

FAQ ON CHILD LABOUR

Question No. 1: How many children in the age group of 5-14 are working in India? How many in the Hazardous occupation/processes?

According to the **Census 2001 figures there are 1.26crore** working children in the age group of **5-14 as** compared to the total child population of **25.2crore**. There are approximately **12lakhs** children working in the hazardous occupations/processes which are covered under the Child Labour (Prohibition & Regulation) Act i.e. **18 occupations and 65 processes**. However, as per survey conducted by National Sample Survey Organisation (NSSO) in 2004-05, the number of working children is estimated at 90.75lakh. The number of working children has further gone down in NSSO survey 2009-10 to 49.84lakh. It shows that the efforts of the Government have borne the desired fruits.

Data on children working in hazardous occupations/processes as per Census 2001

Sl. No	Name of Occupation & Processes	No. of Children employed
1.	Pan, Bidi & Cigarettes	252574
2.	Construction	208833
3.	Domestic Workers	185505
4.	Spinning/weaving	128984
5.	Brick-klins, 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.	Agarbatti, Dhoop & Detergent making	13583
12.	Others*	135162
	Total	1219470

Foundries, slaughter houses, plastic units, transport of passengers, goods or mails by railways, Cinder picking, soap manufacturing, tanning, lock making, paper making, tyre making and repairing, manufacture of dyes and dyestuff, cashew and cashewnut descaling and processing.etc.

Question No. 2: What is the trend of working children in India as per the last three Census Report & two NSSO Reports?

Trend of economically active Children in India (5-14 years)

Year	Number of working children	Total child population
1981 (Census)	1.30 crore	-
1991 (Census)	1.13 crore	20.92 crore
2001 (Census)	*1.26 crore	25.20 crore
2004-05 (NSSO)	90.75 lakh	
2009-10 (NSSO)	49.84 lakh	

*The number of working children has increased from 1.13 crore in Census 1991 to 1.26 crore in Census 2001. This is because the total child population of age group 5-14 years increased from 20.92 crore in 1991 to 25.20 crore in 2001. However, the activity rate has gone down from 5.4% in 1991 to 5% in 2001.

Question No. 3: What is the policy of the Government on the issue of Child Labour?

The National Policy on Child Labour declared in August, 1987, contains the action plan for tackling the problem of child labour. It envisages:

- A legislative action plan:
The Government has enacted the Child Labour (Prohibition & Regulation) Act, 1986 to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.
- Focusing and convergence of general development programmes for benefiting children wherever possible, A Core Group on convergence of various welfare schemes of the Government has been constituted in the Ministry of Labour & Employment to ensure that, the families of the child labour are given priority for their upliftment.
- Project-based action plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour.

In pursuance of National Child Labour Policy, **the NCLP Scheme was started in 1988** to rehabilitate child labour. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance. Under the Scheme, after a survey of child labour engaged in hazardous occupations & processes has been conducted, children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.

Question No. 4: What are the steps taken for eradication of Child Labour?

Prevention:

- Child Labour (Prohibition & Regulation) Act, 1986 prohibits employment of children below the age of 14 years in 18 occupations and 65 processes.
- The onus of enforcement of the provisions of the Act lies with the State Governments as envisaged in Section 2 of the Act.
- The Union of India monitors the enforcement from time to time. Special drives on enforcement and awareness generation are also launched from time to time.
- Further, the Railway staff is also sensitized on dealing with suspected migrant and trafficked children.
- In each State one officer from the State Department of Labour has been nominated as Anti Human Trafficking Unit (AHTU) to act as link officer for co-ordinating with Joint Director, CBI in that state for prevention of trafficking of children. CBI is the nodal anti trafficking agency.
- Government is taking various proactive measures towards convergence of schemes of different Ministries like Ministries of Human Resource Development, Women & Child Development, Urban Housing & Rural Poverty Alleviation, Rural Development, Railway, Panchayati Raj institutions etc. so that child labour and their families get covered under the benefits of the schemes of these Ministries.

