-4 from 95,400 to 44,400 in the age group 5-9 and from 170,600 to 81,000 in the age group 10-14 (6).

It is expected that the total number of orphan children will go down in the period of 1981-90, because of the decline in the paternal death rate. This reduction is evident from the last three census reports, with the growth in MCH services even the maternal mortality rate will be reduced. This will have a natural effect on the decline of orphaned children. With the legislation of medical termination of pregnancy, unmarried mothers will take the advantage of legalised abortion. However we cannot predict if the number of destitute children will go down unless there is significant improvement in the economic levels of poor families. Orphan and destitute children have

6. Srinivasan K, Senana P.C. , Kamitkar Tara.
Demographic and Socio-Economic Aspects of the child in India. P.

a right to grow in a family surrounding, have a right to have parents. " A child outside home environment is a fish out of water " So it is absolutely necessary to expand adoption and foster family care facilities. All these years there has been only institutional care of such children. Shift should be towards the development of non-institutional services. This will involve direct community participation in helping the destitute and orphan child. This will help to reduce the heavy burden on the existing institutions. They could be utilised for specialised cases such as severely disturbed children who cannot make use of family surroundings or of children needing institutional care, such as children of T.B. patients, cancer of long term prisoners placements. There is need to start creating a cadre of parents who will be able to take care of needy children. The orphan child should be helped to be adopted for which proper legal provision irrespective of religious background needs to be provided ". (7)

8. Destitution the Basic Problem.

International year of the child has focus the nations attention on destitute and neglected children, delinquency

7. Apte, Meenakshi. " Priority needs of children in India.

Edited by. Chaturvedi. T.N. Op.cit. p.30

is no more than a part of this neglect statistically, juvenile delinquency is still not a menacing problem in our country, although the rising trend of the phenomenon is a pointer to the shape of things to come. The basic problem is destitution, with reference to our resources, we need simple laws relating to care of children and the establishment of an adequate number of childrens homes.

Institutionalisation is by no means a satisfactory alternative to homes where children belong in their natural environment. But when children are neglected or exploited or when they display extreme manifestations of neglect through deviance institutionalisation is only means whereby attempts can be made to reclaim them. Despite the monotony, regimentation and overcrowding, they are better than nothing' (9)

9. The orphanages Act

* The orphanages Act is on the statute book for the past nineteen years but it has been implemented only in Kerala. The Act has provided for exempting institutions such as those under the Children's Acts. It also enables greater public participation in the planning and organisation of institutional services. (9)

8. Panstai J.J. " Overview of Childrens Acts " edited by Chaturvedi T.N. Op. Cit. P. 109

9. Rao Venugopal S. " Laws relating to children " edited by Chaturvedi T.N. Op. Cit. P. 99

10. Definition & Main Reasons of Destitution:

Definition- A child between the age of 0 to 16 who doesn't have his mother and father, a child who doesn't have either mother, or father (one of the parents) and he is from the family which is below poverty line, a child who has his parents suffering from ^{infectious} diseases like like T.B, Leprosy or infectious who are mental patients and poor, and also a child who's mother is either prostitute or Devadasi is called as a destitute child.

Reasons of Destitution:

1) Urbanization & Industrialization: Along with many problems, destitution is also a result of the rapid , Urbanization and industrialization which has taken place in the recent past

A) Abolition of the joint family system changing social conditions in the process of urbanization have affected the family pattern of our country to a great extent resulting in disorganisation of joint family.

B) Abolition of traditional institutions. The joint family system, the compact and self-sufficient pattern of the traditional Indian Village, the vigorous social control of the local community and such other factors offered a kind of automatic check on the growth of

destitution in past. But because of urbanization and industrialization they lost their value.

2) Poverty: Majority of the Indian population lives below the poverty line. Because of the poor economic condition such people can't get (easily) their primary livelihood. They can't meet their families' primary needs, - like nutrition, medical facilities, clothing, shelter etc. Death rate of the (ladies) mothers as well as (gents) fathers is high in the poor families. Both the parents have to work for getting their livelihood. If one of the parents dies, then it becomes impossible for the remaining parent to carry on the burden of the economic responsibility of his family and so such people send their children to the destitute homes.

