

## **Government Of Tamil Nadu**

### **ABSTRACT**

Child Labour eradication – Hon’ble Chief Minister’s 15 Point Programme – “Action Plan” – for elimination of child labour – Approved.

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### **Labour & Employment (U2) Department**

Read :-

From the Commissioner of Labour Letter No.T1/891/03, dated 23.7.2002

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**G.O. (Ms.) No. 53**

**Dated : 12-5-2003**

**ORDER :**

The Constitution of India enjoins that education should be made free and compulsory for all children until they complete the age of 14 years. It prohibits employment of any child below the age of 14 years in any factory or mines or any hazardous employment. There are also a number of Central and State Laws prohibiting or regulating employment of children. However the practice of employing children has not yet been fully eliminated. The Hon’ble Chief Minister has announced a 15 Point Programme for making Tamil Nadu the best State in the Country in every sphere. Elimination of Child Labour is one of the 15 Points. To achieve the above goal an “Action Plan” has been prepared in consultation with various departments of the State Government.

2. i) The Action Plan has the goals of elimination of child labour in all hazardous occupations by 2005 and in all non-hazardous occupations by 2007.

ii) The Action Plan has proposed the following strategies to achieve the above goals:

- a. Survey and identify working children.
- b. Rescue child workers and admit them in Special schools.
- c. Mainstream the children from special schools into formal schools.
- d. Conduct special drives to enroll in schools all children in the age group 5 to 7 years.
- e. Strengthen formal education.
- f. Provide skill training to children in age group 14 to 16 years.
- g. Enforce strictly laws prohibiting child labour.
- h. Generate social awareness that children should go to school and not to work.

- i. Target implementation of development schemes to benefit families of rescued child labour.
- j. Achieve convergence of services of departments and of NGOs.
- k. Reward Panchayats and Municipalities which become free of child labour.

3. The Government, after careful consideration, approve the “Action Plan for Elimination of Child Labour” as in the annexure.

4. The Action Plan will be implemented through National Child Labour Project Societies in Tirunelveli, Thoothukudi, Virudhunagar, Pudukottai, Tiruchirappalli, Vellore, Salem, Dharmapuri and Coimbatore Districts. In other Districts the Action Plan will be implemented through District Child Labour Rehabilitation-cum-Welfare Societies, for which the District Collectors are the Chairmen. At State level, it will be implemented through a State Child Labour Rehabilitation-cum-Welfare Society, for which the Commissioner of Labour, Chennai will be the Chairman. The Commissioner of Labour, Chennai is requested to send proposals immediately to Government for constituting the State Child Labour Rehabilitation-cum-Welfare Society.

5. The Departments noted in the address entry are requested to implement the Action Plan immediately and extend the fullest co-operation to the Collectors and the Commissioner of Labour for the successful implementation of the Action Plan. The District Collectors, who play a vital role in achieving convergence of services of all Governmental and non-Governmental agencies, are requested to effectively implement the Action Plan.

6. Most of the activities in the Action Plan may be funded out of resources provided already under the National Child Labour Projects. For taking up other activities, the Commissioner of Labour has proposed that a sum of Rs.1.25 crores may be provided for the period up to 2007. The Government accept the proposal and sanction an initial amount of Rs.25 lakhs (Rupees twenty five lakhs only) to the State Child Labour Rehabilitation-cum-Welfare Society for implementing the Action Plan at District level and State level.

7. Progress of implementation of the Action Plan shall be monitored by the Commissioner of Labour and a report sent to Government by 10th of each month.

8. The amount sanctioned in para 6 above shall be debited to the following new sub head of account to be opened under Demand No.31 as detailed below:-

“2235 – Social Security and Welfare-02 Social Welfare-102 Child Welfare – Schemes in the 10th Five Year Plan-II State Plan – KG-Assistance to State Child Labour Rehabilitation-cum-Welfare Society – 09 Grants in aid – 01. Grants for current expenditure (DPC No. 2235 02 -102-KG 0914),

9. The Commissioner of Labour is the estimating, reconciling and controlling authority for the above new sub-head of account. The Pay and Accounts Officer/ Treasury Officer are requested to open the above new sub-head in the accounts.

10.The Commissioner of Labour is authorised to draw and disburse the amount to the above Society.

11. The expenditure sanctioned in para 6 above shall constitute an item of “ New Service”. Pending approval of the Legislature, the expenditure shall initially be met by an advance from the Contingency Fund. The Commissioner of Labour is requested to apply for the advance in the prescribed format in duplicate to the Finance (BG1) Department along with the explanatory note to include in the FSE 2003-2004.

