

## **Punjab State Action Plan for Total Abolition of Child Labour**

Child Labour is a socio legal problem. There is a need for strict enforcement of laws against employment of child labour. However, equally important is the need to rehabilitate the rescued child labour. For complete economic and educational rehabilitation of child labour, coordination among various departments of the Government is required. The role of each department has to be clearly defined, so that there is no overlapping and there is complete clarity about role of each stake holder. There is need to sensitize all the stake holders against the menace of child labour. The migrant child labour, after being rescued, has to be repatriated and united with his/her family and it is to be ensured that the rescued child labour does not relapse into the same again. For this purpose educational rehabilitation of the child and economic rehabilitation of family of child labour is very important. Keeping in view the above objectives, the responsibilities of various departments of the Government are defined as under:-

### **1. Punjab Police**

- a) To make the necessary arrangements of police force for raids as per the demand and requirement of Task Force, constituted by the concerned Deputy Commissioner. A senior officer of police should personally participate in the raid conducted by the Task Force;
- b) To assist the Department of Women & Child Development, Punjab in taking charge of the child labour liberated by the Task Force;
- c) To register a First Information Report against the employer of the child labour under Sections 331, 362, 370, 374 and 34 Indian Penal Code and under Sections 23,24 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and also under Sections 16,17,18,19, 20 of the Bonded Labour System (Abolition) Act, 1976 wherever applicable. Necessary steps be taken to arrest the offending employer and take all the necessary future steps to conduct further criminal proceedings;

- d) To treat the liberated child labour with love and affection and hand them over to children's home in the charge of an officer of Department of Women and Child Development, Punjab
- e) To put forward the cases of child labour as per Section 32, with the help of Task Force before Child Welfare Committee (CWC). As per the decision of the Child Welfare Committee, the children be handed over to their parents through the Nodal Officer of the Department of Women & Child Development, Punjab if the children are from other States.

**2. Department of Labour, Government of Punjab:**

- a) To keep the areas in their jurisdiction where the child labour is likely to be hired under continuous active surveillance.
- b) In case the child labour is found to be employed and if their number is high, then immediate action should be taken within 24 hours after contacting the Deputy Commissioner and police officers by carrying out a raid through Task Force. If the number of child labour is less, then immediate action should be taken to liberate them on the very day with the help of departmental colleagues and police.
- c) To keep track of the planning and conduct of every child labour rescue operation, it should be ensured that adequate number of officers and inspectors are present during the raid. There should be active participation in the liberation of child labour. Necessary action should be carried out against the employer of the child labour as per the provisions of Section 3 of Child Labour (Prohibition and Regulation) Act, 1986; if this is applicable. If Section 3 of the Act is not applicable then action should be taken under provisions of Section 7,8,9,11,12 and 13 of Child Labour (Prohibition and Regulation) Act, 1986.
- d) Even if the job carried out by the child worker does not fall under the hazardous job category, the child labour should be liberated from the clutches of unscrupulous employers and handed over to the police with a view to eradicate the undesirable practice of child labour and bringing these children under the mainstream of education.

- e) To document all details of the liberated child worker by obtaining details from him in an affectionate manner and furnishing a copy to the police department.
- f) While obtaining information from the child labour, if it is found that the employer had paid any money as financial assistance, loan advance etc. to the parents, then immediate report should be made to the District Magistrate for declaring the child labour as bonded labourer and a copy should be endorsed to the Government.
- g) In accordance with the directions given by the Hon'ble Supreme Court in the case of M.C.Mehta Vs State of Tamil Nadu and others, the Labour Inspector of the area shall proceed to recover an amount of Rs.20,000/- per child from the concerned employer. In case of its non-payment, the said amount would be recovered as arrears of land revenue and deposited in the District Child Labour Rehabilitation-cum-Welfare Fund.
- h) The recovery of Rs. 20,000/- as stipulated by the Hon'ble Supreme Court in M.C. Mehta's case (supra) will not have to await a conviction order of the offending employer. The said amount would be utilized for the educational needs of the rescued child even if the child has subsequently crossed the age of 14 years.
- i) To designate nodal officers at senior level to be part of the District Level Child Labour Task Force (district wise).
- j) To strengthen the intelligence network of the labour department through the Community Workers on the status of out-of-school children, places of work involving children and their employers/ contractors/ middlemen, etc.
- k) Necessary legal action should also be taken against the employers of child labour under the following legislations and corresponding Rules (wherever applicable):
  - i) Child Labour (Prohibition and Regulation) Act, 1986.
  - ii) Punjab Shops and Commercial Establishment Act, 1958
  - iii) Minimum Wages Act, 1948

- iv) Motor Transport Workers Act, 1961
- v) Factories Act, 1948
- vi) Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
- vii) Contract Labour (Regulation & Abolition) Act, 1970.

**3. Department of Women and Child Development, Govt. of Punjab**

- a) To generate awareness generation among masses against the practice of child labour.
- b) To take steps for the rehabilitation of child labour with the help of Deputy Commissioner and voluntary organizations, if the child labour happens to be from the local area.
- c) To take charge of child labour liberated by the Task Force and see that they are provided adequate food, clothing and shelter. Due care should be taken about their safety.
- d) If the child worker happens to be a local person, she/he should be inducted in the mainstream of education with the help of education officer. If possible, he/she should be provided job oriented technical education.
- e) The Superintendent of the Children Home to which the liberated Child Labourers have been placed should arrange for the interaction/taking of statements by the concerned Child Welfare Committee.
- f) Information about instructions of the Child Welfare Committee (CWC) should be independently submitted to the Deputy Commissioner and Labour Commissioner every month.
- g) Department of Women and Child Development, Punjab should designate nodal officers at senior level who can be part of the Task Force for every district.
- h) Issue letters to the respective CWCs to nominate a member who can be part of the District Child Labour Task Force. Such member of the CWC can be a link between the CWC and District Child Labour Task Force for all practical purposes, including, attending the pre-rescue planning

meeting of the Task Force, issuing Orders for the interim care and custody of the rescued child labour, verification/identification of their families and their ultimate repatriations/follow-up. The CWC Member will get the inquiry done and Social Investigation Report prepared under Juvenile Justice (Care and Protection of Children) Act, 2000 in a child friendly manner at the camp/home, where the children have been lodged.

