

Policy and Programme for the Rehabilitation of Working Children & Manual for the Implementation of National Child Labour Projects



सत्यमेव जयते

**Government of India
Ministry of Labour & Employment, New Delhi**

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Rehabilitation of Working Children
&
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**Government of India
Ministry of Labour & Employment, New Delhi**

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Printed by Central Board for Workers Education,
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PREFACE

Children, who constitute a very large segment of our society, are indeniably our assets and our future. It is, therefore, an index of a nation's level of development, both societal and economic, how they are taken care of and nurtured. The child's natural place is at school and in the playground. However, there are a large number of children who, unfortunately, instead of occupying their legitimate place which ensures their joyful growth, are burdened due to poverty and ignorance to work for the purpose of supplementing the family income. These children, who are categorized as Child Labour, constitute a sizeable number from amongst all non-school going children in the country.

Though there are clear provisions in our Constitution to safeguard the interest of children by ensuring that they receive education and are not forced to work for a living, it is unfortunate that the problem of child labour is still prevalent to a great extent in our country. While poverty and lack of proper education are the main reasons for the prevalence of child labour, there are various other socio-economic factors perpetuating this problem.

Realizing the multifaceted nature of this problem, Government had embarked on a holistic and multipronged programme to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and progressively covering those working in other occupations also. Based on the 'National Policy on Child Labour' announced in 1987, the Government launched the National Child Labour Project (NCLP) in 1988 to rehabilitate the working children in the few identified child labour endemic districts of the country. The strategy involved withdrawing these children from work, putting them into special schools for a period of maximum 3 years to provide them with bridging education and an enabling environment so as to prepare vocational skills, a mid-day meal and a monthly stipend.

The NCLP programme started with 9 districts and its coverage has, thereafter, been progressively increased to cover a much larger number of districts in the country. In fact, a major thrust to the programme came with the landmark judgment of the Hon'ble Supreme Court in December, 1996, in the case of M.C. Mehta Vs State of Tamil Nadu. The Apex Court issued a number of directions to the Central as well as the State Government to eliminate child labour from the country in a targeted manner.

The Government is extremely serious in its efforts and is taking various pro-active measures in this direction. Child Labour Elimination Programme is the single largest programme in the Labour Ministry's activities and accounts for almost one half of the budget of the Ministry. The number of districts covered under the NCLP Scheme has been increased from 100 to 250 during the 10th Plan. Apart from a major increase in the number of districts covered under the Scheme, the priority of the Government in this direction is also evident in the quantum jump in the budgetary allocation during the 10th Plan. Government has allocated Rs. 602 crores for the Scheme during 10th Plan as against an expenditure of Rs. 178 of crores in the 9th Plan.

Based on the experience of implementing the Scheme across the country for almost fifteen years, the revised strategy for the NCLP Scheme was devised during the 10th Plan. The, primarily, included some additional features over and above the existing ones like provision of a Doctor, Master Trainer, Regular Teachers Training and of the Child Labour survey. The main objective behind this was to further build up the capacities of the children enrolled under the programme as well as the teacher imparting education in the special schools. Another very important feature of the revised strategy is greater emphasis on convergence with development scheme of other departments like Human Resource Development, Women and Child Development, Rural Development Department etc. to provide sustained benefits to the families of Child Labour. It was felt that only a multi- pronged attack can help to bring in visible and tangible results under the Scheme.

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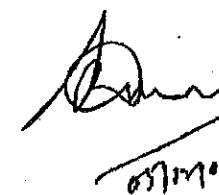
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As part of the monitoring exercise, Ministry of Labour had organized Regional Level Conferences of District Collectors across the country during January-February, 2005. These Conferences provided an excellent opportunity to have one-to-one interaction with the Collectors of NCLP Districts, who play a pivotal role in the implementation of the schemes in the districts. Various issues were discussed at length during these Conferences, including the revised guidelines, steps in the operationalisation of scheme in new districts, need for convergence etc. The District Collectors also came up with number of suggestions for better implementation of the Scheme at the field level.

The earlier Manual for implementation of the NCLP Scheme was published in 1998. Since then, there have been a number of developments, which need to be shared with the various stakeholders. It was, therefore, felt appropriate that we should bring out the new Manual with the current set of guidelines and strategies for ready references of our implementing partners, as well as of other stakeholders.

I would like to record my deep sense of appreciation for all those who were instrumental in bringing out this Manual. I hope, this will prove useful to the Programme Implementers, Policy Formulators, Non-Government Organisations and other social activists working towards the goal of elimination of child labour from the country.



(K. Chandramouli)

Joint Secretary

Ministry of Labour & Employment

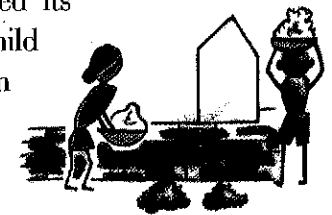
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10.9.2005

Chapter-I

OVERVIEW

Elimination of Child Labour is an area of great concern and commitment to the Government of India. The framers of the Indian Constitution consciously incorporated relevant provisions in the Constitution to secure compulsory universal elementary education for children as well as protection of children from involvement in economic activities detrimental to their health and morals. The National Policy on Children Resolution adopted in August, 1974 further developed the above ideas. It set out a policy framework for providing free and compulsory education to children upto the age of 14 years as also measures for protecting children against neglect, cruelty and exploitation.

The Gurupadaswamy Committee, which submitted its report in December, 1979, examined the problems of Child Labour in detail. It brought out the distinction between 'Child Work' and 'Child Labour'. The Committee emphasized that in all the future actions dealing with Child Labour, the basic difference between 'Child Work', and 'Child Labour' would need to be taken note of. It said that "labour becomes an absolute evil in the case of a child when he is required to work beyond his physical capacities, when hours of employment interfere with education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupations he is engaged in endanger his health and safety i.e. when he is exploited."



The issue of Child Labour has also been addressed by a number of researchers such as Lieten (GK). According to him, in a country where a major proportion of the

workforce is still employed in agriculture and in related activities, children often work as an essential part of a farm household or assist parents in ancillary tasks. Given this social and economic landscape of the country, there is a need to make a clear distinction between "Child Labour" and "Child Work". Children involved in a light and properly structured work either in the farm or family-centered service establishments and in artisan households which allows them sufficient time for leisure, play and education are not child labourers but are performing "Child Work". "Child Work" as distinct from the "Child Labour" is more in the nature of socialization and enables acquisition of skills that may be of use to them later. "Child Labour", on the other hand, is work that hinders the overall physical, mental and moral development of a child.

The Committee on Child Labour headed by Sh. M.S. Gurupadaswamy recommended a set of comprehensive statutory provisions for providing educational facilities to child labourers. The Committee felt that purposeful and work-oriented education could play a positive role in improving retention of children in schools. After the recent Constitutional Amendment (86th Amendment) Right to Education for Children in the age group 6-14 years is now a Fundamental Right. The Amendment reinforces the point that education till a child completes its fourteenth year is absolutely essential and non-negotiable.



Box 1: Constitutional Provisions

Article 21A

Right to Education

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

Article 24

Prohibition of employment of children in factories, etc.

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

Article 39

The State shall, in particular, direct its policy towards securing:-

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

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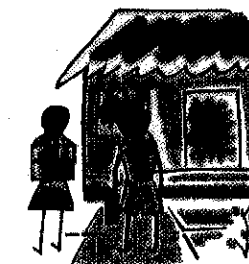
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- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

3. Consistent with the Constitutional provisions and the recommendations of the various Committees set up to devise a policy on Child Labour, the Child Labour (Prohibition & Regulation) Act, 1986 was enacted, replacing the Employment of Children Act, 1938. The Act seeks to prohibit employment of children below 14 years in hazardous occupations and processes and also regulates the working conditions of children in other employments. The Act prohibits employment of children in occupations and processes listed in part-A and B of the Schedule to the Act (Annexure-A).

4. The Act also provides for constitution of Child Labour Technical Advisory Committee, which is a body of technical experts, to advise the Central Government on additions to occupations and processes listed in the Schedule of the Act. The Committee consists of Chairman and such other members not exceeding 10 as may be appointed by the Central Govt. During 1999-2004, the number of hazardous occupations listed in the Schedule of the Act has increased from 7 to 13 and processes from 18 to 57 on the recommendations of the Technical Advisory Committee.

5. The Constitutional and legislative provisions providing protection to children against employment also found an echo in the National Child Labour Policy announced in 1987. The policy addresses the complex issue of Child Labour in a comprehensive, holistic and an integrated manner. The action plan under this policy is multi-pronged and mainly consists of:



- (i) a legislative action plan;
- (ii) focus on general development programmes for the benefit of the families of children; and
- (iii) project-based action plan in areas of high concentration of Child Labour.

6. In pursuance of this policy, the Ministry of Labour & Employment has been implementing the National Child Labour Project (NCLP) Scheme, which is a project based action programme. The Scheme provides for setting up of project societies at the

district level under the Chairpersonship of the Collector/District Magistrate for overseeing the implementation of the project. The project aims at withdrawing and rehabilitating children working in identified hazardous occupations and processes through special schools and finally mainstreaming them to the formal education system. Each special school provides for enrolment of 50 children. There is a provision of two educational instructors and one vocational instructor for every special school. A stipend of Rs.100 per month is provided to each child. The money is credited to the savings account of the child. The accumulated amount is paid to the child at the time of his mainstreaming. Besides this, mid-day meal, vocational training and health check-ups are essential components of the scheme.

7. Under the programme, 12 National Child Labour Projects were initiated during the 7th Plan with the objective of withdrawing and rehabilitating children working in identified hazardous occupations and processes. These 12 NCLPs were in Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambhalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi) and Uttar Pradesh (Varanasi - Mirzapur - Bhadoi, Moradabad, Aligarh and Ferozabad). Later on, a major programme of withdrawing children working in hazardous occupations and rehabilitating them through special schools was launched on 15th August, 1994.

8. The Supreme Court of India in its landmark judgment dated 10th December, 1996 in Writ Petition (Civil) No.465/1986 also gave certain directions regarding the manner in which the children working in hazardous occupations are to be withdrawn from work and rehabilitated (Annexure-B). The Hon'ble Court also gave directions on the manner in which the working conditions of the children working in non-hazardous occupations are to be regulated and improved upon. As a consequence of the Supreme Court Judgment and in keeping with National Policy on Child Labour, 64 area-based projects were sanctioned in addition to the 12 continuing projects. By the end of the 9th Plan, the NCLP Scheme was extended to 100 districts in the 13 States.

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9. However, despite the efforts of the Government, the problem of Child Labour, which is mainly an outcome of economic deprivation and illiteracy, still remains fairly considerable. According to the figures made available by the Registrar General of India in 2001, there were 1.26 crore working children (5-14 years) in our country as compared to 1.13 crores in 1991. State-wise distribution of Child Labour population shows that Uttar Pradesh (0.19 crore) has the highest Child Labour population in the country, followed by Andhra Pradesh (0.14 crore), Rajasthan (0.13 crore) and Bihar (0.10 crore). More than 90 per cent of the Child Labour is engaged in rural areas in agriculture and allied employments like cultivation, agricultural labour, live-stocks, forestry and fishery.



10. In view of the magnitude of the problem, in the 10th Plan the policies and programmes for elimination of Child Labour will continue in a more focused manner. The Government has approved the continuation of existing 100 NCLPs during the 10th Plan. It has also approved setting up of additional 150 NCLPs. Therefore, in the 10th Plan, the Scheme will cover 250 districts in 20 States. All the 150 additional districts have been identified and efforts are already underway to implement the Scheme in the newly identified districts. List of the districts taken up under the NCLP Scheme are at Annexure-C. Besides expansion of the Scheme, its parameters have also been revised and strengthened to improve its effectiveness. Accordingly, the outlay for the 10th Plan has also been increased to Rs. 602 crore as compared to Rs. 250 crore in the previous plan period.

11. During the 10th Plan period, it has to be ensured that all children working in identified hazardous occupations and processes as identified in the survey conducted by the project society are withdrawn and mainstreamed to the formal education system. The commitment of the Government would be to ensure effective enforcement and subsequent mainstreaming of Child Labour at the district level in such a manner as to achieve the total elimination of Child Labour in the hazardous sectors by the end of the 10th Plan period.

12. Efforts on eliminating Child Labour have been strengthened in the 10th Plan by linking them with the Sarva Siksha Abhiyan of the Ministry of Human Resource Development. As part of this, child workers in the age group 5 - 8 years will be directly mainstreamed through formal schools. Working children in the age group of 9 - 14 years would be mainstreamed through the special schools of NCLPs into the formal education system. Besides this, during the 10th Plan, the formal school mechanism would be strengthened both in terms of quality and numbers.

13. In addition to the above, convergence with the on-going schemes of other Ministries/Departments such as Ministry of Health, Ministry of Rural Development/Social Justice etc. at the State, District, Mandal and Micro level would be critical for the attainment of the objective of elimination of Child Labour, in a time-bound manner.



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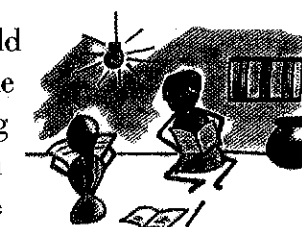


Chapter-II

Policy on Child Labour

Child Labour is an outcome of poverty, economic deprivation and widespread illiteracy. It is also believed to be a consequence of segmented labour markets accompanied with low levels of labour empowerment.

The Government has addressed the issue of Child Labour squarely and has given due consideration to the need to protect children from exploitation and from being subjected to work in hazardous conditions which endangers the physical and mental development of the children. It was in this light that the Child Labour (Prohibition and Regulation) Act, was enacted in 1986. The Act prohibits children working in activities considered hazardous to their health and general well-being. It also regulates the working conditions of children employed in non-hazardous occupations and processes.



In addition to the legislation, a National Policy on Child Labour was announced in August, 1987. The policy addressed the complex issue of Child Labour in a comprehensive and focused manner. The three major elements of this Policy are:

- (i) legal action plan;
- (ii) focus on general development programmes for the benefit of the families of Child Labour; and
- (iii) project-based action in areas of high concentration of Child Labour.

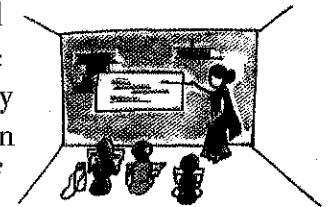
The broad approach under the Policy has continued in the subsequent plan periods including the 10th Plan Period.

(i) **Legal action plan:** emphasizes strict and effective enforcement of legal provisions relating to Child Labour under various labour laws such as the Child Labour (Prohibition & Regulation) Act, 1986, the Factories Act, 1948 and the Mines Act, 1952.

A Child Labour Technical Advisory Committee has also been set up under Section 5 of the Child Labour (Prohibition & Regulation) Act, 1986 to advise the Central Government on addition to occupations and processes considered hazardous to the Schedule of the Act. Initially the Act prohibited employment of children below 14 years in 7 occupations and 18 processes. However, the Technical Advisory Committee has from time to time been adding to this list of hazardous occupations and processes. At present a total of 13 occupations and 57 processes have been included in the Schedule of the Act.

(ii) **Focus on general development programmes for the benefit of the families of child labour:** Child Labour is an outcome of various socio-economic problems such as poverty, economic backwardness and illiteracy. Therefore, a multi-pronged attack is required to tackle the problem. It is in this context that focused and concerted efforts are required to achieve convergence of the ongoing developmental schemes at the Central Government, State Government and the district level. The basic idea is to draw synergies from the various developmental schemes such as income generating schemes of the Ministry of Rural Development that are already in existence in the country.

Primary education has been made a Fundamental Right for every Indian child between the age of 6 - 14 years and the Constitution has been amended accordingly by the Government. Sarva Siksha Abhiyan (SSA) is an important initiative in realizing this goal. The objective of the Scheme is to universalize elementary education by community-ownership of the school system. It is a response to the demand for quality basic education all over the country. The SSA is also an attempt to provide an

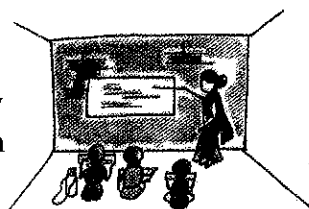


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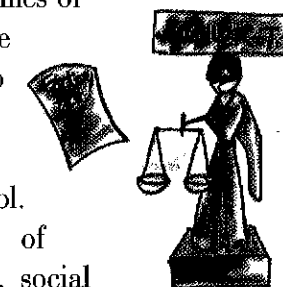
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opportunity for improving innate capabilities of all children, through provision of community-owned quality education in a mission mode.

The target of the Scheme is to provide useful and elementary education for all children in the age group of 6 - 14 years by 2010. It aims to bridge social, regional and gender gaps with active participation of the community in the management of schools. During the 10th Plan the child labour elimination programme will be converged with the larger scheme of SSA of the Ministry of HRD. The intention is to ensure that all children including working children in the age group 5 -8 years get directly linked to the formal school education system through SSA. Therefore, in the 10th Plan special schools run by the National Child Labour Project (NCLP) society will mainstream children working in hazardous occupations and processes only in the age group 9 - 14 years to the formal education system.

Besides this, other issues such as economic backwardness and health related problems which affect the overall quality of life of the families of Child Labour also needs to be addressed. Linking the parents of the children covered under the NCLP Scheme to the various poverty alleviation and employment generation programmes will play a positive role in improving the family income and enable the working children to attend school. Similarly, convergence with other ongoing Schemes of Departments such as health, women and child development, social welfare and tribal welfare would be critical for the ultimate attainment of the objective of elimination of Child Labour in a time bound manner. There are many State Government sponsored programmes also which can be used by the project societies to supplement its efforts. Lists of some of the programmes which are functional at present are at Annexure-D.



(iii) Project-based action on areas of high concentration of Child Labour: In addition to the legislative action and convergence with the general development programmes, the National Policy on Child Labour, 1987 also envisaged

project-based action in areas of high concentration of Child Labour. It was in this context that the National Child Labour Project (NCLP) Scheme was initiated. The main thrust of the project was to reduce the incidence of Child Labour in the project-area, thereby encouraging the elimination of Child Labour progressively. To begin with, project activities were targeted at specific sectors of employment in nine districts where incidence of Child Labour was high and the nature of work was hazardous to the child's health. These were:

- (i) Match industry in Sivakasi, Tamil Nadu
- (ii) Precious Stone Polishing Industry in Jaipur, Rajasthan
- (iii) Glass industry in Ferozabad, Uttar Pradesh
- (iv) Brassware industry in Moradabad, Uttar Pradesh
- (v) Handmade Carpet Industry in Mirzapur-Bhadohi, Uttar Pradesh
- (vi) Lock-making Industry in Aligarh, Uttar Pradesh
- (vii) Tile Industry in Jaggampet, Andhra Pradesh
- (viii) Slate Industry in Markapur, Andhra Pradesh
- (ix) Slate Industry in Mandsaur, Madhya Pradesh

It was decided that in each of the nine project areas, the strategy would be to evolve a package consisting of, *inter alia*:

- (i) stepping up of the enforcement of the Child Labour (Prohibition & Regulation) Act, the Factories Act and the Mines Act;
- (ii) coverage of families of Child Labour under the income/employment generating programmes under the overall aegis of anti-poverty programmes;
- (iii) formal/non-formal education of all Child Labour engaged in hazardous employment, and of as many child workers as possible as may be in non-hazardous employments;
- (iv) coordinating the activities of different Departments/Ministries of the Central Government and State Governments to benefit Child Labour;
- (v) setting up of special schools for child workers together with provision of vocational education/training in such special schools, supplementary nutrition, a

project-based action in areas of high concentration of Child Labour. It was in this context that the National Child Labour Project (NCLP) Scheme was initiated. The main thrust of the project was to reduce the incidence of Child Labour in the project-area, thereby encouraging the elimination of Child Labour progressively. To begin with, project activities were targeted at specific sectors of employment in nine districts where incidence of Child Labour was high and the nature of work was hazardous to the child's health. These were:

- (i) Match industry in Sivakasi, Tamil Nadu
- (ii) Precious Stone Polishing Industry in Jaipur, Rajasthan
- (iii) Glass industry in Ferozabad, Uttar Pradesh
- (iv) Brassware industry in Moradabad, Uttar Pradesh
- (v) Handmade Carpet Industry in Mirzapur-Bhadohi, Uttar Pradesh
- (vi) Lock-making Industry in Aligarh, Uttar Pradesh
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stipend to the children taken out from prohibited employments, and health care for all children attending such special schools.

