Dear Sir,

On behalf of the National Commission for Protection of Child Rights (NCPCR), we wish to thank the Government of Meghalaya for all the arrangements made during the visit of NCPCR team led by Dr. Yogesh Dube (Member), accompanied by a Senior Consultant, Dr. Ramanath Nayak to the State from 16th – 18th October 2011.

2. The team had a meeting with the Chief Secretary and representatives from various Departments (Social Welfare, Education, Labour, Mining and Police among others). The team also met the Director, Social Welfare and his team separately; visited Meghalaya Hindu Mission Orphanage to inquiry into a complain of child abuse and interacted with the representatives of civil society organizations.

3. The visiting team was highly discontented over the dismal condition of child labours in the coal mines areas as well as widespread prevalence of child labours in other sectors like hotels, restaurants and market places. They were also shocked to learn about the pathetic situation of the street, disable and HIV/AIDS affected children in the State. The Commission expresses its displeasure over the status of child labours in the State and directs the respective departments/authorities to initiate immediate action on the issues and concerns listed below in order to ensure the rights and entitlements of the children:

**Education:**

(i) The Department shall ensure mapping of the schools and survey of the out-of-school children in the State within 3 months and report to the Commission;

(ii) Undertake mapping of schools in the coalmine and coal depot areas of Lad-Rymbai and Rymbai in Jaintia Hills district and may consider the relocation of schools;

(iii) The Annual Work Plan under SSA must take into account the gaps in terms of primary school, secondary school etc. in the coal mines areas;

(iv) Popularize the RTE Act and Rules and ensure adequate infrastructure at the earliest in compliance with the norms of the Act and Rules;

(v) Ensure the constitution of school management committees (SMCs) and the orientation/training of the members;

(vi) 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);

(vii) 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;

(viii) Energize the enrolment campaign to ensure that the children below 14 are in the schools and not forced to work in rat hole of coal mines; and

(ix) Ensure that corporal punishment is not practiced in the schools and furnish a report to the Commission on the ongoing enquiry involving the same.

Health Department:

(x) Furnish status report on School Health Programme and Immunization initiative in the State within 2 weeks;

(xi) Develop an action plan for the care and protection of Orphan and Vulnerable Children (OVC) Affected/Infected by HIV/AIDS to ensure minimum food security, nutritional support, education, counseling and preventive measures to curb child labour and discrimination;

(xii) Making available good quality supplementary nutrition, in the form of micro-nutrients and double or dry ration to OVC;

(xiii) Ensure sensitization of doctors and staff as well as child friendly services, capacity building of doctors at Government hospitals, especially relating to paediatric HIV and free access to quality prevention, treatment, care and support services; and

(xiv) Initiate sensitization of hospital staff to deal with the cases of children affected/infected by HIV/AIDS.

Mining and Geology:

(i) Undertake a survey /mapping of the mines and mining areas of the State and report to the Commission within 4 weeks;

(ii) Draw a complete action plan/guidelines on mining practices, environmental clearances and the safety standards in the State as applicable to mining under the Mines Act, 1952;

(iii) Not undermining the traditional institutions (Sixth Schedule State), issue lease and license to ensure revenue for the State;

(iv) Ensure regulation of labour in mines, to prohibit employment of children under 18 in mines;

(v) The Child Labour (Prohibition and Regulation) Act of 1986 clearly prohibits employment of children under 14 in mines or any other hazardous processes. The Mines Act of 1952 (updated to 1983) goes further, prohibiting the employment of those under 18 in mines, unless working as an apprentice under the supervision of a manager, in which case they must be 16. The Mines Rules of 1955 also has a similar clause. Ensure compliance of regulations of the Mines Act, protection of children and records keeping of Mines about employees, including their age, name, and father or husband’s name if applicable, and complete information on each employee is required before they may begin work; and

(vi) Expedite and finalise the proposed Mining Policy (2009) which is under process with the Government;
Police:
(i) Ensure that the Anti-Human Trafficking Units and police stations are sensitized enough to keep watch on the free movement of labour contractors/agents and trafficking of children in the border and vulnerable geographically areas;
(ii) Police department must look into the trafficking angle of the child labour engaged in the coal mines areas;
(iii) Police should be the integral part of all the meetings and committees on the subject of child labour; and
(iv) Initiate check posts and infiltration of foreign national at the border areas.