3) Alcoholism: In poverty due to the frustration & bad company majority of the fathers are victims of alcohol. This disturbs the whole family life in all aspects (i.e. economic, psychological, social etc.); Because of alcoholism, fathers become careless about their family to the extent that sometimes they beat their wives and children. They also desert their family and their children become destitute.

4) Broken home : Majority of the destitute children came from the broken home condition. The main causes behind this condition are many a times either Alcoholism, or Death of one parent or Divorce or desertion. In a broken home family

the relationships between the husband & wife, Parents and children, brothers and sisters, loose their healthy nature. Absence of this intimacy results in breaking of the family and children in such families have to suffer as a result of breaking of the real family and children in such families have to suffer as a result of such broken home condition.

5) Illiteracy- Because of the lack of education people are still not aware of the new ideas of family life and the new concepts of family. They do not adopt family planning giving birth to more children and in their poor economic condition they are unable to fulfill the requirements of their children. After the death of father, illiterate mother doesn't get a good job and is unable to meet the necessities of her family. Ultimately she sends her children to the destitute homes.

6) Diseased parents- The parents who are suffering from infectious diseases like T.B., Leprosy are unable to keep their children with them. The mental patients are unable to look after their children and such children are taken to the destitute homes.

7) Prostitution- The children who have prostitute Devadasi mothers, usually come to the destitute homes and in need of a shelter.

8) Lack of Social Control:- Due to urbanisation and industrialisation the main institutions of Society, i.e. religion, family, caste, panchayat etc. have become unable to keep the social control leaving no strict moral binding on the Society. The children of the unmarried mothers, prostitutes, deserted women are the products of this uncontrolled Society. This results in increasing the rate of the destitute children.

Along with many other problem destitution has emerged as a result of rapid urbanisation and industrialisation in the recent period. Social conditions obtained in the process of urbanization have affected the family pattern of the country to a great extent resulting in disorganization of joint family. The joint family system, the compact and self-sufficient pattern of the traditional Indian village, the vigorous social control of the local community and such other factors offered a kind of automatic check on the growth of destitution in the past.

11. Basic approach :

In order that we have a healthy nation and sound adults, it is necessary that children are provided with all the basic services necessary for their physical, mental, emotional and intellectual growth. To prevent a physical handicapped we have to provide to the children from 0-16 years medical,

health and nutrition services including maternity and infant health services. Similarly, to reduce the incidence of social handicaps like delinquency, destitution we have to provide recreational services, healthy home and environments conducive to the child's emotional growth.

Family life:

F - Faith, father

A - Attachment

M - Mother, meritment, mercy, moral binding

I - Intimacy, Interest.

L - Love

Y - Yearning.

Family consists all the above things, the only place for the satisfaction of physical, emotional and mental needs of the child is the home. A child spends a great part of his life in the home and he carries with him the stamp of his home throughout his life in more ways than we realise.

" Society in its social work to-day places on emphasis on family life in some form and tends to board the children, who for one reason or another have been deprived of their own families with other instead of putting them to the old time institution" (10)

At the third white house conference the following clause was specially added to the children's charter.

"For every child a home, the love and security which a home provides or the child must receive foster care, the nearest substitute for his own home (11)

But with the weakening of these institutions some outside agency has to provide the necessary care for children .

12. Effects of institutionalisation -

It has been proved by the psychologists that any formal institutional life or any situation in which personal touch or intimate contact or a homely atmosphere is excluded is definitely unfavourable to healthy development of mind and body of the child.

It is admitted that most of the disorders whether mental, physical or emotional can be traced back to childhood and the social problems like delinquency, mental and physical illness etc. can be checked to a greater extent if we look to the well being of the child. We are trying to solve some of the problems of children by institutionalisation.

Dr. Herman Ginzburg who has started the S.O.S kinder Dorfergin used to say that "There just seemd to be know way out to these kids. First Fate abandoned them then Society completed the process by sending them to institution".