The Ministry of Labour was designated as the nodal agency for the Child Labour projects. Each project was to be implemented under the general supervision and direction of the administrative head of the district where the project was located, i.e., the Collector of the concerned districts.

Institutional Framework for Monitoring and Implementation:

A Central Monitoring Committee was also set up for the overall supervision, monitoring and evaluation of various Child Labour projects under the National Child Labour Project under the Chairpersonship of Secretary, Ministry of Labour with representation from State Governments and concerned Ministries/Departments. This continues in the 10th Plan also. The State Governments have also been advised to set up State level Committees similar to the Central Monitoring Committees. Moreover, initiative has also been taken at the district and the State level to monitor the pace and progress of operationalization of NCLPs. Detailed instructions have been issued to project societies regarding the manner of operationalisation of projects, selection and training of teachers, curriculum, course contents and textual material, etc.

Strategy in the 10th Plan Period

The strategy for the 10th Plan is based on the outcome of the National Child Labour Conference held in January 2001 and the approach defined by the 'Working Group on Vulnerable Groups in the Labour Force such as Child Labour, bonded labour, migrant labour etc. constituted by the Government for the 10th Five-Year Plan.

In the 10th Plan, the policy and programmes for elimination of Child Labour would be continued in a more focused, integrated and convergent manner. The thrust of the strategy is on linking the Child Labour elimination efforts with the Scheme of



SSA of the Ministry of Human Resource Development. A detailed survey would be undertaken in the identified districts to collect information on working children clearly identifying those working in hazardous occupations. The survey would include a family profile. Lists of children working in non-hazardous occupations would be shared with the Department of Education to enable them to target the children under their existing schemes. Very young children between 5-8 years working in hazardous occupations and processes would be mainstreamed directly to formal schools in the area.

Under the National Child Labour Project (NCLP) Scheme, NCLP schools would target the children withdrawn from hazardous occupations and processes in the age group 9 - 14 years with the objective of mainstreaming them within a maximum period of three years to formal schools, or linking them with effective vocational training. The strategy envisaged expansion of the NCLP Scheme/ relocation of the existing projects to cover all Child Labour endemic districts.

The National Child Labour Project Scheme has been revised and extended to 150 new districts in the 10th Plan in addition to the existing 100 districts with an overall outlay of Rs. 662 crores. The Scheme has been dealt at length in the next Chapter.

Besides this, the 10th Plan Strategy has laid emphasis on strengthening formal school mechanism in the Child Labour endemic areas both in terms of quality and numbers in such a manner as to provide an attractive schooling system to the Child Labour force and its parents so that motivational level of the parents of the children remain high.

The 10th Plan underlines the need for convergence with other developmental programmes of the Government of India and the concerned State Governments such as that of Rural Development, Health and Women & Child Development as critical for the ultimate attainment of the objective of elimination of Child Labour in a time-bound manner.

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It also emphasizes the need for stepping up enforcement of the Child Labour (Prohibition and Regulation) Act, 1986 and for systematizing the monitoring system with effective involvement of the State Government to ensure that the project is able to attain its objectives within the given period. Equal importance has also been placed on continuous awareness generation through print, folk and electronic media and calls for requisite training and sensitization workshops at all levels. It also emphasizes the need for adequate follow-up of children mainstreamed to ensure that they are able to cope with the curriculum and aims at involvement of voluntary organizations at the district level.

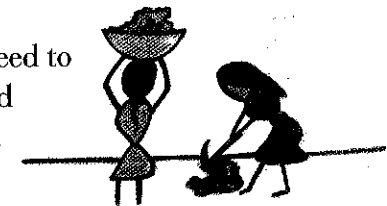


Chapter-III

National Child Labour Project (NCLP) Scheme

Project-based plan of action in areas of high concentration of Child Labour is an essential component of the National Policy on Child Labour, 1987. Initially, under the project-based action industry-specific interventions were introduced in nine districts. The focus was mainly on traditional industries such as lock-making in Aligarh, brass-ware industry in Moradabad, glass industry in Ferozabad, gem-cutting and polishing in Jaipur, slate industry in Mandsaur and Markapur and match industry in Sivakasi. The NCLP programme was, later, expanded to cover all hazardous occupations and processes as given in the Schedule of the CL (P&R) Act, 1986 in 100 districts across 13 Child Labour-endemic States by the end of the 9th Plan period.

The strategy for the 10th Plan emphasized the need to continue the programme for elimination of Child Labour in a more focused, integrated and convergent manner. It envisaged expansion of the Scheme/relocation of existing projects to cover all Child Labour endemic districts and also placed importance on revising and redesigning the scheme on the basis of the earlier experience to make it more effective and target-oriented. In keeping with the strategy, the NCLP Scheme was extended to cover 150 new districts.



A Committee was also set up to examine various issues relating to the implementation of the scheme in the 13 Child Labour-endemic States. The Inter-Ministerial Committee observed that NCLP was the most powerful intervention available to the Government for elimination of Child Labour. It was of the opinion

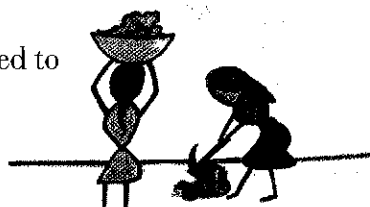
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that no specific model may be prescribed for adoption by different States/Districts as it may not be feasible for it to be replicated everywhere considering variations in State-level priorities and local environment. The Committee felt that the concerned district should be allowed to adapt the project according to its local environment. This would not only provide a considerable degree of flexibility in operationalizing the scheme but will also allow scope for various types of innovations and new experiments relating to different components of the scheme. Based on the discussions held by the Committee, a revised scheme was formulated. The broad features of the scheme are:

I. Target Group

The Target Group for the NCLP Scheme would be all children below 14 years of age and working in:

- (i) occupations and processes listed in the Schedule to the CL (P&R) Act, 1986; and/or (Annexure-A)
- (ii) occupations and processes, which adversely affect their health and psyche.

In the latter category, however, the hazardousness of the employment would have to be reasonably established.

II. Programme Component

NCLP programme addresses the issue of Child Labour through a number of parallel interventions, such as establishment of special schools, provision of vocational training and involvement of parents in various income and employment generating activities, etc. The major activities that are to be taken up under the project are given below:

- (i) survey to identify children in hazardous occupations and processes;
- (ii) withdrawal of the children from the factory/work environment through awareness generation and enforcement of the CL (P&R) Act, 1986;
- (iii) rehabilitation of children withdrawn from work through special schools established by the project society;



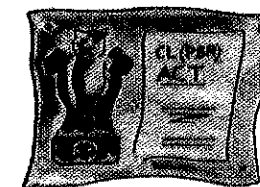
- (v) convergence with SSA of the Ministry of Human Resource Development and other developmental schemes of the different Departments of the Govt. of India and the State Government.

The various components of the NCLP programme are elaborated in the subsequent paragraphs.

(i) Survey to identify children in hazardous occupations and processes

The project societies are required to conduct survey to identify children working in hazardous occupations and processes. These children will then form the target group for the project society. Of the children identified, those in the age group 5 - 8 years will have to be mainstreamed directly to formal educational system through the SSA. Working children in the age group 9 - 14 years will have to be rehabilitated through the special schools established by the project society. During the 10th Five-Year Plan, the project societies are required to conduct at least two surveys. For this purpose, an amount of Rs. 2.75 lakh per survey per district has been provided during the Plan period.

(ii) Withdrawal of the children from the factory/ work environment through awareness generation and enforcement of the CL (P&R) Act, 1986



It is felt that a more focused and effective enforcement of the provisions of the CL (P&R) Act, 1986 needs to be put in place in the identified districts. Concerted and serious efforts should be made to enforce the Act at the State and district level. In order to achieve this objective, the enforcement machinery will have to be geared up and activated suitably. In this regard role of the State Government in ensuring enforcement of the Act will be important.

Besides enforcement, it is also necessary to prevent fresh entry of children in hazardous occupations and processes. This can be done by awakening the critical

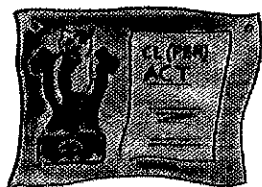
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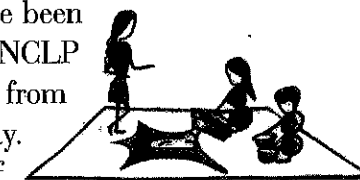
consciousness of public against the evils of Child Labour. The emphasis should be on sensitization of the parents, employers and the working children. This could be done by designing a year long calendar of activities which could include staging of nukkad natak, publicity through local radio programmes/wall posters/and by conducting rallies and other related events. During the 10th Plan a budgetary provisions amounting to Rs. 1.25 lakhs per year has been earmarked for this purpose in respect of each NCLP.

It is expected that with effective awareness generation activities and enforcement of the provisions of the Child Labour Act, it would be possible to prevent entry of children and also enable effective withdrawal of children from work/factory environment.

(iii) Rehabilitation of children withdrawn from work through special schools established by the project society

Rehabilitation of children working in hazardous occupations and processes in the age group 9-14 years is an important activity and a direct responsibility of the project authority. Project societies are required to set up Child Labour special schools (rehabilitation-cum-welfare centres) by encouraging voluntary efforts for imparting formal/non-formal education and vocational training. The children in the special schools are to be provided supplementary nutrition, stipend and health care services also.

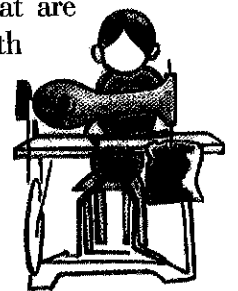
In the 10th Plan some of the above features have been improved upon to increase the effectiveness of the NCLP Scheme. The nutrition component has been doubled from Rs. 2.5 per child per day to Rs. 5 per child per day. Besides this, the procedure for disbursement of stipend has been modified. The amount has to be deposited in the Savings Account of the child every month but can be withdrawn by the beneficiary only at the time of mainstreaming.



Health aspects and vocational training have been greatly reinforced in the scheme. In so far as the health components are concerned, the project societies can now involve one doctor for every 20 schools at an honorarium of Rs. 5,000/- per month. This has been incorporated in the new scheme with a view to put in place an institutional mechanism that enables effective and regular health care check-ups of the children enrolled in special schools. The project societies would need to keep a health card in respect of every child admitted to the special schools for maintaining record relating to growth aspects of the child, including weight, height, etc. The doctors that are involved by the project societies, must on a regular basis, interact with the children and educate them about the importance of self-hygiene and sanitation. The focus of this component should be on educating the children and the immediate community about preventive and safety measures that can be taken to enjoy a healthy life.

Children enrolled in the special schools run by the NCLP societies are in the older age group 9 - 14 years and have also had previous work experience. Given this and the fact that many of them may not pursue higher education after completion of the schooling provided in the special schools, it was felt that the vocational training component should be further strengthened to enable them to derive a viable livelihood after completion of primary education. The earlier scheme provided for involvement of one vocational instructor for every special school. However, it was observed that trades in which training was being imparted mainly related to traditional skills such as embroidery, tailoring, etc. Most of the skills provided in the NCLP schools were based on the availability of skills in the district rather than on any market survey. Under the 10th Plan, in addition to the provision for one vocational instructor for each special school, a master trainer can now be involved by each NCLP district for imparting training to vocational instructors and children in skills/trades that are economically viable in the area. An amount of Rs. 5,000/- per month has been provided as honorarium for engaging a master trainer for each NCLP district.

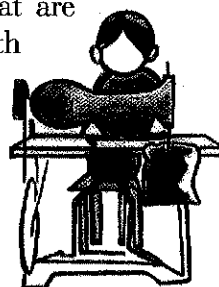
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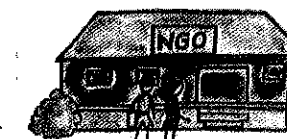
module/course material and for providing training to the vocational instructors/ children.

Besides this, with the view to improve the quality of teaching in the schools run by the project society, provisions has been made for training of educational instructors twice during the 10th Plan period. An amount of Rs. 1,500/- per teacher per training has been set aside for this purpose.

(iv) Convergence with SSA of the Ministry of Human Resource Development and other developmental schemes of the different Departments of the Govt. of India and the State Govt.

In the 10th Plan, Child Labour elimination efforts would be linked with the scheme of SSA of the Deptt. of Elementary and Literacy of Ministry of Human Resource Development. It is to be ensured that all children in the age group 5 - 8 years get directly linked to formal education system through a close and coordinated attempt with the SSA.

Apart from illiteracy, poverty and social backwardness are the major causes of Child Labour. It is, therefore, necessary to raise the economic standards of the parents of working children. This can be done by synergizing the Child Labour elimination efforts with various developmental/income generation scheme under implementation at the district level. A substantial number of parents could be covered under the Deptt. of Rural Development, self-employment and poverty alleviation schemes. In the context of the above objectives, concerted, focused and rigorous efforts at converging important activities at the Central Govt., State Govt. and the district level would need to be put in place. Similarly, convergence with other on-going Schemes of other deptts. such as Health, Women and Child Development, Social Welfare, Tribal Welfare and Labour would be critical for the ultimate attainment of the objectives of elimination of Child Labour in a time-bound manner.



III. Project Implementation

The entire project is required to be implemented through a registered society under the Chairmanship of the administrative head of the district, namely, District Magistrate/Collector of the district. Members of the society can be drawn from

concerned Government Departments, representatives of the Panchayat Raj Institutions, NGOs, Trade Unions, etc. A model composition of the district NCLP society is at Annexure-D.

The rehabilitation of Child Labour calls for a lot of voluntarism and a high level of motivation on the part of those implementing the scheme. Therefore, the running of special schools be entrusted to good, reliable and reputed non-governmental organizations, including Panchayati Raj Institutions and Trade Unions. Experiment of running special schools through small implementing agencies like Yuvak Sangh, Women's Group, Village Club, Youth Club, etc. have been found to be successful. Implementing agencies, with adequate checks and balances, should be encouraged by the project societies to take up running of the special schools. In case adequate number of good NGOs or implementing agencies are not available, the centres could be run by the project society only as a temporary measure. However, running of these special schools should be progressively passed on to NGOs and other implementing agencies. The project societies can draw up their own criteria regarding the eligibility of NGOs for associating them in the project activities.

IV. Monitoring and Evaluation

Regular monitoring at the Central, State and district level is important for effective implementation of the project. At the national level, a Central Monitoring Committee has been set up under the Chairpersonship of Union Labour and Employment Secretary for overall supervision, monitoring and evaluation of various Child Labour projects. At the district level, the Chairperson should review the functioning of the project continuously.

The functioning of the Child Labour projects are to be monitored and reviewed at the State level by the State Department of Labour (or any other designated Department). In addition, the State Governments are expected to oversee the enforcement of protective legal provisions and act as a focal point for Child Labour issues in the State. They will be instrumental in the coordination of the developmental programmes for the benefit of the Child Labour which is an essential

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part of the National Child Labour Policy. Apart from regular monitoring of the projects, periodic evaluations are required to be undertaken to take mid-course corrective measures and also to assess the overall efficacy of the projects.

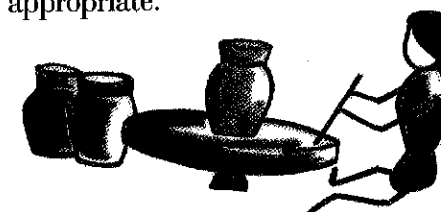
There are a number of areas in which the intervention of the State Government is essential. Few of them are illustrated below:

- (i) Finalization of a uniform curriculum, course content and textual material through involvement of the Deptt. of Education, SCERT, DIET, etc.
- (ii) Coordination with the State Education Deptt. for facilitating enrolment of children passing out of the special schools/rehabilitation centres into the formal education system.
- (iii) Finalization of craft and pre-vocational training module for children enrolled in the special schools.
- (iv) Ensuring inspection of the Child Labour projects and sending periodic (at least once a year) inspection reports to the Ministry of Labour & Employment.
- (v) Regular interaction with project societies for ensuring timely submission of Audited Accounts and Utilization Certificates by the project societies.

The State Government must review the progress in the implementation of the Child Labour programme on a periodic basis.

- (vi) Brief training of the volunteers by way of orientation programmes.

(vii) NCLPs are demonstrative projects, which cover limited number of working children, State Government should find ways and means for rehabilitating other working children either through their enrolment in the formal system or through any other methods deemed appropriate.



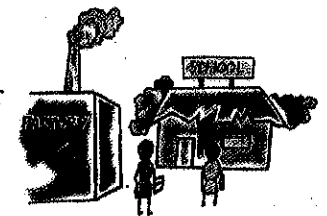
Chapter-IV

Guidelines for Operationalization of the NCLPs

NCLP society is registered under the Societies Registration Act, 1860 and functions under the overall Chairpersonship of District Collector. The District Collector is assisted by the members of the project society who could be drawn from concerned Govt. Departments in the district, prominent NGOs/trade unions of the area and have representation from the parents of the beneficiaries. Model composition of the district NCLP Society is at Annexure-D.

The objective of the NCLP Society is to withdraw working children in the age group 5 - 14 years from hazardous occupations and processes and mainstream them into the formal education system. This involves two major functions. First, working children in the age group 5 - 9 years are required to be mainstreamed directly to the formal education system through the Sarva Siksha Abhiyan (SSA) of the Ministry of Human Resource Development. This will require coordination on the part of the project society with the District Education Deptt. Second, identified children in the age group 9 - 14 years will need to be withdrawn from work/factory environment and rehabilitated through the special schools run by the project society and finally mainstreamed into the formal education system. The project officials need to interact extensively and consistently with the Education Department so that children of the special schools can be mainstreamed into the formal government school system smoothly.

The steps that the project society will need to follow for achieving its objective are elaborated in the subsequent paragraphs.



