CHAPTER - IV

1. LEGISLATIONS AND CHILD LABOUR IN ANDHRA PRADESH

4.0. INTRODUCTION

Child Labour is not a new phenomenon. It has always existed within household industries and received the protection and care of the family with whom the child worked. Work was mostly non-hazardous and it was mostly concerned around the art and craft of the family occupation. However with the growth of the industrial production, children have become a means of production themselves and are employed as a money wage earner. In this environment, family support is minimum if not non-existent, the child also faces long hours of work, low pay and exploitation. It is in this context the State’s role through the various legislation became crucial as a protector of the future generations. Several legislation have existed since before independence.

The related matter is annexed in Annexures I and II.

4.1. CONSTITUTIONAL FRAMEWORK

Recognising the need for special protection to children the makers of Indian constitution, made a few provisions to that end. Let us enumerate some of the important provisions of the Indian constitution and statutory provisions aiming at banning exploitation of child labour. Table 4.1 presents a historical over view of laws relating to child labour along with maximum working hours per day, per week, or per month and the provisions prohibiting night work.
### Table 4.1

**LAWS REGARDING CHILD LABOUR IN INDIA**

**(A HISTORICAL OVERVIEW)**

*Legislation before 1986*

**Major Features of Acts Relating to Child Workers**

#### A. MINIMUM AGE

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Act</th>
<th>Minimum Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Children (Pleading of Labour) Act, 1933</td>
<td>15 years</td>
</tr>
<tr>
<td>2.</td>
<td>The Plantation Labour Act, 1951</td>
<td>12 years</td>
</tr>
<tr>
<td>3.</td>
<td>The Employment of Children Act, 1938</td>
<td>15 years</td>
</tr>
<tr>
<td>4.</td>
<td>The Apprentices Act, 1961</td>
<td>14 years</td>
</tr>
<tr>
<td>5.</td>
<td>The Beedi and Cigar Workers (Conditions of Employment) Act, 1966</td>
<td>14 years</td>
</tr>
<tr>
<td>6.</td>
<td>The Factories Act, 1948</td>
<td>14 years</td>
</tr>
<tr>
<td>7.</td>
<td>The Mines Act, 1952</td>
<td>16 years</td>
</tr>
<tr>
<td>8.</td>
<td>The Merchant Shipping Act, 1958</td>
<td>18 years</td>
</tr>
<tr>
<td>9.</td>
<td>The Motor Transport Workers Act, 1961</td>
<td>18 years</td>
</tr>
<tr>
<td>10.</td>
<td>Atomic Energy Act, 1962</td>
<td>18 years</td>
</tr>
<tr>
<td>11.</td>
<td>The Shops and Establishments Act, 1986</td>
<td>Varying statewise between 12 and 15 years</td>
</tr>
</tbody>
</table>
### B. HOURS OF WORKS

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Act</th>
<th>Hours of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Factories Act, 1948</td>
<td>4 hours per day</td>
</tr>
<tr>
<td>2.</td>
<td>The Minimum Wages (Central Rules under the Act), 1952</td>
<td>4.5 hours per day</td>
</tr>
<tr>
<td>3.</td>
<td>The Mines Act, 1952</td>
<td>4.5 hours per day</td>
</tr>
<tr>
<td>4.</td>
<td>The Motor Transport Workers Act, 1961</td>
<td>4.5 hours per day</td>
</tr>
<tr>
<td>5.</td>
<td>The Plantation Labour Act, 1951</td>
<td>Not more than 40 hours per week</td>
</tr>
<tr>
<td>6.</td>
<td>The shops and Establishment Act, 1986</td>
<td>30-42 hours per week</td>
</tr>
</tbody>
</table>

### C. NIGHT WORK

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Act</th>
<th>Prohibition of Night work</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The Employment of Children Act</td>
<td>10 p.m. to 7 a.m.</td>
</tr>
<tr>
<td>2.</td>
<td>The Mines Act</td>
<td>6 p.m. to 6 a.m.</td>
</tr>
<tr>
<td>3.</td>
<td>The Motor Transport Workers Act</td>
<td>10 p.m. to 6 a.m.</td>
</tr>
<tr>
<td>4.</td>
<td>The Apprentices Act</td>
<td>7 p.m. to 6 a.m.</td>
</tr>
<tr>
<td>5.</td>
<td>The Beedi and Cigar Workers (Conditions of Employment) Act</td>
<td>7 p.m. to 6 a.m.</td>
</tr>
<tr>
<td>6.</td>
<td>The Shops and Commercial Establishment Act</td>
<td>Night work has been specified differently in different states.</td>
</tr>
</tbody>
</table>
Article 24 of the Indian Constitution lays down: "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 (c) lays down that the health, 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 vocations unsuited to their age or strength.