Rescue & Repatriation:

- During inspections and raids, children identified are rescued and rehabilitative measures are set forth in motion by way of repatriation, in case of migrant child labour, and providing bridge education with ultimate objective of mainstreaming them into the formal system of

education. Besides pre-vocational training is also provided to the rescued children.

Rehabilitation:

- With regard to educational rehabilitation, the Government is implementing National Child Labour Project Scheme (NCLP) in **266 child labour** endemic districts in **20 States**.
- Under the Scheme children found working in hazardous occupations are withdrawn from work and put into bridge schools where they are provided with formal/non-formal education, vocational training, health care, mid-day meal and stipend of Rs.150/- per month, with ultimate objective of mainstreaming them into formal educational system.
- At present 7311 special schools are in operation with enrolment of 3.2 lakh children. Under the Scheme, about 8.52 **lakh** children have been mainstreamed into formal system since inception.

Question No. 5: Are there any Constitutional Provisions Prohibiting the Employment of Children?

Constitutional Provisions:

➤ **Article 21A: Right to Education**

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

➤ **Article 24: Prohibition of employment of children in factories etc.**

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

➤ **Article 39: The State shall, in particular, direct its policy towards securing**

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

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment

Article 45: Provision for early childhood care and education to children below the age of 6 years.

The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years.

Question 6: Is there any law Prohibiting and Regulating Employment of Children?

Answer: Yes, Child Labour (Prohibition & Regulation) Act, 1986

- As per the Child Labour (Prohibition & Regulation) Act, 1986 “**child**” means a person who has not completed his **14th year of age**.
- The Act prohibits employment of children in **18 occupations and 65 processes** contained in Part A & B of the Schedule to the Act (Section 3).
- **Under the Act, a Technical Advisory Committee is constituted to advice for inclusion of further occupations & processes in the Schedule (Refer Page No. 26).**
- The Act regulates the condition of employment in all occupations and processes not prohibited under the Act (Part III).
- Any person who employs any child in contravention of the provisions of section 3 of the Act is liable for punishment with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs 10,000 but which may extend to Rs 20,000 or both. (Section 14).
- The Central and the State Governments enforce the provisions of the Act in their respective spheres.
- Central Government is the appropriate authority for enforcement of Child Labour (P&R) Act in respect of establishments under the control of Central Government or a railway administration or a major port or a mine or oil field and in all other cases, the State Government.

Question No. 7: Any other law apart from Child Labour (Prohibition & Regulation) Act which prohibits the employment of children below the age of 14 years?

- **Mines Act, 1952:** The Minimum age of a person to be employed in mine is eighteen years as specified under sub-section (1) of Section 40 of the Mines Act, 1952.
- **Section 45 of Mines Act, 1952** prohibits presence of any person below 18 years of age in any part of the mine above ground where any operation connected with or incidental to any mining operation is being carried on.
- **Factories Act, 1948** prohibits employment of child who has not completed 14 years.
- **The Merchant Shipping Act, 1958** prohibits children less than 14 years of age to or carried to sea work in any capacity in any ship, subject to certain exceptions.
- **The Motor Transporters Act, 1961** prohibits employment of children less than 14 years in any motor transport undertaking.
- **The Beedi and Cigar Workers (Conditions of Employment) Act, 1966** prohibits the employment of children less than 14 years of age in any industrial premises manufacturing beedi or cigar.
- **Bonded Labour System (Abolition) Act 1976** prohibits the employment of any person including children.
- **Explosive Act, 1984** prohibits the employment of children below the age of 18 years.

Question No. 8: What is National Child Labour Project Scheme?

N C L P SCHEME

- 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.

