

# Juvenile Justice Newsletter

Monthly Newsletter of Activities Concerning Child Protection in Assam

## Editorial

The International Labour Organization (ILO) launched the World Day against Child Labour in 2002 to focus attention on the global extent of child labour and the action and efforts needed to eliminate it. Each year on 12 June, the World Day brings together governments, employers and workers organizations, civil society, as well as millions of people from around the world to highlight the plight of child labourers and what can be done to help them. Around the world, large numbers of children are engaged in paid or unpaid domestic work in the home of a third party or employer. These children can be particularly vulnerable to exploitation. Their work is often hidden from the public eye, they may be isolated, and they may be working far away from their family home. Stories of the abuse of children in domestic work are all too common.

This year the World Day against Child Labour, 2014 calls for:

- Action to introduce, improve and extend social protection, in line with the ILO Recommendation No. 202 on social protection floors.
- National social security systems that are sensitive to children's needs and help fighting child labour.
- Social protection that reaches out to especially vulnerable groups of children.

In this regard a Round Table Conference of the Eastern Region to "Extend Social Protection to combat Child Labour" was organised in Guwahati, Assam. In this edition of the news letter we have incorporated the deliberation of this round table conference and the brief outline of the draft "State Convergent Plan of Action on Child Labour in Assam". This convergent plan will attempt to realize the Hon'ble Chief Minister's vision statement for Women and Children; to bring all child labourers into the educational mainstream.

**Editorial Board,**  
State Child Protection Society, Assam

## Eastern Region Round Table Conference to "Extend Social Protection to combat Child Labour" organised by Assam State Commission for Protection of Child Rights (ASCPCR)

The Assam State Commission for Protection of Child Rights (ASCPCR), in collaboration with UNICEF, Assam Field Office organized the Eastern Regional Round Table Conference on "Extend Social Protection – Combat Child Labour" at the Assam Administrative Staff College at Khanapara in Guwahati, Assam on 2nd of June 2014. Almost 60 participants from 11 states of eastern India, namely, Meghalaya, Manipur, Arunachal Pradesh, Tripura, Nagaland, Mizoram, Sikkim, West Bengal, Jharkhand, Odisha, and Bihar attended this regional consultation. There were more than 60 participants from the host state- Assam totalling an attendance of around 120 participants. The participants from the 12 states included senior Government officials from the Departments of Women and Child Development/ Social Welfare, Labour and Employment, Education/ SSA and respective State Commissions for Protection of Child Rights (SCPCRs).

The welcome speech for the inaugural ceremony was delivered by Ms. Runumi Gogoi, Chairperson i.e., ASCPCR, which was followed by a speech by Dr. Tushar Rane, Chief of Field Office, UNICEF Assam. The Guest of Honour, Mr. H.K. Sharma IAS, Commissioner and Secretary to Government of Assam, Social Welfare Department, spoke about the Govt's contribution to combat child labour. The Special Guest, Shri. V.K. Pipersenia, Additional Chief Secretary to Government of Assam, then delivered a short speech emphasizing the role of the society in the protection of the rights of the child. The 4th Annual Report of Assam State Commission for Protection of Child Rights (ASCPCR) was released by the Chief Guest, Shri. Akon Bora, Hon'ble Minister, Social Welfare and Jails, followed by his inaugural speech.

The technical sessions started from 11:30 to 12:00 hours, with Ms. Neetu Lamba, National Programme Officer, International Labour Organisation (ILO), New Delhi, giving a detailed description of the global and national context of Child labour, with a focus on ILO's work and learning on the issue, followed by a short question-answer session with her. The panel a discussion was presided over by Mr. Mukesh Sahay IPS, ADGP (CID), Assam Police. Each of the 12 states presented on: the status of child labour in respective states, key achievements and the challenges that they face in addressing child labour in their state.

After lunch Ms Neetu Lamba presented her second technical presentation on the scope of social protection and importance in combating child labour. The participants were divided into 4 groups. Each group was facilitated by a technical person.

