



**LOV VERMA, IAS**  
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. RJ/Comp/BT-Cotton/11

Dated: 14<sup>th</sup> October 2011

Dear Sir,

On behalf of the National Commission for Protection of Child Rights (NCPCR), we wish to thank the Government of Gujarat for all the arrangements made during our visit to the State from 7<sup>th</sup>- 10<sup>th</sup> October 2011. We would particularly like to thank the Department of Labour and Employment for coordinating our visit to various districts, organize meetings with the NGOs as well as with the Government Departments (Social Justice and Empowerment, Education, Labour and Employment, Health, Home, Women Commission, among others), and Chief Secretary.

2. Based on the field visit of the NCPCR team led by Dr. Yogesh Dube (Member, NCPCR) and the meeting with the representatives from various Departments, Government of Gujarat, the issues and concerns listed below have been identified that need immediate attention and communicated to the Commission:

**Education:**

- (i) The Department shall ensure a survey of the out-of-school children and children engaged in economic activities (including the trafficked or migrant) in the State within 3 months and report to the Commission;
- (ii) Furnish the details of tracking of the internal migrant children and their enrolment in the place of current staying;
- (iii) Furnish a report on the number of schools already closed down and proposal for closing of schools in the State;
- (iv) Coordinate with the Forest and Wild Life Departments to get the clearance to acquire land for construction of school building in tribal areas;
- (v) Mapping of schools in the resettlement colonies and slum areas of Ahmadabad as well as other urban clusters and to ensure that the garbage is not dumped next to the schools;
- (vi) Ensure pre-metric scholarship for the minority children;
- (vii) Ensure notification of RTE Rules and compliance of the Act at the earliest;
- (viii) Ensure the constitution of SMCs and the orientation/training of the members;
- (ix) To ensure that all children in the age group of 3-6 are mainstreamed to Early Childhood Care and Education (ECCE) facilities, children of 6-14 years of age effectively realize their Right to Education (RTE); and
- (x) To achieve the goal ensure assessment of the educational status/learning level and further needs, admission to age appropriate class, provision of textbooks/notebooks/ guidebooks, stationeries, school bags, uniforms and tuitions free of cost.

**Social Justice and Empowerment:**

- (i) Expedite the drafting of Rules to constitute the State Commission for Protection of Child Rights (SCPCR) as required under Section 17(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005 and the SCPCR shall be kept separate from the State Women Commission;
- (ii) Send a report to NCPCR within 2 weeks detailing the number of Anganwadi Centres operational, including buildings and status of MDM;
- (iii) Consider relaxation in the educational criteria to find local women as Anganwadi Workers in tribal areas;
- (iv) Ensure separate Children's Homes and Observation Homes;
- (v) The Social Welfare Department with the support from Education Department ensures that the children above 14 years living in the Homes are supported/ encouraged to complete their secondary education for the educational development of children;
- (vi) Furnish a status report of the CWCs, the status of members and vacancy, if any, their Training (through NIPCCD), personnel, number of sittings and status of pendency cases (as required under Sections 33(1) and 33(3) of the Juvenile Justice (Care and Protection of Children) Act, 2000; The CWCs should be linked to the Department of Social Justice, ensuring regular and continuous interactions, making CWCs accountable to the Department on day-to-basis.
- (vii) Furnish a status report of the JJBs, the status of members and vacancy, if any, their Training, staffing pattern, number of sittings and status of pendency cases (as required under Sections 14(1) and 14(2) of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (viii) Submit a report on the cases of Malnourishment in the State, the death cases within 2 weeks to the Commission; and
- (ix) Status of CHILDLINE and the cases dealt by them.

**Home:**

- (i) Submit a report on status of Anti-Human Trafficking Units in the State within a week;
- (ii) Ensure that the Anti-Human Trafficking Units and police stations are sensitized enough to keep watch of the movement of Agents openly and trafficking of children in the border areas, geographically inaccessible and vulnerable areas; and
- (iii) File an F.I.R. on the complaint made to the SP Sabarkantha by Shri Ramesh Srivastava (civil society representative facilitating the Commission to get the real situation of child labour in Bt. Cotton farms) within one week. Ensure that the people (on bike) are booked under relevant sections of the I.P.C. for obstructing the enquiry, chasing, intimidating and threatening the team members.

