

## INTRODUCTION

**12.1** Government of India stands committed to the elimination of child labour in the country. The Constitution provides for protection of children from involvement in economic activities and avocations unsuited to their age and this is provided for in the Fundamental Rights (Article-24). Directive Principles of State Policy in the Constitution also strongly reiterate this commitment.

Box 12.1	
Constitutional Provisions	
<p><b><u>Article 21 A</u></b></p> <p><b>Right to Education</b> The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.</p> <p><b><u>Article 24</u></b></p> <p><b>Prohibition of employment of children in factories, etc.</b> No child below the age of 14 years shall be employed in work in any factory or mine or engaged in any other hazardous employment.</p>	<p><b><u>Article 39</u></b></p> <p><b>The State shall, in particular, direct its policy towards securing:-</b></p> <p>(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.</p>

**12.2** Realizing the multifaceted nature of this problem, the Government has embarked on a holistic and multi-pronged approach to eliminate child labour from the country in a phased manner, beginning with children working in hazardous occupations and processes and progressively covering those working in other occupations also. On the one hand, it provides for legal action for enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour.

## Legal Protection of Children at Work

**12.3** As per the Child Labour (Prohibition & Regulation) Act, 1986, employment of children below the age of 14 years is prohibited in certain occupations and processes (Section 3) as enumerated under the Schedule of the Act. The Act also regulates the working conditions of children in employments where they are not prohibited from working by Section 3 of this Act. There are at present 18 occupations and 65 processes, where employment of children is prohibited. Some of the prohibited occupations and processes are carpet weaving; building and construction work; brick



kilns; production of hosiery goods; work as domestic servants; in tea-shops, road side eateries; mechanized fishing; beverage industry; warehousing; etc.

**12.4** The Act provides for constitution of a Child Labour Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act. The Committee consists of a Chairman and such other members, not exceeding 10, as may be appointed by the Central Government. The Government of India vide notification No.S.O.2469 (E) 08.10.2010 has added the occupation of "Circus" and "Caring of Elephants" to the Part 'A' to the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986, thereby prohibiting employment of children in the aforesaid occupations/ processes .

**12.5** Section 2 (i) of the Child Labour (Prohibition and Regulation) Act, 1986, defines the jurisdiction of both Central and State Governments in implementing the Act. The Central Government is the "appropriate Government" in relation to establishments under the control of the Central Government or a railway administration or a major port or a mine or oilfield. In all other cases, the State Government is the "appropriate Government". Thus the onus of enforcement of the provisions of the Act lies primarily with the State Governments.

**12.6** Under the Child Labour (Prohibition & Regulation) Act, 1986, during the last 5 years (2010-14) more than 9.73lakh inspections were carried out, resulting in approximately 0.24 lakh prosecutions out of which about 6101convictions were obtained.

**12.7** In the Survey conducted by NSSO, the number of working children were estimated at 90.75 lakh in 2004-05 and as per NSSO survey 2009-10, the working children are estimated at 49.84 lakh which shows a declining trend. The number of main workers in the age group of 5-14

years in the country is 43.53 lakh as per Census 2011 which shows a decline from 2001 Census.

### National Child Labour Policy

**12.8** Constitutional and legislative provisions providing protection to children against employment has been elaborated in the National Child Labour Policy announced in 1987. The policy addresses the complex issue of child labour in a comprehensive, holistic and integrated manner. The action plan under this policy is multi-pronged and mainly consists of:-

- A legislative action plan;
- Focuses on general development programmes for the benefit of the families of children; and
- Project-based action plan in areas of high concentration of child labour.

### National Child Labour Project Scheme (NCLPs)

**12.9** For rehabilitation of child labour, Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 12 child labour endemic districts of the country. As on date the Scheme is sanctioned in 271 districts of India. The list of districts in which Special Training Centres for child labour sanctioned under NCLP Scheme is at **Table 12.2**. The year-wise budget allocation and expenditure incurred under the scheme during last five years are as under:

(in crores)

Year	Budget Allocation	Expenditure
2011-12	143.00	142.66
2012-13	130.18	128.11
2013-14	111.00	110.73
2014-15	110.87	102.34
2015-16	100.00 (Provisional RE)	40.16 (as on 18.12.2015)



12.10 Under the NCLP Scheme, children are withdrawn from work and put into Special Training Centres, where they are provided with bridge education, vocational training, mid-day meal, stipend, health-care facilities etc. and finally mainstreamed to the formal education system. At present, there are around 2860 NCLP training centres being run in the country with an enrolment of approximately 1.30 lakh children. As on September, 2015 more than 11.77 lakh working children have already been mainstreamed to regular education system under the NCLP Scheme.

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

### **Recent initiatives of the Government towards elimination of child labour convergence**

12.12 Considering that the poverty and illiteracy are the root causes for child labour, Government is following a multi-pronged strategy to tackle this problem. Educational rehabilitation of these children has to be supplemented with economic rehabilitation of their families so that they are not compelled by economic circumstances to send their children to work. The Government is taking various proactive measures towards convergence between the schemes of different Ministries so that child labour and their families get covered under the benefits of the schemes of these Ministries also.