12. This order issues with the concurrence of Finance Department vide its U.O. No.750/FS/P/2003 dated 21.2.2003 and additional sanction ledger No.60.

/ By order of the Governor /

**M.B.PRANESH,**  
**Principal Secretary to Government,**

To

The Secretary to Government, MA&WS Department, Chennai-9

The Secretary to Government, R.D. Department, Chennai-9

The Secretary to Government, Home Department, Chennai-9

The Secretary to Government, School Education Department., Chennai-9

The Secretary to Government, H.& F.W. Department, Chennai-9

The Secretary to Government, P.W. Department, Chennai-9

The Development Commissioner & Secretary to Government, Finance Department, Chennai-9

The Secretary to Government, S.W.& N.M.P. Department, Chennai-9

The Secretary to Government, Highways Department, Chennai-9

The Secretary to Government, I.& T. Department, Chennai-9

The Commissioner of Labour, Chennai-6

The Chief Inspector of Factories, Chennai-5

The Commissioner of Municipal Administration, Chennai-5

The Director of Rural Development, Chennai-15

The Director General of Police, Chennai-4

The Director of School Education, Chennai-6

The Director of Elementary Education, Chennai-6

The State Project Director, District Primary Education Programme, Chennai-6

The Director of Public Health and Preventive Medicines, Chennai-6.

The Chief Engineer (General), PWD, Chennai-5

The Director of Social Welfare, Chennai-5

The Chief Engineer (Highways), Chennai-5

The Director for Information and Public Relations, Chennai-9

All Collectors

The Accountant General, Chennai-18

The Accountant General (By name), Chennai-18

The Accountant General (CAS), Chennai-9

The Pay and Accounts Officer (South), Chennai-35.

Copy to:

The Secretary to Hon'ble Chief Minister, Chennai-9

The Senior P.A. to Minister of Labour,

The P.A. to Chief Secretary, Chennai-9

Private Secretary to Principal Secretary to Government, Labour and Employment Department, Chennai-9.

Labour & Employment (F) Department, Chennai-9.

Finance (L&E)/(BG1) Department, Chennai-9.

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Section Officer.

**ANNEXURE**  
**ACTION PLAN FOR ELIMINATION OF CHILD LABOUR**  
**IN TAMIL NADU**

**A CHILD'S PLEA**

I am a child.

All the world waits for my coming.

All the earth watches with interest to see what I shall become.

Civilization hangs in the balance.

For what I am, the world of tomorrow will be.

I am the child.

You hold in your hand my destiny.

You determine, largely, whether I shall succeed or fail.

Give me, I pray you, these things that make for happiness.

Train me, I beg you, that I may be a blessing to the world.

- - *Mamie Gene Cole.*

**I. INTRODUCTION**

A child of today cannot develop to be a responsible and productive member of tomorrow's society unless an environment, which is conducive to his intellectual, physical and social health is assured to him. Every nation developed or developing, links its future with the status of its children. Childhood holds the potential and also sets the limit to the future development of the society. Children are the greatest gift to humanity. Neglecting children means loss to the society as a whole. If children are deprived of their childhood- socially, economically, physically and mentally- the nation gets deprived of potential human resources for the social progress, economic empowerment, peace and order, social stability and good citizenry.

**II. INCIDENCE OF CHILD LABOUR**

**CHILD LABOUR DEFINITION**

The International Labour Organization:

Child Labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development. Sometimes separated from their families, frequently deprived of meaningful education and training opportunities that would open for them a better future.'

Definition of child labour varies under various labour enactments. Some of them are given in Annexure-B. According to these enactments, the minimum age for employment varies from 14 years to 18 years.

## **GLOBAL**

Child labour problem is a global phenomenon. According to International Labour Organization's Bureau of Statistics (1998), there are 250-million child labourers in the age group 5-14 in the developing countries. Of them, 120 million children are working full time and are engaged in hazardous and exploitative occupations.

## **INDIA**

In India, according to 1991 census there were 11.29 million child workers. National sample survey figures for the year 1999-2000 indicated that there were 10.4 million child labourers.

## **TAMIL NADU**

In Tamil Nadu, according to 1991 census, there were 5.78 lakhs child workers. 48.2% of them were male and 51.8% were female child workers. The survey for the SSA (Sarva Shiksha Abhiyan - Education for all Programme) during the year 2001 has estimated child labour figure as 3.49 lakhs.

