

I. **THE MADURAI CHILDREN'S AID SOCIETY**  
**"OBSERVATION HOME", MADURAI**

Justice D. Murugesan, Member, NHRC, accompanied by Dr. K.R. Shyamsundar, Special Rapporteur, NHRC, visited the Observation Home run by a society at 11.00 A.M. on 19<sup>th</sup> August 2014. Shri Thanasekara Pandian, Dy. Director, Social Defence Department and the District Child Protection Officer were present. The Society was registered under the Societies Act 1860 in the year 1937. The object of the society, among other things, is to provide a home of shelter for the reception of juvenile offenders during enquiry of their cases, and for the proper care of juvenile, who may be placed under the supervision, or committed to its custody by the Home. The further object of the Society is to work the probation system as far as possible in dealing with juvenile delinquents, to provide a Home or Homes for of destitute or uncared for children and prevents them from falling into crime vagrancy. It was established with the further object generally to arouse public interest in the case of children and help in the promotion of their physical, mental and moral welfare. The Society presently runs the Observation Home mainly by Government grant and partly donations from the public.

At the time of inspection, the Member noticed that there were 5 ICPS staff - 1 Superintendent, 1 Councilor, 1 Paramedical staff, 1 Helper and 1 Housekeeper. The Commission also noticed 6 regular staff -

Matron, Junior Assistant-cum-Typist, 2 Watchmen and 2 Cooks. At the time of inspection, there were 35 inmates. Out of 35 inmates, 2 inmates were found below 15 years. One inmate, Yasin Md. Ali (17 Years), had come for the Observation Home 9<sup>th</sup> time and one more inmate, by name, Srinivasa Perumal, had come for the 4<sup>th</sup> time. The Commission enquired the inmates as to their alleged involvement in the offences. Most of the inmates are implicated for petty offences of theft. Only one inmate is facing charge for the offence u/s 8 of the Protection of Child from Sexual Offence Act, 2012. Three inmates are facing charge for the offences u/s 302 IPC. One of the inmates, a 2<sup>nd</sup> year BE (Mech.) student, is facing charge for the offence u/s 302 IPC. Yet another inmate is also facing charge for the offence u/s 302 and is a 2<sup>nd</sup> year student in Diploma in Mechanical Engineering. One more inmate, who is facing charge u/s 302 IPC, is 1st year student of B.A. (Economics). Yet another inmate, who is facing the charge u/s 379 IPC, is a student in 1<sup>st</sup> year Diploma (Mechanical). One inmate is facing the offences under NDPS Act and two more inmates are facing the charges for the offences u/s 307, among other offences. On enquiry, the students informed the Member that they are victims of circumstances and they are not actually involved any crime.

The Member enquired the Hony. Secretary of the Observation Home and also perused the registers maintained by the Home. The inmates are

provided with Hygienic food. They are also provided clothes as well as beds. None of the inmates suffer from any illness. As far as the medical care is concerned, it was informed that in the event of any necessity, ~~doctors from the Municipal Corporation will be requested.~~ The Member was also informed that lawyer from Legal Services Authority provides legal assistance to the juveniles. Hon'y. Secretary of the Observation Home informed the Member that maintenance grant has not been released by the Government for the past 8 months and, therefore, the Society is forced to suffer not only the day-to-day expenses regard to the food, etc. to the juveniles but also the payment of salaries to the employees. The Member was also informed that the employees of the Society have not been issued with pay relief grant for almost a year and that the 6<sup>th</sup> Pay Commission's revised pay structure also has not been implemented.—Having noticed, the Commission observed as follows:

- i) There should be regular visit of the Medical Officer to Observation Home.
- ii) The name of the Medical Officer should be noted in register along with his contact numbers.
- iii) The children of the society should be explained about the consequences of their criminal act and they must be frequently counseled.

- iv) Assistance should be provided for appointment of an advocate from free legal aid society.
- v) To help the children who are studying, the child welfare board should be approached for their early release on bail.
- vi) The system of informing the parents of the children on admission should be enforced scrupulously apart from passing on the information to the parents about admission of their wards in Observation Home through police officers.

The Member also observed that –

- The Observation Home was established by a Society, which was registered long back in the year 1837 and had/had been headed by eminent persons belonging to Madurai and to cater to the needs of inmates/juveniles, the Government should not further delay in release of the maintenance grant.
- The Government should not delay in issuing the pay relief grant to the employees of the Society and also implement the recommendations of the 6<sup>th</sup> Pay Commission's revised pay structure.
- The Society must fill up the vacancies of one Medical Officer, one Teacher and one Yoga/PT Master as expeditiously as possible.