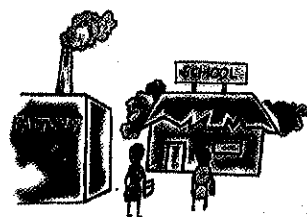
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Registration of NCLP Society

Once the NCLP Society is constituted & registered, a copy of the Registration Certificate needs to be sent to the Ministry of Labour & Employment requesting to release funds for setting up Project Society Office & conducting Child Labour Survey in the District.

Setting up a Project Society Office

Following staff is required to man a Project Society office:

(a) A Project Director, who would be overall in-charge of the Project for effective implementation & coordination with the District & other authorities. He may preferably be a State Government Official on deputation, as it would help in better coordination of activities with State Government machinery.

(b) Two Field Officers to assist the Project Director in implementing the Project. They will make frequent visits to the Project area & ensure that the different components of programme are properly implemented. These field officers will be designated as Labour Inspectors so that they can also enforce the provisions of the various Labour laws relating to Child Labour.

(c) A Clerk-cum-Accountant to keep the records and accounts of the project in the Project Director's office.

(d) A Stenographer to assist the Project Director.

(e) A Peon in the office of the Project Director.

It is expected that only well qualified staff is engaged for Project Society Office. Since the project is set up for a limited duration only the project staff is not to be regarded as permanent. The temporary & contractual nature of their assignments must be categorically mentioned while engaging these personnel so that they do not make a claim for their regularization in future.

Survey

Survey is the starting point for the Child Labour project. The project society must conduct the survey in the project area to determine the target group. The survey should ordinarily provide information on the magnitude of Child Labour, its classification by occupations, age and its geographical distribution. Information on other aspects like economic conditions of parents and access to primary education are also important.

The survey can be conducted under the Chairpersonship of District Collector/Magistrate and may comprise of officers of other relevant departments such as Labour, Education, Women & Child Development, Health and involve civil society organizations. As far as possible, the figures collected by the SSA on the number of 'children not going to school should be made the starting point for this survey.

The children in the age group 5 – 9 years working in the hazardous occupations as identified by the survey should be linked with the SSA of the Education Deptt. and mainstreamed to formal education system directly. The project society should also send the survey results through the concerned State Govt. to the Ministry of Labour & Employment along with a concrete action plan including the number of special schools that they wish to run for the children in the age group 9 - 14 years working in hazardous occupations and processes. The Ministry, on the basis of the survey results and the action plan formulated by the district project society, will determine the number of special schools that can be sanctioned to the district. Survey should be conducted on regular intervals by all the project societies to assess the impact of the project.

Enforcement of the Child Labour (Prohibition & Regulation) Act, 1986

A Strict and effective enforcement of the legal provisions relating to child labour under the Child Labour (Prohibition & Regulation) Act, 1986 and other legislations such as the Factories Act, 1949 is necessary for withdrawing children from



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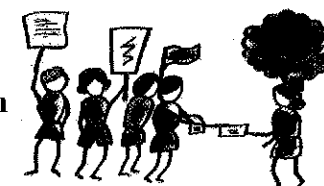
work and also prevent fresh entry of children in hazardous occupations and processes. In this regard the role of the State Government is very crucial.

Section 3 of the Child Labour (Prohibition & Regulation) Act, 1986 prohibits employment of children in any of the occupations and processes set forth in the Schedule of the Act. Contravention of the provisions of Section 3 is punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with a fine which shall not be less than Rs. 10,000/- but which may extend to two years (Section 14). This along with the Supreme Court directions as given in the Writ Petition (Civil) No. 465/1986 can form the basis of the enforcement.

Awareness Generation

After identification of the target group, the project staff will need to sensitize the parents, employers and the children themselves about the need for schooling. The project society can, through nukkad nataks, street plays, exhibitions, rallies and constant interaction with the local communities/panchayats, create awakening among the society against Child Labour and impress upon them about the need for education. Other activities that can be taken up by the society includes display of posters/banners and stickers at vantage points. Project society can also mobilize support for Child Labour elimination efforts by giving adequate publicity to success stories of rehabilitated children through local media/magazines.

Special Schools/Learning-cum-Rehabilitation Centres



Rehabilitation of working children in the age group of 9 - 14 years through the special schools is the most important component of the project. The project society can involve reliable and reputed NGOs including Panchayati Raj Institutions/Trade Unions/Self-Help Groups, etc. for running the schools. In case an adequate number of NGOs or other implementing agencies are not available, the

special schools could be run by the project societies themselves. However, running of these schools should be progressively passed on to the NGOs and other implementing agencies.

Location of schools and selection of committed instructors is extremely important for the success of the scheme. The schools need to be opened in areas which are easily accessible to the target group. The teaching volunteers for the special schools and other staff of the project society should be engaged and will be paid a consolidated amount of honorarium for their services which are voluntary in nature. The volunteers should be from the local community/village where the special school is located and should be engaged by the implementing agency/NGOs. The criteria for their selection would be their commitment to the cause of community service. The project society can prescribe a minimum level of qualification for the teaching instructors.

The project society/implementing agencies are permitted some amount of **flexibility in terms of timing and duration of special schools** with a view to ensure reduction in the number of children going to work. The timing of the special schools should be adjusted to suit the convenience of the children who are the target group under the project. The duration of the special schools could be around five hours a day. While deciding on the timing, duration and working hours of the volunteers, the project society must keep in view the convenience of the target group and the objective of the project. As far as possible the special schools should remain open six days a week throughout the year. Long holidays should be avoided.

The scheme allows the project society to rent **suitable accommodation** for housing the special schools. If a situation arises where building and other infrastructure for special schools are not available in a particular area in the district, the special schools could also be run in the buildings of the regular schools after regular school hours are over.

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To bring about effective mainstreaming, it is important that all the project components such as provision of stipend, nutrition, health facilities, involvement of

educational/vocational instructors and master trainers are implemented by the project society. Children in the special schools need to be served **cooked nutritious meal on a daily basis**. While a provision of Rs. 5 per child per day has been made for this purpose, the project society can converge with other developmental programmes being implemented at the district level and provide better nutrition to their children than otherwise possible.



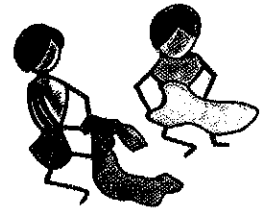
Every child in the special school has to be paid a stipend of Rs. 100/- per month. The amount has to be deposited in the Savings Account opened in the Post Office/Bank in the name of the child on a monthly basis. The accumulated amount can be withdrawn by the beneficiary only at the time of mainstreaming. The Chairperson should devise a mechanism which ensures that the stipend amount reaches the beneficiary only. Delay in disbursement of the stipend amount has been noticed despite the availability of adequate funds with the project society. This needs to be addressed on priority.

The project society should ensure regular **health check-ups** of the children enrolled in special schools. The scheme provides for involvement of one doctor for every 20 special schools of 50 children each. Health check-ups should primarily be carried out with the intention of teaching the children rudimentary sanitary lessons. It should also carry out check-up of very common growth related ailments and health problems typical for Child Labour. In addition to this, the health facilities available through the district administration should also be provided to the children. Health card in respect of every child should be available at the school for necessary entries. The NCLP Society has the freedom to use the funds meant for health check-up if the services of doctors are available on a voluntary basis for counselling, etc.

Every special school of 50 children must involve two **educational instructors**. The project society must ensure that the posts do not remain vacant. The teaching volunteers need to be provided adequate training at the district/State level with the help of DIETs/DRUs or any other institute of repute. The scheme

provides for regular reinforcement to sensitize teaching volunteers on the special needs of the children enrolled in special schools and to enable the teachers to create a joyful learning environment.

Educational and vocational material is very important for creating a conducive learning environment. An amount of Rs. 10,000 per special school per year has been set aside for provision of educational and vocational material. This should be adequately and effectively utilized so that sufficient and good quality learning material is available to facilitate the intellectual enhancement and skill development of the children enrolled in the schools.



Vocational training has been given special emphasis in the scheme. The reason is that the children enrolled are mainly in the older age group of 9 -14 years and have had previous work experience. It was also felt that choice of vocational training should be available to those children who wish to take up skill-based work after the initial training in the special schools. In view of this, in addition to one vocational instructor for a special school of 50 children each, a master trainer for the district has also been provided for imparting training to vocational instructors/children in skills/trades that are economically viable in the area. Project society can involve such craftsman/trainers from local ITIs or other vocational institutions for developing a training module and for providing training to the beneficiaries in accordance with the market requirements.

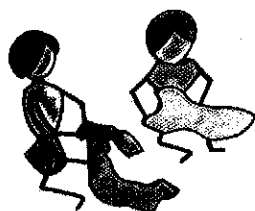
In addition to the above, every special school must maintain a **profile of the children** enrolled in the school and should also develop a **mechanism for tracking** the children who are finally mainstreamed to formal schools. It would help in reducing their chances of dropping out from the formal schools in future.

Curriculum

The curriculum, course content and textual material should be finalized at the district/State level by associating the Deptt. of Education of the concerned State,

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SCERT, DIET, DRU and Non-Governmental Organizations working in the field of Child Labour and other related areas. Finalization of craft and pre-vocational training of children should also be done at the district level. The District Child Labour Societies have been provided the freedom to decide the nature of the course content based on the ground conditions. As far as possible the curriculum for the special schools should be so developed as to create a joyful learning environment and also enable the children to get mainstreamed into regular schools easily.

Staffing Pattern: Project Society & Special Schools

The project society will implement all project components in the district under the Chairpersonship of the District Collector/Magistrate. The Project Director will have the direct responsibility for implementing the project under the overall supervision and guidance of the Chairperson. The Project Director will be required to coordinate with the concerned department and the implementing partners such as NGOs to enable smooth execution of the project activities. He will also be required to maintain regular interface with the District Collector/Magistrate and apprise him about the developments. In view of this, it may be preferable to have a full time Project Director.



At the project society level, as already mentioned earlier, the Project Director will be assisted by two field officers, one Clerk-cum-Accountant, one Steno/Data Entry Operator and a Peon. The project staff including the Project Director will be involved completely on a voluntary basis. The honorarium for the project staff as per the 10th Plan is at Annexure-F. Since the districts where NCLP Scheme were functioning during the 9th Plan were allowed purchase of vehicle for the project office, provision of 'honorarium for driver' will continue for them in the 10th Plan also. However, in respect of the new NCLPs which were added in the 10th Plan, a lump sum has been provided for hiring vehicle as and when required by the project society. Provision of honorarium for the driver, therefore, does not arise for the new NCLPs.

At the special school level, for every special school of 50 children the scheme provides for two Educational Instructors, one Vocational Instructor, one Clerk-cum-Accountant and one Peon/Helper. The details about the honorarium to be paid to the volunteers involved in the special school are at Annexure-G.

In addition to the above, the scheme also provides for one master trainer at the district level and one doctor for every 20 special schools.

Convergence of Services

The basic idea underlying convergence is pooling of resources from a variety of sources and integrating them skillfully to achieve the desired results. Given the magnitude of Child Labour, concerted efforts are required from all concerned and there is a need to dovetail resources from related programmes of other Departments to enhance the benefits to the identified children and their families.



Ministry of Human Resource Development is implementing the Scheme of Sarva Siksha Abhiyan (SSA). Child Labour elimination efforts need to be linked with this larger scheme. This will not only improve the outcomes of the NCLP programme but also lead to efficient utilization of resources. Project society must coordinate with the Education Department and enroll children in the age group of 5 - 8 years working in hazardous occupations and processes in the formal schools run under the SSA.

Poverty is an important factor contributing towards the presence of Child Labour. It is necessary to effect convergence of various developmental programmes under implementation at the district level for the benefit of the working children and their parents.

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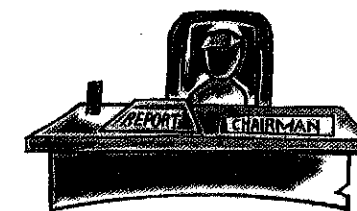
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Convergence will entail a certain amount of flexibility in the scheme. The State Governments and the concerned districts could adapt the programme to the local requirements.

However, funds released by Government of India should be accounted for in accordance with the guidelines issued from time to time. Details on accounting issues are given in Chapter-V.

Inspection

The project must be inspected at intervals. This can be done at the level of the State Government and also by the district administration. The inspecting officers should be conversant with the implementation of the social sector programmes. The inspection report should be submitted to the Chairperson of the respective project society who would then submit the report to the State Govt. and the Ministry of Labour & Employment, after giving his observations on the report.



Submission of Progress Reports

Progress reports are to be furnished by the project societies to enable the Ministry of Labour & Employment to assess the progress in the implementation of the project. This will also form the basis for further release of funds. The project society is required to submit the following reports.

- (i) Quarterly Progress Reports (QPRs) within 15 days of completion of each quarter, i.e., April-June, July-September, October-December, and January-March (Annexure-I);
- (ii) Accounts of the Project for a financial year should be got audited by the Chartered Accountant immediately after 31st March. Thereafter, a complete set of Audited Statement of Accounts, i.e., Income & Expenditure Account,

Receipt & Payment Account, Balance-sheet and Utilization Certificate for that financial year, duly signed by the Chartered Accountant and countersigned by the Chairperson, should reach the Ministry not later than 31st July of the next financial year (Appendix- 2 - 5).

- (iii) Annual progress report at the end of each financial year (Annexure-H); and
- (iv) Inspection Report, as and when it is carried out by the District/State Administration. It is desirable that the State Labour Department conduct at least one inspection of each project every year.

Role of State Government

Child Labour is a subject on which both the Central and the State Governments have joint responsibilities. Child Labour Elimination programme is a national programme and must be supported by both Central and State Governments which in turn must involve other stake holders such as related Ministries/Departments, Non-Governmental/Civil Society Organizations.

The District Magistrates/Collectors who are Chairpersons of the project society come directly under the control of the State Government. The Labour Department or any other designated Department of the State Government would be required to supervise the implementation of the NCLP Scheme. The State Government is free to organize interventions like awareness generation, survey and teachers training as per their requirement.

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Chapter-V

Financial Matters

Regulating the finances of the project society is central to the smooth running of the Child Labour project. Departure from the prescribed procedures results in delay in release of funds and derails the functioning of the project. The project society must ensure the following while incurring expenditure:

(i) All financial matters relating to release and utilization of funds should conform to the provisions of the General Financial Rules and Terms & Conditions of the Grants-in-aid;

(ii) Grants in aid released to the project societies should be utilized exclusively for the purpose for which it has been sanctioned and should be in accordance with the item-wise Approved annual budget;



(iii) No departure in the expenditure from the approved budget is permissible, except with prior and specific approval of the Ministry of Labour & Employment;

(iv) Expenditure in deviation from the approved budget can be a cause for disciplinary action and may result in recovery of the amount with interest;

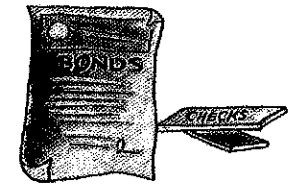
(v) Interest earned on the grants given to the project society will also be treated as a grant from the Ministry of Labour & Employment. This amount should be utilized only for the approved items of expenditure;

vi) Some project societies funded by the Ministry of Labour & Employment are

also receiving funds/grants from other organizations for enriching the quality and content of the Child Labour Rehabilitation Programme. While this is encouraged, such assistance should not be clubbed with the funds received from the Ministry of Labour & Employment and should be accounted for separately. The project societies are accountable to Ministry of Labour & Employment in respect of funds released by the Ministry;

(vii) As per the terms and conditions of Grants-in Aid, the account of the organization concerned shall be open to test checks by Comptroller and Auditor General of India or by the representatives of the Ministry's Internal Audit Wing. Accordingly, the officials of the Ministry's Internal Audit Wing will be visiting the project societies from time to time. The accounts of the project society should be provided to the team of Internal Audit Wing for check during their visit to the society;

(viii) The Grantee Institutions/Project Societies should maintain a Register of Assets in respect of all the assets purchased out of Government's grants;



Financial Statements

The project society is required to furnish the following financial documents on a regular basis. Details in respect of these documents are given in the following paragraphs:

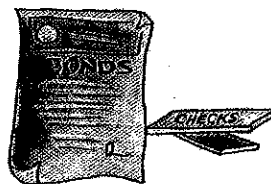
(i) **Agreement Bond:** The Project Society should send separate Agreement Bonds in respect of each grant released to the Project Society. Format for the Agreement Bond is given in the Appendix-I.

(ii) **Audited Account:** The Project Societies should have their account audited immediately after the closure of the financial year. The audited Statement of Accounts furnished by the Project Society should be signed by the Chartered Accountant and countersigned by the Chairperson of the Project Society. Certain issues pertaining to

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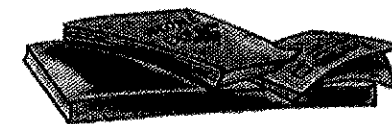
the audited accounts need further clarification. These are given below:

(1) **Receipt and Payment Account:** The receipt side of the receipt and payment account reflects the grants received as well as the interest earned thereon. Receipts from donations and sources others than Ministry of Labour & Employment should be shown separately. It should not be clubbed with the fund released by the Ministry of Labour & Employment. Payment side of the Receipt and Payment accounts will indicate the actual payments made under each item of the project (Appendix-2).

(2) **Balance Sheet:** Balance sheet forms a part of the Audited Accounts. If any expenditure could not be met because of paucity of funds in a particular year, the same should be reflected in the liability side of the balance sheet (Appendix-3).

(3) Income and Expenditure Statement:

The admissibility of expenditure incurred by the Project Society is assessed on the basis of the Income and Expenditure Statement. Therefore, the income and expenditure statement should indicate expenditure on different items approved for the Project Society (Appendix-4).



(a) The grants received from the Ministry of Labour & Employment as well as the interest earned on these grants should be reflected on the income side of the income and expenditure statement. Funds are generally released to the project society for four purposes.

- (i) Project Fund: This is for meeting the expenditure of the Project Society and the special schools.
- (ii) Survey
- (iii) Awareness Generation
- (iv) Teachers Training

The grants released from the Ministry for the above purposes are to be deposited in the Savings Bank Account of the Project Society opened specifically for the purpose. The interest earned on the unutilized amount will form a part of the grants-in-aid from the Ministry. The funds needed by the Ministry and the interest earned will form the income of the Project Society.

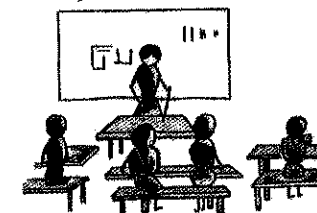
(b) On the expenditure side, there are four distinct heads of expenditure. These are expenditure are connected with the following:

1. Expenditure on Project Society and special schools; in other words, project expenditure.

1. Survey

2. Awareness generation

3. Teachers Training



(c) While the amount released for survey, awareness generation and teachers training have no further sub-heads of approved expenditure, the amount released for project expenditure has further distinct approved sub-heads or items of expenditure. The broad grouping and under this head are expenditure for project society and special schools. Under the project society, the expenditure are for staff salary, honorarium to 'doctor and 'master trainer, 'office & support expenses and 'non-recurring/one time expenditure like vehicle and furniture. In case of the special schools, the different sub-heads of expenditure are "honorarium to educational and vocational instructors", "salary to the clerk-cum-accountant" and peon, 'nutrition, 'stipend, 'educational and vocational material, 'rent, water & electricity, and 'contingency.

