

**Working Group for
Social inclusion of Vulnerable
Group like Child Labour and
Bonded and Migrant Labour in the
12th Five Year Plan (2012-17)**



सत्यमेव जयते

Planning Commission.

Government of India

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Introduction on Child Labour

Children are the greatest gift to humanity and Childhood is an important and impressionable stage of human development as it holds the potential to the future development of any society. Children who are brought up in an environment, which is conducive to their intellectual, physical and social health, grow up to be responsible and productive members of society. Every nation links its future with the present status of its children. By performing work when they are too young for the task, children unduly reduce their present welfare or their future income earning capabilities, either by shrinking their future external choice sets or by reducing their own future individual productive capabilities. Under extreme economic distress, children are forced to forego educational opportunities and take up jobs which are mostly exploitative as they are usually underpaid and engaged in hazardous conditions. Parents decide to send their child for engaging in a job as a desperate measure due to poor economic conditions. It is therefore no wonder that the poor households predominantly send their children to work in early ages of their life. One of the disconcerting aspects of child labour is that children are sent to work at the expense of education. There is a strong effect of child labour on school attendance rates and the length of a child's work day is negatively associated with his or her capacity to attend school. Child labour restricts the right of children to access and benefit from education and denies the fundamental opportunity to attend school. Child labour, thus, prejudices children's education and adversely affects their health and safety.

India has all along followed a proactive policy in addressing the problem of child labour and has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour. The Constitution of India has relevant provisions to secure compulsory universal primary education. Labour Commissions and Committees have gone into the problems of child labour and made

extensive recommendations. India's judiciary, right up to the apex level, has demonstrated profoundly empathetic responses against the practice of child labour. Despite several proactive legislations, policies and judicial pronouncements, the problem of child labour persists as a challenge to the country.

2. Magnitude of Child Labour in India

The magnitude of child labour in India has been witnessing enormous decline in the last two decades, both in terms of magnitude and workforce participation rates. Evidence drawn from the National Sample Survey data suggest that India's child workforce during 2004-05 was estimated at little over nine million (9.07 million) as against twenty-one and half million (21.55 million) in 1983. During this period, the number of child employment has declined sharply by 12.48 million. There is considerable fall in child workforce is observed among boys than girls. The corresponding fall in boys and girls workforce during 1983 to 2004-05 is observed to have decreased from 12.06 to 4.76 million, and 9.49 to 4.31 million, respectively. In effect, the gender difference that existed between boys and girls (adverse against boys) during the early 1980s has almost dissipated in recent years, the difference being slowed down from 2.57 million to roughly 0.45 million. However, in absolute numbers, the problem is large. As per the Census 2001, there are 1.26 crores economically active children in the age-group of 5-14 years. It was 1.13 crores in the 1991 Census. The number of working children in the major child labour endemic states as per the 1991 and 2001 Census is given below:-

Sl. No.	Name of the State/UT	Census 1991	Census 2001
1.	Uttar Pradesh	1410086	1927997

2.	Andhra Pradesh	1661940	1363339
3.	Rajasthan	774199	1262570
4.	Bihar	942245	1117500
5.	Madhya Pradesh	1352563	1065259
6.	West Bengal	711691	857087
7.	Karnataka	976247	822615
8.	Maharashtra	1068418	764075
9.	Gujarat	523585	485530
10.	Tamil Nadu	578889	418801
	All India total	1.13 crores	1.26 rores

- 2.1 Among the states, Uttar Pradesh accounts for a larger share of close to one-fourth of all child labour in India followed by Andhra Pradesh. While Maharashtra and West Bengal respectively garnered nine and eight percent of India's child employment. The share of Uttar Pradesh has dramatically shot up in the last one decade from less than 13 per cent in the mid-1990s to close to 23 per cent in 2004-05, which is a cause for serious concern. On the other hand, the share of Andhra Pradesh seems to have declined quite considerably during this period.
- 2.2 The occupation-wise data of children in this age group of 5-14 working in the non-agricultural sector has been classified. Though these occupations in the Census data do not match with the occupations listed as hazardous under the Child Labour (Prohibition & Regulation) Act, a tentative segregation of data into hazardous & non-hazardous occupations gives a broad estimation of children working in different occupations. As per this data, 36.43 lakh children in the age group of 5-14 years are working in non-agricultural sector in the country, out of which 12.19 lakh children are working in hazardous occupations. Their distribution in some major hazardous occupations is given below:

Number of child workers (5-14 years) engaged in Hazardous Occupations as per 2001 Census

1	Pan, Bidi & Cigarettes	252574
2	Construction	208833
3	Domestic workers	185505
4	Spinning/ weaving	128984
5	Brick-kilns, tiles	84972
6	Dhabas/ Restaurants/ Hotels/ Motels	70934
7	Auto-workshop, vehicle repairs	49893
8	Gem-cutting, Jewellery	37489
9	Carpet-making	32647
10	Ceramic	18894
11	Agarbati, Dhoop & Detergent making	13583
12	Others	135162
	Total	1219470

3. Global Scenario

Empirical estimates of the ILO show that the number of economically active children in the world in the age group 5-14 years was nearly 191 million in 2004, with a work participation rate of 15.8 per cent. Children involved in hazardous work comprise around 38.7 per cent of global child labour population. Among the different regions, largest number of child workers, 122 million constituting 64% was concentrated in Asia and the Pacific, within which India accounts for a substantial size.

3.2. In four years, from the year 2000 to 2004, the number of child labour globally fell by 11 per cent. During this period the magnitude of children in hazardous work decreased by 26 per cent. The decline was even steeper (33 per cent) for children in hazardous work in the age group of 5-14 years. The global picture shows a declining trend i.e. the more harmful the work and the more vulnerable the children involved, the faster the decline. In Latin America and the Caribbean the number of children at work has fallen by two-thirds over these four years with the child work participation rate at 5 per cent. Interestingly, the activity rate

of children in this age group in India as per Census 2001 is 5%, which has come down from 5.7% in 1991. Sub-Saharan Africa observed to have made the least progress where the rates of population growth, HIV/AIDS infection and child labour remain alarmingly high. In the Global Report of the ILO, it has been highlighted that the combination of political will, effective utilization of resources and the right policy choices can definitely contribute in a great way to end child labour worldwide.

4. Government Initiatives

Legislation, Policy, Programmes and other Interventions

- 4.1 The Constitutional guarantees are reflected in the policies, plans, laws and schemes on child labour. As per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all the children in the age group of 6-14 years.

- 4.2. Child Labour (Prohibition and Regulation) Act (1986) was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour. Significant among them were the National Commission on Labour (1966-1969), the Gurupadaswamy Committee on Child Labour (1979) and the Sanat Mehta Committee (1984). The Act aims to prohibit the entry of children into hazardous occupations and to regulate the services of children in non-hazardous occupations. In particular it is aimed at (i) the banning of the employment of children, i.e. those who have not completed their 14th year, in 18 specified occupations and 65 processes; (ii) laying down a

procedure to make additions to the schedule of banned occupations or processes; (iii) regulating the working conditions of children in occupations where they are not prohibited from working; (iv) laying down penalties for employment of children in violation of the provisions of this Act and other Acts which forbid the employment of children; (v) bringing uniformity in the definition of the child in related laws.

4.3. Despite several proactive legislations the problem persists as a challenge to the country. In consonance with the above approach, a National Policy on Child Labour was formulated in 1987, setting out objectives and priorities to eradicate child labour and protect all children from exploitation. The three components stated in the National Policy on Child Labour are: (a) Legislative Action Plan emphasizing strict and effective enforcement of legal provisions relating to Child Labour, (b) Focus on General Development Programmes for benefiting children and their families, and (c) Project-based Plan of Action focusing on areas with high concentration of child labour through implementation of National Child Labour Project.

4.4. Child Labour exists in India notwithstanding the Laudable provisions of the Constitution and laws addressing child labour. Despite the fact that a host of social, economic and cultural factors is responsible for continuance of child labour, Government is committed to the task of elimination of child labour in all its forms by adopting gradual and sequential approach to address the problem in its enormity.

4.5. To address the traditional and stereotype demand and supply factors including cheap and docile labour, poverty, illiteracy, indebtedness, unemployment and landlessness, that contribute to the prevalence of child labour, Government of India follows a multipronged strategy which involves strong enforcement of legal provisions relating to child labour with simultaneous efforts towards rehabilitation of children and by making efforts of raising the income levels of

parents through linkages with the employment and income generation programmes and other poverty alleviation programmes of the Government.

4.6. With the objective to implement the multi-pronged strategy the National Child Labour Project (NCLP) was first initiated in 1988, as a part of a larger Plan of Action arising out of the National Child Labour Policy. The National Child Labour Project has been strengthened by several major initiatives at national, state and district level in the country aiming at elimination of child labour. The main thrust of this scheme has been to reduce the incidence of child labour in the pockets of their concentration. Providing education through special schools, and subsequently mainstreaming them in regular schools are the major activities under the NCLP at the ground level. The working children are identified through surveys conducted by the independent agencies, and inspections conducted by the Labour Department. On the basis of their reports, children are withdrawn from labour force. These children are enrolled in the special schools which provide formal/non-formal education, vocational training, supplementary nutrition, monthly stipend, regular health check-up, etc., and are subsequently mainstreamed in formal education or self-employment within a period of six months to three years of their enrolment in the special schools.

4.7. The principal agency for implementation of the NCLP is the Project Society formed at district levels and registered under the Registration of Societies Act, 1860. The Project Society functions under the overall chairpersonship of District Collector. The funds under the Scheme are sanctioned by the Ministry directly to the District Collector, who in turn, disburses them amongst the NGOs for running these Special Schools for working children. The funds are also provided under the Scheme for conducting regular child labour surveys, awareness generation programmes and training of instructors/teachers, etc. The District Collector is assisted by the members of the Project Society who could be drawn from the relevant departments of the Government at the

district levels, trade unions, employers' associations, and voluntary organizations. The operationalisation of the NCLP involves (a) establishing a Project Office in each of the child-labour-endemic district (b), conducting survey and identification of child labour, particularly in hazardous occupations, (c) opening up of special schools and supporting them, (d) enrolment of working children in the special schools and ensuring their formal/informal education up to a maximum period of three years, (e) providing mid-day-meals and regular health check-ups to the enrolled children, and finally (f) mainstreaming those children and keeping track of them for some time after mainstreaming. In addition to these, the Project Office is also expected to (1) establish convergence of services and schemes with other departments, and (2) implement and monitor different labour laws relevant for abolition of child labour. All these stages are components of one integrated approach aim at reducing the intensity of child labour and also effectively contribute to overall development of children belonging to vulnerable section of the society in the concerned districts and subsequently at the all-India level.

4.8 National Child Labour Project was first launched in 1988 and the project was implemented in nine districts. By the end of 1989, a total of 12 projects were operational in eight states covering 13,668 working children who were employed in hazardous industries such as Glass, Brassware, Lock, Carpet, Slate, Tile, Match and Fireworks, Gems, Agro-Chemicals and Beedi. In August 1994, the process of rehabilitation of Child Labour was intensified after the in-depth consultations with District Collectors of child labour-endemic districts. Consequently, the NCLP Project was extended to 76 districts. The coverage progressively increased to 85 projects in 2001 and expanded to 100 districts by the end of 9th five year Plan, and further expanded to 250 districts during the 10th Plan period and 271 districts during the 11th Plan period. The Supreme Court had issued a number of directions to the Central as well as state governments to eliminate child labour. Major thrust to the NCLP came with

the landmark judgement of the Hon'ble Supreme Court in December 1996 in the case of M.C. Mehta Vs. State of Tamilnadu. The Honourable Supreme Court gave certain directions regarding the manner in which the children working in the hazardous occupations were to be withdrawn from work and rehabilitated, as also the manner in which the working conditions of the children employed in non-hazardous occupations were to be regulated and improved upon. The Hon'ble Court specifically ordered withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions. It also prescribed employment of at least one adult member of the family of the child so withdrawn from work, a contribution of Rs.20,000/- per child was ordered to be paid by the offending employer into a corpus of fund set up for the welfare of child labour & their families. Failing which, the State Government to contribute to this Welfare Fund Rs.5,000/- per child. The interest earnings of this corpus were to be used for providing financial assistance to the families of these children. The Hon'ble Court also ordered regulation of working hours for the children engaged in non-hazardous occupations, so that their working hours did not exceed 5-6 hours per day and that at least two hours of education was ensured. It further directed that the entire expenditure on education of these children be borne by their employers. Thus the landmark judgment of the Honourable Supreme Court in December, 1996 in the case of M. C. Mehta vs. State of Tamil Nadu gave further impetus to the implementation of the different poverty alleviation schemes targeting child labour households.

- 4.9 The formulation and implementation of the National Child Labour project involves consultation with all the concerned Ministries/Departments. At the National level the progress of the programme is being monitored by the Central Monitoring Committee headed by Secretary, Ministry of Labour & Employment. A core group has been set-up for active convergence on a sustained basis among various ministries at the central level for rehabilitation of child labour and their families. This core group is headed by Secretary,

Ministry of Labour & Employment comprising representatives from concerned Ministries such as Women and Child Development, HRD, Social Justice and Empowerment, Rural Development, Urban Housing and Poverty Alleviation. At the national level, various activities relating to the NCLP are carried out by the Child Labour Division in the Ministry of Labour & Employment (MoLE). Presently, the Child Labour Division is headed by Joint Secretary. The implementation of the NCLP Scheme is monitored by the Ministry of Labour & Employment (MoLE) through prescribed periodical reports and regular visits of Officials of MoLE, State Governments and Audit Departments. Funds are released based on the progress of project activities.

5. Elimination of Child Labour in India - Coordination with ILO

5.1 The International Labour Organisation (ILO) launched the International Programme for Elimination of Child Labour (IPEC) in the year 1991 with the objective to end child labour globally. India was the first country to sign the Memorandum of Understanding (MOU) in the year 1992. During the 11th Plan Period, three Projects viz., INDUS Project, Andhra Pradesh Phase-II & Karnataka Project were implemented in the country under ILO-IPEC. Jointly funded by the Ministry of Labour, Government of India and the Department of Labour, United States of America (USDOL), the INDUS Child Labour Project was implemented in ten hazardous sectors in 21 districts across five states viz. Delhi (NCT Delhi), Maharashtra (Districts of Amravati, Jalna, Aurangabad, Gondia and Mumbai Suburban), Madhya Pradesh (Districts of Damoh, Sagar, Jabalpur, Satna and Katni), Tamil Nadu (Districts of Kanchipuram, Thiruvannamalai, Tiruvallur, Nammakkal and Virudhunagar) and Uttar Pradesh (Districts of Moradabad, Allahabad, Kanpur Nagar, Aligarh and Ferozabad). The project adopted a participatory method to identify beneficiaries and enrolling child workers in schools, transitional education centres and vocational training centres was seen as a key strategy for rehabilitation of child and adolescent workers withdrawn from work. The project was instrumental in the operationalising the public education

component in the field. The Project also developed income generation strategies for child labour elimination by linking child labour families with the ongoing government schemes that provide access to micro credit and subsidies.

The project has systematically worked at developing a comprehensive multi-pronged communication strategy. A variety of tools have been developed to aid awareness raising efforts at the field level. Through its Action Programmes, the INDUS project worked towards sensitising and building capacities of key government agencies and civil society partners in project states on child labour. The project, through an action research to study the occupational health and safety made efforts to develop interim solutions to protect adolescents and young adults from hazards at work places. The project has also operationalised a beneficiary tracking system, for tracking and following up on the progress of all project beneficiaries. Through this project, an estimated 103,152 child and adolescent workers were withdrawn and rehabilitated. The Project was concluded in March 2009.

6. Converging against Child Labour: Support for India's Model

Approved by the Government of India, the project of the ILO 'Converging Against Child Labour—Support for India's Model', with the duration of 42 months, is presently implemented in two districts each in the States of Bihar (Katihar and Sitamari), Jharkhand (Ranchi and Sahibganj), Gujarat (Surat and Vadodara), Madhya Pradesh (Jabalpur and Ujjain), and Orissa (Cuttack and Kalahandi). The broad objective of this project is to bring together various Government Departments and Stakeholders to work for the elimination of child labour. The contribution of US Department of Labour for this project is US\$ 6,850,000.

7. Strategy for dealing with Child Labour during the 12th Five Year Plan Period

7.1. The strategy for dealing with Child Labour during the 12th Five Year Plan Period has been formulated based on the suggestions given by the members of the working group in the two meetings conducted on 27th May and 8th July

2011 (**Minutes enclosed at Annexure XIII and XIV**). The broad highlights of the suggestions are:

- The Child Labour (Prohibition and Regulation) Act should be strengthened and amended.
- The problems of working children of the migratory families should be addressed. Child labour survey should specifically capture migration of children. Residential schools should be opened in each Metro and Mega cities and also in every district.
- It is important to run residential schools for rehabilitation of child labour.
- The NCLP Scheme should expand further to a large geographical coverage.
- Emphasis should be given to the monitoring and tracking of NCLP school children.
- The convergence approach should be followed to enhance social protection and welfare measures for working children.
- The NCLP Scheme should be realigned in the light of Right to Education Act 2009. Teachers of the NCLP Special schools should be properly trained.
- Three tier Monitoring Committee at the District, State and National level should be made for effective implementation and monitoring of the NCLP Scheme.
- Panchayati Raj Institutions should be involved in monitoring and tracking of child labour.

7.2 Extension of NCLP Scheme: The NCLP Scheme, which began with a modest number of only 12 districts, has been progressively extended to various parts of the country with the coverage of 271 districts in 21 States of the country (**List of 271 districts spread over 21 States is given in Annexure-I**). There have been demands from various States for expanding the coverage of NCLP Scheme to more districts, there is, therefore, a need to expand the Scheme in all the 600 districts in the country. The expenditure on 600 Project Societies works out to Rs. 72,11,57,80,000/- (**Annexure IX**). Further analysis of Census 2001 figures for Working Children indicates that approximately 12 lakh children are working in hazardous occupations. This includes 1.85 lakh children as

Domestic Workers and about 71,000 children working in *Dhabas*, Hotels, Restaurants etc. These two categories of occupations have been declared as hazardous in October, 2006. In light of this fact such an expansion is essential. In case of budgetary constraints, priority may be given to the donor states, i.e. where there is dominance of child labour and from where the child labour migrate to the recipient states. The donor states may include States like Orissa, Bihar, Jharkhand, Uttar Pradesh etc. Also priority should be given to the recipient States, i.e. to the States to which these children migrate in search of labour. The recipient States may Include Maharashtra, Gujarat and Delhi.

