



CHILD PROTECTION BULLETIN

STATE CHILD
PROTECTION
SOCIETY, ASSAM

MONTHLY BULLETIN OF ACTIVITIES CONCERNING CHILD PROTECTION IN ASSAM

EDITORIAL

Children are the most treasured assets of our society and India is a home to the largest child population in the world, with almost 42 per cent of the total population under eighteen years of age. Needless to say, the health and security of the country's children is integral to any vision for its progress and development.

But in spite of the valued position given to the children, there are untold miseries and abuses that they are going through. They are far from realising their rights.

One of the issues marring the vision for the country's future generations is the evil of child sexual abuse. This is a hidden crime which no one likes to bring to light. The POCSO Act provides for mandatory reporting of sexual offences. There is a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/or a fine.

As child protection activists let us not remain mum to any crime against children and especially when sexual abuses happen to them.

*Editorial Board,
State Child Protection Society, Assam*

Children of Assam... their untold trauma

Crime against children is considered one of the crudest forms of criminal activities in the world. However, since ages, children are being victimized to different sorts of abuse and assaults.

In the history of Indian society, it has been witnessed that children are being continuously sold, enslaved, exploited and even killed. They have been abandoned and physically abused. In fact, the more we go into the history we find that the plight of children especially the underprivileged have always been miserable.

Children are prone to being victims of various forms of crimes, economic and social- backwardness, underdevelopment (especially among tea garden and agricultural communities). Conflicts and natural disasters make Assam a vulnerable place for children to live in. Some of the crime against children range from child trafficking (9500 children went missing between 2007 and 2014), but only 3480 children have been rescued till date. Exploitation of minor girls (303 cases in 2013), rape of minor girls (156 cases between 2012 and 2013) and attempt to murder of minor children (216 in 2014) are very common and still many of the cases go unreported.

In a shocking instance, in early December this year Rubul Borgohain, a superintendent of Smile Children Home, an orphanage in Dibrugarh was arrested for allegedly molesting eight girls who were taking shelter in that home. Informing about the incident, Gitimallika Gogoi, member of the Juvenile Justice Board told police that she went to that place to teach drawing to the children. During the course of a class, most of the 21 inmates of the home reportedly opened up and related their harrowing experiences to Gogoi. She further informed that eight girls said that they have been sexually exploited by Borgohain.

Gogoi further complained to Dibrugarh police who finally registered a case against him and the home supervisor under Section 6/17 of the Protection of Children from Sexual Offences Act of 2013.

Meanwhile, reacting on the issue, Miguel Das Queah, a noted child right activist stated, "The Dibrugarh orphanage molestation case is an eye opener to the vulnerabilities of children which are exposed in the children home."

He also said that children's home in India have been termed as 'Hellholes' in a report published by Assam Human Rights Commission (AHC) in 2013, where it was found that children are repeatedly abused inside homes by the staff either physically or sexually.

It's strange that even in 21st century, children have to undergo physical, mental and sexual trauma in pursuit of quality education-- even after implementation of Right to Education (RTE) Act—which entitles free education for children between the age of 6-14.

With some initiatives of both central and state governments like implementing Integrated Child Protection Schemes (ICPS) and setting up of Child Welfare Committee (CWC) in every district, the risk and vulnerabilities of children have been reduced, but is yet to be abolished.

"As per the rule, before opening a shelter home, it has to be registered under JJ Act. However in Assam government first ask someone to set up a shelter home and then after two or three years of establishment they register it," Das further pointed out.

Miguel further urged state government to come up with a stern recommendation which suggest that no shelter home could be opened without taking prior permission from the government.

He further added that besides this there are other kinds of crimes that are committed against children such as employers employing minors and then abusing them mentally, physically and even sexually. Assam has more than 3 lakh child labourers. Teachers in schools and parents still use corporal and other forms of punishment, which no doubt goes unreported but has a casting effect on the child's psychology.

Sumi Borgohain, a city-based child psychologist said, "Children are the most innocent creature in the world, but unfortunately most of the time their innocence are taken advantage of by some adults."

She further informed that child abuse is the physical or psychological maltreatment of a child which can be differentiated into four major categories- physical abuse, emotional abuse, negligence and the worst of all is the sexual abuse.

