

**A
White Paper
on
Adoption Prospects
in Odisha**

**Catalysts for Social Action
Kale Enclave, 685/ 2 B & 2 C, 1st floor,
Sharda Arcade, Satara Road, Pune – 411037, India**

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Gobinda Ballava Dalai
Secretary, YDF

List of Abbreviations

CARA	Central Adoption Resource Authority
CSA	Catalysts for Social Action
CWC	Child Welfare Committee
FGDs	Focused Group Discussions
GWA	Guardians and Wards Act 1890
HAMA	Hindu Adoption and Maintenance Act 1956
JJB	Juvenile Justice Board
JWB	Juvenile Welfare Board
NRI	Non Resident Indians
OSCCW	Orissa State Council for Child Welfare
UNCRC	The UN Convention on the Rights of the Child
VCA	Voluntary Coordinating Agency
WCD	Women and Child Development
YDF	Youth Development Foundation
RNTCP	Revised National Tuberculosis Control Programme

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CATALYSTS FOR SOCIAL ACTION (CSA)

BACKGROUND

Catalysts of Social Action (CSA), set up in September 2002 have been working with the key objective to increase the number of adoption in the country. We initiated our work with a field study in Maharashtra ‘A study covering Adoption Agencies in Mumbai and Pune’ in 2003. We found that most of the Agencies in the metropolitan cities had long lists of waiting parents who had registered to adopt. Another finding was that the parents registered with the city Agencies were not willing to adopt from rural Adoption Agencies.

These findings set the road-map for CSA’s initiatives. We decided to work with the twin objectives; to enhance the number of adoptions in the country and to work towards better child-care standards in rural adoption agencies.

In the year 2004, we carried out another field study – ‘Networking to enhance Indian Adoptions- a study of Adoption Agencies and Destitute Homes in Bihar, Jharkhand and Maharashtra’. Significant findings of the study were:-

1. Most Agencies that are located outside metropolitan have children who can be placed in adoption.
2. Many of the Agencies are unwilling to consider transfer of children.
3. Aparents who have registered with Agencies in metros prefer to stay there as they are concerned with the credibility of the rural Adoption Agencies. They were also concerned with the delay in the legal and other processes.

These two white papers were our guidelines while planning and implementing CSA programmes and activities. We have been active in the state of Maharashtra and Orissa , working with rural adoption agencies and a few orphanages . We have been able to set a ‘ urban to rural’ trend in adoption- urban parents willing to adopt from lesser known rural adoption agencies, due to the improvement in the child care standard and legal and other processes. However, our key objective to enhance the number of adoptions in the country remained unachieved.

EXECUTIVE SUMMARY – ‘White Paper on Adoption Prospects in Odisha’

Adoption has been a domain much neglected in the state of Odisha. Except for the time to time media coverage of case studies of utter negligence and mismanagement of orphanages, a serious attempt to look into the governance aspects of such a critical issue has never been a priority in both government and non-government level.

The present White Paper is an outcome of the study carried out in Orphanages mainly to explore the scope of more children coming into the stream of adoption. The study covered only 12 district of Odisha in a random manner by studying 24 orphanages and 4 adoption centres i.e. a sample size of 30 % of the Orphanages in these districts.

The salient aspects of the study are:

Objectives of the study-

The study was conducted to examine the following:-

1. The scope for moving children below the age of 6 years who are orphans and eligible for adoption, from orphanages into the adoption stream.
2. The prevalent care and rehabilitation standards in the orphanages and the scope for improvements and interventions.
3. The status of the orphanages in terms of their registration and funding.
4. The issues that can be escalated to the Government/authorities, leading to resolution of existing hurdles if any, through policy/practice change.
5. The situation of informal adoptions through the orphanages.

The Major Findings

- **Scope for Moving children for adoption**

Out of 28 orphanages only 4 centers are adoption agencies involved in adoption. They are Nilachal Sishu Griha, Serve India Destitute Children's Home, Bapuji Seva Sadan, Yashaswee Sishugreha . In Bapuji Seva Sadan adoption centre that got license last year, till date no adoption happened. Adoption rate of other 3 are very nominal. There are 372 children in the age group of 0-6 years in the orphanages where the study was conducted.

It was also found that there is a vast scope for adoption. But the constraints mentioned by the Orphanages are:-

- It is followed by a lengthy legal process.
- Question on future of adoptive children.
- Illegal practice/ child trafficking of children.

- **Issues around the Adoption and Orphanages**

1. Awareness regarding adoption, existence of adoption agencies and the legal aspects involved are less or absent especially in the rural areas.
2. The trend of adoption of a girl child has increased over the years. This is an indication of the positive attitude of adoptive Indian parents towards a girl child.
3. Transfer of children who have remained in the adoption agencies for more than two years, do not happen.
4. The trend of adopting mentally & physically challenged children by Indian Adoptive parents is less or absent.
5. Adoption Agencies, especially in the non-metros find it extremely difficult to meet medical health, nutritional and general expenses of mentally and physically challenged children.
6. The waiting list of adoptive parents in the city based adoption agencies is higher than those from rural based adoption agencies
7. Facilities in city based adoption agencies are excellent & better as compared to those from rural – based adoption agencies

- **Infrastructure Availability at Orphanages/ Adoption Centres**

Building

Almost all centers are functioning in own building. However, the facilities in many cases are dilapidated and overcrowded.

Human Resources

The total staff available at all the centres is 219. Only 89 caretakers are employed in total in the 28 orphanages studied which is very low. In some places there are no designated cook found, helper may act as cook.

Status of Orphanages

All the orphanages and adoption centres are registered either under society or trust act. Some of the centres are newly formed. Many orphanages are funded by government, but some centres are totally depending on private funding.

Recommendations

Some of the recommendations to strengthen the adoption agencies & the children's homes are as follows:

i. Awareness-cum-Sensitisation Drive

Awareness campaign involving government, non-government organizations working on childcare and protection, media, independent agencies are needed to promote awareness regarding adoption, CARA guidelines, Government rules & regulations, legal procedures etc. Use of street theatre, effective posters in local dialects and seminars and workshops from time to time involving various stakeholders will be helpful in effective sensitization.

ii. Legal procedure should be simpler

Many parents do not like a rigid legal procedure. It is the major constraint for adoption. So, simple and effective law and rules can enhance adoption.

Apart from that some more points may be noted.

- (a) Ensure that the adoption of a child is authorized only by competent authorities

- (b) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of in country adoption;
- (c) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

In considering the best interests of the child, the UNCRC, as interpreted by UNICEF and the CRC, should be followed

iii. Extending all support under Sarva Siksha Abhiyan to these institutions

The provisions under Sarva Shiksha Abhiyan needs to be extended to these institutions so that they avail the facilities. Provisions for Teaching Learning Materials, uniforms and other facilities should be provided to the orphanages and adoption centres.

iv. Regular and proactive payment of stipend and other provisions under PDS on monthly basis

There should be monthly reimbursement policy for effective management of such institutions.

v. Effective and Continuous training :

Time to time training and skill sharing sessions should be promoted among the support staff of various adoption and orphanages on child rights, child care and protection and vocational training. This is a critical area that needs more attention.

vi. Care of Mentally & Physically Challenged Children:

The needs of mentally & physically challenged children are different. Adoption agencies require trained and experienced to attend to the

needs of these children. Salaries of these staff apparently need to be increased. Similarly, the budget for medical & health expenses of these children need to be increased. Adoption of such children should be promoted both in India & abroad.

vii. Research & Training wing

It is recommended that the Women & Child Welfare Department should either establish a research & training wing or outsource research & training activities.

viii. Social & Physical Audit:

Social physical audit by outside agencies should be promoted in order to improve the efficiency, transparency in adoption agencies & children's homes.

Chapter-I

Background of the White Paper

Why a White Paper on Adoption prospects in Odisha

CSA's role in Adoption

Objective of the white paper

Methodology adopted

Name of districts and orphanages studied

1.1. WHY WHITE PAPER ON ADOPTION

Adoption in India is regulated by the Central Adoption Resource Authority (CARA), an autonomous body under the Ministry of Women and Child Development. CARA licenses agencies to place children in adoption both, within the country and abroad. CARA monitors its programmes through the State WCD. Adoptions are formalized in keeping with Guidelines framed by CARA.

Many State Governments, in addition, license local agencies. Those agencies are authorized to do in-country placements only. Most of them fall in line with the CARA Guidelines. The monitoring function of those agencies rests with the state.

State Governments also, license Orphanages. Many of them run their own Destitute Homes. In addition, there are several private orphanages (religious) or, registered with the Charities Commissioner. Those orphanages are not authorized to place children in adoption. Some of

them nevertheless do so and simply on the basis of an affidavit, a child is handed over to a parent wanting a child. There is no follow-up.

There is a general shortage of children in all CARA-registered city agencies. Legal adoptions being primarily an urban phenomenon, consequently, large numbers of parents who have registered for adoption, wait for years (2-3years) for a child. The position outside the cities however, is completely different. Local adoptions not being common in those locations, most often, the children, particularly, the girl children do not find homes and remain un-adopted. In due course, those children move into orphanages where the quality of care is quite poor.

Likewise, very often, an orphanage often receives very small children (below 6 years) who are orphans and could easily be placed in adoption if declared 'legally free for adoption' and moved into an adoption agency.

1.2. CSA'S ROLE

CSA's objective is to increase the number of adoptions in the country. CSA has:

1. Identified agencies (rural) where children are available. Through extensive promotional programmes, CSA reached out to prospective parents and directed them to those agencies. Effectively, CSA has started a trend of city parents adopting from rural India having facilitated about 100+ such adoptions.
2. Identified older children waiting for homes in adoption agencies and approached CARA for placing the children with NRIs.
3. Identified state-sponsored agencies and routed parents to those agencies.

