State Action Plan
Contents

State Action Plan .................................................................................................................................................. 1
JHARKHAND STATE ACTION PLAN FOR ELIMINATION OF CHILD LABOUR .............................................. 3
CHILD LABOUR IN JHARKHAND ...................................................................................................................... 5
KEY INTERVENTIONS AND IMPLEMENTATION PLAN ..................................................................................... 6
  1. Preventive Mechanisms ................................................................................................................................. 6
  2. Rescue and Rehabilitation .............................................................................................................................. 7
  3. Enforcement of Relevant Legislation ............................................................................................................... 9
  4. Monitoring and Tracking ............................................................................................................................... 9
ROLES OF DIFFERENT STATE DEPARTMENTS .......................................................................................... 10
  Department of Labour, Employment and Training – ....................................................................................... 10
  Human Resources Development Department .................................................................................................... 12
  Department of Welfare ..................................................................................................................................... 13
  Department of Social Welfare, Women & Child Development ........................................................................ 13
  Department of Health, Medical Education & Family Welfare .......................................................................... 14
  Department of Urban Development .................................................................................................................. 15
  Rural Development Department: .................................................................................................................... 15
  Department of Panchayati Raj ........................................................................................................................... 15
  Department of Home/Police: ............................................................................................................................ 16
  Railways ............................................................................................................................................................ 16
  Industries Department: .................................................................................................................................... 16
  Department of Law: ......................................................................................................................................... 16
  Personnel, Administrative Reforms and Rajbhasha Department ...................................................................... 17
  Department of Environment & Forests .............................................................................................................. 17
  Information & Public Relations Department: .................................................................................................. 17
  Department of Agriculture: .............................................................................................................................. 17
  Department of Finance: ................................................................................................................................... 17
  Department of Food, Public Distribution & Consumer Affairs: ...................................................................... 18
  Department of Animal husbandry & Fisheries: ................................................................................................. 18
  Trade Union Organizations: ............................................................................................................................. 18
  Employer Organizations/Corporates and industries: ...................................................................................... 19
  District- Administration ................................................................................................................................... 19
NODAL DEPARTMENTS .................................................................................................................................. 20
JHARKHAND STATE ACTION PLAN FOR ELIMINATION OF CHILD LABOUR
(2012-2016)

DEPARTMENT OF LABOUR, EMPLOYMENT & TRAINING
GOVERNMENT OF JHARKHAND
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I. Child Labour in Jharkhand

II. Key Interventions and Implementation Plan

- Preventive Mechanisms
- Rescue and Rehabilitation
- Enforcement of Relevant Legislation
- Monitoring and Tracking

III. Roles of different State Departments

- Department of Labour, Employment and Training
- Human Resources Development Department
- Department of Welfare
- Department of Social Welfare, Women & Child Development
- Department of Health, Medical Education & Family Welfare
- Department of Urban Development
- Rural Development Department
- Department of Panchayati Raj
- Department of Home/Police
- Railways
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- Department of Law
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- Department of Agriculture
- Department of Finance
- Department of Food, Public Distribution & Consumer Affairs
- Department of Animal husbandry & Fisheries
- Trade Union Organizations
- Employer Organizations/Corporates and Industries
- District- Administration

IV. Nodal Department
CHILD LABOUR IN JHARKHAND

Jharkhand came into existence on November 15, 2000 and thus constituted the 28th state of the Republic of India. The state was carved out of the erstwhile state of Bihar. Forests cover 30 percent of its total 79,720 square kilometers. The state’s population is 22 percent urban, and the remaining 78 percent live in rural areas. As per the 2001 census, the population of Jharkhand is 26.9 million (2.69 crores) with a population density of 338 persons per square kilometer. Children’s population comprises of about 40% of the State population. In the past decade, the sex ratio has increased from 922 in 1991 to 941 in 2001.

The literacy rate in Jharkhand is 54 percent—11 percentage points less than the national average. There are substantial differences in male and female literacy rates. Sixty-eight percent of males are literate compared with 39 percent of females.