8. **Revision of NCLP Scheme:** The revision of the NCLP Scheme has already been initiated during the 11th Plan but some of more additional components are to be added for further strengthening of this Scheme and in a direction to make it compliant with the provisions of RTE.

9. **NCLP Society**

9.1 **Child Labour Survey:** Since the NCLP Scheme is proposed for expansion in all districts of the country there is an immediate requirement for child labour survey in all the 600 districts. One of the key inputs required for launching and implementing the NCLP project is an accurate estimation of the magnitude and identification of children employed in non-hazardous occupations, hazardous occupations and also in the worst forms of child labour. Moreover, child labour survey in the district is the main basis of the enrolment of children in the Special Schools. There is a need to increase the budget for survey from Rs. 2.75 lakhs to Rs. 5 Lakhs with the provision for conducting two Surveys in a district during the Plan period which works out to be 10 Lakhs per district (**Financial Implication given in Annexure II**). The Survey needs to be conducted from a recognized agency/organization. The State project society under secretary Labour of the state Government would form a panel of organization of repute for the Child Labour survey.

9.2 **Standard curriculum and learning materials:** The curriculum of special schools assumes importance for the purpose of smooth transition to formal schools. Taking into account the diverse background and skill sets of the

enrolled children, the State Governments are to develop a standard curriculum with the association of SCERT in state and/or district level agencies. The curriculum, with a blend of both formal and non-formal pattern of education, is to be adopted in all the NCLP Schools in the State for providing the uniformity with an aim to mainstream children into formal education system as soon as they are ready for or within a maximum period of three years. The teaching and learning materials developed for the children in the special schools also correspond to appropriate classes in the mainstreamed schools

9.3 **Teacher training:** To make learning a joyful and enriching experience for the children, it is essential that the teachers are well trained. These teachers have a major responsibility of nurturing these children and developing confidence in them to join the mainstream education. Periodic training and retraining of the teachers in joyful and multi-grade teaching techniques and sensitizing them on specific requirements of working children help the teachers to contribute their best. Teacher training, twice during the 12th Five Year Plan, preferably through DIETs/DRUs in the districts, in association with SSA. The financial implication towards travel expenses to attend Training by 2 Educational Instructors of each NCLP School twice during the 12th Plan period works out to Rs. 80,000/- (**Financial Implication for one Project office towards travel expenses for attending Training by Educational Instructors is given in Annexure II**).

9.4 **Vocational training:** Vocational training in special schools assumes importance mainly because of two reasons. First, the children enrolled in the schools are in the grown up age group of 9-14 years and a number of these children might join labour markets after the mainstreaming. In such circumstances, training taken in the special schools may be very useful for them. Second, since the special schools are specially meant for child labour withdrawn from work, they may take interest in learning traditional

vocational skills which could be useful for imparting education and other training to these children. In order to take care of these, NCLP provides one master trainer at each district project office and one trainer to each school. They would be imparted training twice during the plan period. The pre-vocational skills being imparted in NCLP Schools should be upgraded to enable the children withdrawn from work to be equipped to retain traditional skills with an added emphasis on theory as one of the objectives. Accordingly there should be improvement in Vocational training and increase in vocational and educational material. Labour market survey needs to be conducted in each district to assess the skills, which have marketability. There is also a need for increased Honorarium towards providing incentive for the Master Trainers working with the NCLP project society. Financial Implication for one Project office towards increased honorarium of Master Trainer during the entire plan period works out to be Rs. 7,20,000/- (**Annexure II**). After the completion of study in the NCLP Schools, the children will be provided with the option for intensive vocational training in the various trades for a period of about 6 months under Skill development initiative scheme of DGET to get them job placement on the basis of skill learned or get self employed.

9.5 Awareness Generation: To evoke public interest and large-scale awareness on this issue, there is a need for an extensive awareness generation campaign launched over a period of time at the Centre and State on a sustained basis. Awareness about NCLP and participation of community in different activities of the NCLP is crucial for the success of the project. Moreover, it is important to sensitize and spread awareness among different sections of the society on the evils of child labour practice. There is a need to sensitize the parents about all the Government Schemes/ programmes to enable them to take any benefit from them.

9.6 Strong linkages with Education Department: Alignment of NCLP Scheme with the provisions of the Right of Children to Free and Compulsory Education (RTE Act, 2009). The NCLP Schools will serve as Special Training Centre for

un-enrolled and out-of-school children in accordance with the provisions of Section 4 of the RTE Act and Rule 5 of the Right of Children to Free and Compulsory Education (RTE) Rules, 2010. For this purpose, all such children will be admitted to a neighborhood school of the State Government/local authority. After such admission, the children will undergo the special training for being mainstreamed into the regular school in an age appropriate class. Thus the NCLP schools will function as centers for special training for admission in age appropriate class as per the provisions of RTE Act 2009.

10. NCLP School

To provide quality education and environment the Special Schools will have better Class Rooms, improved and increased vocational and educational material, Sports facility and improved health check-ups with Medicine facility. In order to have IT enabled Monitoring, the schools will also have computer and Fax. Towards providing incentive in working with the NCLP project society, there is a need for increased Honorarium for the Doctors and Master Trainers and Provision for TA for the project Directors/Field officers **(Financial Implication for One Special School per plan period is given in Annexure III)**

- 10.1 **Provision of Uniform, Footwear and School Bag:** Provision of school uniform and school bag for children in NCLP schools is essential for inculcating discipline as well as raising self esteem amongst these children, who hail from the economically deprived sections of the society. Such a provision would also help them to overcome the sense of discrimination that such children suffer from, while comparing themselves with those children studying in regular schools. It is proposed that at least two sets of uniform with a pair of shoes and a school bag every year for each child covered under the scheme.

11 **Residential School:** A substantial proportion of child labour is migrant and trafficked children. These children are those who belong to poor landless families with no assets or skills; children separated from their families due to disrupted family backgrounds (e.g. orphans, victims of abuse, single-migrant or unaccompanied children, children from single-parent families, or from families headed by women or children themselves); economically and socially deprived children (belonging predominantly to the SC, ST, OBC and minorities in difficult areas who are unemployed, poor, those without employable skills, access to education, or a reasonable standard of living), internally displaced persons, and children from the areas of social and armed conflict and natural calamities. These children for a variety of reasons migrate and join the labour force in the place of their destination and they are the worst affected. In the light of the above, in addition to all the existing special schools and the need to increase the number of such schools, it is also essential to run residential special schools in every district of the country with 50 children each. These schools will enroll child labour from extremely poor families who are engaged in hazardous occupations and processes of irregular nature and time, migrant child labourers, children released by labour department through its inspection and raids on factories and other workplaces, etc. throughout the year. Further, considering the high concentration of such migrant children in the cities, one Residential school will be opened in every City and more than one school in mega cities. Children in all the Residential Schools will be provided three meals a day. They will be imparted Bridge education in these Residential schools. In view the irregularity in the inflow of migrant children into residential schools, the enrolment in these schools will be kept open throughout the year. Established NGOs and other non-profit making bodies will be involved in the running of the schools, wherever possible. The scheme will be implemented as a part of the National Child Labour Project. Training for teachers and staff at the Residential Schools will be coordinated by the District Institutes of

Educational Training. **(Financial Implication for One Residential School with 50 children during the plan period is given in Annexure IV).**

12. Enforcement and Monitoring of Child Labour Legislation

12.1 Enforcement of Child Labour Legislation: The problem of child labour in India has been attempted to be tackled by an array of interventions made by the state. This includes both legislative and non-legislative measures. Legislations have been used at different points of time in several contexts and settings to combat the problem of child labour. Strict enforcement of laws is essential to deter employers from employing children. Effective rehabilitation measures, therefore, must be supplemented with strong enforcement measures to prevent further entry of children into the work force. Therefore, an important objective of NCLP is to ensure enforcement of the relevant labour laws pertaining to child labour. For the enforcement of relevant laws in general and Child Labour Act in particular, role of state government is of crucial importance. State governments through labour department conduct inspections and identify violation of labour laws (**enforcement data of various states** given in **Annexure X**). The efforts of the State governments in combating the problem of child labour can be assessed from the enforcement data of various states.

12.2 Proposal for amendment in Child Labour (Prohibition & Regulation) Act: Child Labour (Prohibition & Regulation) Act which was enacted in 1986 has been in operation from last 25 years and being a social legislation needs to be revisited on account of the societal changes having occurred since then. The existing legislation should be amended to include child labour in informal and unorganized sectors and also in the light of RTE Act. The areas need to be revisited are minimum age for prohibition of employment of children, imposition of stiffer penalty for violation of the Act, addition of more occupations and processes, framing rules for the health and safety of the children employed or permitted to work in any establishment or class of

establishments, etc. It is important to protect children from exploitation, unregulated working hours and hazardous conditions of work.

12.3 Tracking and monitoring the child labour: In order to have credible information on the status of beneficiaries of the National Child Labour Project on a continual basis, a web based Child Labour Tracking and Monitoring System is required. The Central Monitoring Committee (CMC) on Child Labour also recommended this in its last meeting (**Minutes of the CMC meeting given in Annexure XI**). Such a system helps recording the progress of project beneficiary right from the time of his/her identification as child labour in the survey to his/her enrollment in the special school, through his/her education/rehabilitation therein and upto mainstreaming. The child beneficiary of the NCLP needs to be tracked and monitored even beyond mainstreaming to ascertain if the child continues his/her studies in the regular school and the progress thereof.

12.4 Monitoring: There will be change in the structure for implementation of the NCLP for more effective monitoring. Monitoring would be done at three level- National Level, State Level and District Level. Provision would be made for online monitoring of the NCLP School. For effective monitoring and successful implementing of the scheme, there is need for creating a National Monitoring Cell for supervising and effective monitoring of all NCLPs. This Cell would be headed by Joint Secretary Child Labour. The National Monitoring Cell would compile and analyze the Data and ensure third party monitoring of the project societies through reputed institutions on a concurrent and comprehensive basis. For proper assessment of the functioning of the NCLP scheme, there is a need for mid-term Evaluation of the NCLP scheme in the third year of the plan period. The report on the Evaluation would be the base for any correction in the scheme

- (i) **State-level monitoring:** For an effective implementation of scheme a close monitoring is essential at the state level. Two tier monitoring committees at state level will be more effective in addressing the issues of child labour in their respective States.
- (ii) **Formation of State Level Project Society**
State-level Project Societies will be formed under the Chairpersonship of Principal Secretary/Secretary (Labour). Funds will be released directly to the State Project Society instead of NCLP Project Society at district level. The fund would be released based on the detailed assessment/appraisal by the State Project Society regarding requirement of fund for proper implementation of the NCLP scheme for elimination of child labour in the state. The State Project Society will in turn release funds to the National Child Labour Project Societies functioning in the Districts based on the monitoring and analysis of the performance done by the State Monitoring Committee(SMC). The State Project Society would be headed by Principal Secretary/Secretary, Labour of the State. Members of State Project Society will be from the State Government Departments of labour, Elementary Education, Women and Child development, Home and Social Justice & Rural development, NGOs, Trade unions and Employers' organization. The Society will have one State Co-ordinator, one field officer and one computer operator.
- (iii) **Core Committees on Child Labour (CCCL):** To ensure effective monitoring at the highest level it would be headed by Chief Secretary and would have Secretaries of various State Departments as member. The State Labour Secretary to be the convener of this committee which would meet every quarter.
- (iv) **State Monitoring Committee (SMC):** For better implementation of the scheme there is a need for it to be headed by State Labour Commissioner with official from State Education Department, Department of Rural Development, Municipal administration, Social Welfare, Public Health, District Collectors, representatives of employers and employees organisation, representatives of State Human Rights Commission and prominent NGOs.

(v) **District Level Monitoring Committee:** Monitoring at the District-Level would be headed by District Collector and Panchyati Raj Institutions would be closely involved for monitoring of the NCLP. The importance of involving the Panchayati Raj Institutions was stressed in the Central Monitoring Committee on Child Labour held on 20th September 2010. (**Annexure XII**). Besides the monitoring of the NCLP, the Monitoring Committee at the District-Level would also have the responsibility of enforcement of the provisions of Child Labour Act, Rehabilitation of the trafficked victims and coordination with the other concerned agencies for enforcement of the Act and rehabilitation of children withdrawn from work.

(vi) **National Programme Monitoring Cell (NPMC)**

Given the increasing workload over the years due to the expansion in the NCLPs from 12 to 271 and the need for further expansion of the projects during the plan and also the different complexities involved at district-level, there is a need for establishing a new institutional structure, full-fledged, adequately equipped programme implementation unit at the national-level to be known as National and Monitoring Cell (NPMC), within the Child Labour Division, thereby enabling the division to become more professional and systematic in delivering the output. This unit will deal with data management and report generation. The NPMC will be an independent and highly professional entity comprising of one professional with IT and management specialization, two Project Associates/Analysts with advanced computer skills and an attendant. Financial Implication for NPMC per plan period works out to Rs. 1,12,60,000/- (**Annexure V**). The detailed of Proposed Budget for one as well as 271 NCLP societies as per the proposal for 12th Five Year Plan for given in **Annexure VII & VIII**. The data for the NPMC will be generated by State Programme Implementation and Monitoring Unit (SPMC) in various states.

(vii) **State Programme Monitoring Cell (SPMC)**

It is important to establish at the state-level a State Programme Monitoring Cell (**SPMC**) for providing technical support to the state government in the implementation and monitoring of the NCLP. The **SPMC** will be an independent professional entity comprising of officials with different expertise to act as nodal body for coordinating child labour survey, regular monitoring of functioning of NCLP society and special schools. The **SPMC** will be carrying out a range of functions such as mapping implementation progress, monitoring efficiency in resource usage and providing vital inputs to conducting child labour survey in the districts. Complete plans of conducting child labour survey, developing survey format, imparting training to staff identified for administering survey format and those who coordinate the survey at different level are some of the general responsibilities of **SPMC** with regard to conducting child labour survey. Detailed data base containing basic information on each of the NCLP project in the state would be maintained and analyzed by the **SPMC**. The data will be generated at various levels of project operation through suitable Data Capturing Format (DCF). The information will be generated and initially stored and managed at district level. The basic function of the data management would be to ensure timely flow of information from the Field-level to the MoLE, which would serve as a decision-support system. Financial Implication for **SPMC** per plan period works out to Rs. 9,28,00,000/- (**Annexure VI**). The detailed of Proposed Budget for one as well as 271 NCLP societies as per the proposal for 12th Five Year Plan for given in **Annexure VII & VIII**.

13. Convergence with Programmes of Other Ministries/Departments

Convergence of services from different government departments is one of the key components of the NCLP which leads to the overall success of the programme. The NCLPs make efforts to utilise the services of other departments at various levels. Most important among the different departments has been the Department of Education. Since different forms of child labour cannot be ended only by improving school enrolment and

educational rehabilitation, efforts for improvement of socio-economic environment of the child labour families will be strengthened. Some of the prominent schemes of these Ministries/department, which could have an explicit component for child labour and their family are given below and could be utilized for government interventions for elimination of child labour. This is however, only an indicative list and could be extended to others programmes to:

- a) Schemes of Department of Education
 - Sarva Shiksha Abhiyan (SSA)
 - Mid Day Meal Scheme
- b) Schemes of Ministry of Women & Child Development:
 - ICPS scheme For providing food and shelter to the children withdrawn from work through their schemes of Shelter Homes, etc
 - Balika Samridhi Yojana and admission of children withdrawn from into residential schools under SC/ST/OBC Schemes.
- c) Schemes of Ministry of Rural Development
 - Mahatama Gandhi National Rural Employment Guarantee Act (MGNREGA).
 - Swarnjayanti Grameen Rozgar Yojana (SGRY)
 - Indira Awas Yojana (IAY)
- d) Scheme of Ministry of Labour & Employment
 - Rashtriya Swasthya Bima Yojana (RSBY)
 - Skilled Development Initiative Scheme (SDIS)
- e) Other Social security schemes
 - Indira Gandhi National Old Age Pension Scheme
 - National Family Benefit Scheme
 - Janani Suraksha Yojna
 - Handloom Weavers' Comprehensive Welfare Scheme
 - Handicraft Artsans' Comprehensive Welfare Scheme
 - Pension to Master craft persons

- National scheme for Welfare of Fishermen and Training and Extension of Janashree Bima Yojana

As poverty and illiteracy are the prime reasons for child labour, a combined and coordinated effort of the various departments would greatly help to mitigate this problem. The National Policy on Child Labour, prescribes the need to focus on general development programmes for the benefit of the families of child Labour. Providing income generation opportunities to the parents of child labour would enable them to send their children to school rather than work. Moreover, encouraging the parents of the working children to form Self Help Groups (SHGs). This would also help to bring children from these families to the fold of education.

14. 12th Five Year Plan Proposal on Bonded Labour and Migrant Labour

The system of debt bondage in India is an outcome of certain categories of indebtedness, which have been prevailing for a long time involving certain economically, exploited, helpless and weaker sections of society. This system originated from the uneven social structure characterised by feudal and semi-feudal conditions

The issue of 'bonded labour' came to forefront in national politics, when it was included in the old 20-Point Programme in 1975. To implement this, Bonded Labour System (Abolition) Ordinance was promulgated. This was later on replaced by the Bonded Labour System (Abolition) Act, 1976. The Act provides

for the abolition of the system of bonded labour. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts.