Each group discussed about the existing and relevant social protection schemes and structures available in their states; key gaps and challenges in leveraging such structures and schemes for combating child labour; and key recommendations by each of the groups to extend social protection to combat child labour. The group work were followed by presentations by each of the groups, where in the recommendations from the eastern regional conference emerged.

The key recommendations that evolved from the eastern regional conference held at Guwahati is categorized into four broad blocks:

The first group of recommendations was about an informed and enhanced understanding of the scope and context of social protection vis a vis child labour, three key recommendations came to be deliberated in the conference, which are as follows:

- There is a need for commissioning scientific and robust surveys and baseline assessments to understanding the real situation of child labour in all the states of eastern India. Lack of proper evidence and the inadequacy of existing health surveys to measure child labour prevalence, is proving to be a great hurdle in getting the required policy level ownership of the problem at the state and district levels;
- Social Protection as a response to address child protection need more clarity. It is important to get a comprehensive picture of the scope, availability and accessibility of such social protection schemes for the diverse range of stakeholders who are involved with the process at the state and district levels;
- There is a need for more focus on individual children when we are talking about social protection to combat child labour. It is important that the available child tracking systems being developed under ICPS or RTE is linked and utilized adequately.

The 2nd group of recommendations pertain to certain pre- requisites to enable all of us to get into effective implementation. Here, the issue of resolving the age debate around child labour need to be addressed once and for all. We would like to recommend that the age for prohibition of all kinds of hazardous work in India. The health system's role was reiterated time and again and it is important that any discussion about child protection in general and child labour in particular ensures the participation and engagement of our health system colleagues. The other critical pre- requisite which has remained a long standing gap for addressing child labour is the lack of budgetary allocation by the central government for child labour. Except the NCLP, there is no specific scheme and monitory allocation for the issue of child labour to the nodal departments in the state- such as Department of Labour and employment and DSWs/ DWCDs. It is time that such commitment is backed by adequate financial resources to the states. Or else, whatever we discuss and recommend today is destined to fall through the crack if there is no resources at the state level to turn this promising 'intent' into 'doable actions'.

The issue of convergence and need for more structured frameworks to ensure accountable convergence at the state, district and sub-district levels came up again and again in the recommendations by

to ensure accountable convergence at the state, district and sub-district levels came up again and again in the recommendations by participants. This included certain specifics as well, such as:

- The National Flagship Programmes need to have an operational guideline about 'how' to converge;
- There is a need for convergent Plan of Action to address child labour. I am happy to share that in Assam, UNICEF has played a crucial role in putting in place a convergent plan of action involving 19 nodal departments of the state.
- There is a need for enhanced focus on hidden and more specific contexts of child labour- e.g.; Child Domestic Workers and around the implementation of the Plantation Labour Act 1951- which is very important for states like Assam where 17% of the population come from the socially and economically marginalized tea communities.
- There is a need for technical support to develop terms of references and job descriptions of duty bearers at various levels and build their capacities in a sustained manner so that they could deliver on their roles;
- Lastly, there is a need for more specific focus on addressing prevention, prosecution and rehabilitation- where, social protection could play a major role.

The last set of recommendations could be clubbed under 'Reporting, Monitoring and Evaluation', wherein, the eastern group thought that mechanisms such as Joint Review Missions, Social Auditing and Public Hearing need to be applied more intensely and with rigor in order to ensure that social protection is delivered with required effectiveness and efficiency and are able to address the complexities of child labour. Role of media to ensure public accountability was highlighted time and again, when the issue of implementation gaps were discussed.

There is a need for more professional and systemic approach to data management and reporting, which needs to be focused with much more investments, in terms of human resource and budget. Without a proper system, all of these would remain one- offs, leading to adhoc realization of outputs and very little outcomes on realization of children's right to be free from all forms of commercial exploitation.