4. Identified children in orphanages who can be moved into the adoption stream and initiated the process of moving them into adoption, through the State authorities.
5. Supported the agencies to ensure quality child care and work efficiency.

CSA's initiatives are at present confined to 20 agencies and 8 orphanages in the states of Maharashtra and Orissa. **CSA would like to work on the movement of orphans below the age of 6 years from orphanages in to the adoption stream.**

1.3. OBJECTIVES OF THE STUDY

The study would examine the following:

1. The scope for moving children below the age of 6 years who are orphans and eligible for adoption, from orphanages into the adoption stream.
2. The prevalent care and rehabilitation standards in the orphanages and the scope for improvements and interventions.
3. The status of the orphanages in terms of their registration and funding.
4. Issues that can be escalated to the Government/authorities, leading to resolution of existing hurdles if any, through policy/practice change.
5. The situation of informal adoptions through the orphanages.

The study would reflect the existing situation relating to adoption and lead to a White Paper containing recommendations on the course of further action which could be taken up with the State/ Central Government. While, there is large number of children waiting for adoption, the lack of efficient adoption processes denies the children of getting adopted. This study will be an attempt in this regard to have an

appraisal of the ground reality in the pretext of the policy and government intervention regarding the same.

Primarily, CSA identifies agencies in smaller towns where children do not easily find homes locally.

The present white paper is aimed to assess the potential to increase the number of adoptions in the state of Odisha. This study has been proposed by the situation that there are both, waiting children and parents. Also, there are children below the age 6 years, who have remained in orphanages, after which, the children, cannot be legally be adopted. Thus, around 27 orphanages in the 12 districts of the state of Odisha would be studied and profiled to help us understand the holistic perspective of the orphanages and the system of adoption and their relationship.

1.4. METHODOLOGY ADOPTED

Both secondary and primary data analysis was undertaken to achieve the abovementioned objectives. The secondary research included a thorough desk review to highlight the guidelines and practices presently in operation for functioning of orphanages. The findings of the secondary research helped to develop the primary research tools for the proposed study. The primary research included both qualitative & quantitative aspects of the adoption prospects. It included the following—

- 1) Group meeting/Focused Group Discussions (FGDs)
- 2) In-depth Interviews
- 3) Key Informants Interviews

The Focused Group Discussions were carried out through an FGD guideline containing major issues relating to the orphanages and

adoption. In depth interviews were conducted to get an insight into the aspects of present adoption mechanism and reasons for non adoption through a semi-structured interview schedule.

**1.5. DISTRICT WISE LIST OF SELECTED ORPHANAGES IN
ODISHA FOR THE STUDY**

District	Sl	Name of the Orphanage	Address
Angul	1	Athmallik Balashram, Athmalik	At/Po-Athamalik, Angul, Orissa-759125
	2	Baji Rout Chhatrabas, Hakimpada	Hakimpada, Angul - 759143
Balasore	3	Gandhi Sevashram, Jaleswar	At/P.O.- Shantia, Jaleswar, Dist- Balasore
	4	Bapuji Seva Sadan, Chandipur	At-Chandipur, P.O.- Mitrapur, Balasore- 756020
	5	Banchhanidhi Service Society	At- Padampur, P.O.- Saragaon, Dist- Balasore- 756002
	6	Krushna Sukuri Sevashram	At/P.O.- Dhabasila, Balasore
Bargarh	7	Kasturba Gandhi Matruniketan	At/P.O.-Paikmal, Dist- Bargarh, Pin-768039
	8	Glory home	Glory Home, Paikamal
Bolangir	9	Parbati Giri Bal Niketan	Potherchepea, Bolangir
Cuttack	10	Swami Bichitrananda Kalyan Ashram, Dagarpada	Dagarpada, Cuttack
	11	Utkal Balashram, Cuttack	Cuttack, Odisha
	12	ServIndia Destitute Children's Home, Choudwar	Choudwara, Cuttack

Keonjhar	13	Bishnupriya Balashram, Chhenapadi	Chhenapadi
Puri	14	Adrut Sishu Ashram, Baliapanda	At-Baliapanda, Puri, Odisha
	15	Sharada Ashram, Uttara	Uttara, Bhubaneswar, Odisha
	16	Acharya Harihar Balashram, Sakhigopal	Sakhigopal, Puri
	17	Nilachal Seva Pratisthan, Kanas	Kanas, Puri
	18	Utkal Balashram, Puri Branch	
Ganjam	19	Thakkar Bappa Ashram, Nimakhandi	Nimakhandi, Ganjam
	20	Missionaries of Charities, Berhampur	Berhampur, Ganjam
Gajapati	21	Ambedkar Memorial Hostel	Paniganda, GP-Paniganda, Via-Adaba-761217
Kandhamal	22	C. Vinoba Balashram, Vikash Parishad,	At/Po-Sarangada, Dist-Kandhamal-762106
	23	Ambedkar Home	Kalumaha, Raikia-762101
	24	St. Catherine's house	Raikia-762101
	25	RCM Sishu Bhawan	At-Mandasore, Via-Raikia, Dist-Kandhamal
Nayagarh	26	Anatha Parityakta Balashram, Mahatpalla	Mahatpalla, Nayagarh
Sambalpur	27	Sirijak Santara Bal Niketan	Phuljharan, Jujumara, Sambalpur

Angul	28	Yashaswee Sishu Greha, Hakimpada	Hakimpada, Angul - 759143
Khurda	29	Adruta Childrens' Home	Gadakana, Bhubaneswar
	30	Adruta Childrens' Home	Gajapati Nagar, Bhubaneswar

Chapter-II

Adoption Scenario in India

The growing number of destitute children and their rehabilitation has always been a matter of concern for CSA. Even as CSA was set up in September 2002, we knew that we would work on 'Child Welfare'. Also, that to begin with, our efforts would be focused on Adoption- it being the most complete form of re-habilitation of the destitute child. As a prelude to CSA's initiatives and in an effort to set directions for ourselves, we did a White Paper on Adoption in India.

The objective of that paper was to make a field assessment to validate some of the hypothesis that seemed to exist about child adoption. Primarily, there was the belief that it was necessary to focus extensively, on promoting adoptions and, on creating a mind-shift in the perception of the general Indian public, to the concept of child adoption.

Our White paper led to some interesting findings. Primarily we found that a paradigm shift in the perception of the general public to adoption had already happened. Perhaps due to extensive promotion efforts by CARA through Adoption Agencies, VCAs and Scrutiny agencies as also, the very significant contribution of Aparents who had not only, successfully reared adopted children but also, had set up Associations of Adoptive parents in several locations in India, there was a tremendous response to adoption in the metropolitan cities. Also, this response belied the belief that people were generally inclined to adopt only male children; most often, the preference was for the girl child. More interestingly, the child born outside wedlock was no longer taboo; many parents were not concerned about matters other than the health of the

child. We found that most of the agencies in the metropolitan cities had long lists of waiting parents who had registered to adopt.

Also, that this group was not restricted to infertile couples; parents with natural children of their own also wanted to adopt. Another interesting finding was that each agency worked in isolation. There was almost no coordination with the result that each agency lived with its own share of problems and difficulties many of which could perhaps, have been better addressed through coordination and sharing.

These findings set the road- map for CSA's initiatives; we concluded that:

1. We would work towards the twin objectives of:
 - Enhancing the number of adoptions in the country, and
 - Working towards better child-care both, while the child is institutionalized and post- adoption through facilitation and guidance.

2. We would work through the adoption community by first of all, bringing them together on a common platform. As we progressed and via our extensive interaction with adoption agencies both, in metros and outside, we found that the situation in locations other than the metros, had not changed and was much the same as before viz.:

The response to adoption was very low.

The girl child still had no takers. Likewise, the 'special-needs' child had no takers. There was generally, a lack of awareness and people still continued with informal adoptions; promotional efforts were minimal. Many agencies had large numbers of children, mainly girls, who were adoptable.

The existing regulations did not encourage the free movement of children across states and agencies. The effort for us then, was to ascertain the reasons for the very contradictory positions in metropolitan agencies and those in the non-metros respectively, and to seek possible solutions. It appeared to us that there was just no justification in adoptable children languishing in institutions when there were so many people wanting to adopt and waiting for long and anguishing periods to do so. Also, we believed that most certainly, many more adoptable children would be available in Government, and privately -run institutions and orphanages.

We concluded that for adoptions to work in the desired manner and to reach the desired levels of child rehabilitation, it was necessary to create a virtual cycle where destitute, orphaned and adoptable children would move into adoption agencies and move out into adoption, at the smallest possible time. There being so many destitute children in India, there would always be a space and place for a new child to come into adoption. The sources it seemed were adoption agencies that had children but no waiting parents and Destitute Homes where adoptable children were perhaps, available. The solution it appeared was in networking- working with Destitute Homes, Adoption Agencies, the regulatory authorities and the media, such that the process could both be hastened and the numbers of adoptions, enhanced.

We at CSA are convinced that Networking is the answer to most of the issues that have emerged. Several agencies- both Government and non-government, address the same problems each in its limited way and repetitiously. Children continue to languish in some agencies while in others; parents continue to face the anguish of prolonged waiting. Children who can never find homes in domestic placement continue to languish because someone who has the authority or, has assumed the

authority thinks that he has the right to prevent the movement; the child seems forgotten in the entire exercise.

