



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition (PIL) No. 5383/2020

Gopal Singh Bareth

----Petitioner

Versus

State Of Rajasthan Through Its Chief Secretary Govt Of
Rajasthan Secretariat Jaipur Raj

----Respondent



For Petitioner(s) : Mr. Gopal Singh Bareth, petitioner
present in person

For Respondent(s) : Mr. M.S. Singhvi, AG with Mr.
Siddhant Jain, Adv.
Ms. Priyanka Mali, Adv., through VC
for respondent No.5

**HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE SAMEER JAIN**

Order

27/04/2022

In order to institutionalize effective machinery and mechanism for rescue and post rescue rehabilitation of all child labours in the State of Rajasthan, this PIL was entertained by this Court. In the beginning detailed direction was issued on 28.09.2020 by this Court.

During the pendency of petition, the parties have filed various affidavits and pleadings to bring to the notice of this Court that there have been large number of instances of child labour in violation of laws applicable and there have been many cases of exploitation of children which not only violates the existing laws for protection of children but posing challenge to the Juvenile Justice Delivery System as a whole.



From the reply which was filed by the State, we find that number of cases of children who have been kept as labour, were found in police action and children were rescued. Large number of criminal cases have also been registered against those who are involved in child trafficking and exploitation of children in various small/large scale industrial and commercial activities. It is also found that even action has also been initiated against those industrial entrepreneurs/operators of small scale commercial activities who have been found exploiting children by keeping them in exploitative condition and in some cases offences have been registered and action initiated where a child labour were found dead also.

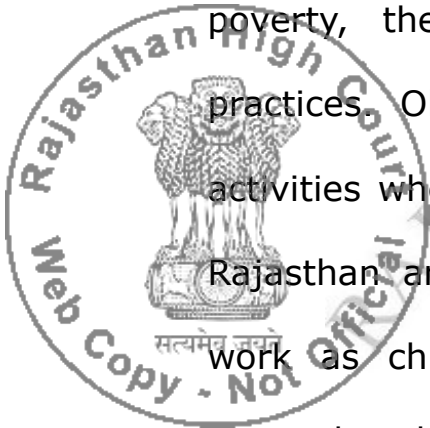
In compliance of the direction issued by this Court, reply was filed by State which revealed that more than one standard operating proceedings have been issued from time to time in different departments of the Government. This is intended to streamline and coordinated action towards protection of children against child labour and other forms of exploitation. Further, as directed by this Court, the State constituted a high level committee vide order dated 17.06.2020, placed on record as (Annexure-R9), which consist of high level officers with Secretary, Department of Labour as the Chairman of that committee. The Labour Commissioner is the Secretary of that committee.

During the course of hearing, we find that in some of the areas in the State, more and more number of child labour cases have been identified leading to registration of offence and other actions. In comparison to number of cases in other areas, high number of cases of offences against children in certain



identified area indicates that in those areas many activities are being carried out by unscrupulous elements by deploying child labours.

Further, it is also revealed that the child labours are being trafficked from other States of the country which are mostly those areas where because of poor economic condition and abject poverty, they become easily available for such exploitative practices. Obviously, this all is being done through organized activities where children from other States or within the State of Rajasthan are being trafficked and brought to certain areas to work as child labour in exploitative condition until they are rescued and rehabilitated. In order to prevent the occurrence of such activities, it is not enough that only offences are registered and action are taken, but action plan has to be formulated to control and curb this menace of child labour in identified areas where large number of cases are being found. Keeping this in view, this Court had directed to constitute a high level committee which was constituted by the State vide order dated 17.06.2020. It would be in the interest of the children who are being subjected to exploitation as child labour that the high level committee focuses on this issue and prepare appropriate action plan with the help of experts/NGOs to ensure that such exploitative child labour practices are put to halt. Allowing such activities to first happen and then taking action by registering offence is not enough. Appropriate action plan is required to be prepared and implemented to prevent such activities so that the children are not put to such kind of exploitative practices as child labours.





Since, the committee had already been constituted by the State on 17.06.2020, we direct the respondent-State to place before the Court, the action so far taken by the said committee to prevent child exploitation and labour. Moreover, a firm and concrete action plan is also necessary to curb these activities. The high level committee constituted vide order dated 17.06.2020 is required to address these issues with the help of experts from various fields and if necessary NGOs who are already involved in protection of children.

Learned counsel for the respondent No.5 highlighted that after rescue of children, the rehabilitation mechanism is required to take further steps which includes payment of compensation and rehabilitation of children and other rehabilitatory practices. According to learned counsel for the respondent No.5, two affidavits have been filed on 17.12.2020 and 26.07.2021, we however, do not find any such affidavit on record. Learned Advocate General would also submit that no such affidavit has been supplied in his office.

Registry is directed to verify whether such affidavits dated 17.12.2020 and 26.07.2021 have been filed by respondent No.5. If such affidavits are found the record, the same shall be attached with the records of the present case and be placed for consideration on the next date of hearing.

Learned counsel for the respondent No.5 shall ensure that copies of these two affidavits are supplied in the office of Advocate General within a period of seven days from today and the acknowledgment slip shall be filed before the Court.



Learned Advocate General is granted three weeks time to respond to the averments made in the said two affidavits (if filed before the Registry).

The response to the two affidavits and the action so far taken by the committee constituted vide order dated 17.06.2020 as also the concrete action plan, as observed hereinabove, should be placed before this Court by the State on the next date of hearing.

List this case on 27.05.2022.



(SAMEER JAIN),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ

JKP/Arun/24

