

**Re: Video Conference of worthy Chief Secretary, Punjab with the DCs & SSPs of the State of Punjab.**

The Government of Punjab has declared 6<sup>th</sup> June to 12<sup>th</sup> June to be observed as 'CHILD LABOUR ERADICATION WEEK' During this week, the State shall eradicate Child Labour as campaign.

**Directions of Hon'ble Punjab & Haryana High Court regarding Brick Kilns.**

- The Hon'ble High Court, in CWP 518 of 2010 Bunti Singh Vs State of Punjab, has directed the Labour Department that inspections be carried out in all the Brick Kilns of the State to ensure implementation of the labour laws including child labour and action against the defaulting employers be taken as per law. The First Report regarding this has to be submitted to the Hon'ble court on 12.7.2010. Therefore, it is suggested that focus on elimination of child labour in brick-kilns and areas surrounding it, is required for compliance of above directions of the Hon'ble High Court. In addition to above, special emphasis may be placed on those establishments where complaints regarding child labour have been received.
- At the same time, specific child labour prone areas in each district should be determined e.g. in Malerkotla, zari making units; in Ludhiana hosiery units and in Jalandhar sports goods industries can be checked.

**Salient provisions of the Child Labour (Prohibition & Regulation) Act, 1986**

- A child is a person who has not completed 14 years of age as per section 2 (ii) of the Act.
- No child is to be employed in any of the occupations mentioned in part- A of the Schedule or in processes in Part- B of the Schedule of the Child Labour (Prohibition & Regulation) Act, 1986, except when he is working with the aid of his family according to Section 3 of the Act.
- Prohibited Occupation and Processes are given in the annexure 'A' & 'B'
- In Punjab Child labour is found commonly in the following occupations and processes:-
  - 1 Cinder picking, clearing of an ash pit or building operation in the railway premises;
  - 2 Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform
  - 3 Abattoirs/Slaughter House;
  - 4 Automobile workshops and garages;
  - 5 Handling of toxic or on flammable substances or explosives;
  - 6 Handloom and power loom industry;
  - 7 Mines (underground and under water) and collieries;
  - 8 Plastic units and fiberglass workshops;
  - 9 Domestic workers or servants and
  - 10 Dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centers
  - 11 Carpet-weaving
  - 12 Building and construction industry

13	Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
14	Brick Kilns and Roof tiles units.
15	Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
16	Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
17	Saw mill- all processes.
18	Sericulture processing.
19	Skinning, dying and processes for manufacturing of leather and leather products.
20	Stone breaking and stone crushing.
21	Tobacco processing including manufacturing of tobacco paste and handling of tobacco in any form
22	Tyre making, repairing ,re-treading and graphite beneficiation
23	Utensils making, polishing and metal buffing.
24	'Zari' making (all processes)
25	Electroplating
26	Grinding or glazing of metals
27	Rag picking and scavenging

- **The child can work in occupation and processes other than those mentioned in the schedule of the Child Labour Act.**
- **Where the child is permitted to work, the regulatory provisions are applicable.**
- **Child will be allowed to work for five hours in a day and after every three hours of work he is required to be given rest of at least one hour. ( Section 7)**
- **The spread over of his work cannot be more than six hours (Section 7)**
- **Child is not permitted to work between 7.00 pm to 8.00 am (Section 7)**
- **He is to be allowed a weekly off after every six days of work (Section 8)**
- **Whosoever employ child, must notify to the area Labour Inspector (Sec. 9)**
- **An employer is required to keep record of the child regarding the date of birth, hours and period of work and intervals of rest and the nature of his work. (Sec. 11)**

### **Steps to be taken for eradication of child labour:-**

#### **1) Create awareness:-**

- **Conduct Seminars; it would also empower the community members, leading teachers to play an active in detecting, monitoring, eliminating and creating awareness on the issue of child labour.**
- **Distribute pamphlets;**
- **Ads through DPRO;**
- **Strip running on TVs through Cable Channels;**
- **Cinema Slides during intervals**

#### **2) Rescue Operations:-**

- **Upon receiving information regarding child labour, prima facie determine the correctness of information**

