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# STANDARD OPERATING PROCEDURES

Legal Framework for Elimination of  
Child Labour in Gujarat



Labour, Skill Development and Employment Department, Government of Gujarat,  
Mahatma Gandhi Labour Institute and UNICEF

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*Message from the Labour Commissioner*

The Department of Labour, Skill Development and Employment, Government of Gujarat is the nodal department on matters pertaining to Child Labour at the State and district levels. A range of capacity development and review exercises are regularly conducted by Labour Commissionerate with key stakeholders from time to time on the issue of child labour. However, it is felt that there is a need to address some of the fundamental issues related to the coordination and convergence of the various stakeholders at the State and district levels. This SOP will enable the concerned authorities in a systematized and structured manner to address the multi-dimensional and complex issue of child labour.

Over the past few years, the office of the Labour Commissioner under the guidance of Department of Labour, Skill Development & Employment, Government of Gujarat and in partnership with UNICEF and Mahatma Gandhi Labour Institute have engaged with duty bearers and stakeholders from various departments concerned with the Rescue and Rehabilitation of children found in labour situations. I convey my best compliments for the effective coordination and convergence at the state and district level to work towards the elimination of Child labour in Gujarat.

Shri Anupam Anand IAS  
Labour Commissioner  
Gujarat State

*Dr. Anju Sharma, IAS*  
Additional Chief Secretary



Labour, Skill Development &  
Employment Department  
Government of Gujarat

India is committed to achieve the UN **Sustainable Development Goals by 2030** which includes **target 8.7**- elimination of worst forms of child labour, as well as to end all forms of child labour by 2025. The Indian Constitution through its various articles protect the rights of the Children, and subsequently the enactment of various legislative frameworks also upholds Child rights.

In Gujarat, Department of Labour, Skill Development & Employment holds prime responsibility in the implementation of The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and is committed towards the elimination and prevention of child labour. The department has undertaken various initiatives and measures towards prevention and elimination of child labour. Building on the ongoing efforts and initiatives, department intends to accentuate on strengthening mechanisms for both prevention and response to eliminate child labour from the society.

The development of state specific Standard Operating Procedure is one such initiative in the ambit of Department's various initiatives to strengthen the existing structures and systems established for rescue, rehabilitation and prosecution processes for children found in labour situations. This will bring convergence between various departments playing a crucial role in addressing the issue of child labour.

I look forward to enhance capacities of the officials to adopt systematic processes with convergent approach towards prevention and elimination of Child labour in Gujarat.

  
(Dr. Anju Sharma, IAS)

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Government of Gujarat

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# બાળક મજૂરીએ નહીં, શાળાએ શોભે



બાળ મજૂરીની સૂચના આપવા માટે  
હેલ્પલાઇન નંબર ૧૫૫૩૭૨/૧૦૯૮  
પર કોલ કરો અથવા પેન્સિલ પોર્ટલ  
માટે સ્કેન કરો

જુઓ, સાંભળો, બોલો

બાળ મજૂરી દંડનીય  
અપરાધ છે

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# OVERVIEW OF LEGAL FRAME WORK FOR ELIMINATION OF CHILD LABOUR

Every child has the right to be raised in a family. However, due to poverty and socio-economic conditions, many children face hardships and are forced to work to supplement household income.

Based on the recommendations of Gurupada Swamy Committee, the Child Labour (Prohibition & Regulation) Act was enacted in 1986. As per the Act, employment of children was prohibited in certain specified hazardous occupations and processes and regulates the working conditions in others. The act was amended in 2016 with the enactment of the Child Labour (Prohibition & Regulation) Amendment Act 2016 prohibiting the employment of Children below 14 years in all employment and also with the provisions for prohibition on employment of adolescents (14-18 Years) in the scheduled hazardous occupations and processes. The Child Labour (Prohibition and Regulation) Act of 1986 designates a child as a person who has not completed their 14th year of age. Further, the Juvenile Justice (Care and Protection of Children) Act, 2015 puts the child 'who is found working in contravention of the provisions of the JJ Act or labour laws for the time being in force' in the category of 'child in need of care and protection. [Sec. 2(14)(ii)]. A child, for the provisions of the JJ Act, is a person who has not attained the age of 18 years.