Article 39(f) proclaims that childhood and youth are to be protected against exploitation and against moral and material abandonment.

4.2. STATUTORY PROVISIONS.

Legislation to ban child labour below the age of 14 years in factories, mines and other hazardous employment has been passed by the Central And State Governments from time to time. The major provisions relate to prohibition of child labour in specified categories, or regulation of their conditions of work wherever child is not prohibited.

The CL (PR) Act, 1986, is reproduced at Annexure-I. Highlights of the various legislations are indicated at Annexure - II.

4.3. INTERNATIONAL LABOUR ORGANISATION ( ILO ) CONVENTIONS ON CHILD LABOUR ISSUES

The International Labour Organisation, since its inception, has been promoting protective action in respect of working children through the mechanism of International Labour Standards. These Standards which are adopted in the form of Conventions, are
expected to act as benchmarks for member countries of ILO. So far, the ILO has adopted 18 Conventions and 9 Recommendations relating to Child Labour. India has ratified four of these Conventions.

4.4. COMMITTEE ON CHILD LABOUR (GURUPADASWAMY COMMITTEE - 1979)

In order to look into the causes leading to and problems arising out of employment of children and to suggest suitable measures for their protection and welfare, the Ministry of Labour, Government of India, had set up a Committee headed by Shri M.S. Gurupadaswamy, in its Resolution dated 6th/7th February, 1979. The following were the terms of reference of the Committee:-

(i) Examine existing laws, their adequacy and implementation, and suggest corrective action to be taken to improve implementation and to remedy defects.

(ii) Examine the dimensions of child labour, the occupations in which children are employed, etc. and suggest new areas where laws abolishing/regulating the employment of children can be introduced.

(iii) Suggest welfare measures, training and other facilities which would be introduced to benefit children in employment.

The Committee had drawn up a plan of action for taking in depth and diagnostic studies on the nature and framework and the supportive measures for working children. The Committee brought out a questionnaire to elicit information on child labour from the public, politicians, trade unions, social workers, welfare and other institutions, employers, parents of children and Government organisations. The information received from the questionnaire was tabulated and utilised in the report of the Committee. The report of the Committee was submitted to the Government on the 29th December 1979. The
Committee had sponsored various studies to gather information on child labour which were as follows:

1. A study on child labour in Varanasi urban area by the Gandhian Institute of Studies, Varanasi.

2. Studies on child labour at Ichalkaranji in Kolhapur district by the Maharashtra Institute of Labour Studies.


4. A study of tribal children in agriculture in Akkalkwa by the Tata Institute of Social Sciences, Bombay.

4.5. CENTRAL ADVISORY BOARD ON CHILD LABOUR

In pursuance of one of the recommendations of the Committee on Child Labour, the Central Advisory Board on Child Labour was set up in March, 1981. It has been reconstituted in June, 1990 under the chairmanship of Minister of Labour to render advice on the problems of child labour. The following were the terms of reference:

(i) Review the implementation of the existing legislation administered by the Central Government.

(ii) Suggest legislative measures as well as welfare measures for welfare of working children.

(iii) Review the progress of welfare measures for working, children.

(iv) Recommend the industries and areas where there must be a progressive elimination of child labour.
4.6. TASK FORCE ON CHILD LABOUR

A Task Force on Child Labour has been set up on the recommendation of the Central Advisory Board on Child labour under the chairmanship of Dr. L. M. Singhvi to recommend the institutions and mechanisms necessary for implementing the Child Labour, (Prohibition and Regulation) Act, 1986 and Legal Action Plan contained in the National Child Labour Policy. The Task Force submitted its report in December, 1989. The report of the Task Force was placed before the Central Advisory Board on Child Labour at its meeting held on 5.7.1990. The recommendations of the Task Force comprise three categories, viz., (i) General Recommendation, (ii) Recommendation on the Child Labour (Prohibition and regulation) Act, 1986, and (iii) Recommendation on the National Policy on Child Labour. The recommendation of the Task Force are now under examination by Government.