**Labour & Employment:**

- (i) Submit a status report of the children rescued last year and cases filed jointly by Gujarat and Rajasthan within one week to the Commission;
- (ii) Ensure rehabilitation of the three children identified by the visiting team in Kasha Village of taluk/district Patan and report to the Commission immediately;

- (iii) Mapping of the areas of high potential and initiate remedial and preventives measures to make the State a child labour free State in every sector;
- (iv) Sensitization of community, panchayat, farmers on engagement of children;
- (v) Ensure convergence and effective monitoring of the implementation of child laws for complete elimination of child labour;
- (vi) Operationalise the Joint Task Force with the bordering State (Rajasthan and Madhya Pradesh) Governments;
- (vii) Ensure repatriation of the migrant children to their State of origin after rescue, booking of employers under relevant labour laws and recovery of Rs. 20,000 from the erring employers;
- (viii) Constitute State Level Core Committee on Child Labour, comprising of Principal Secretaries of Labour, Education, Panchayati Raj, Home, Women and Child Development, Department of Social Justice and Empowerment, regional Commissioner, District Magistrate/Collectors of Banaskantha, Sabarkantha and Patan. The Principal Secretary Labour to be the convener of the Committee;
- (ix) Rejuvenate the District Task Force to monitor all actions for identification, pre-rescue planning, rescue operation, interim care, prosecution of employers/violators under all relevant laws, including, Bonded Labour System (Abolition) Act, 1976, repatriation, rehabilitation/social reintegration and follow up. The District Task Force shall consist of the following:
  - District Magistrate/Collector– Chairperson
  - Asst./Deputy Labour Commissioner– Member Secretary/Convener
  - Additional District Magistrate of the District- Member
  - Superintendent of Police – Member
  - District Social Welfare Officer – Member
  - District officer from Tribal Development Department-Member
  - District Urban Resource Centre (SAA) – Member
  - District Health/Medical Officer– Member
  - Senior most Officer of Municipal Corporation in the District– Member
  - Chairperson of the concerned Child Welfare Committee- Member
  - Centre Coordinator, CHILDLINE (if there is a CHILDLINE) - Member
  - Voluntary Organisations actively involved in the rescue and rehabilitation of child labourers in the area- Member
  - Block level officer
- (x) Clear-cut identification of roles and responsibilities of all members/departments including voluntary members of the District Task force on child labour and an orientation is provided immediate after reconstitution of the task force;
- (xi) The District Magistrate as Chairperson of the Task Force will ensure a meeting once a month where Asst./Deputy Labour Commissioner as Member Secretary will convene the meeting. A copy of minutes of the meeting should be circulated to all members of District Level Task force on Child Labour. A copy of minutes of the monthly meeting of District taskforce on child labour should be forwarded to the State Level Core Committee, NCPDR through Labour Commissioner.
- (xii) Develop individual District Action Plan for total elimination of Child Labour in the Bt. Cotton farm in the districts of Banaskantha, Sabarkantha and Patan and report to the Commission;
- (xiii) Keep a vigil on the engagement of child labour in the Ginning Mills;

- (xiv) Convene a meeting of all Seed Companies immediately, where NCPCR will also take part;
- (xv) Ensure that children rescued from child labour are not rehabilitated in the occupation which is banned under law (like the incense stick making). *The details will be submitted after obtaining from the NGO who brought the case;*
- (xvi) Sensitization and orientation of the State-level and District-level Anti-Trafficking Squads/Units about child trafficking in coordination with Police;

**Health Department:**

- (i) Submit a report to the Commission within 10 days on the thalasemia children found to be HIV positive in the process of blood transfusion in Junagarh after conducting enquiry of individual child separately and the source of blood supply. Also initiate strict actions against the negligent and erring officials;
- (ii) Furnish status report on School Health Programme and Immunization initiative in the State within 2 weeks; and
- (iii) Alarm the Education Department about the health impact on the School Children because of the garbage dumping next to schools, leading to spread of mosquitoes, dengue, chemical blast, etc. (resettlement colonies of Ahmadabad) and possible danger of leaving the transformers open (there are about 400 transformers which are not cordoned in Surat).

**Others:**


- (i) There is need for continuous Inter-Departmental interaction and communication and information sharing; and
- (ii) The concerned District Magistrate should take the CWCs and NGO representatives into confidence in addressing the issue of child rights in their respective districts.

In view of the foregoing issues and concerns, the Commission is proposing a Public Hearing with the support of the State Government in November end (*the details to be shared in due course*).

In the meanwhile, the State Departments could be asked to address aforesaid issues and an action taken report be sent to the NCPCR within 2 weeks of receiving this letter.

With regards!

Yours sincerely,



(Lov Verma)  
Member Secretary

**Shri Achal Kumar Joti**  
Chief Secretary, Government of Gujarat,  
State Government Secretariat, Gandhi Nagar,  
Gujarat

Copy to:

1. The Principal Secretary, Department of Labour and Employment/ Women & Child Development/Health & Family Welfare/ Social Justice & Empowerment/ Education/ Home, Government of Gujarat, State Government Secretariat, Gandhi Nagar - *for necessary action at their end.*
2. Director General, National AIDS Control Organisation, 6<sup>th</sup> & 9<sup>th</sup> Floor, Chandralok Building, 36, Janpath, New Delhi-110001, Tel: 011-43509999, 23731778, Fax: 23731746 - *for information and necessary action at their end on te issue of blood transfusion.*

Also copy to:

1. District Magistrate/Collector, Banaskantha, Sabarkantha, Patan - *for necessary action at their end.*

  
(Lov Verma)  
Member Secretary