The most prevalent forms of child labour in Jharkhand are employment of children in hotels/dhabas, as domestic workers, in brick kilns, bidi making, coal picking, mining, begging, garage, automobile workshops, building construction, stone crushing, rag picking etc. The state is among Empowered Action Group states with predominantly tribal population which is mostly poverty stricken and hence vulnerable to child labour and trafficking. An estimated 33,000 girls are trafficked each year from Jharkhand. Most of such victims of trafficking & exploitation are below 18 & illiterate or semi – literate and are forced to work in household, brothels, restaurants and factories.

The Government of Jharkhand shares a vision of healthy, educated and empowered children and to tackle the problem of child labour, vulnerability mapping needs to be carried out on a priority basis to identify the areas and trades which employ maximum children. The state endeavours to ensure convergence against child labour so that all such children and their families get benefitted by relevant government schemes and provisions.

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1 There are eight Empowered Action Group (EAG) states in India viz. Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Rajasthan, Orissa, Uttar Pradesh and Uttarakhand
KEY INTERVENTIONS AND IMPLEMENTATION PLAN

Some of the key interventions towards elimination of child labour will be to focus on prevention, rescue and rehabilitation, strengthening legal enforcement and developing monitoring and review mechanisms.

1. Preventive Mechanisms

- **Focus on families and children vulnerable to the problem** – Identification, listing of vulnerable families and children and linking them with relevant income generation and social protection schemes shall be a key preventive mechanism against child labour. This process of identification and tracking will be carried out in collaboration with *SarvaShikshaAbhiyan* (SSA) and District/Block/Village Child Protection units under the Integrated Child Protection Scheme as well as through community participation with the involvement of community level workers like Sahiyyas, Aanganwadi Workers and Panchayati Raj Institution (PRI) members and followed up twice every year.

- **Sensitisation** of parents/guardians of vulnerable children, creation of child friendly communities at the village/ward level, increasing out reach of government schemes & improving accessibility to quality educational facilities and skill building programmes will be taken forward by above specified community level workers, media, NGOs and Department officials.

- **Registration of Migrant Labour** - A register of all identified child labourers including children migrating from the Gram Panchayat in search of work shall be maintained at the Panchayat Office and would be regularly updated. The register would have the pages earmarked for the children released from work and restored to their families and/or enrolled in the schools. The Gram Panchayat, in coordination with Labour Department, Human Resource development, Rural Development and Social Welfare Departments would track the educational and economic rehabilitation of all such released children and take measures to ensure that the released children do not relapse to the same condition again. The Panchayat Secretary shall be the custodian of this register.
2. Rescue and Rehabilitation

- **Identification and listing of working children**: Listing of working children (both in hazardous and non-hazardous occupations) along with profiles of their parents and siblings and periodically updating it in collaboration with District and State Child Protection Societies.

- A pre-rescue, post rescue and rehabilitation protocol to be developed and implemented.

- **Rescue teams** will be constituted at the district level across the state. The teams will have the legal authority to rescue children from their respective workplaces and to reprimand erring employers. Detailed constitution of this rescue team is as follows:

**Raid and Rescue Team:**

a) The Department of Labour;

b) The Police/Child Welfare Officer;

c) The Municipal Corporation or the local self government like the ZillaParishad, panchayatsetc, as the case maybe;

d) Social Welfare Officer/Probation Officer/DM’s nominee/CWCs; and

e) NGOs, social organizations, trade unions or other responsible citizens.

f) Doctor with first aid kit.

g) Lady Police/volunteers when rescuing girls

h) NGO representative/s

h) Counselor
- **Educational Rehabilitation of rescued children (6-14 years)** – All the children below 14 years of age should be in school as mandated through the Right to Education Act. The rescued children may either be enrolled in to non-formal education at aanganwadicentres, NCLP special schools, SSA bridge schools or formal education at SarvaShikshaAbhiyan schools based on the educational level. These children will also be linked to vocational training centers so that they are able to acquire certain skills. Parents teachers associations need to be strengthened at these institutions.

