



सत्यमेव जयते

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Member Secretary

भारत सरकार

GOVERNMENT OF INDIA

राष्ट्रीय बालक अधिकार संरक्षण आयोग

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

जनपथ, नई दिल्ली-110 001

JANPATH, NEW DELHI - 110 001

F. No. File No. 16/4/2011/U.P/NCPCR/CL / 19 182 ट 19184 Date: 20th July 2011

Dear Anoop,

Pursuant to the meeting of NCPCR held with you in your office in Lucknow on 30th April 2011, a 'Core Committee on Child Rights' in the State has been constituted under the Chairmanship of Dr. Yogesh Dube, Member, NCPCR. Accordingly a campaign focusing on the elimination of child labour and effective implementation of RTE Act has been launched for the 6 identified districts of Uttar Pradesh. As a follow up to the above-decision, the NCPCR Team comprising of Dr. Yogesh Dube (Member, NCPCR and Chairman- 'Core Committee on Child Rights'), the undersigned and Mr. Sanjay Kumar Tiwari (Sr. Consultant) visited Firozabad District of Uttar Pradesh on 28th June 2011 to hold meeting with District Magistrate and the concerned officials for reviewing the issues and concerns of child rights in the District and to assist them in formulating an Action Plan to campaign for Child Rights in the District.

2. We deeply appreciate the meeting organized with all concerned district officials and cooperation extended in highlighting the issues and concerns to make this visit fruitful and secure.

3. Based on the interactions and visits of the team the following concerns listed below have been identified that need immediate attention:

4.1 LABOUR DEPARTMENT:

4.1.1 Issues/Feedbacks/Observations

- (i) The Assistant Labour Commissioner (ALC) informed to the visiting team that 968 out of 5022 children rescued from the child labour were declared ineligible for school admission, without assigning any appropriate reason;
- (ii) The visiting team was surprised to know that not a single child was found in hazardous occupation and process under Child Labour (Prohibition and Regulation) Act (CLPRA), 1986, despite 20 inspections were carried out by the Labour Department between 1.4.2011 and 25.6.2011;
- (iii) The facts on child labour given by the District administration proves to be doubtful as the visiting team could easily locate children engaged in roadside *dhabas* and involvement in transportation of bangle-making materials. During the visit Dr. Yogesh Dube (Member, NCPCR) has identified and rescued 3 child labour from a garage in the Firozabad and handed over to the Labour Department and Police (in the presence of District SP) for further legal action and rehabilitation. As per the direction of Dr. Dube, the ALC and Police undertook rescue operation in other sectors in the very next day and rescued children involved in child labour;

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20/7/11

Nupur

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- (iv) It was informed that large numbers of children of migrant families are engaged in various industries of Firozabad. Most of these children are orphan or living with single parent. On enquiry the team was told that many such parent died prematurely while working in glass factories, due to exposure to the excess hit and polluting particles;
- (v) The team learnt that the children are no more engaged in glass and bangles factories, as raid and rescue by the Labour Department is going on. However, information from reliable sources revealed that large number of children may be engaged in glassware and bangles godowns. The fact was corroborated by the officials but are not able to carry out the rescue operation as they lack proper security arrangement and face resistance from various quarters;
- (vi) The District Task Force is constituted for name sake, as its composition is not appropriate, not functioning properly and does not meet regularly. The last meeting of the District Task Force was held in May 2011 after a long gap;
- (vii) According to ALC, the rescue operation has not taken place since last one year, as the Labour Department is not getting required support from Police and other departments and faces resistance from the community, owners and vendors. This is the reason for showing low figure on rescued children;
- (viii) The ALC has informed that under CLPRA, CWC is not a competent authority for rescuing the child labours;
- (ix) It was observed from the interaction that the rehabilitation measures are very weak as it lacks coordination among Government Departments dealing with children issues;
- (x) The ALC brought to the knowledge of the team that in most cases the employers are not arrested and booked under relevant labour laws as they operate from the rented houses, so the prescribed compensation of Rs. 20, 000/- are also not recovered;
- (xi) It was informed by the ALC that survey of child labour will be done along with the survey of SSA on children out-of-schools by June last, with the objective of developing a time-bound action plan to make the District a child labour free District;
- (xii) The NCLP project is not functional now in the District of Firozabad due to non-allocation of fund from GOI from 31.12.2010; and
- (xiii) The ALC also shared that the Department is facing the problem of shortage of labour Inspectors. Further he informed that in initial level the field officers who are working with NCLP will be declared inspectors under CLPRA.