(d) The expenditure side of the income and expenditure statement must show actual expenditure of the project with regard to the above approved items of expenditure.

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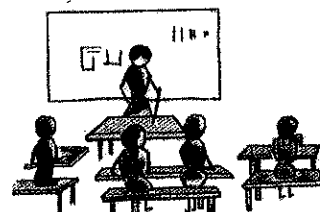
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3. Teachers Training



(c) While the amount released for survey, awareness generation and teachers training have no further sub-heads of approved expenditure, the amount released for project expenditure has further distinct approved sub-heads or items of expenditure. The broad grouping and under this head are expenditure for project society and special schools. Under the project society, the expenditure are for staff salary, honorarium to 'doctor and 'master trainer, 'office & support expenses and 'non-recurring/one time expenditure like vehicle and furniture. In case of the special schools, the different sub-heads of expenditure are "honorarium to educational and vocational instructors", "salary to the clerk-cum-accountant" and peon, 'nutrition, 'stipend, 'educational and vocational material, 'rent, water & electricity, and 'contingency.

(d) The expenditure side of the income and expenditure statement must show actual expenditure of the project with regard to the above approved items of expenditure.

(c) The project society is expected to submit four types of Income and Expenditure Statements, viz, for Project expenditure, survey teachers training, and awareness generation. Formats for Income and Expenditure Statement can be seen at Appendix-2 - 5.

(f) In many cases, it has been noticed that expenditure both recurring and non-recurring has not been shown on the expenditure side of the Income & Expenditure statement, while it has been shown on the payment side of the Receipt and Payment Account. It is clarified that all expenditure items are to be shown on the expenditure side of Income and Expenditure Statement also.

(g) Doubts have been raised whether TA/DA of the officials of the Project Society for the project work could be met out from the office expenses. It is clarified that such expenses could be met out of the office expenses subject to condition that the overall expenditure is limited to the approved budget for the particular head.

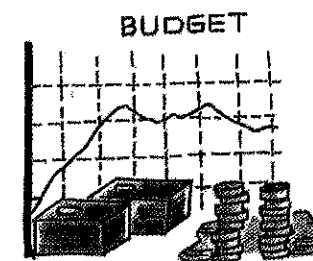
(h) Journey of the Project functionaries by air is not permitted unless there is a prior approval of the Ministry of Labour & Employment.

(i) Amount of unutilized balance lying with the Project Society must be reflected in their quarterly reports (as per the revised format).

Points to follow for filing of Income, - Expenditure Statements:

(i) The Project Society is expected to submit four types of Income and Expenditure Statements, namely, for project expenditure, survey, awareness generation and teachers training.

(ii) For calculating the admissible grant for a particular year, the item-wise actual expenditure will be compared against the approved budget. The guiding principle is that the admissible expenditure is limited to



the approved budget for that item of expenditure or the actual expenditure, whichever is less. The transfer of fund from one item of expenditure to another item is not permissible.

(iii) The actual expenditure for these components should not exceed the approved item-wise budget.

(iv) If the actual expenditure is more than the approved budget in a particular year because it includes some committed expenditure for the previous year, which could not be met because of paucity of funds in the previous year. This should be shown in liability side of the balance sheet of the previous year and if not shown, can be shown in the Income & Expenditure Statement of the subsequent year separately indicating it as an outstanding expenditure of the previous year. If it is clearly established that this amount is committed expenditure which could not be paid during the previous year, the actual expenditure even though is more than approved budget, will be treated as admissible expenditure.

(v) In case the expenditure is less than the approved budget, the admissible expenditure will be limited to the actual expenditure.

In the event of (v) above, the project society should clarify the position as to why the actual expenditure is more than the approved budget in respect of a particular item. Responsibility will be fixed incurring expenditure in violation of the approved budget.

(4) Utilization Certificate:

As per the terms and conditions of the grants-in-aid, the grantee institutions/project societies are expected to submit Utilization Certificates in the prescribed format along with Audited accounts (Appendix-5). The guiding principles for filing Utilization Certificate are given as under:

(a) Utilization Certificate which are required to be furnished by the Project Society should be in the prescribed format. Format of Utilization Certificate is given at Appendix-6.

the approved budget for that item of expenditure or the actual expenditure, whichever is less. The transfer of fund from one item of expenditure to another item is not permissible.

(iii) The actual expenditure for these components should not exceed the approved item-wise budget.

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(v) In case the expenditure is less than the approved budget, the admissible expenditure will be limited to the actual expenditure.

In the event of (v) above, the project society should clarify the position as to why the actual expenditure is more than the approved budget in respect of a particular item. Responsibility will be fixed incurring expenditure in violation of the approved budget.

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As per the terms and conditions of the grants-in-aid, the grantee institutions/project societies are expected to submit Utilization Certificates in the prescribed format along with Audited accounts (Appendix-5). The guiding principles for filing Utilization Certificate are given as under:

(a) Utilization Certificate which are required to be furnished by the Project Society should be in the prescribed format. Format of Utilization Certificate is given at Appendix-6.

(b) Separate Utilization Certificate should be furnished financial year-wise separately in respect of different categories of grants like project fund, survey, awareness generation and teachers training. Consolidated utilization certificate cannot be accepted.

(c) Utilization Certificate should refer to the funds actually received by the project society in a particular financial year out of which expenditure is incurred. For instance, the sanction letter for the release of funds might have been issued in the year 2003-04, but the actual realisation of the amount and utilization could be in the year 2004-05. In such cases, the utilization certificates of a particular year i.e. 2004-05 can refer to the sanction letter of a previous year 2003-04.

(d) Utilization Certificate furnished by the Project Society should be signed by the Chartered Accountant of the Project Society and countersigned by the District Collector-cum-Chairman of the Project Society.

(e) Generally the following lacunae are found in the Utilization Certificate furnished by the project societies:

(i) In the left side box of the Utilization Certificate, sanction letter number & date and the amount sanctioned including the interest earned should invariably be indicated. Instead of that, it has been noticed that Demand Draft No. & date and amount are mentioned.

(ii) The kind of checks exercised should be indicated. The kind of checks could be checking of vouchers, receipt, cash book, ledger, bank account, bank pass book, Register of assets, linking with previous year's balance sheet and other subsidiary records, etc.

(iii) Many a times, "grants utilized for the purpose" are not indicated in the proforma and only 'NIL' or 'X' or '-' signs are indicated. All blank spaces are to be filled up.

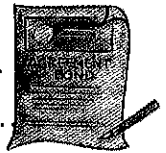


Appendix -1

AGREEMENT BOND

1. Know all men by these presents that we the (name of the organization) (nature of the society) and having its office the State of (hereinafter called the 'obligors' which term shall unless excluded by or repugnant of the context be deemed to include its successors, permitted assignees and all persons entitled to and capable of disposing off the assets and properties of the obligors are held and firmly bound to the President of India (hereinafter called 'Government which term shall unless excluded by or repugnant to the context be deemed to include his successors and assignees) in the sum of Rs. (Rupees.) with interest thereon at the rate of six per cent per annum from the date of receipt of the amount by the obligors up to the date of refund thereof to the Government of India well and truly to be paid to the Government on demand and without a demur of which payment we firmly bind ourselves by these presents.

Signed this day of in the year
One Thousand and Nine Hundred Ninety



2. Whereas on the obligors request the Government has as per Government of India, Ministry of Labour & Employment, Letter No. dated (hereinafter referred to as the "Letter of Sanction") which forms an integral part of these presents and a copy whereof is annexed thereto and marked with the letter 'A' agreed to make in favour of the obligors for the purpose of grant of Rs. (Rupees.) on condition of the obligors executing bond in the terms and manner contained hereinafter which the obligors have agreed to do.

Appendix -1

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3. The organization agrees and undertakes to surrender/pay to Government the monetary value of all such pecuniary or other benefits upon unauthorized use (such as letting out the premises for less than adequate consideration or use of the premises for any purpose other than that for which the grant is intended for the property/building created required/constructed largely from out of Government grant). The decision of the Secretary to the Government of India in the Ministry concerned as regards the monetary value aforementioned to be surrendered/paid to the Government will be final and be binding on the organization.

4. Now the condition of the above-written obligation is such that if the obligors duly fulfil and comply with all the terms and conditions mentioned in the letter of sanction the above, written bond obligation shall be void and no effect, but otherwise shall remain in full force effect and virtue.

And those present further witness as under :-

(i) The decision of the Secretary to the Government of India to the Ministry of Labour & Employment on the question whether there has been breach or violation of any of the terms conditions mentioned in the letter of sanction shall be final and binding on the obligors.

(ii) The obligors shall, in the event of breach of violation of any of the terms and conditions mentioned in the letter of sanction, refund to the Government on demand and without demur the entire amount of Rs(Rupees.....) or such part thereof as may be mentioned in the notice of demand issued by the Government alongwith interest thereon at the rate of 6% (six per cent) per annum from the date of receipt of the amount by the obligors upto the date refund thereof to the Government.

(iii) The Government have agreed to bear the stamp duty, if any, chargeable on these presents.

In witness whereof these presents have been executed on behalf of the obligors the day and year hereinabove written and accepted for an on behalf of the President

of India by Sh./Smt.....Under
Secretary/ Deputy Secretary, Government of India, Ministry of Labour & Employment
on the date and year appearing against his signature.

Signed for and on behalf
Of obligors in the presence

1. Witness

.....
(Name and Address)

.....
(Signature and name in capital letters)

Designation and Official Seal
of Organisation/Institution.

2. Witness

(Name and Address)

Accepted for and on behalf
of the President of India

Under/Deputy Secretary to the
Government of India,
Ministry of Labour & Employment, New Delhi

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Under/Deputy Secretary to the
Government of India,
Ministry of Labour & Employment, New Delhi

Appendix - 2

RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDING ...

Receipts	Rs.			Payments	Rs.		
	Receipts for previous year/Advance	Receipts for the year	Total		Outstanding Payment Of previous year	Payment for the year	Total
A. Grants received from the Ministry of Labour :				A. Project Society:			
B. Interest Earned:				(i) Staff Salary (As per details given in annexure)			
C. Other receipts:				(ii) Office & Support Exp.			
				(iii) Furniture			
				(iv) Vehicle			
				B. Special Schools :			
				(i) Staff Honorarium (as per details given in annexure)			
				(ii) Stipend:			
				(iii) Nutrition			
				(iv) Rent & Water/ Electricity:			
				(v) Educational & Vocational Materials:			
				(vi) Contingencies:			
Total				Total			

Appendix - 3

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDING

Expenditure	Rs.			Income	Rs.		
	Paid for the year	Payable/ Outstanding for the year(s)	Total		Previous year's/ Advance Income	Income for 2003-04	Total
A. Project Society:				A. Grants received from the Ministry of Labour:			
(i) Staff Salary							
(ii) Office & Support Exp.				B. Interest Earned:			
(iii) Furniture							
(iv) Vehicle				C. Other Income:			
B. Special Schools:							
(i) Staff Honorarium :							
(ii) Stipend :							
(iii) Nutrition							
(iv) Rent & Water/ Electricity :							
(v) Educational & Vocational Materials :							
(vi) Contingencies:							
Total				Total			

Appendix - 3

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDING

Expenditure	Rs.			Income	Rs.		
	Paid for the year	Payable/ Outstanding for the year(s)	Total		Previous year's/ Advance Income	Income for 2003-04	Total
A. Project Society: (i) Staff Salary (ii) Office & Support Exp. (iii) Furniture (iv) Vehicle				A. Grants received from the Ministry of Labour:			
B. Special Schools: (i) Staff Honorarium : (ii) Stipend : (iii) Nutrition (iv) Rent & Water/ Electricity : (v) Educational & Vocational Materials : (vi) Contingencies:				B. Interest Earned: C. Other Income:			
Total				Total			

Appendix - 4

BALANCE SHEET AS ON IN RESPECT OF NCLP-.....

Liabilities	Rs.	Assets	Rs.
A. Liabilities: B. Current Liabilities/Outstanding: I. Project Society: (i) Staff Salary (ii) Office & Support Exp. (iii) Furniture (iv) Vehicle (v) Honorarium to Doctors (vi) Teachers Training (Edu) (vii) Master Trainer (voca) II. Special Schools: (i) Staff Honorarium: (ii) Stipend: (iii) Nutrition (iv) Rent & Water/Electricity: (v) Educational & Vocational Materials: (vi) Contingencies:		Assets :	
Total		Total	

Appendix - 5

UTILIZATION CERTIFICATE (in respect of grants released for Survey/ Awareness Generation/ Special Schools/ Teachers Training.

Accounting Year _____
Form GFR 19 -A

Sl.No.	Letter No. Date	Amount (Rs.)	Certified that out of Rs.....of grants-in-aid sanctioned during the year.....in favour of under this Ministry's letter no. given in the margin and Rs.....on account of unspent balance of the previous year, a sum of Rs.....has been utilized for the purpose of.....for which it was sanctioned and that the balance of Rs..... remaining unutilized at the end of the year has been surrendered to Government (vide No..... dated)* / will be adjusted towards the grants-in-aid payable during the next year.
1.	Opening Balance as on.....		
2.	Grants received during the year		
3.	Interest earned on the grants-In-aid		

3. Certified that I have satisfied myself that the conditions on which the grants-in-aid was sanctioned have been duly fulfilled/are fulfilled and that I have exercised the following checks to see that the money was actually utilised for the purpose for which it was sanctioned.

Kinds of checks exercised

- 1.
- 2.
- 3.
- 4.

(Countersigned by Collector & Chairman)

Signature of C.A.....
Designation.....
Date.....

Appendix - 5

UTILIZATION CERTIFICATE
(in respect of grants released for Survey/
Awareness Generation/ Special
Schools/ Teachers Training.

Accounting Year _____
Form GFR 19 -A

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2.	Grants received during the year		
3.	Interest earned on the grants-In-aid		

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Kinds of checks exercised

- 1.
- 2.
- 3.
- 4.

(Countersigned by Collector & Chairman)

Signature of C.A.....
Designation.....
Date.....

Annexure - A

The Child Labour (Prohibition and Regulation) Act, 1986 and Rules

(Act No. 61 of 1986)

[23rd December, 1986]

An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments



Be it enacted by Parliament in the Thirty-Seventh Year of the Republic of India as follows:

Comments

Social and beneficial legislation – Social legislation is designed to protect the interest of a class of society who, because of their economic conditions, deserves such protection. With a view to pass the test of reasonable classification there must exist intelligible differntia between persons or thing grouped together from those who have been left out and there must by a reasonable nexus with the object to be achieved by the legislation.

The Court must strive to so interpret the statute as to protect and advance the object and purpose of enactment. Any narrow or technical interpretation of the provisions would defeat the legislative policy. The Court must, therefore, keep the legislative policy in mind in applying the provisions of the Act to the facts of the case.

PART -I

Preliminary

1. Short title, extent and commencement – (1) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986.

(2) It extends to the whole of India.

(3) The provisions of this Act, other than Part III, shall come into force at once, and Part III shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different States and for different classes of establishments.

Comment

'May' and 'shall' – Where the Legislature uses two words “may” and “shall” in two different parts of the same provision, prima facie it would appear that the Legislature manifested its intension to make one part directory and another mandatory. But that by itself is not decisive. The power of the Court still to ascertain the real intension of the Legislature by carefully examining the scope of statute to find out whether the provision is directory or mandatory remains unimpaired even where both the words are used in the same provision.

In interpreting the provisions the exercise undertaken by the Court is to make explicit the intention of the Legislative which enacted the legislation. It is not for the Court to reframe the legislation for the very good reason that the powers to “legislate” have not been conferred on the Court.

In order to sustain the presumption of constitutionality of a legislative measure, the Court can take into consideration matters of common knowledge, matters of

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In order to sustain the presumption of constitutionality of a legislative measure, the Court can take into consideration matters of common knowledge, matters of

common report, the history of the times and also assume every state of facts which can be conceived existing at the time of the legislation.

2. Definitions – In this Act, unless the context otherwise requires,

- (i) “appropriate Government” means, in relation to an establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, the Central Government, and in all other cases, the State Government;
- (ii) “child” means a person who has not completed his fourteenth year of age;
- (iii) “day” means a period of twenty-four hours beginning at midnight;
- (iv) “establishment” includes a shop, commercial establishment, work-shop, farm, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment;
- (v) “family” in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
- (vi) “occupier”, in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;
- (vii) “port authority” means any authority administering a port;
- (viii) “prescribed” means prescribed by rules made under Sec.18;
- (ix) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector;
- (x) “workshop” means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of Sec. 67 of the Factories Act, 1948 (63 of 1948), for the time being, apply.

Comments

This section defines the various words and expressions occurring in the Act.

Interpretation of section – The Court can merely interpret the section; it cannot re-write, re-cast or re-design the section.

Ambiguous expression – Courts must find out the literal meaning of the expression in the task of construction. In doing so if the expressions are ambiguous then the construction that fulfils the objects of the legislation must provide the key to the meaning. Courts must not make mockery of legislation and should take a constructive approach to fulfil the purpose and for that purpose, if necessary, iron out the creases.

PART -II

Prohibition of Employment of Children in certain Occupations and Processes

3. Prohibition of employment of children in certain occupations and processes – No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on :

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from Government.

Comment

This section imposes prohibition on employment of children in the occupation and processes specified in the Schedule.

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This section defines the various words and expressions occurring in the Act.

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Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from Government.

Comment

This section imposes prohibition on employment of children in the occupation and processes specified in the Schedule.

Proviso – A proviso is intended to limit the enacted provision so as to except something which would have otherwise been within it or in some measure to modify the enacting clause. Sometimes proviso may be embedded in the main provision and becomes an integral part of it so as to amount to a substantive provision itself.

4. Power to amend the Schedule – The Central Government, after giving by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly.

Comment

This Section empowers the Central Government to amend the Schedule so as to include therein any occupation or process considered necessary.

Construction of a Section – it is an elementary rule that construction of a section is to be made of all parts together. It is not permissible to omit any part of it. For, the principle that the statute must be read as a whole is equally applicable to different part of the same section.

5. Child Labour Technical Advisory Committee – (1) The Central Government may, by notification in official Gazette, constitute an advisory committee to be called the Child Labour Technical Advisory Committee (hereinaft in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.

(3) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

Comment

This Section empowers the Central Government to constitute the Child Labour Technical Advisory Committee for giving advice in the matter of inclusion of any occupation and process in the Schedule.

PART -III

Regulation of Conditions of Work of Children



6. Application of Part – The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in Sec. 3 is carried on.

(3) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.

(4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.

(5) The term of office of, the manner of filling casual vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

Comment

This Section empowers the Central Government to constitute the Child Labour Technical Advisory Committee for giving advice in the matter of inclusion of any occupation and process in the Schedule.

PART -III

Regulation of Conditions of Work of Children



6. Application of Part – The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in Sec. 3 is carried on.

Comment

This Section lays down that provisions of this Part shall apply to an establishment in which none of the prohibited occupations or processes is carried on.

7. Hours and period of work – (1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.

(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.

(3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.