"A single incident of crime against children makes the whole society vulnerable and naturally everyone starts blaming the society," she further pointed out, adding, "There is a sense of insecurity in the mind set of the people, which not only impacts the children but also impacts social and psychological condition of the parents."

In a country like India, in normative structure like socialization and parental conditions play a vital role. Thus, people suffer due to the crimes committed against children which can destroy the social fabric in labelling the perspective.

Expressing concern on the frequent incidents of crime against children, a state government official, who did not wish to be identified, said, "Indian government has already implemented various policies and laws in order to protect children by assuring them some rights."

He further stated that witnessing the rising incidents of sexual offences against children, government has implemented Protection of Children from Sexual Offences, (PoCSO) Act -2012 which specially deals with sexual offences against children in India which was earlier dealt with the Rape Section 375 of Indian Penal Code.

"Unfortunately, due to lack of awareness regarding the Act, still a large percentage of people of the state are reluctant to take help of any sort of legal-aid," he further pointed out, adding, "As a result of which a large number of cases remained unregistered. Besides general perceptions or social stigma regarding molestation or rape makes people uncomfortable to approach before the police," he further shared, adding, "Even though time has changed but still a large portion of people of our society believes sexual abuse as a black spot on girls. Many-a-times people still blame girls character behind the sexual exploitation."

Echoing him, an highly-placed Assam police official said, "No doubt people are now well aware about the protection rights of children, but still there is a long way to go."

He further informed that insurgent-hit areas of the state are vulnerable to sexual abuse of children whereas the registered cases from these areas are very few.

Demand for hiring 'domestic help' among the urban populace of Assam is also a contributing factor to the rise of crime against children. With the change in life-style, people now largely depend on maid servant. Now-a-days, most of the parents are working and thus they keep their child with the domestic help and many-a-times the maids take the advantage of such situation.

Assam police officials further informed that in last two- three years approximately 50 cases of child kidnapping or abuse have been registered where maids were allegedly involved.

Das further asserted that abuse of children living in remote char areas, streets, slum areas also go largely unreported. Thus, it is time to strengthen our child protection structures institutionally and non-institutionally.

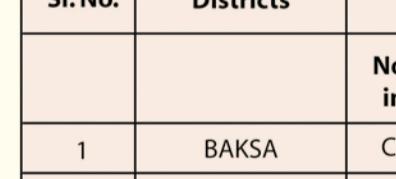
"Community level awareness on child protection and a rehabilitative system could go long way in reducing crime against children in Assam," Das further added.

Beside, government also needs to find a concrete solution for erasing crime against children in our society. The government should take initiative for poverty alleviation mechanism. Mid-day meal and other schemes under RTE Act should be reviewed properly.

Police should be more sensitised in dealing with child issues, because many-a-times we come across instances where out of fear children and their parents do not approach the police. Police should be people friendly. Moreover, government should organise a special training classes for the superintendent or wardens of orphanage or shelter-homes. In girls hostel, superintendent should be girl or woman whereas in boy's hostel it should be a male Respective District Child Protection Officer (DCPO) or Child Welfare Committee should have to take this responsibility.

As according to police, in most of the cases of child kidnapping or abuse servants are involved. Thus, the child care homes- where the children of the working mothers are kept during the day- should be set up in government schools where children can stay, play and engage in recreational activities.

- Sayantani Deb



Children taking the lead in inauguration of

CHILDREN DEVELOPMENT CENTER

at Soropara initiated by

NEDAN Foundation, under the

Dotma Block also known as one of

the most displaced location & forest

encroaches in Kokrajhar District.

NEDAN is creating

space/opportunities for the

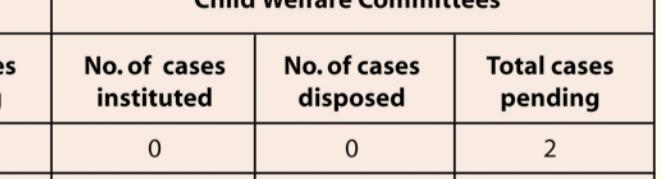
children's protective & learning

environment. DIC center is for the

children where they can study & also

can join in evening for the

recreational activities.



