



ABSTRACT

Labour and Employment Department – Child Labour - Standard Operating Procedure for effective Enforcement of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986- Approved- orders- issued.

LABOUR AND EMPLOYMENT (U2) DEPARTMENT

G.O.(Ms).No.58

Dated 28.05.2019

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Read:

1. From the Under Secretary to Government of India, Ministry of Labour and Employment, New Delhi Letter F.No.S-27025/36/2015-CL, dated 02.08.2016.
2. Government letter No.15402/U1/2016-1, dated 09.08.2016.
3. From the Commissioner of Labour, Chennai-6, Letter No.T1/41486/2016, dated 01.11.2016, 07.03.2018 and 18.12.2018.

ORDER:-

In the letter first read above, the first meeting of the 'Task Force of eradication of Child Labour' constituted by the Ministry of Labour and Employment was held on 12.07.2016 under the Chairmanship of Additional Secretary Labour and Employment, New Delhi and suggested that to formulate the Do's and Don'ts or specific Standard Operating Procedure and it would lead to increase in inspection, prosecution and conviction and also smooth rehabilitation of children withdrawn from work.

2. In the letter 2nd read above, the Commissioner of Labour has requested to prepare the Standard Operating Procedure for eradication of Child Labour based on the instruction, issued in the above said Task Force meeting.

3. In the letters 3rd read above, the Commissioner of Labour has sent a draft Standard Operating Procedure(SOP) to the Government and has also sent the said draft Standard Operating Procedure(SOP) to the line departments requesting them to offer their valuable suggestions / inputs, if any for effective eradication of Child Labour, since it is reveal that the Standard Operating Procedure has connection with many line departments, that is Rural Development and Panchayat Raj, Social Welfare and Nutritious Meal Programme, School Education, Public Works, Highways and Minor Ports, Home (Police), Health and Family Welfare, Municipal Administration and Water Supply, Information and Public Relations, Revenue, Adi Dravidar and Tribal Welfare, Backward Classes, Most Backward Classes and Minorities Welfare Departments and Tamil Nadu State Commission for Protection of Child Rights etc., to the Government for approval.

4. The Government have examined the proposal of Commissioner of Labour carefully and approve the Standard Operating Procedure for effective enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, annexed to this Government Order.

5. The Standard Operating Procedure will be followed by the concerned officials with fullest co-operation to the Collectors and Commissioner of Labour for successful implementation of the Child and Adolescent Labour (Prohibition and Regulation) Act 1986 and it will promote the implementation of uniform procedure and to ensure the clarification of understanding on the subject with the basic objective of assisting to the District Collectors and their team to achieve the goal of eradication of Child Labour System in our State.

6. The progress of implementation, inspection and rescued Child Labour details, online updation in PENCIL Portal, rescued Child Labour shall be mainstreamed to education, Legal action shall be taken against the errant employer under the Child and Adolescent Labour (Prohibition and Regulation) Act 1986, etc., shall be monitored by the Commissioner of Labour and a report shall be sent to Government every month.

(BY ORDER OF THE GOVERNOR)

**SUNIL PALIWAL,
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Chennai-9.

The Commissioner of Labour, Chennai-600 006.

All District Collectors / The District Nodal Officer /

The concerned Heads of the Departments (through Commissioner of Labour).

The Director of Industrial Safety and Health, Chennai-32.

The Commissioner of Employment and Training, Chennai-32.

Copy to

The Special Personal Assistant to Minister of Labour, Chennai-9.

The Private Secretary to Principal Secretary to Government,

Labour and Employment Department, Chennai-600 009.

Stock file / Spare copies.

//FORWARDED BY ORDER //

சு. பாலிவால்
31/5/19
SECTION OFFICER.

31/5/19

Annexure

G.O.(Ms) No.58, Labour and Employment (U2)Department , Dated 28.05.2019

**STANDARD OPERATING PROCEDURES
FOR EFFECTIVE ENFORCEMENT OF THE
CHILD & ADOLESCENT LABOUR
(PROHIBITION & REGULATION)
ACT, 1986**

1. Introduction

The Government of India has amended the Child Labour (Prohibition and Regulation) Act, 1986 and the important aspect of amendment is prohibition of engagement of children in all occupations and adolescent labour in hazardous occupations and processes.

The Government of Tamil Nadu is also taking concerted efforts and adopts an integrated multi-pronged approach for elimination of child labour which has resulted in perceptible decline in the number of child labour in the State. As per Census 2001, the number of child labourers in the State stood at 4.19 lakh while in the Census 2011 the numbers stands at 1.51 lakh. The number of child labourers has steadily declined over the period due to vigorous enforcement, rescue, rehabilitation and developmental efforts taken by the State Government.

As per the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, "Child" means a person who has not completed his fourteenth year of age and "Adolescent" means a person who has completed his fourteenth year of age but has not completed his eighteenth year. As per this Act, no child shall be employed or permitted to work in any occupation or process and no adolescent shall be employed in hazardous occupations and processes.

The Government of Tamil Nadu has been a pioneer in eliminating child labour system in our country and strives towards eliminating Child Labour completely to attain the Goal of "CHILD LABOUR FREE TAMIL NADU By 2025".

1.1 Vision

"Child Labour shall be completely eradicated in all employments by ensuring universal elementary education, and adolescent labour shall be eliminated from all hazardous occupations and processes by the year 2025."

1.2 Standard Operating Procedure

In spite of protective legislations available in the Country, the stake holders are not very clear about their role or action to be taken when a child or adolescent labour is identified. In order to achieve uniformity and certainty, Information on steps to be taken for identification, rescue, rehabilitation and effective implementation of the provisions of the Act need to be provided to them. With this background, simple step by step Standard Operating Procedures is developed for creating awareness, conducting survey, rescue and rehabilitation of Child and Adolescent Labour in Tamil Nadu and to ensure effective enforcement of this Act.

This can be a useful user-friendly tool for all stakeholders who are involved in elimination of child/adolescent labour in the State and to bring clarity in operations and improve networking among line departments.

