

Acknowledgement

I take this opportunity to thank the Government of Assam, especially Shri Tarun Gogoi, Hon'ble Chief Minister, Assam & Shri Akon Bora, Hon'ble Minister of Social Welfare & Jail, for taking the necessary steps for establishing the Assam State Commission for Protection of Child Rights (ASCPCR) thereby making Assam the second state in Northeast India to have done so.

I have the pleasant task of recording my deep appreciation for, and heartfelt thanks to, the Commissioner & Secretary Shri Hemanga Kishore Sarma and Shri Rajiv Lochan Duara, Director, Social Welfare, Government of Assam for their valuable suggestions and cooperation at the initial stage of the newly formed Commission. My sincere gratitude goes to the Hon'ble Members, Secretary and the officials of the Commission for making available their rich experience and rendering their valuable services to the Commission. I am also thankful to Smt. Mridula Saharia Chairperson, Assam State Commission for Women, Smt. Parul Bora Chairperson, Central Board of Social Welfare, Members of Child Welfare Committee, Coordinator of SOS village (Azra), Father Lukose, Director of Snehalaya, NGOs and civil society members for their kind cooperation. I also acknowledge the sincere and continuous efforts rendered by the officials of the Commission.

I conclude with the note that there has to be commitment from the parents, teachers, people, government authorities, members of civil society organizations and students so far the rights of children are concerned.

(Dr. (Capt.) Suchitra Kakoty)
Chairperson,
Assam State Commission for Protection of Child Rights,
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**Dr. (Capt.) Suchitra Kakoty,
Chairperson, ASCPCR**



Message

With a sense of gratification in having accomplished the noble task entrusted to the Commission, the First Annual Report of the Assam State Commission for Protection of Child Rights for the year 2010 is now presented before the State Legislative Assembly.

The First Annual Report highlights the performance of the Commission during the year 2010. Upholding the high level of accountability and transparency, we have shared our objectives or, in other words, what we wanted to do and what we did, on the basis of the Commissions for Protection of Child Rights Act, 2005. The overall objective of Assam State Commission for Protection of Child rights which has been constituted on 4th March 2010 by a Government of Assam notification under the provisions of the aforesaid Act, is to ensure that the rights of the children are effectively monitored and the Commission is also committed to make an all out effort with the active participation of various stakeholders for the successful implementation of all rights including the rights enshrined in Right of Children to Free and Compulsory Education Act, 2009 which is expected to bring far reaching changes in the country.

As the Assam State Commission for Protection of Child Rights is still in an infant stage, it needs proper care for its development to achieve its goal. The Commission

has started its work sincerely, distributing activities amongst the members in 27 districts of the State. We have received good response from people including many complaints that were addressed as far as practicable. So far the Commission has received considerable number of cases relating to violation of rights of children.

In spite of various safeguards provided for the children under the Constitution of India, a large segment of the child population in the country continues to be deprived of elementary education which is their Fundamental Right.

The Assam State Commission for Protection of Child Rights welcomes the enactment of the Right of Children to Free and Compulsory Education Act, 2009 as a step in the right direction towards guaranteeing education as a Fundamental Right.

The awareness level in our society about the rights of the children is very low. If we want to give our children a future of our nation or a 'fit world', the state and the society must come forward to address their problems as faced by them. It is our humble appeal to all concerned that our children who are the future of our country should be saved and protected from violation of their rights. Ritualistic celebration alone of Children's Day or Convention on Rights of the Child (CRC) on 20th November will not end the plight of children.

The ASCPCR has identified core areas of concern which requires comprehensive strategies and time bound implementation plans to address the impact of violence, deprivation and disruption in the lives of children and their families affected by conflict in the State. The awareness programmes through workshop, conferences, seminars and discussion should be organized to sensitize parents, teachers, students and society as a whole on child rights.

ASCPCR seeks cooperation of all concerned for the successful implementation of its objectives. We should keep always in our mind that children are our future, our hope, our strength and treasure, and at the same time, they are the future citizen of our country.