Labour:
(i) Undertake training/orientation of the teachers who are designated as labour inspectors;
(ii) Submit a status report of the children identified and rescued in the coal mines area and cases filed against the erring employers within two weeks to the Commission;
(iii) Mapping of the areas of high potential and initiate remedial and preventive measures to make the State a child labour free State in every sector, including hotels, restaurants and market places;
(iv) Ensure a joint committee of community, panchayat, parents and employers to keep a vigil on the engagement of child labour;
(v) Come up with a comprehensive convergence plan along with the Education department for complete elimination of child labour in the State;
(vi) Action taken by the Director General of Mine Safety in terms of regulation and issue of mining lease;
(vii) Carry out surprise check and inspections in association with other departments/ CWC and ensure safe interim stay and rehabilitation of the rescued children;
(viii) Operationalise the Joint Task Force with the bordering States and ensure repatriation of the migrant children to their States/countries of origin after rescue, booking of employers under relevant labour laws and recovery of Rs. 20,000 from the erring employers;
(ix) Constitute a State Level Core Committee on Child Labour under the leadership of Secretary Labour, along with the Secretaries of Education, Home, Social Welfare and Deputy Commissioners of the vulnerable districts as its members;
(x) 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.
(xi) The District Task Force shall consist of the following:
  • Deputy Commissioner– Chairperson
  • Deputy Labour Commissioner– Member Secretary/Convenor
  • Additional Deputy Commissioner of the district- Member
  • Superintendent of Police – Member
  • District Social Welfare Officer – 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

(xii) Clearly demarcate the roles and responsibilities of all members/departments including voluntary members of the District Task force on child labour and provide an orientation immediately after constitution of the task force;

(xiii) The DC as Chairperson of the Task Force will ensure a meeting once a month where 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 and NCPCR through Labour Commissioner; and

Social Welfare:

(i) Ensure inter- and intra-departmental coordination while addressing the child issue in the State, which is immensely lacking now;

(ii) All NGOs/voluntary organizations running children homes, shelter homes, orphanages shall be duly registered with the Government (as required under Section 34(3) of JJ Act and are monitored regularly to ensure that the homes meet the minimum criteria in terms of infrastructure and personnel;

(iii) Ensure safety, education and hygienic condition of children in all such homes;

(iv) Initiate appropriate action against the Meghalaya Hindu Mission Orphanage, based on the report of CWC;

(v) Expedite the constitution of 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;

(vi) Furnish a report to NCPCR within 2 weeks detailing the number of functional Anganwadi Centres, including buildings and workers, and also the additional demand made;

(vii) Ensure at least one shelter home for children at Shillong at the earliest;

(viii) 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;

(ix) CWCs are involved in the issue of elimination of child labour in coal mines areas and their educational development;

(x) Ensure that the CWCs work in coordination with the Welfare Department and are accountable to the Department on day-to-basis;

(xi) 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;

(xii) The Child Welfare Committee and DCPU shall take appropriate action against the employees engaging child labour in any sector;
(xiii) Monitor the MDM and ensure that the food supplied under ICDS is fit for eating
(it was reported that the Noodle has high content of Ajinomoto);
(xiv) Organize a workshop of media people to sensitise them on child issues; and
(xv) Evolve action plans for the street children, disable children and ensure that
children do not access to the drug.

District Administration Jaintia Hills:
(i) Rejuvenate the District level Core Committee for total elimination of child labour
in the coal mines and other hazardous sectors;
(ii) Furnish the minutes of the District level Core Committee meeting;
(iii) Initiate tracing/tracking of 222 children identified in the coal mines area and
ensure their mainstreaming to the educational institutions through age
appropriate classes;
(iv) Develop individual District Action Plan for total elimination of Child Labour in the
coal mine areas of Jaintia Hills district and report to the Commission;
(v) Involve the parents, community and the employers in spreading awareness
against employment of children;
(vi) Ensure involvement of the concerned CWCs and NGO representatives in
addressing the issue of child rights;
(vii) Ensure at least one children home in coal mines area of Jaintia Hills at the
earliest; and
(viii) Ensure a Residential School for the migrant children in the coal mines areas and
transportation facility in case schools are located far way.

Others:
(ix) There is need for continuous Inter-Departmental interaction and communication
and information sharing; and
(x) Sensitization of media on child issues in terms of concealing the identities of
children affected by HIV/AIDS, etc.

In view of the foregoing issues and concerns, the Commission expects the State
Departments to address aforesaid issues and an action taken report (ATR) to be sent to
the NCPCR within 2 weeks of receiving this letter.

With regards,

Yours sincerely,

(Lov Verma)
Member Secretary

Shri WMS Pariat
Chief Secretary,
Government of Meghalaya,
Secretariat, Shillong, Meghalaya
Copy to:
1. The Principal Secretary, Department of Labour/ Women & Child Development/ Health & Family Welfare/ Social Welfare/ Education/ Home, Government of Meghalaya, State Secretariat, Shillong, Meghalaya- for necessary action at their end.

Also copy to:

1. Deputy Commissioner, Jaintia Hills, Jowai, Meghalaya - for necessary action at his end.

(Lov Verma)
Member Secretary