The various departments involved in rescue, enforcement and rehabilitation of children and adolescent labourers are Labour Department, Directorate of Industrial Safety and Health (DISH), District Administration, School Education (Samgra Shiksha Abhyan), Social Welfare, Social Defence, Police, Health and Judiciary.

The step wise processes involved in the elimination of child/adolescent labour are mentioned below:

2. Survey

2.1 Need for Survey

The Child and Adolescent Labour Survey is the starting point for any meaningful intervention to eradicate child and adolescent labour. The baseline survey would help to identify “all working children” and “adolescents in hazardous occupations or processes” in the target areas.

The starting point for any survey should be accessible to available records such as census data, school records, panchayat / municipal records, household surveys and annual survey of “out of school” children data available with Samagra Shiksha Abhyan (SSA) would help to reduce duplication of efforts at the District and State Level.

However, SSA survey may be targeted at children under the age of 14 years. Even adolescents in the age group 14-18 years working in hazardous occupations and processes will need to be surveyed and identified. The survey team may comprise of Labour, DISH, Education, Women and Child Development, Health and Social Welfare departments.

2.1 (a) On identification of out of school children in the age group 6 -14, SSA will provide academic support like admission in schools / special training centres immediately after identification, providing all cost free items supplied by the Government, providing on-site academic support by block resource teacher educators, mainstreaming of children in schools after completing special training and tracking their continuance in schools till they complete elementary education.

2.2 Sources of Information

The District Administration is required to take conscious decision for conduct of baseline survey from primary and secondary sources of information as under:-

- Survey under the National Child Labour Project;
- Proactive investigation by Police or Labour Department/ DISH or NGOs;
- Inspection in Factory/ Establishments conducted by officials of DISH / Labour Departments;
- Complaint received through PENCIL Portal;
- Complaint received from NCLP project Society;
- Complaint received from Employers, Employers Federations / Associations;
- Complaint received from parents and relatives;
- Complaint received from NCPCR, SCPCR, NHRC, SHRC, Child line, etc.;
- Complaint received from CWC, SMC/ Teachers, Community-level Child Protection Committee;
- Self- reported by the victim or by public.

Any person, Institutions or organizations can report through pencil portal, phone, letter, written complaint, e-mail, helpline or any other means can report as incidents of Child Labour or Adolescent labour in hazardous employment.

2.2 (a) Inspection carried out on MSMEs (Micro Small and Medium Enterprises) and field verification done on UYEGP (Unemployed Youth Generation Programme), PMEGP (Prime Minister Employment Generation Programme) and NEEDS (New Entrepreneur Employment Development Scheme) by field officials, District Industries Centre of Department of Industries and Commerce.

2.2 (b) Baseline survey may be conducted by the District Administration based on the Information received from child line, District Child Protection Officers, District Child Protection Unit, Police and any other District studies by Institutes and Central Statistics Office.

2.3 District level Survey

The survey at the District level may be conducted through:-

- Independent agency;
- The field survey can be entrusted to the Government functionaries with the task and paid some honorarium for doing the actual survey work or;
- Alternately Mahalir Thittam, Pudhu Vazhvu Project, SHGs and NSS volunteers, etc can be co-opted for the survey and paid some honorarium.

2.4 Expected Outcome

The survey should provide the following information:-

- Magnitude of the child labour;
- Its classification by occupations and processes (hazardous and non- hazardous), and its geographical distribution;
- Migration of Child Labour in both Inter State and Intra State;
- Full details such as name of the child/adolescent and their father/guardian's name, age, sex, level of literacy, address and occupations & processes from where child/adolescent would be withdrawn and employer's address;
- Economic conditions of parents;
- Access to primary education.

The survey report shall be shared with the Government of India and the State Government both in hard copy and soft copy formats, and all the records will be kept in safe custody of the District Administration.

3. Rescue

Whenever violation under Child and Adolescent Labour (P&R) Act, 1986 is noticed, the following stepwise interventions may be followed:

3.1 Identification & pre rescue

- Receive information from public, police, child line, trustable source or children / adolescents themselves about employing children / adolescents;
- Village, Panchayat, Block and District level child protection committees to identify children and adolescents at work;

- The concerned officials to record the information e.g. police or child line or Inspector of Labour or DISH officials, District Child Protection Officer or other notified Inspectors under the Child and Adolescent Labour (P&R) Act, 1986;
- Share the information with Inspector of Labour / Officials of DISH / Child Welfare Committee / District Child Protection Officer for proceeding further;
- The concerned officials to keep information / complaints received as confidential.
- To conduct periodical inspections / raids by labour inspectors, DISH Officials and District Task Force in factories, shops, commercial establishments, quarries, mines, construction sites, hotels and restaurants, etc.;
- Maintain records in the data base regarding number of complaints received from various sources.

3.2 During rescue

- The concerned officials to rescue all children employed and adolescents working in hazardous occupations and processes;
- During the rescue, officials to be in plain clothes and not in uniforms;
- Separate the child and adolescents from the employer;
- Let children and adolescents feel comfortable – abusive or threatening languages not to be used;
- Let the children and adolescents know that they are not going to be treated as criminals;
- In case of female children or adolescents, female officials to be accompanied or escorted;
- The rescued child/Adolescent labour may be provided with necessary medical assistance by the concerned Deputy Director of Health Service in coordination with the Joint Director of Health service. If needed necessary health service including immunization and nutrition shall be provided;
- Translators should also be arranged in case of language barrier and should be child friendly;
- Once the child / adolescents are rescued he/she will be counselled and informed about his/her whereabouts;
- Make interim arrangements for sending the child / adolescents to a place of safety before admitting them in shelter home, CWC, day care centre, Child Care Institution etc.;
- Inspectors of Labour or DISH officials or Police to collect and seize all incriminating documents related to employers for launching prosecution;
- The Media personnel not to be allowed to interview, take photographs or have any communication with the rescued child / adolescents.

3.3 After rescue

Rescue team will come across three major categories of rescued children. They are;

- Rescued child belongs to the native district: After rescue, the child will be produce before the CWC in the district.;

- Rescued child belongs to other district: After rescue, the child will be produced to the CWC in the rescued district and with the directions the child will be handed over to the CWC of the children native district.;
- Rescued child belongs to other State: After rescue, the child will be produced to the CWC in the rescued district and will be handed over to the District Collector of the Concerned State / CWC of the native district of the child.

