

BRIEF NOTE ON IMPLEMENTATION OF CHILD LABOUR LAWS:

According to 2011 census, Andhra Pradesh is having 3,80,422 Child Labour where as it was 13.63 lakh in 2001 in the combined State and 3.80 lakhs in A.P. in 2011. Data of out of school children according to survey conducted by RVM was 6.2 lakh in 2003-2004 and 1.09 lakh in 2013. High incidence of child labour in Andhra Pradesh occurs in employments like agriculture, hotels and dhabas, domestic sector, construction activity, shops and establishments, small factories, street vending, rag picking and such informal sector.

The Labour Department has been involved in elimination of child labour by enforcement of Child Labour laws like Child Labour (P&R) Act, 1986, A.P. Shops & Establishments Act, 1988, Beedi and Cigar Workers Act, Motor Transport Workers Act etc.

Enforcement of Child Labour Laws has become stringent from 1996 following the direction of the Hon'ble Supreme Court in the case of M.C. Mehta Vs. State of Tamilnadu and Others. The Hon'ble Supreme Court ordered a nation-wide survey of child labour and action including prosecution of employers violating the law and collection of Rs.20,000/- from such employers in respect of each child rescued from the employment of hazardous occupations towards Child Labour Rehabilitation-cum-Welfare Fund to be expended for education and welfare of the child. The Government shall provide employment to the eligible parent of such child or shall contribute Rs.5000/- in lieu of employment.

The Labour Department succeeded in containing incidence of Child Labour substantially in the hazardous occupations and processes prohibited under Child Labour (P&R) Act and other Acts by stringent enforcement of Child Labour Laws and by enforcement of Minimum Wages Act.

Government vide G.O.Ms.No.37 of LET & F Department dated 11.06.2008 notified all officers from Commissioner of Labour to Asst. Labour Officers as Inspectors in the Department. Further, Govt also notified Mandal Revenue Officers, Mandal Parishad Development Officers, Head Masters of all Government schools and Panchayat Secretaries as Inspectors vide G.O.Ms.No.98 of LET & F Department dated 08.11.2010.

Government of Andhra Pradesh have assigned the subject of enforcement and rehabilitation of child labour including monitoring of NCLP Societies to Labour Department vide G.O.Ms.No.348 of General Administration (A.R & T.I) Department dated 03.06.2008. Govt. vide G.O.Ms.No.70 of LET & F (Lab.IV) Department dated 21.08.2008 have directed constitution of District Resource Centre under the Chairmanship of District Collector and the Deputy Commissioner of Labour is the Convener. The Project Director, NCLP should handle Child Labour Tracking System (CLTS) at the district level and the data of the enforcement and rehabilitation departments shall be obtained and uploaded in CLTS.

Child Labour Tracking System : The Centre for Good Governance(CGG) had Developed Child Labour Tracking System for uploading data of child labour in the website <http://demo.cgg.gov.in/CLTS> by the enforcement and rehabilitation agencies viz., Labour Department, School Education Department, NCLP etc., to

facilitate tracking of every child identified, rescued and rehabilitated. The present website is under modification in tune with Right to Education Act in accordance with State Action Plan 2013.

To achieve the objective of total elimination of Child Labour, the Government have prepared State Action Plan for prevention and elimination of child labour which has been unveiled on 14th November, 2009. The Labour Department has become Nodal Agency for coordination and convergence of activities of various Govt. Departments, NGOs and Civic Society for achieving the objective of prevention and elimination of child labour in the State.

The State Action Plan 2009 for prevention and elimination of child labour aimed at complete elimination of child labour in hazardous employments by October, 2010, elimination of child labour along with universalization of elementary and compulsory education and rehabilitation and re-integration of rescued children and socio economic empowerment of their families.

Government issued G.O.Ms.No.54 of Education (SE-PROG.II) Department dated: 19.06.2006 for establishing the Society for Elimination of Child Labour at State Level, G.O.Ms.No.60 of School Education (RVM) Department dated 23.08.2007 for constitution of State Level Monitoring Committee and State Resource Centre to function in the office of the Commissioner of Labour, G.O.Ms.No.70 of LET & F (Lab.IV) Department dated 21.08.2008 for constitution of District Resource Centre. District Coordination Committees have been constituted in all the Districts in the State.