14.1 **Government Initiatives**

CONSTITUTIONAL AND LEGAL PROVISIONS

- The Constitution of India guarantees to all its citizens- justice, social, economic and political, freedom of thought, expression, belief, faith and worship, equity of status and opportunity and fraternity, dignity of individual and unity of the Nation.
- Under Article 23 of the Constitution Traffic in human beings and *beggar* and other similar forms of forced labour are prohibited.
- Bonded Labour System (Abolition) Ordinance was promulgated, which was later on replaced by the Bonded Labour System (Abolition) Act, 1976.

14.2 **Bonded Labour System (Abolition) Act, 1976**

Salient Features of the Bonded Labour System (Abolition) Act, 1976 are as under:

- This Act provides for the abolition of the system of bonded labour. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts.
- The Act does away with every obligation of a bonded labourer to repay any bonded debt; it also dispenses with the future liability of repaying a bonded debt. The law provides that (a) no suit or other proceedings shall be instituted in any Civil Court for the recovery of any bonded debt (b) every attachment made before the commencement of the Act for the recovery of any bonded debt shall stand vacated and (c) such movable property shall be restored to the bonded labourer.

- The district and sub-divisional magistrates have been entrusted with certain duties/responsibilities towards implementation of statutory provisions.
- Under Section-13 of the Act, Vigilance Committees are required to be constituted at the district and sub-divisional level for implementation of the provisions of the law.
- Registers containing the names and addresses of all freed bonded labourers, their vacation, occupation and income, details of the benefits received are required to be maintained under the Bonded Labour System (Abolition) Rules.
- The Act provides for imprisonment up to 3 years and fine up to Rs.2000/- to whoever compels any person to render any bonded labour and whoever advances any bonded debt. An offence under the Act may be tried summarily and every offence under the Act shall be cognizable and bailable.

14.3 Centrally Sponsored Plan Scheme For Rehabilitation of Bonded Labour

- In order to assist the State Governments in their task of rehabilitation of released bonded labourers, the Ministry of Labour launched a Centrally Sponsored Scheme since May, 1978 for rehabilitation of bonded labourers. Under this Scheme rehabilitation assistance of Rs. 20,000/- per freed bonded labour is provided, which is shared by the Central and State Governments on 50:50 basis; in the case of the Seven North Eastern States, 100% central assistance if they express their inability to provide their share. The Scheme also provide for financing of the following activities.
- Rs. 2.00 lakh per sensitive district can be provided to concerned state government to conduct survey for identification of bonded labour once in three years.

- Central assistance of Rs. 10.00 lakhs every year can be sanctioned to every state government to undertake awareness generation activities relating to bonded labour system.
- Rs. 5.00 lakh per year can be sanctioned to every state government to study impact of existing land-debt related issues affecting bonded labourers and the impact of poverty alleviation programmes and financial assistance provided by various Government sources so far.
- Besides above the States Governments have also been advised to integrate/dovetail the Centrally Sponsored Scheme for rehabilitation of bonded labour with other ongoing poverty alleviation schemes such as Swaran Jayanti Gram Swa Rojgar Yojana (SJGSRY), Special Component Plan for Supreme Court, Tribal Sub-Plan etc. Accordingly, the rehabilitation package provided by the concerned Stated Governments for the freed bonded labourers includes the following major components:
 - (i) Allotment of house-site and agricultural land;
 - (ii) Land development;
 - (iii) Provision of low cost dwelling units;
 - (iv) Animal husbandry, dairy, poultry, piggery etc.;
 - (v) Training for acquiring new skills; developing existing skills;
 - (vi) Wage employment, enforcement of minimum wages etc.;
 - (vii) Collection and processing of minor forest products;
 - (viii) Supply of essential commodities under targeted public distribution system;
 - (ix) Education for children; and
 - (x) Protection of civil rights.

14.4 Number of bonded labourers identified, released and rehabilitated under the Centrally Sponsored Plan Scheme up to 31.03.2011

Name of the State	Number of Bonded Labourers		
	Identified and Released	Rehabilitated	Central assistance provided (Rs. in lakhs)
Andhra Pradesh	37988	31534	850.00
Arunachal Pradesh	3,526	2992	568.48
Bihar	14,615	13797	480.78
Chattisgarh	812	812	81.20
Gujarat	64	64	1.01
Haryana	591	89	4.93
Jharkhand	196	196	19.60
Karnataka	63,437	57185	1578.18
Kerala	823	710	15.56
Madhya Pradesh	13,317	12,392	169.90
Maharashtra	1,404	1,325	10.10
Orissa	50,029	46901	903.34
Punjab	69	69	6.90
Rajasthan	7488	6331	72.42
Tamil Nadu	65,573	65,573	1661.94
Uttar Pradesh	29,046	29,046	655.52
Uttaranchal	5	5	0.50
West Bengal	344	344	27.26
TOTAL	2,89,327	2,69,365	7107.63

14.5 Special Group

Under the directions of the Prime Minister's Office a Special Group under the Chairpersonship of Secretary (L&E) had been constituted to review and monitor the implementation of the Bonded Labour System (Abolition) Act, 1976. The Group is holding region-wise meetings to impress upon the State Governments to effectively implement the Act. Till now the Group has held 20 meetings in different regions.

14.6 Task Force on Bonded Labour

A Task Force was constituted to examine various provisions of the Bonded Labour System (Abolition) Act, 1976 in the context of the development that have taken place during the past three decades as well as the judgements of the Hon'ble Supreme

Court so as to recommend amendments to the Act and to examine the ongoing Central Government Schemes for rehabilitation of bonded labour and suggest modifications in the context of changed set of circumstances and to effectively tackle the issue of bondage. The recommendations of the Task Force are as under:-

1. The Act per se does not merit any amendment. Definitional clarity with regard to identification and a holistic policy level rehabilitation package on bonded labour were seen as essential supplements to strengthen the Act.
2. Vision of the Government policies should be to address root causes of bondage and not merely the symptoms. The Government should adopt an overall programme approach as opposed to a short term project approach while addressing bonded labour elimination.
3. Need to develop a convergence based project for prevention of bonded labour.
4. Need to develop a convergence based project for rehabilitation of bonded labour.
5. A corpus fund supported by Central and State Governments that looks at welfare holistically needs to be created with the objective to plug financial gaps, if any, with regard to the proposed convergence based scheme for rehabilitation of bonded labour. The fund would be administered at the Central level. An institution/society at the Central level to coordinate activities related to the fund should be created. The functions of this institution / society would include looking at ongoing welfare schemes, identifying areas and sectors requiring support for project formulation, liaison with State Governments on identifying funds and allocating/approving funds from Central level to plug gaps.
6. In view of the commonality and strategy overlap between the two segments of child and bonded labour, the task force suggested that a convergence based approach be examined for these two segments.

14.7 Convergence Programmes on Reducing Vulnerability to Bondage

In India, men and women who undertake distress migration in search of work away from their home areas, constitute one of the vulnerable groups. Lack of adequate livelihood opportunities and productive assets, illiteracy and lack of awareness, coupled with existing social inequalities based on caste and ethnicity, push the poorest families to migrate elsewhere to try to meet their subsistence needs. But in destination areas, they may be faced with severe physical, social and economic hardships, exploitative labour conditions and a total absence of social protection. The informal nature of recruitment of workers by middlemen / labour agents and the gaps in regulatory systems for labour force management in unorganized sectors, are the major factors causing vulnerability to bondage situations among such workers.

Exploitative labour arrangements violate basic human rights as laid down in ILO Conventions and national laws perpetuate poverty and hamper economic growth by undermining labour productivity and human capital development. Such vulnerable groups are unable to enjoy their right to freedom of association, as they are faced with the constraints such as the casual nature of employment, small size and scattered distribution of the establishments they are engaged in, superior strength of employers and their own ignorance and illiteracy. As the penetration of Trade Unions in the informal economy is limited, the most vulnerable workers are often left to fend for themselves.

14.8 Joint Initiative of MoLE - GoI and the ILO:

The Ministry of Labour and Employment has been working with the ILO to develop and implement an integrated, convergence based approach to prevent bonded labour. A pilot project is currently operational in Tamil Nadu in Brick Kiln and Rice Mill sectors to improve the living and working conditions of the workers and their children.

The pilot project addresses the problem of vulnerability to labour exploitation in the informal economy in India. By promoting decent work

and social protection for poor women and men in selected informal industries in two destination Districts and three source districts of Tamil Nadu, and operationalising the concept of convergence for the benefit of the poor, the project aims to demonstrate that sustainable solutions can be found that will result in a progressive upgrading of the living and working conditions of men and women workers. This should lead to a reduction in their reliance on employers and recruiters for their social and economic needs, and hence a reduction in vulnerability to bonded labour. Improvements in working conditions will be secured by strengthening the capacity of employers and of workers for social dialogue to resolve workplace problems and implement improvements that will contribute to increased productivity. The project seeks also to develop and test fair and transparent recruitment and employment arrangements for migrant workers.

14.9 The project strategy thus includes the following four components:

1. Ensuring social protection for workers through convergence of existing schemes and services, both at source and destination areas, to reduce their indebtedness and poverty situation. The main implementing stakeholder group for this component is the district administration.
2. Empowering the workers by imparting rights based awareness education and enabling them to organize themselves and engage in collective bargaining. The main implementing stakeholder group for this component is the Joint Action Forum of Central Trade Unions.
3. Implementing workplace improvement measures and facilitation to workers & their children to access government schemes while they are at workplaces. The main implementing stakeholder group for this component is the employers association.

4. Establishing active social dialogue process among tripartite partners for improving recruitment systems and working conditions.

5. The project beneficiaries are the women, men and children living and working in the selected clusters of workplaces (which were subject to a detailed enumeration at the outset of the project). The beneficiaries include nearly 6000 families who live and work (for part of the year) in the brick kilns in Chengalpattu area of Kanchipuram, and 3000 workers who live and work year-round in rice mills in the Red Hills area of Tiruvallur. Efforts are now being made to extend the project to the States of Andhra Pradesh, Orissa and Haryana.

13. Inter-State Migrant Workers

15.1 Accelerated movement of people originating mainly from the rural and backward areas in search of employment has been one of the most important features of the labour market scenario in India during the post-Independence period. The system of employment of inter-state migrant labour is an exploitative system prevalent in many states of the union. Such migrant labour is recruited from various parts of a particular state through contractors or agents for work outside that state in large construction and other projects. This system lends itself to various abuses. Once the worker comes under the clutches of the contractor or agent, he takes him to far-off places on payment of railway fare only. Generally no working hours used to be fixed for these workers and they were made to work on all the days in a week under extremely harsh conditions. The provisions of the already available labour laws were not observed and wages were not paid under the Minimum Wages Act (1948). As per census 2001, 314.54 million persons moved for various reasons within the country. Out of these, 29.90 million migrated for reasons of employment.

15.1 Legal Provisions

In order to safeguard the economic and other interests of the migrant labourers, the Government has already enacted the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

15.2 The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:

The Act regulates the employment of inter state migrant workmen and provides for their conditions of service. It applies to every establishment and contractor who employs or employed five or more inter-state migrant workmen on any day of the preceding 12 months. Salient features of the Inter-State Migrant Workmen (RECS) Act, 1979 are as under:

- Registration of all principal employers/contractors employing migrant labour.
- Licensing of contractors - no contractor can recruit any migrant labour without obtaining license from the appropriate government.
- Issue of passbook affixed with a passport-sized photograph of the workman indicating the name and the place of the establishment where the workman is employed, the period of employment, rates of wages, etc. to every inter-state migrant workman.
- Payment of minimum wages fixed under the Minimum Wages Act, 1948.
- Payment of equal wages for inter-state migrant workmen performing similar nature of work along with the local labourers.
- Payment of journey allowance including payment of wages during the period of journey.
- Payment of displacement allowance.
- Providing for suitable residential accommodation.
- Providing for medical facilities free of charge.
- Providing for protective clothing.
- Every contractor employing inter-state migrant workman is required to report to the specified authorities of both the States and also the next of

kin of the workman, in case of fatal accident or serious bodily injury of such workman.

- It is the duty of principal employer to nominate a representative to be present at the time of disbursement of wages to the migrant workman by the contractor.

15.3 Enforcement machinery

The responsibility for enforcement of the provisions of the Act in establishments where the Central Government is the appropriate Government lies with the office of the Chief Labour Commissioner (Central) and the responsibility for enforcement of the provisions of the Act in establishments located under the states sphere lies with the respective State Governments in which they are working and from where they have been recruited.

15.4 Hurdles in implementation of the Act

Difficulty is experienced by Inspectors in obtaining permission of the States from which workers migrate to enter the premises for the purpose of satisfying themselves whether the provisions of the Act in relation to payment of wages, conditions of service etc. are being implemented. Some of the problems faced in implementation of the Act are listed below:

1. Reluctance of migrant workmen in giving full information about their living and working conditions;
2. Lack of awareness regarding rules and regulations;
3. Inadequacy of enforcement machinery ;
4. Low level of literacy;
5. Fear of employer/his agents and limitation caused by the presence of their families at the work place; and
6. Lack of confidence in the local enforcement machinery, etc.

15.5 Initiatives taken by the Central Government for betterment of the migrant workers

- On the recommendations of the Working Group constituted by the Indian Labour Conference held at New Delhi on 20-21st February, 2009, a Tripartite Group was constituted to examine the provisions of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
- The Tripartite Group examined the various provisions of the Act. The Group reviewed the problems faced by the migrant workers, existing provisions of the Act, enforcement machinery, problems in implementation of the Act etc. The Group has submitted its report. The Group made the following recommendations:
 - (i) The Act should apply to every establishment employing migrant workers irrespective of the number of workers.
 - (ii) Provisions should be made for registration of agencies (manpower agencies) which supply the labour to the contractors/employers in other states.
 - (iii) The Inspectors appointed under the Act should be allowed to conduct inspections by the states/establishments where the migrant workers employed.
 - (iv) Registered contractors should be allowed to recruit migrant workers only against a specific work permit issued by a Company for a pre-determined time period. It will be the responsibility of the contractor either to apply and seek extension of work period or submit proof of migrant workers having been repatriated to their home place.
 - (v) Effective implementation of Building and Other Construction Workers Act by all the States/UTs and formulation and implementation of welfare schemes by the State Building and Other Construction Workers Welfare Boards.
 - (vi) A convergence based approach for extension social protection and welfare measures to migrant workers irrespective of place of stay should be adopted.
 - (vii) Effective enforcement of labour Laws.

(viii) Promote awareness generations among migrant workers regarding rules and regulations.

(ix) Extension of RSBY to migrant workers.

Recommendations

16 Recommendations (Child Labour)

Based on the proposals given above the following recommendations are put up for inclusion as a part of NCLP scheme in the 12th plan proposal for elimination of Child labour

16.1 Revision of NCLP Scheme

- (i). Proposal is for formation of a State Project Society under the Chairman Ship of Secretary Labour in each State. The Society should monitor the activity of all the NCLP project operational in the State, monitor and ensure effective implementation of the Child labour (Prohibition & Regulation) Act, 1986 in the state and formation of road map for complete elimination of Child labour in the state. The State Project Society would be assisted by the **SPMC** for carrying out its activity. **There will be no financial implications on this.**
- (ii). Core Committees on Child Labour (CCCL): this has been discussed at 11.7 (iii) above. **There will be no financial implications on this.**
- (iii). Creation of State Monitoring Committee (SMC) and District Level Monitoring Committee: **There will be no financial implications on this.**
- (iv). Creation of National Programme Monitoring Cell (NPMC): this has been discussed at 12.4 (vi) above. **The Total Financial implications as per present estimation would be around Rs. 15,68,000/- per year Rs. 1,12,60,000 per plan period.**

Creation of State Programme Monitoring Cell (SPMC): this has been discussed at 12.4 (vii) above. **The Total Financial implications as per present estimation for creation of one SPMC in each state would be around Rs. 8,68,000/- per year Rs. 46,40,000/- per plan period. For creation of the SPMC in all the 20 state where NCLP scheme is in operation would be around Rs. 1,73,60,000/- per year Rs. 9,28,00,000 per plan period.** A Three tier Monitoring Committee at the National, State and District level need be made for effective implementation and monitoring of the NCLP Scheme. Panchayati Raj Institutions should be involved in monitoring and tracking of child labour

(v). For effective Monitoring of the NCLP project societies an IT enabled Monitoring, of the project societies with the facilities for computer and Fax and internet connection need to be provided. To fund this an recurring cost of Rs, 5,00,000/- per year has been proposed to meet the recurring cost for the computer , internet and travel exp. Has been proposed. The non recurring cost of Rs. 5,00,000/- per plan period has been proposed for one time purchase of furniture and computer and fax.

(vi). Increase in the Honorarium for the volunteers of NCLP Project Societies and NCLP schools

Towards providing incentive in working with the NCLP project society, there is a need for increase of Honorarium for the volunteers of the NCLP project societies, volunteers of the NCLP special schools, Master trainers and Doctors working with the NCPL project societies. The last revision of the honorarium was done nearly ten years back. Keeping in view the steep rise in price index and increase in the minimum wages and also payment for MGNREGA workers. Following increase in the Honorarium for the volunteers working with NCLP scheme is proposed:

<u>NCLP Project Societies</u>	<u>Existing</u>	<u>Proposed</u>
	<u>Rs.</u>	<u>Rs.</u>
i. Project Director	6000	15000
ii. Field officer	4000	10000
iii. Clark cum Typist	2000	5000
iv. Steno	2000	5000
v. Driver	2000	3500
vi. Peon	1500	3000
vii. Master trainer	5000	12000
viii. Doctor	5000	15000

<u>NCLP Special School</u>	<u>Existing</u>	<u>Proposed</u>
	<u>Rs.</u>	<u>Rs.</u>

i.	Edu. Instructor (2)	1500	5000
ii.	Voc.. Instructor	1500	5000
iii.	Clark cum A/c	1400	3000
iv.	Peon	800	2000

(vii). Residential School:

The requirement for residential schools have been discussed at 11 above. Considering that a provision of Rs. 11,46,000/- per school per Year and Rs. 58,80,000/- would be required for plan period would be required for one residential accommodation. For one residential accommodation in each districts (in 271 districts) an amount of Rs 31,05,66,000/- per year and Rs. 159,34,80,000/- would be required for plan period would be required.