3.3 (a) The rescued children / adolescent shall be placed in short stay homes run by voluntary organizations until rehabilitation.

4. Prosecution

- Rescue team will take the child to the hospital for medical examination if age is not known or any physical harm is noticed;
- File a First Information Report (FIR) before prosecution;

Facts to be included in the FIR as follows:-

- ❖ Name, age, identification marks of child / adolescent
 - ❖ Name of the establishment
 - ❖ The Name of employer / board of directors, father name, age and their address
 - ❖ The details of rescue operation
 - ❖ The inspection on complaint / regular raids / inspection
 - ❖ The details of parents / guardians with full residential address
 - ❖ The relevant provisions of law and elements of the criminal offences committed against the victims
 - ❖ Details of source, transit and destination
 - ❖ Telephone numbers and address of the child/adolescent/ employer/agents and establishment
 - ❖ Brief description of “scene of employment” and information collected or seized from the employer
 - ❖ Statement of witnesses
 - ❖ Date, time and description of offence
 - ❖ Description of the living condition of the children /adolescent employed (include violence/abuse if any).
- The FIR should be read over to complainant and signature to be obtained. Provide a copy of FIR to complainant at free of cost;
 - Ensure that age verification test is conducted by the Government medical doctor not below the rank of Assistant Surgeon or equivalent rank doctors in ESI;
 - The Medical examination should be conducted in a child friendly atmosphere after explaining the process to the child to avoid emotional trauma;
 - In case of female child, medical examination has to be done by the female doctor only;
 - Ensure that the rescued child / adolescents are produced before the CWC within 24 hours of the rescue operation;
 - Provide safe and protective environment during transfer or till the child / adolescents are taken to CWCs;
 - During the counselling it is necessary to check the physical, emotional state of mind of the child / adolescent and also fulfillment of immediate needs of the Child / adolescent;
 - The Child / Adolescent interviews should be conducted in the absence of the employer or any of his/her agents;

- The member of a recognized welfare institutions like CWC or NGO, or a qualified social worker should do the interview;
- In case of Non-NCLP districts, produce child / adolescent to CWC and not to Judicial Magistrate;
- In case of NCLP districts, produce child / adolescent to CWC and admit them to NCLP run Special training centers;
- The Enforcement officials of labour and DISH are empowered to file a case against the delinquent employer;
- Produce the child / adolescent whenever necessary before the court on hearing dates and ensure a smooth trial and to reduce the number of court visits of the child / adolescent for testimony;
- As far as possible trial must be completed in a time bound manner;
- The trial should be conducted in a victim friendly manner and all efforts should be taken to ensure that it is time bound.

5. Compounding

- The District Magistrate may, on the application of the accused person, compound of any offence committed for the first time by him, under section 14(3), the parents or guardian, having been convicted of an offence under section 3 or Section 3A, commits a like offence afterwards, he shall be punishable with a fine which may be extend to ten thousand rupees or with both;
- May file an application to the District Magistrate having jurisdiction for compounding the offences under Sec 14 D (1) of the Act;
- If the accused fails to pay such amount for composition of the offence, then, the proceedings shall be continued against such person in accordance with the provisions of the Act;
- If any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded;
- The composition of any offence is made after the institution of any prosecution, such composition shall be brought in writing, to the notice of the Court in which the prosecution is pending and on the approval of the composition of the offence being given, the person against whom the offence is so compounded, shall be discharged.

6. Rehabilitation

6.1 Children & Adolescents

- The rescued child / adolescents should be handed over to the concerned Child Welfare Committee (CWC). Repatriation of the child or adolescent victim as per the order of the CWC, in co-ordination with the DTF should be facilitating where ever required;
- The rescued children may be admitted in SSA / NCLP run schools / STCs;
- The Adolescents to be provided proper education and mainstreamed / or to be imparted skill development training;

- The District Child Protection Officers, Inspectors of Labour, Officials of DISH and NCLP Project Directors to monitor so as to ensure continuous education of the rescued children and to avoid dropout;
- The Inspector of Labour / National Child Labour Project Officer to support the children through the interest earned from the compounded amount collected from the employer;
- On attainment of 18 years, the penalty amount can be paid to the children / adolescents after the approval from the competent authority;
- For the purpose of monitoring continuous education by the rescued child admitted in Schools, STCs under NCLP periodical information shall be collected;
- The Adolescents who are out of school are to be provided with skill training and children with pre-vocational and vocational training;
- The State Government shall credit an amount of fifteen thousand rupees to the fund for each child or adolescent for whom the fine amount has been credited.

6.2 Family

The District Administration to support rescued child/adolescent family through targeted implementations of various welfare schemes including the following:-

- Aadhaar Card
- Ration Card
- Community Certificate
- Voter ID
- MNREGA Card
- Land patta
- Medical facilities
- Provision of assistance under various schemes of Welfare Board like Marriage Assistance/Old Age Pension/Maternity Grants /Educational Assistance
- Self Employment Schemes through Bank Loans
- AD & TW Welfare benefits
- Employable skill development training
- Amma Skill development and Training scheme
- Integrated child protection scheme

7. Awareness & Trainings

7.1 Awareness

- Create awareness and sensitize employer community, parents and general public about the provisions of Child and Adolescent Labour (P&R) Act, 1986 and issues relating to child and adolescent labour;
- Notice in the local language and in the English language containing an abstract of prohibition of employment and penalties under the act should be displayed in a conspicuous and accessible place at every office / work site / educational institutions and public places;
- Awareness campaigns may be conducted to the general public, consumers, vulnerable communities etc., using folk, traditional media, mass media such as Television or Radio, print media;
- Wide coverage of child / adolescent rescued to be published in print and television media. However, care should be taken to hide the face and name of the rescued child / adolescents;

- The Government departments, employers and public to take "Oath" regarding not to employ child / adolescent labour on the day of observation of Anti Child Labour Day - June 12th of every year;
- Motivate trade union representatives and workers from organized and unorganized sector to admit their children upto 18 years in educational institutions;
- To conduct sensitization programme for representatives of industries, Chambers of Commerce, CII, Confederation of Trade Associations and various other employer associations, regarding their role in the elimination of Child Labour and Adolescent Labour;
- Awareness should be created to the Government servants, Officers not to employ child / adolescent labour in domestic work. Empower and enable the public and community resources to generate intelligence regarding any violation;
- Awareness among children and adolescents programs can be conducted in educational institutions;
- Display the Toll free child helpline No.1098 in all public places;
- Awareness among Micro Small and Medium Enterprises shall be created through MSME and SME Sectors.