4.7. NATIONAL CHILD LABOUR POLICY

Keeping in view the fact that legislation alone would not be sufficient to tackle the problem of exploitation of the child labour, the Government have formulated the National Policy on child labour which was announced in Parliament in August, 1987.

The action plan under the National Child Labour Policy is set out under the following three heads.

(i) The Legislative Action Plan.

(ii) The focussing of general development programmes, for benefiting child labour wherever possible, and

(iii) Project-based plan of Action in areas of high concentration of child labour engaged in wage/ quasi-wage employment.
4.7.1. LEGISLATIVE ACTION PLAN

Under the Legal Action Plan, emphasis will be laid on strict and effective enforcement of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986, the Factories Act, 1948, the Mines Act, 1952, the Plantations Labour Act, 1951, and other Acts containing provisions relating to employment of children.

4.7.2. FOCUSING OF GENERAL DEVELOPMENT PROGRAMMES FOR BENEFITING CHILD LABOUR

Various national development programmes exist with wide coverage in the areas of education, health, nutrition, integrated child development and income and employment generation for the poor. These programmes will be utilised to create socio-economic conditions in which the compulsions to send the children to work diminish and the children are encouraged to attend school rather than take wage employment.

4.7.3. PROJECT BASED PLAN OF ACTION

Under the project-based plan of action. 10 Project were proposed to be taken up in areas of child labour concentration, which are as follows.

1. The Match Industry in Sivakasi, Tamil Nadu.
4. The Brassware Industry in Moradabad, Utter Pradesh.
5. The Hand made Carpet Industry in Mirzapur-Bhadohi, Utter Pradesh.
7. The Slate Industry in Markapur in Andhra Pradesh.
8. The Slate Industry in Mandsaur in Madhya Pradesh.

The following action will be taken in each of these areas.

(i) Stepping up the enforcement of the Child Labour (Prohibition and Regulation) Act, 1986, the Factories Act, 1948, the Mines Act, 1952, and such other Acts within the project area. If necessary special enforcement staff will be created for the purpose.

(ii) Coverage of families of child labour under the income/employment generating programme under the overall aegis of anti-poverty programmes.

(iii) Formal and Non-formal education of child labour and Stepping up programmes of adult education for the parents of the working children.

(iv) Setting up of special schools for the child workers where provisions of education, vocational training, supplementary nutrition, health-care, etc. will be made. If necessary, stipends will be given to children taken out from the forbidden employment, to compensate their loss in earnings.

(v) Creation of awareness, through social activist groups and by other means, so as to educate and convince people regarding the undesirable aspects of child labour.

The projects at serial Nos.1 to 8 have been sanctioned during 1988-89 and are functioning. In addition, a project for the children working in the tile manufacturing industry in Jaggampet, Andhra Pradesh, has been sanctioned. Four more projects have been sanctioned in March, 1994. They are as follows:

1. Carpet Weaving Industry in Garhwa District of Bihar.
4. Tribal Children/agriculture chemical industry in Thane district of Maharashtra.

4.8. SCHEMES IN OPERATION PLAN PROVISION

An outlay of Rs. 1.50 crores was originally made under the 7th Five Year Plan for the activities of the Child Labour Cell. Subsequently in August, 1987, the National Policy on Child Labour was announced. The Policy envisaged the starting of projects with substantial outlays for the welfare of children working in certain specified areas. Hence Plan allocations had to be enhanced. An amount of Rs. 2.00 crores was provided for the activities of the Cell during 1988-90. The year-wise expenditure during the 7th Plan period was as under:

Table - 4.2

PLAN PROVISION FOR THE ACTIVITIES OF THE CHILD LABOUR

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Plan Period</th>
<th>Year</th>
<th>Amount (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>VII Plan</td>
<td>1985-86</td>
<td>9.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1986-87</td>
<td>17.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1987-88</td>
<td>25.35</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1988-89</td>
<td>92.20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1989-90</td>
<td>137.28</td>
</tr>
<tr>
<td>2</td>
<td>Annual Plan</td>
<td>1990-91</td>
<td>140.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1991-92</td>
<td>180.78</td>
</tr>
<tr>
<td>3</td>
<td>VIII Plan</td>
<td>1992-93</td>
<td>171.97</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1993-94</td>
<td>324.02</td>
</tr>
</tbody>
</table>
4.9. NCLP SCHEME IN OPERATION

Table 4.3

NUMBER OF SPECIAL SCHOOLS SANCTIONED UNDER NCLP SCHEME

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of Project</th>
<th>No. of School</th>
<th>No. of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shivakasi</td>
<td>33</td>
<td>2050</td>
</tr>
<tr>
<td>2.</td>
<td>Jaipur</td>
<td>20</td>
<td>1000</td>
</tr>
<tr>
<td>3.</td>
<td>Mandsapur</td>
<td>9</td>
<td>900</td>
</tr>
<tr>
<td>4.</td>
<td>Markapur</td>
<td>20</td>
<td>1000</td>
</tr>
<tr>
<td>5.</td>
<td>Mirzapur-Bhadohi</td>
<td>50</td>
<td>2500</td>
</tr>
<tr>
<td>6.</td>
<td>Ferozabad</td>
<td>10</td>
<td>500</td>
</tr>
<tr>
<td>7.</td>
<td>Aligarh</td>
<td>10</td>
<td>500</td>
</tr>
<tr>
<td>8.</td>
<td>Moradabad</td>
<td>10</td>
<td>500</td>
</tr>
<tr>
<td>9.</td>
<td>Jaggampet</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>10.</td>
<td>Garhwa</td>
<td>4</td>
<td>450</td>
</tr>
<tr>
<td>11.</td>
<td>Jamnagar</td>
<td>Survey</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Sambalpur</td>
<td></td>
<td>3000</td>
</tr>
<tr>
<td>13.</td>
<td>Thane</td>
<td></td>
<td>2000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>167</td>
<td>14500</td>
</tr>
</tbody>
</table>

4.10. OTHER PLAN SCHEMES (UNDER 8TH FIVE YEAR PLAN)

The following are the Plan schemes for the Child Labour Cell in the 8th Five Year Plan:

1. Strengthening of Child Labour Cell (Continuing Scheme)

2. Financial assistance to voluntary organisations for taking up action-oriented projects for the benefit of child labour (Continuing Scheme).

3. Studies relating to child labour (continuing Scheme).
4.11. GRANT-IN-AID

The Child Labour Cell grants financial assistance to voluntary organisations to take up action-oriented projects for child labour. These projects would aim at measures to maintain the health of the child while at work by providing supplementary nutrition, and to provide non-format education and vocational training to help them better their employment. During the year 1993-94, an amount of Rs. 31.03 lakhs has been released as grants-in-aid for the following projects connected with the welfare of working children:

1. Educational facility and improvement of health of child workers in the city of Calcutta run by the Institute of Psychological and Educational Research, Calcutta.
5. Project entitled 'From rags to riches' by the Congregation of the Sisters of the Cross of Chavanod, Tiruchirapalli, Tamil Nadu.
7. Project for development of vocational efficiency of urban girl child workers by the Institute of Psychological and Educational Research, Calcutta.
8. Integrated Development of Street Children by the Vivekananda Education Society, Calcutta.

11. India International Rural Cultural Centre, Raipur, MP Child labour in beedi industry.

12. Amrit Child Labour Trust, Gujarat-Child Labour in Hotels and Dhabas.

4.12. CHILD LABOUR CELL IN THE NATIONAL LABOUR INSTITUTE

A Child Labour Cell has been established at National Labour Institute in the month of September, 1990 with the support of Ministry of Labour and UNICEF. For the first three years UNICEF will provide the funds and after this it will become a part of the National Labour Institute.

The Child Labour Cell has been established with the following objectives:

♦ To document and bring out published and unpublished research studies on situations and conditions of children working in various industries and regions of India.

♦ To develop audio-visual, video, printed communication materials for public education and training of various officials concerned with working children.

♦ To review the existing laws and the enforcement machinery concerned with child labour.