## **II. GOVERNMENT VIGILANCE HOME, MADURAI**

The Member, accompanied by Dr. K.R. Shyamsundar, Special Rapporteur, visited the Government Vigilance Home under the control of Department of Social Defence. There were 11 inmates. They all are facing charges under Immoral Traffic Act. The Commission spoke to all the inmates and advised them to lead a good, safe and decent life in future. The inmates are provided non-formal education and vocational training such as mat weaving, Tailoring, Embroidery, Zardosi, Black Painting, Beautician, Mehendi work, soft skills, etc. The Commission also noticed that the inmates are provided medical care, clothing, bedding, etc. There are two bathrooms and toilets available in the Home for the use of the victim. The Member noticed that one of the victims, by name Laboni, is a Bangladeshi national. On enquiry, she informed the Member that she migrated to India along with her sister through Calcutta and went to Bangalore and were residing on roadside. She fell in love with a local boy who took her to Thirunelveli. She was picked up by the police as if she was leading an immoral life and was brought to the Observation Home at Madurai. The boy ran away leaving her alone. The Dy. Director, Social Defence Department informed the Member that the girl could not be sent back to her country as she is an illegal migrant and a lot of formalities to be complied with. The Officer has further informed the Member that the whereabouts of her relatives in Bangalore also could not

be ascertained. The Member instructed the Officers to take up the matter with the Central Government through the District Magistrate for early deportation of the girl to her country.

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**III. HOSANNA CHILDREN'S HOME**

The Member, accompanied by Dr. K.R. Shyamsunder, Special Rapporteur, inspected the Hosanna Children's Home, situate at Lower Camp, Uthamapalayam Taluk, Theni District on 21.8.2014. The Revenue Divisional Officer, Uthamapalayam, District Social Welfare Officer, Theni District and Child Protection Officer, Theni District were also present.

The Home is run by a private trust from the year 1996. It is mainly run on the funds generated from public. The license issued to the Home had expired far back on 30.11.2013 and the Home is presently run without proper license. When asked, the management informed the Member that it had applied to the concerned authorities for renewal during February 2014 and the same is pending. The Member also noticed that there were about 112 inmates, which include 53 girls. The children are sent to secondary school education to a nearby village called Gudalur and are undergoing their course in NSKP Higher Secondary School. The children, on completion of the Secondary School Education, they are sent to their Higher Secondary Education classes to a nearby Higher Secondary School at Lower Camp. Separate rooms and

dormitories had been provided to boys and girls. At the time of inspection, the children were at school and, therefore, the Member was not in a position to interact with them.

The Member inspected the various registers maintained by the management including admission register, food register, medical register, etc. The children mainly belong to the parents, who are working as labourers in agricultural lands in Kerala. The date of birth and the community of each child are entered in the admission register only on oral statements made by the parents without any supportive documents. In fact, the management was not in a position to satisfy itself as to the actual date of birth and community of each student. The management also informed the Member that whenever required, the students are taken to a nearby village called Gudalur where a Primary Health Centre located and are being given treatment. For such a large number of children, no doctor either permanent or part time was appointed. The staff pattern was also not satisfactory in as much as the trained teacher or warden or supervisor has not been appointed.

On noticing the above, the Member suggested the following:

- i) Since all the children staying in the Home belong to Scheduled Caste / downtrodden in social nature, the Home should concentrate on their health aspects and should make an arrangement to have at

least a part time doctor, who could visit once in a day at a specified time.

- ii) The management should ensure general medical checkup of the children at least one in six months.

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- iii) Wherever birth certificates and community certificates issued by the competent authority are produced, the said date of birth and the community should properly entered into the admission register and a copy of such certificates should form part of the records given to the children at the time of leaving Home.
- iv) Whenever date of birth and the community is mentioned only on the basis of the statements made by the parents at the time of admission, the management shall ensure to apply to the competent officer for issuance of birth certificates and community certificate and shall guide the parents as well to get the same. The officers, who were present, were also instructed to look into the applications received from the management and issue the required certificates on due verification without any delay. The officers also had assured the Member that whenever such applications are received from the Home, they will give preference in enquiring to the application and issue the necessary certificates on the basis of such enquiry. The Member also suggested that at the time of admission, each child must be examined in detail by the health officials in order to rule



out any serious ailments and if such ailments are found on any child, should provide proper medical treatment.