7.2 Trainings

- The Periodical training on elimination of child and adolescent labour to be provided to all stake holders including Judicial Officers, Labour Department officers, DISH officers, Police, Revenue, Health, Social Defence, Education, Social Welfare and other officials of line departments at State and District levels;
- All the Stake holders shall be sensitized about the schemes available to the rescued child / adolescent Labourers;
- Aid and assist different training institutes meant for senior Government Officials, Judicial Training Institutes, Business Schools, Law Schools etc., to include information on legal implication of child and adolescent labour.

8. Enforcement

To conduct periodical surprise inspections based on complaints received (oral or written) or directions issued by the District Collector or Commissioner of Labour. If child / adolescent labour is identified the following procedures to be carried out:-

- A detailed inspection report should be prepared by the concerned area enforcement officer with date and time of inspection along with the signature of the inspection team and employers / occupier and collect some proof of evidence regarding employment of child and licence for establishment for proof of employment;
- The inspection report should contain the identified child /adolescent labour name, father's name, residential address etc., including mobile number;
- Nature of occupations / processes in which the child / adolescent was engaged at the time of inspection should be recorded in the inspection report;
- Signature of the two independent witnesses should be obtained at the time of inspection;
- The child / adolescent to be enquired and details should be recorded regarding nature, tenure and conditions of employment, working hours, salary, food and accommodation;
- The inspector should take all necessary efforts to ascertain exact age for this purpose through documents viz, birth certificate, school transfer certificate, mark statement. If the above documents are not available, the enforcement officer shall produce the rescued child / adolescent before the appropriate medical authority to obtain the certificate of age;

- Preparation of show cause notice:- The concerned enforcement officer should prepare a detailed show cause notice containing the details of employer's name, age, father's name and address and Child/Adolescent name, Father's name, age and address. Apart from the above meticulous care should be taken to include all evidences as the circumstances may require to ensure that the prosecution launched results in conviction. Show cause notice should be issued to the employer by RPAD or in person within 15 days from the date of inspection;
- For launching effective prosecution evidences such as Inspection slip, photo with negative/ CD, Pen drive, Mahajar, witness statement and age proof should be collected. The prosecution should be launched against the employer in a court not inferior to that of a Metropolitan Magistrate / Magistrate of the first class.
- Age may be ascertained based on the following documents:-
 - Birth Certificate
 - School Transfer Certificate
 - Statement of marks
 - Aadhaar Card or
 - Certificate by Appropriate Medical Authority
- Also details of contraventions noticed under the Child and Adolescent Labour Act and Rules.

9. Documentation

The District Nodal Officer / NCLP Director shall prepare and submit to the Commissioner.

- An annual documentation report on all activities pertaining to elimination of child / adolescent labour such as awareness, inspections, raids, prosecution, trainings, sensitization programme, observing anti child labour day etc., for the period from 1st April to 31st March of every year on or before 30th April;
- The report should contain the details of children rescued, released and rehabilitated including their photo and press cuttings;
- The report shall contain the details on rescued child / adolescent labourer who passed 10th, 12th Std or any other higher education including the details of the course and college;
- The report shall highlight the success stories of erstwhile child labourers including their present employment, salaries, etc.

10. Convergence

An important step towards prevention is co-ordination and convergence among various stake holders at the Block, District and State level.

The Labour Department to act as a Nodal Agency and facilitate the coordination between various implementing agencies/ departments such as Revenue, DISH, Employment and Training, Industries & Commerce, Rural Development, Social Welfare, Education, Police, Public Works, Highways, Health, Municipal Administration, Information & Public Relations, Adi Dravida & Tribal Welfare, Backward Communities & Most Backward Communities Departments, Social Defence, Tamil Nadu State Commission of Child Rights, NGOs, Employer's Associations, Trade Unions and other Organizations as per the guidelines set out in the revised State Action Plan for the eradication of Child Labour.

11. Monitoring

- Monitor expenditure by NCLP;
- Monitor inspection, violation, prosecution, conviction in each district;

- Monitor child and adolescent rehabilitation fund;
- Monitor district task force and enforcement activities;
- Monitor the process of eradication of child labour in District level;
- Monitor quality of education to the rescued child / adolescent labour;
- Ensure that all rescued children are re-integrated to school or skill development program;
- Monitor whether the welfare schemes available are extended to the family of the rescued Child / Adolescent Labour;
- Progress of prosecution to be monitored;
- The district level nodal officer / NCLP Project Director shall create index card for each rescued child / adolescent for monitoring educational rehabilitation;
- The State Child/ Adolescent Labour Rehabilitation cum Welfare Society in the office of the Commissioner of Labour will monitor the implementation of NCLP in the State;
- At district level, District Collector will monitor the implementation of NCLP activities and elimination of Child/ Adolescents labour activities.

12. Reporting

- The State Nodal Officer to compile the district wise report and maintain data base relating to rescue, rehabilitation, prosecution, conviction fine amount and details of amount collected as per Supreme Court directions;
- The District Collector / District Nodal officer shall collect the details of child / adolescent labour identified, rehabilitation measures taken / prosecution details from Inspector of Labour and DISH officials on monthly basis and send the same to the Commissioner of Labour.

13. Role of authorities

13.1 Role of District Collector:-

A. Prevention:-

- a. Ensure formation and monthly meeting of the District Task Force (DTF). Co-ordinate with the District Nodal Officer (DNO) for the same.
- b. Develop a plan for prevention activities in the district and track its progress in monthly DTF meeting.