(viii). Child Labour Survey: Two child Labour Survey/district have been proposed in a plan period. As per the existing provision an amount of Rs 2,75,000 /- are given to each project society for conducting survey. Since many project society have complained inadequacy of the amount in carrying out a survey through good/reputed agency/institution and the project societies are being advised to carry out the child labour survey through reputed agency/institution only so it is being proposed to increased the amount to Rs. 5,00,000/- to each project society for carrying one survey. **The Total Financial implications as per present estimation for 271 project society would be around Rs. 27,10,00,000/- per plan period.**

(ix). The NCLP Scheme should be realigned in the light of Right to Education Act 2009. Teachers of the NCLP Special schools should be properly trained. For that the NCLP teachers also needed to be trained on a regular basis at least twice in a plan period.

- i. **Teacher training:** two in each school
- ii. **Vocational training:** One in each school

For imparting necessary training to the teachers in the NCLP schools as per the stipulation of RTE the teachers and vocational teachers of the NCLP

schools need be trained by DIET at least twice in a year. For that necessary convergence with the education department at the state and district level would be necessary. A provision for Rs 500/- per training per teacher have been proposed for meeting the expenditure of the teachers/vocational teachers to attend the training. Accordingly an amount of Rs 80,000/- for training of teacher and Rs. 40,000 for training of vocational teacher per project society (considering an average of 40 schools per project society) per plan period is proposed. For 271 project society the total financial requirement for this would be Rs. 3,25,20,000/-.

- (x). **Standard curriculum and learning materials:** For training of the children in the special schools run under NCLP project society, the course curriculum need to be standardize as per the norm of RTE. Accordingly it is proposed to have convergence with the SCERTs at the state level to design model curriculum for the children of NCLP which compliments with the culture and society of the children in the state and the learning becomes joyful and not burden or boring for the children. **No financial requirement is proposed for this.**

- (xi). **Higher provision for building rent, Provision for health kits, provision for increased stipend for the children, etc.**

To provide better quality education and environment for the Special Schools with better Class Rooms, improved and increased vocational and educational material, Sports facility and improved health check-ups with Medicine facility. Following provision in the NCLP schools are being proposed

a) **Provision for higher rent for building electricity and water**

Increased proposed from Rs. 1000/- P.M to Rs 4000/- P.M. Financial implication for 8700 schools would be Rs. 3,48,00,000/- P.M (in case of implementation of the proposals for 271 residential schools the financial requirement would be Rs. 3,37,16,000/-) P.M. The Yearly requirement would be Rs. 41,76,00,000/- and financial requirement for the plan period on this account would be Rs. 208,80,00,000/-.

b) Provision for Health Kit

In order to have better Medical facility for the children in the NCLP schools a provision for Health Kit have been proposed. With this, the children would have a access to the facility for medicine, first aid kit etc. in the school. Accordingly, a provision for Rs. 3000/- P.M have been proposed for health kit for each school. The annual expenditure on this account would be Rs. 31,32,00,000/- and Rs. 156,60,00,000/-for per plan period.

c) Provision for Increased Stipend to the Children

The children in the NCLP schools are rescued from some types of work where the children were having some income. After rescue if some financial incentive is not given to the child, he/she could have a tendency of to go back to the occupation to have some income. To give some cash incentive to these children, Rs. 100/- per child per month was given. This was later increased to Rs. 150/- P.M for the rest of the 11th plan period. Considering this, and the higher effect of inflation it is proposed to increase the Stipend amount to Rs. 300/- per child per month. The financial implication on this proposal would be around 156,60,00,000 per Year and Rs. 7,83,0000,000

(xii). Extension of NCLP Scheme to all districts: For complete elimination of child labour from all the district in the country. All the 600 districts needs to be covered under the ambit of the NCLP schools. This includes coverage of each of the district under NCLP scheme presently covered under Grant in Aid scheme for elimination of child labour as well as the proposal given in (viii) above for opening of Residential schools in each district of the country to address the problems of working children of the migratory families. The details of the proposal for this is given at Annex IX. The total financial requirement for this would be about Rs. 10,54,71,52,000/- per year and Rs. 53,68,25,80,000/- for a plan period.

(xiii). Provision for continuation of vocational education: It has been provided in the Skill Development Initiative Scheme (SDIS) manual that priority will be given to NLCP School children for admission to vocational training institute after they pass out from NCLP School and attain the age of 14 years so as to enable them to learn employable skills in order to get gainful employment. Cluster approach has been adopted with a view to further reducing the incidence of child labour; parents of child labour could also be enrolled on a preferential basis for

providing skills so as to improve their employability. Therefore a provision of Rs.10,00,00,000/- for the 12th plan period may be kept for payment of fees for vocational education as revolving fund.

16.2 Convergence with Programmes of Ministries/Departments

There is a strong need for convergence among the social service schemes to extend the benefit of the other scheme to the child labour and their family. The scheme where there is a need for convergence with the NCLP scheme are:

- a) Schemes of Department of Education
 - Sarva Shiksha Abhiyan (SSA)
 - Mid Day Meal Scheme
- b) Schemes of Ministry of Women & Child Development:
 - ICPS scheme for providing food and shelter to the children withdrawn from work through their schemes of Shelter Homes, etc
 - Balika Samridhi Yojana and admission of children withdrawn from into residential schools under SC/ST/OBC Schemes.
- c) Schemes of Ministry of Rural Development
 - Mahatama Gandhi National Rural Employment Guarantee Act (MGNREGA).
 - Swarnjayanti Grameen Rozgar Yojana (SGRY)
 - Indira Awas Yojana (IAY)
- d) Scheme of Ministry of Labour & Employment
 - Rashtriya Swasthya Bima Yojana (RSBY)
 - Skilled Development Initiative Scheme (SDIS)
- e) Other Social security schemes
 - Indira Gandhi National Old Age Pension Scheme
 - National Family Benefit Scheme
 - Janani Suraksha Yojna
 - Handloom Weavers' Comprehensive Welfare Scheme
 - Handicraft Artsans' Comprehensive Welfare Scheme
 - Pension to Master craft persons
 - National scheme for Welfare of Fishermen and Training and Extension of Janashree Bima Yojana

As poverty and illiteracy are the prime reasons for child labour, a combined and coordinated effort of the various departments would greatly help to mitigate this problem. The National Policy on Child Labour, prescribes the need to focus on general development programmes for the benefit of the families of child Labour. Providing income generation opportunities to the parents of child labour would

enable them to send their children to school rather than work. Moreover, encouraging the parents of the working children to form Self Help Groups (SHGs). This would also help to bring children from these families to the fold of education.

Proposed Budget on Centrally Sponsored Plan Scheme for Rehabilitation of Child Labour

Activity	Expenditure per year	Total expenditure during plan period
Rehabilitation of Child Labour	5,43,42,56,000	27,81,03,70,000

17. RECOMMENDATIONS (Bonded Labour)

Based on the position given above, the following recommendations are put up for inclusion as a part of Rehabilitation of Bonded Labour Scheme in the 12th Plan proposal for elimination of bonded labour:

17.2 CONVERGENCE BASED PROJECT FOR PREVENTION OF BONDED LABOUR:

An attempt should be made to address the root cause of bondage by adopting a convergence approach as has already been experimented in a few districts. This approach should entail the following:

- a. Ensuring social protection for workers and their family members, through convergence of existing schemes and services, both at source and destination areas, to reduce their indebtedness and poverty situation.
- b. Empowering the workers by imparting rights based awareness education through workers' organisations/trade unions and enabling them to organize themselves and engage in collective bargaining.
- c. Implementing workplace improvement measures in close collaboration with the employers and their organisations.
- d. Exploring improvements in recruitment systems and working conditions including regulation of payment of wages and advances through active social dialogue process among tripartite partners.

17.3 Creation of Corpus Fund:

A corpus fund supported by Central and State Governments may be created with the objective to plug financial gaps with regard to the convergence based scheme for rehabilitation of bonded labour. The fund will be administered at the Central level. An institution/society at the Central level to coordinate activities related to the fund should be created. The functions of this institution / society would include looking at ongoing welfare schemes, identifying areas and sectors requiring support for project formulation, liaison with State Governments on identifying funds and allocating/approving funds from Central level to plug gaps.

Proposed Budget on Centrally Sponsored Plan Scheme for Rehabilitation of Bonded Labour

Activity	Expenditure per year	Total expenditure during plan period
Rehabilitation of Bonded Labour, Survey of Bonded Labour, Awareness Generation Activities and Evaluatory Studies.	Rs. 5 Crore	Rs. 25 Crores

18. RECOMMENDATIONS (Migrant labour)

Based on the position given above, the following recommendations are put up for inclusion in the Twelfth Five Year Plan (2012-17) proposal for migrant workers:

(i) Convergence based approach for extension of social protection and welfare measures to migrant workers: The approach should include the following components:-

- a) Ensuring social protection for workers and their family members, through convergence of existing schemes and services, both at source and destination areas, to reduce their indebtedness and poverty situation.
- b) Empowering the workers by imparting rights based awareness education and enabling them to organize themselves and engage in collective bargaining.
- c) Implementing workplace improvement measures and facilitation to workers and their children to access Government schemes.
- d) Establishing active social dialogues process among tripartite partners for improving recruitment systems and working conditions.

(ii) Effective implementation of Building and Other Construction Workers (RECS) Act, 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996: The focus should be on formulation and effective implementation of welfare schemes for construction workers by State Governments/State Building and other Construction Workers Welfare Boards as many of the construction workers are migrant workers.

Annexure - IList of Districts covered under NCLP Scheme

Sl. N	Name of States	No. of Districts	Name of the Districts
1	Andhra Pradesh	23	Ananatapur, Chittor, 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	Delhi	1	NCT Delhi
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	22	Mandsaur, Gwalior, Ujjain, Barwani, Rewa, Dhar, East Nimar(Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Betul, Shajapur, Ratlam, West Nimar(khargon), Jhabua, Damoh, Sagar, Jabalpur, Satna and Katni
12	Maharashtra	18	Solapur, Thane, Pune, Ahmadnagar, Sangli, Kolhapur, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia and Mumbai Suburban
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, Sonepur, 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	18	Chidambaranar (Tuticorin), Coimbatore, Dharmapuri, Vellore, Pudukkottai, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni, Kanchipuram, Thiruvannamalai, Tiruvallur, Namakkal and Virudhunagar
19	Uttar Pradesh	47	Varanasi, Mirzapur, Bhadohi, Bulandshahar, Saharanpur, Azamgarh, Muzaffarnagar, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Maharajganj, Siddharthnagar, Rae Bareli, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonebhadra, Mau, Deoria, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Ettah, Moradabad, Allahabad, Kanpur Nagar, Aligarh, and Ferozabad
20	Uttaranchal	1	Dehradun
21	West Bengal	19	Burdwan, North Dinajpur, South Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad, Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hugli, Howrah, Jalpaiguri, Cooch Bihar, East Midnapore and Darjeeling
Total		271	

Note: Districts highlighted in the list are those which have been included under the NCLP Scheme during the 11th Plan Period.

Financial Implication for One Project Office

Annexure-II

Col. I	Col.2	Col.3	Col.4	Col.5	Col.6	Col.7
C - I: Remuneration				Amount (in Rs.)		
SL.No	Items of Expenditure	Nos	Remuneration per Month	Per Month (Col.3 x Col.4)	Per Year (Col.5 X12)	Per Plan Period (Col. 6 X 5)
1	Project Director	1	15,000	15,000	1,80,000	9,00,000
3	Field Officer*	2	10,000	20,000	2,40,000	12,00,000
2	Clerk Cum Accountant	1	5,000	5,000	60,000	3,00,000
4	Steno-Cum- Typist	1	5,000	5,000	60,000	3,00,000
5	Driver^^	1	3,500	3,500	42,000	2,10,000
6	Master Trainer#,*	1	12,000	12,000	1,44,000	7,20,000
7	Helper/Peon	1	3,000	3,000	36,000	1,80,000
			Total	63,500	7,62,000	38,10,000
C - II: Office & Support Expenses				Amount (in Rs.)		
SL.No.	Items of Expenditure			Per Month	Per Year	Per Plan Period
1	Recurring^ (Travel exp. IT Exp. etc.)			-	5,00,000	25,00,000
2	Non Recurring^ (Furniture, Computer, Printer, Phone, Fax, etc.)				-	5,00,000
			Total		5,00,000	30,00,000
C - III: Travel Expenses				Amount (in Rs.)		
SL.No.	Items of Expenditure	Units	Provision per Unit	Per Month	Per Year	Per Plan Period
1	Training for the Educational Instructor \$, (2 training per instructor in a plan period)	160	@ of Rs. 500 per Training			80000

2	Training for the Vocational Instructors ! (2 training per instructor in a plan period)	80	@ of Rs. 500 per Training			40000
Total						120000
C - IV: Expenses for the Awareness Generation Programme					2,00,000	10,00,000
C - V: Expenses for the Survey of Child Labour		2 Surveys in a plan Period	5 lakh for per survey			10,00,000
C - VI: Health Check-up Fund				Amount (in Rs.)		
SL.No.	Items of Expenditure			Per Month	Per Year	Per Plan Period
1	Doctors (two doctors for 40 schools @ 15000/Month)			30,000	3,60,000	18,00,000
Total					3,60,000	18,00,000
Grand Total (I+II+III+IV+V+VI+VII)				93,500	18,22,000	1,07,30,000

* The number will vary according to the number of schools i.e. in multiple of 20 approximately.

To be hired from time to time on a contractual basis from this budgeted amount.

^: The existing district however may be provided with Rs. 50,000/- since they already have furnitures and they only have to buy computers and printers additionally.

+: In those districts where driver has been provisioned, the driver's salary i.e. Rs. 3000/- (after the 50% hike) should be paid out of this fund

\$ there are two educational instructor in a special school and there 40 schools functioning in a district on an average, however the number will vary according to the actual number of schools

! One vocational instructor per school and there 40 schools functioning in a district on an average however the number will vary according to the actual number of schools

^^ Driver in 100 school as per old pattern

* Salary of Master Trainer & Doctors not increased so far

@: The details are given in table --.

Expenditure for 271 Project Societies(Rs.)

Yearly	49,37,62,000
Plan period	2,90,78,30,000

Financial Implication for One Special School

Annex-III

Col. I	Col.2	Col.3	Col.4	Col.5	Col.6	Col.7
D - I: Remuneration			Remuneration per Month	Amount (in Rs.)		
SL.No.	Items of Expenditure	Nos		Per Month	Per Year	Per Plan Period
1	Educational Instructor	2	5,000	10,000	120000	600000
2	Vocational Instructor	1	5,000	5,000	60000	300000
3	Clerk Cum Accountant	1	3,000	3,000	36000	180000
4	Attendant	1	2000	2,000	24000	120000
Total				20,000	2,40,000	12,00,000
		Units	Provision per Unit			
D -II: Expenses for Payment of Stipend^		50	300	15000	180000	900000
D -III: Expenses for Nutrition^		50x26(days)=1300	0	0	0	0
D - IV: Expenses for Rent, Water, Electricity & Other Basic Facilities			4000	4000	48000	240000
D -V: Expenses for Education /Vocational Material					20000	100000
Medicine Kit			3000	3000	36000	180000
D -VIII: Contingency Expenses					6000	30000
Grand Total (I+II+III+IV+V+VI+VII+VIII)				39,000	5,30,000	26,50,000

Expenditure for 8700 Schools(Rs.), Yearly

4,61,10,00,00

Plan 23,05,50,00,000

**Annexure
IV**

Financial Implications for Residential school for 50 Children

E - I: Remuneration		Nos	Remuneration per Month	Amount (in Rs.)		
SL.No.	Items of Expenditure			Per Month	Per Year	Per Plan Period
1	Warden	1	10,000	10,000	1,20,000	6,00,000
2	Educational Instructor	2	5,000	10,000	1,20,000	6,00,000
3	Vocational Instructor	1	5,000	5,000	60,000	3,00,000
4	Clerk Cum Accountant	1	3,000	3,000	36,000	1,80,000
5	Attendant	1	2,000	2,000	24,000	1,20,000
6	Chaukidar	1	2,000	2,000	24,000	1,20,000
7	Cook	1	3,000	3,000	36,000	1,80,000
8	Helper to Cook	1	0	0	0	0
9	Safaiwala	1	2,000	2,000	24,000	1,20,000
Total		10	32,000	37,000	4,44,000	22,20,000
		Units	Provision per Unit (in Rs.)	Amount (in Rs.)		
				Per Month	Per Year	Per Plan Period
E -II: Expenses for Payment of Stipend		50	300	5,000	60,000	3,00,000
E -III: Expenses for Nutrition^		50x30(days)=1500	20	30,000	3,60,000	18,00,000

E -IV: Expenses for Uniform#	Rs. 400/year/child			20,000	1,00,000
E - V: Expenses for Rent		15000	15,000	1,80,000	9,00,000
E - VI: Expenses for Water, Electricity & Other Basic Facilities		1500	1,500	18,000	90,000
E -VII: Expenses for Education/Vocational Material				20,000	1,00,000
E -IX: Expenses for Medical Facilities			3,000	36,000	1,80,000
E -X: Expenses for Recreation Facilities				2,000	10,000
E -XI: Contingency Expenses				6,000	30,000
E -XIII: Non Recurring Expenses (furniture, bedding , kitchen equipments etc.)					1,50,000
Grand Total (sum of E-I to E-XIII)			91,500	11,46,000	58,80,000

^:Rs. 20/- per day per child since the children have to be provided two meals and two tiffins in a day

#: Two Uniforms (Summer and Winter Wears) will be provided to a child in a year

Expenditure for 271 Residential Schools

Yearly Rs. 31,05,66,000

Plan

period

1,59,34,80,000

Annex-V

Financial Implication for NPMC

Col. I	Col.2	Col.3	Col.4	Col.5	Col.6	Col.7
A - I: Remuneration				Amount (in Rs.)		
SL.No.	Items of Expenditure	Nos	Remuneration per Month	Per Month (Col.3 xCol.4)	Per Year (Col.5 X12)	Per Plan Period (Col. 6 X 5)
1	Professional	1	40,000	40,000	480000	2400000
2	Project Associate/Analyst	2	12,000	24,000	288000	1440000
3	Attendant	1	5000	5,000	60000	300000
Total				69,000	8,28,000	72,60,000
A - II: Office & Support Expenses						
SL.No.	Items of Expenditure					
1	Recurring		@ Rs. 20,000 per Month	20,000	240000	1200000
2	Non Recurring (Furniture, Computer, Printer, Phone, Fax, etc.)					300000
Total				20,000	2,40,000	15,00,000
A - III: Travel Expenses						
SL.No.	Items of Expenditure	Units	Provision per Unit			
1	Travelling Expenditure				500000	2500000
Total					5,00,000	25,00,000
Grand Total (I+II+III+IV)				89,000	15,68,000	1,12,60,000

^: Each of the 20 NCLP States have to visited twice in financial year

*On an average 50 NCLP districts have to be visited once in a financial year

ANNEX-VI

Financial Implication for SPMC

Col. I	Col.2	Col.3	Col.4	Col.5	Col.6	Col.7
B - I: Remuneration				Amount (in Rs.)		
SL.No.	Items of Expenditure	Nos	Remuneration per Month	Per Month (Col.3 xCol.4)	Per Year (Col.5 X12)	Per Plan Period (Col. 6 X 5)
1	Professional	1	30,000	30,000	360000	1800000
2	Project Associate/Analyst	2	10,000	20,000	240000	1200000
3	Attendant	1	4000	4,000	48000	240000
Total				54,000	6,48,000	32,40,000
B- II: Office & Support Expenses						
SL.No.	Items of Expenditure					
2	Non Recurring (Furniture, Computer, Printer, Phone, Fax, etc.)					300000
Total						300000
B - III: Travel Expenses						
SL.No.	Items of Expenditure	Units	Provision per Unit			
1	Travelling Exp.				200000	1000000
Total				0	2,00,000	10,00,000
B - V: MISC. Expenses						
Grand Total (I+II+III+IV+V)				54,000	8,68,000	46,40,000

Expenditure for 20 SPMC (Rs.)

