

GOVERNMENT OF ASSAM
LABOUR WELFARE DEPARTMENT :: LABOUR (RC) BRANCH
JANATA BHAWAN :: DISPUR :: GUWAHATI-6
Email: labour.assam@gmail.com

ORDER

No.GLR(RC)34/2011/Pt-II/122

Dated Dispur, the 7th May, 2021

Whereas child and adolescent labourers constitute a special category of rights holders and are in need of special protection. Children employed as child and adolescent labourers face myriad forms of abuse and exploitation which includes sexual assault, physical assault and psychological assault amongst others. Children employed as child and adolescent labourers are deprived of their basic rights to education, nutrition, healthcare and protection from violence.

Whereas the Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits and penalizes the employment of Child Labour and Adolescents in hazardous labour,

And whereas Indian Penal Code, 1860, Section 75, Section 76 and 79 of the Juvenile Justice (Care and Protection of Children) Act 2015, penalizes cruelty towards children, employing children for begging and exploitation of child employee respectively. As a matter of fact, Section 2, sub-section 14, clause (ii) of the Juvenile Justice (Care and Protection of Children) Act 2015 considers children working in contravention to labour laws as "Children in Need of Care and Protection", making them subjects of protection from the State.

Whereas all the above-mentioned laws, policies, institutions, duty bearers aim to prevent and protect child labour. And in view of the current COVID-19 pandemic, children in child labour situations are at the risk of facing higher degrees of abuse and exploitation.

Now, therefore, this SOP (Standard Operating Procedure) is hereby notified with a view to effectively enforce and implement the provisions of the Child and Adolescent Labour (P&R) Act, 1986, and ensure coordination between various stakeholders.

Objectives :

- I. Development of effective action plan from the village to the State level for prevention of Child Labour and Adolescent Labour.
- II. Creation of mechanism for identification, rescue and rehabilitation of Child & Adolescent Labour along with other members of the task force.
- III. Creation of mechanism for regulation of adolescents working in non hazardous occupations and processes.
- IV. Ensuring coordinated and convergent action along with standardization of roles and responsibilities pertaining to stakeholders through clear definition of such roles and responsibilities.

1. Constitution of District Level Task Force

A District Task Force will be reconstituted in each District with the District Magistrate as the Chairperson and with members as prescribed under Rule 17(C) (iii) of the Child and Adolescent Labour (P&R) Rules, 1988. The task force shall meet once every month and shall identify areas in the District vulnerable to Child Labour (NCLP Survey, survey as per the Bonded Labour Rehabilitation Scheme and/or information from the local CWC etc. may be used). The task force shall coordinate such activities as necessary at the local level with the District Child Protection Unit, Special Juvenile Police Unit, Childline, District Magistrate/Sub-District Magistrate involved in rescue operations, Child Welfare Committee, National Child Labour Project, Village Level Child Protection Committee under the Integrated Child Protection Scheme, District Level Vigilance Committee under the Immoral Traffic (Prevention) Act, 1986, Schools and Panchayats for awareness generation, monitoring and stopping employment of child and adolescent labour.

The District Level Task Force in each District will consist of the following members:

- a. Senior most Officer of Labour Welfare Department of the District for the purposes of his local limit of jurisdiction;
- b. Superintendent of police for the purposes of his local limit of jurisdiction;
- c. Additional District Magistrate for the purpose of his local limit of jurisdiction;
- d. Nodal officer referred to under clause (i) for the purpose of his local limit of jurisdiction;
- e. Two representatives each from a voluntary organisation involved in rescue and rehabilitation of employed children in the district on rotation basis for a period of two years;
- f. A representative of the District Legal Services Authority to be nominated by the District Judge; and
- g. A member of the District Anti Trafficking Unit;
- h. Chairperson of the Child Welfare Committee of the District;
- i. District Child Protection Officer under the Integrated Child Protection Scheme of the Ministry of the Government of India dealing with women and child development;
- j. The Secretary of the Task Force who shall be any nodal officer referred to in clause (i) and nominated by the Chairperson.
- k. District Elementary Education Officer (DEEO) of the District of his local limit of jurisdiction.
- l. Any other person nominated by the District Magistrate.
- m. Sub-Divisional Officer(s) (Civil) of the District.

2. Appointment of Nodal Officers

- a) **District Nodal Officer** : A Nodal Officer for each District will be designated under Section 17(a) of the Child and Adolescent Labour (P&R) Act, 1986 by the District Magistrate of the concerned District with intimation to the Commissionerate of Labour. This will supersede the earlier Notification No.GLR(RC)74/2017/71, dated 23rd March, 2018 issued in this regard. The District Magistrate may designate the Addl. District Magistrate or the District Head of the Labour Welfare Department as the District Nodal Officer.
- b) **Departmental Nodal Officer** :The District Head of each member department of the District Level Task Force will designate Officers under his/her jurisdiction for proper identification, rescue and rehabilitation of child/adolescent labour.

3. Roles and Responsibilities of District Magistrate :

The District Magistrate shall :

- (i) specify such officers subordinate to him, as he considers necessary, to be called nodal officers, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the Central Government under section 17A of the Child and Adolescent Labour (P&R) Amendment Act, 2016;
- (ii) assign such powers and duties, as he thinks appropriate, to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate officer;
- (iii) preside over as chairperson of the Task Force to be reconstituted in each district
- (iv) develop a plan for prevention activities in the District and track its progress in monthly DTF meetings.
- (v) ensure participation of all the members of the rescue team consisting of the following:
 - a) Police/Special Juvenile Unit
 - b) District Nodal Officer or designated Officer of the Labour Welfare Deptt.
 - c) District Magistrate or the Sub-Divisional Magistrate or Nominee of the District Magistrate (a case of Child Labour may also be a case of Bonded Labour/Domestic Labour.
 - d) CWCs/DCPO/Members of village level child protection committees.
 - e) Representatives of District Legal Services Authority.
 - f) Women Police Officer
 - g) NGOs, representatives of child helpline services
 - h) Translators, counsellors etc.