B. Identification:-

- a. Ensure coordination with various agencies through DTF for survey and identification of child labourers, and adolescent labour in hazardous employments in the district.
- b. Based on the identification ensure that the DTF develops an action plan for elimination of child labour.

C. Preparation before rescue

- a) If there is a threat to life or liberty of the victim as per complaint, ensure their immediate rescue in coordination with the police and DNO.
- b) Ensure resources needed for each rescue of child labourers are made available including logistical resource, transportation, members of the rescue team, information to Children's home etc., as per this Standard Operating Procedure (SOP).

D. Rescue

- a) Ensure that the rescue is conducted on all verified complaints or as per information received by DTF.
- b) Ensure that during the rescue, protection is given to the victims and no victim is left behind.

E. Post Rescue

1. Monitor registration of FIR for all cases of Child Labour or adolescent labour in hazardous employments under all relevant child protection laws.
2. Ensure that all rescued child or adolescent before the CWC within 24 hours of rescue.
3. Monitor and ensure all cases for.
 - (i). Immediate medical care etc wherever necessary.
 - (ii). Immediate separation of the victim and accused.
 - (iii). No child or adolescent is kept in the police station overnight.
 - (iv). Shelter home, fit person or fit facility is available for immediate care as well as long term care and rehabilitation of children.
 - (v). Children who require long term medical care – (both physical and psychological) is provided the same.
4. Conduct timely summary trial as well as issue release certificate to access other forms of compensation under the Bonded Labour System (Abolition) Act, 1976.
5. Monitor the progress of the investigation of all cases of child and adolescent labour in hazardous employment through DTF.
6. Ensure coordination with enforcement officers of Labour & DISH.

F. Rehabilitation

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF wherever required.
2. Monitor receipt of rehabilitation service with respect to social, educational and economic compensation for the victim including those elaborated.

13.2 Role of Project Directors (NCLP)**A. Prevention**

1. Coordinate with the DNO for the progress of the work of the DTF.
2. Develop a plan for child labour and adolescent labour in hazardous employment prevention activities in the district.
3. Conduct capacity building for key community level stakeholders such as teachers, Panchayat Raj Institutions etc for elimination of child labour and adolescent labour in hazardous employments.

B. Identification

1. Conduct NCLP Survey in a timely manner for identification of child labourers.
2. Based on the identification ensure that the DTF develops action plan for elimination of child labour.
3. Register complaint, where complaint has not been registered, with the police for child labourers or adolescent labourers in hazardous employment enlisted in the NCLP program.

C. Assistance in rescue

Provide requisite support to DNO, police to conduct rescue of child labourers or adolescent labourers in hazardous employments.

D. Rehabilitation

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC in coordination with the DTF wherever required.
2. Prepare index card for child enrolled in the NCLP bridge schools if it is not prepared by the DNO.

3. Facilitate enrolment of rescued child victims into the NCLP program or the adolescent victim in the skill development program.
4. Monitor receipt of rehabilitation services with respect to social, educational and economic compensation for the victim.

E. Follow-up

1. Monitor the progress of the rescued child victims in NCLP program for the following year on the index card.
2. Monitor the receipt of benefit under various economic, social and educational, national and state level schemes and compensations through the index card.

13.3 Role of District Nodal Officer

A. Prevention

1. Ensure periodical meeting of the District Task Force (DTF).
2. Present progress of prevention activities in the district on the monthly meeting.
3. Share details of prevention activities in the district with State Resources Centre through PENCIL.

B. Identification

1. Upload all complaints received by other means to the PENCIL portal immediately (e.g. through calls, emails, child line from schools on drop-outs etc.,).
2. Monitor adherence to norms stated in the act and rules and reiterated in this SOP for the employment of adolescent on non-hazardous work .
3. Verify complaints received through various resources and identify if
 - (i) Child is employed or,
 - (ii) Adolescent is employed in hazardous work or,
 - (iii) Regulation of employment of adolescent Labour.
4. Register verified complaint of child labour, or adolescent labour in hazardous employment with local police station.
5. Co-ordinate with various agencies through DTF for survey and identification of child labourers in the district and to develop action plan accordingly.
6. Record the minutes of the DTF meeting.

C. Preparation before rescue

1. Ensure FIR is filed in all complaints registered with the police. If there is a threat to life or liberty of the victim, ensure their immediate rescue in co-ordination with the police.
2. Facilitate resources needed for each rescue of child labourers are made available including logistical resources, transportation, members of the rescued team, information to children's home etc., as per the SOP.
3. Co-ordinate with various stakeholders.

D. Rescue

1. Ensure that the rescue is conducted on all verified complaints or as per DTF.
2. Ensure that during the rescue, protection is given to the victims including transportation facilities, the separation from accused, translator, counseling, medical attention etc.,
3. Collect details of the company, factory etc., such as registration, licence number etc., for further action.
4. Ensure that no victims is left behind.

E. Post Rescue

1. If FIR was not registered before rescue, ensure the registration of FIR.
2. Produce rescued child or adolescent before the CWC within 24 hours of rescue.
3. Arrange for shelter home, immediate medical care etc., wherever necessary.

F. Rehabilitation

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC in co-ordination with the DTF where ever required.
2. Create Bank Account for each child and adolescent and ensure transfer of interest accrued on the amount collected in the name of the child to such bank account once in every six months. Further ensure the transfer of the principal amount to such bank account when such child or adolescent reaches 18 years.
3. Ensure issuing of index card and inclusion of the child or adolescent victim to the child tracking system.
4. Co-ordinate with the CWC, SSA, NCLP Project, District Collector Office, Department of Social Justice and empowerment, DLSA etc., for Social, Educational and Economic compensation for the victim.
5. Upload the second action report on the PENCIL portal within 21 days of the receipt of first complaint including details of the rescue, rehabilitation and issuing of index card.

G. Monitoring

1. Ensure that all children rescued are re-admitted to school or skilled development programme.
2. Follow-up with individual child on receipt of declared compensation social rehabilitation schemes etc.,
3. Follow-up on the progress of the each trial.
4. Upload the status of prosecution.