(4) No child shall be permitted or required to work between 7 p.m. and 8 a.m.

(5) No child shall be permitted or required to work overtime.

(6) No child shall be permitted or required to work in any establishment on any day on which he has already been working in another establishment.

Comment

This Section prescribes working hours for a Child Labour.

Provision if mandatory or directory – The surest test for determination as to whether the provisions is mandatory or directory is to see as to whether the sanction is provided therein.

8. Weekly holiday – Every child employed in an establishment shall be allowed in each week, a holiday or one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

Comment

This Section lays down that a weekly holiday should be allowed to every Child Labour.

9. Notice to Inspector – (1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely :

- (a) the name and situation of the establishment;
- (b) the name of the person in actual management of the establishment;
- (c) the address to which communications relating to the establishment should be sent; and,
- (d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment,

8. Weekly holiday – Every child employed in an establishment shall be allowed in each week, a holiday or one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

Comment

This Section lays down that a weekly holiday should be allowed to every Child Labour.

9. Notice to Inspector – (1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely :

- (a) the name and situation of the establishment;
- (b) the name of the person in actual management of the establishment;
- (c) the address to which communications relating to the establishment should be sent; and,
- (d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment,

send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars as are mentioned in Sub-section (1).

Explanation – For the purposes of sub-sections (1) and (2), “date of commencement of this Act, in relation to an establishment” means the date of bringing into force of this Act in relation to such establishment.

(3) Nothing in Secs. 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any schools established by, or receiving assistance or recognition from, Government.

Comment

This Section makes provision for furnishing of information regarding employment of a Child Labour to Inspector.

Explanation – It is now well settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain or clarify certain ambiguities which may have crept in the statutory provision.

10. Disputes as to age – If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed authority, be referred by the Inspector for decision to the prescribed medical authority.

Comment

This Section makes provision for settlement of disputes as to age of any Child Labour.

11. Maintenance of register – There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing –

- (a) the name and date of birth of every child so employed or permitted to work;
- (b) hours and periods of work of any such child and the intervals of rest to which he is entitled;
- (c) the nature of work of any such child; and
- (d) such other particulars as may be prescribed

Comment

This Section makes provision for maintenance of register in respect of Child Labour.

12. Display of notice containing abstract of Secs. 3 and 14 – Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of Secs. 3 and 14.

Comment

This section makes provision for display of notice in a conspicuous place at every railway station or port or place of work regarding prohibition of employment of Child Labour, penalties, etc., in the local languages and in the English language.

13. Health and Safety – (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.

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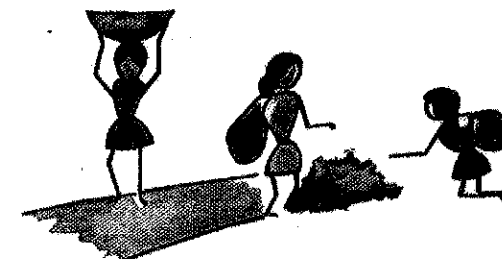
Comment

This section makes provision for display of notice in a conspicuous place at every railway station or port or place of work regarding prohibition of employment of Child Labour, penalties, etc., in the local languages and in the English language.

13. Health and Safety – (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely :

- (a) cleanliness in the place of work and its freedom for nuisance;
- (b) disposal of wastes and effluents;
- (c) ventilation and temperature;
- (d) dust and fume;
- (e) artificial humidification;
- (f) lighting;
- (g) drinking water;
- (h) latrine and urinals;
- (i) spittoons;
- (j) fencing of machinery;
- (k) work at or near machinery in motion;
- (l) employment of children on dangerous machines;
- (m) instructions, training and supervision in relation to employment of children on dangerous machines;
- (n) device for cutting off power;
- (o) self-acting machinery;
- (p) easing of new machinery;
- (q) floor, stairs and means of access;
- (r) pits, sumps, openings in floors, etc.;
- (s) excessive weight;
- (t) protection of eyes;
- (u) explosive or inflammable dust, gas, etc.;
- (v) precautions in case of fire;
- (w) maintenance of buildings; and
- (x) safety of buildings and machinery.



Comments

This Section lays down that the Government is required to make rules for the health and safety of the Child Labour.

PART - IV Miscellaneous

14. Penalties – (1) Whoever employs any child or permits any child to work in contravention of the provisions of Sec. 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under Sec. 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

(3) Whoever –

- (a) fails to give notice as required by Sec. 9, or
- (b) fails to maintain a register as required by Sec. 11 or makes any false entry in any such register; or
- (c) fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 12; or
- (d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder;

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

Comments

This Section lays down that the Government is required to make rules for the health and safety of the Child Labour.

PART - IV Miscellaneous

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(2) Whoever, having been convicted of an offence under Sec. 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.

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- (a) fails to give notice as required by Sec. 9, or
- (b) fails to maintain a register as required by Sec. 11 or makes any false entry in any such register; or
- (c) fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 12; or
- (d) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder;

shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

Comments

This Section makes provision for penalty for contravention of the provisions of the Act.

Penalty– Essential–Penalty proceedings are quasi criminal proceedings. Before penalty can be imposed it has to be ensured that has been established.

Penal provision – Object of – The law in its wisdom seeks to punish the guilty who commits the sin, and not his son, who is innocent.

15. Modified application of certain laws in relation to penalties – (1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of Sec. 14 of this Act and not under the Acts in which those provisions are contained.

- (2) The provisions referred to in sub-section (1) are the provisions mentioned below:
 - (a) Section 67 of the Factories Act, 1948 (63 of 1948);
 - (b) Section 40 of the Mines Act, 1952 (35 of 1952);
 - (c) Section 109 of the Merchant Shipping Act, 1958 (44 of 1958); and
 - (d) Section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

Comment

This Section makes provision of penalties under the Act even when any person is found guilty and convicted of contravention of any of the provisions of Sec. 67 of the Factories Act, 1948, Sec. 40 of the Mines Act, 1952, Section 109 of the Merchant Shipping Act, 1958 and Sec. 21 of the Motor Transport Workers Act, 1961.

16. Procedure relating to offences – (1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any Court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

Comment

This Section lays down that any person, police officer or Inspector can make a complaint regarding commission of offences. It also lays down the procedure for disposal of such a complaint.

Court Duty of – The Court should meticulously consider all facts and circumstances of the case. The Court is not bound to grant specific performance merely because it is lawful to do so. The motive behind the litigation should also enter into the judicial verdict. The Court should take care to see that it is used as an instrument of oppression to have an unfair advantage to plaintiff.

17. Appointment of Inspectors – The appropriate Government may appoint inspectors for the purposes of securing compliance with the provisions of this Act and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 Of 1860).

Comment

This Section empowers the appropriate Government to appoint

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Comment

This Section empowers the appropriate Government to appoint

inspectors for securing compliance of the provisions of the Act. Such Inspector is deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

Public servant – Every public officer is a trustee and in respect of the office he holds and the salary and other benefits which he draws, he is obliged to render appropriate service to the State. If an officer does not behave as required of him under the law he is certainly liable to be punished in accordance with law.

18. Power to make rules – (1) The appropriate Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

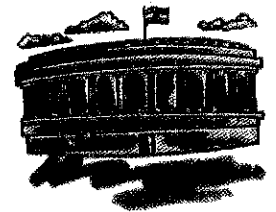
(a) the term of the office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of Sec. 5;

(b) number of hours for which a child may be required or permitted to work under sub-section (1) of Sec. 7;

(c) grant to certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued;

Provided that no charge shall be made for the issue of any such certificate of the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

(d) the other particulars which a register maintained under Sec. 11 should contain.



Comment

This Section empowers the appropriate Government to make rule for carrying out the provisions of the Act.

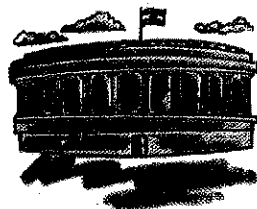
Rules for effectuating the purpose of the Act – The general power of framing rules for effectuating the purposes of the Act, would plainly authorize and sanctify the framing of such a rule.

19. Rules and notifications to be laid before Parliament or State Legislature –

(1) Every rule made under this Act by the Central Government and every notification issued under Sec. 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Provided that no charge shall be made for the issue of any such certificate of the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

(d) the other particulars which a register maintained under Sec. 11 should contain.



Comment

This Section empowers the appropriate Government to make rule for carrying out the provisions of the Act.

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19. Rules and notifications to be laid before Parliament or State Legislature –

(1) Every rule made under this Act by the Central Government and every notification issued under Sec. 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the Legislature of that State.

Comment

Under this Section the rules and notifications are to be laid before Parliament or State Legislature for approval.

20. Certain other provisions of law not barred – Subject to the provisions contained in Sec. 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).

Comment

This Section lays down that the provision of this Act shall be in addition to and not in derogation of, the provisions of the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952.

21. Power to remove difficulties – (1) If any difficulty arises in giving effect of the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty :

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, before the Houses of Parliament.

Comment

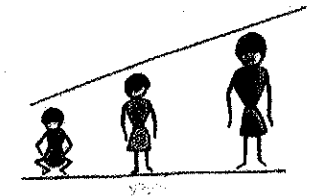
Under the provisions of this section the Central Government is empowered to remove difficulties which arise in giving effect to the provisions of this Act.

22. Repeal and savings – (1) The Employment of Children Act, 1938 (26 of 1938) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Comment

The Employment of Children Act, 1938 (26 of 1938)
has been repealed by this Section.



Implied repeal – It is well settled that when a competent authority makes a new law which is totally inconsistent with the earlier law and that the two cannot stand together any longer it must be construed that the earlier law had been repealed by necessary implication by the latter law.

23. Amendment of Act 11 of 1948 – In Sec. 2 of the Minimum Wages Act, 1948 –

(i) for Cl. (a), the following clauses shall be substituted, namely :

“(a) ‘adolescent’ means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

Comment

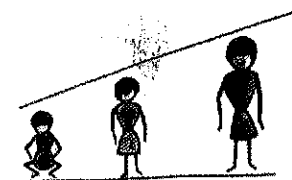
Under the provisions of this section the Central Government is empowered to remove difficulties which arise in giving effect to the provisions of this Act.

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The Employment of Children Act, 1938 (26 of 1938) has been repealed by this Section.



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23. Amendment of Act 11 of 1948 – In Sec. 2 of the Minimum Wages Act, 1948 –

(i) for Cl. (a), the following clauses shall be substituted, namely :

“(a) ‘adolescent’ means a person who has completed his fourteenth year of age but has not completed his eighteenth year;

(aa) ‘adult’ means a person who has completed his eighteenth year of age;”:

(ii) after Cl. (b), the following clause shall be inserted, namely :

“(bb) ‘child’ means a person who had not completed his fourteenth year of age;”.

Comment

Under this Section, Sec. 2 of the Minimum Wages Act, 1948 has been amended so as to define the terms “adolescent”, “adult” and “child”.

24. Amendment of Act 69 of 1951 – In the Plantations Labour Act, 1951 –

(a) in Sec. 2 in Cls. (a) and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted;

(b) Sec. 24 shall be omitted;

(c) in Sec. 26, in the opening portion, the words “who has completed his twelfth year” shall be omitted.

Comment

Under this Section, sec. 2 of the Plantations Labour Act, 1951, has been amended so far as it relates to the employment of Child Labour

25. Amendment of Act 44 of 1958 – In the Merchant Shipping Act, 1958, in Sec. 109, for the word “fifteen”, the word “fourteen” shall be substituted.

Comment

Under this Section Sec. 109 of the Merchant Shipping Act, 1958, has been amended so far as it relates to the employment of Child Labour.

26. Amendment of Act 27 of 1961 – In the Motor Transport Workers Act, 1961 in Sec.2, in Cls. (a), and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted.

Comment

Under this Section, Sec.2 of the Motor Transport Workers Act, 1961, has been amended so far as it relates to the employment of Child Labour.

Comment

Under this Section Sec. 109 of the Merchant Shipping Act, 1958, has been amended so far as it relates to the employment of Child Labour.

26. Amendment of Act 27 of 1961 – In the Motor Transport Workers Act, 1961 in Sec.2, in Cls. (a), and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted.

Comment

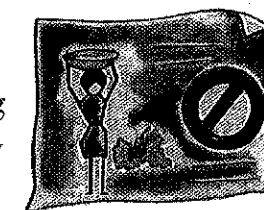
Under this Section, Sec.2 of the Motor Transport Workers Act, 1961, has been amended so far as it relates to the employment of Child Labour.

The Child Labour (Prohibition and Regulation) Rules, 1988

G.S.R. 847(E), dated 10th August, 1988 – In exercise of the powers conferred by sub-section (1) of Sec. 18 of the said Act, the Central Government, hereby makes the following rules, namely :

Comment

Rule-making power – The general power of framing rules for effectuating the purposes of the Act, would plainly authorize and sanctify the framing of such a rule.



1. Short title and commencement – (1) These rules may be called the Child Labour (Prohibition and Regulation) Rules, 1988.

(2) They shall come into force on the date of their publication in the official Gazette.

Comment

These rules have been framed by the Central Government in the exercise of the powers conferred by Sec. 18 (1) of the Child Labour (Prohibition and Regulation) Rules, 1986.

Rules – Whether validly framed – The question whether rules are validly framed to carry out the purposes of the Act can be determined on the analysis of the provisions of the Act.

2. Definitions – In these rules, unless the context otherwise requires –

- (a) “Act” means the Child Labour (Prohibition and Regulation) Rules, 1986 (61 of 1986);
- (b) “Committee” means the Child Labour Technical Advisory Committee constituted under sub-section (1) of Sec. 5 of the Act;
- (c) “Chairman” means the Chairman of the Committee appointed under sub-section (2) of Sec. 5 of the Act;
- (d) “Form” means a Form appended to these rules;
- (e) “register” means the register required to be maintained under Sec. 11 of the Act;
- (f) “Schedule” means the schedule appended to the Act;
- (g) “section” means a section of the Act.

Comments

This rule defines the various expressions occurring in the Rules.

Interpretation by a court – The Court can merely interpret the section; it cannot re-write, re-cast or re-design the section.

Otherwise – What amounts to – The words “otherwise” is not to be construed *ejusdem generic* with the word “circulars, advertisement”.

3. Term of office of the members of the Committee – (1) The term of office of the members of the Committee shall be one year from the date on which their appointment is notified in the official Gazette;

Provided that the Central Government may extend the term of office of the member of the Committee for a maximum period of two years;

2. Definitions – In these rules, unless the context otherwise requires –

- (a) "Act" means the Child Labour (Prohibition and Regulation) Rules, 1986 (61 of 1986);
- (b) "Committee" means the Child Labour Technical Advisory Committee constituted under sub-section (1) of Sec. 5 of the Act;
- (c) "Chairman" means the Chairman of the Committee appointed under sub-section (2) of Sec. 5 of the Act;
- (d) "Form" means a Form appended to these rules;
- (e) "register" means the register required to be maintained under Sec. 11 of the Act;
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Comments

This rule defines the various expressions occurring in the Rules.

Interpretation by a court – The Court can merely interpret the section; it cannot re-write, re-cast or re-design the section.

Otherwise – What amounts to – The words "otherwise" is not to be construed *ejusdem generic* with the word "circulars, advertisement".

3. Term of office of the members of the Committee – (1) The term of office of the members of the Committee shall be one year from the date on which their appointment is notified in the official Gazette;

Provided that the Central Government may extend the term of office of the member of the Committee for a maximum period of two years;

Provided further that the member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The members appointed under sub-rule (1) shall be eligible for re-appointment.

Comment

"shall" cannot be interpreted as "may"

Proviso – In *Abdul Jabar Butt v. State of Jammu and Kashmir*, it was held that a proviso must be considered with relation to the principal matter to which it stands as a proviso.

4. Secretary to the Committee – The Central Government may appoint an officer not below the rank of an Under-Secretary to the Government of India as Secretary of the Committee.

Comment

This rule empowers the Central Government to appoint an officer not below the rank of an Under-Secretary to the Government of India as the Secretary to the Child Labour Technical Advisory Committee.

5. Allowances to non-official members – The non-official members and Chairman of the Committee shall be paid such fees and allowances as may be admissible to the officers of the Central Government drawing a pay of rupees four thousand and five hundred or above.

6. Resignation – (1) A member may resign his office by writing under his hand addressed to the Chairman.

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation referred to in sub-rule (1) and sub-rule (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation, whichever is earlier, by the Chairman or the Central Government, as the case may be.

7. Removal of Chairman or member of the Committee – The Central Government may remove the Chairman or any member of the Committee at any time before the expiry of the term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

Comment

This rule lays down procedure for removal of Chairman or Member of the Committee by the Central Government.

8. Cessation of membership – if a member –

- (a) is absent without leave of the Chairman for three or more consecutive meetings of the Committee; or
- (b) is declared to be of unsound mind by a competent court; or
- (c) is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or
- (d) is, or at any time, has been adjudicated insolvent or has suspended his debts or has compounded with his creditors, shall cease to be a member of the Committee.

Comment

This rule deals with the matter relating to cessation of membership.

9. Filling up of casual vacancies – in case a member resigns his office under rule 6

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation referred to in sub-rule (1) and sub-rule (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation, whichever is earlier, by the Chairman or the Central Government, as the case may be.

7. Removal of Chairman or member of the Committee – The Central Government may remove the Chairman or any member of the Committee at any time before the expiry of the term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

Comment

This rule lays down procedure for removal of Chairman or Member of the Committee by the Central Government.

8. Cessation of membership – if a member –

- (a) is absent without leave of the Chairman for three or more consecutive meetings of the Committee; or
- (b) is declared to be of unsound mind by a competent court; or
- (c) is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or
- (d) is, or at any time, has been adjudicated insolvent or has suspended his debts or has compounded with his creditors, shall cease to be a member of the Committee.

Comment

This rule deals with the matter relating to cessation of membership.

9. Filling up of casual vacancies – in case a member resigns his office under rule 6

or ceases to be a member under rule 8, the casual vacancy thus caused shall be filled up by the Central Government and the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

Comment

This rule empowers the Central Government to fill up casual vacancies and it lays down that the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

10. Time and place of meetings – The Committee shall meet at such times and places as the Chairman may fix in this behalf.

11. Notice of meetings – The Secretary to the Committee shall give at least seven days notice to every member of the Committee of the time and place fixed for each meeting along with the list of business to be transacted at the said meeting.

12. Presiding at meetings – The Chairman shall preside at every meeting of the Committee at which he is present; if, however, the Chairman is unable to attend a meeting, any member elected by the members present among themselves shall preside at the meeting.

Comment

“Shall” – It is well-known principle that in the interpretation of statutes that where the situation and the context warrants it, the word “shall” used in a section or rule of a statute has to be construed as “may”.

13. Quorum – No business shall be transacted at a meeting of the Committee unless atleast three members of the Committee other than the Chairman and the Secretary are present:

Provided that at any meeting in which less than three of the total members are present, the Chairman may adjourn the meeting to a date as he deems fit and inform the members present and notify other members that the business of the scheduled meeting shall be disposed of at the adjourned meeting irrespective of the quorum and it shall be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending the meeting.