4.1.2 Recommendations

- (i) The Department must furnish a report to the Commission within 2 weeks explaining why the 968 out of 5022 children rescued were denied school admission;
- (ii) The Department should conduct a survey for identification of child labour in the district in hazardous occupations and processes, including the roadside *dhabas*, glassware and bangles godowns and transportation of bangle-making materials and report to the Commission within 2 months;
- (iii) The Department in coordination with other departments should develop a time-bound action plan to make the District a child labour free District and send a report to the Commission within one month;

- (iv) Furnish a report of action taken to the Commission on the legal action and rehabilitation measure of the children handed over to the Department by Dr. Yogesh Dube (Member, NCPCR) during the visit and also the detail report on children rescued afterwards from other sectors as per the direction of Dr. Dube;
- (v) The Department should study on the issue of the orphan children or children with single parent and explore the causes of premature deaths of such parents who were exposed to severe health hazards. A copy of such report may be send to the Commission;
- (vi) Ensure that the District Task Force is constituted properly, composed suitably by including the Chairperson of CWC, Departments of Health, WCD, Revenue, Education and representative from local NGO and holds meaningful meetings quarterly;
- (vii) Efforts are made to carry out rescue operation, involving Police and other concerned Departments and representatives from civil society organizations;
- (viii) All rescued child labours must be produced before the CWC, as CWC is a competent authority for taking care of the children in need of care and protection and notifying the child labours under the category of children in need of care and protection under JJ Act (*as per Section 31 of JJ Act, 2000 superseding all children related laws*);
- (ix) Initiate stern actions against the employers under relevant labour laws like Child Labour (Prohibition and Regulation) Act, 1986, Bonded Labour System (Abolition) Act, 1976 and Juvenile Justice (Care and Protection of Children) Act, 2000;
- (x) The erring employers should not go scot-free or not booked under relevant labour laws only because they operate from the rented premises. In such cases, actions should initiated against the house owners renting out the premises for carrying out illegal activities;
- (xi) Migrant children rescued from child labour are repatriated to their State of Origin, the employers are booked under relevant labour laws and Rs. 20,000 is recovered immediately from the erring employers;
- (xii) The identified and rescued children are mainstreamed to the formal education system through residential-based bridge course;
- (xiii) The District Magistrate monitors the activities of various teams assigned to identify, rescue and rehabilitate the child labour and reports to the NCPCR;
- (xiv) Strengthen the rehabilitation measures, ensuring proper coordination among all Departments dealing with children issues;
- (xv) Labour Department initiates sustained campaigns to spread social awareness among all stakeholders of the society including the vendors and factory owners;
- (xvi) Rescue operations of Child labour should follow the provisions of "Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour" issued by Ministry of Labour and Employment, Government of India, 2008.

4.2 INTEGRATED CHILD PROTECTION SCHEME (ICPS)

4.2.1 Issues/Feedbacks/Observations

- (i) The concerned officer informed that the Integrated Child Protection Scheme (ICPS) came into force in the State from 24th November 2010, as required

under the Juvenile Justice (Care & Protection of Children) Act, 2000 and Amended Act, 2006, and the directions issued by the Ministry of Women and Child Development;

- (ii) He also added that the first meeting towards formation of District Child Protection Unit under the chairmanship of the DM had been convened on 18th June 2011, which decided to arrange boarding & lodging, education and choice-based vocational training to the children of Government run Children Homes;
- (iii) The concerned officer informed that there are proposals to build Homes for girls and boys separately in the Government allotted land;
- (iv) Also efforts are on to invite proposal for setting up of Childline, Foster & Shelter Home from the experienced organizations and organize training on Juvenile Justice Act for the Special Juvenile Police Unit, GRP and RPF;
- (v) There were proposals for undertaking training programmes on JJ Act and provisions of CWC and JJBs before 15th July 2011 and orientation/awareness programme on child rights for the intermediate & degree college students and teachers, NCC and NSS wings of various colleges and training institutes as well as for representatives NGOs, trade unions, panchayats, etc.