13.4 Role of State Resource Centre – Labour Department**A. Prevention**

1. Implement prevention activities at the state level.
2. Monitor prevention activities in each district and utilization of allocated funds for prevention allocated to NCLP Society and DNO.
3. Upload Information of prevention on the PENCIL portal.
4. Build capacity of NCLP staff, enforcement officer and other district level implementation officers for implementation of this SOP.

B. Identification

1. Monitor timely action by DNO on complaints received (DNO to take action within 48 hours of receipt of complaint) and take appropriate action.
2. Monitor Child labour survey in the State.
3. Create plan for and monitor implementation of inspections by labour inspectors on the issue.
4. Monitor second action report by DNO.

C. Assistance in Rescue

Provide requisite support to DNO, police to conduct to the rescue of child labourers or adolescent labourers in hazardous employments in the form of fund for logistic support, vehicles etc.

D. Rehabilitation

1. Monitor second action report by DNO.
2. Ensure creation of Child and Adolescent Labour Fund in every district.
3. Report on the Child and Adolescent Labour Fund formed on the PENCIL portal.

E. Follow-up

1. Monitor the progress of the rescued child victims in NCLP program.
2. Monitor the receipt of assistances under various economic, social and educational national and state level schemes and compensations provided under labour laws as well as other applicable central and state laws and schemes.
3. Suggest changes to the Central Government towards elimination of child labour based on data collected at the State level.

14. Role of other Departments

14.1 Labour Department

- a. Labour department to act as nodal agency and facilitate the co-ordination between various implementing agencies / departments at State level.
- b. To ensure strict implementation of all the labour laws relating to prohibition of child/adolescent labour.
- c. To conduct raids/ inspections with the help of District Task Force in spots having high incidence of child/adolescent labour.
- d. To facilitate the collection and compilation of data on child/adolescent labour through district administration.
- e. Prepare profile of rescued child/adolescent Labour and their families.
- f. Post rescue coordination with NGOs for accommodation, transportation, producing of children before the Child Welfare Committee, food and medical check-up.
- g. Enrolment of the rescued child/adolescent labour by providing vocational training in Special Training Centres under NCLP or SSA bridge courses in the home district.
- h. After the raid, intimate the press to give wide publicity on raids and prosecutions without revealing the name and photo of the rescued child/adolescent.
- i. 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/ adolescent labour.
- j. Vigorous enforcement of the Minimum Wages Act, 1948.
- k. To observe June 12th of every year as "Anti Child Labour Day" by organizing awareness programmes.
- l. To generate awareness among employers, parents, trade unions, student community about child/adolescent labour by organizing campaigns and sensitization programmes.
- m. To organize training programmes, seminars and workshops.
- n. Share information about the rescued children to the District Education Officers for rehabilitation of children and Revenue Department for providing alternative income generation through various schemes.

- o. Make documentation of success stories and publish them.
- p. To rehabilitate the families of child/adolescent labour under various welfare schemes of the respective boards.
- q. State Award to District Collectors for excellent work in child labour eradication.
- r. Organise to issue free bus passes and uniforms to the children studying in the special schools of National Child Labour Project in the State.

14.2 Directorate of Industrial Safety & Health

- a. To ensure strict implementation of all the labour and factory laws relating to prohibition of child/adolescent labour.
- b. To conduct raids/ inspections with the help of District Task Force in spots having high incidence of child labour/ adolescents in factories.
- c. Hazardous processes industries and strenuous effort shall be taken to eradicate the Child and Adolescent labour in Hazardous processes industries
- d. Prepare profile of the rescued children/adolescents and families.
- e. Post rescue coordination with NGOs for accommodation, transportation, producing of children before the Child Welfare Committee, food and medical check-up.
- f. Enrolment of rescued child labour in Special Schools under NCLP Special Training Centres or SSA bridge courses in the home district.
- g. Provide employment oriented trainings to rescued adolescents.
- h. After the raid, intimate the press to give wide publicity on raids and prosecutions.
- i. To utilize the services of Medical Officers of Factories Department, Employees State Insurance Corporation, Health Department/Local PHC's for the certification for proof of age of child/adolescent labour.
- j. Vigorous enforcement of the Minimum Wages Act, 1948.
- k. To observe June 12th of every year as "Anti Child Labour day" by organizing awareness programmes.
- l. To develop awareness among employers, parents and trade unions about child/adolescent labour by organizing campaigns and sensitization programmes.
- m. To create intensive awareness during the training programme conducted by the officials of DISH.
- n. Share information about the rescued children/adolescents to District Education Officers for rehabilitation of children/adolescents and Revenue Department for providing alternative income generation through various schemes.

14.3 Directorate of Employment and Training

- a. To provide skill training to adolescent labour rescued from hazardous occupations and processes.
- b. To provide employment to rescued adolescent on completion of training.
- c. To provide employment to parents of the Children / adolescents through the Job Mela.

14.4 Department of Industries and Commerce

- a. To provide loan facilities to the parents of the child /rescued adolescent labour under various self-employment schemes implemented by them.
- b. To Provide subsidy linked loans to the parents of Child / Rescued Adolescent Labour under Schemes like UYEGP, PMEGP, NEEDS Schemes through banks with 5% own contribution based on age qualification and other criteria.

14.5 Department of Rural Development

- a. To observe 12th June of every year as "Anti Child Labour Day" by organizing awareness programmes involving Panchayat Raj Institutions.
- b. To ensure that every Panchayat Raj Institution, passes resolutions stating that they would eliminate child labour and endeavour, to rehabilitate the released child labour and shall make efforts to declare their Panchayat as a child labour free Panchayat.
- c. To maintain Profiles of children up to the age of fourteen years.
- d. To ensure and monitor admission, attendance and completion of elementary education by every child/adolescent.
- e. To ensure that no child below 14 years of age is allowed to work in their jurisdiction of Gram Panchayats and review the status as a standing agenda in all monthly meetings of Grama panchayats.
- f. The licences issued by the Panchayat Raj Institutions to be cancelled if such licence holders are found engaging child labour and adolescent in hazardous occupations/processes.
- g. Reporting of the existence of child /adolescent labourers in their jurisdiction to the enforcement officers of Labour and DISH of the District shall be made compulsory duty of each Panchayat.
- h. Provide alternative income generation through various Schemes to the rescued Child Labour families referred by Labour/Factories/ District Special Task Force/NCLP.
- i. Child/adolescent Labour Monitoring system may be instituted in all local bodies to prevent the system of Child/adolescent Labour.