The focus must shift from regulation to promotion and each stakeholder must function in the best interest of the child. Also, the overlap of functions must be eliminated. Those involved in regulation should continue to regulate; those who have a promotional role must confine their initiatives to promotion.

The focus of adoption cannot remain agency-centered. The focus must shift to the 'best interest of the child' and all measures must be coordinated such that optimization of the benefits of adoption to the destitute child is achieved.

The time is opportune for CARA to perhaps, widen the adoption network and also include orphans from orphanages and destitute homes for children. Also, CARA should perhaps, manage by exception and focus largely on policy matters.

Delegation of authority, clarification of roles and responsibilities, and accountability are some of the immediately desired outcomes. CARA would do well to include the Adoption Community and work through stakeholders, particularly State Welfare Departments.

The limiting factors of this study, did not allow for a clear assessment of the actual numbers of children who are orphans from the children residing in Orphanages/ Destitute Homes / After-care centers. However, it is clear that there are many who are orphans. Also, there are several who apparently, have a parent or, a relative who has left the child in the orphanage. Many such parents do not maintain any links with the child until the child attains maturity when the child is re-claimed as an earning member of the family.

Summation of findings

Availability of adoptable children

1. Most Agencies that are located outside metropolitan cities have children (mostly girls) who can be placed in adoption. This is seen both, in Maharashtra and Orissa.
2. Many of the agencies located in metros have long lists of waiting parents in the range of 50-70. Many agencies were unwilling to reveal the exact numbers.
3. Inter-State transfer of children across agencies or, across states is very few except in Maharashtra where with the permission of the State Welfare Department, transfers within the state take place. Transfers across branches of the same agency with the consent and permission of the Social Welfare Department/ Magistrate / Collector, are quite common in some of the agencies.
4. Many of the agencies are unwilling to consider transfers for fear of being labeled as non- performers (unable to place children in adoption) and the funds being controlled or even discontinued.
5. Parents who have registered with Agencies in metros prefer to stay there even though the waiting periods are long. Primarily they are concerned about the credibility of the agency from where they wish to adopt and in the absence of any information on the agencies in the non- metros, they prefer to wait. There is also, the question of the legal and other processes, which often require the Aparent to stay in the location of adoption for lengthy periods of time.

Administrative and other issues

6. Agencies are unanimous in their observations about the growing procedural stringencies and the rising power pockets. Some of the observations are as follows:

6.1 Lack of trust

Most Agencies feel distressed at the apparent lack of trust that all regulatory bodies display (CARA, VCA, Scrutiny Agency, Judiciary and the State Government) in dealing with them. The entire focus, it would seem, centers on identifying lapses. Most often the regulatory authorities give the impression that all agencies are out to commercialize adoption. Agencies concede that mal-practices have set in, in some agencies and therefore, aggressive monitoring may be necessary. However, equally strong is the belief that the defaulters find ways of getting out and mal-practices continue. It is unfortunate that a few unethical agencies have paved the way for stringent and sometimes unnecessary, controls.

- With the introduction of several centers of control (which turn into centers of power), the entire process has slowed down considerably. Also, the consequent work pressures take a toll, on the staff.
- The threat of cancellation of a license looms large all the time; agencies are always fear of being pulled up for the omission and their license withdrawn.

6.2 Voluntary Coordinating Agency (VCA)

The focus of the VCA's role has shifted more towards monitoring and regulation than coordination and promotion.

- The VCA is allowed to register prospective apparent and to do home studies on their own. This results in their own lists of waiting apparent. Thus when a child is referred to an agency through the Child Welfare Board via the VCA, it comes along with an identified adoptive parent who was registered with the VCA. The parents registered with the agency take a back-seat.
- Delays in issuance of 'No-Objection certificates' despite specific guidelines from CARA, are very common.
- Though tenures of assignment are prescribed for the CARA Steering Committee no such prescription applies to the VCA.

- Agencies are anguished at the obvious lack of understanding of a child's trauma, in being referred time and again to several parents (to meet the quota of 3 'rejections') only to be rejected. Even after that, the VCA sometimes claims that the agency has not tried hard enough for a local / in-country placement.

6.3 Legal process

- The legal procedure coupled with a lack of sensitivity on the part of the Judiciary, leaves scope for deferment and delay. Often a decision is deferred due to the absence of one of the three members of the JWB. Often dates are set and shifted time and again due to the absence of one of the members; each time the child is taken to the court.
- Agencies unanimously agree on the need for streamlining processes and, sensitization of the Judiciary.

6.4 International Placements

- There is a near, clamp-down on international placements.
- The definition of 'special-needs' not being clear, the VCA most often rejects the 'no-objection' on the grounds that in-country placements should be attempted.
- While agencies completely agree that the focus should be on in-country placements, they believe that in most cases they are able to assess the prospects of a child being placed internally immediately after the child arrives.
- In those circumstances, keeping the child waiting for an in-country placement which leads to his/ her continued stay at the agency is neither desirable for the child, nor the agency. It leads to the emotional trauma of the child and blocks space for a new child coming in.
- Agencies while conceding that the Indian child perhaps, does face some negatives vis-a-vis the cultural difference in being

brought up by an (apparently) alien family in an alien country, quote the cases of several visiting adoptees who have been successfully nurtured abroad and who are happy and well-settled individuals. Also, their contention is that an international placement is certainly the preferred option to institutional care and half-hearted rehabilitation.

6.5 Administrative inconveniences

- Reports and Administrative requirements, a consequence of regulation and monitoring by multiple agencies, create immense pressures on the social workers of agencies.
- Many Shishu Grehs have more children than the stipulated 10, leading to financial and work pressures for the agency and staff respectively.

6.6 Promotion in non-metros and illegal adoptions

- Many agencies believe that illegal adoptions continue unabated. Also, the cumbersome procedures encourage people to resort to private adoptions.
- There is very little of promotional effort in the non-metros. Awareness is both poor and distorted. Even in the metros, in view of the changed scenario, it is no longer relevant to encourage adoptions. Agencies opine that Promotion of adoption should now, centre around discouraging illegal adoption and channelising all adoptions through recognized agencies and legal measures.

7. Other factors of relevance

Best Interests of the child

The (Government of India) Guidelines to Regulate matters relating to Adoption of India Children 1994) clearly focuses on the ‘best interest of

the child". As the guidelines state generally in all matters concerning adoption whether within the country or abroad, the welfare and interest of the child shall be paramount.' The best interest of the child is reinforced in the Convention for the Rights of the Child. 'Best interest' however is not defined and it would seem that all concerned stakeholders concentrate only on the end- segment viz. the actual adoption.

It is important to consider that every child who is being placed in adoption has undergone intense trauma. The intensity differs from child to child but the trauma exists in each of them. The trauma continues and is often aggravated by the following:

- Non-availability of personal care and identification with one single individual.
- To add to this during infancy, the period of 0-6 months, except that the infants are well fed and hygiene is ensured, little conscious effort is made to address the age-specific needs of the child. This period being the most important phase for the brain development of the child, the significance of 'best interests' being applicable to this stage can hardly be over- emphasized.
- Likewise, every time a child is adopted and leaves for a 'home' those left behind are left wondering when it will be their turn. The significance of 'best interests' being applicable to this stage can hardly be over-emphasized.
- Repeated references and related rejections/ non-acceptance by a parents leave a severe impact on the child. Similarly scrutiny by officials where the child becomes the centre of discussion leaves a huge, negative impact on the child. The significance of 'best interests' being applicable to this stage can hardly be over-emphasized.

- Every time the child is taken to court and has to wait for hours for something which s/he hardly understands can hardly leave the child un- impacted. The significance of 'best interests' being applicable to this stage can hardly be over-emphasized.

The age of 0-6 years are most significant for the social development of a child. Every additional day spent at the agency impacts him/ her, negatively. Despite the best efforts agencies cannot provide for the companionship, socializing or heterosexual interaction that a child so needs at this stage. The significance of 'best interests' being applicable to this stage can hardly be over-emphasized.

It would seem that there is an intense paradox in the intention of 'best interest' and its actual application. Unfortunately, Adoption agencies, sometimes unknowingly and unwillingly contribute to this. Most agency workers form some kind of attachment with the children who reside with them. They identify the children as "our children". This sense of attachment casts a consequent responsibility on them to place the child and they would rather have the child waiting for a home with them, then moving the child to another agency where a parent may be waiting.

Destitute Homes and Orphanages

1. An assessment of the position prevailing in orphanages in Maharashtra and Bihar would seem to suggest that the level of care and re-habilitation can be only as good as the State makes it. Quite clearly the extent of re-habilitation in Maharashtra is of a much higher standard than that prevailing in Bihar.
2. Clearly, large numbers of children who are confined to Destitute Homes/ Orphanages are those that are eligible for being placed in

adoption. Keeping them confined to such homes amounts to depriving the child of his right to a home.

3. Also, the case of those children who have no contact with a parent / relative for several years but continue to remain in the orphanage simply because he is not relinquished, needs examination.

4. Most certainly, there is scope for a virtual movement of children from Destitute Homes and Orphanages, into adoption.

Chapter-III

Major Laws, Rules and Initiatives in India / Odisha

3.1 Hindu Adoption and Maintenance Act 1956 (HAMA)

The Hindu Adoption and Maintenance Act 1956, confined to the Hindus in India. The provisions are

- The child should be a Hindu.
- No Hindu male or female can adopt a son if he or she has a son, son's son, living at the time of adoption.
- To prevent sexual abuse, the HAMA provides that there shall be an age difference of twenty one years between the adoptive parents and the adopted child.
- All adoptions under the HAMA are secular, so much so that the religious ceremony like Dattaka-homa is not necessary.
- Once the adoption is made, it is final and irrevocable under the HAMA.
- Under the HAMA 1956, the age for adoption of children is upto 15 years.