EXPANSION OF NCLPs

YEAR	NO. OF NCLPs SANCTIONED	TOTAL
1988	12 NCLPs	12
IX Plan	88 NCLPs	100
X Plan	150 NCLPs	250
XI Plan	21 NCLPs (INDUS)	271

Objective of the Scheme:

- This is the major Central Sector Scheme for the rehabilitation of child labour.
- The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance.
- Under the Scheme, survey of child labour engaged in hazardous occupations & processes has been conducted.
- The identified children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.
- Project Societies at the district level are fully funded for opening up of special schools/Rehabilitation Centres for the rehabilitation of child labour.
- The special schools/Rehabilitation Centres provide:

- a. Non-formal/bridge education
- b. Skilled/vocational training
- c. Mid Day Meal
- d. Stipend @ Rs.150/- per child per month.
- e. Health care facilities through a doctor appointed for a group of 20 schools.

The Target group:

The project societies are required to conduct survey to identify children working in hazardous occupations and processes. These children will then form the target group for the project society. Of the children identified those in the age group 5-8 years will have to be mainstreamed directly to formal educational system through the SSA. Working children in the age group of 9-14 years will have to be rehabilitated through NCLP schools established by the Project Society.

Project Implementation:

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

Funding pattern:

The projects have been taken up in the Central Sector, the entire funding is done by the Central Government (Ministry of Labour & Employment). Funds are released to the concerned Project Societies depending upon the progress of project activities.

Present Status of NCLP Scheme:

- As on date 7311 special schools are in operation under NCLP scheme.
As on date about 8.52 lakhs children have been mainstreamed into the formal education system.

The structure of NCLP in a district

Project Society Level:

District Collector/Magistrate.....Chairman

	Pre- revised honorarium	Revised honorarium w.e.f 1.4.2011
Project Director (1)	Rs.6000	Rs.12000/-
Field Officers (2)	Rs.4000	Rs.8000/-
Clerk-cum-Accountant (1)	Rs.1400	Rs.3000/-
Stenographer (1)	Rs. 2000	Rs.3000/-
Helper/Peon (1)	Rs.1500	Rs.2000/-
Master Trainer (1)	Rs.5000	Rs.5000/-
Doctors (1 for 20 schools)	Rs.5000	Rs.5000/-

Schools Level:

	Pre- revised honorarium	Revised honorarium w.e.f. 1.4.2011
Educational Instructors (2)	Rs.1500	Rs.4000/-
Vocational Instructor (1)	Rs.1500	Rs.4000/-
Clerk-cum-Accountant (1)	Rs.1400	Rs.3000/-
Helper/Peon (1)	Rs.800	Rs.2000/-

Question No. 9: How many NCLPs are in operation?

LIST OF DISTRICTS WHERE SPECIAL SCHOOLS ARE IN OPERATION

S.No.	Name of States	No. of Districts	Name of the Districts
1.	Andhra Pradesh	20	Ananatapur, Chittoor, Cuddapah, Guntur, Hyderabad, Karimnagar, Kurnool, Khammam, Nellore, Nizamabad, Prakasam, Rangareddy, Srikakulam, Vizianagaram, Vishakhapatnam, Warangal, West Godavari, Mehbubnagar, Adilabad and Krishna
2.	Assam	3	Nagaon, Kamrup 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	7	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Raipur and Korba
5.	Gujarat	9	Surat, Panchmahals, Bhuj, Banas Kantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
6.	Haryana	3	Gurgaon, Faridabad and Panipat
7.	Jammu Kashmir	2	Srinagar and Udhampur
8.	Jharkhand	8	Garwah, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Gumla, Palamu, and Hazaribagh
9.	Karnataka	15	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Devangere, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar and Mandya.

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	15	Solapur, Thane, Sangli, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia and Mumbai Suburban.
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, Sonapur, Jajpur, Keonjhar, Kendrapada, 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, Ganganagar and Barmer, Dausa, Hanumangarh, Kota, 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 Bareli, Unnao, Sultanpur, Fatehpur, Shravasti, Pratappur,

			Basti, Sonebhadra, Mau, Kaushambi, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Etah, Moradabad, Allahabad, Kanpur Nagar, Aligarh and Ferozabad.
18.	Uttrakhand	1	Dehradun
19.	West Bengal	18	Burdwan, North Dinajpur, South Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad, Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hugli, Howrah, Jalpaiguri, Cooch Bihar, East Midnapore.
20.	Delhi	1	NCT of Delhi
	Total	266	

Question No. 10: How many children mainstreamed under NCLP Scheme?