## **OCCUPATIONAL CLASSIFICATION OF WORKING CHILDREN IN TAMILNADU**

**(BASED ON 1991 CENSUS)**

Category	Percentage of		
	Male	Female	Total
Cultivators	18.78	14.46	16.70
Agricultural labourers	40.90	53.43	46.94
Manufacturing, Processing, Servicing & Repairing in Household Industry	4.64	8.74	6.62
Others	35.68	23.37	29.74
Total	100.00	100.00	100.00

“Livestock, Mining, Manufacturing Processing, Servicing & Repairing in other than Household Industry, Construction, Trade, Transport and other services

In Tamilnadu about 64% of the child work force is concentrated in agriculture and allied activities. Though agriculture is the predominant occupation where children are involved, employment of children in manufacturing and service sector is quite significant in Tamilnadu with over 36% of the working children.

Child Labour is widely prevalent in Shops, Hotels and Restaurants in all the Districts of Tamil Nadu. Child labour is prevalent in match and fireworks industries of Virudunagar, Thoothukudi, Tirunelveli Districts, in tanneries of Vellore and Dindugal districts, in Hosiery industry of Tiruppur and Coimbatore, in beedi industry of Tirunelveli and Vellore districts, Silver anklet manufacturing in Salem, Gem cutting in Trichy and in Pudukottai

In 1995, a survey was conducted by the District Administration to identify children in child labour intensified districts i.e. Vellore, Tiruchirappalli, Pudukottai, Salem, Coimbatore, Tirunelveli, Virudhunagar and Dharmapuri. The identified children in the above districts were 2,45,796.

The Government of Tamilnadu undertook a survey on child labour in hazardous and non-hazardous establishments in the year 1997. It revealed that there were 9052 children in non-hazardous establishments in urban areas and 10118 children in hazardous establishments in urban and rural areas.

### **III. LEGAL PROVISIONS**

The Constitution of India prohibits employment of children below the age of 14 years in factories, mines or hazardous employments.

The Child Labour (Prohibition and Regulation) Act 1986 prohibits employment of children below the age of 14 years in certain hazardous occupations and regulates their employment in other occupations. This is a central Act.

In Tamil Nadu, employment of children is prohibited altogether in the Tamil Nadu Shops and Establishments Act, 1947 and the Tamil Nadu Catering Establishments Act, 1958.

### **IV. INITIATIVES**

Hon'ble Chief Minister Dr. J. Jayalalitha with vision and mission initiated efforts to eliminate child labour in specific sectors in the year 1993.

- - Survey and situational analysis of child labour in the match and fireworks belt in Virudhunagar and Thoothukudi Districts were conducted in 1993 by Social Welfare Department.
- - Tamil Nadu Rules were framed for the Child Labour (Prohibition & Regulation) Act, 1986 in the year 1994.

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- The Tamil Nadu Compulsory Elementary Education Act, was enacted in 1994.
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- A State Advisory Board for child labour was constituted in 1995 under the chairmanship of Minister of Labour with representatives of other departments concerned.
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- The Tamil Nadu Slum Clearance Board, Chennai was allotted Rupees One Crore in March 1996 for undertaking Child Labour Elimination Project in Chennai City.
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- Enforcement machinery was geared up and training was given to officials.

A National Child Labour Policy was formulated in the year 1987 with a view to addressing the problem of child labour. Legislative and developmental measures were undertaken and project based action plan was worked out. In Tamil Nadu, National Child Labour Projects were initiated in 9 child labour endemic districts. Children were withdrawn from the hazardous establishments and were admitted in special schools and mainstreamed into formal schools.

In the National Conference on Child Labour held on 22nd January 2001 at New Delhi it was resolved to eliminate child labour in hazardous occupations and processes by the year 2005. In tune with National Policy on Child Labour, the Government of Tamil Nadu have also initiated a number of measures for the elimination of Child Labour.

## **1. ENFORCEMENT OF LABOUR LAWS PROHIBITING CHILD LABOUR**

The Prohibitory provisions under the following labour enactments are implemented in the State by the Assistant Inspectors of Labour, Deputy Inspectors of Labour, Inspectors of Labour and Inspectress of Labour in the Labour Department and Assistant Inspectors of Factories and Inspectors of Factories in the Chief Inspectorate of Factories.