### **Re-alignment of NCLP Scheme with Right to Education (RTE) Act, 2009**

12.13 With the enactment of Right to Education Act, 2009, there has been a need for realignment of the NCLP Scheme with the provisions of RTE Act,

2009. Ministry of Human Resource Development vide their letter No. 10-4/2009-EE.4 dated 02.07.2010 intimated that the NCLP Schools can serve as special training centers 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 for Free and Compulsory Education (RTE) Rules, 2010.

12.14 Government is also laying lot of stress on the enforcement of the Child Labour (Prohibition & Regulation) Act. To make the provisions of the Act more stringent, a Child Labour (Prohibition & Regulation) Amendment Bill was introduced in the Rajya Sabha in December, 2012 which inter-alia covers complete prohibition of employment of children below 14 years, linking the age of the prohibition of employment of children with the age under the Right to Education Act, 2009.

### **Protocol on Migration & Trafficking of Children for Labour**

12.15 Ministry of Labour & Employment is taking number of steps for rescue, safe repatriation and rehabilitation of migrant and trafficked child labour. Towards this end, a high level Committee was constituted under the Chairpersonship of the Secretary (L&E) with representatives from various Ministries of the Government of India and State Labour Departments and NGOs. A detailed protocol for prevention, rescue, repatriation, rehabilitation and re-integration of migrant and trafficked child labour has been issued as a guideline to be followed by the State Governments.

### **Monitoring of the NCLP Scheme**

12.16 A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment, exists for the overall supervision and monitoring, of the National Child Labour Projects. State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee.



### Evaluation of the NCLP Scheme

**12.17** The work of evaluation of the performance of NCLP Scheme for the 11<sup>th</sup> Plan has been carried out through an independent agency and the exercise was completed in September, 2012. The final report has since been received and suggestions and recommendations of evaluation report have been considered while revising the scheme guidelines of NCLP for the 12<sup>th</sup> Plan.

### Assistance to Voluntary Organizations

**12.18** Under the Grants-in-aid scheme, financial assistance is provided to the Voluntary organizations/NGOs to the extent of 75% of the project cost, for taking up action-oriented projects for rehabilitation of working children. Grant-in-aid scheme is being implemented in the districts where NCLP is not there.

### Supreme Court Judgement on Child Labour

**12.19** Hon'ble Supreme Court of India has issued various directions to the State Governments from time to time. Some of these directions are:-

- completion of survey of children working in hazardous employments;
- payment of compensation amounting to Rs.20,000/- by the offending employer for every child employed in contravention of the provisions of the Act;
- giving alternative employment to an adult member of the child withdrawn from the hazardous occupations or payment of an amount of Rs.5,000/- for each child employed in hazardous employment by the appropriate Government;
- payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- by the employer and Rs.5,000/- by the appropriate Government) to the family of the child withdrawn from work;
- provision of education in a suitable institution for the child withdrawn from work;
- constitution of the Child Labour Rehabilitation-cum-Welfare Fund;
- constitution of a separate cell in the Labour Department of the appropriate Government for the purpose of monitoring.

**List of Occupations & Processes prohibited under the Act**  
**THE SCHEDULE**  
**(See Section 3)**  
**PART A**  
**OCCUPATIONS**

Any occupation concerned with:-

1. Transport of passengers, goods or mails by railways;
2. Cinder picking, clearing of an ash pit or building operation in the railway premises;
3. Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from the one platform to another or into or out of a moving train;
4. Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
5. A port authority within the limits of any port;
6. Work relating to selling of crackers and fireworks in shops with temporary licenses;
7. Abattoirs/Slaughter Houses;
8. Automobile workshops and garages;
9. Foundries;
10. Handling of toxic or inflammable substances or explosives;
11. Handloom and power loom industry;
12. Mines (underground and under water) and collieries;
13. Plastic units and fibreglass workshops;
14. Employment of children as domestic workers or servants;
15. Employment of children in Dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres;
16. Diving;
17. Circus;
18. Caring of Elephants.



## PART B

### PROCESSES

1. Beedi-making.
2. Carpet-weaving including preparatory and incidental process thereof;
3. Cement manufacture, including bagging of cement;
4. Cloth printing, dyeing and weaving including processes preparatory and incidental thereto;
5. Manufacture of matches, explosives and fire-works;
6. Mica-cutting and splitting;
7. Shellac manufacture;
8. Soap manufacture;
9. Tanning;
10. Wool-cleaning;
11. Building and Construction Industry including processing and polishing of granite stones;
12. Manufacture of slate pencils (including packing);
13. Manufacture of products from agate;
14. Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos;
15. "Hazardous processes" as defined in Section 2 (cb) and 'dangerous operation' as notice in rules made under section 87 of the Factories Act, 1948 (63 of 1948);
16. Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948);
17. Cashew and cashewnut descaling and processing;
18. Soldering processes in electronic industries;
19. 'Aggarbatti' manufacturing;
20. Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting;
21. Brick kilns and Roof tiles units;
22. Cotton ginning and processing and production of hosiery goods;
23. Detergent manufacturing;
24. Fabrication workshops (ferrous and non ferrous);
25. Gem cutting and polishing;
26. Handling of chromite and manganese ores;
27. Jute textile manufacture and coir making;
28. Lime Kilns and manufacture of lime;
29. Lock making;
30. Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping of lead paint, burning of lead in enameling workshops, lead mining, plumbing, cable making, wiring patenting, lead casting, type founding in printing shops. Store typesetting, assembling of cars, shot making and lead glass blowing;