4.2.2 Recommendations

- (i) The District Child Protection Unit (as envisaged under Section 62 A of JJ Act, 2000) should be constituted and activated within 2 months time by the District Social Welfare Officer under the Integrated Child Protection Scheme (ICPS);
- (ii) The DM must expedite construction of buildings (separately for girls and boys) and arrange their boarding & lodging, education and choice-based vocational training to the children of Government run Children Homes;
- (iii) Expedite the process of setting up of CHILDLINE and Foster & Shelter Home by involving the experienced organizations;
- (iv) Organize training on Juvenile Justice Act for the Special Juvenile Police Unit, GRP and RPF;
- (v) Orientation/awareness programme for the college students and teachers, NCC and NSS wings of various colleges and training institutes as well as for representatives NGOs, trade unions, panchayats, etc.; and

4.3 CHILD WELFARE COMMITTEE (CWC) & JUVENILE JUSTICE BOARD (JJB)

4.3.1 Issues/Feedbacks/Observations

- (i) It was informed that the CWC in the District of Firozabad has been constituted in September 2010;
- (ii) During meeting it was informed that concerned departments have not taken cognizance of the orders of the CWC;
- (iii) Police is not producing all the children who are in need of care and protection before the CWC;
- (iv) It was also informed that there no training programme was conducted for the members of CWC;

- (v) As informed to the visiting team the CWC has convened 79 meetings till June 2011, hearing 95 cases, disposed of 44 cases, handing over 32 children to parents/guardians and referred to one child to the Child Care Home;
- (vi) As of now out of the 6 children from outside the District, CWC has sent 3 sent to their respective States and the process of repatriating a child to Nepal is going on;
- (vii) While one child was freed from adoption home through legal recourse, one was referred to other organizations for care and protection and two Girl children were referred to Government Children Home, Kanpur;
- (viii) The visiting team was informed that the JJB has been functional in the District of Firozabad from 19 December 2010;
- (ix) It was brought to the notice that only 3 cases have been finally disposed off by the JJB out of 482 Cases received. It is evident that number of pendency cases with JJB is piling up and innocent children are languishing in the Homes; and
- (x) It was a good precedent that the JJB has declared child to 16 where there was confusion with regard to determination of their age. Such cases, the JJB should have pretended that all children are below 18 and initiated the process of verification.

4.3.2 Recommendations

- (i) Ensure that the CWC/JJB have all members in position, having regular meetings and hearings, adequate infrastructure and support from the Government and performing their role in the desired manner as envisaged under the JJ Act;
- (ii) Initiate training programmes for the members of CWC and JJB to enable them to understand their role, relevant legislation and policies and the manner in which they are expected to discharge their responsibilities so as to ensure child rights;
- (iii) Ensure display of the names of the CWC and JJB members, their sitting place, address, contact no., etc. in prominent places;
- (iv) The CWC must keep a vigil on the children active in economic activities, abandoned children and missing/trafficked children pass through Railway Stations/Bus Stand and extend necessary support to those children who are in need of care and protection;
- (v) The CWC should take decision with regard to the interim care, restoration & long-term rehabilitation of such children;
- (vi) Expedite the process of repatriating the child to Nepal at the earliest; and
- (vii) Ensure review of the pendency of cases with the CWC and JJB on six monthly basis [*as it is a requirement for the State Government under Section 33 (3) and Section 14 (2) of the JJ Act for CWC and JJB respectively*];

4.4 SPECIAL JUVENILE POLICE UNIT (SJPU)

4.4.1 Issues/Feedbacks/Observations

- (i) It was brought to the knowledge of visiting team that SJPU is not formed yet in the District even though the State Government has claimed that they have been

formed. It was informed that a police constable has been deputed as Special Juvenile Police Officer.

4.4.2 Recommendations

- (i) The District Administration must ensure that SJPU is formed and the police officials deputed as Special Juvenile Police Officer should be trained and oriented properly to deal the child issues with sensitivity.

