

INTRODUCTION

12.1 Government of India stands committed to the elimination of child labour in the country. Our Constitution provides for protection of children from involvement in economic activities and avocations unsuited to their age. Directive Principles of State Policy in the Constitution strongly reiterates this commitment and this is also provided for in the Fundamental Rights

12.2 Realizing the multifaceted nature of this problem, Government had embarked on a holistic and multi-

pronged programme to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and processes and progressively covering those working in other occupations also. On the one hand, it provides for legal action for enforcement purposes and on the other, it also focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour. **Box 12.1** postulates the various constitutional provisions, which aim at protecting children from employment.

CONSTITUTIONAL PROVISIONS		Box 12.1
<p><u>Article 21 A</u></p> <p>Right to Education</p> <p>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.</p> <p><u>Article 24</u></p> <p>Prohibition of employment of children in factories, etc.</p> <p>No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.</p>	<p><u>Article 39</u></p> <p>The State shall, in particular, direct its policy towards securing: -</p> <p>(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.</p>	

LEGAL PROTECTION OF CHILDREN AT WORK

12.3 As per the Child Labour (Prohibition & Regulation) Act, employment of children below the age of 14 years is prohibited in notified hazardous occupations and processes. The Act also regulates employment of children in non-hazardous occupations and processes. There are at present 15 hazardous occupations and 57 processes, where employment of children is prohibited. Some of the important prohibited occupations and processes are carpet weaving, building and construction work, brick kilns, production of hosiery goods, work as domestic servants, and in tea-shops, road side

eateries, etc. The Act also regulates the working conditions of children in other employments, which are not prohibited under the Child Labour (Prohibition & Regulation) Act, 1986.

12.4 The Act provides for constitution of the Child Labour Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act. The Committee consists of a Chairman and such other members, not exceeding 10, as may be appointed by the Central Government. A meeting of the Technical Advisory Committee was held on 3rd January, 2008 under the Chairmanship of Director General, Indian Council of Medical Research, which recommended an additional nine occupations to be notified as hazardous.

12.5 The State Government is the appropriate authority for implementing the Child Labour (Prohibition and Regulation) Act, 1986. The Department of Labour through its inspectorate mechanism is the enforcement authority in the State. The Chief Labour Commissioner (Central) is appropriate authority for implementing the Child Labour (Prohibition & Regulation) Act, 1986 in respect of areas under the Central Sector.

12.6 Under the Child Labour (Prohibition & Regulation) Act since 1997-98 to 2005-06, overall about 0.26 million inspections have been carried out, around 0.61 million violations have been detected, 67,691 prosecutions launched and 22,588 convictions obtained

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12.8 As per the Census 2001, there are 12.6 million economically active children in the age group of 5 to 14 years, of which approximately 0.12 million are working in hazardous occupations.

12.9 As per the Global Report on Child Labour published by International Labour Organization last year, the activity rate of children in the age group of 5-14 years is 5.1% in Latin America and Caribbean Region, which is the lowest in the world. In the Asia-

Pacific Region, it is 18.8%. In comparison to that, the activity rate of children in India, as per 2001 census is 5%.

NATIONAL CHILD LABOUR POLICY

12.10 Constitutional and legislative provisions providing protection to children against employment also find 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 integrated manner. The action plan under this policy is multi-pronged and mainly consists of: -

- (i) **A legislative action plan;**
- (ii) **Focuses 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.**

NATIONAL CHILD LABOUR PROJECT (NCLP) SCHEME

12.11 For rehabilitation of child labour, Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 13 child labour endemic districts of the country. Its coverage was increased progressively to cover 250 districts in the country presently. The list of districts under NCLP Scheme is at **Table 12.1**. Government in future plans to cover all the districts of the country in which there is an incidence of child labour.



Special School under NCLP Scheme

12.12 Under the NCLP Scheme, children are withdrawn from work and put into special schools, where they are provided with bridging education, vocational training, mid-day meal, stipend, health-care facilities etc. and finally mainstreamed to the

formal education system. At present, there are 8,887 NCLP schools being run in the country with an enrolment of 0.34 million children. 0.45 million working children have already been mainstreamed to regular education under the NCLP Scheme.