3.2 The Guardians and Wards Act 1890 (GWA)

- The Muslims, Christians and Parsis other than Hindus have to appoint themselves as guardians under the Guardians and Wards Act 1890.
- The Guardians and Wards act deals only with the guardians of the person and property of the minor.

3.3 The Juvenile Justice (Care and Protection) of Children Act 2000

- Rehabilitation and social reintegration of the child is an important part of the Juvenile Justice Act 2000. Chapter IV of the Act lists adoption, foster care, sponsorship, and sending of the child to an after care organization to achieve the goal of rehabilitation and social reintegration.
- The JJ Act 2000 is silent about religion.
- The Juvenile Justice Act 2000 defines a child as a person who has not completed the age of 18 years.
- The JJ Act 2000 allows parents to adopt a child of the same sex irrespective of the number of living biological sons or daughters.

3.4 The UN Convention on the Rights of the Child (UNCRC)

The year 1999 was the 10th anniversary of the UN Convention on the Rights of the Child. In commemoration, an international conference was held in Stockholm on the theme “Children and Residential Care-Alternative Strategies”. The conference was attended by participants from Europe, Africa, Asia and Latin America to discuss the real life situations of children around the world who spend all or part of their childhood in residential care. The aims of the conference were—

- To discuss experiences of residential care,
- To develop alternatives to long term residential care,
- To spread knowledge of the needs and rights of children in residential care, particularly in relation to the UN Convention on the Rights of the Child.

Adoption

States/parties shall in accordance with their national laws ensure alternatives care for such a child. (Article 20:1)

Such care could include inter alia foster placement, Kafala of Islamic law, adoption or, if necessary, placement in suitable institutions for children. When considering solutions, due regard shall be given to the desirability of continuity in a child's upbringing to to the child's ethnic, religious, cultural and linguistic background. (Article 20:3).

States/parties that recognizes and/or permit the system of adoption shall ensure that the best interests of the child shall be of paramount consideration. (Article 21).

Through adoption, the child becomes part of a family and acquires relatives. Children have been put up for adoption since time immemorial. Originally, the purpose of adoption was to satisfy a childless family's need of an heir and someone who could carry out necessary rites. In accordance with the UN Convention of the Rights of the Child, today adoptions shall be implemented only when it is "in the child's best interest."

Promotion of adoption entails spreading of knowledge, to bring about a change of attitude, fight against injustice and mystification, influencing legislation and adoption routines, and not least of all, reporting on the many good experiences connected with adoptions.

The UN Convention on the Rights of the Child stipulates that International adoption is a viable option only when there is no other way to take good care of the child in his or her country of origin.

3.5 Hague Convention

In 1993, the Hague Convention on the Protection of Children and Co-operation in respect of Inter country Adoption was ratified. The Convention stipulates that each individual case is to be given due and

careful consideration. Responsible authorities in the countries ratifying the Convention are required to take active measures to promote domestic solutions for the child, in his or her own family or through national adoption. In this respect, the Hague conventions goes further than the UN Child Convention.

3.6 Supreme Court Judgement, 1984

The Supreme Court of India, in its landmark judgement in the case *Laxmikant Pandey vs. Union of India* directed that preference is to be given for finding a home within India for every orphaned child. The full development of a child's potential is possible only in the care of a family, and as far as possible, such a family should be from a similar cultural milieu. As a follow-up of the judgement, the Government of India, Ministry of Social Justice and Empowerment has framed detailed guidelines for inter-country adoption of Indian children in 1995 which are mandatory. Further, the Ministry has also circulated general guidelines for in-country adoption procedures to all States in 1998.

The Central Adoption Resource Agency (CARA) which was set up in 1990 under the Ministry of Social Justice and Empowerment was registered as an autonomous body under the Registration of Societies Act on 18.03.1999 in accordance with the directions of the Supreme Court with the objective of providing a detailed framework for regulating and expediting adoptions in the country. The Ministry grants recognition to both Indian and foreign agencies which are engaged in sponsoring Indian children for adoption abroad.

The Central Scheme of assistance to Homes (Shishu Grehas) for infants for promoting in-country adoption is being implemented. Grant-in-Aid is being provided by GoI to Non-Governmental Organizations for running these Shishu Grehas for promoting adoptions within the

country. The upper ceiling of the grant-in-aid is Rs.6.00 lakhs for a Shishu Greha.

3.7 Orissa Orphanages and Other Charitable Homes (Supervision and Control) Rules, 2002.

Major aspects of the Act

- Every person desiring to maintain or conduct a Home shall make an application in Form-1 for the grant of Certificate of Recognition.
- The Board shall consider the following factors while granting the certificate of recognition--
 - (i) Character, antecedents, social status and reputation of the applicant and in case of institution, that the office bearers of the Managing Committee.
 - (ii) Suitability of the applicant or institution for running such a Home;
 - (iii) Reputation of any other institution run by the applicant or Association;
 - (iv) Character, antecedents, social status and reputation of the members of the proposed Managing Committee;
 - (v) Accommodation facilities and sanitary conditions of the proposed Home;
 - (vi) Name of such institutions functioning in the Block with full details regarding their working.
- The Board after being fully satisfied of the conditions provided under sub-rule (2) shall grant certificate in Form II.
- Any institution having valid certificate of recognition shall make application in form III for renewal of the certificate every year.
- Relinquishment of child by biological parents on grounds of poverty, number of children, unwanted children shall not be

admitted in Homes. Such children, if admitted the license and recognition of Homes or Orphanages shall be cancelled or withdrawn.

- It is mandatory that if a child is found abandoned by unwed mothers or children whose parents have expired in accidents or natural calamities, it shall be brought to the notice of Officer-in-charge of local police-stations as well as to the Collector of the District at the first instance by the person interested to admit the child and obtain a written direction for such admission form the Collector on the basis of the report of the local police-station.
- In case of Hospitals and Nursing Homes, they shall have to record in detail in a separate register to be maintained by them and refer the case of the child to the Collector to obtain written permission for admission in recognised Orphanages/Homes.
- The Hospitals or Nursing Homes and District Collector shall send the details to the Director indicating the place of rehabilitation.
- The Homes/Orphanages shall have a regular paediatrician and shall ensure utilisation of services of other specialists whenever occasion so arises for the health care of the children.
- The Homes/Orphanages shall have at least one social worker in its establishment. The name and address, contact phone number etc. of the social worker shall be got registered with District Collector and also with Director.
- The institution shall maintain growth monitoring charts, immunisation details, and periodical health check up details duly authenticated by the attending physician.
- No institution registered under Societies Registration Act, 1860 and granted a certificate of registration form, the Board is permitted to procure detain adopt children and if it is noticed, District Collector has the power to take the children into

possession, seal the premises and prosecute such institution in a Court of Law.

- When the institution receives the child its responsibility is to trace the biological parents and restore the child to them, failing which, as far as possible, place the child in adoption with Indian families following the procedures laid down for in-country adoptions only in-country adoption shall be processed as per rules subject to the institution having a valid license for the same during the entire process of adoption.
- The care and services provided to the adopted children shall be provided to ensure the development of the child. In case of neglect of the child is noticed, the concerned placement agency placing the child for adoption shall take immediate action for bringing back of the child to its possession and take action for prosecution against the adoptive parents'.
- In case of unsatisfactory care of children, the 'Licence' given and recognition accorded to the institution shall be withdrawn and children shall be transferred to other institution at the discretion of the Director.
- If the Certificate of recognition granted by the Board is lost, destroyed, mutilated, the Manager may apply to the board for grant of a duplicate certificate. The Board on being satisfied with the reasons furnished by the applicant, issue a duplicate certificate.
- The ground for refusal to grant of certificate or for revocation of a certificate already granted shall be duly communicated to the applicant or the holder of a certificate as the case may be, duly obtaining his/her acknowledgement in person or by registered post with acknowledgement due.
- Any person aggrieved by an order of the Board refusing to grant a certificate or revoking a certificate or cancelling a license may

prefer an appeal to the State Government within one month from the date of receipt of the order.

3.8 Scheme for Welfare of Orphan and Destitute Children

The objective of this programme is to prevent destitution of children and thus there is provision for shelter, nutrition, health care, education and vocational guidance for orphaned and destitute children throughout the State. Orphan and destitute children in the age group upto 18 years (for boys) and upto 25 years (for girls) are covered. This scheme is a State Government initiative and is implemented through Voluntary Organizations/NGOs.

There are 85 orphanages running in the State in 28 districts with 5603 inmates. Of these 85 orphanages, 6 orphanages are managed by the Orissa State Council for Child Welfare (OSCCW), while the remaining 79 are managed by NGOs/Voluntary Organizations. From 7th August 2004, Government has been pleased to increase the maintenance grant from Rs.300/- to Rs.500/- per inmate per month.

During 2006-07, an amount of Rs.78.49 lakhs has been provided in the Plan Budget under State Plan and Rs.266.69 lakhs under Non Plan for maintenance of various orphanages.

An amount of Rs.1.50 crores has been provided during 2005-06 under the RLTAAP for KBK and Rs1.00 crore under State Plan for this Scheme.

