

## **Visit Report**

### **By NCPCR's team led by Dr. Yogesh Dube to Sant Ravidas Nagar (Bhadohi) and Varanasi district of Uttar Pradesh from 1st -3rd November,2011**

(To review the Child Labour & Child Rights situation in the Sant Ravidas Nagar and in preparation of Public Hearing in Varanasi)

#### **Team composition:**

Dr. Yogesh Dube, Member, National Commission for Protection of Child Rights (NCPCR), led a team of two members to Sant Ravidas Nagar( Bhadohi) and Varanasi from 1st - 3rd November,2011. A Sr. Consultant accompanied him for the same.

#### **Purpose of the visit:**

The purposes of the visit were:

- i. Reviewing issues and concerns of child rights in concerned district by holding a meeting with the Commissioner, Mirzapur/Vindhyachal division along with senior level Government officials of Sant Ravi Das Nagar District;
- ii. Facilitate District Administration to formulate an Action Plan to campaign for Child Rights, with special emphasis on the elimination of child labour;
- iii. Follow-up the implementation of Commission's recommendations which had been sent to the State Government as well as District Administration of Sant Ravi Das Nagar time to time; and
- iv. To participate preparatory meeting with civil society organizations for holding Public Hearing in Varanasi.

#### **The Tour Itinerary**

<b>Date</b>	<b>Activities</b>
01.11.2011	Arrived Varanasi and departed for Sant Ravidas Nagar (Bhadohi) by road.
01.11.2011	Meeting with the Commissioner of Mirzapur division along with Sr. officers of District administration of Sant Ravi Das Nagar at Conference hall, Indian Institute of Carpet Technology, Chauri road, Bhadohi.
03.11.2011	Participated in a preparatory meeting with representatives of civil society organizations at Circuit House in Varanasi, Uttar Pradesh

**Meeting with the Commissioner of Mirzapur/Vindhyachal division and other Sr. officials of District administration of Sant Ravi Das Nagar at Conference hall, Indian Institute of Carpet Technology, Chauri road, Sant Ravi Das Nagar (Bhadohi).**

- A Meeting with Sr. Government officials of District Administration of Sant Ravidas Nagar (Bhadohi) District held at the Conference hall, Indian Institute of Carpet Technology, Chauri road, Bhadohi on 1st November, 2011 at 01.00 a.m. The Commissioner, concerned division (Mirzapur/Vindhychal) led the team of concerned district. following Government officials had attended the meeting:
  - Dr. Yogesh Dube, Member, NCPCR
  - Shri N. Venkateshwarlu, Commissioner, Mirzapur/Vindhyachal Division
  - Dr. Y.K Dubey, Department of Health
  - Kamalakar Pandey, DIOS( Sec. Education)
  - Shri Dinesh Prasad DPRO
  - Shri Jawahar Lal,DPO
  - Shri O.P. Ram, Deputy C.P.O.
  - Shri J.N. Yadav, SDM
  - Shri Ramesh Addl. S.P.
  - Shri P.P. Tripathi, CDO
  - Shri D.S. Pathak i/c dm
  - K.R. Gupta, DSWO
  - Shri Y.R. Patel,CDPO
  - Shri R.K. Singh,J.E. PWD
  - Shri R. S. Divedi,BSA
  - Ms. Usha Kaitan ICDPO
  - Ms. Poonam CDPO
  - Ms. Maya Guha
  - Ms. Khurshid Jahan
  - Ms. G. Rani
  - Shri R.K Rao,CDPO

Dr. Yogesh Dube reviewed the issues and concerns of the children of District Sant Ravidas Nagar (Bhadohi) by interacting with the Commissioner along with other Sr. officials of the district administration (above mentioned). The member NCPCR asked for the action taken report against NCPCR's recommendations made from time to time after NCPCR's earlier visits. The Commission was surprised to know that NCPCR's recommendations were not complied with.

The Commissioner assured the compliance of the NCPCR's recommendations and an action taken report to NCPCR as early as possible.

Dr. Dube also shared the NCPCR's meeting with Chief Secretary along with Secretaries and officer of various department of Uttar Pradesh held on 30.04.2011 in Lucknow. He also added that the Chief Secretary had accepted the NCPCR's proposal during the aforesaid meeting to constitute a High level Core Committee on child rights in Uttar Pradesh and to initiate a campaign on child rights in 6 identified district including Sant Ravi Das Nagar (Bhadohi). He asked to the District Administration to prepare an action plan to initiate a campaign for Child Rights with special emphasis on elimination of child labour and on the effective implementation of the RTE Act in Sant Ravidas Nagar. He also given his consent that the Commission will help in preparation of aforesaid action plan.

Dr. Dube also proposed a training workshop on the issues of Child Protection and Child Rights for the Sr. Government officials of different departments of Sant Ravi Das Nagar. The Commissioner also gave his consent for the same.