- i) To keep the Homes ready for the reception and providing suitable accommodation and food etc. to the rescued child labourers.

#### **4. Department of Education, Govt. of Punjab**

- a) In order to absorb the liberated child labourer into mainstream of education without any discrimination, (sex/caste etc.) they should be offered free and compulsory education and should be compelled to receive it.
- b) Various schemes sponsored by the Central and State Governments should be implemented for this purpose.
- c) During their educational period, they should get the benefit of free meals scheme of the State Government.
- d) The Department will set up initially sufficient number of Alternative Innovate Education Centres (AIEC) in the areas of child labour concentration and/or in the areas having large number of out-of-school children.
- e) Care should be taken to see that the child labour develops liking for the education.
- f) The Education Officer and the Principal of the school should be held responsible for the dropouts among the child labour receiving education.
- g) Parents of child labour should be counseled to stress the importance of education among the labour.
- h) Monitoring of academically weaker children in schools will be done with the involvement of NGOs.

- i) The concerned District Education Officer will send a monthly report to the Deputy Commissioner of the District with a copy of the same to the Director (Education), Punjab about the following:
  - i. School-wise and class-wise attendance and drop-outs corresponding to the number of children enrolled;
  - ii. Number of out-of-school children in the district (school-wise and class-wise) along with the list;
  - iii. The efforts made for awareness/sensitization/educational counseling of children and their parents.

Such reports should be examined in the following meeting of the district level Task Force and of the State Level Monitoring Committee as well as at the highest, level in the Education Department of Punjab for remedial measures.

- j) Department will ensure that all its schools have adequate number of teachers in proportion to children in each class (subject specific, wherever applicable) and they are maintaining punctuality. It should also introduce a system of incentive/reward for its school children and prevent dropouts as well as a system of disincentives for those who consistently fail to identify, enroll and retain the out-of-school children.

**5. Department of Health, Govt. of Punjab**

- a) After receiving information about the raid of Task Force through Assistant Labour Commissioners/ Labour -cum- Conciliation Officers/ Labour Inspectors/ Police Officer, complete medical examination of liberated child labour should be carried out.
- b) Immediate medical treatment should be initiated, if required.
- c) Clear certificate of age (issued by medical officers not below the rank of Government Assistant Surgeon) of the liberated child labour should be furnished immediately to the investigating police officer or as per the demand of Assistant Labour Commissioners / Labour-cum-Conciliation Officers / Labour Inspectors.

**6. Department of Local Government, Govt. of Punjab**

To ensure all help to the District Administration and the Labour Department in monitoring the rehabilitation efforts in general and tracking child labour and their families in particular for their educational and economic rehabilitation.

**7. Deputy Commissioner of the District Concerned.**

- a) To ensure that no incidence of child labour in any form is found within his/her jurisdiction.
- b) To conduct the meeting of the District level Task Force on Child Labour on monthly basis and to preside over the same.
- c) To forward a copy of the proceedings of the monthly meetings of the District Level Task Force on Child Labour to the Government of Punjab through Labour Commissioner, Punjab.
- d) To get a list of all voluntary organizations dealing with the problems of child labour prepared with areas of their expertise and to ensure that such list is updated on regular basis. Along with these organizations, public awareness drives should be arranged. Public opinion should be generated to stress that education is the right of every child and is a first step towards progress.
- e) Expenses incurred towards the treatment and issuance of medical certificate should be met by the Deputy Commissioner from the District Child Labour Rehabilitation-cum-Welfare Fund and should be recovered from the employer of the child labour and reimbursed to the District Child Labour Rehabilitation-cum-Welfare Fund after recovery.
- f) To get constantly updated about the raids, rescues and rehabilitations of child labour in the district and to extend all necessary support to the Rescue Team.
- g) To ensure that all necessary actions are taken within his competence under the Bonded Labour System (Abolition) Act and Rules, 1976 as well as under the 'Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour', if the facts and circumstances in which child labour are

found lead to the presumption that they are forced labourers/bonded labourers.

- h) To also ensure that Rs.20,000/- per child labour is recovered from employer of the rescued child labour and credited along with Rs.5,000/- to the District Child Labour Welfare Fund, as per the direction of the Hon'ble Supreme Court of India M.C. Mehta's case (supra).
  - i) To furnish a utilization certificate to the Government through the Labour Commissioner, Punjab about the District Child Labour Rehabilitation-cum-Welfare fund on half yearly basis, before 30 September and 31 March every year.
  - j) Guidance may be sought (wherever necessary) from the Labour Commissioner, Punjab with regard to the utilization of collected funds. As far as possible, the amount collected should be utilized for the rehabilitation of the Child labourers for whom the amount is collected.
  - k) As per the judgment of the Hon'ble Supreme Court in M.C Mehta's case (supra) adult unemployed member of the family of the child labour should be provided employment in place of the rescued child labour and the rescued child should be directed to receive education.
  - l) In case the child has taken up the job due to economic condition of the family, adequate efforts should be made to provide all benefits to the family under all relevant developmental and social security schemes of the Government.
- 8.** The above roles and responsibilities of concerned departments/ authorities of Government of Punjab shall be followed in true letter and spirit.