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- The Child Labour (Prohibition & Regulation) Act, 1986
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- The Factories Act, 1948
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- The Motor Transport Workers Act, 1961
- 
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- 
- The Tamil Nadu Shops and Establishments Act, 1947
- 
- The Tamil Nadu Catering Establishments Act, 1958

## **2. IMPLEMENTATION OF THE DIRECTIONS OF THE SUPREME COURT**



***The Supreme Court judgment in Writ Petition C.No.465/86, M.C.Mehta Vs. State of Tamilnadu on 10.12.1996 on Child Labour.***

- An Establishment wise survey was conducted in April 1997
- The State Government has sanctioned a sum of Rs.4,74,65,000/- to the State Child Labour Rehabilitation-Cum-Welfare Fund.
- Cases were filed under the Child Labour (Prohibition and Regulation) Act 1986.
- District level Child Labour Rehabilitation cum Welfare Fund Societies were formed.
- Monitoring cell was formed in the Labour Department to monitor the implementation of the Supreme Court's direction

**3.NATIONAL CHILD LABOUR PROJECT**

- National Child Labour Projects are functioning in Virudhunagar, Salem, Pudukottai, Dharmapuri, Vellore, Thoothukudi, Tiruchirappalli, Coimbatore and Tirunelveli.
- 472 special Schools are functioning and 20,044 child labourers who are withdrawn from labour force are studying in these schools. They are provided with a stipend of Rs.100/- per month in addition to mid day meal and educational materials.

**4. ILO-INTEGRATED PROGRAMME FOR ELIMINATION OF CHILD LABOUR.**

ILO-Integrated Programme for elimination of child labour is functioning at Sivakasi and Tiruppur. 2648 children withdrawn from labour force were enrolled in these transit schools and have completed their education. So far 20685 children in the age group of 5 to 7 years were enrolled due to the enrolment campaign of the ILO-IPEC project. 575 children in the age group of 13 to 16 years had been given skill training. Presently, 682 children are receiving the skill training. Mothers of Child Labourers are formed into 140 credit groups and they are given Entrepreneur Development Training. 2236 mothers are members of the Self Help Group.

**5. INDO-US-DOL-PROJECTS**

Ministry of Labour, Government of India and United States Department of Labour have signed a joint statement on 'Enhanced Indo-US Cooperation on Eliminating Child Labour' in August 2000. In that statement they have expressed their commitment to the prohibition and elimination of the worst forms of child labour in identified industries namely hand rolled beedi, brassware, hand made bricks, fireworks, footwear, hand-blown Glass bangles, hand- made locks, hand dipped matches, hand-broken quarried stones and silk.

- The project strategy envisages complete elimination of child Labour in the identified districts, on a priority basis, through a multi-sectoral package of services.

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- The Government of India have proposed to implement the new Projects in Kancheepuram, Thiruvannamalai, Namakkal, Karur and Virudhunagar districts of Tamil Nadu.

In continuation of these efforts, Tamil Nadu, under the able guidance of our Hon'ble Chief Minister Dr.J. Jayalalitha, has adopted child Labour elimination as one of its top priorities in its 15 Point Programme for making Tamil Nadu the best State in the country in every sphere.

**The State plan of action aims at eliminating child labour in hazardous employment by the year 2005 and in non-hazardous employment by the year 2007.**

## **V. OBJECTIVES OF THE ACTION PLAN**

- - To prevent children below the age of 14 from working for wages or for a living in hazardous or non-hazardous occupations
- - To take steps to identify and release every child below the age of 14 years, if found working.
- - To take all measures to rehabilitate the released child labour.
- - To implement various developmental schemes, poverty alleviation programmes and self employment schemes to benefit the families of child labour
- - To take up massive awareness generation programmes through community participation and to create a positive climate for elimination of child labour

## **VI. ACTION PLAN FOR ELIMINATION OF CHILD LABOUR**

### **1. SURVEY AND IDENTIFICATION OF WORKING CHILDREN**

- - A database should be created on the number of working children and profile of parents.
- - A micro-planning exercise should be undertaken to identify available resources and infrastructure.
- - The survey would be carried out by an independent agency.
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### **2. REHABILITATION OF CHILD LABOUR**

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- The Child Labour identified should be released from work and admitted in National Child Labour Project special schools in the districts where NCLP is functioning.
- In the non-NCLP districts the child labour identified should be admitted in the alternate schools proposed to be run by the Education department under Sarva Shiksha Abhiyan scheme.

### **3. ENROLMENT OF CHILDREN IN THE AGE GROUP 5 TO 7 YEARS**

A special enrolment drive should be carried out by the Education Department along with the other Departments under the leadership of the District Collector within two months after the approval of the Action Plan.