We may be satisfying ourselves of having solved the problem, but it is only an expedient measure of removing such destitute children from out of sight. If we look at the history of the development of social services in other countries and also analyse the various social problems, we find that institutionalisation created more problems than it solved. Institutionalisation tends to produce emotionally disturbed, halffed, frustrated and delinquent individuals. So it does not stand to reason that a child who is physically, mentally, and emotionally fit be placed in an institution because he is a destitute. Wastage of child life is a serious drain on the resources of a country, it means large expenses on social services and remedial treatment. It also means a wastage of much valuable. Potential manpower. To-day in India approximately 2 lakhs children are staying in 1000 - institutions. It is nothing but poor substitute for home, manpower. The placing of the child in an institution should, therefore, be discouraged. The break-up of a family even for a temporary period should be considered as a serious thing.

We have to see that the child is provided attractive home life and in its absence, a life nearest possible to a home in order that it grows satisfactorily, towards maturing and thus becomes an asset to the nation. Our children are the pillars of the nation and they must be cared for and protected at all costs under suitable home environments

Though institutional care is helpful to some, it is necessary and even harmful for others.

Institutional care may, however, be useful in the following cases.

- 1) Children, who cannot be benefited by any other form of placement, foster care, adoption etc.
- 2) Children of school going age, who have the love and security from their parents but cannot be maintained in their home because of poverty and
- 3) Children with behaviour problems, mental retardation, physical handicaps etc. requiring special attention treatment and training.

The following are some of the types of children who cannot be benefited by institutionalisation.

- 1) Infants under three years of age who need warmth, love and security.
- 2) Children between 3-6 years because of special emotional needs.
- 3) Orphans and destitute children.
- 4) Children who need special individual care and are unable to be benefited by group care.

13. child welfare Services:

The services to the children in the context of the present welfare programmes in the country may, however be ~~be~~ classified into institutional and non- institutional services applicable to both normal and abnormal children.

A) Institutional Services.

- 1) Foundling homes
- 2) Home for destitute children
- 3) Short- stay homes for children of needy families e.g. healthy children of leprosy and T.B. Patients, children of women prisoners, children of mothers having prolonged illness or hospitalised treatment etc.
- 4) child guidance clinics.
- 5) Homes and placement services for children of unmarried mothers.
- 6) Homes and residential schools, with or without sheltered workshops for delinquent children.
- 7) Homes or night shelters for the care of vagrant children and
- 8) Residential treatment for emotionally disturbed children.

B) children in need of special care:

These services would include

- 1) Non- institutional services, schools for

mentally retarded children.

- 2) Nurseries, schools and training for handicapped children, the blind, the deaf etc.
- 3) Audiology centres and hearing-aid classes.
- 4) Allowances to children of destitute women who are maintained in their own homes.
- 5) Adoption services for destitute children and
- 6) Institutions and services for the juvenile delinquents, children of un-wed mothers and handicapped children.

C) Non- Institutional services for normal children

These include :-

- | | |
|---------------------------|---------------------------------|
| 1) Cheches | 2) Pre-primary schools |
| 3) Day-centres | 4) Recreational and hobby clubs |
| 5) Library facilities | 6) Holiday camps |
| 7) School Health services | 8) School social work services |
| 9) Nutrition service. | 10) Foster Care |
| 11) Adoption service | |

In this research project the research student has tried to study one of the institutional services. That is

home for destitute children in Balkalyanaskul Kolhapur.

14. Government of India's Scheme for the welfare of children in need of care and protection:

Maharashtra is the third biggest State in India in terms of area. It is divided into 28 Districts and 6 Divisions. Maharashtra is most urbanised and is second in social welfare programmes. These programmes provided social security to the weaker sections of the society such as victimised, neglected, destitute orphan, delinquent children etc., women, beggars etc.

The programme is broadly divided into two categories viz.

1) Statutory Programmes. 2) Non-Statutory Programmes.

1) Statutory Programmes: Statutory programmes relating to social legislation such as Bombay Children Act 1948, Bombay Prevention of Begging Act 1959, Suppression of Immoral traffic in women and girls 1956 and women and children Institutions Licensing Act, 1956.

(A) Bombay Children Act 1948: The Bombay Children Acts not only deal with the problem of juvenile delinquent who are convicted, but also with the problem of needy children in general and

cover pre-delinquent, or the near delinquent, the delinquent, the destitute and the neglected children and also provide for care and - protection of children in moral danger as well as uncontrollable children. According to this act there is provision for the establishment of juvenile courts, Reform Home, certified schools, ^V ~~Post~~al Schools and fit person institutions.