(vi) provide necessary support including provision of adequate No. of separate vehicles, for victims and accused, to the rescue team of the District Task Force during rescue drives. The vehicles may also be arranged from the ICPS as well as the police as per requirement.

(vii) Ensure adherence of the rescue team to all the provisions of the Child Labour (P&R) Act, 1986 and the Rules framed thereunder.

(viii) The District Nodal Officer should create a mail dedicated specially for child labour rights/issues.

4. Roles and Responsibilities of District Nodal Officer :

The District Nodal Officer shall :

(i) track the cases of Child Labour in the PENCIL Portal and recommend necessary activities in the monthly meeting of the District Task Force.

(ii) fill and bring all the complaints from other sources to PENCIL.

(iii) upload a status report on legal action taken, post rescue, in the PENCIL Portal.

(iv) notify a schedule for conducting of inspection drives as empowered by Section 17.B of the Child and Adolescent Labour (P&R) Amendment Act, 2016 in consultation with the District Head of the Labour Welfare Deptt.

(v) intimate the members of the District Task Force regarding the date and time for conduction of rescue drive.

(vi) process for rehabilitation of the rescued child as per Section 14C in accordance with the laws for the time being in force and compounding of offence under Section 14D of the Child and Adolescent Labour (P&R) Amendment Act, 2016.

(vii) take necessary action on quarterly report to be submitted by the Departmental Nodal Officers of member departments of Task Force

5. Roles and Responsibilities of the Departmental Nodal Officer (Labour Welfare Department):

The District Head of the Labour Welfare Department will designate one subordinate Officer as Departmental Nodal Officer for smooth execution of rescue as well as coordination with different stakeholders of the District.

Roles and responsibilities of the Departmental Nodal Officer (Labour Welfare Department):

a) As soon as information of child or adolescent labour reaches the Nodal Officer, immediate steps must be initiated by the Nodal Officer to rescue such child. However, the District head of the Labour Welfare will nominate Officers from the Department to accompany the rescue team in periodical rescue drives.

b) The Nodal Officer will ensure verification of the complaint, either through direct site visit, reconnaissance or through other resources and will take necessary steps in coordination with the District Nodal Officer, the Police and other members of the District Task Force (DTF).

c) The Nodal Officer will request the District Nodal Officer for vehicular support to carry out the rescue drive.

d) The Nodal Officer will ensure adequate participation of the concerned members of the Task Force in the drive.

e) The Nodal Officer will also ensure that the rescued children are provided with proper and nutritious refreshments by the NGOs associated with the Task Force.

f) The Nodal Officer will approach the Health Department regarding any test for age determination of the rescued child/adolescent, if required.

g) The Nodal Officer will lodge an FIR with the local police station and ensure collection of the General Diary entry No. along with the Investigating Officer details.

h) In case of rescue of a child, the Nodal Officer will submit a report to the District Nodal Officer, which will contain particulars of the rescued child along with employer details for necessary updation in the PENCIL Portal, with a copy marked to the Commissionerate of Labour alongwith the details of the Rescue team members.

i) In cases of rescue of domestic Child Labour, the Nodal Officer will request the District Nodal Officer to depute/arrange an Officer with magisterial powers who will be present in the rescue drive without fail.

j) The Nodal Officer will coordinate with the Chairman of the District Task Force to convene monthly meeting of the Task Force. Minutes of the meeting may be submitted to the Labour Commissioner, Assam encompassing the following points :

- i) Date of the meeting
- ii) Members Present
- iii) Discussion on – NCLP Survey/Project, Survey under the Bonded Labour Rehabilitation Scheme, issues related to child labour/children of migrant labour during natural calamities, information, if any, on Child Labour from the local Child Welfare Committee.

N.B. : The Deputy Commissioners to circulate and ensure compliance to this SOP by all stakeholders including District Nodal Officers, DTF Convenors, Labour Offices, Childline's, Health Service Offices, Government Medical facilities, District Education Offices, NCLP Staff.

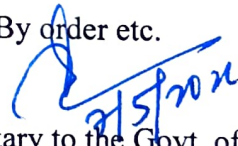
Sd/- Jishnu Barua, IAS
Chief Secretary, Assam

Memo No. GLR(RC)34/2011/Pt-II/122-A

Dated Dispur, the 7th May, 2021

1. All Deputy Commissioners, Assam. When a District Nodal Officer is declared as per Point No. 2 of this SOP, the name and designation of the DNO along with office address, mobile No. and official e-mail ID is to be sent to the Labour Welfare Department with a copy marked to the Labour Commissioner, Assam.
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2. S.O. to the Chief Secretary, Assam, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal.
3. P.S. to the Principal Secretary to the Govt. of Assam, Labour Welfare Department, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal.
4. P.S. to the Principal Secretary to the Govt. of Assam, Social Welfare Department, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal
5. P.S. to the Principal Secretary to the Govt. of Assam, Home and Political Department, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal.
6. P.S. to the Principal Secretary to the Govt. of Assam, Education Department (Elementary), Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal
7. P.S. to the Principal Secretary to the Govt. of Assam, Health & Family Welfare Department, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal.
8. P.S. to the sSecretary to the Govt. of Assam, Assam State Disaster Management Authority, Ancillary Block, Janata Bhawan, Dispur, Guwahati-6 for his kind appraisal.

By order etc.


Deputy Secretary to the Govt. of Assam
Labour Welfare Department