Mid-day meal for children in special schools under NCLP Scheme

12.13 The NCLP scheme is a Central Sector scheme. Under the scheme, project societies are set up at the district level under the Chairpersonship of the Collector/District Magistrate for overseeing the implementation of the project. Instructions to involve civil society and NGOs have also been issued.

RECENT INITIATIVES OF THE GOVERNMENT TOWARDS ELIMINATION OF CHILD LABOUR

CONVERGENCE:

12.14 Considering that the poverty and illiteracy are the root causes for child labour, Government is following a multi-pronged strategy to tackle this problem. Educational rehabilitation of these children has to be supplemented with economic rehabilitation of their families so that they are not compelled by their economic circumstances to send their children to work. The Ministry of Labour & Employment is taking various proactive measures towards convergence between the schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, Panchayati Raj institutions etc. so that child labour and their families get covered under the benefits of the schemes of these ministries also. A Core Group under the Chairpersonship of Union Labour Secretary involving all these ministries has also been formed for convergence on a sustained basis among these Ministries at the national level. Further, for developing specific convergence based models for elimination of child labour, Ministry of Labour & Employment has also formed a Working Group on Convergence based models with representatives from Ministries, State Governments, International Labour Organisation, etc. Ten districts in five States, viz. Delhi, Bihar, Orissa, Madhya Pradesh and Gujarat, have been identified for implementation of the convergence based models as a pilot which would later be replicated to other districts. A consultation on the convergence based model involving the District Collectors of these districts, labour departments of the five States, other concerned departments like Women & Child Development, Human Resource Development, Social

Welfare, etc., in these States, Training Institutes, etc. has also been held on 11th and 12th February, 2008, to sensitize them on the issues of convergence and for experience sharing.

TRACKING & MONITORING

12.15 The Ministry of Labour & Employment had set up a Working Group on Tracking and Monitoring of child labour to recommend an appropriate tracking and monitoring system for child labour covered under the NCLP Scheme. The Working Group has submitted its report. The important aspects mentioned in the report are:

- developing a model Child Profile Card,
- tracking of 9-14 year old children be done by instructors/teachers of the special schools and for children in the age group of 5-8 years be done by Education departments,
- the tracking of children should start from the time of their enrollment in special schools till two years after their mainstreaming,
- data to be updated every quarter,
- to ensure accuracy and reliability of data, validation of child-wise tracking information by Panchayati Raj Institutions,
- allocation of additional funds to each NCLP district for purchase of computers and retraining of officials accordingly,
- the system be also used for project management.

PROTOCOL ON MIGRATION & TRAFFICKING OF CHILDREN FOR LABOUR

12.16 The Ministry of Labour & Employment is taking number of steps for rescue, safe repatriation and rehabilitation of migrant and trafficked child labour. Towards this end, a high level Committee has been constituted under the Chairpersonship of the Secretary (L&E) with representatives from various Ministries of the Government of India and State

Labour Departments and NGOs. A Drafting Committee has also been set up to develop a detailed protocol for prevention, rescue, repatriation, rehabilitation and re-integration of migrant and trafficked child labour. The Committee is in the process of preparing the draft Protocol, which would then be shared with the State Governments for their inputs before finalizing it. The drafting Committee has members from Ministry, some State Governments,

ILO, NGOs, etc. A specialized training on the international strategies to tackle issues of migrant and trafficked child labour has been organized by ILO at its International Training Centre at Turin, Italy from 28th January, 2008 to 1st February, 2008. Representatives from Ministry of Labour & Employment, Women & Child Development, Human Resource Development, 13 States, National Labour Institute, YASHDA, NHRC participated in this training.



Awareness Generation Campaign

12.17 In order to step up enforcement, government had recently launched a nationwide special 'Enforcement Drive against Child Labour' for a fortnight starting from 14th November 2007. During this period, wide scale awareness was created through extensive media campaign consisting of advertisements in prominent national and regional newspapers, audio-visual spots on various TV

channels, outdoor hoardings etc. in this connection, the Hon'ble Union Labour and Employment Minister had written to the Chief Ministers of all States and Union Territories to step up enforcement activities and conduct awareness generation campaign on the issue of child labour. Funds were also released to the State Governments specifically for creating awareness on enforcement. This was followed by a

meeting of the Hon'ble Union Labour and Employment Minister with the State Labour Ministers, where he reviewed the performance of the States on

the enforcement front. The States were urged to take all measures towards strict enforcement of the Child Labour (Prohibition & Regulation) Act.