3.9 Adoption Initiatives of Government of Odisha

In Orissa there are two Placement Agencies for inter-country adoption. There is one Voluntary Coordinating Agency (VCA) in the State to coordinate all adoption-related activities and identify and promote

adoption of children who are legally free for adoption. The VCA is also required to create awareness among the general public on the legal aspects of adoption, the guidelines on adoption and the procedures prescribed is circulated by the Government of India as well as to supervise the activities of childcare institutions in this field so as to curb illegal adoptions. In case any information through the media or otherwise on child abuse etc is received, an enquiry is made by the W&CD Department or the VCA. 'Sanjog' an NGO has been nominated as the VCA in this State.

The State Government provides some financial support to the VCA for this purpose. The State Council for Child Welfare is the Scrutiny Agency which scrutinizes and processes applications for adoption.

There is a State Adoption Cell in the W&CD Department headed by Director, Social Welfare which monitors adoption-related activities. A State Level Executive Committee headed by the Secretary, W&CD Department also monitors/ reviews the activities of all the Agencies working in this area.

Engagement of Tutors in the Orphanages

In order to provide qualitative educational facilities to the inmates of Orphanages the management of different Orphanages have been instructed to engage retired Head Masters/any experienced in-service Science/ mathematics/ English teacher of the nearby High School as Tutors in the Orphanages. This innovative approach has been introduced for the first time for solving the problem of providing quality education to the children of the orphanages.

Deemed Orphanages

For the welfare of children below 5 years who are residing with their mothers inside the jail, Short Stay Homes of Central Home for Women action is being taken to provide financial assistance @Rs.250/- per child per month through nearby Orphanages of the district.

Board of Control

In order to bring the all the orphanages of the state to the control of Government as per provisions of the Orphanages and Charitable Homes (Supervision and Control) Rules, 2002 a “Board of Control” has been constituted in the state.

During the year 2004-05, another new scheme namely “Inmates Meritorious Award” has been started to encourage the Inmates of the orphanage to increase their skill of standard education. As per the scheme, three inmates securing highest mark in HSC examination will be given 1st, 2nd & 3rd prize amounting to Rs. 5000/- Rs. 3000/- and Rs. 2000/- respectively.

Rainbow

In the year 2005, a State Level Children’s Festival’2005 named as “Rainbow-2005” was organized by W&CD Department from 21th November 2004 to 23rd November 2005. Children from all the 85 orphanages / Balashram and children’ home of Orissa had participated in the Mega festival. The festival which was dedicated to the cause of the children is a grand success.

Mahila & Sishu Desk

In order to have an integrated approach towards crime against women and children, Mahila & Sishu Desks have been established in 40 police stations of the State in the first phase to receive all complaints relating to women and children for appropriate legal action. Human Rights Protection Cell and all the SPs have been intimated to send the children rescued from distress to the Sishugrehas, Orphanages, Observation Homes, Children's Homes as deemed proper.

Creation of children's Home

According to the Juvenile Justice (Care & Protection of Children) Act, 2000, the Govt. have certified 12 child-care institutions as 'Children's Home for reception of child in need of care and protection during the pendency of enquiry subsequently for care, treatment, education, training, development of the child until further rehabilitations. Out of 12 Children's homes, two are exclusively meant for girls. Provision of funds have been made & sanctioned for Organisation of workshops, related to CWC & JJB.

Chapter-IV

Scenario of Institutions Dealing with Orphanage and Adoption-Issues & Concern

4.1 Types of Organisation

In Odisha, there are 85 orphanages and 8 Adoption centers located in different parts of the state according to official report by department of Women and Child Development. The study covered only 12 district of Odisha in a random manner by studying 28 orphanages and adoption centres i.e a sample size of 30 %. Table-4.1 depicts about the types organization under survey. Out of 28 orphanages 4 nos. of organizations are doing adoption, they are Nilachal Sishu Griha, Servindia Destitute Children's Home, Babuji Seva Sadan, Yashaswee Sishugreha

Table-4.1
Types of Organisation studied

Types of Organization	Number	%
Orphanages	24	85.00
Adoption Centre	4	15.00
Total	28	100.0

4.2 Status of Building.

It is found that almost all orphanages and adoption centre i.e 27 out of 28 (96%) are functioning in their own building. Only one centre (4%) is running in rented building. Table-4.2 describes about the status of building for Orphanages and adoption centre in Odisha.

Table-4.2
Status of Building

Building Status	Number	%
Own	27	96.0
Rented	1	4.0
Total	28	100.0

4.3 Condition of Building

It was found out that out of 28 orphanages and adoption centre 19 (67.8%) centre running in old building. Condition of building is not so good, many of the places building are in terrible condition, many centers not covered by boundary wall, plaster of wall not so good in maximum places, where as 9 centre are in new building. Table-4.3 shows about the condition of building for Orphanages and adoption centre in Odisha.

Table-4.3
Condition of Building

Condition of Building	Number	%
Old	19	67.8
New	9	32.2
Total	28	100.0

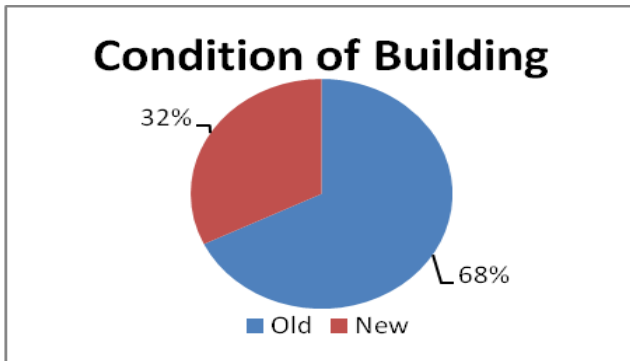


Figure-4.1

4.4 Area of Building

It is found that maximum number of orphanages and adoption centre are having more than 3000 sqft and less than 5000 sqft area of building i.e. 10 out of 28 (35.7) centre. Only one centre (3.6%) is running less than 1000 sqft area of building. Whereas 9 (32.2) center having area of building more than 5000 sqft. Table-4.4 describes about the area of building.

Table-4.4

Area of Building	Number	%
Less than 1000 sqft	1	3.6
More than 1000sqft and less than 3000 sqft	8	28.5
More than 3000sqft and less than 5000 sqft	10	35.7
More than 5000sqft & above	9	32.2
Total	28	100.0

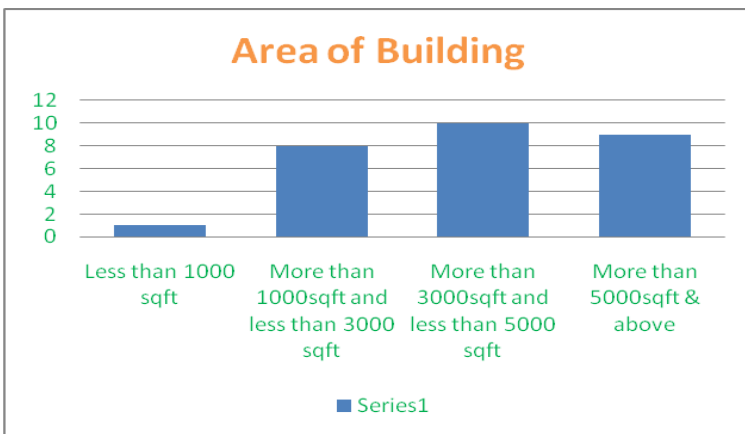


Figure-4.2

4.5 Age & Gender wise Status of Children

The main objective of this study is to find out the status of adoption in 0-6 year's age group. 382 children are residing in 28 orphanages and adoption centre. 204(53.4%) out of 382 are male children and the remaining i.e 178 are female children.

Table-4.5
Status of Children Age wise (0-6), (6-12), (12-15), 15 and above- Male/
Female

Age Group	Male		Female		Total	
	Number	%	Number	%	Number	%
0-6	204	53.4	178	46.6	382	100.0
6-12	722	66.6	362	33.4	1084	100.0
12-15 & above	230	70.1	98	29.9	328	100.0
Total	1156	64.4	638	35.6	1794	100.0

4.6 Number of Children

It is also found that maximum number of centre is accommodating less than 50 numbers of children i.e. 15(53.6%) out of 28 centre. Only in 3(10.7%) centre the total number of children is more than 150. Table-4.6 shows frequency of total number of children in various centres.

Table-4.6

Total no. of children	Number	%
Less than 50	15	53.6
More than 50 and less than 100	6	21.4
More than 100 and less than 150	4	14.3
More than 150 & above	3	10.7
Total	28	100.0

4.7 Availability of Room

An effort has been made to explore whether there are adequate number of rooms. It is found that 15(53.6%) out of 28 centre have more than 10 rooms. Table-4.7 demonstrates the availability of rooms in different centers.

Table-4.7

Total no. of Rooms	Number	%
Less than 3	5	17.8
More than 3 and less than 7	6	21.4
More than 7 and less than 10	2	7.2
More than 10 & above	15	53.6
Total	28	100.0

4.8 Availability of various facilities

It is found during the study that about 17 in 28 centres (60.7%) have telephone facility available at the centres. Significantly 26(93.1%) have first aid box. Table-4.9 displays about the availability of various facilities at orphanage and adoption centre.