Yearly	1,73,60,000
Plan	
period	9,28,00,000

Proposed Budget for one NCLP Project Society during 12th Five Year Plan

	Expenditure per Year	Expenditure per Plan Period
ONE Project Society		
Project Society(one)	18,22,000	1,07,30,000
NCLP School(one)	5,30,000	26,50,000
Residential School(one)	11,13,000	57,15,000
NPMC	15,68,000	1,12,60,000
SPMC	8,68,000	46,40,000
Project Evaluation	0	5,00,00,000
Total	59,01,000	8,49,95,000

Annexure VIII

Proposed financial requirement for 271 Project Societies

	Expenditure per Year	Expenditure per Plan Period
Project Societies(271)	49,37,62,000	2,90,78,30,000
NCLP Schools (8429 *)	4,61,10,00,000	23,05,50,00,000
Residential Schools(271)	31,05,66,000	1,59,34,80,000
NPMC	15,68,000	1,12,60,000
SPMC (20)	1,73,60,000	9,28,00,000
Provision for continuation of Vocational education		10,00,00,000
Project Evaluation	0	5,00,00,000
Total	5,43,42,56,000	27,81,03,70,000

* Out of the existing 8700 schools, 271 Schools are to be changed to Residential Schools

Annexure IX

Proposed financial requirement for 600 Project Societies

	Expenditure per Year	Expenditure per Plan Period
Project Society(600)	1,09,32,00,000	6,43,80,00,000
NCLP School (23,400) \$	12,40,20,00,000	62,01,00,00,000
Residential Schools(600)	66,78,00,000	3,43,02,00,000
NPMC	15,68,000	1,12,60,000
SPMC (38)	3,29,84,000	17,63,20,000
Project Evaluation	0	5,00,00,000
Total	14,19,75,52,000	72,11,57,80,000
\$ at an average of @ 40 schools / NCLP Project Society		

Annexure X

Data on Enforcement of Child Labour Act as on 7th January 2010

Name of State / UT	No. of Inspections	Prosecutions	Violations	Convictions
Andaman & Nicobar Island, UT	855	0	99	0
Andhra Pradesh	289275	52836	150244	17279
Arunachal Pradesh	434	46	26	0
Assam	26100	13	550	1
Bihar	244308	2477	28169	3
Chandigarh U.T.	6272	8	2	2
Chhattisgarh	16037	659	688	4
Dadra & Nagar H.UT	647	0	0	0
Daman & Diu U.T.	3913	0	0	0
Delhi U.T.	31460	1589	2279	304
Goa	2979	35	35	7
Gujarat	18522	770	2394	292
Haryana	18261	2623	456	404
Himachal Pradesh	13591	7	4	4
Jammu & Kashmir	15689	184	189	16
Jharkhand	17881	322	1325	48
Karnataka	201573	10644	19388	803
Kerala	32369	27	659	10
Lakshadweep U.T.	1	0	0	0
Madhya Pradesh	48470	1466	1466	267
Maharashtra	228644	655	3035	52
Manipur	1071	0	0	0
Meghalaya	2761	5	5	0
Mizoram	0	0	0	0
Nagaland	30365	0	0	0
Orissa	5050	525	2206	10
Pondicherry U.T.	136597	10	10	0
Punjab	52861	424	491	121
Rajasthan	49190	1714	612	2188
Sikkim	205	0	0	0
Tamil Nadu	1827531	5068	8136	1695
Tripura	3114	5	11	0
Uttar Pradesh	24399	7569	16303	405
Uttarakhand	44631	93	421	10
West Bengal	89448	87	4000	3
Total	3156187	89861	216037	23223

Annexure XI

Minutes of the Meeting of Central Monitoring Committee (CMC) on Child Labour held on September 3-4, 2008 at National Agriculture Science Centre Complex (NASC), PUSA, New Delhi.

The Meeting of the Central Monitoring Committee (CMC) on Child Labour was held under the chairpersonship of Secretary, Ministry of Labour & Employment on September 3-4, 2008 at National Agriculture Science Centre Complex (NASC), PUSA, New Delhi. The inaugural session of the Meeting was also attended by Ms. Sachiko Yamamoto, Regional Director, ILO.

2. The Meeting began with a welcome address by Shri S. K. Dev Verman, Joint Secretary in-charge of Child Labour Division in the Ministry. He welcomed Ms. Sachiko Yamamoto Regional Director (ILO), Ms. Sudha Pillai, Secretary, Shri S. Krishnan, Additional Secretary, Shri S. K. Srivastava, Joint Secretary, Officers of the Planning Commission, Officers from the other Ministries, Labour Commissioners, NLI officials and other participants.

3. Ms. Yamamoto in her address stated that the ILO values its partnership with India on many issues of common interest. She stated that Govt. of India, through the programmes such as the National Rural Employment Guarantee Scheme (NREGS), Sarva Shiksha Abhiyan (SSA) and National Child Labour Project (NCLP), is trying to reach children who have not been fortunate to join formal schools and provide them educational opportunities and to improve the lives of their families. In critical work like this, which affects the social and economic fabric of society, the ILO is committed to supporting the Government of India. Further, the Decent Work Country Programme in India, which is the outcome of a consultative process with tripartite constituents and others, is aligned with the 11th Five-Year Plan. It was endorsed by the ILO

tripartite constituents in March 2008 and includes child labour under Priority Three. The cooperation under this priority aims at supporting constituents on child labour policy, enforcement, and plans of action, including Convergence-based models. She wished for strong technical cooperation in place in India during the 90th anniversary of the ILO in 2009 and acknowledged the hard work, commitment and innovativeness of the State Labour Secretaries and Commissioners and the many other officials of the Labour and other Departments. Ms. Yamamoto also indicated that while much positive work is being done in India on the issue of child labour, the ILO would encourage the Government of India to ratify the Conventions No. 138 on 'Minimum Age to Employment' and Convention No. 182 on 'the Worst Forms of Child Labour' as these two Conventions have been ratified by 150 and 168 member states respectively, of the total 182 member states.

4. Secretary, Ministry of Labour & Employment and Chairperson, CMC in her key-note address stated that she was indeed very happy to welcome all the Labour Secretaries and Commissioners to the meeting and also Dr. Yamamoto, particularly, as she had agreed to come despite other pressing engagements. She stated that the objective of the Meeting was to review the position of child labour programmes which are being run throughout the country. She mentioned that the Government have taken a stand, as per constitutional provision, that the right place for children is in the schools. The Government of India has been pro-active in tackling the problem of child labour. The National Policy on Child Labour was started in August, 1987 and this policy contained the action plan for eradication of child labour. It envisaged a legislative action plan for convergence of general developmental programmes for benefitting children and a project based action plan.

5. In pursuance of the National Child Labour Policy, the NCLP was started in 1988. She stated that it is a process of prioritising, where under the

scheme after a survey for child labour in hazardous occupations and processes; children are to be withdrawn from these occupations and put in schools. As on date, the Ministry is operating the NCLP scheme in 250 districts of the country in 20 States. Steps have been taken for convergence of welfare schemes being implemented by various Ministries. At present, the efforts made for convergence by the Ministry of Human Resource Development, Ministry of Rural Development, Ministry of Urban Poverty Alleviation and Ministry of Women and Child Development are in place. She thanked the concerned Ministries for their active participation and wished that the State governments should also make efforts for convergence of their schemes at the field level. She told that reports from the State Governments are encouraging.

6. She recalled that a meeting was held in Patna earlier during the year on rescue and repatriation of migrant child labour. Thereafter, the Ministry circulated the Protocol on rescue, repatriation and rehabilitation of migrated and trafficked children for labour, for implementation. She hoped that the State Governments will follow the Protocol in letter and spirit.

7. She also indicated that the Ministry shall be sending a draft Cabinet Note to all States governments for comments on the amendments to the Child Labour (Prohibition & Regulation) Act, 1986.

8. Secretary (L&E) was constrained to note that on the enforcement front, the State Governments were lagging behind. She emphasized that the State Governments should launch special drives on enforcement for a fortnight at least twice a year- separately from 12th June (International Anti Child Labour Day) and 14th November (Children's Day). However, normal enforcement drives may continue throughout the year.

9. It was also noted by the Chairperson that the NCLP Scheme is in operation in nearly 50 districts for over 10 years and State governments have not been able to declare any of these districts as 'child labour free' which showed that efforts were lacking in some way or the other. The success of the programme should reflect in the number of districts that can truly be declared as child labour free.

10. Similarly, as part of our efforts to eliminate child labour, awareness generation is important. It was informed that every NCLP district has been provided funds for awareness generation which should be fully utilised.

11. The participants were informed that a comprehensive evaluation of NCLP projects has been conducted by independent agencies. This exercise has been coordinated by V.V.Giri National Labour Institute (NLI). Further, the Ministry has also taken up the issue of Survey with the National Sample Survey Organisation who have agreed to carry out a child labour survey during its 66th round from July, 2009 to June, 2010. She requested all to extend full cooperation.

12. In her concluding remarks, Secretary (L&E) said that elimination of child labour is something like the pursuit of happiness. We need not agree with all of you, but we should agree with the fact that while we are trying by converging all the schemes that we have, we are directly moving towards taking children out of bad economic activity and getting them into schools. All economic activity is bad at the age when the children should be in school.

13. The keynote address of Secretary (L&E) was followed by a power point presentation on the agenda items and structure of the Meeting including formation of

Sub-committees on (i) Tracking and Monitoring of Child Labour- Strategy (ii) Protocol on rescue, repatriation and rehabilitation of migrated and trafficked children for labour (iii) Awareness Generation and (iv) Convergence of welfare schemes at State level by Shri H. K. Jethi, Deputy Secretary, Ministry of Labour & Employment.

14. Director, NLI also made a power point presentation on the Evaluation Report of the NCLP. At the outset, Director NLI thanked Shri S.K. Srivastava, Joint Secretary (formerly in-charge of the Child Labour Division) and Shri S. K. Dev Verman, Joint Secretary for all the help and support, guidance and encouragement which made the evaluation possible. The NLI was commissioned by the Ministry to conduct the evaluation study of NCLP Scheme.

The following points/recommendations were covered in their presentation:

- Uniform definition of child as presently “child” is defined in terms of age which is different in different laws.
- Faster decline of ‘child labour’ among boys than girls.
- Concentration of child labour in ‘agriculture sector’ and part of agriculture could be hazardous (viz. tobacco and cotton seeds etc) followed by ‘trade’, ‘hotel’, ‘construction’, ‘transport’, ‘furniture’ and ‘tanning industry and processes
- Presently the Project Societies are dominated by the Government Departments there should be more representation of general public (parents etc) in the Projects.
- Project Director’s qualifications not standard across the country.
- Full time professional Project Directors recommended.

- Low level of awareness at district level.
- Low level of utilization of funds on (i) awareness generation (ii) teachers' training and (iii) survey.
- Classes are running concurrently irrespective of age, mental capabilities of children.
- Enrollment of children is up-to capacity.
- 70% of the children are from the target group.
- 70% attendance.
- Drop out rate is low.
- Mid Day Meal provision is mostly regular.
- The report has recommended National Programme Monitoring Cell (NPMC) at the Centre and State Programme Monitoring Cell (SPMC) at the State level.
- Master trainers should be appointed on rotational basis.
- There should a Community Mobiliser in each Project Society (recommendation for new post).
- Residential schools in Metropolitan cities and also in smaller cities
- 3 Surveys during the Five Year Plan period.

15. The Participants were requested to offer their comments/views on the Evaluation Report. Some of the major recommendations were as under:

- (i) The Centre should fix measurable targets for elimination of child labour (Madhya Pradesh)
- (ii) The State specific targets should be fixed after taking into account as to how the community perceives the schools (ILO)
- (iii) Specific recommendations were needed for vocational and academic education (Rajasthan)
- (iv) For getting good performance from the NGO, it should be in a manageable limit i.e. 2 schools to an NGO;

- (v) The Project Societies should also have representation of Trade Unions (Bihar)
- (vi) There should a separate wing in SSA for school dropouts (Karnataka)
- (vii) There should a comprehensive study to identify the objectives of the NCLP; good points of INDUS should be adopted; Training under SDI to focus on child labour nearing 14 years of age; focus on convergence for discussions with the Planning Commission (Tamil Nadu).

16. This was followed by formation of four sub-committees, for examining various agenda items in detail. The recommendations of sub-committees are as under:

Sub-Committee I was constituted to consider the “Tracking and Monitoring of Child Labour- Strategy”. The sub-committee had following recommendations within the scope of NCLP.

- (a) the proposed M&T system should be maintained by NCLP so that other stakeholders can make use of the data;
- (b) the scope of the proposed M&T system should also cover child labour below 9 years of age as presently it is limited to the children between 9 to 14 years only;
- (c) SSA should take care of such children and the data need to be tracked by SSA;
- (d) All aspects of the project need to be tracked in the system and not only child labour issues.

Pr. Secretary Tamil Nadu informed that Collector, Krishnagiri district has developed web-based software for tracking child labour and their status as to whether they are still with their families. JS (DV) desired that the Tamil Nadu should share this model with other States.

The Sub-Committee II was constituted to consider “the Protocol on rescue, repatriation and rehabilitation of migrated and trafficked children for labour”.

The group discussed the above said item and made the following observations:-

- (a) Preventing migration needs a long-term strategy focusing on socio-economic development of sending States (State to which child has been repatriated) as generally migration of families is due to natural calamity, poverty, unavailability of employment in the area, attraction of urban centers, etc..
- (b) Purpose of trafficking (Migration) is for sexual and labour purposes and can be classified as (i) International (ii) Inter-state and (iii) Intra-state. Further, the Trafficked /Migrant children are not ‘juvenile in conflict with law’ but are in ‘children in need and care of protection’. Therefore, they deserve special care and protection.
- (c) The protocol issued by the Ministry covers almost all the issues but is limited to inter-state and intra-state level. The group felt that it should address international trafficking of child labour also. There are many cases of international trafficking recorded in Gujarat. As it is in the interest of Child to be repatriated to his/her biological parents or to the country of which he/she is having nationality, there should be some coordinating agency to tackle this issue.
- (d) In the case of inter-state migration, the rescued child should be repatriated only through the State Coordinator and an undertaking may be obtained that the child will be under observation of the receiving state coordinator or will not be further sent as child labour in any of the States.

- (e) The receiving state must keep the record of received children and counsel their families. Further, the State is bound to take necessary steps as per the direction issued by Hon'ble Supreme Court in the case of MC Mehta.
- (f) The middle-man should be booked under IPC or any other law which is applicable against such person(s). The action should be initiated by the receiving state. Appropriate directions must be issued by the GoI to all the States in this regard.
- (g) There are no clear directions for escorting of the rescued child labour to his/her parent State. The coordinator of the receiving state should receive the child by sending an escort.
- (h) In application of MC Mehta judgment, the collection Rs.20000/- and pending wage of the child, from the employer should be received by the receiving State (State where the child has been rescued) and sent to the particular district funds through State Coordinator.
- (i) Intra-state migration is a matter of state Government. For the purpose of this kind of migration, the State Government should appoint an observer-cum-coordinator at district level, who will receive such rescued child labour. He has to observe every child received from any state coordinator or district coordinator. The Education department must ensure their entry in formal or informal school.
- (j) For potential child labour (children of migrant labour), the district coordinator, under Social Justice Empowerment Department/Women and Child Development Department, must issue some identity card for migrant children. This identity card itself will ensure their entry and re-entry in any school which is nearby the work place.
- (k) Special actions need to be taken for migrant children without families, on their own or with any mediator:
- (l) Establishing facilitation desks at major railway junctions, by Non Government Organizations with the help the Police, providing allowance to Non-Government Organizations for such desks

- (m) Instructing Ticket Checkers in railways so that they can inform about suspects of trafficking of children or about 'run away' children to nearby Railway Police; sensitizing Ticket Checkers for the same. Enquiring about these children and sending or receiving them back with special Police Unit.