INTRODUCTION

Children are the future of every nation. No nation can reach its developmental goals unless appropriate steps are taken to ensure the growth and development of children who form an important part of national human resources. But unfortunately, children are the most vulnerable to exploitation and abuse. Considering these facts the United Nations General Assembly, vide resolution 44/25 of 20th November, 1989, adopted Convention on the Rights of the Child (CRC) for survival, protection, participation and development of children. Some of the major standards for children prescribed in the CRC are as follows:

- ☞ Every child has the inherent right to life, survival and development, including the right to the highest attainable standard of health & to facilities for the treatment of illness, the right to education, which shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential; and the right to benefit from social security.
- ☞ In all actions concerning children, the best interests of the child shall be a primary consideration.
- ☞ Views of the child are to be given due weightage.
- ☞ A child has right to rest & leisure, & to engage in play and recreational activities.
- ☞ No child shall be subjected to illicit transfer, abduction, sale or traffic for any purpose or in any form.
- ☞ The child is protected against all forms of discrimination, based upon race, colour, sex, language, religion, political, or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- ☞ A child deprived of family environment, shall be entitled to especial protection and assistance provided by the State.
- ☞ A mentally or physically disabled child should enjoy a full & decent life, in conditions which ensure dignity, promote self –reliance & facilitate active participation in the community.
- ☞ The rules of international humanitarian law applicable to children in armed conflicts are respected.

CRC is one of the most accepted human rights document concerning the rights of children in the world. All state parties are obliged to adopt policies and take action for the best interest of the child as set forth in the CRC and other international documents. The Indian state recognizes the special needs of children. Accordingly, the constitution of India guarantees various rights to the children such as right to equality, right to free and compulsory education, right against exploitation etc.

Following are some of the constitutional provisions relating to rights and protection of children in India.

- **Article 14** provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- **Article 15(3)** provides that, “Nothing in this article shall prevent the State for making any special provision for women and children.”
- **Article 21** provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.
- **Article 21A** directs the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
- **Article 23** prohibits trafficking of human beings and forced labour.
- **Article 24** prohibits employment of children below the age of fourteen years in factories, mines or any other hazardous occupation.
- **Articles 25-28** provide freedom of conscience, and free profession, practice and propagation of religion.
- **Article 39(e) and (f)** provide that the State shall, in particular, direct its policy towards securing to ensure that the health and strength of workers, men and women and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength and that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that the childhood and youth are protected against exploitation and against moral and material abandonment.
- **Article 45** envisages that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

India being a signatory of Convention on the Rights of the Child (CRC) 1989 ratified it on December 11, 1992. Pursuant to its ratification the Government of India enacted the Commissions for Protection of Child Rights Act, 2005.

This Annual Report -2010, of Assam State Commission for Protection of Child Rights has been prepared for submission to the Government of Assam in accordance with the provision of Section 23 (1) of the Commissions for Protection of Child Rights Act, 2005.

CONSTITUTION OF ASSAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS

The Assam State Commission for Protection of Child Rights has been constituted under Section 17 of the Commissions for Protection of Child Rights Act, 2005 read with Government notification No. SWD 79/93/Pt.V/136 dated 4th March 2010 for protection, promotion, development, survival and participation of children.

POWERS AND FUNCTIONS OF THE COMMISSION

- a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- b) present to the State Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- c) inquire into violation of child rights and recommend initiation of proceedings in such cases;
- d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riot, natural disaster, domestic violence, HIV/AIDS, trafficking , maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- e) look into the matters relating to children in need of special care and protection including children in distress, marginalised and disadvantaged children, children in

conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;

- f) study treaties and other international other instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- g) undertake and promote research in the field of child rights;
- h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- j) inquiry into complaints and take *suo moto* notice of matters relating to,-

- i. deprivation and violation of child rights
- ii. non-implementation of law providing for protection and development of children;
- iii. non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities;
and

- k) such other functions as it may consider necessary for promotion of child rights and any other matter incidental to the above functions.

In addition to the above stated functions assigned to the ASCPCR, it also performs the following functions;

- ☞ examine and review the safeguards for rights provided by or under the Right of Children to Free and Compulsory Education Act, 2009 and recommend measures for their effective implementation;

- ☞ inquire into complaints relating to child's right to free and compulsory education; and
- ☞ take necessary steps as provided under sections 15 and 24 of the Commissions for Protection of Child Rights Act.
- ☞ the APCPR shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1) have same powers as assigned to them respectively under sections of 14 and 24 of the Commissions for Protection of Child Rights Act.