Comment

Scope of proviso – The scope of a proviso is well settled. In *Ram Narain Sons Ltd. v. Asstt. Commissioner of Sales Tax*, it was held :

“It is a cardinal rule of interpretation that a proviso to a particular provision of statute only embraces the field which is covered by the main provision. It carves out an exception to the main provision to which it has been enacted as a proviso and to no other.”

14. Decision by majority – All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairman, or in the absence of Chairman, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

Comment

This rule lays down that the matters considered by the Committee in its meeting should be decided by a majority votes of the members present. The rule further lays down that the Chairman or in his absence the member presiding at the meeting shall have a casting vote.

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Comment

This rule lays down that the matters considered by the Committee in its meeting should be decided by a majority votes of the members present. The rule further lays down that the Chairman or in his absence the member presiding at the meeting shall have a casting vote.

15. Sub-Committees – The Committee may constitute one or more Sub-Committees, whether consisting only of members of the Committee or partly of members of the Committee and partly of other persons as it thinks fit, for such purposes, as it may decide and any Sub-Committee so constituted shall discharge such functions as may be delegated to it by the Committee.

16. Register to be maintained under Sec. 11 of the Act – (1) Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work, in Form A.

16. Register to be maintained under Sec. 11 of the Act. – (1) Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work, in Form A.

(2) The register shall be maintained on a yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

Comment

Under this rule every occupier of an establishment is required to maintain an yearly register showing the children employed or permitted to work and to retain such registers for a period of three years.

17. Certificate of age. – (1) All young persons in employment in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on, shall produce a certificate of age from the appropriate medical authority, whenever required to do so by an Inspector.

(2) The certificate of age referred to in sub-rule (1) shall be issued in Form 'B'.

(3) The charges payable to the medical authority for the issue of such certificate shall be the same as prescribed by the State Government or the Central Government, as the case may be for their respective Medical Boards.

(4) The charges payable to the medical authority shall be borne by the employer of the young person whose age is under question.

Explanation - For the purposes of sub-rule (1), the appropriate "Medical authority" shall be Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor or equivalent rank employed in Employees State Insurance dispensaries or hospitals.

Comment

Explanation - It is not well settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain and clarify certain ambiguities which may have crept in the statutory provision.

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Comment

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FORM - A [See Rule 16(1)]

Year.....

Name and Address of employer.....Place of work.....

Nature of work being done by the establishment.....

Sl. No.	Name of Child	Father's Name	Date of Birth	Permanent Address	Date of joining the establishment
1	2	3	4	5	6

Nature of Work on which employed	Daily hours of work	Intervals of rest	Wages paid	Remarks
----------------------------------	---------------------	-------------------	------------	---------

7	8	9	10	11
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FORM - B (Certificate of Age) [See Rule 17 (2)]

Certificate No.....

I hereby certify that I have personally examined (name.....
Son/daughter ofresiding at.....
and that he/she has completed his/her fourteenth year and his/her age, as nearly as can be ascertained from my examination is.....years (Completed).

His/Herdescriptivemarks
are.....

Thumb-impression/signature of child.....

Place
Date.....

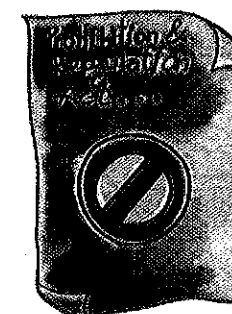
Medical Authority
Designation

Supplement

The Child Labour (Prohibition and Regulation) Act, 1986

S.O. 333 (E), dated 26th May, 1993 – in exercise of the powers conferred by sub-section(3) of Sec.1 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby appoints the 26th day of May, 1993 as the date of which the provisions of Part III of the said Act shall come into force in respect of all classes of establishments, throughout the territory of India, in which none of the occupations and processes referred to in Sec. 3 of the said Act is carried on.

* * *



Supplement

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* * *



Annexure A

THE SCHEDULE

(See Sec. 3)

PART - A

Occupations

Any occupation concerned with: -



- (1) Transport of passengers, goods or mails by railways;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- (6)* Work relating to selling of crackers and fireworks in shops with temporary licenses;
- (7)# Abattoirs/Slaughter House;
- (8)\$ Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and power loom industry;
- (12) Mines (underground and under water) and collieries;
- (13) Plastic units and fibreglass workshops;

PART - B

Processes

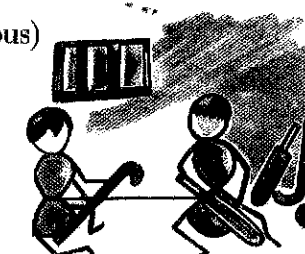
- (1) Beedi-making.
- (2) Carpet-weaving.
- (3) Cement manufacture, including bagging of cement.
- (4) Cloth printing, dyeing and weaving.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica-cutting and splitting.
- (7) Shellac manufacture.
- (8) Soap manufacture.
- (9) Tanning.
- (10) Wool-cleaning.
- (11) Building and construction industry.
- (12)* Manufacture of slate pencils (including packing).
- (13)* Manufacture of products from agate.
- (14)* Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.
- (15)# "Hazardous processes" as defined in Sec. 2 (cb) and 'dangerous operation' as notice in rules made under Section 87 of the Factories Act, 1948 (63 of 1948)
- (16)# Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)
- (17)# Cashew and cashewnut descaling and processing.
- (18)# Soldering processes in electronic industries.
- (19)\$ 'Aggarbatti' manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units.

PART - B

Processes

- (1) Beedi-making.
- (2) Carpet-weaving.
- (3) Cement manufacture, including bagging of cement.
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- (5) Manufacture of matches, explosives and fire-works.
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- (18)# Soldering processes in electronic industries.
- (19)\$ 'Aggarbatti' manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units.

- (22) Cotton ginning and processing and production of hosiery goods.
- (23) Detergent manufacturing.
- (24) Fabrication workshops (ferrous and non ferrous)
- (25) Gem cutting and polishing.
- (26) Handling of chromite and manganese ores.
- (27) Jute textile manufacture and coir making.
- (28) Lime Kilns and Manufacture of Lime.
- (29) Lock Making.
- (30) Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enameling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing.
- (31) Manufacture of cement pipes, cement products and other related work.
- (32) Manufacture of glass, glassware including bangles, florescent tubes, bulbs and other similar glass products.
- (33) Manufacture of dyes and dye stuff.
- (34) Manufacturing or handling of pesticides and insecticides.
- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry.
- (36) Manufacturing of burning coal and coal briquettes.
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
- (38) Moulding and processing of fibreglass and plastic.



- (39) Oil expelling and refinery.
- (40) Paper making.
- (41) Potteries and ceramic industry.
- (42) Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill – all processes.
- (45) Sericulture processing.
- (46) Skinning, dyeing and processes for manufacturing of leather and leather products.
- (47) Stone breaking and stone crushing.
- (48) Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form.
- (49) Tyre making, repairing, re-treading and graphite beneficiation.
- (50) Utensils making, polishing and metal buffing.
- (51) 'Zari' making (all processes)'.
@ (52) Electroplating;
- (53) Graphite powdering and incidental processing;
- (54) Grinding or glazing of metals;
- (55) Diamond cutting and polishing;
- (56) Extraction of slate from mines;
- (57) Rag picking and scavenging.

- a. for item (2), the following item shall be substituted, namely: -
 '(2) carpet weaving including preparatory and incidental process thereof";

- (39) Oil expelling and refinery.
- (40) Paper making.
- (41) Potteries and ceramic industry.
- (42) Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill – all processes.
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- (53) Graphite powdering and incidental processing;
- (54) Grinding or glazing of metals;
- (55) Diamond cutting and polishing;
- (56) Extraction of slate from mines;
- (57) Rag picking and scavenging.

- a. for item (2), the following item shall be substituted, namely: -
 '(2) carpet weaving including preparatory and incidental process thereof';

- b. for item (4), the following item shall be substituted, namely: -
 "(4) cloth printing, dyeing and weaving including processes preparatory and incidental thereto:
- c. for item (11) the following shall be substituted, namely:-
 "(11) Building and Construction Industry including processing and polishing of granite stones".
- * Ins. by Notification No. S. O. 404(E) dated the 5th June, 1989 published in the Gazette of India, Extraordinary.
- # Ins. by Notification No. S. O. 263 (E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.
- \$ Ins. Sr. No. 8-13 in Part A and Sr. No. 19-51 in Part B by Notification No. S. O. 36 (E) dated 27th January 1999 published in the Gazette of India, Extraordinary.
- @ Ins. Sr. No. 52 – 57 part B by Notification No. S.O. 397 (E) dated the 10th May, 2001 published in the Gazette of India, Extraordinary.

Annexure-B

Main features of the directions of Supreme Court in their Judgement, dated 10.12.1996

On 10th December 1996 in Writ Petition (Civil) No. 465/1986 the Supreme Court of India, gave certain directions on this issue of elimination of Child Labour. The main features of judgment are as under:

- Survey for identification of working children;
- Withdrawal of children working in hazardous industries and processes and ensuring their education in appropriate institutions;
- Contribution @ Rs. 20,000/- per child to be paid by the offending employers of children to a welfare fund to be established for this purpose;
- Employment to one adult member of the family of the child so withdrawn from work and if that is not possible a contribution of Rs. 5,000/- to the welfare fund to be made by the State Government.
- Financial assistance to the families of the children so withdrawn to be paid-out of the interest earnings on the corpus of Rs. 20,000 / 25,000 deposited in the welfare fund as long as the child is actually sent to school.



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- Financial assistance to the families of the children so withdrawn to be paid-out of the interest earnings on the corpus of Rs. 20,000 / 25,000 deposited in the welfare fund as long as the child is actually sent to school.



- Regulating hours of work for children working in non-hazardous occupations so that their working hours do not exceed six hours per day and education for at least two hours is ensured. The entire expenditure on education is to be borne by the concerned employer.
- The implementation of the direction of the Hon'ble Supreme Court is being monitored by the Ministry of Labour and compliance of the directions have been reported in the form of Affidavits on 05.12.97, 21.12.1999, 04.12.2000 and 04.07.2003 04.12.2003 to the Hon'ble Court on the basis of the information received from the State/UT Government.

Annexure-C

State-wise List of NCLP Districts

S. No.	Names of the States	No. of Districts	Name of the Districts
1	Andhra Pradesh	23	Anantapur, Chittoor, Cuddapah, East Godavari, Guntur, Hyderabad, Karimnagar, Kurnool, Medak, Nalgonda, Khammam, Nellore, Nizamabad, Prakasam, Rangareddy, Srikakulam, Vizianagaram, Vishakhapatnam, Warangal, West Godavari, Mehbubnagar, Adilabad and Krishna
2	Assam	3	Nagaon, Kokrajhar and Lakhimpur
3	Bihar	24	Nalanda, Saharsa, Jamui, Katihar, Araria, Gaya, East Champaran, West Champaran, Madhepura, Patna, Supaul, Samastipur, Madhubani, Darbhanga, Muzaffarpur, Nawada, Khagaria, Sitamarhi, Kishanganj, Begusarai, Banka, Saran, Purnia and Bhagalpur
4	Chhattisgarh	8	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Dantewada, Raipur and Korba
5	Goa	1	Goa

(Contd.)

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5	Goa	1	Goa

(Contd.)

S. No.	Names of the States	No. of Districts	Name of the Districts
6	Gujarat	9	Surat, Panchmahals, Bhuj, Banas Kantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
7	Haryana	3	Gurgaon, Faridabad and Panipat
8	Jammu & Kashmir	3	Jammu, Srinagar and Udhampur
9	Jharkhand	9	Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Gumla, Palamu, Ranchi and Hazaribagh
10	Karnataka	17	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Tumkur, Devangere, Haveri, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar and Mandya.
11	Madhya Pradesh	17	Mandsaur, Gwalior, Ujjain, Barwani, Rewa, Dhar, East Nimar (Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Betul, Shajapur, Ratlam, West Nimar (Khargon) and Jhabua

(Contd.)

S. No.	Names of the States	No. of Districts	Name of the Districts
12	Maharashtra	13	Solapur, Thane, Pune, Ahmadnagar, Sangli, Kolhapur, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule and Beed.
13	Mizoram	1	Aizwal
14	Nagaland	1	Dimapur
15	Orissa	18	Angul, Bargarh, Bolangir, Deogarh, Gajapati (Udayagiri), Ganjam, Jharsuguda, Kalahandi, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonapur, Cuttack and Balasore
16	Punjab	3	Jalandhar, Ludhiana and Amritsar
17	Rajasthan	23	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalor, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Ganganagar and Barmer.
18	Tamil Nadu	13	Chidambaranar (Tuticorin), Coimbatore, Dharmapuri, Vellore, Pudukkottai, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul and Theni.

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(Contd.)

S. No.	Names of the States	No. of Districts	Name of the Districts
19	Uttar Pradesh	41	Varanasi, Mirzapur, Bhadohi, Bulandshahar, Saharanpur, Azamgarh, Muzaffarnagar , Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Maharajganj, Siddharthnagar, Rae Bareilly, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonbhadra, Mau, Deoria, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Chazipur and Mathura.
20	Uttaranchal	1	Dehradun
21	West Bengal	18	Burdwan, North Dinajpur, South Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad Midnapore, , Maldah, Bankura, Purulia, Birbhum, Nadia, Hugli, Howrah, Jalpaiguri, Cooch Bihar and East Midnapore.
Total		249	

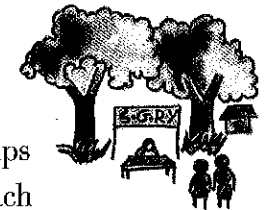
Note : Districts highlighted in the list are those which have been included under the scheme in the Tenth Plan.

Annexure-D

Some of the major ongoing schemes on Employment Generation, Health and Education

a) Ministry of Rural Development

- Swarna Jayanti Gram Swarozgar Yojana (SGSY): The objective is to organise rural poor into Self Help Groups (SHGs). The scheme follows the cluster approach implying that each block would concentrate on a few economic activities and generate income from such activities.
- Sampoorna Gramin Rozgar Yojana (SGRY): objective of the scheme is to provide additional wage employment in rural areas. A component of the wage payment is in the form of food.
- National Social Assistance Programme (NSAP): is a social assistance package providing old age pension, life insurance benefits and maternity benefits.
- Indira Awaas Yojana (IAY); provides grant for construction of houses to members of Scheduled Castes/Scheduled Tribes, freed bonded Labour and non SC/ST rural poor below the poverty line.
- Credit cum subsidy Scheme for Rural Housing: Scheme provides for part credit and part subsidy for constructing houses.



b) Ministry of Urban Development

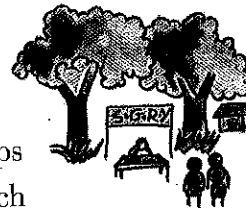
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b) Ministry of Urban Development

- Swarna Jayanti Shahari Rozgar Yojna (SJSRY): Consists of two special schemes namely: the Urban Self Employment Programme (USEP) and the Urban Wage Employment Programme (UWEP). The Scheme is funded on a

75:25 basis between the Centre and the State. The Scheme is being implemented through the urban local bodies.

c) Ministry for Agro Rural Industries

- Prime Minister's Rozgar Yojna (PMRY): for setting up of self employment ventures in all economically viable projects (except direct agricultural operations).
- Rural Employment Generation programmes (RLEGP): the scheme is being implemented by KVIC and it seeks to develop entrepreneurial skills and generate employment. The target group includes rural artisan, SHGs, and cooperative societies. KVIC is implementing the scheme through all Public Sector Banks, Regional Rural Banks and Cooperative Banks.

d) Ministry of Health and Family Welfare

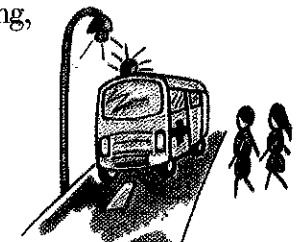
- Mobile health clinics visit KBK districts on a regular basis.
- In other areas Primary Health Centres take care of the medical needs of the people.

e) Ministry of Tribal Affairs

- Centrally sponsored schemes for establishing Ashram schools, Girls and Boys hostels are being implemented in the tribal belt.

f) Ministry of Labour and Employment

- Welfare funds for certain category of workers such as workers involved in mine beedi making etc. are being implemented. The funds are used for various welfare Schemes on health, social security, education, housing, and water supply.



Annexure-E

Model Composition of the District NCLP Society

- | | |
|--|--------------------|
| 1. District Collector | - Chairman |
| 2. Addl. Collector (Dev.)/Project Director, DRDA/
DUDA/Secretary/Member | - Member Secretary |
| 3. Distt. Elementary Education Officer | - Member |
| 4. Distt. Education Officer | - Member |
| 5. Chief Medical Officer | - Member |
| 6. Asstt. Labour Commissioner/Distt. Labour Officer | - Member |
| 7. Distt. Social Welfare/Tribal Devl. Officer | - Member |
| 8. Distt. Adult Education Officer | - Member |
| 9. CEO, Zilla Parishad | - Member |
| 10. Distt. Revenue Officer | - Member |
| 11. Inspector of Factories | - Member |
| 12. Officer-in-Charge, Distt. Industries Centre | - Member |
| 13. Distt. Project Nutrition Officer | - Member |
| 14. Distt. Public Relation Officer | - Member |
| 15. Representative of Distt. Lead Bank | - Member |
| 16. Representative of Postal Department | - Member |

Annexure-E

Model Composition of the District NCLP Society

- | | |
|--|--------------------|
| 1. District Collector | - Chairman |
| 2. Addl. Collector (Dev.)/Project Director, DRDA/
DUDA/Secretary/Member | - Member Secretary |
| 3. Distt. Elementary Education Officer | - Member |
| 4. Distt. Education Officer | - Member |
| 5. Chief Medical Officer | - Member |
| 6. Asstt. Labour Commissioner/Distt. Labour Officer | - Member |
| 7. Distt. Social Welfare/Tribal Devl. Officer | - Member |
| 8. Distt. Adult Education Officer | - Member |
| 9. CEO, Zilla Parishad | - Member |
| 10. Distt. Revenue Officer | - Member |
| 11. Inspector of Factories | - Member |
| 12. Officer-in-Charge, Distt. Industries Centre | - Member |
| 13. Distt. Project Nutrition Officer | - Member |
| 14. Distt. Public Relation Officer | - Member |
| 15. Representative of Distt. Lead Bank | - Member |
| 16. Representative of Postal Department | - Member |

- | | |
|---|----------|
| 17. Member of Parliament | - Member |
| 18. MLA/MLC | - Member |
| 19. Representative(s) of Trade Unions | - Member |
| 20. Representative of Panchyati Raj Institutions/
Local Bodies | - Member |
| 21. Representative(s) of NGOs | - Member |
| 22. Project Director, NCLP | - Member |
| 23. Representative of Employer/Business Community | - Member |
| 24. Representative of Parents of Children | - Member |

Annexure-F

A-Budget of the Project Society

A-I (a) REMUNERATION: (Old NCLPs)

S. No.	Items of Expenditure	Amount
1	Project Director (1) = (1x6000x12)	Rs.72,000
2	Field Officer (2) = (2x4000x12)	Rs.96,000
3	Clerk cum Accountant (1) = (1x2000x12)	Rs.24,000
4	Steno/DEO (1) = (1x2000x12)	Rs.24,000
5	Driver (1) = (1x2000x12)	Rs.24,000
6	Helper/Peon (1) = (1x1500x12)	Rs.18,000
	Total	Rs. 2,58,000

7. Honorarium to Doctor (one doctor for every 20 schools) @ Rs. 5000 per month.

8. Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.