14.6 Social Welfare Department

- a. To help in detecting child /adolescent labour in various institutions, organizations and industries.
- b. To create awareness about the evils of child labour among the members of Madhar Sangams & in their communities.
- c. To rehabilitate the Children who are in need of care and protection in Children Home/Shelter Home and Hostels run by the Department.
- d. To ensure that no member of the SHG / Madar Sangams employs children including domestic labour.
- e. To provide Nutritious Mid Day Meal to all Children/adolescents who are enrolled in NCLP.

14.7 Education Department

- a. Implementation of the provisions relating to child labour contained in the provisions of Right of Children to Free and Compulsory Education Act, 2009 and the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011.
- b. Enrolment of the children/adolescents in the NCLP Special Training Centres in the age appropriate classes in the neighbourhood Government / Government aided schools and training may be imparted to those children at the Special Training Centres.
- c. To establish bridge centres for the children rescued as child/adolescent labour to facilitate their eventual mainstreaming.
- d. Sarva Shiksha Abiyan (SSA) would formulate curriculum for the bridge course in the NCLP Special Training Centres and impart training to the teachers of NCLP to efficiently handle the bridge courses.

- e. Books, uniforms and other education material will be provided by the Education Department to the NCLP special training centre children.
- f. Children who are mainstreamed after completion of the bridge course would be monitored and tracked by SSA.
- g. To incorporate child labour module evolved by the Labour Department in surveys of out of school children in order to identify child labour and share the survey details with the Labour Department.
- h. Identify children who work part time and children who migrate temporarily so that their special needs could be adequately addressed in order to retain them in schools.
- i. Include the issue of child/adolescent labour and its link to universalization of elementary education in the teachers training programme.
- j. Issuing of orders not to insist upon birth certificates or proof of age or other such documentary evidence for admitting released child/adolescent labour.
- k. Bridge courses could be started for the children of migrant families from other states in the destination areas who work at the construction sites, Brick Kilns, Rice Mills and in other sectors of employment in their mother tongue.
- l. The residential schools could be set up for the children of migrant labour in the source districts of our state. Such schools need to have necessary infrastructure facilities and appropriate methodology of teaching by creating conducive environment to retain the children at schools.
- m. Children shall be taught stories from great epics, moral stories etc.,. Education must be made interesting to them rather than a burden.
- n. The children of inter-state migrant labourers whose education is adversely affected due to intermittent break in schooling to be identified through survey by SSA.
- o. SSA to provide education through Non-residential special training centres to these inter-state migrant children in their mother tongue Education.
- p. Volunteers in their mother tongue shall also be appointed by SSA to impart education to these children.
- q. SSA to provide Text books in their mother tongue.
- r. Bilingual transfer certificate to be issued to the children when they return to their native places, to enable them to continue their studies without any hindrance.
- s. To sensitize the society on elimination of child/adolescent labour by mass awareness campaign.
- t. The component of child labour issue may form part of all the programmes of the Department of Education.
- u. Training Programmes on rehabilitation of child/ adolescent labour may be arranged for grass-root level workers of the Department.
- v. Adult education programme be taken up for the parents of child labourers so that a literate environment is created in the family.
- w. Counseling the parents of working children about the importance of enrolment of working children in the formal school system.
- x. Services of counsels working under District Child Protection Office shall be utilized to counsel the rescued children and their parents.
- y. Support adolescents workers who were drop out, to pursue school education till 12th Std.
- z. Training will be given to NCC,NSS, Parent-Teacher Association on the issue relating to child/adolescent labour.

14.8 Public Works and Highways Department

- a. The work contract assigned to the contractors shall be cancelled if they engage child/adolescent labour in executing works and such contractors should be black listed for three years.
The above instructions shall be included in the tender documents of public works and High ways Department while by floating tender.

14.9 Police Department

- a. 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.
- b. To give adequate protection to the District Task Force officials when the raids are conducted for release of child/adolescent labour and collect evidence for the case.
- c. To take custody of the rescued Child/adolescent Labour who need care and protection and hand over them safely to the Children's Home.
- d. To middle men and agents under appropriate criminal laws.
- e. To give escorts and protection during awareness campaigns.
- f. The Railway Protection Force may inform Labour Department on prevalence of Child/adolescent labour in catering establishments at Railway Stations.

14.10 Health Department

- a. To accompany the enforcement officials during special raids by Labour and DISH Department and raids organized by the district Special Task Force.
- b. To ascertain exact age and issue Age Certificate after appropriate medical examination.
- c. To undertake health care programmes, counselling and periodical health check-up to the released child/adolescent labour at the NCLP Special Training Centres.

14.11 Department of Municipal Administration

- a. To observe 12th June of every year as "Anti Child Labour Day" by organizing awareness programmes involving all elected representatives of all the wards and Councils.
- b. To ensure that every council passes resolutions stating that they would eliminate child/adolescent labour and endeavour, to rehabilitate the released child/adolescent labour and shall make efforts to declare their Council as a child/adolescent labour free council.
- c. To maintain profiles of children up to the age of fourteen years.
- d. To ensure and monitor admission, attendance and completion of elementary education in schools run by Municipalities / Corporations.
- e. To ensure that no child below 14 years of age is allowed to work in their jurisdiction
- f. To obtain an undertaking while granting any license / permission to the effect that the applicant should not engage child/adolescent labour. In case of violation, such licenses / permission should be cancelled.
- g. To conduct sensitization and awareness training programmes against the employment of child/adolescent labour to all functionaries of urban local bodies including the Councilors, Commissioners and field functionaries.
- h. To report the existence of child labourers in their jurisdiction to enforcement officer of Labour / DISH of the District shall be made mandatory.
- i. To initiate Child Labour Monitoring system in all local bodies to prevent the system of Child Labour.