**STATE WISE DETAILS OF CHILDREN MAINSTREAMED
UNDER NCLP SCHEME SINCE INCEPTION i.e. 1988**

ANDHRA PRADESH	2,85,285
ASSAM	4,186
BIHAR	40,800
CHHATTISGARH	18,461
GUJARAT	5,640
HARYANA	5,706
J&K	233
JHARKHAND	21,472
KARNATAKA	18,127
MADHYA PRADESH	59,899
MAHARASHTRA	21,720
ORISSA	1,08,309
PUNJAB	4,034
RAJASTHAN	33,546
TAMIL NADU	98,880
UTTAR PRADESH	1,34,377
WEST BENGAL	30,649
SUB-TOTAL(upto 95-96)	4,205
GRAND TOTAL	8,95,529

Question 11: How many children mainstreamed during last three years state-wise?

S. No.	State	No. of children Mainstreamed		
		2009-10	2010-11	2011-12
1	Assam	3685	274	227
2	Andhra Pradesh	13689	1858	13202
3	Bihar	7998	8552	19673
4	Chhattisgarh	1063	5164	4914
5	Gujarat	1437	2129	609
6	Haryana	1354	1293	1895
7	Jammu & Kashmir	Nil	43	184
8	Jharkhand	1816	1015	2216
9	Karnataka	3217	135	3761
10	Maharashtra	5,150	5113	4532
11	Madhya Pradesh	9,692	13344	17589
12	Orissa	10,585	14416	13196
13	Punjab	1,023	123	168
14	Rajasthan	12,326	4415	1020
15	Tamil Nadu	6,321	6325	5127
16	Uttar Pradesh	40,297	28243	29947
17	West Bengal	13,187	2215	7456
	Total	1,32,840	94,657	125716

Question No. 12: What is the procedure of monitoring the implementation of the NCLP Scheme in the Ministry?

- A Central Monitoring Committee under the Chairpersonship of Secretary, Ministry of Labour & Employment, was set up for the overall supervision, monitoring, evaluation of the National Child Labour Projects. The last meeting of the Committee was held on 11th January, 2012 at New Delhi.
- State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee. Action is also being taken at the district and the State level to monitor the pace and progress of NCLPs.
- Project monitoring committee has been constituted under the chairmanship of Secretary, Labour and Employment to review state wise progress of NCLP scheme.
- The progress of NCLP projects are being monitored through Desk analysis, Field Appraisal and through Quarterly Progress Reports.

Question No. 13: What is the Budget & Expenditure for Child Labour?

Budget and Expenditure for all the Child Labour Schemes.

Year	Budget Allocations (Final) (lakhs)	Expenditure (lakhs)
1995-96	3440.00	3429.71
1996-97	5600.00	3383.50
1997-98	7843.00	1317.76
1998-99	5000.00	2731.21
1999-2000	3400.00*	3796.78
2000-2001	3600.00	3798.69
2001-2002	6700.00	6191.67
2002-2003	8010.00	6513.77
2003-2004	7243.00	6783.00
2004-2005	9905.00	9315.80
2005-2006	12479.00	11503.82
2006-2007	12700.00	12055.07
2007-2008	14318.00	14331.00
2008-2009	14751.00	14721.00
2009-2010	9262.93	9527.00
2010-2011	9280.00	9271.00
2011-2012	14300.00	14266.00
2012-2013	15000.00	

Question No. 14: What is the convergence strategy of Ministry of Labour for eradication of child labour?