POWERS RELATING TO INQUIRIES

- 1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of Section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely;-
 - a) summoning and enforcing the attendance of any person and examining him on oath;
 - b) discovery and production of any document;
 - c) receiving evidence on affidavits;
 - d) requisitioning any public record or copy thereof from any court or office; and
 - e) issuing commissions for the examination of witnesses or documents
- 2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure , 1973 (2 of 1974).

STEPS AFTER INQUIRY

The Commission may take any of the following steps upon the completion of an inquiry held under this Act, namely;

- a) where the inquiry discloses, the commission of violation of child rights of a serious nature or contravention of provisions of any law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that court may deem necessary;
- c) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.

WHO CAN LODGE A COMPLAINT

The victim or any person on his behalf may lodge a complaint before the Commission. However the Commission may take *Suo Moto* Action from any news report /news item.

PROCEDURE FOR FILING A COMPLAINT:

No formal procedure is required for filing a complaint before the Commission. Mere writing a letter to the Commission is sufficient and it may be written in any languages set forth in Schedule VIII of the Constitution of India. While making a complaint the following should be kept in mind;

- ✓ it should be clear and legible
- ✓ it should be genuine

- ✓ it should not be vague, anonymous or pseudonymous
- ✓ it should not relate to service matters
- ✓ it should not relate to civil matters, such as property rights, inheritance, contractual obligations etc.

No Court Fee or any stamp is required for this. The Commission also entertains complaint sent in person, by post, FAX, Telephone, and Email etc.

Grounds on which complaint may be lodged:

- Child Labour
- Child Abuse
- Child Marriage
- Children in Difficult Situation
- Children in Need of Care and Protection
- Child Trafficking
- Violation of Right to Education
- Corporal Punishment
- Death of Child Due to Torture and/or Negligence Under Various Circumstances
- Violation of Legal Rights of Children With Special Ability
- Any other cases related to child not mentioned above

MATTERS NOT SUBJECT TO THE JURISDICTION OF THE STATE COMMISSION

The Commission shall not enquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

ACTIVITIES OF THE COMMISSION

Press Meet at Guwahati

A Press Meet was organized by the ASCPCR on 3rd April, 2010 to create awareness among the people about the Assam State Commission for Protection of Child Rights (ASCPCR) and its functions, role and responsibilities. More than 35 persons from



Members of ASCPCR with UNICEF Official

print and electronic media participated in the meet. Anirudh Kulkarni the Child Protection officer from UNICEF, Guwahati also participated in the meet. Dr.(Capt.) Suchitra Kakoty, Chairperson, ASCPCR explained about the rights of children, i.e., Right to Protection, Right to Promotion, Right to Survival, Right to Participation and Development. Dr. Kusumlata Goswami, Consultant-

ASCPCR, also addressed the participants and explained the role and responsibilities of the Commission.

Meetings of the Commission

During the period under report four meetings of the Commission were held. Following is a brief overview of the meetings.

First Meeting of the Assam State Commission for Protection of Child Rights.

The first meeting of ASCPCR was held on 23rd March, 2010 at the office of the Directorate of Social Welfare. Besides the Chairperson and the Members of the Commission, the meeting was attended by officials of Department of the Social Welfare, and Directorate of Social Welfare, Government of Assam.

Second meeting of the Commission:

The second meeting of the ASCPCR was held on 17th May, 2010 at the office of the Directorate of Social Welfare. Some of the major items of the agenda of the meeting were regarding shifting of the office of the Commission from Directorate of Social Welfare to a new building at Jayanagar, and organizing of one day awareness meet on Child Rights and Right of Children to Free and Compulsory Education to be organized on 8th June, 2010.

Third Meeting of the Commission:

The third meeting was held in the office of ASCPCR on August 27, 2010. In this meeting the Chairperson apprised the Commission about the activities undertaken by the Commission so far.

Fourth Meeting of the Commission:

Fourth meeting of ASCPCR was held in the office of ASCPCR on December 3, 2010. Proposal for formation of an expert committee of the Commission was placed.

Visits made by the Commission



On 22nd April, 2010, the Chairperson and the Members of ASCPCR visited the UNICEF Field

Office, Guwahati. The Commission discussed with the concerned officials regarding the action plan of the Commission and sought their help and co-operation on the matter.