The sub-committee II also recommended the role of different agencies as under:

State Education Department:

Every child during the age of 6 to 14 years of age is entitled for free and compulsory education. Every child out of school is potential child labour. Therefore, the State's role is essential in -

- (i) Admitting the children of migrant workers in *Balgriha, Balsadan* or any other shelter home available near the working place of migrant workers
- (ii) Ensuring re-entry of children of intra-state migrant workmen in regular school, when they came back, without any condition.

Social Justice & Empowerment Department/Women & Child Development:

- (i) Admitting the children of migrant workers in *Balgriha, Balsadan* or any other shelter home available near the working place of migrant workers;
- (ii) Appointing a coordinator at district level so as to keep details of such children;
- (iii) Instructing ticket checkers/collectors in railways so that they can inform about suspects of trafficking of children or about 'run-away' children to nearby Railway Police;
- (iv) Inquiring these children and sending them back to their family with special escorts;

- (vi) In case of intra-state, provide access to income generation opportunities to parents of child labourers such as preparing mid day meals or stitching of school uniform, etc.;
- (vii) In case of intra-state transfer, help such parents for grants and loans facilities for Self Help Groups and access market linkages to Self Help Groups.

Home Department - Police:

- (i) Provide escort for sending Inter-State Migrant Child Labours to their families in the respective State,
- (ii) Establishing facilitation desks at major Railway Junctions and Bus Stands with the help of NGOs and Women and Children Development Departments.
- (iii) Enquiring about suspected trafficked children, as informed by Ticket Checkers, and sending them back to their families.
- (iv) The police officer appointed for this work must be trained as 'Special Police Unit' as per the requirement of JJ Act, 2000.

Health Department:

- (i) Appropriate instructions to be issued to the Hospitals for the medical examination of the rescued child labour.
- (ii) Team of psychiatrists to be identified and communicated, which could help in counseling of the rescued children.
- (iii) Examination of exact age of rescued children immediately after the raid.
- (iv) To undertake health programme and periodical check up of the child labourers rescued and enrolled in any educational steam.

Ministry of Labour & Employment, Government of India

- (i) Inter-State coordination meeting should be organized by Government of India, when the question of inter-state migrant child arises or the issue involved in effective implementation of the same.
- (ii) In the case of international trafficking for labour, the Government of India must co-ordinate the issue. In Gujarat, the Government has rescued some of the children belonging to Nepal.
- (iii) Frame guidelines for repatriation of international and interstate trafficked child.

Ministry of Railway, Government of India

Instructing Ticket checker of Railways to inform suspected trafficking of children or 'run-away' children to nearby railway police or help-desk established on the platform of the railway station.

Sub-Committee III constituted on the subject of "Awareness Generation" was of the view that awareness generation should be thematic and centre specific. Intervening in the discussions of the Sub-committee, JS (DV) informed the participants that the Ministry also feels that media campaigns limited for 2-3 weeks may have no impact. Therefore, it has been decided in the Ministry that we should have a sustained campaign. Discussions with DAVP and the NFDC are being held in this regard.

The sub-committee made the following major recommendations:

- Awareness Generation strategy has to be thematic and sector specific
- Target specific modules should be evolved i.e. parents, employers, children.
- Media Plan for AGP containing specific strategy for print, electronic and cyber media.
- AGP should involve and address stakeholders concerned with child labour.

- Awareness should start from grass root level.
- Approach should be to use traditional performing arts and means of communications to sensitize the rural population.
- Introduction and implementation of SSA and UEE (universalisation of elementary education) would pave the way for eradication of child labour.
- All development programmes of Union and State Governments should have IEC (information, education and communication) and strategy for combating the menace of child labour.
- Statutory warning should be displayed at appropriate places forbidding deployment of child labour and its consequences.
- The process of penalizing the offenders should be expeditious. Penalty should be imposed on the spot as in the case of traffic violation.
- At the school level, painting competition and other such feats should be regularly held which gives messages to the students against child labour.
- The offenders and punishments meted out to them should be highlighted to convey the message in a loud manner.

Sub-Committee IV on 'Convergence of welfare schemes at State level' was unanimous on the convergence model. It felt that Child labour is a multi-pronged problem. Therefore, our approach also needs a convergence model. Multi level convergence has been discussed in the inter-Ministerial discussions with Labour, Human Resource Development, Rural Development, Women & Child Development and Social Justice & Empowerment, Information and Broadcasting etc. It was felt that convergence at policy level is required for bringing in some of the policies together. DGE&T should focus on skill development of not only children but also other members of the child labour families so that they are able to earn a better wage towards better

living. DGLW should ensure minimum wages for families of child labourers and implement social security schemes. DRDA can utilise self-help groups to ensure that children of the members should go to school and not to work.

It was also felt that there should be a strong institutional mechanism for coordination at various levels. Financial allocation and human resources should be made available so that models can be translated into action. Political commitment and will of the States should be there to have a conducive atmosphere. Updating and amending of relevant laws of child labour is important so as to address the issue at large. There is a need to strengthening the enforcement machinery to have coherence.

It was also discussed in the group not to lose focus on the family while having child centric model of convergence. By and large children are made to work to supplement family income. Therefore, it is very important to have a convergence model addressing the family problem as well. The child labour indicator should be by and large linked to the social development indicators.

17. During the state-wise review of the NCLP scheme, JS (DV) suggested that the Project Societies should open Bank account in Union Bank of India so that Central funds could be transferred electronically in their name, instead of making draft. State-wise specific points/issues discussed are at Annexure 'III'.

18. The Hon'ble Union Labour & Employment Minister addressed the concluding session of the CMC. He stated that it was a matter of great satisfaction for him that this meeting is being held. He noted the sorry state of affairs of our children in many parts of the country. A large number of young children are working. He quoted an incident of his visit to Meerut when, on seeing him, the owner asked the working children to run away. He exhorted

the Labour Secretaries and Labour Commissioners not to allow child labour to exist and put their minds and hearts together to see that these children find their rightful place in schools. Hon'ble Minister stated that our plans need to be revised to cover all forms of child labour. There is need for assessment of some of the major schemes e.g. Rural Employment Guarantee Scheme to see how far they are instrumental in addressing the issue of poverty which in turns often leads to child labour.

19. The Hon'ble Minister stated that migration of children for labour ultimately has to come to an end. If the migration comes down drastically, first option of the parents would be to send their children to school. Responsibility has to be given to Panchayats to monitor various programmes & schemes for eliminating poverty and child labour. He desired that NCLP schools may utilize government school buildings after normal school hours.

The major points that emerge during the state-wise review on September 4, 2008 are as under:

Andhra Pradesh: Labour Commissioner, Andhra Pradesh stated that there is a need to have residential mode NCLP schools in urban areas where children live with the employers. Compared to the special schools, there is much more demand from the districts. Another issue raised was that the project societies are covered under Minimum Wages Act in A.P. Their wages are less than minimum wages. That causes real embarrassment. And that the fine raised in 1986 from Rs.1000 to Rs.2000. it is not any more relevant. It needs to be increased. Lastly, trying of the cases under Child Labour Act envisages only the First Class Magistrate can try these cases. In Mandal level, there are no First Class Magistrate. So, the Second Class Magistrate should be able to do this. **JS (DV) informed that the** amendments to the Act is already under process. Working Group has given its recommendations. Regarding

application of the Minimum Wages Act in the NCLP, the Labour Commissioner was requested to arrange to supply a copy of letter to that effect as it would be helpful since the Ministry have already put up a case to the Planning Commission. Regarding fast track courts, JS (DV) told that it was also recommended by the Working Group. Certain things were discussed recently only. There is no final decision. Some people are in favour and some are against so the Ministry will have to take a balanced view.

LC, Andhra Pradesh informed that out of 23 sanctioned districts 16 are working. 2 PRs are pending. The State Government are in fact thinking that those NCLP districts which have not taken grant for the last two years to close them. But those who have even applied for grant, decision will have to be taken whether to continue with them or not.

Gujarat : Addl. Labour Commissioner, Gujarat was informed that the Ministry is not getting enforcement figures from the State which is to be sent on quarterly basis. **Release proposals of 3** districts are still pending for want of clarifications.

As per the State government during 2006-07, 254 children have been mainstreamed from NCLP schools. In 2007-08 it was 527. Awareness generation - 30,000 posters on child labour have been made. 13 workshops have been conducted. Meetings with trade unions, NGOs, owners' associations were held.

Haryana : The representative informed that proposals for 3 more NCLP Projects have sent viz. Jajhar, Hissar and Yamuna Nagar. The state have taken initiative on Bhatta Pathshalas in Jajhar Distt and Convergence with Sarvashiksha Abhiyan was done. Presently, the NCLP projects are going on in three districts, viz., Panipat, Gurgaon and Faridabad. Panipat is doing well

but in Faridabad and Gurgaon, some problems are there. The fund has not been received for Gurgaon.

Jharkhand : Primarily effort has been made to establish NCLP Special Schools. In 8 districts Special Schools are working. 8900 children have enrolled. 8000 inspections were conducted and 175 child labours were detected and all have been enrolled in the formal schools. The state government have also made a provision for stipend. Regarding residential schools, the state have provision of Rs. 1 crore for the purpose and are in the process to contact NLI to conduct the survey. The Ministry informed that we have yet to receive the report of Gumla Distt.

Jammu & Kashmir : The State labour secretary informed that they have about 20 Central Labour Laws in the State and 2 more Labour Laws have been enacted. The state is doing very well for the welfare of child labour. For the NCLP Projects 3 districts are covered. Although much has been done, a lot more still remains to be done. 60 schools have been identified. Other reports will be given later.

Karnataka : have NCLP projects in 17 districts. Joint Labour Commissioner has been asked to inspect these Projects. The state government will give information on this later. The state government may close NCLP projects like Tumkur and will refund the money. On other projects the state government did not agree to close down. The state government was reminded to furnish UCs pending which funds could not be released.

Chattisgarh: Bilaspur, Durg and Raigarh are the NCLP Districts in which 269 schools were sanctioned out of which 242 schools are working with 12773 enrolment. State Monitoring Committee has been constituted in 2007. Constitution of the Core Committee is under process.

Punjab : The state is running NCLP Schools in 3 districts viz. Amritsar, Ludhiana, and Jalandar. Most of the NGOs are showing very good results.

Enforcement is also going well. Full cooperation of Education Department is not there. Persons in Government service should not be given the responsibility of Project Directors. An NGO person should be entitled for this amount. Special Courts, Fast Track Courts should be there. Although the problem of child labour is not acute in Punjab, but in respect of migrant child labour it will be helpful for them.

20. The Meeting ended with a Vote of Thanks by Shri S. R. Joshi, Director, Ministry of Labour & Employment.

Minutes of the meeting of the Central Monitoring Committee on Child Labour held under the Chairmanship of Secretary, Ministry of Labour & Employment on 20th September, 2010.

The Meeting of the Central Monitoring Committee on Child Labour was held under the Chairmanship of Secretary (Labour & Employment). The list of officers present in the meeting is enclosed at Annexure.

Welcoming all the officers, Joint Secretary (Child Labour), Shri A.C. Pandey mentioned the various issues which were the backdrop of this meeting. He mentioned that there is an urgent need of realignment of NCLP Scheme in the light of provisions of Right to Education Act, 2009. He also mentioned that there is need to improve the viability of the scheme because the honoraria and the rentals provided in the Scheme have become unviable and need to be revised. Hence the feedback on all the parameters of the Scheme is required from the State Labour Secretaries. He also mentioned that ILO has adopted a Global Report on worst kind of child labour under which all the countries in the world have to eliminate all child labour of the worst kind by 2016. As part of the international commitment, India also has to prepare a roadmap for elimination of worst form of child labour - bonded labour, hazardous work, drugs, prostitution, trafficking by 2016. This would include legislative changes and ratification of ILO Convention 182 as well. He also mentioned that the issue of child labour is assuming importance because there is an effort in certain international quarters to link child labour with trade. Hence renewed efforts have to be put in to ensure that in all such industries we take abundant precaution to wean away child labour from industries. JS(CL) also mentioned that the Mid Day Meal scheme has been implemented in all the child labour projects. The teething problems, if any, in

implementation of this scheme need to be taken up with the Ministry of Human Resource Development. He emphasized the need for timely submission of QPRs and UCs so that the financial releases are released in a timely manner.

Secretary (L&E), Shri P.C. Chaturvedi emphasized that there is a need for a greater involvement of Panchayati Raj institutions. Presently progress of trafficking of children and their mainstreaming was not known. With the involvement of Panchayati Raj institutions there would be significant improvement in the quality implementation of the programme. He emphasized the need of alignment of NCLP Scheme with Right to Education. He emphasized the need for greater involvement of State Governments in identification and implementation of the NCLP scheme. He also requested State Principal Labour Secretaries/State Labour Commissioners to send suggestions/proposals which may help in elimination of child labour in the respective States depending on the specific conditions of their States. He mentioned that in the light of the experience of running of NCLP Scheme, an exercise regarding redesigning and reformulation of the Scheme is being undertaken to plug the loopholes in this Scheme. This would help in better implementation of the Scheme. He mentioned that in the light of the global commitment for elimination of child labour, we need to build a roadmap for elimination of worst form of child labour and for ratification of ILO Convention 182. However, presently we are not in a position to ratify ILO Convention 138 because it has a number of socio-economic connotations. He also expressed the concern at efforts by few countries in using child labour as a non-tariff barrier and mentioned that as per the ILO Social Justice Declaration 2008 the labour standards cannot be linked with trade.

Shri H.K. Jethi, Director, MoLE mentioned that under the project based plan of action, Government announced National Child Labour Programme in 1988 in 12 districts of high child labour concentration. The objective of the

Scheme is to identify working children, withdraw them from work, put them into special schools and to mainstream them into formal education. Major activities under NCLP scheme are intensive child labour survey in the district, raising public awareness, stepping up enforcement of Child Labour Act to withdraw children from hazardous work, establishment of special schools to provide bridge education for mainstreaming in formal education, pre-vocational training, provision of master trainer for every district, provision of mid-day meal, payment of stipend for children, health check up of children and provision of a doctor for every 30 schools. Total number of districts sanctioned under this Scheme are 271. Total number of districts currently under operation in this scheme are 267. Currently total number of schools sanctioned in this Scheme are 11056 out of which total number of schools in operation are 8040. Total number of sanctioned strength of children is 5.52 lacs. Total number of children enrolled are 4.02 lacs. Total number of children mainstreamed so far are 6.47 lacs.

The following 59 districts are presently non operational districts :

Andhra Pradesh : East Godavari, Medak, Nalgonda, Kurnool, Anantpur, Mehboobnagar

Bihar : Madehpura

Chhatisgarh : Dantewada

Karnataka : Deveangere, Haveri, Tumkur, Dharwad, Koppal, Belgaum, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar, Mandya, Bijapur, Raichur

Maharashtra : Pune, Parbhani, Buldana

Madhya Pradesh : Guna, Indore

Jharkhand : Ranchi

Rajasthan : Ajmer, Bhilwara, Barmer, Bundi, Dholpur, Dungarpur, Sriganganagar, Jalore, Jodhpur, Nagaur, Pali, Bharatpur

Tamil Nadu : Pudukkottai

U.P. : Bahraich, Etawah, Faizabad, Gonda, Lakhimpur Kheri, Mau, Mirzapur, Sonebhadra, Unnao, Sitapur, Balrampur, Kushinagar, Ghazipur, Shravasti, Pratapgarh, Banda, Kannauj

The grants are released in two equal instalments. The first instalment for the months of April-September is generally released in case it is proposed to implement, continue the project in that financial year. To release first instalment during 2010-2011 following documents are mandatory : Quarterly Progress Report of December 2009, UCs and Audited Accounts of 2008-09. The second instalment will be sanctioned after the receipt of Audited Accounts, Utilization Certificate of the Grant released earlier in the previous year and a progress report in the prescribed format for the period ending 31st March of the previous financial year.

The following 61 districts are such districts from where documents are pending :

Andhra Pradesh : Hyderabad, Prakasam

Assam : Lakhimpur

Bihar : Araria, Banka, Bhagalpur, East Champaran, Gaya, Jamui, Khagaria, Kishanganj, Muzaffarpur, Patna, Purnea, Saharsa, Samastipur, Sitamarhi, Supaul, West Champaran

Chhattisgarh : Bilaspur, Korba

Haryana : Gurgaon

Jharkhand : Chaibasa, Garhwa, Gumla, Palamu

Karnataka : Bagalkot, Bellalry, Belgaum, Bijapur, Dharwad, Kopal, Mandya, Raichur, Kolar

Madhya Pradesh : Dhar, Jhabua, Shajapur, Ujjain, Jabalpur, Katni, Sagar, Satna

Maharashtra : Gondia

Orissa : Bolangir, Jharsuguda, Keonjhar, Malkangiri, Sundergarh, Ganjam

Rajasthan : Banswara, Bikaner, Churu, Jhalawar, Jhunjhunu, Baran, Sikar, Udaipur

Uttar Pradesh : Bhadohi

West Bengal : Malda, East Mednipur

The general queries of IFD are unspent balances, non-disbursement of the Stipend by the NGOs to child labourers, poor mainstreaming, enrolment of lesser numbers of children than sanctioned, non conducting of survey, low trend of expenditure, running of schools for higher classes against guidelines, inspection of schools. The following areas need improvement for achieving the objective :-

- (i) Survey needs to be more objective.
- (ii) The children need to belong to the Target Group.
- (iii) There is lack of awareness generation in the community.
- (iv) Timely submission of QPRs and APRs needs be followed.
- (v) UCs and Audited Statement should be sent in a timely manner.
- (vi) Unspent balances need to be liquidated.
- (vii) Mid day meal should be regularly served to children.
- (viii) Mainstreaming of children should be focused.
- (ix) The problem of non disbursement of stipend needs be sorted out.
- (x) Schools are not running but Project Societies are still functioning.
- (xi) Convergence at State & District level needs to be ensured.