♦ To support and strengthen the public awareness and education through workshops, conferences, symposia with involvement of experts, activists, planners, administrators and NGOs working in the area of child labour.

♦ To develop national and international network among various institutions, voluntary agencies, university departments and ministries on the subject of child labour.

♦ To impart training to officials and NGOs working in the area of child labour.

♦ To promote better understanding on the subject by offering facilities for research and training through short-term fellowships, action-research projects, etc.
The Cell has taken up publication of report/studies on Street Children in selected cities; prepared summaries of child labour started research project on girl child labour in various industries; published select bibliography on child labour; taken up the work of documentation on child labour in the Match Industry of Sivakasi; taken up evaluation of NGO projects on child/women labour funded by the Ministry of Labour; conducted seminars on various aspects of child labour.

4.13. INTERNATIONAL PROGRAMME FOR THE ELIMINATION OF CHILD LABOUR

The International Labour Organisation has identified elimination of child labour as one of its thrust areas and a project entitled 'International Programme for the Elimination of Child Labour (IPEC)' was introduced in April 1992 in consultation with several Governments, Workers and Employers of members States and the main donor agency the Government of Germany. IPEC aims at complementing the Government resources and efforts to encourage, promote and support action oriented programmes by Non-Governmental Organisations and other Institutions within the frame work of the National Policies and Programmes relating to child labour. IPEC work programme is characterised by flexibility and innovative in approach. It lays down only broad-guidelines for implementation because of the complexity of the problem of child labour. In view of the seriousness and the dimension of the problem on the one hand and the limited responses and institutional capabilities of participating countries on the other hand, the programme envisages certain prioritisation of action programmes on the national level. The following priority areas of action have been taken up in the first phase:

(i) preventing employment of children in hazardous work or employment;
(ii) protecting those under 14 years of age including girls.
(iii) Children working in factories, industrial enterprises, cottage industry, at home work (includes carpet industry, beedi making, textile and leather industries, food processing, match manufacturing, construction industry, and hazardous occupations.

(iv) Children working in agricultural sectors. Memorandum of understanding was signed between the ILO and India on 29/5/92.

The funds would be released to the concerned organisations directly by ILO who have appointed a Programme Co-ordinator for IPEC located in New Delhi. The programmes will be continued on the basis of performance after due evaluation. An amount of 2.25 US$ were earmarked for the biennium 1992-93 and US$ 1.4 million has been earmarked for India for the current biennium i.e. 1993-94. At present 49 Action Programmes are under implementation in 14 States of the Country.

4.14. CHILD LABOUR ACTION AND SUPPORT PROGRAMME (CLASP)

CLASP is a German/ILO assisted programme. The broad objectives of the programme are:

♦ strengthen the capabilities to implement the National Child Labour Policy involving enforcement of legislation, project design, monitoring and evaluation.

♦ promote and support development and implementation.

♦ mobilise support and sustain community-wise movement on behalf of working children; and facilitate efficient use of Government resources.

An agreement has been signed between Government of India and the Government of Germany and a National Project Steering Committee has been constituted. The total size of the CLASP budget is about Rs. 270 lakhs. Various support activities to strengthen the
enforcement machinery and the project implementation authorities in the states have been initiated during 1993 under the project.

4.15. CHILD LABOUR PROJECTS IN ANDHRA PRADESH.

Government of Andhra Pradesh is one of the few States which has thoroughly analysed the child labour statistics and published literature. A profile on child labour in Andhra Pradesh based on 1981 census was prepared in collaboration with UNICEF incorporating the magnitude of the child labour, health, safety and abuse of child labour legislation of child labour and the role of NGOs. The analysis revealed that 92% of child labour in Andhra Pradesh are in rural areas. They are engaged as agricultural labourers, cultivators and cattle herds. In urban areas of the state, children are mostly in the unorganised sectors like hotels, canteens, cafeteria, shops, motor repairing garages, cycle shops, stone cutting, basket making, porters, coolies, shoe repairers, welding and hawing.

4.15.1. CHILD LABOUR SURVEY

The survey was conducted by the Labour Department in all the districts of the State as per the directions of the Supreme Court. During the survey 7769 child labour in hazardous occupations and 39000 child workers in non-hazardous occupations are identified.