Considering poverty and illiteracy are the root cause for child labour Government is following, educational rehabilitation of the children has to be supplemented with economic rehabilitation of their families so that they are not compelled by the economic circumstance to send their children to work. Ministry is taking various pro-active measures towards between schemes of different Ministries like,

Ministry of Women and Child Development for supplementing the efforts of this Ministry in providing food and shelter to the children withdrawn from work through their schemes of Shelter Homes, etc.

Ministry of Human Resource Development for providing Mid-day meal to the NCLP school children, teachers training, supply of books, etc under Sarva Shiksha Abhiyan and mainstreaming of NCLP children into the formal education system.

Convergence with Ministries of Rural Development, Urban Housing and Poverty Alleviation, Panchyati Raj for covering these children under their various income and employment generation scheme for their economic rehabilitation.

Convergence with Ministry of Railways for generating awareness and restricting trafficking of children.

Further the Ministry is implementing a pilot Project Converging Against Child labour - support for India's Model in collaboration with International Labour Organisation, SRO Delhi funded by US Department of Labour with the objective to contribute to the prevention and elimination of hazardous child labour, including trafficking and migration of children for labour. The Project is covering two districts each in Bihar, Jharkhand, Gujarat, Madhya Pradesh, and Orissa for duration of 42 months. USDOL Donor Contribution of US\$ 6,850,000

Question No. 15: Whether Ministry is maintaining enforcement figures on the direction of Hon'ble Supreme Court on child labour, if so what is the enforcement figure during last 5 years?

Year	Inspections	Violations	Prosecutions	Convictions
2007	351279	9979	12705	617
2008	355629	2709	11149	742
2009	295572	1719	11033	1312
2010	213544	2219	8854	1226
2011	39963	1258	3904	366
Total	1255987	17884	47645	4263

Question No 16: Which are the Occupations & Processes prohibited under the Act ?

List of Occupations & Processes prohibited under the Act.

Part A

Occupations (Non Industrial Activity)

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 in to or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- (6) Work relating to selling of crackers and fireworks in shops with temporary licenses;
- (7) Abattoirs/Slaughter House;
- (8) Automobile workshops and garages;
- (9) Foundries;
- (10) Handling of toxic or inflammable substances or explosives;
- (11) Handloom and power loom industry;
- (12) Mines (underground and under water) and collieries;
- (13) Plastic units and fibreglass workshops;
- (14) Domestic workers or servants;
- (15) Dhabas (roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centers; and
- (16) Diving.

- (17) Caring of elephant.
- (18) Working in the circus.

Part B

Processes (Industrial Activity)

- (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 Sec. 2 (cb) and ‘dangerous operation’ as notice in rules made under section 87 of the Factories Act, 1948 (63 of 1948)

- (16) Printing as defined in Section 2(k) (iv) of the Factories Act, 1948 (63 of 1948)
- (17) Cashew and cashewnut descaling and processing.
- (18) Soldering processes in electronic industries.
- (19) Aggarbatti' manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.
- (21) Brick kilns and Roof tiles units.
- (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 enamelling 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, glass ware 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 fiberglass 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.

Question No. 17. Whether the Government is planning to add more occupations/processes under the Child Labour Act?

Inclusion of occupations & processes in the schedule to the Act is a continuous process and the Government decides whether an employment is hazardous or not in consultation with the Technical Advisory Committee constituted under Section 5 of the Act, which is a Statutory Committee, comprising of experts, as under:

- | | | |
|-------|--|----------|
| i. | Director General, Indian Council of Medical Research, New Delhi – | Chairman |
| ii. | Addl. Director General, Health Services, GOI, New Delhi | - Member |
| iii. | Director General, Factory Advice Services Labour Institute | - Member |
| iv. | Director, National Institute of Occupational Health, Ahmedabad | - Member |
| v. | Director, Industrial Toxicology Research Centre, Lucknow | - Member |
| vi. | Director, Ballabh Bhai Patel Chest Institute, New Delhi | - Member |
| vii. | Director, Paediatrics, All India Institute of Medical Sciences, ND | - Member |
| viii. | Director, Medical Services, Tamil Nadu | - Member |
| ix. | Director, Medical Services, Uttar Pradesh | - Member |
| x. | Joint Secretary, In charge of Child Labour Cell, MOL, New Delhi | - Member |