India ratified two more ILO Conventions in June 2017 after the Central Government had introduced amendments to the Child Labour (Prohibition and Regulation) Act, 1986 ("Act") in August 2016. The government has also introduced the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 ("Rules") ahead of ratifying the 2 of ILOs conventions in June 2017.

Further, UN's Sustainable Development Goal 8 aims to promote inclusive and sustainable economic growth, full and productive employment and decent work for all. As this relates to children, Target 8.7 of this goal aims to eliminate the worst forms of child labour, including the recruitment and use of child soldiers, as well as to end all forms of child labour by 2025.



## 1.1 Classification of Child labour - Forms of Child Labour

As per ILO Report 2006, 190.7 million children are engaged in different forms of economic activities. The highest number is in Agriculture sector.

Across India child labourers can be found in a variety of industries: in brick kilns, carpet weaving, garment making, domestic service, food and refreshment services (such as tea stalls, dhabas), agriculture, fisheries, fireworks, mining and working as child artist.

## 1.2 Prohibition of employment of children in any occupation & process:

According to Section 3 of the amended Act, children, i.e., persons under the age of 14 years, are now prohibited from working in any occupations. However, to align it with the social situation in the nation, where children also contribute significantly to the family income by being a part of family businesses, the section exempts those children from the purview of the Act who are helping their family or family enterprise, other than any hazardous occupations or processes set forth in the Schedule, after their school hours or during vacation.

According to the Rules certain conditions are to be complied with even where exemptions are made under the Act for engaging a child. (For further details refer section 3).

## 1.3 Child labour is caused by several factors. Some of them include:

1. **Poverty:** This is the single biggest factor contributing to the children working hard in factories or shops or construction sites rather than playing and getting an education.
2. **Low Aspiration:** Being employed in a local factory, or selling grocery in the streets is the normal way of life for parents and children. They do not aspire to become professionals in the society.
3. **Huge demand for unskilled and cheap labourers:** Children are mostly unskilled and provide a cheap source of labour, making them an attractive option for many greedy employers.
4. **Illiteracy:** Illiterate people view education as a preserve of the privileged in the society. Therefore, parents do not support their children to pursue education; instead encourage children to support the family financially.
5. **Early Marriages:** Marrying at an early age and having many children with little or no resources to support those leads to child labour.

## 1.4 Impact

Child labour has several negative impacts. Some of them include:

1. **Loss of Quality childhood:** Child labour results in a loss of a quality childhood since children are denied the chance to appreciate the incredible experiences that come with being young.
2. **Health issues:** Inadequate nutrition and hazardous working conditions circumstances can also have a negative impact on health.
3. **Mental trauma:** Issues such as bullying, physical or sexual abuse and adverse working hours can lead to mental trauma for these children. Child labour can also lead to insufficient emotional growth and insensitivity into the child as s (he) grows.
4. **Lack of education:** Children who are employed do not get opportunity to go to school. Lack of education makes them individuals with limited opportunities when it comes to employment

## 1.5 Magnitude of Child Labour - Trend in India

According to data from Census 2011, the number of child labourers in India is 10.1 million of which 5.6 million are boys and 4.5 million are girls.

The incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs. The closure of 1.5 million schools due to the pandemic and lockdowns in India has impacted 247 million children enrolled in elementary and secondary schools and added to the risk of them slipping into child labour and unsafe migration, reports UNICEF.

## 1.6 Gujarat Scenario

Though Gujarat has witnessed a significant decline in poverty and ranks third in economic growth, the tribal, coastal, desert and hilly areas still have high poverty levels above the State's average. Between 2001 and 2011, census data indicates a drop in the rate of child labour (defined as “working children” by Population Census) in Gujarat.