- (B) Bombay Prevention of Begging Act 1922: To check the exploitation of orphans, or other children for begging. In 1959 the Indian Penal Code was amended. By this amendment if any person who, not being the lawful guardian of the minor employees or uses such minor for the purpose of begging was to be severely punished.

3) Suppression of immoral traffic in women and girls 1956:

The suppression of immoral traffic Acts are in force in various States, which though do not declare prostitution by itself a crime, they deal with particular activities connected with its practice such as soliciting in a public street or place, living on the earnings of the prostitution

of another, procuring, importing, unlawful detention for prostitution, permitting use of premises for a brothel which are rendered as punishable. Some acts also contain provision for rescuing minor girls from brothels or from moral danger. In some States these provisions are contained in the respective children Acts while in certain States U.P., Bombay, Madras, there are acts for the protection of minor girls. There are also provision in the Indian Penal Code for the prevention of immoral traffic.

4) Children Institutions Licensing Act, 1956:

However it is to be stated that many of these institutions do not maintain proper standards and need inspection. An Act known as the women's and children's Institutions Licensing Act of 1956 has been passed to control such institutions.

Bombay Children Act 1960: The Indian Parliament passed the children Act in December 1960. The Act is however applicable in Union territories only. The act applies to boys upto 16 and girls upto 18 years of age but they can be committed and kept in the institutions under State care upto the age of 21. The Act has two different bodies to deal with children one the children's court and the other the child welfare Board, both

consisting of "Bench of Magistrates". The latter deals with the larger number of children who are considered socially handicapped such as neglected, abandoned, deserted and destitutes. The Act also provides for separate institutions for neglected children and juvenile delinquents known as children's homes and special schools.

In April 1963, the planning commission has appointed a study group to examine the problem of begging, orphan, vagrancy, delinquency and formulating scheme for its control for the fourth Plan.

This Group noted that children Acts were in force in all the States excepting Assam, Bihar, Orissa and Rajasthan. However the Acts were not uniform and properly enforced. The group recommended that all the above four States which do not have children Acts, should enact them on the lines of the Central Children Act 1960, within the fourth Plan period and the other States should enforce them properly and throughout their territory.

15) Juvenile Justice Act : Juvenile justice act is an ideal piece of legislation. It aims at providing the children an opportunity to develop their personality and seeks to protect the children against all the evil forces in the society.

This is an Act to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and the adjudication of certain matters relating to, and disposition of delinquent juvenile.

The Act has very clearly made a distinction between destitute children and delinquent children. Destitute children just need protection and help, whereas delinquent children need correction in addition to help and protection.