4.5 CHILDREN HOMES

4.5.1 Issues/Feedbacks/Observations

- (i) It was informed that a Children Home in Sikohabad Tehsil of Firozabad District is very old and in dilapidated condition;
- (ii) The DM informed that the Children Home in Sikohabad will be transferred to Firozabad shortly and District administration has already allotted land for the purpose in Damodarpur, near District Hq.;
- (iii) He also informed that the Children Home may be shifted with immediate effect in a rented premises, till the new building comes up;
- (iv) It was discussed that the condition of the building is pathetic and every possibility of falling at any time. The children living the Home are under life threat; and
- (v) It was informed by the DM that there is no Children Home for girls in Firozabad as well as in entire Western Uttar Pradesh, as a result girls are referred to Children Home, Kanpur, which is found to be over crowded;

4.5.2 Recommendations

- (i) Expedite the process of shifting of the Children Home of Sikohabad Tehsil to Firozabad and vacate the dilapidated building, as the children are currently living in the Home in life threat condition;
- (ii) The DM must ensure that the Children Home is shifted to Firozabad with immediate effect in a rented premises, till the new building comes up; and
- (iii) Ensure separate Children Home for girls in Firozabad also Home for the mentally challenged children.

4.6 STATUS ON MID-DAY MEAL DISTRIBUTION

4.6.1 Issues/Feedbacks/Observations

- (i) It was brought to the notice of the visiting team that the Principals/Head Teachers had to go to the Block Headquarters to collect the Mid-Day Meal (MDM) material, leading to shortage of teachers in the schools;
- (ii) It was informed that the MDM is distributed in the Schools of urban set up by the NGOs;
- (iii) The MDM scheme is applicable for all the aided and un-aided primary and upper primary schools of the District, and all children enrolled to such schools are the beneficiaries of the scheme; and

- (iv) It was informed that the distribution of MDM scheme is guided by the prescribed menu and standard.

4.6.2 Recommendations

- (i) Ensure timely disbursement of the MDM material at the schools and not at Block level to avoid engagement of teachers in non-teaching assignments;
- (ii) Initiate routine monitoring of schools in rural areas and NGOs in urban areas to ensure that mid-day meal scheme is guided by the prescribed menu and standard; and
- (iii) Ensure non-discrimination in MDM in terms of aided/unaided and primary and upper primary schools.

4.7 RIGHT TO EDUCATION

4.7.1 Issues/Feedbacks/Observations

- (i) It was informed that there is no mechanism to monitor the corporal punishment in the District;
- (ii) The educational infrastructure is quite low in standard and there are no initiatives to popularize the RTE Act;
- (iii) It was also informed that Uttar Pradesh has not yet notified the State Rule on RTE Act, 2009;
- (iv) The concerned official informed that they are going to conduct a survey for out-of-school children in July 2011

4.7.2 Recommendations

- (i) Follow NCPDR guidelines (*Protection of Children against Corporal Punishment in Schools and Institutions, 2008*) on corporal punishment and ensure no corporal punishment/mental harassment of children in schools in the District;
- (ii) Ensure survey by SSA to identify the out-of-school children and initiate measures to mainstream the children to the schools which comply with all the guidelines of RTE Act, 2009;
- (iii) Ensure that the Government Schools not charging any fee or conducting any screening test for admission and books; uniforms and stationeries are made available free of cost;
- (iv) Ensure that all the Schools (Government and Private) in the District comply with the RTE guidelines;
- (v) Ensure formation of School Management Committees and their orientation, awareness programme and compulsory and age appropriate admission with regard to the implementation of RTE Act.

4.8 Recommendations for the DM

Expressing dissatisfaction over the presentation of obsolete figures by the concerned departments, the visiting NCPDR team recommended quick actions ensuring protection of child rights in the District. In view of the foregoing issues and concerns, the visiting team directed to the District Magistrate to act on the following:

- (i) The DM and SP should ensure that appropriate measures are taken to curb the increasing cases of rape of minor girls in the District through public awareness building. Also the victims are counseled, compensated and rehabilitated properly; and
- (ii) Ensure continuous inter-Departmental interaction and communication and information sharing.

5. We therefore request you to please look into the recommendations and ensure the same are implemented at the earliest.

With

Yours sincerely,



(Lov Verma)
Member Secretary

To,

Shri Anoop Misra
Chief Secretary
Government of Uttar Pradesh
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Copy to for necessary action:

1. Shri Amrit Abhijat, Divisional Commissioner, Agra, Uttar Pradesh, PIN- 282003
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(Lov Verma)
Member Secretary