Table-4.8

Facilities	Yes		No	
	Number	%	Number	%
Telephone	17	60.7	11	39.9
Recreation room	15	53.6	13	46.4
Play ground	18	64.2	10	35.8
Cup board	23	82.1	5	17.9
First aid box	26	93.1	2	6.9
Sick Room	19	67.8	9	32.2

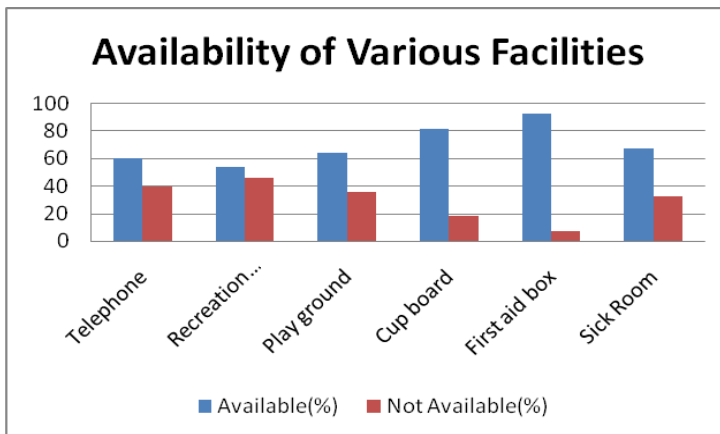


Figure No.-4.3

4.9 Drinking Water facility

Table no. 4.9 shows the dependence on various sources of water supply. While, Tap water supply is available only in 25% of the cases, dependence on bore well and hand pump is the most.

Table-4.9

Types of water facilities	Number*	%
Tank	5	17.8
Tap	7	25.0
Well	7	25.0
Bore-well	10	35.7
Hand Pump	9	32.1
Total	28	100.0

* Multiple responses

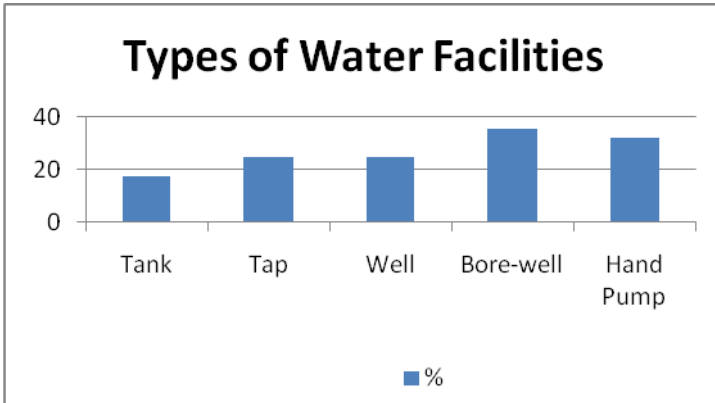


Figure No.-4.4

4.10 Hygiene & Sanitation

Hygiene is a major issue in many of the orphanages. 85 % of the orphanages have thatched roof and have dilapidated earthen flooring and not properly ventilated. Around 70% of the orphanages studied depend on firewood for cooking.

Table- 4.10
Kitchen Room Quality

Kitchen Room Quality	Number	%
Very Good	3	10.8
Good	12	42.8
Manageable	12	42.8
Unhygienic	1	3.6
Total	28	100.0

Bathroom and toilets are also other areas of concern. While the ratio seems to be somewhat proportionate, the quality again is a big question. The children depend on open field for defecation due to lack of water

facility in the existing toilets. Similarly, girls opt for nearby ponds, tanks for bath due to scarcity of water in the summer season.

4.11 Food and Nutrition

The nutritious value of the food is also questionable. In many of the cases, the children get rich food in various occasions like marriage, birth day, funeral ceremony and community feast.

While, irregularity in funding is held to be the major reason behind the situation, issues of proper monitoring is another reason. The instances of malnutrition are there in 85% of the orphanages. The problems of adolescent girls in terms of health needs are also evident in many of the orphanages studied.

4.12 Category Wise Status of Children

Children come from various localities and also various family backgrounds. All the children are categorized either as orphan or destitute for the study.

Table No.-11
Category Wise Status of Children

Sl. No.	District Name	Name of Institution	Orphans			Destitute			Total		
			M	F	Total	M	F	Total	M	F	Total
1	Angul	Yashaswee Sishugreha	0	0	0	0	9	9	0	9	9
2		Baji Rout Chatrabas	8	9	17	38	28	66	46	37	83
3		Athamalik Balashram,	6	0	6	19	0	19	25	0	25
	Total		14	9	23	57	37	94	71	46	117

4	Balasore	Banchhanidhi Service Society	25	22	47	31	24	55	56	46	10 2
5		Krushna Sukuri Kanyshrama	0	80	80	0	75	75	0	15 5	15 5
6		Bapuji Seva Sadan	42	25	67	40	23	63	82	48	11 0
7		Gandhi Sevashrama	45	38	83	0	0	0	45	38	83
	Total		112	165	277	71	122	193	183	287	47 0
8	Bargarh	Kasturba Gandhi Matruniketan	89	76	165	0	0	0	89	76	16 5
9		Glory Home	14	16	30	0	0	0	14	16	30
	Total		103	92	195	0	0	0	103	92	19 5
10	Bolangir	Parbati Giri Balniketan	23	27	50	0	0	0	23	27	50
	Total		23	27	50	0	0	0	23	27	50
11		Servindia Destitute Children's Home	16	16	32	52	26	78	68	42	11 0
12		Utkal Balashram,	130	0	130				13 0	0	13 0
13	Cuttack	Swami Bichitrananda Kalyan Ashram	12	0	12	0	0	0	12	0	12
	Total		158	16	174	52	26	78	210	42	25 2

14	Ganjam	Missionaries of Charities, Berhampur	16	15	31	0	0	0	16	15	31
15		Takkhara Bappa Ashram,	1	0	1	39	0	39	40	0	40
	Total		17	15	32	39	0	39	56	15	71
16	Gajapati	Ambedkar Memorial Hostel	26	11	37	0	0	0	26	11	37
	Total		26	11	37	0	0	0	26	11	37
17	Keonjhar	Bishnupriya Balashrama	152	0	152	0	0	0	152	0	152
	Total		152	0	152	0	0	0	152	0	152
18		Vikash Parishad, Vinoba Balashram	0	6	6	0	24	24	0	30	30
19		Ambedkar Home	6	5	11	0	0	0	6	5	11
20	Kandhamal	St. Catherine's House	17	12	29	0	0	0	17	12	29
21		RCM Sishu Bhawan	51	0	51	0	0	0	51	0	51
	Total		74	23	97	0	24	24	74	47	121
22	Nayagarh	Anant Paritaktya Balashram,	33	35	68	0	0	0	33	35	68
	Total		33	35	68	0	0	0	33	35	68

23	Puri	Nilachal Sishu Griha	4	6	10	0	0	0	4	6	10
24		Utkal Balashram,	60	0	60	40	0	40	100	0	100
25		Adrut Sishu Ashram	52	0	52	0	0	0	52	0	52
26		Acharya Harihara Balashrama	50	0	50	0	0	0	50	0	50
27		Sharada Ashram,	25	0	25	0	0	0	25	0	25
	Total		131	6	137	0	0	0	231	6	237
28	Sambalpur	Sirijak Santara Balniketan	22	24	46	0	0	0	22	24	46
	Total		22	24	46	0	0	0	22	24	46
	Grand Total		925	423	1348	259	209	468	1184	632	1816

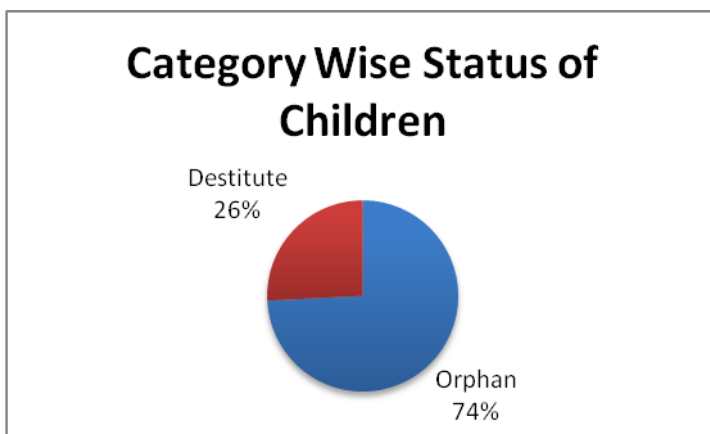


Figure-4.5

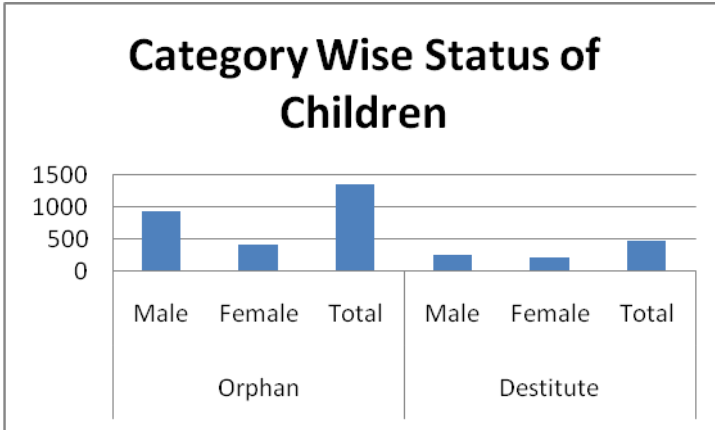


Figure-4.6

The above table depicts that more than 74% orphan children and 26% destitute children are residing in orphanages. 925 male and 423 female children residing in orphanages are orphan child and 259 male and 209 female children residing are destitute.