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## State Convergent Plan of Action on Child Labour in Assam

Goal 11 of 'Chief Minister's Vision for Women and Children: 2016' mandates addressing the issue of child labour by bringing all child labourers into the educational mainstream. Since child labour is a complex socio- economic and political problem that cannot be dealt by one particular department or set of stakeholders, and demands a holistic approach, the Department of Labour and Employment (DoLE), Government of Assam with support from UNICEF, Assam Field Office came up with the notification of a State Level Committee to draft a "Convergent State Plan of Action on Child Labour (SPoA)" in 2012 Vide Notification no. GLR(RC)82/98/205, dated 7 August 2012. Post notification, this committee held two meetings on 05/12/12 and 11/01/13. Since then, DoLE and UNICEF officials worked on the framework of the convergent state plan of action on child labour both bi-laterally as well as with specific departments and stakeholders who were part of this Committee. The core committees formed vide resolution of the meeting on 11.01.2013 held bi-lateral meetings with some departments viz, Dept of Social Welfare, Sarva Siksha Abhiyan (SSA), Transport Department and Panchayat and Rural Development and developed the board framework of the Convergent State Plan of Action on Child Labour in Assam and notified vide letter no. LR/SLC/27/2012/1060-71, dated 5th Feb, 2013. In the annual review of child related matters in Assam chaired by the Chief Secretary, Government of Assam on 7 November 2013, it was reiterated that the drafting of the State Plan of Action needs to be expedited so that it is completed and operationalised at the earliest. Following this, DoLE, Government of Assam extended the tenure of the State Level Committee up to 31 March 2014 Vide Notification No. GLR(RC)82/98/303, dt. 8 November 2013.

The mandate of the State Level Committee was to devise a Convergent State Action Plan on child labour as a policy framework to respond to the Chief Minister's vision statement to bring child labourers into the educational mainstream. It is a statement of intent which indicates the commitment of the State on the issue and provides a roadmap for achieving the vision by 2016. It defines the roles of different departments and key stakeholders including Civil Society partners and the Media in eliminating child labour. It is a guiding tool for the key stakeholders whose involvement and ownership of responsibilities is critical to attaining the goal. It also delineates the institutional underpinning at the State, District and Block level which will support the work towards achievement of the objective.

The specific objectives of the SPoA are as follows:

- To prevent children from being engaged in any activity that impedes the growth and development of the child.
- To track, detect and identify children engaged in various occupations and processes;
- To rescue the children from exploitative situations
- To ensure quality post- rescue care and protection services to children.

- To ensure justice to children through timely prosecution and convictions.
- To ensure timely and appropriate social reintegration of the child
- To prevent re- entry into child labour through social protection and rehabilitation mechanisms
- To establish a MIS mechanism to ensure effective implementation of the State Convergent PoA on child labour.

For the purpose of framing the State Convergent Plan of Action on Child Labour, it was decided in the joint meeting of the DoLE and UNICEF on 17. 02.2014 in the office of the Labour Commissioner, Govt of Assam that a series of bi-lateral meetings would be conducted with the line Departments/stakeholders with the following broad objectives:

- To learn about the specific mandate of each of the departments and the opportunity of leveraging the same to address child labour in Assam;
- To learn about various schemes and projects that each of the departments are mandated to implement which could be leveraged for addressing child labour issue in the state (in terms of various axis of a holistic convergent state plan of action on child labour);
- To understand the key push and pull factors for child labour in relation to the mandate and schemes that the Department implements;
- To examine existing inter-departmental coordination mechanisms that the department accesses which could be of importance and use to the child labour plan of action;
- To consult each of the concerned departments about its mandate for developing the State Convergent Plan of Action on child labour.

Accordingly, bi-lateral meetings were conducted with the following departments/ stakeholders:

1. The Commissioner, Panchayat and Rural Development, Punjabari, Guwahati
2. The Mission Director, Sarva Siksha Abhiyan, Assam Kahlipara, Guwahati-19, Assam
3. The Director, Social Welfare Department, Uzanbazar, Guwahati-1
4. The Mission Director, NRHM, G.S.Road, Guwahati-5
5. The Director, Health Services, Hengrabari, Guwahati
6. The Additional Director General of Police (CID), Assam, Ulubari, Guwahati-7
7. The Commissioner of Transport, Assam, Housefed Complex, Dispur, Guwahati-6
8. The Director, Municipal Administration,
9. The Director, Agriculture, Khanapara, Guwahati
10. The Deputy Commissioner -cum- the Chairman, Child Labour Task Force Committee, Kamrup (Metro), Guwahati-1
11. The Director of Welfare of Tea and Ex-tea Tribes, Shrimantapur, Guwahati