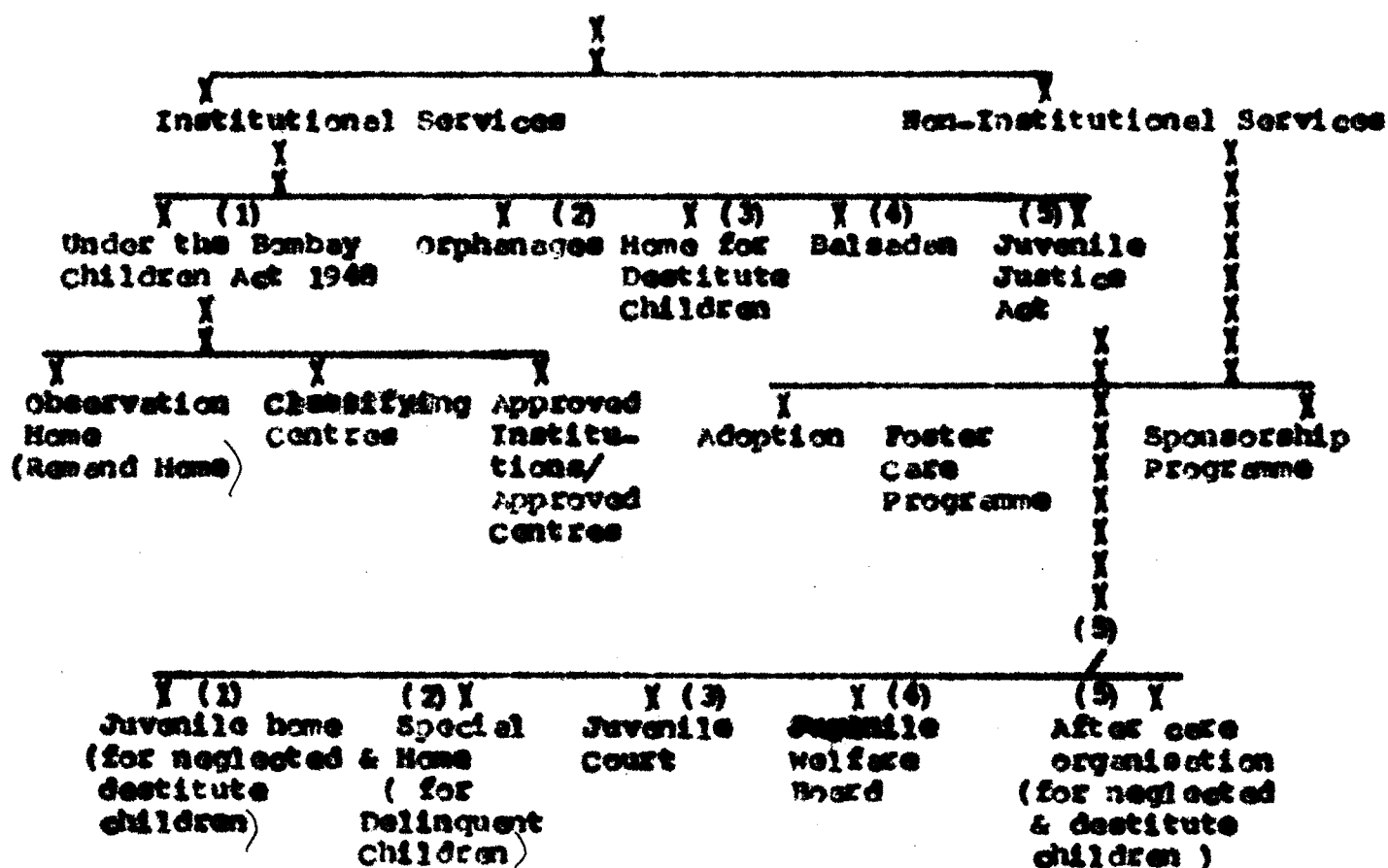
It extends to the whole of India except the State of Jammu and Kashmir.

According to this act juvenile welfare Board is established to exercise the powers and discharging the duties conferred or imposed on such Board in relation to neglected juvenile, juvenile home are established for neglected children and special home are established for delinquent children. After care organisation are established for taking care of neglected juvenile after they leave juvenile home or special home.

To-day Govt. of Maharashtra has given orders to the child welfare institution to implement this act in their institution.

2. Non- Statutory Programme - Non statutory programme relating to the education and training of physically,

socially handicapped person, prevention of delinquency and destitution Rehabilitation services. Voluntary Agencies and Government have set up number of institutions and financial assistance is provided to the voluntary agencies by Government. Government of India's scheme for the welfare of children in need of care and protection



Child Welfare Schemes taken up by the Government of Maharashtra can be divided into 3 parts viz.

- (1) Schemes which are statutory such as the Bombay Children Act 1948, Juvenile Justice Act, 1986

- (2) Schemes which are non- statutory in nature
such as orphanages, Destitute Homes, Baisadans
- (3) Non- Institutional Preventive programme.

Under the Bombay Children Act 1948 there are four types of institutions viz. Observation homes (Remand Homes) classifying centres. *approved institutions and approved centres*

1) Observation Homes (Remand Home):

Under the Bombay Children Act 1942, Observation Homes provide transit accommodation to the children apprehended under the Act. Destitute victimised, Youthful offender below 16 years in case of boys and below 18 years in case of girls, are apprehended and dealt with under the Act. These children are brought by the Police to the observation home and also on an application made by the parents / relatives before the juvenile court.