Table No.-12
Age & Gender Wise Distribution of Children

Sl. No.	District Name	Name of Institution	Registration Status	0-6 Years			6-12 Years			12 & Above Years		
				M	F	Total	M	F	Total	M	F	Total
1	Angul	Yashaswee Sishugreha	NA	0	9	9	0	0	0	0	0	0
2		Baji Rout Chatrabas	206/1	1	2	3	27	23	50	0	0	0
3		Athamalik Balashram,	358/48-1982-83	0	0	0	11	0	11	0	0	0
	Total			1	11	12	38	23	61	0	0	0
4	Balasore	Banchhanidhi Service Society	BLS.NO.8216-52105-06	14	10	24	42	36	78	0	0	0
5		Krushna Sukuri Kanyshrama	NA	0	40	40	0	100	100	0	15	15
6		Bapuji Seva Sadan	BLS3/635, STATE-22844/54/08-09	8	6	14	50	40	90	2	4	6
7		Gandhi Sevashrama	NA	13	0	13	32	36	68	0	0	0
	Total			35	56	91	126	210	336	2	19	21

8	Bargarh	Kasturba Gandhi Matruniketan	8029/382	4	12	16	56	40	96	29	24	53
9		Glory Home	NA	0	0	0	0	8	8	0	0	0
	Total			4	12	16	56	48	104	29	24	53
10	Bolangir	Parbati Girl Balniketan	8029/382-95	0	3	3	15	15	30	2	3	5
	Total			0	3	3	15	15	30	2	3	5
11	Cuttack	Servindia Destitute Children's Home	470 OF 1298/F149	2	9	11	60	20	80	1	0	1
12		Utkal Balashram,	25/2006	0	0	0	80	0	80	2	0	2
13		Swami Bichitrananda Kalyan Ashram	1987 SOCIETY ACT 1860	0	0	0	10	0	10	0	0	0
	Total			2	9	11	150	20	170	3	0	3
14	Ganjam	Missionaries of Charities, Berhampur	NA	16	15	31	0	0	0	0	0	0

15		Takkhara Bappa Ashram,	NA	1	0	1	35	0	35	0	0	0
	Total			17	15	31	35	0	35	0	0	0
16	Gajapati	Ambedkar Memorial Hostel	1986/337, 91-92, GANJAM	2	2	4	16	2	18	0	0	0
	Total			2	2	4	16	2	18	0	0	0
17	Keonjhar	Bishnupriya Balashrama	KJR-779-119 OF 1988-89	4	0	4	132	0	132	8	0	8
	Total			4	0	4	132	0	132	8	0	8
18	Kandhamal	Vikash Parishad, Vinoba Balashram	19070/8, IGR CUTTACK	0	4	4	0	14	14	0	0	0
19		Ambedkar Home	19217/17 OF 1991-92	1	2	3	5	3	8	0	0	0
20		St. Catherine's House	10096/421 OF 1976-77	17	12	29	0	0	0	0	0	0
21		RCM Sishu Bhawan	NA	23	0	23	28	0	28	0	0	0
	Total			41	18	59	33	17	50	0	0	0

22	Nayagarh	Anant Paritaktya Balashram,	241/02/1988/89	4	2	6	23	24	47	3	5	8
	Total			4	2	6	23	24	47	3	5	8
23	Puri	Nilacha Sishu Griha	PR/226/13-1981-82	4	6	10	0	0	0	0	0	0
24		Utkal Balashram,	NA	60	0	60	40	0	40	0	0	0
25		Adrut Sishu Ashram	NA	8	0	8	30	0	30	0	0	0
26		Acharya Harihara Balashrama	15526/363 OF 1979-80	10	0	10	34	0	34	0	0	0
27		Sharada Ashram,	NA	0	0	0	16	0	16	3	0	3
	Total			82	6	88	120	0	120	3	0	3
28	Sambalpur	Sirijak Santara Balniketan	NA	6	4	10	13	16	29	0	0	0
	Total			6	4	10	13	16	29	0	0	0
	Grand Total			198	136	334	757	375	1132	50	51	101

Table No.-13
Status of Infrastructure

Sl	Name of Institution	No of children	Status	Rooms	Play ground	Condition of Kitchen	Bathroom (No)	Toilet (No)	Water					Electricity
									T-tank, W-Well, B-Borewell, H-Handpump					
									Tap	T	W	B	H	yes
1	BANCHHANIDHI SERVICE SOCIETY	102	Own	9	No	Manageable	4	4					Yes	yes
2	KRUSHNA SUKURI KANYSHRAMA	155	Own	17	No	Manageable	0	2					Yes	yes
3	BAPUJI SEVA SADAN, NILGIRI, BALASORE	110	Own	15	No	Manageable	2	4 (defunct)				yes		yes
4	KASTURBA GANDHI MATRUNIKETAN	165	Rented	60	yes	Very good	10	10		yes		yes		yes
5	GANDHI SEVASHRAMA	83	Own	6	yes	Manageable	2	6	yes			yes		yes
6	NILACHAL SEVA PRATISTHAN, SISHU GRIHA	10	Own	6	yes	Very good	2	2		Yes		yes		yes

7	MISSIONARIES OF CHARITIES, BERHAMPUR	31	Own	3	yes	Good	1	1	yes			yes		yes
8	SERVINDIA DESTITUTE CHILDREN'S HOME	110	Own	15	yes	Very good	8	10				yes	yes	yes
9	YASHASWEE SISHUGRIHA	9	own	7	yes	Good	4	4			yes			yes
10	BAJI ROUT CHATRABAS, ANGUL	83	Own	40	yes	Good	YES	12	yes	yes	yes	yes	yes	yes
11	GLORY HOME, PAIKMAL	30	Own	8	yes	Good	1	1			yes			yes
12	ANANT PARITAKTYA BALASHRAM, NAYAGARH	68	Own	6	yes	Good	6	4				yes		yes
13	TAKKHARA BAPPA ASHRAM, BERHAMPUR	40	Own	3	yes	Manageable	0	4			Yes	yes		yes
14	UTKAL BALASHRAM, BERHAMPUR	0	Own	15	yes	Good	13	10	yes			yes		yes

15	BISHNUPRIYA BALASHRAMA	152	Own	12	no	Manageable	4	3			ye s		yes	yes
16	ATHAMALIK BALASHRAM,	25	Own	5	yes	Manageable	1	1					yes	yes
17	ADRUT SISHU ASHRAM	52	Own	12	no	Good	6	6	yes				yes	yes
18	ACHARYA HARIHARA BALASHRAMA	50	Own	20	no	Good	0	6		yes			yes	yes
19	SHARADA ASHRAM, UTTARA SASHAN, PURI	25	Own	1	no	Good	1	1		yes				yes
20	SIRIJAK SANTARA BAL NIKETAN	46	Own	15	yes	Manageable	4	6					yes	yes
21	PARBATI GIRI BAL NIKETAN, POTHARCHEPA,	50	Own	20	yes	Manageable	8	9					yes	yes
22	VIKASH PARISHAD, VINOBA BALASHRAM	28	Own	2	yes	Manageable	0	1			ye s			yes

23	AMBEDKAR HOME, RAIKIA, KANDHAMAL	11	Own	6	no	Good	2	2				ye s		yes
24	ST. CATHERINE'S HOUSE, RAIKIA, KANDHAMAL	29	Own	31	yes	Good	8	8	yes					yes
25	RCM SISHU BHAWAN, KANDHAMAL	51	Own	13	yes	Good	5	5	yes					yes
26	AMBEDKAR MEMORIAL HOSTEL, MOHANA, GAJAPATI	37	Own	2	no	Manageable	5	5				ye s		yes
27	UTKAL BALASHRAM, PURI	130	Own	14	yes	Manageable	10	4	yes	yes			yes	yes
28	SWAMI BICHITRANANDA KALYAN ASHRAM	12	Own	16	yes	unhygienic	1	3	yes		ye s			yes

The above table shows that 27 out of 28 centre are running on own building while only one i.e. Kasturba Gandhi Matruniketan, Bargarh is running on a rented building with 165 children with 60 rooms followed by Bajirout Chhatrabas, Angul ith intake capacity 83 children in 40 rooms. Sharada Ashram, Uttara has only one room. 19 out of 28 centers have own playground. Only 3 centers' condition of kitchen is very good and 1 centre is unhygienic, others are good and manageable condition. Bathrooms are not available in 4 centers. Significantly all centers have electricity connection and all centres having any type of drinking water of source. Some centres are multiple source of drinking water.

5.1 THE MAJOR FINDINGS

Adoption has been a domain much neglected in the state of Odisha. Except for the time to time media coverage of case studies of utter negligence and mismanagement of orphanages, a serious attempt to look into the governance aspects of such a critical issue has never been a priority in both government and non-government level.

Multiple factors such as inadequacy in physical infrastructure, human resource, lack of awareness and willingness are affecting promotion of adoption in orphanages. The present findings are based on a thorough research into the domain involving multiple stakeholders.

5.1.1 Scope for Moving children for adoption

Out of 28 orphanages only 4 centers are doing adoption. They are Nilachal Sishu Griha, Serve India Destitute Children's Home, Bapuji Seva Sadan, Yashaswee Sishugreha . In Bapuji Seva Sadan adoption centre that got license last year, till date no adoption happened. Adoption rate of other 3 are very nominal. There are 372 children in the age group of 0-6 years in the orphanages where we conducted the study. But significantly, there are also many parents waiting for adoption. It was also found that there is a vast scope for adoption, but the main constraints for adoption are as follows—

- It is followed by a lengthy legal process.
- Question on future of adoptive children.
- Illegal practice/ child trafficking of children.