### **Procedure for rescue of child labour:-**

- **Inform all the relevant Government Departments comprising of Labour, Police, Municipal Committee, Social Welfare, Doctor with First aid Kit, Lady Police and if possible, include NGOs also and form a rescue team.**
- **Prepare an action plan which should be kept secret;**
- **While rescuing the child gentle and polite language should be used so that additional trauma is not inflicted on the child. The child should be treated as victim and not as an offender.**
- **Child should be physically separated from the employer/intermediaries and communication between them be not permitted.**
- **Evidence in form of documents and other materials should be collected by relevant department on the spot for effective prosecution against the defaulter.**
- **During the rescue operation the safety of the child shall be the utmost priority.**
- **If necessary, the rescued child should be got medically examined to ensure the actual signs of injury, hurt or likelihood of sexual abuse.**
- **The details about the identity of children rescued shall not be divulged to the media in view of Juvenile Justice (Care and Protection of Child) Act, 2000 as amended in 2006.**
- **The rescued child must be produced before the Child Welfare Committee under the Juvenile Justice (Care and Protection of Child) Act, 2000 and in case of Bondage, also before the SDM for his release.**
- **FIR should be lodged against the Employer under the Child Labour Act, relevant sections of IPC and if the child is bonded, also under the Bonded Labour System (Abolition) Act, 1976.**
- **The child shall be kept in the shelter home run by the Deptt of Social Welfare. Adequate arrangements for their food and refreshment shall also be made.**
- **Provisions of Factory Act, Shops Act etc. should also be invoked.**

### **Repatriation of the rescued child**

- **After rescue, the child should be taken to the shelter homes under the control of Social Welfare Department and should be kept there till their repatriation to the Home State/Families as per the decision of Child Welfare Committee (CWC).**
- **The home address of the rescued child should be verified by the State Resident Commissioner/Labour Department Officials of the Home State of rescued child.**

- In case a person comes to claim the child, the CWC shall take extreme cautions and verify the claim before handing over the child to him.
- The Labour Department shall make arrangement to send the rescued child to his family under escort and Juvenile Police Unit who would be responsible for safety and security of the child until handed over to the local authorities of the State of origin.

**Rehabilitation of rescued child:-**

- The rescued child should be educationally and economically rehabilitated. The Labour Department and the District Administration of the Home State shall share this responsibility. The child should be admitted to the school under the National Child Labour Projects (NCLP) wherever available. Where the NCLP school is not available, the child should be admitted to the Bridge-Centres of the Sarv Sikhiya Abhiyan.
- Efforts should also be made towards the economic upliftment of the family of the rescued child by covering them under NREGA and other poverty alleviation schemes.
- According to the guidelines given by the Hon'ble Supreme Court in the case of MC Mehta Vs State of Tamilnadu & others the following steps are required to be taken:-
  - Rs. 20,000/- be recovered per child from the offending employer to be deposited in the Child Labour Rehabilitation-cum – Welfare Fund for rehabilitation of the rescued child.
  - The children so rescued be put in the special schools run under the National Child Labour Projects (NCLP) to be streamlined in regular education. Where NCLP Schools are not available, the child should be given education under the Sarv Sikhiya Abhiyan.
  - An adult member of the family of rescued child should be offered a job in the Public or Private Sector establishments. If the job is not available, the State shall pay Rs. 5000/- in the Child Labour Rehabilitation-cum – Welfare Fund. The job can be arranged under the scheme of NREGA.

**Clarifications and Assistance:-**

- In case of dispute regarding the age of child, a certificate from Assistant Civil Surgeon or from the E.S.I. Doctor of the same rank should be obtained.
- The Rescue, Repatriation and Rehabilitation of the Children shall strictly be carried out as laid down in the 2008 Protocol on Prevention, Rescue, Repatriation and Rehabilitation of trafficked and migrant child issued by the Ministry of Labour and Employment, Govt. of India. This document is available on the Website of Labour Department Punjab viz. [www.pblabour.gov.in](http://www.pblabour.gov.in) which may be downloaded. The Child Labour (Prohibition & Regulation) Act, 1986, the Child Labour (Prohibition &

Regulation) (Punjab) Rules, 1997 and the Schedule of the act containing the Occupations and Processes where child labour is prohibited is also available on the above said website of the Labour Department Punjab.

#### **Areas requiring special Attention.**

- While detecting child labour, special emphasis shall be placed on
  - those establishments where complaint regarding child labour has been received.
  - Brick Kilns, and other establishments and homes nearby.
  - Govt. Offices, Tea Stalls, Dhabas
- Specific child labour prone areas in each district should be determined e.g. in Malerkotla Zari work, stitching and embroidery work etc. are common where children are employed. In Ludhiana hosiery units can be checked and in Jalandhar, sports goods industries should be checked.
- **Responsibilities of the Deputy Commissioner regarding Child Labour:-**
  - Constitute Task Force immediately
  - Hold monthly meetings of Task Force, if not held earlier.
  - Send regular monthly reports regarding child labour as per proforma already sent to them.
  - Send quarterly reports under the Child Labour Act.
  - Send quarterly and half yearly reports under Bonded Labour Act.