A-I (b) REMUNERATION: (New NCLPs)

No.	Items of Expenditure	Amount
1	Project Director (1) = (1x6000x12)	Rs.72,000
2	Field Officer (2) = (2x4000x12)	Rs.96,000
3	Clerk- cum Accountant (1) = (1x2000x12)	Rs.24,000
4	Steno/DEO (1) = (1x2000x12)	Rs.24,000
5	Helper/Peon (1) = (1x1500x12)	Rs.18,000
	Total	Rs. 2,34,000

6. Honorarium to Doctor (one doctor for every 20 schools) @ Rs. 5000 per month.

7. Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.

Annexure-F

A-Budget of the Project Society**A-I (a) REMUNERATION: (Old NCLPs)**

S. No.	Items of Expenditure	Amount
1	Project Director (1) = (1x6000x12)	Rs. 72,000
2	Field Officer (2) = (2x4000x12)	Rs. 96,000
3	Clerk cum Accountant (1) = (1x2000x12)	Rs. 24,000
4	Steno/DEO (1) = (1x2000x12)	Rs. 24,000
5	Driver (1) = (1x2000x12)	Rs. 24,000
6	Helper/Peon (1) = (1x1500x12)	Rs. 18,000
	Total	Rs. 2,58,000
7.	Honorarium to Doctor (one doctor for every 20 schools) @ Rs. 5000 per month.	
8.	Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.	

A-I (b) REMUNERATION: (New NCLPs)

S. No.	Items of Expenditure	Amount
1	Project Director (1) = (1x6000x12)	Rs. 72,000
2	Field Officer (2) = (2x4000x12)	Rs. 96,000
3	Clerk- cum Accountant (1) = (1x2000x12)	Rs. 24,000
4	Steno/DEO (1) = (1x2000x12)	Rs. 24,000
5	Helper/Peon (1) = (1x1500x12)	Rs. 18,000
	Total	Rs. 2,34,000
6.	Honorarium to Doctor (one doctor for every 20 schools) @ Rs. 5000 per month.	
7.	Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.	

A-II(a) OFFICE AND SUPPORT EXPENSES (Old NCLPs):

S.No.	Items of Expenditure	Amount
1	Recurring (Office Expenses)	Rs. 2,00,000
2	Non-Recurring (One time only): (i) Vehicle -Rs. 3,00,000 (ii) Furniture-Rs. 50,000	Rs. 3,50,000

A-II(b) OFFICE AND SUPPORT EXPENSES (New NCLPs):

Sl. No.	Items of Expenditure	Amount
1	Recurring (Office Expenses)	Rs. 3,00,000
2	Non-Recurring (One time only): Furniture - Rs. 50,000	Rs. 50,000

A-III Other Expenses:

1.	Survey (twice during the 10 th Plan Period)	Rs. 2.75 lakh per survey
2.	Teachers Training (twice for every educational instructor during the 10 th Plan Period)	Rs. 1500 per teacher per training

Annexure-G

Annual Budget for one Special School of 50 Children Each

Sl. No.	Items of Expenditure	Amounts
1	Honorarium to Instructors: (i) Educational (2) = $(2 \times 1500 \times 12)$ Rs.36,000 (ii) Vocational (1) = $(1 \times 1500 \times 12)$ Rs.18,000 (iii) Clerk cum Accountant(1) = $(1 \times 1400 \times 12)$ Rs.16,800 (iv) Peon/Helper(1) = $(1 \times 800 \times 12)$ Rs. 9,600	Rs.80,400
2	Stipend $(100 \times 50 \times 12)$	Rs.60,000
3	Nutrition $(2.50 \times 50 \times 26 \times 12)$	Rs.78,000
4	Rent, Water & Electricity (1000×12)	Rs.12,000
5	Educational & Vocational Materials	Rs.10,000
6	Contingencies	Rs.4,000
	Total	Rs. 2,44,400

Annexure-G

Annual Budget for one Special School of 50 Children Each

Sl. No.	Items of Expenditure	Amounts
1	Honorarium to Instructors: (i) Educational (2) = (2x1500x12) Rs.36,000 (ii) Vocational (1) = (1x1500x12) Rs.18,000 (iii) Clerk cum Accountant(1) = (1x1400x12) Rs.16,800 (iv) Peon/Helper(1) = (1x800x12) Rs. 9,600	Rs. 80,400
2	Stipend (100x50x12)	Rs.60,000
3	Nutrition (2.50x50x26x12)	Rs.78,000
4	Rent, Water & Electricity (1000x12)	Rs.12,000
5	Educational & Vocational Materials	Rs.10,000
6	Contingencies	Rs.4,000
	Total	Rs. 2,44,400

Annexure-H

Annual Progress Report for the Period Ending...

I	PROJECT SOCIETY (NAME)	
(a)	Name of the Collector	
(b)	Name of the Project Director	
(c)	Contact Numbers District Collector Project Director	
(d)	STAFF STRENGTH (a) Field Officer (b) Clerk-cum-Accountant (c) Steno (d) Peon	
II	SPECIAL SCHOOLS	
(a)	No. of Special Schools sanctioned	
(b)	No of Special Schools functioning	
(c)	No. of Special Schools relocated (along with the place of relocation)	
(d)	No. of Schools run by (i) PS	(ii) NGO..... (iii) Others (please specify)...
(e)	Name of the occupations/industries from which children have been withdrawn	

(f)	Duration of the Special School education in a day			
(g)	Total sanctioned strength of children	Male	Female	Total
(h)	No. of children on roll of the schools in the beginning of the year:			
(i)	No. of children admitted to the schools in the year			
(j)	No. of children who dropped out of the schools			
(k)	No. of children who passed out of the schools			
(l)	No. of children who joined the mainstream education			
(m)	Vocational/ craft training (i) No. of children who underwent training (ii) Trades in which training is being imparted			
(n)	(i) No. of teaching volunteers sanctioned under the project (ii) No. of teaching volunteers actually engaged	(i) Educational Instructors (ii) Vocational Instructors..... (i) Educational Instructors (ii) Vocational Instructors.....		

(f)	Duration of the Special School education in a day			
(g)	Total sanctioned strength of children	Male	Female	Total
(h)	No. of children on roll of the schools in the beginning of the year:			
(i)	No. of children admitted to the schools in the year			
(j)	No. of children who dropped out of the schools			
(k)	No. of children who passed out of the schools			
(l)	No. of children who joined the mainstream education			
(m)	Vocational/ craft training (i) No. of children who underwent training (ii) Trades in which training is being imparted			
(n)	(i) No. of teaching volunteers sanctioned under the project (ii) No. of teaching volunteers actually engaged	(i) Educational Instructors (ii) Vocational Instructors..... (i) Educational Instructors (ii) Vocational Instructors.....		

III	TRAINING FOR TEACHING VOLUNTEERS
(a)	(i) No. of workshops /training programmes conducted for Educational Instructors (ii) Name of the institution which conducted the training and duration of the training programme (iii) No. of teachers benefited
(b)	(i) No. of workshops/training programmes held for Vocational Instructors (ii) Trade(s) in which training was imparted (iii) No. of Vocational Instructors who were Benefited
IV	HEALTH CARE
(a)	Frequency of health check-ups in the Schools in the year
(b)	No. of children covered
(c)	Common ailment detected
(d)	Whether medicines were dispensed Yes /No
V	NUTRITION
(a)	Number of days for which nutrition has been given
(b)	Type of Nutrition given Cereal: Yes / No Veg. : Yes / No Dal /Egg /Others (please specify)

III	TRAINING FOR TEACHING VOLUNTEERS
(a)	<p>(i) No. of workshops /training programmes conducted for Educational Instructors</p> <p>(ii) Name of the institution which conducted the training and duration of the training programme</p> <p>(iii) No. of teachers benefited</p>
(b)	<p>(i) No. of workshops/training programmes held for Vocational Instructors</p> <p>(ii) Trade(s) in which training was imparted</p> <p>(iii) No. of Vocational Instructors who were Benefited</p>
IV	HEALTH CARE
(a)	Frequency of health check-ups in the Schools in the year
(b)	No. of children covered
(c)	Common ailment detected
(d)	Whether medicines were dispensed Yes /No
V	NUTRITION
(a)	Number of days for which nutrition has been given
(b)	<p>Type of Nutrition given Cereal; Yes / No</p> <p> Veg. : Yes / No</p> <p> Dal /Egg /Others</p> <p> (please specify)</p>

III TRAINING FOR TEACHING VOLUNTEERS

- (a) (i) No. of workshops/training programmes conducted for Educational Instructors
(ii) Name of the institution which conducted the training and duration of the training programme
(iii) No. of teachers benefited
- (b) (i) No. of workshops/training programmes held for Vocational Instructors
(ii) Trade(s) in which training was imparted
(iii) No. of Vocational Instructors who were Benefited

IV HEALTH CARE

- (a) Frequency of health check-ups in the Schools in the year
- (b) No. of children covered
- (c) Common ailment detected
- (d) Whether medicines were dispensed Yes /No

V NUTRITION

- (a) Number of days for which nutrition has been given
- (b) Type of Nutrition given Cereal; Yes / No
Veg. : Yes / No
Dal /Egg /Others
(please specify)

- (c) Whether subsidy from other sources such as MDM Scheme of the State Government etc. are also being received (Please specify)

VI AWARENESS GENERATION

- (a) Please specify the activities that Project Society has undertaken to generate awareness for elimination / prevention of Child Labour

VII SURVEY CONDUCTED BY THE PROJECT SOCIETY

- (a) When was the Survey last conducted
- (b) Agency (ies) involved in conducting Survey
- (c) Number of child workers identified by the Survey
- | | Hazardous Work | Non-hazardous Work |
|--|----------------------|--------------------------|
| (d) Efforts made by the Project Society to withdraw these children from work | | |

VIII INSPECTION/VISITS

- (a) Government of India (Pl. specify)
- (b) State Government official (Pl. specify)
- (c) Others (for e.g. NHRC etc.)

IX OTHERS	
(a) Whether families of child labour have been covered under (i) Income Generating Schemes (Such as IRDP / DUDA / PMRY etc.) (ii) Insurance Scheme sponsored by State Government/Central Government	
(b) Whether Self Help Groups have been formed among the parents of Child Labour	
(c) Frequency of PTA meetings	
(d) Any other information	

.....
Signature with the seal of the Implementing Agency

IX OTHERS	
(a) Whether families of child labour have been covered under (i) Income Generating Schemes (Such as IRDP / DUDA/ PMRY etc.) (ii) Insurance Scheme sponsored by State Government/Central Government	
(b) Whether Self Help Groups have been formed among the parents of Child Labour	
(c) Frequency of PTA meetings	
(d) Any other information	

Signature with the seal of the Implementing Agency

Annexure-I

Quarterly Progress Report For the Quarter ending: Name of the District

1)	PROJECT SOCIETY :
i)	Date on which the last meeting of the Executive Committee of the Project Society was held:
ii)	Activities carried out by the PS for generating awareness against child labour: (Please give details)
2)	SPECIAL SCHOOLS
i)	a) No. of Special Schools sanctioned: b) No. of Special Schools running: c) No. of new schools opened during this quarter, if any: (details of date, month & location) d) Reasons for running schools less than the sanctioned strength, if applicable: e) No. of days school was open in the quarter: f) Sanctioned strength of the children: g) Total No. of Children enrolled: (Male /Female / Total) h) Number of new Children enrolled during the quarter: i) No. of Children attending the school: (Male /Female / Total) Class III: Class IV: Class V: j) No. of schools run by Project Society/ NGO/Others:

	<p>k) Details regarding location of the school/ name of the NGO etc (please attach separate sheet) :</p> <p>l) Total no. of children mainstreamed:</p> <ul style="list-style-type: none"> · directly to formal school (for child below 9 yrs of age) : · between 9-14 yrs :
ii)	<p><u>Vocational Training (VT) : -</u></p> <p>a) No. of schools imparting VT :</p> <p>b) No. of Children undergoing VT:-</p> <p>c) Trade/s in which training is being imparted : (details indicating trade, no. of children against each trade)</p>
iii)	<p><u>Health Care:-</u></p> <p>a) Number of times health check ups have been conducted in the quarter:</p> <p>b) No. of children covered through Health Check-ups:-</p> <p>c) No. of Children for whom health cards are being maintained: d) Common ailments detected:</p> <p>e) medicinal facilities made available to the children, if any :</p> <p>f) Visits by Government doctors, if any :</p>
iv)	<p><u>Nutrition:</u></p> <p>a) Type of Nutrition given each day :</p> <p style="margin-left: 150px;">Cereal : Yes/ No</p> <p style="margin-left: 150px;">Vegetables: Yes/No</p> <p style="margin-left: 150px;">Egg/Dal/etc. : Yes/No</p> <p style="margin-left: 150px;">(pl. specify)</p>

	<p>k) Details regarding location of the school/ name of the NGO etc (please attach separate sheet) :</p> <p>l) Total no. of children mainstreamed: · directly to formal school (for child below 9 yrs of age) : · between 9-14 yrs :</p>
ii)	<p><u>Vocational Training (VT) : -</u></p> <p>a) No. of schools imparting VT :</p> <p>b) No. of Children undergoing VT:-</p> <p>c) Trade/s in which training is being imparted : (details indicating trade, no. of children against each trade)</p>
iii)	<p><u>Health Care:-</u></p> <p>a) Number of times health check ups have been conducted in the quarter:</p> <p>b) No. of children covered through Health Check-ups:-</p> <p>c) No. of Children for whom health cards are being maintained: d) Common ailments detected:</p> <p>e) medicinal facilities made available to the children, if any :</p> <p>f) Visits by Government doctors, if any :</p>
iv)	<p><u>Nutrition:</u></p> <p>a) Type of Nutrition given each day : Cereal : Yes/ No Vegetables: Yes/No Egg/Dal/etc. : Yes/No (pl. specify)</p>

	<p>b) No. of days for which nutrition was provided :</p> <p>e) No. of children for whom nutrition was provided :</p> <p>d) Expenditure incurred in providing nutrition:</p>
v)	<p><u>Stipend:</u></p> <p>a) No. of children given Stipend: Month / No. of children</p> <p>b) Whether stipend is linked to attendance :</p> <p>c) Please specify the manner in which attendance is taken into account for payment of stipend :</p> <p>d) period upto which stipend has been deposited:</p> <p>e) Expenditure incurred on stipend (Month-wise):</p>
vi)	<p><u>Recreation:</u></p> <p>a) Whether recreational facilities are available or not:</p> <p>b) Type of facilities given:</p>
vii)	<p><u>Dropouts/Follow-up of Ex Students</u></p> <p>a) No. of children who have dropped out, if any (specify the reasons) :</p> <p>b) follow up of students who have been mainstreamed :</p> <p>d) No. of children who are now studying in formal schools:</p>

	<p>II) No. of children who have taken to previous/new occupation:</p> <p>III) No. of children who are making use of the vocational training provided to them in the NCLP special schools:</p>
viii)	<p>Inspection Details</p> <p>A) No. of schools inspected:</p> <p>b) The level at which inspection was conducted:</p> <p>· Collector/ District Magistrate :</p> <p>· Project Director/Other(s) frequency of inspection :</p>
ix)	The total expenditure incurred during the quarter (item-wise and post-wise):
x)	Unspent balance at the end of the quarter (item wise)
xi)	Other issues, if any :


PROJECT DIRECTOR
NATIONAL CHILD LABOUR PROJECT,
DISTRICT

	II) No. of children who have taken to previous/new occupation:
	III) No. of children who are making use of the vocational training provided to them in the NCLP special schools:
viii)	Inspection Details A) No. of schools inspected: b) The level at which inspection was conducted: Collector/ District Magistrate Project Director/Other: frequency of inspection:
ix)	The total expenditure incurred during the quarter (item-wise and post-wise):
x)	Unspent balance at the end of the quarter (item wise)
xi)	Other issues, if any :

PROJECT DIRECTOR
NATIONAL CHILD LABOUR PROJECT,
DISTRICT

Annexure - J

Steps to be taken for Setting up of new National Child Labour Projects (NCLPs)

1. Survey to be conducted by the District Administration with the help of Labour and Education Department, regarding the number of children engaged in hazardous and non-hazardous occupations and processes in the District. (Copy of a suggested format for Survey enclosed).
2. Full details such as name of the child, father's name, age, address and occupation/process from where the child would be withdrawn, to be compiled. 
3. The number and locations of the proposed Special Schools under the NCLP to be finalized by the District Administration.
4. Justification for the setting up of NCLP to be brought out clearly.
5. Composition of the Project Society to be finalized by the District Collector.
6. Bye-laws of the Project Society to be framed and finalized by the District Collector.
7. Registration of the District Project Society under the Societies Registration Act, 1860.

8. Forwarding of the Proposal by the District Collector/ Chairperson of the NCLP to the State Government (Labour Secretary).
9. Recommendation of the proposal by the State Government to the Government of India.
10. Consideration of the Project Proposal by the Government of India.
11. Issue of Sanction by the Government of India.
12. Recruitment of the Project Director and other staff of the Project Society, by the Chairperson.
13. Finalization of the names of the NGOs by the Chairperson, NCLP for running the Special Schools.
14. Allotment of Special Schools to the NGOs.
15. Training/Orientation Programme for the selected NGOs.
16. Selection of staff for special schools by NGOs.
17. Admission of children into special schools.
18. Constitution of State Level Monitoring Committee by the State Government.



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8. Forwarding of the Proposal by the District Collector/ Chairperson of the NCLP to the State Government (Labour Secretary).
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18. Constitution of State Level Monitoring Committee by the State Government.



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Annexure K

Scheme of National Child Labour Protect Revised-2003

Policy:

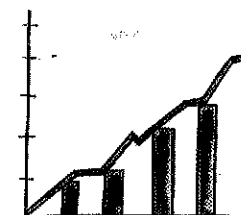
The National Child Labour Policy was approved by the Cabinet on 14th August, 1987 during the Seventh Five-Year Plan Period. The policy was formulated with the basic objective of suitably rehabilitating the children withdrawn from employment thereby reducing the incidence of Child Labour in areas of known concentration of Child Labour. The policy consists of three main ingredients:-

i) **Legal Action Plan** - With emphasis laid on strict and effective enforcement of legal provisions relating to Child Labour under various labour laws;

ii) **Focusing of general development programmes** - Utilization of various ongoing development programmes of other Ministries/ Departments for the benefit of Child Labour wherever possible;

iii) **Project-based plan of action**- Launching of projects for the welfare of working children in areas of high concentration of Child Labour.

The broad approach under the policy will continue to be adopted during the 10th Plan period also.