On 3rd June, 2010, the Chairperson visited Chief Minister's office and apprised him of the activities of the Commission and requested him to be the chief guest of the forthcoming awareness meet to be organized by the Commission.

Dr. (Capt.) Suchitra Kakoty visited National Commission for Protection Child Rights (NCPCR) and Delhi Commission for Protection of Child Rights (DCPCR) from 8th to 17th August, 2010. She discussed various important issues related to the Commission with the Chairperson of NCPCR and DCPCR, New Delhi.



Chairperson Dr. (Capt.) Suchitra Kakoty in a meeting

On August 23rd, the Chairperson Dr. (Capt.) Suchitra Kakoty and Dr. Kusumlata Goswami Consultant, attended a workshop on **Teachers Education Strategies in the Light of RTE, 2009** organised by IGNOU Institute for Professional Competency Advancement of Teachers (IIPCAT) and UNICEF at IIBM, Khanapara, Guwahati.

Visit to SOS Children Village- Azara.

The Chairperson Dr.(Capt.) Suchitra Kakoty along with the Consultant Dr. Kusumlata Goswami and the Members of the Commission, Dr. Durlav Chamua and Sri Rajeshwar Sharma, visited SOS Children Village, Azara to attend a function organized by SOS on 23rd June, 2010. Dr.(Capt.) Suchitra Kakoty attended the function as chief guest and delivered speech on various issues concerning rights of children and interacted with the House Mothers and children. Dr. Goswami and Sri Rajeshwar Sharma also spoke on child rights issues on this occasion.

Visit to victim's family and school

On 30th June, 2010, Dr.(Capt.) Suchitra Kakoty along with the Member Sri Rajeshwar Sharma and the Consultant Dr. Kusumlata Goswami visited the family of a student of Saraswati English Medium School, who was subjected to corporal punishment.

SEMINARS & PROGRAMMES ATTENDED BY THE COMMISSION

Seminar on International Day Against Drug Abuse and Illicit Trafficking

On 26th June, 2010, Dr. (Capt.) Suchitra Kakoty attended a meeting at Kalakshetra, Guwahati and spoke about the importance of International Day against Drug Abuse and Illicit Trafficking. She also spoke on the menace of drug abuse and illicit trafficking and stressed on the need to safeguard children from the adverse affect of these.

Training Programme for Para-Legal Personnel

On 30th June, 2010, the Chairperson, Dr.(Capt.) Suchitra Kakoty attended a training programme organized by the Legal Cell for Human Rights in Silpagram, Guwahati. Dr.(Capt.) Suchitra Kakoty delivered the valedictory address and asked the participants to be sincere and honest in performing their duties while they are planning to do welfare and development activity at the grassroots level in the field of education, legal rights, etc. Dr. Kusumlata Goswami, the consultant, attended the function and spoke on evil practices of the society like dowry, illiteracy, etc and ways to eradicate these problems.

Seminar on Right of Children to Free and Compulsory Education

The Chairperson, Dr. (Capt.) Suchitra Kakoty of the ASCPCR inaugurated and conducted a Seminar on Right of Children to Free and Compulsory Education (RTE), organized by All Assam Sarva Siksha Employers' Welfare Association, Dr. Swati Sahney consultant of RTE, New Delhi took part as a Resource Person along with Dr. Utpala Konwar, Prof. Gopika Nanda Saikia and Dr. Kumkum Singh from Directorate of Elementary Education, Government of Assam.

Workshop on Assessing Justice for Children

On 6th & 7th July 2010, the Chairperson and Members attended a two day workshop held in Guwahati on **Assessing Justice for Children** organised by the Centre for Child and the Law, National Law School of India University, Bangalore in partnership with UNICEF. The Chairperson inaugurated the inaugural session of the workshop.

Seminar on Juvenile Justice Monitoring System

Dr. (Capt.) Suchitra Kakoty, participated in a seminar organised by Legal Assistance Forum on **Juvenile Justice Monitoring System** on August 21, 2010 at Hotel Brahmaputra Ashok, Guwahati.

Workshop on National Policy for Children

On October 4, 2010 the Chairperson, Dr. (Capt.) Suchitra Kakoty participated in the workshop on National Policy for Children held at National Institute of Public Cooperation and Child Development (NIPCCD).

