

## **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
	<b>Total</b>	<b>1219470</b>

### 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 14<sup>th</sup> 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 11<sup>th</sup> 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 11<sup>th</sup> 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 12<sup>th</sup> 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 27<sup>th</sup> May and 8<sup>th</sup> 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 12<sup>th</sup> 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 20<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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.

6.

## **15. Inter-State Migrant Workers**

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 20-21<sup>st</sup> 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 12<sup>th</sup> 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>
		Rs.	Rs.
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>
	Rs.	Rs.

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 though 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 11<sup>th</sup> 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	<b>5,43,42,56,000</b>	<b>27,81,03,70,000</b>

**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 12<sup>th</sup> 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 – I**

**List 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	<b>NCT Delhi</b>
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, <b>Damoh, Sagar, Jabalpur, Satna and Katni</b>
12	Maharashtra	18	Solapur, Thane, Pune, Ahmadnagar, Sangli, Kolhapur, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, <b>Amravati, Jalna, Aurangabad, Gondia and Mumbai Suburban</b>
13	Mizoram	1	Aizwal
14	Nagaland	1	Dimapur
15	Orissa	18	Angul, Bargarh, Bolangir, Deogarh, Gajapati (Udayagiri), Ganjam, Jharsuguda, Kalahandi, Koraput, Malkangiri, Mayurbhanj,

			Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonapur, Cuttack and Balasore
16	Punjab	3	Jalandhar, Ludhiana and Amritsar
17	Rajasthan	23	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalor, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Ganganagar and Barmer.
18	Tamil Nadu	18	Chidambaranar (Tuticorin), Coimbatore, Dharmapuri, Vellore, Pudukkottai, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni, <b>Kanchipuram, Thiruvannamalai, Tiruvallur, Namakkal and Virudhunagar</b>
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 Bareilly, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonbhadra, Mau, Deoria, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Ettah, <b>Moradabad, Allahabad, Kanpur Nagar, Aligarh, and Ferozabad</b>
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
<b>Total</b>		<b>271</b>	

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