Objective:

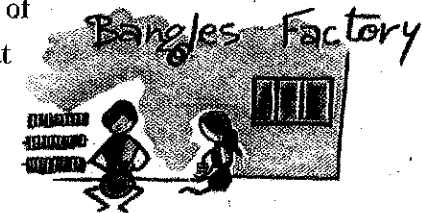
2. The number of Child Labours as per the 1991 census was over 1.1 crores. Keeping in mind constraints of resources and the prevailing level of social consciousness and 'awareness, the Government has fixed the time till the end of the 10th Plan to eliminate Child Labour in the hazardous sector. Elimination of all forms of child labour itself is a progressive process beginning with elimination efforts in the hazardous areas.

Target Group :

3. Under the scheme, the target group is all the children below 14 years of age and working in:

- i) Occupations and processes listed in the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986; and/or
- ii) Occupations & processes, which adversely affect their health and psyche.

In the latter category, the hazardousness of the employment towards the children should be reasonably established. The list of the 13 Occupations and 57 Processes is at Annexure-A.



Strategy :

4. As per the 1991 census, the total number of working children in the country was 11.28 million. However, the NSSO survey 1999-2000 has reflected the magnitude of Child Labour as 10.40 million. It is proposed to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations

Objective:

2. The number of Child Labours as per the 1991 census was over 1.1 crores. Keeping in mind constraints of resources and the prevailing level of social consciousness and 'awareness, the Government has fixed the time till the end of the 10th Plan to eliminate Child Labour in the hazardous sector. Elimination of all forms of child labour itself is a progressive process beginning with elimination efforts in the hazardous areas.

Target Group :

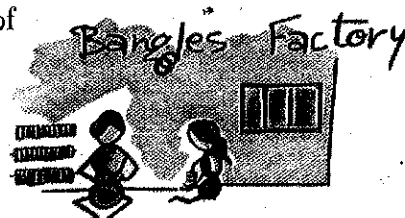
3. Under the scheme, the target group is all the children below 14 years of age and working in:

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- ii) Occupations & processes, which adversely affect their health and psyche.

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Strategy :

4. As per the 1991 census, the total number of working children in the country was 11.28 million. However, the NSSO survey 1999-2000 has reflected the magnitude of Child Labour as 10.40 million. It is proposed to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations



in the first instance. Under the scheme, after a survey of Child Labour engaged in hazardous occupations/processes, the children are to be withdrawn from the above mentioned categories of occupations and processes, and then admitted to special schools (Rehabilitation-cum- Welfare Centres) in order to enable them to be mainstreamed into the formal schooling system. Vocational training is also proposed to be provided under the 10th Plan strategy. The Tenth Plan Strategy/ Programme components broadly involves details as indicated at pages.

Programme Component:

5. Under the National Child Labour Projects, it is proposed to focus on different developmental and welfare programmes for the benefit of child labour in the project area. Effective convergence and an integrated approach of the relevant social sector schemes need to be carried out to achieve the project goals. The activities to be taken up under the project in the 10th Plan are:

- i) Stepping up of enforcement of child labour laws
- ii) Formal Non- formal education
- iii) Provision of Vocational Training
- iv) Income and employment generation activities
- v) Direct rehabilitation of child labour
- vi) Raising of public awareness
- vii) Survey and evaluation.



Some of the important components are elaborated in the subsequent paragraphs.

(i) Special Schools (Child Labour Rehabilitation-cum-Welfare Centres):

Rehabilitation of working children is an important activity, which is the direct

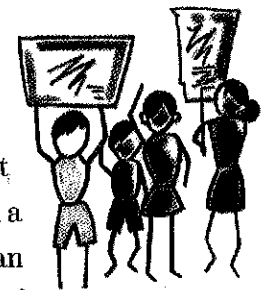
responsibility of the project authorities. Under this activity, Child Labour Special Schools (Rehabilitation-cum-Welfare Centres) are to be set up by encouraging voluntary efforts for imparting formal/non-formal education and pre-vocational/craft training. The children in the Centres will also be provided with supplementary nutrition, stipend, health care services, etc. These Centres essentially will act as bridge institutions to enable children withdrawn from work to join mainstream education.

(ii) Awareness Generation:

Apart from direct rehabilitation of working children, it is also necessary to prevent fresh entry of children to work by arousing and awakening the critical consciousness of the public against the evils of Child Labour. In order to achieve this objective, continuous and sustained awareness generation programmes will have to be carried out on regular basis. For this purpose an enhanced budgetary provision amounting upto Rs. 1.25 lakhs per year has been earmarked in respect of each NCLP.

(iii) Convergence of Services:

In the Tenth Plan, Child Labour elimination efforts would be linked with the Scheme of Sarva Shiksha Abhiyan of the Department of Elementary Education and Literacy Ministry of Human Resource Development (HRD). The intention is to ensure that all children in the age group of 5-8 years get directly linked to the formal school education system through a close, coordinated attempt with the Sarva Shiksha Abhiyan (SSA). Poverty, apart from illiteracy, being the main cause of Child Labour, it is necessary to raise the economic standard of the parents of working



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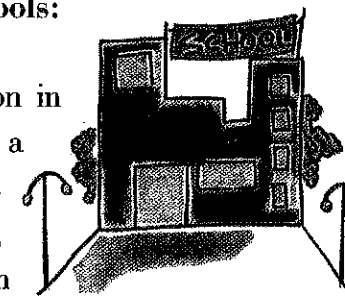
children by exploiting the synergy of benefits of various schemes under implementation at the district level. A substantial number of parents of working children could be covered under the Department of Rural Development's self-employment and poverty alleviation schemes. In the context of the above objectives concerted, focused and rigorous efforts at converging important activities at the Central Government, State Government and the District level would be needed to be put in place. Similarly, convergence with ongoing schemes of other Departments such as Health, Women and Child Development, Social Welfare, Tribal Welfare, Labour etc. could be critical for the ultimate attainment of the objective of elimination of Child Labour in a time-bound manner.

(iv) Enforcement Legal Action:

It is felt that a more focused and effective enforcement of the provisions of the Child Labour (Prevention & Regulation) Act, 1986 needs to be put in place in the districts during the 10th Plan period. Concerted and serious efforts should be made to enforce the law at the State and District level. In order to achieve this objective, the enforcement machinery will have to be geared up and activated suitably.

Operationalisation of Child Labour special schools:

6. (i) In view of the crucial role of education in prevention and elimination of Child Labour, a component of education is provided in the project. As the working children are from diverse backgrounds, skill and experience, it is important that the children in the special schools are imparted education on a formal/non-formal pattern with a condensed syllabus for a maximum period of 3



years after which the children are expected to reach a level of 5th standard. The children are also to be imparted craft and pre-vocational training as considered appropriate to their age. After completion of formal/non-formal education, the children are expected to join the formal stream of education in the 6th standard. Some children, who are capable of being mainstreamed before the completion of three years of education, could be encouraged to be mainstreamed earlier than the prescribed maximum period of three years. Flexibility in this regard could be exercised by the concerned NCLP. The choice of Vocational Training should be available to those children who wish to take up skill-based work after the initial training in the special schools. Apart from education, children are also provided with a package of welfare inputs such as supplementary nutrition and health-care through special schools to meet their special needs.

(ii) Focus of enrolment should be on children in the age group of 9--14 years. The working children in the lower age group should be motivated to join formal school system (primary and upper primary) directly.

(iii) The curriculum, course content and textual material should be finalized at the District/State level by associating the SCERT, DIET, DRU and non-governmental organisations working in the field of Child Labour and other related areas. The State Governmental/District Child Labour Project Societies have the freedom to decide the ground conditions. The training of volunteers in the form of a brief orientation programme should be organized at the district level with the help of DIETs and DRUs.

(iv) Considering the nature of work the children are employed in, it is necessary to ensure that the special schools are run in a manner so as to effectively prevent children from working in prohibited employment and enable them to be

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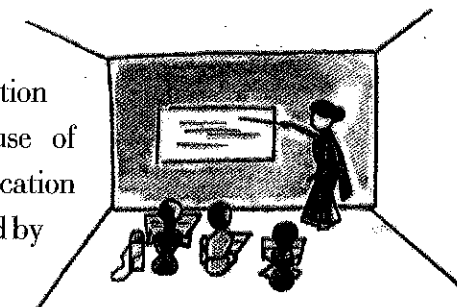
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mainstreamed into the regular education system. Therefore, the Project Societies/Implementing Agencies are permitted some amount of flexibility, in terms of timing and duration of the special schools with a view to ensure reduction in the number of children going to work.

7. The Child Labour project has a specific time frame and it will not continue indefinitely. The teaching volunteers for the special schools and other staff of the project, society should be engaged with the clear understanding/agreement that they will be paid only a consolidated amount of honorarium for their services which are more or less voluntary in nature and in no case be considered permanent. No regular scale of pay is prescribed. There should not be any centralized system of recruitment of teaching volunteers at the district head quarters level. The volunteers should be from the local community/village to be selected and engaged by the Implementing Agencies/NGOs. The main criteria for their selection would be their commitment to the cause of community service. Minimum level of qualification of the teaching volunteers could be prescribed by the project societies.

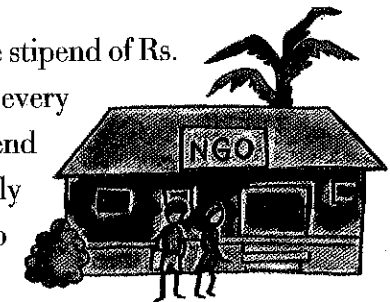


The timing and the duration of the Centres are flexible. The timing of the centres should be adjusted to suit the convenience of the children who are the target group under the project. While the duration of the special schools could be around five hours a day, the duration of duty of each of the project personnel/volunteers should not exceed five hours a day to enable them to work elsewhere also. While deciding on the timing, duration and working hours of the volunteers, the project society must keep in view the convenience of the target group and the objective of the project, which is sought to be achieved.

8. If a situation arises where building and other infrastructure for the special schools are not available in a particular area in the district, the special schools could also be run in the buildings of the regular schools after the regular school hours are over,

9. Certain important and enhanced parameters that introduced in the scheme now are as under:

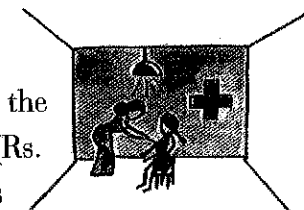
(i) **Stipend:** In the existing arrangement, the stipend of Rs. 100/- per child per month was being disbursed every month. As per the revised scheme, the monthly stipend of Rs. 100/- per month per child will be disbursed only after the child is successfully mainstreamed into formal have been system of schooling.



Till that period, the amount of stipend will be regularly deposited in the Bank Account of the child. The accumulated stipend amount could be handed over to the child at the time of her/his getting mainstreamed.

(ii) **Nutrition:** The amount for provision of nutrition to the children in the special schools has been doubled from Rs. 2.50/- per child per day to Rs. 5/- per child per day.

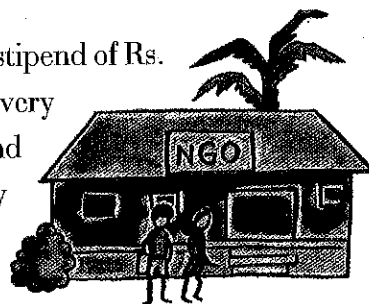
(iii) **Health component:** In the existing scheme, there was no separate budgetary provision for any health component to take care of the health-related aspects of the children. In the revised scheme an amount of honorarium (Rs. 5,000/- per month for one doctor for every 20 schools) has been provided to put in place an institutionalized mechanism for regular and periodical effective health care of the children by a doctor.



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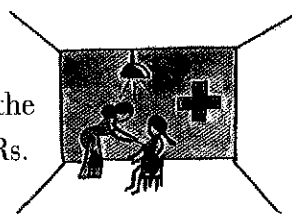
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The NCLP may give clear guidelines to the doctor to the effect that he/she should give more emphasis to the normal growth-related aspects of the child including weight, height etc. A health card in respect of every child also needs to be maintained with all the necessary entries.

(iv) **Vocational Training:** In the existing scheme, there was no separate budgetary provision for the services of any Master Trainer for imparting training to the children/teachers. In the revised scheme, budgetary provision (Rs. 5,000/- for one Master Trainer for each NCLP) has been provided to hire the services of a Master Trainer for each NCLP.

(v) **Training for educational teachers:** In the existing scheme, there was no separate budgetary provision for providing training to the educational teachers. In the revised scheme, budgetary provision has been provided to impart training to the teachers twice during the 10th Plan Period.

(vi) In the revised Scheme, provision (Rs. 2.75 lakh per survey) has been made to conduct surveys of working children **two times during the 10th Plan Period.**

Project Implementation:

10. (i) The entire project is required to be implemented through a registered society under the Chairmanship of the administrative head of the district; namely, District Magistrate/ Collector/ Dy. Commissioner of the District. Members of the society may be drawn from concerned Government Departments, representatives of Panchayati Raj Institutions, NGOs, Trade Unions, etc.

A model composition of the District NCLP Society is at **Annexure-E.**

(ii) It is necessary to involve suitable voluntary organizations in the implementation of the project, especially in the running of the special schools. However, the project society can itself directly execute some of the programme activities. The project society would draw up its own criteria regarding the eligibility of NGOs for associating them in the project activities.

(iii) The rehabilitation of Child Labour calls, for a lot of voluntarism and a high level of motivation on the part of those implementing the scheme. Therefore, the running of special schools should be entrusted to good, reliable and reputed non-governmental organizations, including Panchayati Raj institutions and Trade Unions. Experiment of running special schools through small implementing agencies like Yuvak Sangh, Women's Group, Village Club, Youth Club etc. have been found to be successful. Implementing Agencies, with adequate checks and balances, should be encouraged by the project societies to take up running of the special schools. In case adequate number of good NGOs or implementing agencies is not available, the centres could be run by the Project Society only as a temporary measure. However, running of these special schools should be progressively passed on to NGOs, and other implementing agencies.

Monitoring & Evaluation:

11. Regular monitoring at the Central, State and District level is important for the effective implementation of the project. At the national level, a Central Monitoring Committee has been set up under the Chairmanship of Union Labour Secretary for overall supervision, monitoring and evaluation of various Child Labour projects. At the District level, the Chairperson should review the functioning of the project continuously. The functioning of the Child Labour projects are to be monitored and reviewed at the State level by the State Department of Labour (or any other designated Department). In addition, the State Governments are expected to oversee the enforcement of protective legal provisions and act as a focal point for Child Labour issues in the State and be instrumental in the coordination of the developmental programmes for the benefit of the

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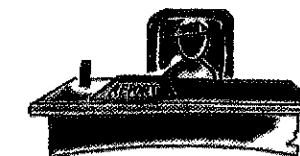
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Child Labour which is an essential part of the National Child Labour Policy. Apart from regular monitoring of the projects, periodic evaluations are required to be undertaken to take mid- course corrective measure and also to assess the overall efficacy of the projects.

Role of the State Government:



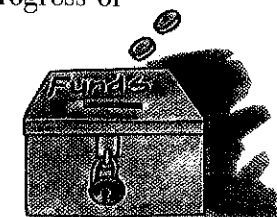
12. There are a number of areas in which the intervention of the State Government is essential. Few of them are illustrated below: -

- a. Finalisation of uniform curriculum, course content and textual material through involvement of the Department of Education, SCERT, SIET, etc.
- b. Coordination with the State Education Department for facilitating the enrolment of children passing out of the Special schools/ Rehabilitation Centres into the mainstream education system.
- c. Finalisation of craft and pre-vocational training module for children enrolled in the special schools.
- d. Ensuring inspection of the Child Labour projects and sending periodic (at least once a year) inspection reports to the Ministry of Labour.
- e. Regular interaction with project societies for ensuring timely submission of Audited Accounts and Utilisation Certificates by the Project Societies. The State Government must review the progress in the implementation of the Child Labour programme twice every year.
- f. Brief training of the volunteers by way of orientation programmes.
- g. National Child Labour Projects are demonstrative projects, which cover limited number of working children. State Government should find ways

and means for rehabilitating other working children either through their enrolment in the formal system or through any other methods deemed appropriate.

Funding:

13. Since the projects have been taken up in the Central Sector, the entire funding is done by the Central Government (Ministry of Labour). Funds are released to the concerned Project Societies depending upon the progress of project activities. The release of funds for a financial year will be made in two equal installments. The first installment for the months of April-September will be released, in case it is proposed to implement, continue the project in that financial year. The second installment will be sanctioned **after** the receipt of Audited Accounts, Utilisation Certificates of the grants released earlier in the previous financial year and a progress report in the prescribed format for the period ending 31st March of the previous financial year.



Project staffing and Budget:

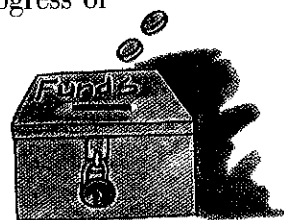
14. A model of the Project Staffing and the Budget for the Project Society and the special schools are given at Annexure F and G. The project society must conform to the approved model budget and any change in the pattern and norms of expenditure either on project personnel or on welfare inputs must be with prior and express approval of the Ministry of Labour, Government of India. The pattern of budget, engagement of personnel/volunteers etc under the existing project should progressively conform to the revised pattern.



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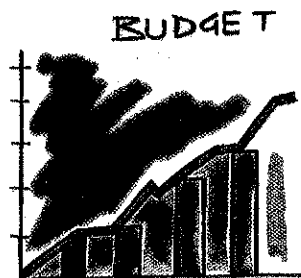
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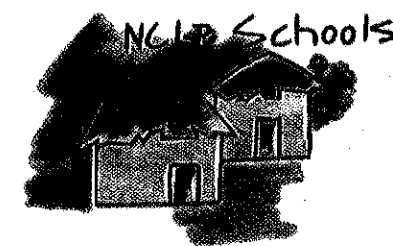


STRATEGY TO BE ADOPTED DURING THE TENTH PLAN FOR ELIMINATION OF CHILD LABOUR.

- Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the Plan period.
- Expansion of the NCLPs to additional 150 districts during the Plan.
- Ensuring that the NCLPs have a focused time frame of 5 years with clearly defined targets.
- Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan of the MHRD an attempt to ensure that small children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the Rehabilitation Centres. Increased efforts to provide vocational training to the older children.
- Strengthening of the formal school mechanism in the endemic Child Labour areas in the country both in terms of quality and numbers in such a manner as to provide an attractive schooling system to the Child Labour force and its parents so that motivational levels of both the parents and such children are high and sending these children to school becomes an attractive proposition.
- Effective provision for health care for all children would be made.
- Implementation of the Child Labour (Prohibition & Regulation) Act would be made much more effective.
- The monitoring system would be further systematized with the close

involvement of the State Government to ensure that the project is able to attain its objectives within the given period.

- Equal important would be paid to the aspect of continuous awareness generation through print, folk and electronic media. Requisite training and sensitization of workshops would be conducted for officials at all levels.
- The task of elimination of Child Labour be placed on the top of the Nation's Agenda and given a "Mission Mode".
- Convergence with the ongoing schemes of the Dept. of Education, Rural Development, Health and Women & Child Development would be critical for the ultimate attainment of the objective of elimination of Child Labour in a time bound manner.
- Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools. The attempt during this Plan would be to encourage the running of the rehabilitation schools only through accepted and committed NGOs so that the Government machinery is not burdened with running of such schools?





सत्यमेव जयते

Government of India
Ministry of Labour & Employment, New Delhi