### **4. MAINSTREAMING CHILD LABOUR TO FORMAL SCHOOLS**

- - Children to be mainstreamed from NCLP special schools to formal schools after completion of their studies in the special schools.
- Follow up of mainstreamed children in assessing their performance by teachers and offering support.
- Maintaining accurate data on the number of children mainstreamed

### **5. STRENGTHENING OF FORMAL EDUCATION**

- Strengthening of Parent-Teacher Associations up to primary level.
- Strengthening the Village Education Committees.
- Enforcement of The Tamil Nadu Compulsory Elementary Education Act, 1994.

### **6. SKILL TRAINING TO CHILDREN IN THE AGE GROUP 14 TO 16 YEARS**

Skill training to children who are in the age group 14 to 16 years focusing on specific occupations in accordance with the job opportunities available in the local market.

The training would be provided for a period of one year at pre-identified training Institutes. While existing training curriculum and methodology would be used wherever possible, new and appropriate curriculum would be developed and incorporated into the training curriculum wherever necessary. The curriculum for vocational training will also include basic literacy, numeracy and life skill education. Each target area will assess the labour market needs and demands prior to the identification of the training curriculum. Efforts will be made to either complement the existing trade skills or to introduce allied marketable skills and forge linkages with employers.

### **7. ENFORCEMENT OF LEGISLATIONS RELATING TO PROHIBITION OF CHILD LABOUR**

- Child Labour prevention Squads to be formed with authorized Volunteers/ Non-Governmental Organizations, Doctors, and Enforcement Authorities.

- Strict and effective enforcement of the labour laws relating to prohibition of child labour.
- Undertaking should be obtained from Contractors while issuing work orders to the effect that they would not engage Child Labour and also for cancellation of contract in case of breach in this condition.

## **8. AWARENESS GENERATION**

- - Widespread awareness generation to create a positive climate for children to go to school and not to work.
- - Effective utilization of folk, print and electronic media.
- - Sensitization Programme for all Government officials on child rights.
- - Training for N.S.S, N.C.C, Women Groups, Parent-Teachers Association, and Panchayat Presidents on the issues relating to child labour.
- - Incentive should be given to teachers by way of 'Best Teacher Award' for enrolment of child labourers and dropouts into Formal Schools.
- - To observe 12th June every year as 'Anti Child Labour Day'.

## **9. TARGETED IMPLEMENTATION OF DEVELOPMENT SCHEMES / PROGRAMMES**

- - Focusing of development schemes in the district to benefit child labour families.
- - Focusing on rescued Child Labour in utilization of special funds like Tamil Nadu Manual Workers Social Security and Welfare Fund, Beedi Workers Welfare Fund, etc.
- - Parents of rescued child labour should be given priority in the existing poverty alleviation and self-employment schemes.
- - To supplement income loss, mothers of rescued child labour to be given appropriate skill training and encouraged to form women's self-help groups.
- - Strict enforcement of Minimum Wages Act.

## **10. TRAINING**

- Conferences / Seminars / Workshops / Training Programmes shall be organized on Child Labour Issues at State and District levels.

- The services of Administrative Training Institute / Training Institutes for Rural and Urban bodies and Gandhi Gram Training Institute, may be utilized for the purpose of imparting training on the issues of Child Labour.

## **11. CONVERGENCE OF SERVICES:**

In addition to the specific measures under the Action Plan, convergence of the existing services of the following departments, on Governmental Organizations and other bodies is necessary to eliminate child labour.

EDUCATION DEPARTMENT
LABOUR DEPARTMENT
FACTORIES DEPARTMENT
MUNICIPAL ADMINISTRATION DEPARTMENT
RURAL DEVELOPMENT DEPARTMENT
SOCIAL WELFARE DEPARTMENT
POLICE DEPARTMENT
HEALTH DEPARTMENT
PUBLIC WORKS AND HIGHWAYS DEPARTMENT
INFORMATION AND PUBLIC RELATIONS DEPARTMENT
NGO'S AND OTHER ORGANIZATIONS

Suggested activities are given in the annexure -A.

## **12. INVOLVEMENT OF EMPLOYERS:**

Involving the Employers Associations in elimination of child labour is very important

- Efforts have to be made to impress upon the employers that they should stop employing child labour and come forward voluntarily in rehabilitation of child labour.

## **13. COMMUNITY PARTICIPATION IN CHILD LABOUR ELIMINATION**

- Local community will be involved in eliminating child labour practice. Panchayats and Town Panchayats, Corporation wards should aim to become 'Child Labour Free'
- Government may institute an award for Child Labour Free Panchayats / Town Panchayats / Municipalities.