In Gujarat, Department of Labour, Skill Development & Employment holds prime responsibility in the implementation of CALPRA 1986 in partnership and convergence with multiple departments including the Social Justice and Empowerment Department, State Education Department and Home department towards prevention and response. Prevention comprises of linking children to school and vocational centres and, vulnerable families to social protection schemes while response comprises of identifying child labour, rescue operations, legal actions, and rehabilitation.





## 1.7 Response Mechanism in Gujarat

- To review the work undertaken by the District Task Force.
- The committee comprises representatives of Education, Home & Social Justice & Empowerment Department, Childline, UNICEF & selected Child Rights Organisations

**STATE LEVEL  
MONITORING  
COMMITTEE  
UNDER DIRECTOR  
LABOUR**

**DISTRICT TASK  
FORCE  
HEADED BY  
DISTRICT  
MAGISTRATE**

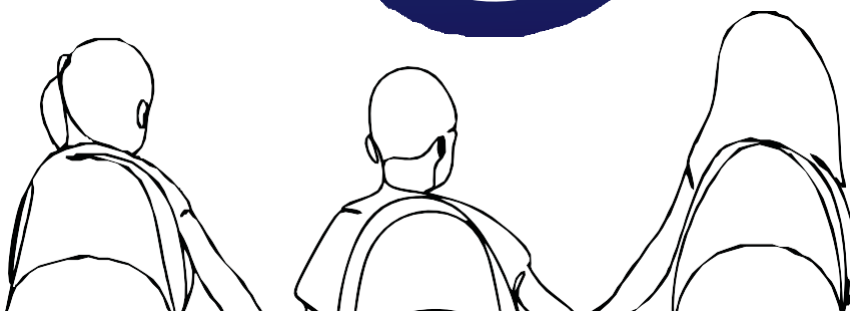
- The DM conducts monthly reviews and monitors the work undertaken by the District Task Force
- Educational reintegration of the rescued child is supported by the District Education Officer

**DISTRICT  
CHILD  
PROTECTION  
UNIT**

- The DCPU supports in rehabilitation of children including restoration and District Health Officials look after health check-ups for rescued children

**NODAL  
POLICE  
STATION**

- Supports in investigations, enquiry and legal aid services support through the in district legal aid service authority (DLSA) as required in the cases



## 1.8 Need for Standard Operating Procedure

For attaining the ambitious goal of a child labour free state, it is imperative to have effective enforcement and implementation of the provisions of laws related to child labour and child protection, convergence of resources of Government, coordination between various stakeholders and active involvement of the community.

It has been observed that in spite of the presence of a number of protective legislations, the stakeholders need clarity and in absence of this, they face challenges in taking action when a child or adolescent labour is identified. Specific and detailed information is required about steps to be taken for rescue of the child/ adolescent and subsequent rehabilitative measures to be undertaken. Simple guidelines enable the duty bearers to effectively implement the provisions of the laws with concerted efforts. Against this background it is necessary that a simple step-by-step SOP is provided to ensure enforcement of the provisions of the CALPRA, 1986.

## 1.9 Holistic Approach

A holistic approach to ending child labour has the best chance of success, both in the near and long term. This means addressing the socio-economic, cultural, and systemic factors that facilitate and perpetuate child labour, rather than approaching the issue in isolation.

## 1.10 Child-centric Approach while addressing the issue of Child labour

A child-centric approach is fundamental to safeguarding and promoting the welfare of every child. A child centred approach means keeping the child in focus when making decisions about their lives and working in partnership with them and their families.

We know that it will take all of us working together to create meaningful change towards the eradication of child labour. Together we can build a world where children are free to learn and play. This is our best hope for a better tomorrow.



## 2.3 Rescue

Each rescue should be dealt with on a case- to- case basis according to the circumstances. The rescue team should be alert and each action must be guided towards rescuing all victims, ensuring protection of the victims and collecting evidence for investigation and also ensure safety of the team members.