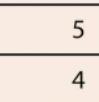
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Basic steps for Child Welfare Committee in cases of children found abandoned :

- Child produced before CWC within 24 hours by Police/Agency
- CWC checks if report filed at local police station (in whose jurisdiction child was found) with photographed.
- CWC directs police/PO/Child Welfare Officer to make inquiries for tracing family within a month

- Police share information about the child at all police stations in the district & Missing Persons Bureau(CID)
- Photo of the child published in at least one local and one national newspaper , Cable TV within 72 hours of receiving the child;
- CWC shall issue an order declaring the abandoned or orphan child as legally free for adoption within 60days below 2yrs & 4months for those above signed by two members of CWC
- Announcements to be made where child was found, at religious places and other areas that attract large gatherings

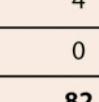
- CWC orders child to be placed in SAA in the same district, child can be sent to SAA in neighbouring district if no SAA here.
- If it is an older child and he/she can give any information about family and residence, then CWC orders police/PO/NGO to verify information



- If parents are traced, CWC summons them to appear before it within a week and interacts with them
- CWC to check if this is a case of missing child, to cross check claims (i.e. contact local self government)
- If child was abandoned, then CWC checks if parents are willing to take back child and whether they are fit to take responsibility; CWC can arrange for counselling if needed.
- In any case of restoration, child handed over after parents/relatives/guardians sign a bond outlining their responsibility.
- If no claimant , then process of declaring child legally free for adoption to be done; child to be placed in SAA for further processes

Basic Steps for Child Welfare Committee in case of surrendered children :

- CWC has to counsel and encourage the biological parents to retain the child.
- CWC has to inform that the period reclaiming is 60 days from the date of surrender.
- If surrender is inevitable, a surrender deed shall be executed in presence of two members of CWC; if the parent is an unmarried mother than single female member of CWC shall execute the deed
- CWC direct police/PO/Child Welfare Officer to make inquiries for tracing family within a month
- CWC/ SAA to ensure that a copy of the deed is given to surrendering parent



- CWC orders child to be placed in SAA in the same district, child can be sent to SAA in neighbouring district if no SAA here.
- If the mother does not reclaim the child within 60 days of reconsideration period, the CWC will declare the child" Legally Free for Adoption"

Allahabad HC directs UP Govt. to protect Minor Rape Victim's unborn Child

Allahabad High Court: Setting a good precedent in the society and in the interest of rape victim and her child, the Bench of Shabihul Hasnain and D.K. Upadhyaya, J.J, held that it is the responsibility of State government to take care of minor rape victim and her child. The Court directed the State to ensure provision of health facility and education to the victim.

The issue in the present case revolves around the minor rape victim's pregnancy and her resultant trauma. As per the order of court a select team of doctors ruled out the possibility of abortion as the termination of pregnancy will lead to the delivery of a life preterm baby. Mohsin Iqbal, on behalf of the petitioner argued that the Court should look into this matter from the point of view of Article 21 of the Constitution because the victim and her child both have right to live with dignity. Bulbul Godiyal, on behalf of the respondent assured the Court that the State government will help the victim and her child in every possible manner. She also informed the Court about certain schemes of the government, which are beneficial to the victim. Court appointed J.N.Mathur, as the Amicus Curiae.

The Court on perusing the contentions and the concerned statutory provisions, observed that the victim is capable of giving her child for adoption. She is further entitled to be a beneficiary of two schemes i.e.The Uttar Pradesh Victim Compensation Scheme 2014 and Uttar Pradesh Rani Lakshmi Bai Mahila Samman, 2015. The Court on having a detailed discussion upon the rights and protections accorded to victims of sexual crimes in India observed that there is need of a proper legislation regarding rehabilitation of rape victim. [A_ through her father F v. State of U.P., decided on 03.11.2015]

National Law University, Assam in partnership with Department of Labour and Employment, Government of Assam, supported by, UNICEF, Office for Assam and Ethical Tea Partnership (ETP) is organising a two- day national level conference on Protection of Child Rights in Tea Plantations of India, with a particular reference to the implementation of The Plantation Labour Act, 1951.

The conference was attended by a range of stakeholders and duty bearers who has an impact on protection of child rights in tea gardens of Assam.

Source: MIS Cell, SCPS, Assam

For any feedback, write to : Chairperson, Editorial Board,

State Child Protection Society, Assam

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