The results of the survey indicates that there are 232 boys and 1546 girls in the age group of 10 – 15 years and 711 boys and 5280 girls in the age group of 11 – 14 years in hazardous occupations. Out of the total number of children employed in hazardous occupations 3013 children are literates and balance 4756 children are illiterates. the percentage of literates among the children working in hazardous occupations is 61.2%. Out total number of children employed in hazardous occupations, 6553 children are found
to have earned wages upto Rs. 500/- per month and 1216 children found to have received more than Rs.500/- per month.

Working hours 4 to 6 hours in the case of 2411 children and above 6 hours in the case of 5358 children. Duration of employment is less than one year in case of 2855 children and more than one year in case of 4914 children.

The result of the survey in non-hazardous occupations caused to indicate that there are 9376 boys and 2967 girls in the age group of 5 to 10 years in hazardous occupations and 21584 boys and 5073 girls in the age group of 11 to 14 years in non-hazardous occupations. Out of the total number of children employed in non-hazardous occupations 19876 children are literate and the balance 19124 children are illiterates. The percentage of illiterates among the children working in non-hazardous occupations is 49.03. Out of the total number of children employed are non-hazardous occupation. 28006 children are found to have earned wages upto Rs.500/- per month and 10994 children are found to have earned wages more than Rs.500/- per month; working hours are 4 to 6 hours in the case of 10,686 children and above six hours in the case of 28,314 children. Duration of employment is less than one year in case of 28,283 children and more than one year in case of 10,717 children.

After survey, 788 show cause notices were issued by the Labour Department in respect of 7460 children to the employers in hazardous occupations, to pay Rs.20,000/- in respect of each child. Replies in respect of 6843 children were received and out of them in respect of 6353 children were considered.
4.16. NATIONAL CHILD LABOUR PROJECTS IN ANDHRA PRADESH:

Government of Andhra Pradesh is one of the few States to respond to the call of the Central Government to formulate the projects for child labour concentrated areas. Out of the 76 districts in the country, 20 districts in the State are covered under the National Child Labour programs. In all the 20 districts out of 23 districts in the State the National Child Labour Project programs are successfully grounded and several programs have been launched to tackle the problem of child labour. Importance has been given to child workers employed in hazardous occupations mostly in rural areas. Under the program 617 special schools for child labour have been functioning accommodating 38814 number of child workers. It is indeed very happy to note that preliminary report of Administrative Staff College of India which conducted evaluation of the implementation of NCLP in Andhra Pradesh indicated that the implementation of NCLP is satisfactory.

4.17. INTERNATIONAL PROGRAMME ON ELIMINATION OF CHILD LABOUR (IPEC) IN ANDHRA PRADESH:

Under the International program on elimination of child labour launched by ILO, 6 projects have been taken up in Andhra Pradesh targeting 6000 child workers employed in biscuit factories and several rural occupations in 2 districts.

4.18. GOVERNMENT EFFORTS IN AUGMENTING ENFORCEMENT:

The State Government is committed to secure gradual and sequential elimination of child labour completely in the State. Towards this end, the State has taken several steps to augment the enforcement of labour laws dealing with child labour. The following steps have been taken:
4.19. TRAINING OF INSPECTORS:

Providing training to the Factory and Labour Inspectors was found to be one of the important factors for achieving efficient enforcement of child labour legislation. Readiness on the part of the Inspectors to enforce the legislation to tackle the problem of child labour was lacking 4 years ago. For variety of reasons including the reason of implementation of several labour laws, required attention was not given to the item of child labour in enforcement. Realizing the need for changing the attitudes and priorities of Inspectors, the Government conducted several training programs for all the Enforcement Officers in collaboration with the National Labour Institute, UNICEF and National Institute of Rural Development. All the enforcement officers of the Labour and Factories Department have been trained several times in various courses to mentally prepare them to act on child labour without any reservation. It is happy to note that a visible change is noticed in the aptitude of Inspectors and results are very encouraging.