Interaction between teachers of NCLP School and parents of children

MONITORING OF THE NCLP SCHEME

12.18 A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment, was set up for the overall supervision, monitoring, evaluation of the National Child Labour Projects. State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee. Action is also being taken at the district and the State level to monitor the pace and progress of operationalisation of NCLPs. The last meeting of the Central Monitoring Committee was held at Pachmarhi (Madhya Pradesh) during 13-13 July, 2007. During the deliberation, three Sub-Committees were formed to :

- (i) **consider and review State level monitoring and State Action Plan and Convergence at State level;**
- (ii) **examine and make recommendations with regard to International Conventions on child labour and inclusion of additional occupations/process under the Child Labour (Prohibition & Regulation) Act;**
- (iii) **examine and recommend on the issues of utilisation of funds and enforcement of recent ban and rehabilitation of affected children.**

EVALUATION OF THE NCLP SCHEME

12.19 A comprehensive exercise to evaluate the NCLPs in the country was conducted in 2001 by independent agencies. The evaluation exercise was coordinated by the V. V. Giri National Labour Institute, Noida. A fresh evaluation of the Scheme has been conducted recently by NLI through independent agencies. The final report of the evaluation is likely to be submitted shortly.

ASSISTANCE TO VOLUNTARY ORGANIZATIONS

12.20 During 2007-08, under the Grants-in-aid scheme, 117 voluntary organizations / NGOs are being financially assisted to the extent of 75% of the project cost, for taking up action-oriented projects for rehabilitation of working children. Periodic reports from the assisted NGOs, field visits by official of the Central and State Governments play an important role in monitoring these projects.

SUPREME COURT JUDGEMENT ON CHILD LABOUR

12.21 Hon'ble Supreme Court of India was also seized of the issue of elimination of child labour. It had issued various directions from time to time. Some of these directions are:

- **completion of survey of children working in hazardous employments;**
- **payment of compensation amounting to Rs.20,000/- by the offending employer for every child employed in contravention of the provisions of the Act;**
- **giving alternative employment to an adult member of the child withdrawn from the hazardous occupations or payment of an amount of Rs.5,000/- for each child employed in hazardous employment by the appropriate Government;**
- **payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- by the**

employer and Rs.5,000/- by the appropriate Government) to the family of the child withdrawn from work;

- **provision of education in a suitable institution for the child withdrawn from work;**
- **constitution of the Child Labour Rehabilitation-cum-Welfare Fund;**
- **constitution of a separate cell in the Labour Department of the appropriate Government for the purpose of monitoring.**

12.22 The implementation of the directions of the Hon'ble Supreme Court is being monitored by the Ministry of Labour & Employment and compliance of the directions is reported to the Hon'ble Court on the basis of information received from the State / UT Governments from time to time.

INTERNATIONAL PROGRAMME ON ELIMINATION OF CHILD LABOUR (IPEC)

12.23 The International Programme on elimination of Child Labour is a global programme launched by the International Labour Organisation in December, 1991. India was the first country to join it in 1992. The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are:

- **Enhancement of the capability of ILO constituents and NGOs to design, implement and evaluate programmes for child labour;**
- **To identify interventions at community and national levels which could serve as models for replication; and**
- **Creation of awareness and social mobilization for securing elimination of child labour.**

INDUS PROJECT

12.24 The Government of India and the US Department of Labour have initiated a joint US\$40

million project aimed at eliminating child labour in identified hazardous sectors across 21 districts in five States, namely, Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and NCT of Delhi. ILO is implementing this project, popularly known as INDUS. The Project aims to withdraw rehabilitate 80,000 working children. The Project is based on NCLP Scheme with certain additional features, viz., vocational training of adolescents in the age group of 14-17 years, income generation of families of child labour, greater monitoring and tracking of child labour, etc. The project is due to end in March, 2008. List of the 21 districts is given at **Table 12.2**.