## **14. IMPLEMENTATION OF THE ACTION PLAN**

### **AT THE DISTRICT LEVEL**

- In all the nine districts where National Child Labour Projects are functioning National Child Labour Project Societies have been formed comprising of

concerned departmental officers under the chairmanship of the District Collector. These Societies will be responsible for implementing the Action plan for elimination of Child Labour at the District level.

- In other districts, Child Labour Rehabilitation cum Welfare Societies have been constituted for assisting children identified in hazardous and non-hazardous establishments. These societies will be activated. These Societies will be responsible for implementing the Action plan for elimination of Child Labour at the District level. If a district does not have such a society, it should be formed.

## **AT THE STATE LEVEL**

A State Child Labour Rehabilitation-cum-Welfare Society may be registered under the Chairmanship of the Commissioner of Labour. This Society will be responsible for implementation of the State Action Plan for Elimination of Child Labour.

A Monitoring cell has already been constituted in the Office of the Commissioner of Labour. The cell is monitoring the activities relating to the elimination of child Labour as per the directions of the Supreme Court. This cell will undertake the Secretarial work of the State Child Labour Rehabilitation-cum -Welfare Society

## **15. FUNDS**

For conducting awareness generation and training programmes and grant of assistance for education of the child labourers rescued as per Supreme Court direction, a sum of Rs 1.25 crores will be provided to the State Child Labour Rehabilitation –cum- Welfare Society. Community/ private/corporate sponsorship for the programmes may also be sought.

- - At the district level, the district committee headed by the District Collector may receive funds from State Government, Government of India and Private/ Corporate sponsorship.
- - In addition to the funds under action plan, the funds available under regular budget schemes of various departments should be utilized giving priority for the activities connected with the elimination of child labour.

## **16. MONITORING MECHANISM**

Monitoring and evaluation of implementation of the action plan are required to be done by a suitable mechanism at the district and the state levels. Continuous feedback is necessary to take timely corrective measures as and when necessary and to implement the programme effectively in a time bound, cost effective and result oriented manner.

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- There is a State Monitoring Committee for monitoring the National Child Labour Projects in the State. The Labour Secretary is the Chairman and the Joint Commissioner of Labour (Welfare) is the Secretary for this Committee. This Monitoring Committee would undertake the work of monitoring the implementation of the State Action Plan for Elimination of Child Labour in the State.

## **17. EVALUATION**

Documentation and dissemination of successful experiments are necessary. Periodical independent evaluation study will be commissioned by the Society and reports placed before the Government.

## **18. GUIDANCE**

A State Authority on Child Labour has been formed under the Chairmanship of Chief Secretary with other concerned Secretaries as members. The authority will meet once in six months to review implementation of the Action Plan for elimination of child labour and make appropriate recommendations to achieve the targets of elimination of child labour in hazardous occupations by the year 2005 and in all occupations by the year 2007.

## **ANNEXURE-A**

### **CONSTITUTIONAL PROVISIONS**

The United Nations Conventions on the Rights of the Child 1989 in Article 32 states as follows:

"State parties recognize the rights of the child to be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child health, or physical, mental, spiritual, moral or social development"

The Constitution of India has also made special provisions for the protection and restoration of the rights of children.

Art- 23: Prohibition of traffic in human beings and forced labour.

Traffic in human beings and beggars and others similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Art- 24: Prohibition of employment of children in factories etc.

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article-39 (e) and (f):

Directive Principles of the State policy - The state shall, in particular, direct its policy, securing:

(e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocation unsuited to their age or strength.

(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article-45: Provision for free and compulsory education for children

The state shall endeavor to provide within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.

## **ANNEXURE-B**

### **DEFINITION OF CHILD AND PROVISIONS RELATING TO EMPLOYMENT OF CHILDREN UNDER VARIOUS ACTS**

#### **1. The Factories Act, 1948:**

The Act prohibits the employment of a child who has not completed 14 years.

#### **2. The Apprentices Act, 1951:**

A person shall not be qualified for being engaged as an Apprentice unless he is not less than 14 years of age.

#### **3. Plantation Labour Act, 1951:**

"Child means a person who has not completed his 14th year." (There is no prohibition for employment of children. A certificate of fitness is necessary for employing a child.)

#### **4. The Mines Act, 1952:**

The Act prohibits the employment of a child below 18 years of age for work below ground.

#### **5. The Child Labour (Prohibition & Regulation) Act, 1986:**

The Act prohibits the employment of a child who has not completed his 14th year of age in any of the occupations set forth in part A of the schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule are carried on.