4.20. CHILD LABOUR LAW IN ANDHRA PRADESH:

In addition to the Central laws governing the child labour, the State of Andhra Pradesh has a special legislation to deal with the child labour in Shops and Establishments. The A.P. Shops and Establishments Act, 1988 prohibits employment of children below the age of 14 in any shop or establishment throughout the State of Andhra Pradesh. In view of this prohibition, the regulatory provisions contained in the Child Labour (Prohibition & Regulation)Act, 1986, in so far as the shops and establishments are concerned are not being implemented in the State. On the other hand, the prohibitory provisions as contained in A.P.S.E. Act are being implemented.
During the last four years, the State has witnessed a series of enforcement actions on child labour. Increased the number of Inspectors in concentrating on this item of work is clearly visible from the achieved results. The following table reveals the implementation statistics under A.P.Shops and Establishments Act, 1988 on child labour matter.

Table 4.4

Statistics Under A.P.Shops and Establishments Act, 1988 on child labour

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Year</th>
<th>No. prosecutions filed under Shops &amp; Estts. Act.</th>
<th>No. of cases convicted.</th>
<th>Fine amount realised. Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1994</td>
<td>469</td>
<td>250</td>
<td>1,51,785</td>
</tr>
<tr>
<td>2.</td>
<td>1995</td>
<td>805</td>
<td>250</td>
<td>32,795</td>
</tr>
<tr>
<td>3.</td>
<td>1996</td>
<td>1,185</td>
<td>877</td>
<td>38,285</td>
</tr>
<tr>
<td>4.</td>
<td>1997</td>
<td>9,983</td>
<td>863</td>
<td>96,570</td>
</tr>
<tr>
<td>5.</td>
<td>1998(Upto June)</td>
<td>14,337</td>
<td>1929</td>
<td>1,53,745</td>
</tr>
</tbody>
</table>

4.21. NON GOVERNMENTAL ORGANISATIONS:

Several non-Governmental organisations have been doing commendable work in the field of child labour in the State of Andhra Pradesh. Exchanging experiences, crystallising thoughts and coordinating the activities of various non-Governmental organisations was one of the items on the agenda of Government towards eradication of child labour.
4.22. PROJECTS IN MARKAPURAM AND JAGGAMPET:

Integrated Residential Complex which consists of 20 Schools for 1,000 child workers employed in Slate Industries of Markapur area is under implementation.

A project for child workers employed in tile industries of Jaggampet, East Godavari district is also under implementation. In all these projects, the non-Government organisations have been additionally involved.

4.23. REHABILITATION PACKAGES BY THE STATE GOVERNMENT:

In addition to the NCLP Programmes, the State Government has also supplemented several efforts for the rehabilitation of child labour. In this direction, the Government has launched a Girl child project from the year 1997-98.

4.24. INTEGRATED GIRL CHILD LABOUR PROJECT:

The Andhra Pradesh Government has launched an integrated girl child labour rehabilitation project for bringing attitudinal change in the society towards education of girl child and thus eliminate girl child labour practice in all the 23 districts. The State Government has allocated Rs.100 lakhs to this project during 1997-98. The objectives of this project besides the rehabilitation programmes are:

1. Withdrawing girl child below 14 years of age for work and enrolling them in the bridge course.
2. Motivating the parents for girl child education.

3. Sensitise the community to stop child labour practice and the need for girl child labour education.


4.25. BACK TO SCHOOL PROGRAMME:

The Government of Andhra Pradesh has launched a project i.e. back to school programme in 1997. 40,000 children who are child workers and school dropouts were admitted into school during 1997. This year again the Government has announced a programme to cover one lakh child workers and school drop outs. The objectives of the scheme are:

1. To identify the children who are either drop outs and never attend the schools and to prepare them for admission into schools depending on their age their capacity to learn and reach the required academic Standard.

2. To identify the children who are working as bonded labour and who are engaged to work in the houses or to look after the cattle etc., or any other working children and to prepare them for admission into schools after making them undergo a short bridge course specially prepared for the purpose.

The strategy adopted for this programme is to admit these children into summer camps started in social welfare hostels utilising the infrastructure.
3. To admit them in nearby schools depending upon their age and capacity to reach the required academic standards after completion of summer camp.

4. To admit them in hostels on priority.

The Government of Andhra Pradesh is fully committed to eradicate the child labour from the State in a progressive manner. This also committed towards securing labour welfare by organising several welfare programmes for smooth transition of child workers from work place to rehabilitation centres. The Government will take up series of actions in future towards this end.