As of now, a total of **18** occupations and **65** processes have been included in the Schedule to the Act on the advice of the Technical Advisory Committee

What are the Challenges in Ratification of ILO Convention No. 138 & 182

One of the main concern of Ministry of Labour is the ratification of two ILO convention namely Convention No. 138 concerning Minimum Age for Entry to Employment & Work was adopted by the International Labour Conference at its 58th Session in June, 1973 and ILO Convention No. 182 and the accompanying Recommendation No. 190 concerning Worst Forms of Child Labour was adopted by the International Labour Conference in its 87th Session at Geneva in June, 1999. Both these conventions are one of the 8 Core Conventions of the ILO being referred to as fundamental or basic Human Rights Conventions and the ILO has been very active in promoting its ratification.

Country ratifying Convention No. 138 undertakes to:

- i. Pursue a national policy designed to ensure the effective abolition of child labour;
- ii. Specify a minimum age for Entry to employment or work which will not be less than the ages of completion of compulsory schooling;
- iii. To raise this progressively to a level consistent with the fullest physical and mental development of young people;
- iv. Guarantee that the minimum age of entry to any type of employment or work, which is likely to compromise health, safety or morals of young persons shall not be less than 18 years.

Our Stand:

India has not ratified ILO Convention No. 138 fixing minimum age of employment as 18 years. Presently, as per Child Labour (Prohibition &

Regulation) Act, 1986, children below the age of 14 years are prohibited for employment in hazardous occupations/processes specified in the Act.

As of now, keeping the socio-economic conditions in the country in view a Sequential approach is being followed in India for elimination of Child Labour in a comprehensive, holistic and integrated manner with the initial focus on hazardous occupations and processes which is secured through legislation. Government of India follows the policy of ratifying the ILO Convention only when the existing laws and practices are in full conformity with the provision of said convention. However, to review the proposal for ratification of C-138 in view of enactment of RTE, 2009, a Meeting of the Inter-Ministerial Group on Examination of ILO Convention 138 with specific regard to its application for India has been formed under Secretary Labour. The meeting of the of the committee was held on 6th July 2011. Based on recommendation of the Committee, Ministry of Labour & Employment is taking requisite administrative procedure towards ratification of ILO Convention No. 138.

The main provisions of Convention Number 182 are

- I. For the purpose of this Convention, the term child shall apply to all persons under the age of 18.
- II. For the purpose of this Convention, the term worst forms of child labour comprises:
- III. All forms of slavery or practices similar to slavery, such as the sale and trafficking of children (debt bondage and serfdom and forced or compulsory labour), including forced or compulsory recruitment of children for use in armed conflict.

- IV. The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances.
- V. The use, procuring or offering of a child for illicit activities, in particular of the production and trafficking of drugs as defined in the relevant international treaties.
- VI. Work, which by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children.

Our Stand:

Most Indian laws including the Child Labour (Prohibition & Regulation) Act, 1986 define 'Child' as a person below 14 years of age. On ratification of the Convention Number 182, the Government would have to amend all these Acts wherein child is defined as someone who is less than 14 years of age within 12 months of its ratification. The Government of India has not ratified the Convention No.182, due to constraint of fixing of minimum age of 18 years for employment of children. India supported the Convention at the time of its adoption as we are in agreement with the principles of the Convention, however, its ratification would be possible only after the legislative framework and mechanism for its effective implementation are put in place. In that direction Ministry of labour and Employment is in a process of amendment of Child labour act 1986, with a view to ratify the ILO Convention No.182.

However, worst form of child labour is already prohibited under various Acts such as Bonded Labour System (Abolition) Act,1976, Suppression of Immoral Traffic in Women and Girl Act-1956, The prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988 and Child Labour (Prohibition & Regulation) Act, etc.