#### **6. The Merchant Shipping Act, 1958:**

The Act prohibits Children less than 14 years of age

to be engaged or carried to sea work in any capacity in any ship, subject to certain exceptions.

#### **7. The Motor Transport Workers Act, 1961:**

The Act prohibits the employment of Children less than 16 years of age in any motor transport undertaking. (Tamil Nadu Amendment)

#### **8. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:**

The Act prohibits the employment of children less than 14 years of age in any industrial premises manufacturing beedi or cigar.

#### **9. The Tamil Nadu Shops and Establishments Act, 1947:**

The Act prohibits employment of Children who have not completed 14 years of age

#### **10. The Tamil Nadu Catering Establishments Act, 1958:**

The Act prohibits employment of Children who have not completed 16 years of age

#### **11. The Tamil Nadu Handloom Workers (Conditions of Employment and Miscellaneous Provisions) Act 1981**

The Act prohibits employment of Children who have not completed 16 years of age

#### **12. The Tamil Nadu Manual Workers (Regulation of Employment and conditions of work) 1982**

The Act prohibits employment of Children who have not completed 16 years of age in any scheduled employment.

### **ANNEXURE-C**

#### **SUGGESTED ACTIVITIES OF VARIOUS DEPARTMENTS**

##### **1. LABOUR DEPARTMENT**

- i) To ensure strict implementation of all the labour laws relating to prohibition of child labour.
- ii) To utilize the services of Medical Officers of Employees State Insurance Corporation, Health Department/Local PHC's for the certification for proof of age of child labour.
- iii) Labour department to act as nodal agency and facilitate the co-ordination between various implementing agencies/departments at state level.

- iv) To facilitate the collection and compilation of data through district committees.
- v) Vigorous enforcement of the Minimum Wages Act, 1948.
- vi) To arrange training programmes and conducting seminars/workshops.
- vii) To observe 12th June of every year as "Anti Child Labour Day" by organizing programmes.
- viii) To form Child Labour Squads to be formed with authorised Volunteers/ Non-Governmental Organizations, Doctors and Enforcement Authorities.
- ix) Joint raids should be organised every month by the Enforcement Officials.
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## **2. FACTORIES DEPARTMENT**

- i) To ensure strict implementation of the Factories Act 1948 and Child Labour (Prohibition and Regulation ) Act 1986 relating to prohibition of child labour.
- ii) To utilize the services of Medical Officers of Employees State Insurance Corporation, Health Department/Local PHC's for the certification for proof of age of child labour.
- iii) Vigorous enforcement of the Minimum Wages Act, 1948.
- iv) To observe 12th June of every year as "Anti Child Labour Day" by organizing programmes.
- v) Child Labour Squads to be formed with authorized Volunteers/Non-Governmental Organizations, Doctors and Enforcement Authorities.
- vi) Joint raids should be organised every month by the Enforcement Officials

## **3. DEPARTMENT OF RURAL DEVELOPMENT**

- i) To observe 12th June of every year as "Anti Child Labour Day" by all the Panchayat Raj Institutions.
- ii) To ensure that every Panchayat Raj Institution, passes resolutions stating that they would eliminate child labour and endeavour, to rehabilitate the released child labour.
- iii) To ensure that no child below 14 years of age is allowed to work in their jurisdiction of Grama Panchayats and review the status as a standing agenda in all monthly meetings of Grama Panchayats.
- iv) The licences issued by the Panchayat Raj Institutions to be cancelled if such licence holders are found engaging child labour
- v) Grama Panchayats to liaise with the village education committees, panchayat members, village elders, teachers, parents, officials and NGOs to monitor the education system and ensure 100% enrolment in the schools.
- vi) Reporting of the existence of child labourers in their jurisdiction to the Inspector of Labour/Factories of the District shall be made compulsory duty of each Panchayat.
- vii) Every Panchayat shall make efforts to declare their Panchayat as a child labour free Panchayat.

#### **4. SOCIAL WELFARE DEPARTMENT:**

- i) To consider synchronizing the timings of Anganwadis with that of primary schools, so that girl child need not miss school to take care of siblings at her home.
- ii) Mobilize public opinion to protect the rights, privileges and facilities provided under the existing laws in respect of girl child.
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- iii) To help in detecting child labour in various institutions, organizations and industries.
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- iv) To create awareness about the evils of child labour among their members of Madhar Sangams & in their communities.
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- v) To ensure that no member of the SHG / Madhar Sangams employs children including domestic labour.