5.1.2 Issues around the Adoption and Orphanages

1. Awareness regarding adoption, existence of adoption agencies and the legal aspects involved are less or absent especially in the rural areas. It is believed that there are a number of parents who want to adopt, but they are not aware of the process. There is a general lack of awareness amongst children's homes, orphanages & Adoption Agencies in the rural areas about the legal procedures in adoptions.
2. The trend of adoption of a girl child has increased over the years. This is an indication of the positive attitude of adoptive Indian parents towards a girl child.
3. Transfer of children who have remained in the adoption agencies for more than two years, do not happen.
4. The trend of adopting mentally & physically challenged children by Indian Adoptive parents is less or absent.
5. Adoption Agencies, especially in the non-metros find it extremely difficult to meet medical health, nutritional and general expenses of mentally and physically challenged children.
6. The waiting list of adoptive parents in the city based adoption agencies is higher than those from rural based adoption agencies
7. Facilities in city based adoption agencies are excellent & better as compared to those from rural – based adoption agencies

5.1.3 Infrastructure Availability at Orphanages/ Adoption Centres

Building

Almost all centers are functioning in own building. Only one centre is functioning from rented building. However, the facilities in many cases are dilapidated and overcrowded.

The condition of two third of the centers are poor with plaster of walls (33%) coming out and in 27% floor coming off in some or many places. In some places the maintenance work has not been undertaken for more than 2 years. Construction is incomplete in many places.

Human Resources

The total staff available at all the centres is 219. Only 89 caretakers are employed in total in the 28 orphanages studied which is very low. In some places there are no designated cook found, helper may act as cook.

Status of Orphanages

All the orphanages and adoption centres are registered either under society or trust act. Some of the centres are newly formed. Many orphanages are funded by government, but some centres are totally depending on private funding.

a. RECOMMENDATIONS

Some of the recommendations to strengthen the adoption agencies & the children's homes are as follows:

i. Awareness-cum-Sensitisation Drive

The major reason for lesser adoption rate in Odisha is lack of awareness among the people as well as orphanages. Media's role had

been mostly negative in terms of bringing facts of misappropriation, mismanagement and corruption.

Awareness campaign involving government, non-government organizations working on childcare and protection, media, independent agencies are needed to promote awareness regarding adoption, CARA guidelines, Government rules & regulations, legal procedures etc. Use of street theatre, effective posters in local dialects and seminars and workshops from time to time involving various stakeholders will be helpful in effective sensitization.

ii. Legal procedure should be simpler

Many parents do not like a rigid legal procedure. It is the major constraint for adoption. So, simple and effective law and rules can enhance adoption.

Apart from that some more points may be noted.

- (a) Ensure that the adoption of a child is authorized only by competent authorities
- (b) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of in country adoption;
- (c) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

In considering the best interests of the child, the UNCRC, as interpreted by UNICEF and the CRC, thus ranks possible care solutions in the following order:

1. Family of origin;
2. Suitable permanent family in the country of origin;
3. Inter-country adoption;

4. Domestic foster-care (non-permanent family environment);
5. Institutional care

iii. Extending all support under Sarva Siksha Abhiyan to these institutions

The provisions under Sarva Shiksha Abhiyan needs to be extended to these institutions so that they avail the facilities. Provisions for Teaching Learning Materials, uniforms and other facilities should be provided to the orphanages and adoption centres.

iv. Regular and proactive payment of stipend and other provisions under PDS on monthly basis

This is one of the most contentious area as there are several instances of arrears in most of the orphanages and adoption centres for 8-9 months. It becomes extremely difficult to manage on the part of the management to feed them and often ends with malnutrition and corruption both at department and management level. There should be monthly reimbursement policy for effective management of such institutions.

v. Effective and Continuous training :

Time to time training and skill sharing sessions should be promoted among the support staff of various adoption and orphanages on child rights, child care and protection and vocational training. This is a critical area that needs more attention.

vi. Care of Mentally & Physically Challenged Children:

The needs of mentally & physically challenged children are different. Adoption agencies require trained experienced & expert staff to attend

to the needs of these children. Salaries of these staff apparently need to be increased. Similarly, the budget for medical & health expenses of these children need to be increased. Adoption of such children should be promoted both in India & abroad.

vii. Research & Training wing

The Department of Women & Child Welfare should establish a research wing to maintain a data bank, encourage documentation & research, related to issues & problems of children in adoption agencies & the children's homes in the state. Departments such as SC & ST Development, Law and School and Mass Education have research & training institutes. It is recommended that the Women & Child Welfare Department should either establish a research & training wing or outsource these activities.

viii. Social & Physical Audit:

Social physical audit by outside agencies should be promoted in order to improve the efficiency, transparency in adoption agencies & children's homes.

Appendix- 1
FEW SNAPSHOTS







APPENDIX-2

ADOPTION PROSPECTS IN SELECTED DISTRICTS OF ORISSA

By

Catalysts for Social Action & Youth Development Foundation

(Interview Schedule for Heads of Orphanages / Adoption Centers)

I. **Identification**

1. District _____
2. City / Town / Block _____
3. Village / Area _____
4. Address _____

5. Telephone Numbers _____
6. Mobile Numbers _____
7. Email Address _____
8. Website _____
9. Year of Establishment _____
10. License Number _____
11. Fax Number _____
12. Registration Number _____
13. Type of Organization _____
14. Funding Source _____

II. **Respondents' Information**

- 2.1) Name- _____
- 2.2) Designation- _____
- 2.3) Sex - 1. Male 2. Female
- 2.4) Age -
- 2.5) Education-
 1. Illiterate
 2. Primary
 3. High school
 4. Higher Secondary
 5. Studying in College
 6. Undergraduate
 7. Graduate
 8. Post Graduate
 9. Ph. D
 10. Others (Specify)

2.6) Specialized Education in Child adoption / Care / Development. (Please Specify)

III. **Facilities & Infra-structure**

3.1) Orphanage Building Status- 1.Own 2.Rented

3.2) Condition of the Building- 1. Old 2. New

3.3) Area of the Building (In square foot)-

3.4) No. of rooms-

3.5) Electricity - 1.Yes 2. No

3.6) Water facility-

1. Tank 2. Tap 3. Well 4. Bore-well 5. Hand-pump

3.7) Telephone facility- 1. Yes 2. No

3.8) No. of bathrooms-

3.9) No. of toilets-

3.10) No. of beds-

3.11) Fans-

3.12) Lights-

3.13) Recreation room- 1. Yes 2. No

3.14) Play ground- 1. Yes 2. No

3.15) Kitchen room quality 1. Very Good 2. Good

3. Manageable 4. Unhygienic

3.16) Storage- 1. Yes 2. No

3.17) Cupboard / Boxes for clothes 1. Yes 2. No

3.18) Plates / Glasses- 1. Proportionate to strength 2. Not So

3.19) Cooking gas- 1. Yes 2. No

3.20) First Aid Box- 1. Yes 2. No

3.21) Sick room- 1. Yes 2. No

IV. Staff

Sl	Staff	Trained/ Untrained	Sanctioned	Vacant	Total
1	Care Taker				
2	Teacher				
3	Counselors				
4	Cook				
5	Helper				
6	Administrative				
7	Health Care				
8	Management				

V. Status of children

5.1. Children in the Institution

Sl.	Age group (in years)	Orphan			Destitute			Others			Total		
		M	F	T	M	F	T	M	F	T	M	F	T
1	0 – 2												
2	2 – 4												
3	4 – 6												

4	6 – 8												
5	8 – 10												
6	10 – 12												
7	12 – 15												
Total													

5.2. Source of getting information regarding children:

Source of Information	
Govt. official/Police	
Child Welfare Committee(CWC)	
Public	
NGO	
Any other	

5.3. Do you communicate the CWC regarding admission of new child?
Yes/No

5.4. Where do these children go once they are released from the institution?

Family	
Extend Family/Relatives	
Community	
Adoption	
Any other	

VI. **Details of Formal Adoption in last five years**

6. Provide details of domestic and international adoptions in last five years.

Sr	Year	Domestic			International			Remarks
		M	F	T	M	F	T	
1	2004 – 2005							
2	2005 – 2006							
3	2006 – 2007							
4	2007 – 2008							
5	2008 – 2009							
6	Total							

VII. **Monitory & Supervisory Standards**

1. Who monitors the children during their sickness?
2. Is the care taker trained? 1. Yes 2. No
3. What kind of training has she/he undergone?
4. What is the qualification of the care taker?
5. Who monitors sports activities of children?
6. Is she / he trained?
7. Who monitors the children during their recreational activities?
8. Do he / she guide the children in the recreational activities?
9. Who prepares food for the children?
10. Who monitors the preparation process, the hygiene etc. in the kitchen?
11. What provisions are made to preserve food for the children?
12. What is the weekly diet menu?
13. What are the food timings of children?
 - I. Breakfast – II. Lunch – III. Dinner – IV. Tea -
14. What did the children have yesterday for:
 - I. Breakfast – II. Lunch –
 - III. Dinner – IV. Other Observations:

FGD checklist on aspects of prevailing practice on adoptions

1. Any adoptions in your orphanage since the last five years?
1. Yes 2. No
2. In your opinion which form of adoption is better?
1. Formal 2. Informal
3. Why so?
4. What adoption promotion initiatives have you developed?
5. Do you get any Government support in promotion of adoption?
1. Yes 2. No
6. If yes, what?
7. What legal procedures did you follow while facilitating adoptions?
8. Which social, cultural and political hazards do you generally face at the time of facilitating adoptions?
9. What are the rehabilitation measures for the children?
 - I. Educational-
 - II. Moral-
 - III. Spiritual-
 - IV. Vocational training-
 - V. Personality Development-
 - VI. Career Development-
10. What are the reasons for the non-adoption of a child?

Signature of the Investigator with date