Programme on Home Link and Missing Child Search

On 8th November 2010, Dr. (Capt.) Suchitra Kakoty, Chairperson, ASCPCR inaugurated the capacity building programme on **Home Link and Missing Child Search** at Snehalaya Centre for Child Rights, Paltanbazar, Guwahati.

Programme on international Child Rights Day

Gracing a programme organized by Snehalaya on the occasion of International Child Right's Day on 20th November, 2010 Dr. (Capt) Suchitra Kakoty spoke on the **Rights of the Child.**

Meeting at India Council of Social Welfare

Dr. (Capt.) Suchitra Kakoty - Chairperson of the ASCPCR attended a meeting organised by State Branch of Assam of India Council of Social Welfare at Palasbari on 28th November, 2010. She spoke on the **Role of Education in Preventing Alcoholism.**

Programme on Human Rights Day

A programme was organised on the occasion of Human Right Day by North Guwahati Girls' School & Teachers' Association at North Guwahati Girls' High School.

Dr. Suchitra Kakoty attended the programme as Chief Guest and spoke on the importance of human rights and highlighted need to protect the rights of children

Children's Day Celebration programme

Dr. Manjushree Pathak, Member of the Commission attended a programme held on the occasion of the Children's Day, organised by Srimanta Sankar Dev Puthibharal , Kardoiguri in the district of Barpeta on 14th November 2010.

CHILD RIGHTS LITERACY AND AWARENESS PROGRAMMES



Awareness Meet on Child Rights at Srimanta Sankardev Kalaksetra in Guwahati

Creating child rights awareness in the society has been one of the key concerns of the Commission. As such the Commission has taken several steps for promotion of child rights literacy in the state. On 8th June 2010 a State level awareness meet on Child Rights and Rights of Children to Free and Compulsory Education Act 2009 was jointly organized by Assam State Commission for Protection of Child Rights, Rajiv Gandhi Study Circle, Assam and UNICEF at Srimanta Sankardev Kalaksetra in Guwahati. Hon'ble Chief Minister, Sri Tarun Gogoi inaugurated the meet. About 500 participants from 27 districts of Assam, belonging to Panchayat, Mahkuma Parisad,



officials of the Directorate of Social Welfare officer, Directorate of Elementary Education, Integrated Child Development Scheme (ICDS), functionaries from Rajiv Gandhi Study Circle, Assam Chapter participated in the Awareness Meet. Sri Akon Borah Hon'ble Minister of Social Welfare Govt. of Assam was the guest of honour.

Other dignitaries like Dr. Shanta Sinha, Chairperson, National Commission for Protection of Child Rights, New Delhi, Dr.Kiran Bhatta, Commissioner RTE from New Delhi, Dr.Utpala Konwar, Rtd. Officer, NCERT Meghalaya, Dr.Jeuti Baruah, Rtd. Director, Law Research Institute Gauhati High Court, Dr Gopika Nanda Saikia, Dist Coordinator Rajiv Gandhi Study Circle, Dr. Jayanta Sarma from SCERT, Dr. Kusumlata Goswami, Consultant ASCPR also participated in the meet and delivered speech and discussed on a gamut of issues concerning child rights.

State Level Awareness Meet on Child Rights

MONITORING AND EVALUATION PROGRAMMES

As a part of the Commissions monitoring and evaluation programme the following visits were made.

1. On 26th July, 2010, the Chairperson Dr. (Capt.) Suchitra Kakoty and the Consultant Dr. Kusumlata Goswami visited Shishu Greha and Creche, Shelter home run by Indian Council for Child Welfare, Assam State Branch situated at Rupnagar, Anganwadi workers training centre campus and Ram Krishna Mission.

Observation of Shishu Greh:

The Shishu Greh is located in the same campus of the AWTC, Ramakrishna Mission Road. This is the only Shishu Greh in Assam recognized by CARA under Ministry of Women and Children, Govt. of India.

- At the time of visit 14 children were there. The Shishu Greh run by the Indian Council for Child Welfare Assam State Branch which provides them food and shelter besides providing care and protection.
- There is no scarcity of food and medical care.
- Since 2005, 38 Children have been sent for adoption to different places of Assam and four children have been sent for foster care.
- Rooms were found to be congested.
- The campus was not clean properly.
- No regular visits of doctors.