Shelter homes with counseling facilities specifically for rescued child labourers will be established along with short stay homes.

Drop in Centres where working children can drop in at any time during the day and seek non-formal education; vocational training, mid day meals and other facilities like recreation can help in the process of rehabilitation of such children. Such centres can also act as identification points of children.

- **Educational Rehabilitation of Children who are out of school, not working but ‘at risk’** -

In addition to the actions listed above, following additional actions should be undertaken for these children.

- **Strengthening elements of present schemes:** SSA (SarvaShikshaAbhiyan Mission) and NCLP (National Child Labour Project) Schools.

- **Vocational Education/up gradation for school dropouts and rescued child labourers**

- **Rehabilitation of migrant children**: Such children will be sent to their parent state, wherever possible or else will be rehabilitated within the state in residential schools.
Economic and social Rehabilitation of the families of rescued children - A micro planning exercise to identify available resources, government schemes and infrastructure for rehabilitation of the children and their families needs to be carried out. Linkages of families with income generating schemes and social protection schemes of the government will help the family to improve financially. No child from the families who have been provided such support will be engaged as child labourer. Adolescents/youth belonging to child labour families and also those who are school drop outs can be gainfully employed to contribute towards the household income.

3. Enforcement of Relevant Legislation
To curb the problem of child labour it is important to curb both supply and demand for child labour. Ensuring stringent law enforcement against the defaulters will also indirectly check the supply of children in the labour market. All the special laws along with sections of Indian Penal Code (IPC) will be used to protect the rights of the children and to take action against those who are breaking the law of the land.

The Prohibitory provisions under the enactments mentioned above in Section I.c. of the document are to be implemented by relevant departments like Police department, Department of Social Welfare, Department of Labour, Employment & Training, Department of Human Resource Development, and Department of Law.

4. Monitoring and Tracking
Monitoring and Evaluation provides continuous feedback to take timely corrective measures as and when necessary and to implement a programme effectively in a time bound, cost effective and result oriented manner. Monitoring and evaluation of implementation of the action plan are required to be done by a suitable mechanism at the district and the state levels. In this case it will be the State Level & the District Level Monitoring Committees. Some of the key indicators to be monitored would be numbers of child labour, type of employment, educational status,
whether in rural or urban setting, accessibility to government schemes, accessibility to health and educational facilities etc.

Documentation and dissemination of successful experiments is necessary. Periodical independent evaluation study will be commissioned by the SLMC and reports placed before the Government. These reports will be reviewed at annual meetings of SLMC chaired by Labour Minister.

**ROLES OF DIFFERENT STATE DEPARTMENTS**

Department of Labour, Employment and Training –

1. Survey for identifying the child labourers and raiding workplaces and establishments.

2. To rescue the identified child labourers with the help of informants/NGOs/Taskforce or otherwise which it may deem fit on receipt of information and hand them over to their guardians.

3. Preparing the list of the establishments where there is a possibility of employment of child labourers and to inspect those establishments regularly with the help of DLMCs and BLMCs.

4. To initiate and co-ordinate legal action under Child Labour (Prohibition and regulation) Act, 1986, labour laws and other relevant Acts, against the offending employers and to initiate legal proceeding for recovery of Rs. 20,000/- per child labour from offending employers as per Hon’ble Supreme Court direction.

5. To inform and co-ordinate with other departments/authorities including Department of women and child development, Education Department and Deputy Commissioner with a view to ensure adequate preparations to facilitate the interim care and protection and for taking care of logistical and other requirement subsequent to rescue operation.
6. To **ensure comprehensive advertisements and propaganda** and sensitization of voluntary organizations, members of local self Government, leaders of trade unions, employers, guardians and people in general to prevent employment of child labour. Raising awareness on the issue through platforms like *GraminShramikPrachikshanShivir*.

7. To ensure that rescued child labour be admitted in the National Child Labour Project special schools or SarvaShikshaAbhiyan schools.