The following 15 Project Societies are running less number of schools :

Maharashtra : Yavatmal (2 schools), Nasik (2 schools), Sangli (9 schools)

Gujarat : Panchmal (4 schools), Dahod (6 schools), Bhuj (8 schools),

Rajasthan : Nagore (2 schools)

Jharkhand : Sahibganj (8 schools)

Tamil Nadu : Theni (9 schools)

Jammu & Kashmir : Srinagar (6 schools)

Karnataka : Bellari (7 schools), Mandya (7 schools), Mysore (4 schools)

Uttar Pradesh : Basti (8 schools)

Madhya Pradesh : Guna (2 schools).

It would be better if they are taken under the Grant in Aid Scheme rather than in the NCLP Scheme.

The number of schools being run in the following 11 Project Societies is more than the average number and hence it may be difficult for one Project Director to effectively supervise them :

U.P. : Firozabad (114 schools)

Andhra Pradesh : Rangaareddy (120 schools)

Assam : Nagaun (245 schools)

West Bengal : Murshidabad (140 schools), Nadia (100 schools), Purulia (90 schools)

Bihar : Gaya (138 schools - 100 children), Katihar (100 schools), Patna (100 schools), West Champaran (104 schools)

Chattisgarh : Raipur (103 schools).

The Chairman, NCLP may get a resurvey done and check up whether there are so many children in these areas withdrawn from hazardous occupations.

Shri Gautam Roy, Director, MoLE made a presentation on the proposed revisions in the existing NCLP scheme. He highlighted the issues being contemplated by the Ministry regarding alignment of the NCLP Scheme with RTE Act, 2009, change in the structure for implementation of the NCLP in order to ensure more effective monitoring, changes proposed in the NCLP Scheme w.r.t. strengthening of health component, provision of a computer cell at State/District level, proposal for strengthening Monitoring and evaluation of NCLP Scheme and need for strict enforcement measures to deter employers from employing children.

Shri Y.P. Yajurvedi, Director, V.V. Giri National Labour Institute explained in detail the findings of the evaluation study of NCLP Scheme conducted by his institute. He mentioned that 60% Districts do not have full-

time Project Director. Posts of Master trainers and Doctors are largely vacant. The pattern of actual expenditure in districts is unbalanced. Awareness generation, survey and teachers trainings are the main heads where utilization is very low. The reasons of low utilization are delay in fund disbursement from Centre to districts and from districts to NGOs, low utilisation on survey, awareness and training and low utilisation on doctors and master trainer. The impact of low utilization is high non-target group enrolment in special schools, low awareness about NCLP and low mainstreaming rate. As regards conducting Child Labour Survey, nearly half of the total districts evaluated (34 out of 70) have conducted surveys at regular intervals. Of the remaining, in 25 districts, surveys have been conducted irregularly either in terms of periodicity or frequency or both. The local NGOs were mainly engaged in survey work leading to contamination in enrolment. There is poor quality of survey data and maintenance of records. As regards forging convergence, 57 out of 70 project societies have made attempt to forge convergence with at least one or more than one department. In rest 13 districts very little convergence or no convergence has taken place. Convergence is quite successful with SSA (46 districts) and to a certain extent with the health department (27 districts). Convergence with programmes meant for upliftment of the livelihood standards of the parents is very poor. Only 12 and 9 districts respectively reported convergence with RD and Social Justice. 47% of the PDs reported unsatisfactory performance on convergence. Special schools are run and managed primarily by NGOs (86%) with negligible participation of PRIs, TUs, SHGs and other local institutions. The Project Society is directly managing 13% of schools mostly in 9th Plan districts. Selection criteria are not followed strictly in some districts leading to erroneous selection. NCLP is presently operational in 250 districts of 20 States, with an average of 40 schools per district. However, proportion of operational to sanctioned schools (77%) and enrolled to sanctioned children

(75%) is low at all-India level. Girl children constitute about 44% of total enrolled children. In some districts the proportion of girls is less than 30% mostly in the State of UP, MP, Chhattisgarh, Jharkhand and Bihar. As regards school infrastructure, physical infrastructure (in terms of quality of building, number of class rooms and space, desks/benches, toilets, ventilation and lighting) is poor in most of the schools. Human resources are fairing better and most of the teacher posts are filled up (except vocational teachers in a few districts). There is absence of class/subject specific teachers in a majority of schools. Most of the teachers are receiving honorarium regularly, but expressed gross dissatisfaction with quantum of monthly honorarium. Low honorarium works as a serious demotivating factor. Immediate community are not always factored into the selection of teachers in a large number of schools. As regards enrolment, all the schools are running with full capacity with 50 children on average. However, year-wise fresh enrolment is very low, which indicates low year-wise mainstreaming. Enrolment is poorly targeted - child labour (only 25 per cent enrolled children belong to hazardous occupation) and age groups (9-14 years constitute 79% of total enrolment). With regard to attendance, average attendance rate is around 70%. As regards mainstreaming, two patterns are being followed - continuous mainstreaming vs. fixed three year mainstreaming. The mainstreaming happened only in 50 out of 70 sample districts. Average mainstreaming per school is 19 during 10th Plan period. As regards performance of components, mid-day meals are mostly regular (99%) and has enabled to attract and retain the children in the school. But quality and quantity remains concern in most of the districts largely due to size of fund allocated. Convergence for enhancing the nutritional component is restricted to a few districts such as Hazaribagh, Koraput, Bargarh, Alwar, Ajmer. Regarding stipend, 76% of schools reported opening up of account whereas only 27% reported regular deposit of stipend amount. Health check-ups are

irregular and largely absent. Only 42% schools provide regular health check-up. Frequency of visit of doctor is highly inadequate especially in 10th Plan districts. There is also non-availability of emergency medical facilities and basic medicines. Most of the districts do not seem to have well designed plans for imparting vocational skills. Master Trainers are not appointed in 52 districts and in 15% schools vocational instructors posts are lying vacant. There is acute shortage of vocational materials and equipments. Traditional skills such as tailoring, stitching, sewing, embroidery are the predominant vocations in which teachings are imparted and hence more girls than boys join such classes. As regards curriculum, two-thirds of the schools follow formal curriculum of Std. I-V. Course contents and subject taught are largely at par with Govt. primary schools and or SSA schools. Curriculum are not systematic across schools/districts as several agencies are involved in its preparation. There is no standard curriculum for vocational training. Quality of education (measured in terms of regularity of schools and classes, impartation of joyful teaching and provision of homework given and checked) is generally satisfactory as per the school records. However, concerns regarding availability of adequate subject/class specific teachers, non-grading of students in terms of their age and mental ability and non-seriousness towards teachers training is hampering further improvement in this regard.

Principal Labour Secretary, Chhattisgarh, Shri Vivek Dhand mentioned the problems in alignment of the NCLP Scheme with RTE. He mentioned that the period of two years for special schooling is not sufficient and it needs to be taken up with the Ministry of Human Resource Development so that sufficient period is there for training these children for admission in age appropriate class. He also mentioned the need of creation of new learning material in collaboration with SCERTs and DIETs of respective States. He emphasized the need for training of these teachers for special training. Highlighting the problems of the NCLP Scheme, he mentioned that the

salaries of the teachers, the stipend of the students and the salaries of the doctors are highly inadequate and there should be at least three-fold revision in them. He also felt that there is need for increase in the rentals of the building, increase in amount sanctioned for vocational training and amount earmarked for survey. He felt that there needs to be convergence with HRD regarding supply of uniforms, shoes, bags, books and stationery since enrolment of the children as per the RTE norms is in the normal schools. The issue may be taken up with the Ministry of HRD for issuing suitable instructions. He also felt that the issue of increase in the MDM entitlement to 150 gms. for NCLP schools needs to be taken up with the Ministry of HRD. He suggested that the tracking of students studying in NCLP schools may be done with the help of UID cards, the scheme for which is under implementation.

Shri Sita Ram Meena, Labour Commissioner, U.P. wanted that the Central Government should frame the rules for the proposed NCLP State Societies. He also felt that the guidelines for alignment of NCLP Schools with RTE may be framed by the Central Government and circulated to the States to ensure uniformity in the Scheme. He felt that the Terms of Reference developed for the Societies in INDUS Project be circulated and could be a guideline for NCLP Scheme as well.

Joint Labour Commissioner, Karnataka mentioned that they would be reactivating inoperative districts in their State and hence the NCLP projects in these districts may not be closed.

Principal Labour Secretary, Rajasthan mentioned that there is an urgent need of increase of salary of the teachers and stipend of the students.

Principal Labour Secretary, Tamil Nadu mentioned that they have worked out an excellent convergence scheme for children in brick kiln industry and cotton seeds with the help of ILO wherein they are following a

strategy of targeted attack on child labour. He also mentioned that digital tracking system being followed in Krishnagiri District is highly successful.

Labour Secretary, J&K mentioned that there needs to be specialized training for the teachers for NCLP Schools so that they can achieve the target of mainstreaming of these children in age appropriate class within the specified time.

Secretary Labour, Maharashtra wanted that the survey for NCLP in their State should be done through State Resource Center located in Administrative Training Institute, Yashida. She also mentioned that there should be an amendment in CLPRA 1986 making imprisonment binding for employers of child labour. She made a case for increase of honorarium of teachers above the statutory minimum wages. She also mentioned that the amount in the Children Welfare Fund collected as fines as per the directions of the Supreme Court is lying unutilized because the children have grown up and this fund cannot be utilized for any other purpose. She felt that the Central Government may formulate a policy and take it up with the Supreme Court for modification in its earlier order. She emphasized the need of certification of the vocational courses run by NCLP Schools.

Joint Labour Commissioner, Karnataka mentioned the need of amendment in the definition of family in the CLPRA, 1986.

Principal Labour Secretary, Rajasthan also raised the issue of unutilized fund in the Child Labour Welfare Fund created through Supreme Court orders. He felt that the honorarium given to the NCLP school teachers should have two different scales - one for bigger towns and the other for smaller towns.

Labour Commissioner, Andhra Pradesh felt that the task of running the NCLP schools may be assigned to the Manufacturing Associations who have interest in ensuring that child labour is weaned away from the industry.

Secretary (Labour), Gujarat mentioned that there is a Gujarat High Court judgement of 1.4.2010 whereby recovery of fines cannot be done until and unless the employer of child labour is penalized. It was decided that he may refer it to the Central Government which may take the legal opinion in the light of this Order as well as the earlier Order of Delhi High Court which had mentioned that the fines may be recovered without waiting for the final conviction.

Joint Labour Commissioner, Karnataka mentioned that Section 9 of CLPRA needs to be amended dispensing with the requirement of notice to inspector by the occupier which is otherwise at times taken as a shield by the employers of child labour.

Principal Secretary (Labour), Chhattisgarh desired that funds for 31 new schools in the District Durg may also be released.

Secretary (Labour), Maharashtra mentioned that the labour inspectors be given the powers of the police without which they are handicapped in conducting enforcement activities.

Principal Secretary (Labour), Haryana mentioned that they are running Bhatta Pathshala Scheme successfully in Haryana in which children of bonded labour in brick kiln are being given education.

Joint Secretary (Child Labour), Ministry of Labour & Employment summing up the above discussion mentioned the following:

- (1) Principal Labour Secretaries of all the States may look into the list of 59 districts in which NCLP is in operational. They may send the proposal for reactivating these schools within the next seven days failing which NCLP schools would be closed in these districts.
- (2) All the Principal Labour Secretaries may reidentify the needs of their States and based on that if they find any districts where there is preponderance of child labour, proposals for opening up new NCLP schools may be immediately sent.

- (3) All the Principal Labour Secretaries/Labour Secretaries / Labour Commissioners may look at the list of 61 districts from where documents have not been received regarding financial releases. They may expedite sending of QPRs and UCs from these districts so that timely financial releases can be made.
- (4) Besides hard copies, soft copies and any other relevant correspondence may be done on e-mail address: child.labour-mol@nic.in .
- (5) Proposals regarding problems in MDM scheme or pending liabilities may be sent to Ministry of Labour & Employment for taking up with Ministry of HRD.
- (6) Newsletter on Child Labour "Child Hope" has been started by VVGiri National Labour Institute. Success stories and other experiences of NCLP schools may be sent to Director, V.V. Giri National Labour Institute.
- (7) Preferably Inter-Ministerial committee may be formed under the Chief Secretary for monitoring the progress of protocol on trafficking and a report thereon may be sent to Govt. of India.
- (8) It was decided to formulate a Committee comprising of Principal Labour Secretary Maharashtra, Principal Labour Secretary Rajasthan, Principal Labour Secretary Haryana, Joint Labour Commissioner Karnataka and Legal Adviser, Ministry of Labour & Employment to study the problem regarding non-utilization of funds in the Welfare Fund and submit its report to the Govt. of India so that the issue can be taken up suitably.

Minutes of the meeting of the Working Group of Child Labour for the 12th Five Year Plan held on 27th May 2011

The first meeting of the Working Group of Child Labour was held under the chairmanship of Shri Ravi Mathur, Addl. Secretary, Labour & Employment on 27.5.2011. The list of participants in the meeting is annexed.

At the outset, Additional Secretary (L&E) welcomed the participants to the first meeting of the Working Group of Child Labour, bonded labour and migrant labour to discuss the strategies for elimination of child labour for the 12th Five Year Plan. Thereafter, he requested Shri A.C. Pandey, Joint Secretary to give power point presentation on child labour. Joint Secretary mentioned that child labour is a challenging area not only for the Ministry, but also for the society at large. Government aims to eliminate all forms of child labour from the country with the priority at present on the children working in the hazardous occupations. The number of hazardous occupations and processes in the Schedule of the Child Labour (Prohibition & Regulation) Act was being progressively increased to enlarge the coverage of the child labour for rehabilitation. At the time of enactment of Child Labour (Prohibition & Regulation) Act, 1986, there were 6 occupations and 13 processes, where the employment of children was prohibited. The list has been expanded to include 18 occupations and 65 at present. He also gave details of the increase in the coverage of NCLP project during the 10th Plan and 11th Plan. He mentioned that under NCLP scheme, 64 new projects were operationalised during 11th Plan and 21 new districts have been added and now the scheme is in operation in 271 districts. He further mentioned that about 3,30,000 children have been mainstreamed through NCLP during 11th plan and Honorarium of project society staff and NCLP school has been increased w.e.f 1-4-2011. With the right policy choice and adequate resources, we will be able to move towards the target in the 12th Plan. He thereafter briefed the strategy for the 12th Plan and proposed following:

- Extension of NCLP Scheme in other districts based on the child labour data of Census 2011.
- Formation of State Project Society under the Chairpersonship of Principal Secretary/Secretary (Labour) for implementation of NCLP scheme.
- Alignment of NCLP Scheme with RTE Act, 2009.
- Creation of National Level Monitoring Committee
- Creation of State Level Monitoring- two tier monitoring committees at state level will be more effective. (a) Core Committees on child labour under chief secretary and (b) State monitoring committee under state labour Secretary

Revision of NCLP Scheme with addition of following components:

- (i) Child Labour Survey in all districts.
- (ii) Standard Curriculum and learning material to be adopted in all NCLP Schools.
- (iii) Teacher training twice during 12th Five Year Plan preferably through DIETs/DRUs in the districts, in association with SSA.
- (iv) Comprehensive Pre-vocational training.
- (v) Strengthening of health component.
- (vi) Provision of uniform and school bags.
- (vii) Residential schools for migrant child labour.
- (viii) Enhancement of Honorarium of Staff/ teachers of NCLP society/ schools
- (ix) Enhancement of Stipend of school children
- (x) Enhancement of rent for school buildings.

- (xi) Award scheme to motivate the project officials.
- (xii) Awareness generation.
- (xiii) Vocational training for adolescents after completion of study in NCLP Schools.
- (xiv) Creation of National Monitoring Cell and State level monitoring cell.
- (xv) Tracking and monitoring of child labour.
- (xvi) Residential schools for migrant child labour.
- (xvii) Enhancement of Honorarium of Staff/ teachers of NCLP society/ schools

He mentioned that Child Labour (Prohibition & Reregulation) Act, 1986 was enacted in 1986 and has been in operation from last 25 years. Being a social legislation it needs to be revisited on account of the societal changes taken place since then. At the end he briefed roadmap for elimination of worst forms of child labour by 2016 to all the participants. Then he invited the views of all the members present in the meeting on the strategy for 12th Plan.

Views of the members of the Working Group All the Present members of working group supported the strategy for the 12th Plan as proposed by the Ministry of Labour and Employment.

Dr. B. Kishore, Labour Commissioner, Andhra Pradesh suggested that after the implementation of the Right to Education Act (RTE Act, the Regulation part in the Child Labour (Prohibition & Regulation) Act should be deleted because every child has to go to school as per the RTE Act. He suggested that the Child Labour (Prohibition & Regulation) Act should be further strengthened and imprisonment should be made compulsory for the violator of the Act. He suggested that transit centre be opened in States and fund for these transit centers be provided by Ministry of Labour & Employment under planned scheme. He mentioned that the A.P. State

Government has made an action plan for elimination of child labour converging the benefit of different schemes of the State. He further mentioned that older child after rescue should be given education in transition school and then mainstreamed in the age appropriate class.

Shri Shamshad Khan, Secretary, CREDA reiterated upon the need to take a close look on the migration and bondage especially in the brick kiln industry of Uttar Pradesh. The major problems with the migratory families are that brick kiln does not have the facility for education, health checkup. Large numbers families from Uttar Pradesh, Bihar and Orissa are migrating to Maharashtra in brick kiln industry. This issue needs to be tackled and working of children with their Parents should be restricted. There are also cases of bondage because migratory workers takes advances from the owner and then they work like a bonded labour to pay loan with the help of their children. Agriculture is one of the sectors where we have to take cognizance because of the use of insecticides and pesticides makes it hazardous to the health of children working in this area. He stated that though the involvement of children in hazardous occupations has gone down in UP because of the effort of state Government and effective convergence strategy at state level. This is a good improvement and it is very much visible. Now the children are going to school, the achievement is not complete as still many children are out of school.