Recommendations:

- ☞ As the numbers of children are increasing, Shishu Greh needs a separate building with adequate infrastructure and trained personnel.
- ☞ Children should be provided proper hygiene.
- ☞ Visits of doctor should be made regular.

2. On 3rd Sept' 2010, the Chairperson visited M.E. Madrasa School & M.E.Girls' School in Jorhat in order to monitor the activities of the School.

3. On 25th November Dr. (Capt.) Suchitra Kakoty Chairperson, Sri Rajeswar Sarmah and Smt. Kalyani Das Member and Dr. Kusumlata Goswami, Consultant of the Commission, visited the following schools of Kamalpur Dagaon of Kamrup (Rural) No to monitor the activities of these schools:

- a) No-1 Barhata L.P School.
- b) No -57 Dagaon L.P School.
- c) Shae Girls' M.E School.
- d) Dagaon Jinamoni L.P School.
- e) Chari pukhri M.E School.

The Commission made following observations after visiting the schools:

- It was found that in the composite schools, the teachers have not undergone any training programme on Right to Education. As a result they are unaware of Right of Children to (Free and Compulsory) Education Act, 2009.
- Fire extinguishers are not placed appropriately in the school. Moreover, in most of the schools it was found that teachers have not been oriented to operate fire extinguishing devise.
- The Commission observed that though the teachers of LP and ME schools have undergone orientation on RTE, however they are yet to internalise the true essence of the Act. As fallout of this, following important Section of RTE Act remains unimplemented.
 - Section 17 (1) No child shall be subjected to physical punishment or mental harassment.
- It was also found that some schools are not following the school timing as has been mentioned in the academic calendar of the current year.
- Mothers committee/ Matri gut are either not formed or are inactive in most of the schools.

- In most of the schools toilets were found to be in a deplorable condition. Notwithstanding the norms and standard for school as provided under RTE act, 2009 no separation of toilets for girls and boys were found.

Recommendation of the Commission:

- ☞ Officer/s concerned should ensure that all the schools to follow uniform timing as has been mentioned in the current academic calendar.
- ☞ Teachers as well as non teaching staffs should be oriented to operate fire extinguishing devise in all the schools of the district.
- ☞ Officer/s concerned should ensure that all the teachers at the LP, ME, as well as high schools comply with the RTE Act, 2009. In this regard necessary training/orientation and any other innovative and effective methods may be taken.
- ☞ The Commission also recommends the concerned officer to ensure that no child be subjected to corporal punishment.
- ☞ Provision for separate functional toilets with necessary arrangements for boys and girls be made immediately in all the schools.
- ☞ Provision of mid day meal should start immediately in all the schools without any delay.
- ☞ Officer/s concerned should ensure that Mothers committee be constituted where applicable.

3. Chairperson Dr. Suchitra Kakoty accompanied by Smit. Kalyani Das Member and Dr. Kusumlata Gaswami Consultant visited Children Home at Fatasil Ambari to observe the functioning of the home and to monitor its activities.

4. Mrs. Kalyani Das, Member ASCPCR along with Sri Dudo Dutta, CDPO, Badarpur CDSWO/ Karimganj visited schools and Angandwadi centres in Karimganj and Cachar district from December 10 to December 12, 2010.

Observation

- Community participation was found to be satisfactory.
- Safe drinking water is not provided.
- In the absence of sanitation facilities, children are to depend on nearby elementary school's toilet.
- Toilets and furnitures of most of the schools were found to be in a dilapidated condition.
- It was observed that though the schools were receiving funds regularly but
- In mid-day meal Ghugni, Ruti ,Khichiri etc are given.
- The attendance of Anganwadi workers was found to be irregular.

Recommendation.

- ☞ Anganwadi helper should attend the Centre regularly.
- ☞ Pure drinking water and sanitation facilities must be provided.
- ☞ Renovation of toilet and furniture is urgently needed.
- ☞ Concerned authority must look into the matter.

5. Dr. Durlav Chamua visited Batadraba M.E School in Nagaon district.

SOME OF THE CASES TAKEN UP BY THE COMMISSION

Case relating to Child Abuse

A *suo motu* action was taken on the basis of a news item published in Assamese Daily "Asomiya Pratidin" dated April 22, 2010. It was reported that a 7 year old boy Hashan Ahmed (name changed) who worked as a domestic helper at Nakib Ali's residence in Shantipur area of Guwahati was subjected to both physical and mental abuse. The news item also stated that the child had several injury marks on his body. This inhumane torture led him to severe deterioration of his health, so much so that the child was in coma for a month.

