

## Human Rights

as per CLRPA and Supreme Court judgement in M. C. Mehta case, 1996 is credited to the Delhi state child welfare fund and the draft of the wage arrears is made in the name of the child. These procedures need further clarity, standardization and streamlining. A few anomalies are mentioned below:

- ▶ There are cases where the sealing of premises is being carried out just after the rescue, given the fact that most of these buildings are rented by the employer and in case action is not taken immediately the employers flee from there and vacate the building, making recovery difficult. In such cases where there is no recovery, the child neither gets any wage arrears nor the rehabilitation amount.
- ▶ In the context of recovery of Rs. 20,000 from the employer and its disbursement to the Child Labour Welfare Fund of the district where the child is rehabilitated, the Action Plan refers to the responsibility of the Labour department as well as of the Deputy Commissioner-Revenue. In the state of Delhi the Child Labour Welfare Fund is formed at the state level and not at district level (as in other states). Therefore all money recovered from each district is collated at state level with the labour department. The District Task force (Child Labour) as well as the DC has little jurisdiction in the process of disbursement of this amount.
- ▶ Another practical difficulty in disbursement of this amount is that in every state the Child Labour Welfare Fund exists with a different name. The lack of coordination between the Labour Departments of different states makes it even more difficult for

this money to reach for the rehabilitation of the child. There is a serious gap which needs to be addressed at the earliest.

**The way forward:** There should be constant monitoring by the High Court, NCPCR, DCPCR on a monthly basis. A report by the Labour Department of each state especially Delhi should be submitted to these authorities so that the money reaches for the rehabilitation of the child on time.

**(D) After receipt of Rs. 20,000 in the state child labour welfare cum rehabilitation fund from the employer, the Labour Department transfers the said money to the district child labour welfare fund of the district where the child is rehabilitated but it is usually after a gap visa-a-vis restoration of the child.**

**The way forward:** A time limit should be specified within which the child should be restored along with his Demand Draft of Minimum Wages and copy of Child Labour Welfare cum Rehabilitation Fund, Bonded Labour Release Certificate and other important documents so that the process of rehabilitation could be started as soon as the child goes back home. This would prevent Child Labour cases to a great extent.

**(E) Release of children as Bonded Labour:** In Delhi a large number of children have been declared Bonded Labour by the SDMs based on the statement of the children. The SDMs also issue a release certificate for each child declared bonded labour so that the child can receive benefits of the centrally sponsored scheme for rehabilitation of bonded labour which includes Rs. 20,000 as compensation and benefit of existing government schemes for