14.12 Information and Public Relations Department

- a. To undertake massive publicity campaign among the public to create an environment that encourage the children to go to school instead of work.
- b. To play a pivotal role with the active support of media and other resource groups including advertising agencies, NGO and district committees for child/adolescent Labour Elimination.
- c. To highlight and document the issue of child/adolescent labour and their success stories.
- d. To undertake a campaign to create awareness about the government schemes specially meant for rehabilitating child/adolescent labour.

14.13 Revenue Department

- a. To enforce Child/adolescent Labour (Prohibition and Regulation) Act, 1986 and identify children employed in hazardous employment and take necessary measures to release them from employment.
- b. All Revenue Divisional Officers to be made responsible for the rescue and rehabilitation of Child/adolescent Labour.
- c. Take measures to rehabilitate child/adolescent labour families by issuing free housing patta.

14.14 Adi Dravida and Tribal Welfare Department

- a. To provide hostel facilities to the child/adolescent labourers of SC/ST Community.
- b. To provide scholarship amount to children/adolescents who are released from employment and mainstreamed into formal schools.
- c. To improve the economic standard of the child/adolescent labour families by enabling them to get bank loans through TAHDCO.

14.15 Backward Community And Most Backward And Denotified Communities Welfare Department

- a. To provide Hostel facilities to the child/adolescent labourers of BC/MBC Community.
- b. To provide scholarship amount to children who are released from employment and mainstreamed into formal schools.

14.16 Commissionerate of Social Defence

- a. The service of Children Homes may be utilized for the child/adolescent labour who are in need of Care and Protection.
- b. To start NCLP Special Training Centres in the Children Homes when the admitted number of Child/adolescent Labour exceeds 25.
- c. To create awareness on Child Line Toll Free 1098 Help Line Services .
- d. Improve infrastructure of Children Homes and Shelter Homes.
- e. Sensitize CWC about the special needs of Child/adolescent Labour so as to ensure speedy and adequate repatriation and rehabilitation of these Children.
- f. District Child Protection officers may accompany Labour/ DISH Department Officers during special drives.

14.17 Tamil Nadu State Commission for Protection of Child rights.

- a. The commission shall undertake programs and activities which may lead to building of an enabling environment and awareness in the society against the practice of child / adolescent labour.
- b. The Commission shall conduct surprise inspections to the NCLPs at the District level.
- c. The Commission shall play a significant role in holding public hearings on child/adolescent labour issues.
- d. The Commission shall monitor and review the implementation of legislations and measures for welfare of child/adolescent labour, and advise the Government on matters related to child/adolescent labour.

14.18 Integrated Child Development Services

- a. Include the Child and Adolescent Labour issues in the curriculum of job training of ICDS Functionaries viz. CDPOs, Supervisors and Anganwadi employees.
- b. To sensitize the frontline functionaries on prevention and rehabilitation of the rescued Child and Adolescent Labour.
- c. To enroll the rescued Adolescent Girls aged 11 to 15 years getting data from Labour Department in the Scheme for Adolescent Girls (SAG) Programmes.
- d. Provide supplementary Nutrition in the SAG Programmes for the rescued Adolescent Girls aged 11 to 15 years to improve the nutritional status and provide health check-up and IFA Supplementation.
- e. Provide Life Skill Education, Nutrition, Health Education, Counseling, Guidance and accessing public services for promoting awareness on Health and Nutrition, Family Care, link them to opportunities and going back to school for the rescued Adolescent Girls.

14.19 NGO's and Other Organizations**a. Non-Governmental Organizations**

- Help in identification and mapping of various forms of Child/Adolescent Labour.
- Help in release of Child/Adolescent Labour.
- Child Line, VLWC, VLCPC to Help in taking care of the rescued Child / Adolescent Labour until they are rehabilitated.
- Conduct Awareness Programmes on Eradication of Child/Adolescent Labour.

b. Employers' Associations

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

c. Trade Unions:

- Help in identification and mapping of various forms of Child /Adolescent Labour.
- Help in release of the Child /Adolescent Labour.
- Conduct Awareness Programmes on Eradication of Child /Adolescent Labour.

SUNIL PALIWAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

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31/5/19
SECTION OFFICER.
31/5/19

List of Abbreviations

CBO	-	Community Based Organisation
CMC	-	Central Monitoring Committee
CWC	-	Child Welfare Committee
DISH	-	Directorate of Industrial Safety and Health
DPS	-	District Project Society
ESI	-	Employees' State Insurance
GOI	-	Government of India
IL	-	Inspector of Labour
IPC	-	Indian Penal Code
NCLP	-	National Child Labour Project
NGO	-	Non-Governmental Organisation
NSSO	-	National Sample Survey Organisation
SJPU	-	Special Juvenile Police Unit
SLMC	-	State Level Monitoring Committee
SOP	-	Standard Operating Procedure
STC	-	Special Training Center
VMC	-	Vigilance and Monitoring Committee
CRADA	-	Child Research for Action and Development Agency
DCPC	-	District Child Protection Committee
HT	-	Human Trafficking
IPEC	-	International Programme on the Elimination of Child Labour
UNICEF	-	United Nations Children's Fund
CL	-	Child Labour
DSW	-	Department of Social Welfare
PENCIL	-	Platform for Effective Enforcement for No Child Labour
NCPCR	-	National Commission for Protection of Child Rights
SCPCR	-	State Commission for Protection of Child Rights
NHRC	-	National Human Rights Commission
SHRC	-	State Human Rights Commission
DNO	-	District Nodal Officer
DTF	-	District Task Force.
DCPO	-	District Child Protection Officer
DCPU	-	District Child Protection Unit
MSME	-	Micro Small and Medium Enterprises
UYEGP	-	Unemployed Youth Generation Programme
PMEGP	-	Prime Minister Employment Generation Programme
NEEDS	-	New Entrepreneur Employment Development Scheme
CSO	-	Central Statistics Office
TAHDCO	-	Tamil Nadu Adi Dravidar Housing and Development Corporation
VLCP	-	Village Child Protection Committee.
VLWC	-	Village Level Welfare Committee.