Steps Taken:

The Commission reported the matter to the Bharalumukh Police Station and directed the Police to take necessary action against Nakib Ali. Hashan was hospitalized and was later released after he recovered from his injuries. All reports regarding his treatment are monitored by the Commission.

Case relating to Child in Need of Care and Protection

On 26th April 2010, Monday morning Shri Bhagaban Barman, an inhabitant of Udayanagar, Lichubagan, Guwahati murdered his wife Smt. Labanya Barman leaving his one and half year old daughter, baby Nitu Barman (name changed) all alone thus depriving her of right to parental care.

After the incident, Bhagaban Barman surrendered himself to the police under Dispur Police station and was immediately arrested there. A case was filed vide No. 497-10/K-S-302/ITC/Dispur P.S.

Steps taken:

The Assam State Commission for Protection of Child Rights (ASCPCR) has referred the above case to the Child Welfare Committee (CWC) for necessary action.

CWC informed the Commission that necessary arrangement for shelter and protection of the concerned child has been made. CWC has assured the Commission that they will provide her a secured future.

Death due to Negligence

Taking cognizance from a news item published in Assamese daily, "Khabar" dated 29th September, 2010, the Commission had taken a *suo motu* action in the case wherein Shri Babul Das (name changed) resident of Bordol village P.S. Dharamtul,

Morigaon district, a student of class V lost his life while crossing a bridge on his way to school which was in a very dilapidated condition.

Steps Taken:

The Commission requested the DC, Morigaon to furnish a detailed inquiry report of the incident. After receiving the report from the DC, Morigaon, the Commission directed the PWD, Assam to take immediate measures for repairing and renovation of the above mentioned bridge, so that such incident do not recur in future. It has been reported to the Commission that the bridge has been reconstructed.

Case relating to Corporal Punishment

A *suo motu* action was taken on the basis of a news item published in an Assamese Daily “Khabar” dated 16th November 2010. It was reported that a student of a Guwahati based Educational Institute namely Icon Academy, was assaulted by Shri Abhijit Ghosh, a teacher of the institute.

Steps Taken:

The Commission directed the Principal of Icon Academy to furnish factual report and intimate the Commission about action taken against the concerned teacher. Accordingly, the Principal informed the Commission that the teacher has been barred from taking regular classes.

Case relating to Child Abuse

In Dhaniabheti village under Bordowa P.S in Nagaon district a child of about 12 days old born to Md. Jahangir and Mrs. Helenara Begum, was physically assaulted by a quack, Md. Abdul Hai, on the pretext that the child was under the spell of some evil spirit. Md. Abdul Hai lifted the child head downward on his legs and assaulted him cruelly with a broom. When the child cried in pain the quack inhumanely put the broom into his mouth. The quack claimed to have treated about 5000 similar cases out of which about 30 children have lost their lives.

Steps Taken:

ASPCR wrote to the Deputy Commissioner and Superintendent of Police, Nagaon District directing them to enquire into the matter and submit the report to the Commission.

Meanwhile, Dr. Durlav Chamua, Member of the Commission visited the victim on 8th November, 2010.

Pursuant of Commission's direction the Superintendent of Police, Nagaon and Deputy Commissioner Nagaon District submitted their reports on 11th November, 2010 and on 7th December, 2010 respectively.

A case was registered vide Bordowa P.S.C/no.105/10 U/S-336/337 IPC, R/W Sec. 23 of Juvenile Justice Act against the accused Md. Abuld Hai. And the victim was administered treatment at Nagaon civil hospital, and is reported to be healthy now.

Case relating to Child Marriage

It was reported that one Balen Narzari (popularly known as Baba), 60 years old, married a minor girl of about 10 years at Kamakhya temple in Guwahati. He adopted the girl a year ago. While he was under his care and custody, the girl got pregnant. To save himself from public rage, he claimed that he is the incarnation of lord Shiva and had dreamt that marrying the girl would prevent the spread of AIDS in the society.