- v) The management should ensure strict compliance of the guidelines and regulations issued by the NHRC for Private Children's Homes.

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  - vi) The management should maintain a personal profile of each child with complete data like address, contact number, parent's status, profession, health reports and so on.
  - vii) In order to avoid delay in obtaining renewal of license, the management should apply to the concerned officer well in advance or at least three months in advance before the date of expiry of renewal.
  - viii) The District Social Welfare Officer, who was present at the time of inspection, was also instructed that as and when such request for renewal is received, it must be processed and renewed if the management complies with all the conditions for such renewal.
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**IV. ICDS CENTRE, THAATHAPPANKULAM (SOUTH),  
CUMBUM BLOCK, UTHAMAPALAYAM TALUK**

The Member, accompanied by Dr. K.R. Shyamsunder, Special Rapporteur, inspected the above Centre on 21.8.2014. The Revenue Divisional Officer, Uthamapalayam, Project Officer (ICDS), Theni District and Child Protection Officer, Theni District were also present.

The Centre is functioning in a small building owned by the local Municipality. There is no proper ventilation and the roof of the building is covered by tin sheets. Even during the month of August, it is normally supposed to be cool in that area, the inner hall of the centre was overheated for want of proper air circulation. The children and the staff were actually feeling very stuffy. The total strength of the children was 25. On the date of inspection, there were about only 18 children and the remaining were absent. On verification of the register, it was found that the official had visited the Centre lastly on April 2014 only and there was no periodical inspection conducted by the officials for the last 4 months. The children are provided food as prescribed and the staff had also taking care of the children. On enquiry, it was informed that most of the children are brought to the Centre by the staff of the Centre and likewise they are taken and left at their home in the evening.

The Member had suggested the following :

i) The Centre should have building on its own i.e. of the Government.

As the condition of the present building was not up to the mark, separate building owned by the Government must be found out for the Centre.

ii) For the present, in order to avoid the overheat inside the building, the tin sheet in the roof should be replaced by at least Kerala Tiles.

iii) For the purpose of proper ventilation, two windows must be provided on the front side of the building.

iv) Whenever any child is absent, in case they are usually brought to the Centre by the parents, such absence or non-arrival must be immediately informed to the parents. The staff must ensure that the children are safely taken back and left at their home.

v) The officers should make periodical visit to ensure the proper functioning of the Centre.

vi) The officers should ensure proper health checkups and vaccination of the children by the Health Department officials in periodical manner.

#### **V. HUMANITY TRUST CHILDREN'S HOME**

The Member, accompanied by Dr. K.R. Shyamsunder, Special Rapporteur, and Dr. K.S. Palanisamy, District Collector, Theni District

inspected the above Centre situated at Saralai Street, Thiruchendure, Kodangipatti, Theni District on 22.8.2014. The Revenue Divisional Officer, Uthamapalayam, District Social Welfare Officer, Theni District and Child Protection Officer, Theni District were also present.


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The Observation Home is run by a private trust mainly on donations from the local people and with proper license. The vast extent of nearly 1 Acre has been allotted to the Home by the District Collector. There were about more than 100 children. The Home also runs classes to all the children. The Member visited each classroom and noticed that each class has a teacher. The premises of the Home are maintained neatly and hygienically. The children are taught moral and discipline. The Member inspected the registers maintained in the office and the kitchen. The Member also noticed that the Trust has provided even Camera to monitor the ingress and egress of the children including the children.

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The Member had suggested the following :

- i) It was instructed for the renewal of the license of the Humanity Trust Children's Home should be submitted the application through District Social Welfare Officer, Theni before 3 months of the date of expiry of license as per rules & regulation and guidelines issued by the Government.
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- ii) At the time of admission in the Home, birth and community certificate should be obtained.
- iii) Before the school admission, the Home management should ensure the birth and community certificate are obtained.
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- iv) Birth certificate and community certificate should be obtained through Free Legal Aided Service Centre, and the management should taken necessary action accordingly.
- v) At the time of admission, every child must medically examined by a competent health official.
- vi) A register must be maintained for the medical checkup for every child. with
- vii) The children who leave the Home must be provided with Medical history of the Children, the birth certificate and community certificate.
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- viii) The District Collector has requested to conduct periodical training programmes to the warden and staff of all such homes to sensitize them on children's rights.

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