IMPLEMENTATION OF MID-DAY MEAL PROGRAMME FOR THE CHILDREN

Mid-Day Meal scheme was introduced by Government of India during the year 2003 for children studying classes I to V standard. Further in the year 2007 the same was extended to the children studying V to VIII. The objectives of the scheme are to improve the nutritional status of children studying in classes I to V standard in Government Schools, local body schools, Government aided Schools and EGS & AIE centers. The mid-day meal scheme providing for nutritional food to the children of NCLP Schools was extended from the year 2009 by the School Education Department. Now the mid day meal scheme of NCLP has been replaced by the above scheme from 2011.

STATE LEVEL MONITORING COMMITTEE ON ELIMINATION OF CHILD LABOUR

SLMC has been constituted with the objectives to finalize and update periodically the strategy for elimination of child labour, issue guidelines for conduct of survey / periodical updation of Child Labour data, approve action plans / programmes for release and rehabilitation of child labour, monitor enforcement of child labour laws, monitor programmes of rehabilitation of rescued and released child labour, issue guidelines and monitor rehabilitation of families of child labour and monitor implementation of directions of the Hon'ble Supreme Court in M.C. Mehta vs State of Tamilnadu and others.

State Level Monitoring Committee on elimination of child labour has been reconstituted vide G.O.Ms.No.9 of LET&F (Lab.IV) Department, Dated: 12.01.2012 and G.O.Ms.No.18 of LET&F (Lab.IV) Department, Dated: 07.02.2012 with the Chief

Secretary to Government as Chairman and Secretaries / Principal Secretaries of line Departments and Lead NGOs as members of the committee for monitoring the issues concerning child labour and for total elimination of child labour in the State.

The State Level Monitoring Committee meeting was last held on 12-08-2013. The SAP 2013 was approved by SLMC. Detailed role of each department is specified under SAP 2013. Further decisions of SLMC meeting are to utilize leftover ILO and RVM funds for implementation of SAP 2013. A common SRC and DRCs to be planned by Women and Child Welfare Department and CGG with the help of UNICEF to address all issues of children in a common platform by pooling all resources. Funds of construction board may be utilized for the welfare of the children in construction activity. Municipalities and Gram Panchayats to take up survey of child and bonded labour as directed by the Supreme Court. Ration coupons to be issued to migrant workers. Commissioner of Labour to take up all activities for implementation of SAP 2013.

NCLP PROJECT IN ANDHRA PRADESH

In accordance with the National Child Labour Policy 1987, Government of India had launched NCLP Project Scheme in targeted districts with the activities of Enforcement of Child Labour Laws, Adult Education, income and Employment Generation, rescue and rehabilitation of Child Labour through Special Schools, promotion of public awareness and survey.

In view of prevalence of Child Labour in Andhra Pradesh, NCLP societies have been established in all the 23 districts in Andhra Pradesh and the activities taken up include survey of child labour, awareness generation, running of NCLP special schools for rehabilitation of the child labour rescued and released from employment and their main streaming and skill development of adolescent children. The number of NCLP schools, children enrolled and children mainstreamed in the State are detailed hereunder.

Year	NCLP Schools functioning	Children enrolled	Children mainstreamed
2010-11	250	14274	6851
2011-12	205	13932	6176
2012-13	405	18261	6389
2013-14	302	15216	6412

The NCLP also undertook skill training programmes for the main streamed adolescent children to enhance their employability. It was proposed in the State Action Plan for Elimination of Child Labour 2013 that School Education Department and RVM takeover NCLP society schools and convert them as special training centers as required under RTE Act, 2009.

Objectives of STATE ACTION PLAN-2013 On elimination of Child Labour:

- a) Complete elimination of child labour in all employments by December 2015.
- b) Complete universalization of primary and elementary education.
- c) Rehabilitation and integration of all children withdrawn from work, through education, nutrition, primary healthcare, skill training and socio economic empowerment of their families.

