

CURBING CHILD LABOUR IN DELHI

An overview of the current scenario in the capital put forth by **Varun Pathak**



As per 2001 census, child labour in India was estimated to be 12.67 million. The number of child labour in Delhi was around 41,000. The honorable High Court of Delhi took cognizance of the issue in WP (Crl.) 2069/2005, WP(C) 4161/2008 and directed the National Commission for Protection of Child Rights (NCPCR) to submit a comprehensive plan of action for abolition of child labour in Delhi.

The plan submitted by NCPCR was formalized for implementations by the High Court vide its judgment dated 15 July 2009. The said Action Plan spells out the role of stakeholders and lays down comprehensive procedures to facilitate abolition of child labour.

The Action Plan referred to rescue of working children above 14 years of age under the legislative framework of the Juvenile Justice (Care and Protection of Children) Act, 2000 along with rescue of children below 14 years from hazardous and non hazardous employment.

The data provided by Labour Department, Govt. of NCT of Delhi indicates that over 3734 children have been rescued from different districts of Delhi between July 2009 and June 2013. This included 2357 below 14 years and 1377 above 14 years.

In the period between July 2009 and June 2013, Rs. 35,13,715 were recovered as arrears of minimum wages from the defaulting employers. The state also recovered Rs. 20,000 per child as rehabilitation amount as per Hon'ble Supreme Court judgment in M.C. Mehta vs State of Tamil Nadu, the total recovery being Rs. 1,17,99,360. A sum of Rs. 1,88,25,000/- had been released to other states. In all these cases

premises of 232 employers were sealed to facilitate recovery and 1,450 FIRs were filed.

There has been satisfactory progress in the implementation of the Action plan due to coordinated efforts of all stakeholders in Delhi. While the processes at district level have evolved over a period of time, the bottlenecks have also become obvious. There still are certain gaps both concerning systems of implementation as well as regarding interstate coordination in follow up and rehabilitation of rescued children.

PRE RESCUE, RESCUE, AND RESTORATION PROCEDURES

(A) The Action plan stipulated that the strategy of rescue of children should be preceded by a campaign through the media by the department of Labour and DWCD. It also referred to proactive surveillance by the labour department.

The ground reality: It is far from being implemented upto the desired level. It has been observed mostly that the cases are generated by the civil society which includes general public or NGOs or by CWC and Police department.

The way forward: The Labour Department should focus more on self generation of cases without being dependent on other departments.

(B) The District Task Force (DTF) plans the area wise rescue based on the complaints received. The Action Plan requires a monthly meeting of the District Task force (Child Labour). The Task Force will consist of the following:

- ▶ Deputy Commissioner of District – Chairperson
- ▶ Deputy Labour Commissioner – Member