8. To **link families to income generation and social protection /welfare schemes**.

9. **To identify and arrange appropriate vocational training programmes for 14 plus adolescents by linking to vocational training providers**: There may be some children approaching school pass out age that may not prefer to attend schools after release. The best course available for such children would be to identify appropriate vocational training programmes and train them to upgrade their skills to enable them to earn better wages once they enter into the job market. A tie up with the Industrial Training Institutes (ITIs) would be considered in such cases.

10. **Positioning of an effective Monitoring and Tracking System**: An effective monitoring and tracking system would be developed and put in place to monitor progress of each of the released child labour with a view to ensure that none amongst them relapses into child labour. The specific objectives of the monitoring and tracking system would be as follows:-

    ✓ **To provide regular update about the rehabilitation status of the released children**
    ✓ **To provide regular information on released children's enrolment and retention in schools including NCLP Schools**
    ✓ **To provide update about mainstreaming of children studying in NCLP Schools into regular schools**
    ✓ **To monitor child labour trends through the identification of variables and parameters surrounding children’s vulnerabilities to economic exploitation.**
    ✓ **To strengthen the link between child labour and education strategies**
Human Resources Development Department

1. To ensure free of cost education, study material, first aid kit and mid day meal for the children who are below 14 years of age. Special thrust will be given to implement Right to Education Act with special focus on vulnerable children.

2. To ensure registration & free education in the formal schools for rescued child labour and giving them first preference for admission in to residential schools like Kasturba Gandhi BalikaVidyalay, arshramshalas etc.

3. Ensuring non-formal education/ adult education to guardians/parents concerned.

4. To ensure vocational education for the children above 14 years of age.

5. Providing information to the Department of Labour, Employment & Training regarding drop outs from those schools where the child labour had been admitted and assist in tracking them.

6. Coordination with Jharkhand Education Project Council (JEP): JEP, is responsible for implementation of SarvaShikshaAbhiyan (SSA) in the entire state. The child labour elimination programme will be converged with the larger scheme of SSA. JEP would be responsible, inter alia, for the following tasks under this plan of action:

   ✓ Survey of out – of - school children including child labour
   ✓ Community mobilization for enrolment of all out-of –school children into the schools; developing a movement for quality education in the state
   ✓ Enrolment of all out of school children into formal or alternative schooling modalities
   ✓ Make special provisions for enrolment of child labour in Residential schools
   ✓ Sensitizing the teachers and community for the education of the out-of –school children
   ✓ Improving teaching-learning environment in the schools
   ✓ Putting in place a tracking system for monitoring participation, attendance and retention of the children in the schools
   ✓ Ensuring quality education in the schools

With regard to NCLP Schools, JEP would undertake the following responsibilities:
✓ Distribution of mid day meals, free text books and Teaching Learning Materials (TLM) among the children enrolled in the NCLP Schools. The NCLP Schools would also admit the Child labour identified by JEP under SSA.

✓ Capacity-building of the teachers of NCLP Schools through DIETs, BRCs, CRCs and providing them regular on-site academic support.

✓ Mainstreaming the children of the NCLP Schools into formal education system including residential schools after assessment of educational level

Department of Welfare:
1. Residential schools and stipend facilities for rescued children falling in SC/ST/OBC and minority category
2. Providing benefits under welfare schemes to the child labour of entitled categories like Cycle yojana and kanyadanyojana
3. Provision of free cost study materials and vocational training
4. Extending Tribal AwasYojana to families of rescued children fulfilling the eligibility criterion of being tribal
5. Training in bamboo craft and handicraft to adolescent children and their family members for skills enhancement

Department of Social Welfare, Women & Child Development
1. In case of interstate migration, to plan rescue operations, co-ordinate with authorities and rehabilitate the trafficked/migrant children.
2. To facilitate in rescue and rehabilitation by constructing more short stay homes, shelter homes and drop in centres specially for girls (child labourers) through “Ujjwala”, “Swadhar” schemes and other such schemes.
3. To generate awareness about child labourers as children in need of care and protection and to rehabilitate them with the help/assistance of District administration/other Govt. Departments and ICPS.
4. Development of **infrastructure with basic facilities to lodge rescued victims, like transit homes**, in collaboration with district administration.