Steps Taken:

ASPCR wrote to the Deputy Commissioner and Superintendent of Police, Kamrup District directing them to enquire into the matter and submit the report to the Commission. The reports are awaited.

Case relating to corporal punishment

On October 29, 2010 Master Zakir Sakeeb (name changed) a 12 years old student of class VI, Section G of Delhi Public School, Guwahati was beaten up severely by a teacher of the said school Shri Bhaskar Jyoti Ojah while attending the music class. As a result, a deep scar left on the leg and back of the student. Mr. Motahar Ali and Mrs. Safikun Nehar Begum, parents of the student, filed a complaint before the Assam State Commission for Protection of Child Rights (ASCPCR) on November 30, 2010 seeking appropriate action against the teacher.

Step Taken:

The Commission on perusal of the documents and the written explanation as well as the verbal submission of both the parties decided to accept the apology, tendered by the teacher to the Principal, DPS and the parents of the student Master Zakir Sakeeb for imposing corporal punishment which is prohibited under section 17 of Right of Children to Free and Compulsory Education Act, 2009. The Government of Assam also proposes to ban corporal punishment in schools and envisages stringent punitive action against any teacher indulging in such action as per Assam Corporal Punishment in Educational Institutions (Prohibition) Bill, 2010.

Considering the apology tendered by the teacher and the humanitarian gesture showed by the parents, the Commission directed the School Authority to take a written undertaking from the teacher concerned that he will not indulge in any such inhumane and unlawful act in the future. If he repeats such inhumane and unlawful act in future, the School Authority may take necessary steps as per the service rules applicable to the teacher.

The Commission also directed the School Authority to ensure that no such incident takes place in future.

With these directions the case was closed.

FUTURE PLAN OF ACTION OF THE COMMISSION FOR THE YEAR 2011-2012

The proposed Action Plan of the Assam State Commission for Protection of Child Rights for the year 2011.

Proposed Action Plan:

- Awareness programme on child trafficking, Right to Education, Rights of Girl Child and various other issues related to child abuse, child rights for all the stakeholders who are involved in child protection.
- Special awareness drives on child trafficking in vulnerable areas like conflict affected Dima Hasao (N.C. Hills), Karbi Anglong and Bodoland Territorial Area Districts (BTAD) and underdeveloped Char areas.
- Submission of proposal to the Government of Assam for constituting Children Court for giving speedy justice to the victims of child rights violation.
- To advise and to monitor all the stake holders of children within the State so that no child below the age of 12 years are sent for pursuing education outside the state without prior permission or intimation of concerned authorities.
- To supervise and ensure that the provisions of Right of Children to Free and Compulsory Education are complied with by all the stake holders including the parents and guardians of the children.
- To monitor all the homes constituted under Juvenile Justice Act and/or any other Act within the State are duly registered and are following the norms and principles as set forth by the State Government.
- To write to all the District Authorities to sensitize the lower level functionaries to deal severely with the perpetrators of child traffickers, child abuse and issues related to children.
- Submission of proposal to the State Government Education Department to include issues related to trafficking and sexual exploitation in the training curriculum of Anganwadi worker, Village Education Committee and Sarva Shiksha Aviyan to sensitize them and generate awareness.
- To monitor all the schools in 27 districts of Assam under Sarva Siksha Aviyan. However the Commission has already visited some of the schools in 5 districts and

submitted its report to the Government of Assam. The Commission is also monitoring Anganwari Centres.

- The Commission plans to write to the State Government to launch more beneficial and welfare schemes related to children.
- Initiated its research and documentation programme.
- Translation of Right of Children to Free and Compulsory Education Act, 2009, The Commission For Protection Of Child Rights, 2005 in local languages for easy understanding of all sections of the society.
- To write to government from time to time to frame and approve the rules of ASCPCR.
- To ensure proper implementation of Juvenile Justice Act, 2006.
- Publication of Information Brochure of the Commission.
- Networking with NGOs working on the issues of children.

Financial Statement of Assam State Commission for Protection of Child Rights

During the year 2010, the Commission received an amount of **Rs. 10,89,461/-** (Rupees ten lacs eighty nine thousand four hundred and sixty one only) from the Government of Assam, UNICEF and Bank interest out of which **Rs. 10,81,139/-** (Rupees ten lacs eighty one thousand one hundred and thirty nine only) was utilized.