31. Manufacture of cement pipes, cement products and other related work;
32. Manufacture of glass, glassware including bangles, florescent tubes, bulbs and other similar glass products;
33. Manufacture of dyes and dye stuff;
34. Manufacturing or handling of pesticides and insecticides;
35. Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry;
36. Manufacturing of burning coal and coal briquettes;
37. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;
38. Moulding and processing of fibreglass and plastic;
39. Oil expelling and refinery;
40. Paper making;
41. Potteries and ceramic industry;
42. Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms;
43. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
44. Saw mill – all processes;
45. Sericulture processing;
46. Skinning, dyeing and processes for manufacturing of leather and leather products;
47. Stone breaking and stone crushing;
48. Tobacco processing including manufacturing of tobacco, tobacco paste and handling of tobacco in any form;
49. Tyre making, repairing, re-treading and graphite beneficiation;
50. Utensils making, polishing and metal buffing;
51. 'Zari' making (all processes);
52. Electroplating;
53. Graphite powdering and incidental processing;
54. Grinding or glazing of metals;
55. Diamond cutting and polishing;
56. Extraction of slate from mines;
57. Rag picking and scavenging;
58. Processes involving exposure to excessive heat (e.g. working near furnace) and cold;
59. Mechanised fishing;
60. Food -Processing;
61. Beverage Industry;
62. Timber handling and loading;
63. Mechanical Lumbering;
64. Warehousing;
65. Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries and agate industry;

Table 12.2

**CONSOLIDATED LIST OF DISTRICTS STATE-WISE UNDER THE NCLP SCHEME**

Sl. No.	Name of States	Number of Districts	Name of the Districts
01	Andhra Pradesh	12	Anantapur, Chittoor, Cuddapah, Guntur, Kurnool, Nellore, Prakasam, Srikakulam, Vizianagaram, Vishakhapatnam, West Godavari, and Krishna
02	Assam	3	Nagaon, Kamrup and Lakhimpur
03	Bihar	24	Nalanda, Saharsa, Jamui, Katihar, Araria, Gaya, East Champaran, West Champaran, Madhepura, Patna, Supaul, Samastipur, Madhubani, Darbhanga, Muzaffarpur, Nawada, Khagaria, Sitamarhi, Kishanganj, Begusarai, Banka, Saran, Purnia and Bhagalpur
04	Chhattisgarh	7	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Raipur and Korba
05	Gujarat	9	Surat, Panchmahals, Bhuj, BanasKantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
06	Haryana	3	Gurgaon, Faridabad and Panipat
7	Jammu & Kashmir	2	Srinagar and Udhampur
08	Jharkhand	8	Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi, Palamu, and Hazaribagh
09	Karnataka	17	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Devangere, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar, Mandya, Haverly and Tumkur.
10	Madhya Pradesh	21	Mandsaur, Gwalior, Ujjain, Barwani, Rewa, Dhar, East Nimar(Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Shajapur, Ratlam, West Nimar(khargon), Jhabua, Damoh, Sagar, Jabalpur, Satna and Katni
11	Maharashtra	16	Solapur, Thane, Sangli, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia, Mumbai Suburban and Parbani.
12	Nagaland	1	Dimapur



13	Orissa	24	Angul, Balasore, Bargarh, Bolangir, Cuttack, Deogarh, Gajapati (Udayagiri), Ganjam, Jharsuguda, Kalahandi, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonepur, Jajpur, Keonjhar, Dhankenal, Khurda, Nayagarh and Sundergarh.
14	Punjab	3	Jalandhar, Ludhiana and Amritsar
15	Rajasthan	27	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalor, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Sri Ganganagar, Barmer, Dausa, Hanumangarh, Kota and Baran.
16	Tamil Nadu	17	Chidambaranar (Tuticorin), Coimbatore, Dharmapuri, Vellore, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni. Kanchipuram, Thiruvannamalai, Tiruvallur, Nammakkal and Virudhunagar
17	Uttar Pradesh	47	Varanasi, Mirzapur, Bhadohi, Bulandshahar, Saharanpur, Azamgarh, Bijnour, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Kannauj, Shajahanpur, Rae Bareilly, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonbhadra, Mau, Kaushambi, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Etah, Moradabad, Allahabad, Kanpur Nagar, Aligarh and Ferozabad.
18	Uttarakhand	1	Dehradun
19	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.
20	Telangana	9	Adilabad, Hyderabad, Karimnagar, Khammam, Mehbubnagar, Nalgonda, Ranga Reddy, Warangal and Nizamabad
21	Delhi	1	NCT of Delhi
	<b>Total</b>	<b>271</b>	