5. Linking of the identified families and children to **Integrated Child Development Scheme (ICPS) and Integrated Child Protection Schemes (ICPS)**.

6. To link identified child labourers/ vulnerable children with **foster care and sponsorship scheme**.

7. In case of **disabled adults living with the working child provision of motivation incentive through “Nishakt Scheme” meant for disabled persons will be provided**.

8. Child tracking through **Village Child Protection Committee** and sharing the information with respective BLMCs. **Awareness generation will be also be carried out through Anganwadi Sewikas working at Village level**.

9. To cover **adolescent child labourers under SABLA scheme and other such schemes**.

10. To **sensitize Child Welfare Committees (CWCs)** on the issue of child labour and to make them a part of the rescue team.

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**Department of Health, Medical Education & Family Welfare**

1. To **ensure determination of real age of rescued child labour by conducting special age determining camps**. In case of dispute over age of a rescued child, an age certificate will be issued from the office of the Civil Surgeon.

2. **Community level health workers Sahiyya will carry out mass awareness generation against the mal practice of child labour**.

3. **Provision of school health cards and regular free of cost health check-ups for children of NCLP schools**.

4. To **ensure regular counselling through psychiatrists** for saving the rescued child labours from mental depression.

5. To provide **free of cost medical facilities for families of child labourers**.
**Department of Urban Development**

1. **Training and self-employment** through SwarnaJayantiShehariRojgaarYojana (SJSRY) in urban areas.

2. To **provide basic facilities like road, electricity & drinking water** under different schemes.

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**Rural Development Department:**

This department is responsible for the implementation of poverty alleviation programmes in the rural areas, such as, schemes under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), SwarnjayantiGrameenSwarojgarYojana (SGSY), IndiraAwasYojana (IAY) etc. The following specific benefits would be extended to the parents/families of the child labour:

- Job Cards under MGNREGA
- Indira AwasYojana to the extent possible, and
- Assistance under SGSY

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**Department of Panchayati Raj**

1. To **create awareness** among the citizen in general regarding child labour & Trafficking.

2. To ensure that there is **no child labour within the territorial jurisdiction of the Panchayat.**

3. To **inform District Administration/Police Administration about those agencies/middle men who are involved in trafficking** of any kind including that of child labour for illegal practices.

4. To **take necessary steps to provide employment and uplift the economic and educational status of family members of child labourers** by providing benefits of government schemes.
Department of Home/Police:
1. To **ensure sufficient police force to the rescue team to inspect/raid** establishments & to take action against the defaulters of the law wherever child labour will be found.
2. **Ensuring action under Juvenile Justice Act, 2002** and to produce the rescued migrant or trafficked child labour, before the child welfare committee and in case of bonded labour also before SDM for grant of Certificates and compensation. Ensuring handing over these migrant and trafficked children to parents/guardians.
3. **Prevention of trafficking** by putting in place effective monitoring mechanisms
4. **To ensure necessary co-operation in stopping migration**, booking of middlemen and agents under appropriate laws for child labour and other criminal laws.
5. **Ensuring passing of information related to employers** who engage child labourers obtained from C.I.D & other secret sources & at the same time ensuring F.I.R to be lodged against offending employers.

Railways
1. To **enforce complete ban for the use of railway platforms and bogies for employing children** in cleaning, as vendors & other works.
2. To **ensure rescuing of such child labourers & handing over to their parents/guardians** in coordination with police force & district administration.
3. To **provide complete information to labour department about those rescued child labour** who have already been freed from their work for rehabilitation purpose.

Industries Department:
1. **Provision of Vocational training to** the families of child labourers and their adolescent siblings.
2. **Direct employment in to suitable industries** of family members of child labourers

Department of Law:
1. To **ensure speedy disposal of prosecutions filed under child labour (Prohibition & Regulation) Act, 1986** and other related Acts.
2. **Appointment of special public prosecutors** to conduct the said cases

3. **Sensitize judicial officers/other related officers** regarding child labour & trafficking related social evils.