### **Meeting with representatives of civil society organizations at Circuit House in Varanasi, Uttar Pradesh**

Dr. Yogesh Dube chaired the meeting held at Circuit House in Varanasi on 3<sup>rd</sup> November, 2011 for organizing a public hearing on child labour issues. The meeting was organized by Mr. Rajeev Kumar Singh, Convener, Shambhu Nath Research Foundation, Varanasi with the help of Labour Department of Varanasi district. More than 25 delegates from various organizations / networks / alliances working on child right issues, participated in the meeting. It was decided that the themes of the hearing would be Child Labour and other Child Rights issues and it would be conducted on 17<sup>th</sup> December, 2011 in Varanasi. During the meeting, an orientation on the subject of preparation of public hearing was also given to participants. Following issues were also covered during interactions with representatives of civil society organizations.

- i. Designing the framework for 'Public Hearing' where redressing of grievances for cases related to Violation of Child Rights be taken up in the Varanasi and Mirzapur divisions as well as Uttar Pradesh State.
- ii. Partnering with the major NGOs for coordination.
- iii. Data Collection on various issue-based cases related to violation of Child Rights.
- iv. Decisive Intervention in Uttar Pradesh State's Policy Making body.

**Issues Emerged, Feedback Received and Observations Made during the Commissioner of Mirzapur/Vindhyachal division and other Sr. officials of District administration of Sant Rabi Das Nagar.**

**Issues Raised /Observations on Child labour**

- It was informed by Labour Department of the district that a total of 24 children labourers have been identified in different hazardous occupations and process in 2010-11. 16 out of above mentioned 24 identified children were migrated from outside the district. All 8 local child labourers were engaged in rag picking works.
- In above matter, it was noticed that all 16 identified migrant child labourers who were found in Carpet industry were handed over to their parents through Child Welfare Committee and a letter has also been sent to District Magistrate concerned for their educational rehabilitation. There is no information about rehabilitation of remaining 8 local child labourer.
- It was mentioned in a detailed report provided by Labour Department that total 830 child labourers had been identified in hazardous occupations and process between 10<sup>th</sup> December, 1996 to 31<sup>st</sup> March, 2011 in which 120 children were rehabilitated educationally by linking them to schools and remaining 710 identified child labourer were not eligible for educational rehabilitations because they were from migrant families.
- It was also reported by District Child Labour Officer that a total of 795 families of child labourers were identified during 10<sup>th</sup> December, 1996 to 31<sup>st</sup> March, 2011 in which total 37 families had been linked with employments and 60 families either they have already employment or denied for the same. Rests 686 children could not be rehabilitated as they were migrant families. It was informed by District Child Labour Officer that actions have been taken for rehabilitating economically of family of 12 identified child labourers in hazardous establishment under process.
- It was reported that total 262 prosecutions under CLPRA have been pending for further actions. Only one prosecution has been settled.
- It was also informed that children who have been working at restaurants and Dhabas were not rescued by the department because they have age certificates of above 14 years, issued by Health department. The Chief Medical Officer (CMO) had denied the issuance of any such age certificates in

this matter. The Commission instructed to Labour department to collect these certificate as evidence and report to the Commission as soon as possible.

- The labour officer informed that the rescue operation cannot be undertaken by the labour department without any complaints received from complainant. This was made clear from a circular issued from November, 2009 by Labour Commissioner of Uttar Pradesh.
- It was informed by labour department that a notification issued from Labour Commissioner of Uttar Pradesh regarding procedure of inspections in industrial unit.
- It was mentioned in that notification that inspection of an industrial unit will not be held more than 2 times in a year and it also be ensured that maximum 1 inspection would be held within preview of a single act in a year.
- All complaint will not be considered for inspection, unless the complaints are written clearly and specific.
- The commission has been surprised to get above mentioned information regarding procedure of inspection, which prevents frequent inspections and limits the role of Officials of Labour department under CLPRA and other labour laws.
- Officer of labour department informed that approximately 75 NCLP schools were being run in collaboration with civil society organizations in last financial year but due to unavailability of funds from central Government, most of NCLP Schools were closed. After survey conducted by the District Administration total 5272 out of school children who are partly or fully engaged in different type of labour/works, have been identified and now only 35 NCLP schools are being run in the district

## **Recommendations**

- The Labour Commissioner of Uttar Pradesh must issue a new notification regarding procedure of inspections in industrial units without fixing number of inspections.
- Children identified in rag picking must be rehabilitated immediately. A report to be sent to the Commission within 15 days.

- An inquiry should be conducted in issuing age certificates for children working in food, restaurant and Dhaba, as informed by Labour department. An action taken report to be sent to the Commission within 30 days.
- Reconstitute the District child labour task force under the Chairpersonship of District Magistrate/ Collector and convene meetings regularly. Minutes of the meeting should be reviewed by the Commissioner on regular basis.
- 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.
- Investigate the issues of child labour in Bidi Industry, ensuring compliance of the child laws and send a report to NCPCR within one month. Special attention should be paid to rescue of child labour in Bidi industry, as it is scheduled in hazardous list under CLPR Act, 1986.
- To send a detailed report about 35 NCLP school to the Commission within two weeks.