After admitting these children into the observation Homes, they are produced before the juvenile courts established under the Act by the child welfare officer. On the report of child welfare officer and after considering the socio-economic conditions of family relations etc of the child, the court decides whether the child is to be handed over to parents/ relatives after due admonition with or without supervision of the child welfare officer, or repatriated at his native

place or fined, if he is guilty of the offence and above 14 years of age or as a last resort committed to the institutions known as Approved Centres or Approved Institutions for a short period or for a full period till the child attains the age of 18 years in case of a boy and 20 years in case of a girl.

The observation homes are run by the District/Regional Probation and after care Association. Today in Maharashtra 447 observation homes are providing services to 4000 beneficiaries.

2) Classifying centres : Bombay Children Act 1948 is amended in 1975 and a provision for establishing of classifying centre is made in the Act. It is an institution established for classifying children committed by the Juvenile Court to study their attitude, aptitude etc. with a view to give them educational vocational training. Children with various problems of physical, mental come to the Juvenile Court and they are required to be given proper medical, physical treatment in order to chalk out a plan of rehabilitation for them. It is a prime need to study the child and diagnose accurately his/her afflictions and then give a line of treatment including type of educational and vocational programme. All these basic needs of the child are studied in the classifying centre by psychologist, psychiatrist and medical social worker and type of institution and type of programme required for the child

is suggested . Deputy Director of Social Welfare (C.A.) Maharashtra State Pune transfers the child to proper institution as per suggestions of the Superintendent of the classifying centre.

As per Act, every child is to be processed after commitment through classifying centre which is run by Government.

It is Government institution. Deputy Director of Social Welfare (C.A.) Maharashtra State Pune has implementing authority.

There are 2 classifying centres in Maharashtra one is in Pune and second is in Aurangabad. 200 Beneficiaries are benefited by the Institute.

3) Approved Institutions/Approved centres:

When a child is produced before the Juvenile court under the Bombay Children Act he/she may be released to the care of parents or committed to the institutions known as approved Institutions. The institutions run by the voluntary agencies for the court committed children are known as Approved Institutions. Approved centres are run by the Government. A child has to remain in such institution until he attains the age of 18 years in case of a boy and 20 years in case of a girl.

The object of the Bombay children Act are provisions of care, protection, treatment, training and rehabilitation of destitute, uncontrollable and youthful offenders. With this object in view all the Government and voluntary institutions conduct regular school in the institution and where educational facilities in the institutions are not available, children are sent to the outside schools. Most of the institutions are having production units such as printing, tailoring, carpentry etc.

Government institutions are classified as per needs of the children. Youthful offenders are generally uncontrollable and it is very difficult to keep them in the open institutions. For giving proper treatment and training they are kept in the walled institutions like Yeravada Industrial School Pune.

Educable type of children are generally sent to voluntary institutions and some are committed to Government institutions. They attend outside school regularly. Social welfare Department has vast agriculture land attached to some of the approved institutions/centres.

Normal children who do not have any aptitude of formal education are trained in agriculture and other vocational trades.

There are 99 Approved Institutions in Maharashtra.

AFTER CARE PROGRAMME.

4) Government After Care Homes :

In the Amended Bombay Act 1948, the Scheme of After Care Homes for children released from approved centres and Approved Institutions is incorporated. There was no statutory provision for After Care Programme for children releasing from Approved Centres and Approved Institutions prior to this amendment. The After care programme at present is being implemented through the State Home Kolhapur and 2 After Care Hostels run by the Maharashtra State Probation and After Care Association, Bombay.

At present two After Care Hostels are being run by voluntary organisations. 65 beneficiaries are staying there.

5) State Home for Men Kolhapur.

State Home for men, Kolhapur is established for admitting children released from correctional institutions. The institutions are run by Government. Efforts are made for the eventual rehabilitation of these inmates by securing suitable job, self-employment and by providing

facilities for industrial and technical training. The institution caters for 100 children.

It is Government Institution. There is only one institute. Number of beneficiaries are 100.

6 Maharashtra State Probation and After Care Association :

Maharashtra State Probation and After Care Association is a State level voluntary organisation, recognised by the State Government. It is responsible for organising the work of probation and after care under the Bombay Children Act. It is a Federal body of all the Observation Homes (Remand Homes). They are affiliated to this organisation. This organisation also arranges following programmes :

1. To supervise the children released on licence from observations Homes, approved Institutions and Approved Centres.
2. To run After Care Hostels (one for boys at Chembur and one for girls at Borivli in Bombay.)
3. To publish a Magazine " Samaj Seva " a Journal of Socialwelfare.