4.26. PROBLEMS IN IMPLEMENTING THE LAW:

At the Asian Regional Seminar on Child Labour (New Delhi, February, 1991) Ms. Meena Gupta of the ILO New Delhi has described the special problems of enforcement of child labour laws and regulation. Ms. Gupta has grouped the difficulties arising in the implementation of labour laws into three categories.

- difficulties arising out of the social environment
- physical and logistical difficulties.
- legal difficulties.

The difficulties faced by law enforcing agencies in Andhra Pradesh are very much similar to those mentioned above using the “adaptability” and ‘nimble finger’ arguments employers of child labourers do not consider themselves as law breakers. They think it is impractical and idealistic of the Government to expect industry to flourish and be viable without such workers.
Several householders employing children for domestic help that but for food, clothing and shelter that they were providing, these children would be destitute and homeless. Some householders compared them with street children and rag pickers to show how better were domestic helps as they ate what the household ate, and even had time to play with the employers' children.

Parental attitudes are a big hurdle to law enforcement. In a domestic country though it is mandatory for Government to ensure universal elementary education the same cannot really be called compulsory education for all those below 14 because there is actually no compulsion on the parents’ part to send their children to school.

In Andhra Pradesh in every school at the village level teachers are expected to go around, collect census of children in the area by age and get them to schools. Some school inspectors felt that teachers are paid insufficiently, travel miles (sometimes by foot) to reach school in all seasons and meet hostile parents who consider it a hindrance for sending children to work. Parents in turn cite that the schools have no infrastructure or teaching aids and therefore find no use in sending their children to schools.

Poorer parents feel that it is in fact the duty of their children to contribute to the family income as soon as he/she is old enough to do so.

The physical and logistical difficulties arise when there are too many units employing children. Although there are laws applicable to the unorganised sector (Child Labour Prohibition and Regulation Act., 1986) they are difficult to be implemented as for instance in the case of household industries. There are several such industries in Andhra Pradesh: The Beedi makers of Nizamabad, Chittoor and the weavers in Mahbubnagar and
Nalgonda. In these and such cases inspection is difficult since it means intrusion into the privacy of home.

Moreover the Child Labour (Prohibition and Regulation) Act, 1986 exempts "family work" or work done by a man, his wife and their children from the purview of the Act. But it is important to note that the Act intended to exempt only family work - but not "farmed out, piece-rate work, where the home merely replaces the factory premises.

At the ground level this however gives rise to two types of situation. The labour inspectors feel that this exemption made for "the family" is being treated as a loophole by those who do 'sub-contracted acted ' work at piece-rate. Inspectors who lack zeal in work report "nil" giving the benefit of doubt to those units with child workers.

A glaring difficulty in implementing labour laws is the case cited by a labour inspector in the Kattedan area of Rangareddy district. When surprise visits are made to the area the inspector finds child workers in the first unit (randomly chosen) but by the time he gets to the second or the third units child workers are not physically present - word about the presence of the inspector in the area spreads faster. There are no records maintained of the child workers even if they are legitimately employed - making it extremely difficult to prove the case. Since labour inspectors' visit can only be periodic, children continue to be employed with impunity.

Legal difficulties are almost insurmountable. Even when a labour inspector finds an industrial unit employing children in violation of the law, taking up prosecution is a cumbersome and time consuming process. Small units claim in the courts that the employed children as their own or as visitors of adult employees. As documentary
The age of any working child is very difficult to prove. Birth certificates are rarely heard of in rural Andhra Pradesh. Among urban poor such things are not given attention to. Existing laws require medical certificate to be kept at the workplace. If unavailable, it is for the inspector to have the child immediately examined at the employer’s cost. All this is bound to take time with no guarantee that the medical certificate is foolproof.

Where offenses relating to employment of child labour have been proved the courts have passed light sentences. Inspite of provisions in the Child Labour (P&I) Act, 1986, explicitly laying 3 months imprisonment and a fine of not less than Rs.10,000 there are reports of courts imposing less than statutory minimum penalty. Appeals to higher courts are allowed and this means more time and perseverance on the part of the labour inspectors.