

Observation of Commission in
This matter is prepared
and placed on flag A for
Concurrence.

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4/5/2013

Honble chairman (Incharge) . 380
5/7

Issue, after concelusion

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**Before the Maharashtra State Commission for
Protection of Child Rights.**

**Enquiry, under section 13(1) & 14 of the child
right protection act, 2005
Case No. 115 / 2011-12**

PRATHAM, N.G.O. ... Complainant

V/s

Employers of Child Labour Respondent

Complainant is a social organization registered under society registration Act working in the state of Maharashtra since 1994. In the complaint there are two issues. First rehabilitation of rescued children from the work place and second non cooperation and coordination among the various Government departments. It is contended by the complainant that, due to non cooperation by the police and labour department, it is difficult to rescue child labour working in the factories. The organisations working in this field, after receiving cold response from the Government departments, have approached the child right Commission with request to take appropriate step in this regard.

2. When this matter came before the Commission, notices have been issued to the department of labour, police with direction for submission of detail report in term of operation conducting for rescuing and rehabilitation of the child working as child labour in area called Madanpura, situated in Mumbai city. The matter was placed before the Commission on 14/7/2011, 17/11/2011 and 23/1/2013. In the report submitted by the labour department, it appears that in and around the locality called Madanpura, there are near about 150 units of factories mainly related with leather and Jari work. In the data as furnished by the labour department appearing that during the reporting year i.e. 2010-11, total two hundred seventy two children were rescued however report did not say regarding rehabilitation of rescued children. Senior Police Inspector, Nagapada has submitted a report on 23/1/2013. In the report it indicates that total one hundred eighty two cases have been registered, against employees. However, he failed to submit detailed report regarding rehabilitation, nature of offences, name of offenders etc and during time of hearing he was unable to give data as asked by the Commission.

3. It is highly unfortunate that despite of enactment of Child Labour Prohibition Act 1986, children are working as

labour in the factories located in the Mumbai city and state has failed to curb illegal activities while taskforce, vigilance cells, labour and police department all have given mandate to be deal this matter. This matter is very serious and needs to be dealt on priority basis, after framing detailed action plan in this regard. It is also unfortunate that provision of section 23,24,25,26 as mentioned in the J.J.Act 2006 are not being applied by the police and labour department.

4. After going through report submitted by complainant, operations conducted by the Government department, and after taking recourse from law, rules, regulation, G.R. in this regard the Commission's recommendations are given as under.

I. Employers and manager of the factories / workshops / shops etc should be booked under the various provisions, of Indian Penal Code and Juvenile Justice Act.

II. Household survey should be carried on in and around the Madanpura areas (stalls, hotels, restaurants, factories etc.)

3. Workers working in the Madanpura area, should be identified and their identification should be confirmed from available records, from their place of birth / residence etc.

3. Persons who are residing on street, pipeline, under the flyover should be surveyed separately and their children who are below 14 years should be admitted in the school.

4. Children who have been rescued from establishment should be sent to their parental home with the help of N.G.O.s

5. Follow up action should be prepared in this regard .

By order and seal of Commission.



dt 5/7/2013

(A.N.Tripathi)

I.F.S.

Secretary

Maharashtra state commission for
protection of child rights