4. To run a Holiday Home at Mahabaleshwar for court committed children.

5. To run a Juvenile Aid Police Unit Club at Ghatkopar and one at Parel.

Grant-in-aid is paid on cost percent basis.

Scheme for Need and Protection of Children.

7. Orphanage : Orphan, destitute, neglected unwanted and abandoned babies between the age group of 0 to 6 years are protected in these institutions. Voluntary agencies take care of these children. They are paid grant-in-aid.

Grant-in-aid is paid at rate of Rs.60/- and Rs.65 per boy and per girl respectively p.m.

There are 19 orphanages in Maharashtra, 1880 beneficiaries are staying there.

8. Balsadan : The scheme is implemented by a voluntary organisation known as Balgram Maharashtra S.O.S. Children's village. It is an apex body. Balagram Maharashtra is established in 1973 in Maharashtra. The object of the Balsadan is to provide substitute family life to destitute children. One unit consisting of 8 to 9 children and a house-mother is known as Balsadan and a cluster of 18 to 20

such units is called Balagram. In small unit a child gets personal attention. It helps to develop his personality.

Deputy Director of social welfare (C.A.)
Mys. Pune has implementing Authority of the Scheme.

Grant-in-aid is paid at the rate of Rs. 36/- per month per child.

38 Balasadan are there in Maharashtra. 352 children are living in Balasadan.

9. Foster care : A substitute family is provided to a needy destitute child, under this programme financial assistance to the tune of Rs. 50/- per child per month is paid to the foster parents who take care of such child. The object is that the child is to be treated as if it is their own child.

Grant-in-aid is paid at the rate of Rs. 50/- per child per month.

Centrally sponsored Programme.

1. Scheme for Destitute children.

Government of India have sponsored a scheme for the welfare of destitute children and grant-in-aid to the tune of Rs. 76.75 % is paid by Government of India for the maintenance of children. For the construction of

cottage for these children, grant is also paid to the tune of 90% of the estimated approved cost of a cottage.

So far 12 voluntary organization are implementing this scheme and about 700 children are covered, some of the voluntary organization have also constructed building under this Scheme.

There are 23 institution, 2,060 children are beneficiaries (12)

The institutions established under Juvenile Justice Act 1986

1) Juvenile Court- According to the code of criminal Procedure 1973 Government may by notification in the official Gazette, constitute for any area specified in the notification one or more juvenile courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent juvenile under this Act.

A Juvenile Court shall consist of such number of Metropolitan Magistrates or Judicial Magistrates of the First Class, as the case may be forming a Bench as the State Government thinks fit to appoint, of whom one shall be designated as the Principal Magistrate and every such Bench

12. Child Welfare Programme. Govt. of Maharashtra Publication

shall have the powers conferred by the code of Criminal procedure 1973. Every Juvenile Court shall be assisted by a panel of two Honorary Social Workers possessing such qualifications as may be prescribed of whom at least one shall be a woman and such panel shall be appointed by the State Government and he/ she must have special knowledge of child psychology and child welfare. Juvenile court deals with the problem of delinquent juveniles.

2) Juvenile Welfare Boards: The State Government may, by notification in the official Gazette, constitute, for any area specified in the notification, one or more Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such board in relation to neglected juveniles under this Act.

A Board shall consist of a Chairman and such other members as the State Government thinks fit to appoint, of whom not less than one shall be a woman, and every such member shall be vested with the powers of a Magistrate under the code of Criminal Procedure 1973.

The Board shall function as a Bench of Magistrates and shall have the powers conferred by the Code of Criminal Procedure 1973 on a Metropolitan Magistrate or, as the case may be a Judicial Magistrate of the First Class,

Juvenile Welfare Board deals with the problems of neglected and destitute juveniles.

3. Special Homes- The State Government may establish and maintain as many special homes as may be necessary for the reception of delinquent juveniles under this Act.

Every special home to which a delinquent juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

4. (Juvenile homes) observation home - The State Government may establish and maintain as many observation homes as may be necessary for the temporary reception of juvenile during the pendency of any inquiry regarding them under this Act.