Ms Preet Verma, ILO, Delhi emphasized on the data on child labour survey should include migration of children, their family situation, children enrolled but not attending school to link up with other social security's schemes under convergence programmes. She suggested that children should be banned from working in hazardous occupations/ workshop wherein any process is carried on by the occupier with the aid of his family as lot of children exploitation is noticed.

G.S. Narayana Swamy, Labour Commissioner Karnataka reiterated upon the inclusion of the Panchayati Raj Institutions which can play a vital role in the monitoring and Tracking of a child labour. He further also mentioned that

Government of Karnataka is running residential scheme for the rehabilitation of the child labour under which the expenditure incurred are Rs. 4.3 lakh per school per year. The children are mainstreamed to the regular schools within a period of 6-9 month period. He further mentioned that the Government of Karnataka has a State Project Society of child labour and Ministry of Labour should route their funding through the state project society for better monitoring of the NCLP Schools.

Shri Dilip Rath, Additional Secretary, Government of West Bengal reiterated to ban the working of the children in the occupation/ processes run by family. He suggested that children should be banned from working in hazardous occupations/ processes wherein any process is carried on by the occupier with the aid of his family as lot of children exploitation is noticed, in line of this suggested the amendment of Child Labour (Prohibition & Regulation) Act. He supported the idea of Ministry of Labour & Employment of forming the state level project society under Labour Secretary/Labour Commissioner and routing the fund through State Project Society which will help in monitoring the NCLP Scheme effectively. He informed that State of West Bengal is running eight residential school for child labour with the strength of 50 children/ school. At present the expenditure incurred are Rs.750/- per child per month which need to be enhanced. There is a need for further expansion of these schools and if government of India can give fund support then this scheme can be improved further. He mentioned that NCLP Schools should be realigned with RTE Act and a detailed guideline has to be given by Government of India.

Dr. Vijay Kumar, Deputy Director, from office of Registrar General of India mentioned that expansion of NCLP Scheme which has taken place till now is based on the Census Data of 2001 and the strategy for 12th plan expansion of NCLP scheme should be framed based on 2011 Census data which is expected within a two year.

Dr. J.S. Tomar, Research Officer, Planning Commission mentioned that while making any strategy for 12th Plan more emphasis should be given to the monitoring and Tracking of the NCLP school children. He further mentioned that cess collected

under Building and Construction Act should be utilized for the welfare of migrant worker and their children.

Shri A.C. Pandey, Joint Secretary, Ministry of Labour & Employment emphasized the need to have a focused and targeted approach with clear cut time frame, coupled with strict enforcement, so that further inflow of child labour could be checked and Scheme could meet its objective.

Chairperson Shri Ravi Mathur, Additional Secretary (L&E), in his closing remarks stated that enforcement of Child Labour (P&R) Act should be strengthened and also needs to be revisited to make it more effective. He suggested that Panchayati Raj Institutions involvement in the functioning of NCLP Scheme should be encouraged as they can play a vital role in tracking/monitoring of child labour and also in generating the awareness of social security scheme programmes among the families of child labourers and improve the delivery system. He mentioned that issue of Bonded Labour and migrant labourers will be discussed in next working group meeting. He called for feedback on the proposal for improving the NCLP scheme.

The meeting ended with a vote of thanks to the chair and the participants.

Minutes of the Second meeting of the Working Group for social inclusion of vulnerable group like Child Labour and Bonded and Migrant Labour in the twelfth five year plan (2012-17) held on 8th July 2011 under the Chairmanship of Additional Secretary, Labour & Employment, Sharam Shakti Bhawan, New Delhi

1. The Second meeting of the working Group for social inclusion of vulnerable group like child labour and bonded & Migrant labour was convened under the Chairmanship of AS (L&E) on 8th July, 2011 at 3.00 P.M. in Sharam Shakti Bhawan, M/o of labour and employment, New Delhi.
2. At the outset AS (L&E) welcomed the all the participants to the meeting. JS (AP) stated that there were two core ILO convention on Child i.e. ILO convention No. 182 (worst forms of child labour) and ILO convention NO. 138 (Minimum age for entry to in employment). Global Child Labour Conference was held at The Hague, Netherlands in May, 2010 to discuss the commitment for a world free from worst forms of child labour by 2016. The ILO Global Report for 2010 on Child Labour was launched in this Conference. A roadmap for achieving the elimination of the worst forms of child labour by 2016 was adopted in this conference. The Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2010 titled “Accelerating action against child labour” was adopted in the 99th Session of the International Labour Conference at Geneva. The key suggested steps for getting to the 2016 target mentioned in the report includes engaging all countries for ratification of Convention No.182 by the end of 2010. Out

of total of 183 Member states of ILO, 174 countries have already ratified the ILO Convention 182. Despite the commitment of Government of India for addressing the issue of Child labour, India has not yet ratified the ILO Convention 182 relating to eliminating worst form of child labour. However, ratification of Convention 182 is under active consideration with the government. As regard to the ratification of ILO convention 138, the Ministry has formed an inter Ministerial Group (IMG) to review and have wider consultation on the issue. The first meeting of the IMG was held on 6.7.2011. This issue has become more important with the enactment of RTE Act, 2009. Presently the CLPRA prohibits working of Children Below 14 years in Hazardous occupations. For ratifying the ILO convention No. 138, there would be a need to increase the minimum age for entry in the employment for a child for which wider consultation would be required. He further mentioned that some changes in NCLP to make it more effective towards elimination of Child Labour in 12th Five year plan has been proposed.

3. JS (AP) further stated that as per the agenda for the meeting, first the discussion would be held for Bonded and Migrant Labour and then followed by Child Labour.
4. DDG (LW), made a presentation on bonded and Migrant Child labour. He indicated the detailed provisions in the Bonded labour Act 1976. He highlighted the issues for the Need to review the Act, which was due to (i) definitional problems (ii) problem of deviation from international labour standards (iii) low number of prosecutions (iv) Weak implementation. He stated that Ministry had formed a task force on Bonded Labour in August, 2007 for advice on the issue. As per the recommendation of the task force the Act per se does not merit any amendment. The Vision of the Government policies to address root

causes of the bondage. Need to develop a convergence based project for prevention and rehabilitation and need for creation of a Corpus Fund supported by Central and State Governments to look after the welfare of bonded laborers. He emphasized on Reducing Vulnerability through Convergence. He stated that Ministry of Labour and Employment along with ILO and NHRC were working on convergence related project on *Reducing Vulnerability to Bondage in India through Promotion of Decent Work* in Tamil Nadu. The approach was tested on pilot basis in two districts of Tamil Nadu with some encouraging results and now also being replicated in Andhra Pradesh, Orissa and Haryana. The Convergence approach centers around enhancing social protection for the identified target group by strengthening access to Government schemes, strengthening capacities of stake-holders to improve the living conditions and workplace facilities and Improving recruitment practices and working conditions through social process dialogue.

5. On migrant workers, DDG (LW) informed the reason for migration, salient features of the ISMW Act, enforcement machinery etc. He, stated that this issues on Migrant workers was discussed in the tripartite group meeting, were the members were of the view that there was a need for registration of migrant workers both at the state of origin as well as at the state of migration. Applicability of ISMW Act should be to every establishment employing migrant workers irrespective of the number of workers. There should be provisions for registration of agencies which supply the labour. Registered contractors should only be allowed to recruit migrant workers only against a specific work permit issued by a Company for a pre-determined time period. There was a need for effective implementation of Building and Other Construction Workers Act by all the States/UTs and the inspectors appointed under the Act to

be allowed to conduct inspections by the states/establishments where the migrant workers employed. Convergence based approach for extension of social protection and welfare measures was needed for the migrant workers. Extension of RSBY to migrant workers, which has been agreed by the government and awareness generations among migrant workers was necessary.

6. Additional Labour Commissioned from Government of west Bengal stated that the panel provision in the bonded labour Act is very low and should be increased. He informed that NHRC has proposed deletion of Section 11 of the Act. Whereas Govt. of West Bengal wants that section 11 should not be deleted.
7. DDG (LW) mentioned that implementation of Bonded Labour Act was poor in many states and it was almost nil in West Bengal. Rajasthan has made good progress in this regard they have made provision for 200 days of work for the family of Bonded labour under NREGA instead of 100 days.
8. Principal Secretary Maharashtra stated that there was a problem of Migrant workers in Maharashtra. Due to local resistance, the Act has not been implemented properly. There was a need to develop central protocol on migrant workers and monitoring at the central level was also advisable. She stated that there was a loophole in migrant worker act, i.e. workers coming through contractors were only entitled for the benefit under the Act. However, if worker go directly for work he will not entitled for any benefit under migrant worker act. In Maharashtra lot of workers are coming directly for work and not through the contractor.
9. DDG (LW) agreed with the suggestion for development of protocol, however, stated that with a handful staff at the central level, monitoring

the implementation of the Act from centre in the state would be impractical. As regards to the migrant labour not getting benefit for not coming through contractor he suggested for their registration both at the source as well as at the place of their migration.

10. Speaking on Child Labour, JS (AP) mentioned that evaluation of the NCLP scheme was done by VVGNLI, the basis of the 12th plan proposal was based on the recommendation of the evaluation report. He mentioned that Ministry of labour & Employment was trying to eliminate child labour through implementation of NCLP scheme but without the active involvement of state government and proper enforcement of the Act, it will be not be possible to achieve the goal. Enforcement is done by state government and rehabilitation is done by central government and the weak enforcement of the Act is an area of concern. He mentioned that report on filing of affidavit from the many state on the enforcement drive as per the direction of the Supreme Court in the M.C. Mehta case Vs state of Tamil Naidu was pending. We were also not receiving the detailed report regarding children working in slaughter houses and abattoirs which was an area of great concern. At present the fund for operation of the NCLP Project was directly given to District Magistrate and the state labour department was not directly involved in it. However it was felt that the states were better placed to know the concentration of child labour in their District and where the fund would really have to be spent and its efficacy on the implantation of the scheme. Planning commission has also agreed with the suggestion. He stated that we were now looking beyond rescue and also emphasizing on rehabilitation of migrant/destitute child labour. Presently, we do not have a segregated data on child labour and we were depending on the Census and NSSO figures for sector wise data on child

labour engaged in hazardous occupation in the country. Without good data on child labour progress on elimination of child labour would be difficult. Presently data on the child labour in a district is collected by NGO, who were also involved in running NCLP Schools, which was not appropriate for making estimation of the problem of child labour in a district.

11. JS (AP) stated beside the recommendation in the VVG NLI evaluation report, the discussion held during the first meeting of the working group on 27.06.11 and the general views of the members were taken into consideration in the presentation. He stated that in the last meeting members emphasized on the aspects of (i) need for realignment of NCLP in view of RTE (ii) requirement for Strong Enforcement (iii) complete Ban on Child Labour upto 14 Years (iv) monitoring of Migrant Labour (v) ban on working of Children in Agriculture and hazardous occupation in family Business (vi) monitoring and tracking of Mainstreamed Children with the Involvement of Panchyati Raj Institution (vii) residential accommodation for Children/Migrant Child labour.
12. Emphasizing on the need for realignment of the NCLP Scheme in the light of Right to Education Act, 2009, he emphasized the need for change in the structure for Implementation of the NCLP in order to ensure more effective monitoring. This would necessitate more involvement of State government in the overall monitoring of the NCLP projects in their state. This would also reduce the gap in the enforcement and the rehabilitation of the child labour. He stated that to make the NCLP schools as per the RTE standard the component for training teachers/vocational instructor has been proposed for strengthening. For training of the NCLP Staff and making curriculum and syllabus for

NCLP schools in the state, convergence with DIET and SCERT of HRD Ministry need to be explored, Provision for better schools with more availability of fund for hiring better building, more availability of educational/vocational material, introduction of Health Kit, improved monitoring of the schools through use of ICT was being proposed.

13. For strong and better enforcement creation of 3 tier monitoring committee at District level to be headed by District collector with involvement of the PRI, a state monitoring committee to be headed by Labour Secretary/Labour Commissioner was being proposed in each state and one National Monitoring unit in the Ministry of labour has been proposed.
14. To deal with the problem for accommodation for destitute / Migrant child labour as proposed by many members one residential school in each district and more than one residential school in metros like Delhi and Mumbai having the facility of stay with full day meal and schooling has been proposed. For skill development convergence was being contemplated with SDI Scheme being implemented by DGE&T under Ministry of Labour and Employment. For improving the quality of survey for identification of working children, an enhanced budget from existing Rs.2.75 lakh to Rs.5.00 lakh was being proposed. The fund would be directly given to the State project society for employing the service of better agency for the survey.
15. As regard to complete ban on working of children upto the age of 14 as opined by many members JS(AP) stated that the Ministry has put up a proposal to the Government on the amendment of Child Labour Act. 1986, where ban on working of children upto the age of 18 in certain hazardous occupation has been proposed. This would also enable the

Ministry to ratify ILO convention No. 182 (worst form of child labour). As regard to imposing complete ban upto the age of 14 he stated that ILO Con. 138 mandates working of children of more the 16 years of age in non hazardous occupations. India has so far not ratified the convention as article 24 of the Indian constitution prohibits working of children below the age of 14. Similarly Factories Act 1948, Plantation Act 1951 put a ban on work only on the children below 14 years of age. Child Labour Act 1986 only prohibits working of children below the age of 14 in certain occupation and processes. To change the definition of the working age for the children would requires wider consultation with the stake holders as it would have a direct repercussion in other Acts also.

16. Additional Secretary proposed that the state should given some flexibility utilization of the fund. The state should find the mechanism to converge the NCLP with other schemes of the state.
17. Representative from ILO said that under the convergence project being implemented by ILO in Gujarat, they were in process of discussion with Gujarat government for residential school in each district. They were also contemplating on the involvement of the families of child labour in the school Monitoring committee. In the monitoring system PRIs were also being involved. They were developing some format for monitoring which was under testing stage. Once finalized, the monitoring committees can extend good support to the NCLP Schools. She also suggested that as the **BPL Survey was going on and the families of child labour could also be included in the BPL list as that would give them a reach to many of the government schemes like RSBY.**
18. Principal Secretary Labour Government of Maharashtra stated that Chief Secretary Maharashtra has taken great interest for elimination of child

labour and on that line Maharashtra govt. has conducted a workshop on 4th July. The first and foremost demand emerge was the **need for residential schools for child labour**. She stated that Convergence with the residential schools under various schemes was being contemplated. There was capacity for about of 5 lakh children in these school and as per the direction of Chief Secretary 10% of the capacity should be utilized for child labour, which come to around 50,000 seats for child labour who can be adjusted in these residential schools. Maharashtra has started survey with the help of Yasodha an NGO in all the districts and work of survey has been completed in 9 districts and preliminary result shows that **there has been an incidence of 75% drop in the of child labour as per available data**. The child labour data would further need to be verified with the figure as per the census. Targeted pocket wise survey was being conducted which would be completed within 2-3 months period. She stated that some of the schools were running with vested interests could be identified through survey and accordingly priority could be shifted from less child labour concentrated area to high child labour concentrated areas. **She reiterated the need for NCLP Schools in non-NCLP districts and for special fund to coach the teacher**. She requested that if **reasonable flexibility was given in the NCLP scheme some model curriculum could be developed with the help of SSA**. Those **Children withdrawn from work and do not want to continue their study could be provided with vocational training**. She emphasized the need to look in to the issue of **working of children with their family, enrollment vis-à-vis regular absenteeism and also into the background of the child labour and their family and also giving license to those factories with small workers so as to cover them under the purview of factories Act**.

19. JS (AP) mentioned that we are proposing to expend NCLP to all the districts of the country. Maharashtra can send their proposal for change of the district if so required by the State.
20. The representative of West Bengal raised the issue of unutilized fund which was collected as penalty. He wanted to know the position regarding utilization of the fund after the child labour on completion of study was mainstreamed from NCLP school.
21. JS (AP) clarified that the fund to be utilized for the welfare for the child labour and his family only.
22. Representative from Registrar General Office stated that the district wise data on working children could be made available; however data on the basis of hazardous occupations might not be available as the same was not collected. Data of work on the socio-economic and caste base were being collected.
23. Representative of CREDA mentioned that the children were withdrawn from regular school and enrolled in NCLP Schools for stipend. If 100 NCLP schools were opened in one district, the NGO would find child labour for enrollment in the school as the process of identification of child labour was not proper and requires change. He stated that after mainstreaming, many of the children might again go back for labour as they don't want to study. As such **tracking of children was needed even after they were mainstreamed. The teacher should be properly trained in NCLP Schools. There must be involvement of Panchayats and parents. There should be child labour register in each Panchyat.**
24. Representative of NSSO said that they have received request for survey from Ministry and they have already put up this request in their steering

committee. The steering committee was of the view that employment of child was illegal and if investigator goes for survey they will not get actual data.

25. Representative of Planning commission mentioned that collection of data was the biggest challenge. He appreciated the efforts of the ministry to collect data. He suggested that the **whole thing has to be linked with RTE**. The convergence issue which was very important. **Centre and State should try for convergence with different schemes of the government**. The progress for elimination of child labour was not very good in states of Bihar, Rajasthan and Andhra Pradesh as they were not only facing problem of child labour but also the problem from migration of labour in search of work. He suggested for **considering incentives for better performing NCLP Societies for their efforts**. The enforcement machinery in state was not very good they were also facing shortage of staff. One district level officer was in charge of 3-4 districts, it was the responsibility of the **state and central government to provide staff assistance**. For evaluation VGNLI has limitation with regard to staff and other infrastructure. Planning Commission has 25 centers in different states and for evaluation ministry could take help of these centers. The ministry might write a letter to planning Commission to avail the services of these centers and Planning Commission would definitely act on the request from ministry. **Benefit of RSBY could be extended to the parents of child labour** so that they were not forced to send their children for work. He opined that **equal priority should be given for enrollment and attendance** as these two things were necessary to retain the children in education and to avoid use of children as labour.
26. AS (L&E) mentioned that the preliminary report will be prepared on the feedback received from members in two meetings and the report would

be circulated to all the participants and stakeholder for their further comments if any.