### **Issues Raised /Observations on ICDS**

- The team was informed by District Administration that there were a total of 1483 Anganwadi Centres established. But the department has not prepared a detailed data regarding all 1483 Anganwadi Centres.
- Most of the Anganwadi Centers do not have a physical structure and are operating out of houses of community members.
- It was brought to the notice that weight charts and list of malnourished children are not displayed in prescribed way in most of the Anganwadi Centres. District Programme Officer (DPO), Department of Women and Child Development, informed that only list of children coming under grade 4th of malnutrition level is displayed publicly at every Anganwadi Centre.
- The DPO informed about monitoring mechanism of AWC that at least 15 surprise inspections were conducted by them in a month. If an Anganwadi centre are found irregular 3 times then departmental actions is taken.
- It was claimed that New Weighing Machines have been provided to all Anganwadi Centres in the District.

## Recommendations

- To prepare a details report of all 1483 Anganwadi Centres and send it to NCPCR within a month. As the commissioner has already directed to concerned officer regarding the same in the meeting.
- A Performa for Anganwadi Centres should be prepared by the department as advised by the Commissioner in the meeting.
- To constitute a committee under chairpersonship of the District Magistrate for monitoring the ICDS project effectively by conducting a monthly review meeting on the functioning of ICDS, conducting surprise visits to AWCs.
- The mother attending the malnourished children under medical supervision should be paid minimum wage during that period.
- Health camps should be organised by district administration and in these health camps, malnourished children may be prioritized for treatment.
- A specified time has to be given for pre-school education in each and every AWC and AWWs should be sensitized on the issue of pre-school education.
- **Capacity building of grass root level workers:** The WCD department shall organize training workshops to develop understanding of functionaries at the levels of CDPO, supervisor and AWWs regarding child health.

## Issues Raised /Observations on Mid-day-Meal (MDM)

- It was informed by concerned officer of Education department that the responsibility of cooking and distributing the Mid-day-meals in Bhadohi has been now given to concerned Gram Panchayat instead of NGOs after taking cognizance of NCPCR.

## Recommendations

- Task force for MID-day-meal constituted in the district will arrange surprise visits to inspect Mid-day meal programme in schools.
- Quality of food must be maintained as per W.H.O. Guideline.

## Issues Raised /Observations on Juvenile Justice System

- **Child Welfare Committees** have been formed in Sant Ravidas Nagar on 1<sup>st</sup> September, 2010 but due to the lack of separate building for the office, other infrastructure and secretarial help, most of the committee members were not able to perform in the manner prescribed by the Juvenile Justice Act.
- It was shared that one or two members of the committee have been regularly remaining absent in the committee meetings.
- CWC is sitting thrice in a week but most of the stakeholders, who deal with children, are not aware about the CWC and its functions.
- There is not a single Children/Juvenile Home in the District.
- There is no home for children in category of special need, or any alternative arrangement in this regard.
- The Special Juvenile Police Unit (SJPU) is not formed yet in the District even though the State Government has claimed that they have been formed. The Superintendent of the Police informed that a police constable has been deputed as Special Juvenile Police Officer.

**Recommendation:**

- It is suggested that a circular be issued to District Courts, Government organizations, e.g., WCD, Health, Education and Police and NGOs working on child rights by District Authority of Sant Ravi Das Nagar about legal status and role & responsibility of Child Welfare Committees along with details of address, sitting time and contact details of Chairperson and Members of CWCs.
- Capacity building of the members of the Child Welfare Committee of the District to make them more child-friendly to deal with the children in need of care and protection. Ensure that CWC meets regularly.
- The District Magistrate should ensure that a direct interface between CWC and member of civil society organization is organized at the earliest through DWCD.
- There should be efforts to establish Children's Homes (for Girls and Boys), Home for Children in Special Need under JJ Act with immediate effect.



- Special Juvenile Police Unit (SJPU) must be formed as per the provisions of JJ Act without further delay and organize sensitization and training programme for the members of SJPU.
- Make effort to establish CHILDLINE in Sant Ravi Das Nagar. CHILDLINE is a 24 hour, toll free telephonic emergency help line for children in need of care and protection, sponsored by Ministry of Women and Child Development, Government of India.

### **Issues Raised /Observations on Education**

- It was informed that the educational infrastructure is of low standard and there are no initiatives to propagate and strengthen the RTE Act.
- It was also informed that State Rule on RTE Act, 2009 is yet to be notified in Uttar Pradesh.
- It was found that all there were many out-of-school children in the District.

### **Recommendations**

- To do the following regarding implementation of RTE Act.
  - ✓ Awareness programme
  - ✓ Formation of School Management Committees and their orientation
  - ✓ Compulsory and age appropriate admission.

### **Other recommendations**

- To establish a District level coordinating committee under the chairpersonship of the DM on child rights, comprising of all concerned departments/ authorities and members of civil society. The committee will review the child rights issue in District on monthly basis and will send a report to NCPCR.
- The Director of Women and Child Development shall immediately initiate a sensitization programme on rights of children. The programme will particularly focus on health, nutrition and development rights of children and will be provided to all functionaries of the ICDS department

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