Every observation home to which a neglected destitute juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for medical examination and treatment but also provide him with facilities for useful occupation .

5. After care organisations- The State Government may, by rules, made under this Act, provide -

- (a) for the establishment or recognition of after care organisation.
- (b) for a scheme of after- care programme to be followed by such after- care organisations for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead an honest industrious, and useful life (13)

There are other non- institutional services like adoption or sponsorship programme to help the destitute children.

In adoption willing parents adopt the child according to the legal procedure of law. Here child get a secure home and loving parents. If they adjust with each other the child get real rehabilitation in the *seize* of his future development.

In sponsorship programme willing people sponsor a destitute, needy child. They give economic assistance to the child in home or institution.

If the child has a poor mother and because of only

13. The Gazette of India.- Part II, Section 1. Published by Ministry of law and Justice, pp. 3 to 7

poverty she wants to keep him in institute here this programme helps too much. Because according to this programme child get economic assistance and can live in his family with his mother. Adoption and sponsorship programmes are really very useful for helping a destitute child in real sense than institutionalisation.

But in India we found these practices very often. Childless parents are also not ready to adopt orphan child especially female child.

Being a underdeveloped country wealthy people, ^{found} willing people to helping the child are/very rare. There are some sponsorship programmes in India but majority of the sponsor parents are foreigners. They are from outside the country. It is very unfortunate thing in the part of India.

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DEMOGRAPHIC PROFILE

of the 1550 million children in the world one in every six is an Indian. The 268 million children of India thus comprise nearly 16 per cent of all the world's children.

The 1971 census showed that 42 per cent of the Indian population consists of children under 14 years of age. Children below 6 years comprise 21 percent of the population.

Living condition- According to 1976 projections about 99.4 million children- nearly two- fifth of the total Indian child population- live in conditions adverse to survival of them 48.5 million or nearly half, are less than 6 years old.

Destitute and Vagrant children- The 1971 census listed 151,000 children are beggars or vagrant- 120,000 in rural areas and 30,000 in the town of those listed West Bengal with 26 percent of the national total- accounted for the larger number. Uttar Pradesh, Andhra Pradesh, Maharashtra, Karnataka and Orissa have the next largest incidence of beggary is greater than the census data indicates. Police records show that nearly a third of all beggar children have one or both parents living, the parents themselves use their children for begging. Other children may be victims of cruel exploitation in beggar colonies, where kidnapped waifs and strays are maimed and mutilated and forced to

beg. Their earnings go to the so called beggar barons.

* ~~Throw~~ away babies. It is estimated that a million babies out of the 21 million born every year become " throw away babies, abandoned soon after birth due to various social and economic pressures. Social workers estimates place the number of destitute, orphaned and abandoned children at between one and five percent of the total child population only about 25000 of such children are in the care of some kind of institution. In most orphanages, female children outnumber males, reflecting the greater value placed sons in Indian Society. (14).

Government of India's Scheme for the welfare of
children in need of care and protection

HOME FOR DESTITUTE CHILDREN

AIM: For helping the child who is orphan or destitute, or having one parent with poor economic condition of the healthy child of leprosy, T.B. or Mental patient, or the child of prostitute or Devadasi.

Resolution- The Government of India revised the schematic pattern of financial assistance under the scheme for the

welfare of children in need of care and protection as under with effect from 1st April 1984.

I. Recurring Grant

Scale of Grant

- | | |
|---|---|
| <p>1) consolidated for all recurring items e.g. food, clothing, soap, oil, electricity and water charges, postage, stationery, education, text-books, vocational training, health recreation, salary of house mother, supervisors, helpers etc.</p> | <p>= Rs. 150/- per child per month (Maximum)</p> |
| <p>ii) Rent</p> | <p>= Rs. 40/- per child per month (Maximum) to be stopped, if construction grant is given, when the cottage is constructed.</p> |

II. Non-recurring Grant

- | | |
|---|--|
| <p>i) furniture, vocational training, equipment, utensils, bed and bedding etc.</p> | <p>= Rs. 500/- per child (Maximum)</p> |
| <p>ii) Capital Grant for construction of cottage(s)</p> | <p>= Rs. 600/- per child (Maximum)</p> |