#### **5. EDUCATION DEPARTMENT**

- i) Ensure that schools have basic amenities like water supply and toilets (separate for girls) that will encourage children, especially girls to continue studies.
- ii) Revamp the existing teacher's training programme to bring in the issue of child labour and its link to universalisation of elementary education.
- iii) Not to insist upon birth certificates or proof of age or other such documentary evidence for admitting released child labour into government and other schools, as parents of child labourers find it difficult to obtain them.
- iv) To make efforts to start residential school for children of migrant labourers/bonded child labourers.
- v) To conduct orientation classes for the teachers / non-teaching staff to involve them in the implementation of action plan.
- vi) To impart education including vocational training appropriate to the aptitude of the child in addition to formal education.
- vii) Education given to the child labour in non-formal and special schools should be certified.
- viii) To sensitize the society on elimination of Child Labour by Mass Campaign/Continuing Education Programme of the department.
- ix) The component of Child Labour issue should form part of all the programmes of the department.
- x) Training Programmes on Child Labour to be arranged for grass-root level workers of the Department.
- xi) Adult education programme be taken up for the parents of child labourers so that a literate environment is created in the family

#### **6. PUBLIC WORKS AND HIGHWAYS DEPARTMENT:**

The work contract assigned to the contractors shall be cancelled if they engage child labour in executing works and such contractors should be black listed for three years.

#### **7. POLICE DEPARTMENT:**

- i) The Police Inspectors should exercise the powers vested in them under Section 16 of the Child Labour (Prohibition and Regulation) Act, 1986 and book cases against erring establishments.
- ii) Police Department to give protection to the inspectors and authorities when the raids are conducted for release of child labour.
- iii) Police Department to give escorts and protection, when campaigns are organized by the NGO, Trade Unions and various authorities to create awareness, mobilization and sensitizations.

#### **8. HEALTH DEPARTMENT:**

- i) To undertake health care programmes and periodical health check-up to the released child labour at the special schools/alternate schools/formal schools.
- ii) To ensure issue of correct age certificate to child labour by competent doctors and accompany the enforcement officials during inspections, if required.
- iii) The District Collector to be empowered to refer all bogus medical certificates to the medical board for verification and take penal action if required.

#### **9. DEPARTMENT OF MUNICIPAL ADMINISTRATION:**

- i) All urban local bodies to ensure compulsory primary education and to monitor the progress of all children up to the age of 14 years.
- ii) Institutional mechanisms to be evolved for implementing the action plan in the Town Panchayats.
- iii) Obtain an undertaking while granting any license / permission to the effect that the applicant should not engage child labour. In case of violation, such licenses / permission should be cancelled.
- iv) Sensitization and awareness training programmes against the employment of child labour to all functionaries of urban local bodies including the Councilors, Commissioners and field functionaries.

#### **10. INFORMATION AND PUBLIC RELATIONS DEPARTMENT:**

- i) To undertake massive publicity campaign among the public to create an environment which encourages the child to go to school instead of work.
- ii) To play a pivotal role with the active support of media and other resource groups including advertising agencies, NGO and district committees for child

Labour Elimination, to create a social mobilization programme for successful implementation of the action plan. The issue of child labour should be articulated and success stories of rehabilitation of child labour should be highlighted.

- iii) To undertake a campaign to create awareness about the government schemes specially meant for rehabilitating child labour.

## **11. NGO'S AND OTHER ORGANIZATIONS:**

### **A. Trade Unions:**

- i) Identify establishments employing children within their sphere of influence and report to the jurisdictional inspectors appointed under the child labour(Prohibition and Regulation) Act, 1986 and other labour laws.
- ii) Educate the society to discourage the practice of child labour, and support free, qualitative and compulsory education.
- iii) Steps to be taken to enhance the awareness among their members and cadres about child rights and elimination of child labour.
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### **B. Trade Associations:**

- i) The Trade Associations including Chambers of Commerce may influence their members not to employ child labour in any of the activities.
- ii) They should also sponsor schemes / programmes to help in rehabilitation of released child labour.

### **C. Non-Governmental organization:**

- i) To assist the state / district authorities for successful implementation of Action Plan and to act as a resource base in the district.
- ii) To counsel and motivate parents to send their children to schools.
- iii) To inform authorities about the areas of concentration of child labour and to assist the government machinery to identify, withdraw, enroll in schools and rehabilitate child labourers.
- iv) To liaise with the Government machinery to rehabilitate the released child labour through special schools/Alternate schools
- v) To create awareness on importance of child rights and to create an enabling atmosphere for exercise of such rights by the children themselves by forming children clubs.

**SECTION OFFICER**