ANDHRA PRADESH PROJECT

12.25 Besides this, ILO has also implemented phase I of the State-based Project in Andhra Pradesh. The Phase-II of the AP Project is currently under implementation.. In the second phase the project is focusing on two most child labour endemic districts in the State i.e. Mehboobnagar and Kurnool. The Project is also focusing on the special problems of urban areas and attempt to evolve a strategy for Hyderabad city.

KARNATAKA PROJECT

12.26 This State based project is being implemented in 2 districts of the State, i.e. Chamarajanagar & Bidar. The project is being funded by Government of

Italy and has budget of US\$ 3.29 million. It has already been launched and the duration of the project is three years. The project will implement all the components of the NCLP Scheme with some additionalities. Interventions under the Project are being made on pilot basis for future replication in other areas.

GOI- UNICEF JOINT MASTER PLAN

12.27 Under Joint Master Plan of Operations on Child Protection between Government of India and UNICEF, this Ministry is implementing activities on child labour elimination. UNICEF will fund these activities and the present budget is US\$ 120,000. Main activities include development of National Tracking System to monitor children in NCLPs and development of National Communication Strategy on Child Labour. A Prototype of National Tracking System has already been developed and field trials are being conducted in the states of Karnataka, Andhra Pradesh, and Uttar Pradesh and West Bengal.

12.28 Children, who constitute a very large segment of our society, are undeniably our assets and our future. Hence, they need to be taken care of and nurtured in their natural place i.e. the school and playground. This is the goal towards which the Government policies and programmes are aimed.

Table 12.1

LIST OF DISTRICTS COVERED UNDER NCLP SCHEME

Sl.No.	Name of the States	No. of Districts	Name of the Districts covered under NCL
01	Andhra Pradesh	23	Ananatapur, 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
02	Assam	3	Nagaon, Kokrajhar and Lakhimpur
03	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
04	Chhattisgarh	8	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Dantewada, Raipur and Korba
05	Gujarat	9	Surat, Panchmahals, Bhuj, Banas Kantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
06	Haryana	3	Gurgaon, Faridabad and Panipat
07	Jammu & Kashmir	3	Jammu, Srinagar and Udhampur
08	Jharkhand	9	Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Gumla, Palamu, Ranchi and Hazaribagh
09	Karnataka	17	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Tumkur, Devangere, Haveri, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar and Mandya.
10	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
11	Maharashtra	13	Solapur, Thane, Pune, Parbhani, Sangli, Buldana, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule and Beed.
12	Mizoram	1	Lawngtalai
13	Nagaland	1	Dimapur
14	Orissa	18	Angul, Bargarh, Bolangir, Balasore, Cuttack, Deogarh, Gajapati Ganjam, Jharsuguda, Kalahandi, Koraput,

			Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonepur,
15	Punjab	3	Jalandhar, Ludhiana and Amritsar
16	Rajasthan	23	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalor, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Sri Ganganagar and Barmer.
17	Tamil Nadu	13	Chidambaranar (Tuticorin), Coimbatore, Dharmapuri, Vellore, Pudukkottai, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul and Theni.
18	Uttar Pradesh	42	Varanasi, Mirzapur, Bhadohi, Bulandshahar, Saharanpur, Azamgarh, Shahjahanpur, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Kaushambi, Kanaouj, Rae Bareli, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonebhadra, Mau, Bijjonor, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura and Eath.
19	Uttaranchal	1	Dehradun
20	West Bengal	18	Burdwan, North Dinajpur, South Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hoogli, Howrah, Jalpaiguri, Cooch Bihar and East Midnapore.
	Total	250	

Table-12.2

LIST OF DISTRICTS COVERED UNDER INDUS PROJECT (21)		
Sl.No.	Name of the State	Names of the Districts
1	Madhya Pradesh	Damoh, Sagar, Jabalpur, Satna and Katni (5)
2	Maharashtra	Amravati, Jaina, Aurangabad, Gondia and Mumbai Suburban (5)
3	Uttar Pradesh	Moradabad, Allahabad, Kanpur Nagar, Aligarh and Ferozabad (5)
4	Tamil Nadu	Kanchipuram, Thiruvannamallai, Tiruvallur, Nammakkal and Virudhunagar (5)
5	Delhi	Delhi