

Human Rights

The ground reality: In most cases, the Labour Department performs its responsibility. However in few cases, especially in small rescues, they do not provide with adequate services for the children.

The way forward: It is suggested that the CWC or NCPCR should specify the quality and quantity of food that should be provided to the children at the time of rescue.

(F) Statement before Police, CWC, Labour as well as the SDM is a time consuming process for rescued children. Recording of statements followed by general medical examination of children in case of major rescues may, at times take upto 7-8 hours.

The scope for improvement: There is a need for more streamlined procedures in this regard.

POST RESCUE CHALLENGES AND GAPS

(A) After the rescue the children are placed in

- ▶ Indian Penal Code, 1860
- ▶ Bonded Labour (System and Abolition) Act, 1976.
- ▶ Scheduled Caste/ Scheduled Tribe Act, 1989
- ▶ Protection of Children against Sexual Offences Act, 2012.

In cases where there is no age proof to ascertain the age of the child and it is likely that the child may be above 14 years, the CWC orders ossification test.

The ground reality: One of the major delays in restoration of children is due to delay in getting the report of the ossification test.

The way forward: There is need for closer coordination with the health department and hospitals in every district to expedite the said process. The Action plan also stipulates that all the Departments involved in a rescue should also have a Post rescue meeting to discuss the plan of recovery of minimum wages and restoration of the child. These



shelter/children's home. Several proceedings are thereafter to be completed by CWC. Filing of FIR usually takes place the same day or on subsequent days. This has become streamlined over a period of time.

The ground reality: One of the major challenges in terms of filing legal action is regarding tracking the trafficker or framing charges against him.

The way forward: Guidelines and training should be given in all the police stations about the laws and sections child labour to be applied at the time of filing an FIR. They should strictly follow the orders by High Court.

(B) Generally, the following laws are to be applied in a similar order:

- ▶ Child Labour (Prohibition and Regulation) Act, 1986
- ▶ Juvenile Justice (Care and Protection) Act, 2000.

meetings should be conducted on regular basis for developing better strategies of rescue and rehabilitation of children.

(C) Recovery from the Employer and Legal Action:

Once the child is rescued, legal procedures against the employer are initiated. The Labour Department serves a notice to the employer for payment of Rs. 20,000 per child rescued as well as the wage arrears calculated on the basis of the statement given by the children. If the employers fail to make the payment, the same is communicated to the department of revenue which takes action for sealing of the premises of the employer where the child labour was employed. The SDM ensures recovery of the same and only after receiving an acknowledgment labour receipt of wage arrears as well as Rs. 20,000 the seal is removed from the premises. The Rs. 20,000 recovered