Strategies:

- a) Wide Publicity by print, electronic and other media to impress on every citizen of the State the constitutional and legal mandate, the immediate need for total elimination of child labour and the social responsibility of every citizen to strive for the cause .
- b) Stringent enforcement of child labour laws and other related laws by the concerned departments with convergence and co-ordination.
- c) Special focus on worst forms of Child Labour, Child Labour engaged in hazardous employments and Girl and migrant child labour with distinct approach for each category.
- d) Straight enrolment of children of 5 to 9 years age in formal schools, transitional education for children of 10 to 13 years age and vocational skill training for adolescent children of age 15 to 18 years.
- e) Elaborate strategy for rescue, release and rehabilitation / repatriation of child labour.
- f) Formation of Task Force and Rescue Teams.
- g) Establishment of Transit Homes.
- h) Planning for Action for undertaking rescue / release / rehabilitation / repatriation.
- i) Post rescue operations such as medical examination, investigation and collection of evidence, producing the child before CWC, preparation and filing of charge sheet, measures for protection of the child.
- j) Procedure for repatriation – Intra state and Inter state
- k) Rehabilitation and Social integration of the child and his/her family.
- l) Provision of Institutional support involving concerned Government Departments, NGOs and Civil Society.
- m) Adoption of area and employment approach to make a village / mandal / ward / municipality / a specific employment, child labour free.
- n) Provision of budget for implementation of SAP ECL 2013.
- o) Activating existing institutional structures at state, district, mandal, village level.
- p) Survey and mapping of areas and employments with incidence of child labour.
- q) Publicity and awareness generation.
- r) Training, orientation, sensitization and workshops for all stake holders.

1) State Resource Centre:

This was established on 18.3.2008 with the following objectives:

- a) To finalize and update strategy for elimination of child labour.

- b) To issue guidelines for conducting surveys / periodically updating the data regarding prevalence of child labour in hazardous occupations;
- c) To approve action plans/programmes for release and rehabilitation of working children;
- d) To monitor the enforcement of relevant labour laws relating to release of children from hazardous occupations;
- e) To monitor programmes relating to educational rehabilitation of children who have been rescued / released from work with particular emphasis on implementation of National Child Labour Project and other ILO support projects in the State;
- f) To issue guidelines and monitor the economic rehabilitation of the parents of working children as per the directions of the Supreme Court;
- g) To monitor implementation of the other directions of the Supreme Court relating to setting up of District Child Labour Rehabilitation-cum-Welfare Fund;

ACHIEVEMENTS OF THE LABOUR DEPARTMENT DURING THE PAST FIVE YEARS ON CHILD LABOUR :

- a. Formulation of State Action Plan (SAP) for elimination of Child Labour 2009, revised in 2013.
- b. Establishment of State Resource Centre, District Resource Centre.
- c. Child Labour Tracking System has been developed for tracking child labour and for monitoring their rehabilitation.
- d. Regular Joint Inspections for rescue and release of child labour.

Enforcement of Child Labour (P&R) Act,1986 and A .P.Shops & Establishments Act,1988: (Upto June,2014):

Years	No. of inspections carried out	No. of children Rescued	No. of violations detected	No. of prosecutions launched u/s 20 of APSE Act, u/s 3 of CL Act.	No. of convictions obtained	Fine imposed (Rs)	Welfare fund collected as per M.C. Mehta case (Rs)	No. of convicted persons sent to jail
2010-11	7499	1802	1747	1017	772	164550	1680000	Nil
2011-12	14430	1162	4483	1082	11	153882	1440000	Nil
2012-13	7146	903	3052	1250	27	282934	1278000	Nil
2013-14	6984	1707	2077	2077	12	94298	3348000	Nil
Total	36059	5574	11359	5426	822	695664	7746000	

The information in respect of Domestic Child Labour: (Upto June,2014)

Years	Domestic Child Labour
2010-11	85
2011-12	25
2012-13	48
2013-14	30

Enforcement of Child Labour (P&R) Act,1986 and A .P. Shops & Establishments Act,1988 for the period from 1.7.2014 to 31.12.2014.

Sl. No	No. of inspections carried out	No. of children Rescued	No. of violations detected	No. of prosecutions launched	Fine Imposed in (Rs.)
AP	1163	789	681	414	2,45,454/-