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12. The Director of Scheduled Caste Development, Sarumataria, Guwahati
13. The Director of Scheduled Tribes Development, Rukmini Nagar, Guwahati
14. The Chief Engineer, PWD (Roads), Chandmari, Guwahati-3
15. The Chief Engineer, PWD (Buildings), Chandmari, Guwahati-3
16. The Chief Inspector of Factories, DoLE, Bhangagarh, Guwahati-5
17. The Chief Engineer, PHED, Hengrabari, Guwahati
18. The Chairperson, CWC, Kamrup (Metro)

Given the rich experience of the CSOs in working with child protection issues in general and child labour issues in particular, a state level consultation was organized in Guwahati with CSOs on 20th March, 2014 for their inputs in the SPoA.

The draft SPoA was disseminated in the State Level Committee Meeting

held on 28th March, 2014 at Guwahati along with representations from all line Departments who were consulted during the bi-lateral meetings. After a great deal of deliberations on the draft report, it was decided that the Committee's tenure shall be extended by a month and feedback on SPoA will be sought from all partners including all of these and then the final draft will be submitted to the Government for notification and further action. On incorporation of the suggestions/comments given by the participants of the dissemination workshop, the final draft was prepared by 30th April, 2014.

However, since the Census 2011 data was awaited, which came to be released by Government of India in July 2014. Presently, UNICEF and DoLE, Assam is finalizing the incorporation of Census 2011 data into the draft SCPOA on CL and would soon be submitting the same to the Government for necessary follow up actions ■

## Status Report on the functioning of the Juvenile Justice Boards and Child Welfare Committees in Assam for the month of May 2014

Sl. No.	Districts	Juvenile Justice Boards			Child Welfare Committees		
		No. of cases instituted	No. of cases disposed	Total cases pending	No. of cases instituted	No. of cases disposed	Total cases pending
1	BAKSA	Cases are jointly dealt with Nalbari JJB			6	3	29
2	BONGAIGAON	0	0	41	2	4	6
3	BARPETA	9	5	93	2	3	2
4	CACHAR	2	6	84	9	5	9
5	CHIRANG	1	0	29	0	0	0
6	DARRANG	11	5	157	1	2	8
7	DHEMAJI	0	8	23	2	4	6
8	DHUBRI	3	8	190	1	0	8
9	DIBRUGARH	7	6	52	10	16	2
10	DIMA HASAO	0	1	1	0	0	0
11	GOALPARA	5	2	106	6	6	4
12	GOLAGHAT	6	4	33	1	0	2
13	HAILAKANDI	1	1	9	0	4	0
14	JORHAT	6	8	34	2	2	7
15	KAMRUP (M)	2	7	174	60	54	62
16	KAMRUP (R)	Cases are jointly dealt with Kamrup (M) JJB			0	0	14
17	KARBI ANGLONG	1	0	50	2	1	0
18	KARIMGANJ	3	3	41	4	4	1
19	KOKRAJHAR	10	3	151	0	0	13
20	LAKHIMPUR	5	6	36	5	2	19
21	MORIGAOON	2	2	6	0	2	17
22	NAGAON	11	4	242	27	26	16
23	NALBARI	2	1	32	0	0	9
24	SONITPUR	2	1	157	6	7	37
25	SIBSAGAR	2	5	46	3	0	25
26	TINSUKIA	4	7	63	2	3	0
27	UDALGURI	2	2	16	2	2	12
<b>Total</b>		<b>97</b>	<b>95</b>	<b>1866</b>	<b>153</b>	<b>150</b>	<b>308</b>

Source: MIS Cell, SCPS, Assam

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DSW, Government of Assam