**Personnel, Administrative Reforms and Rajbhasha Department**

To **obtain affidavit from all government officials about the non-employment of child labour** in their homes.

**Department of Environment & Forests**

Jharkhand, being a predominantly tribal and forested area, **linking families of child labourers living in Forest areas with the department’s schemes**.

**Information & Public Relations Department:**

1. **Generation of awareness** through print media as well as radio/television and internet

2. **Organizing mass awareness** activities like nukkadnatak and putting up hoardings and posters

**Department of Agriculture:**

The “Sankalp” document of this Department pledges facilitating all farmers so that their income is doubled and all BPL farmers are brought above poverty line.

Hence **working children and their families residing in rural areas will be benefitted from schemes of this department** so that they are not forced to migrate or lured by mediators involved in human trafficking.

**Department of Finance:**

To ensure **financial support for additional gap filling initiatives**.
Department of Food, Public Distribution & Consumer Affairs:
The schemes under this Department primarily focus on ensuring supply of food grains to families who are deprived of the same. Hence families of child labourers can be benefitted by:

1. **Ensuring provision of food grains to Above Poverty Line (APL), Below Poverty Line (BPL) families through PDS and also AntyodayaYojana** for such families of child labourers who are much below the poverty line.

2. Linking to **Annapurna Yojana meant for old and helpless people** under which they are provided 10 kgs of rice per month.

Department of Animal husbandry & Fisheries:
The families of child labourers will be linked to **skill development training programmes like poultry, fishery, dairy, sheep rearing** etc.

Trade Union Organizations:
Trade unions are integral to any process of workers empowerment and emancipation. The trade unions would be encouraged to use their resources and organizational strength in the eradication of the child labour and the department would actively partner with them in all such endeavours. The trade unions will work in the following manner towards child labour elimination:

1. **Including a committee on child labour in their committees and elimination of child labour in their agenda**

2. To **provide information regarding engaged child labour** in different establishments & Industries.

3. To **create awareness** among the trade union organizations and its members about not allowing their children to work as a child labour and not to employ any child.
4. To capacitate members to undertake outreach activities to prevent child labour in informal sectors

5. Initiating prosecution in case of identification of child labour in their respective areas

**Employer Organizations/Corporates and industries:**

Adopting public private partnership mode for prevention of child labour is growing as a strategy to abate the problem. Employer unions can perform the following roles in this context:

1. **Running schools for child labourers and vocational training courses** for the purpose of overall development of these children.

2. **Exerting peer group pressure on the erring employers engaging child labour and contravening legal provisions.**

3. **Providing health insurance** to employees above 14 years of age.

**District- Administration**

1. To provide necessary help for the inspections to be conducted by raiding team in order to rescue and identify the child labour.

2. To make proper arrangements to hand over the rescued child labourers to their guardians and make arrangements for a transit camp before handing them over.

3. Putting in place policies for prevention and thereby complete eradication of child labour

4. To ensure recovery of Rs. 20,000/- per labour from offending employers of rescued child labour as per the orders of Honorable Supreme Court of India or priority basis

5. To ensure the benefits of different developmental schemes to the guardians of rescued child labourviz-income generation and employment generating schemes like MNREGA schemes for poverty alleviation or pension schemes under DRDA, DUDA, INDIRA AWAS YOJNA, SJSY, SWABLAMBAN etc based or convergence model.
6. To ensure implementation of rehabilitation plan and provide personal and group residential facilities for the rescued child labours employed in non-hazardous occupation/processes, so that they could live under safe condition.

**NODAL DEPARTMENTS**
Department of Labour, Employment and Training, Government of Jharkhand would be the Nodal Department to implement this Action Plan against child labour. Following would be the Nodal Officers under the department to implement the same:

- Labour Commissioner, Jharkhand, would be the Nodal Officer at the state level
- District Magistrates/Collectors would be the Nodal Officers for respective districts.

As nodal officers, they would have the authority and accountability for the successful implementation of this Plan of Action (POA) in their respective jurisdictions.