

**Minutes of the meeting of Central Advisory Board on
Child Labour held on 15th April, 2010 at 3.00 PM in
the Committee Room, Shram Shakti Bhawan, New
Delhi.**

The meeting of the Central Advisory Board on Child Labour was Chaired by Shri Mallikarjun Kharge, Hon'ble Minister of Labour and Employment. The list of participants in the meeting is annexed (Annex.I).

Shri P. C. Chaturvedi, Secretary, Labour & Employment welcomed the Hon'ble Labour Minister and other Members. He informed that the meeting of the Board could not be convened earlier due to various factors and the meeting has been convened at the insistence of the Hon'ble Labour Minister as he will be attending the meeting of G-20 Labour Ministers' Conference in the U.S.A. Thereafter, the Hon'ble Minister welcomed all the Members of the Board and expressed his desire that the meeting will have fruitful discussions and informed the Members that henceforth the meeting will be held at regular intervals.

Shri A. C. Pandey, Joint Secretary, welcomed all the members and put in motion the agenda.

Minutes of the last meeting of the Board were discussed at length. Some of the members stated that the minutes of the last CAB meeting do not include some suggestions which were discussed. The members desired that the minutes of the last CAB meeting should include the following suggestions:

- The money collected as fine from the accused in the child labour case as per the Hon'ble Supreme Court guidelines was getting accumulated in the child labour welfare fund in many States and the money remains unutilized. The members desired that the Ministry should issue necessary guidelines to the States for utilizing the unutilized money for welfare of child labour and for that, necessary data regarding availability of the unutilized fund need to be obtained from the States.
- Integration of NCLP with the Panchayati Raj Institution.
- Formation of State level monitoring committee and holding the meetings of the CAB also in the States by rotation.

Secretary (L&E) informed that although the points were not reflected in the minutes but were duly taken care of.

The minutes of the meeting of the last CAB meeting held on 28.7.2008 were confirmed by the members along with the above suggestions.

Shri H. K. Jethi, Deputy Secretary, Ministry of Labour & Employment gave a Presentation on overview of the activities undertaken by the Government on elimination of child labour. A hard copy of the presentation is at Annexure -II.

On request from Secretary (L&E), the members offered the following advice:

- i. A detailed survey on child labour working in hazardous occupations needs to be carried out. The Vocational training imparted in the NCLP schools should be orientated towards providing employment. The

problem of the child labour could be better tackled, if adequate employment opportunities were available.

- ii. A sea change in the entire definition of child labour has taken place in the light of orders passed by the Hon'ble Delhi High Court, and as such it needs further elaboration covering the home based and agricultural child workers and also child trafficking. The Government of India should also consider ratification of the UN Convention - 138 & 182.
- iii. There should be convergence of NCLP with ICDS of MW&CD and a need for realignment of the NCLP programme with the passage of RTE Act, 2009.

Secretary (L&E) informed that Core Group on convergence of the NCLP scheme with the schemes of other Ministry already exists. The Ministry was having a very effective convergence with MHRD for mid day meal. Further, convergence was being contemplated with Ministry of Railways, Ministry of RD and MWCD as well as with the schemes of DGE&T and DGLW with in this Ministry.

Joint Secretary (CL) informed that MoL&E was already in touch with the Ministry of HRD regarding need for realignment of the NCLP programme with the passage of RTE Act, 2009.

- iv. No child should be out of school under the Right to Education Act, There was a need to amend Child Labour (P&R) Act 1986. The NCLP Schools should be 'pucca' schools. There should not be any part time teachers and the monitoring mechanism in the NCLP School needs to be further strengthened. The members of CAB as well as Panchyati Raj

Institution need to be associated in the monitoring exercise of the NCLP schools.

- v. Most of the child labour schools were being looked after by the voluntary organizations, which were either funded by the NGO or Government. Since Government doesn't have wide networked so more VOs need to be associated in order to cover all the child labour under the scheme. The Juvenile Justice Act and Child Labour Act all talk about caring of children and as such the implementation of these Acts need to be in harmony to protect and benefit the child labour.
- vi. There was a need for overall evolution of NCLP scheme and sports facilities should be provided in all the NCLP schools for overall development of children.
- vii. More residential schools for child labour should be opened. The honorarium given to the NCLP workers were very less and in some level was even less than the minimum wages. This needs to be improved so that there was adequate motivation for desiring people to work in the NCLP schools. Many NGOs were withdrawing from the NCLP due to non receipt of funds, which needed proper attention.
- viii. Funds were being mis-utilization by some NCLP schools, particularly in the NCLP schools at many places of Bihar where the schools were being operating in paper only. Many NGOs which are operating NCLP as well as SSA school show the same students at both the places for getting central funds. At many places, teachers and teaching materials were inadequate. There was confusion in the definition of hazardous and non-hazardous occupation, due to which children from non hazardous occupations are also put in the NCLP schools. As such, enquiry into the

operation of these schools was needed. For improvement of the vocational training and the employment prospect of the NCLP children, tie up of the skill development programme of DGE&T and CAPART with the NCLP would be useful.

- ix. There should be some Central level and State level monitoring mechanism. The State level meeting should also be held in different states by rotation, which would enable the members to get proper feedback of problems at State level. Proper identity card for the members should be issued.

Vice Chairman, Shri Syed Naseer Hussain thanked the Hon'ble Minister. He stated that in the last CAB meeting, it was resolved that the meeting would be called regularly. However, the present meeting was being held after a gap of one year. He hoped that as assured by Secretary, MOL&E, the CAB meeting from now onward would be called at a regular interval. He raised the issue for the need for realignment of the NCLP scheme with the provision of RTE after the passage of Right to Education Act, 2009. He stressed the need for covering the children working in the Agricultural Sector within the ambit of Child Labour (P&R) Act and for the involvement of the local Panchayat's in the monitoring of the child labour school. He also requested for constitution of Sub Committee under the aegis of Hon'ble Minister of Labour and Employment, which should carry out the activity as per the Terms of Reference decided by the Ministry.

Secretary (L&E) thanked the Members for their valuable suggestions. He stated that few important suggestions raised in the meeting were the need for Conducting the CAB meeting regularly, need for vigorous monitoring

of NCLP schemes, need for realignment of the NCLP scheme after the enactment of Right to Education Act., ratification of ILO conventions No. 138 and 182. e.t.c. He stated that the ratification of ILO conventions No. 138 and 182 and realignment of the NCLP scheme with the provisions of the Right to Education Act. was under active consideration in the Ministry, he assured all the members for due consideration on their suggestions.

Hon'ble Labour and Employment Minister stated that eradication of child labour was a big challenge and the Government of India is committed to it. Since the subject 'Labour' was in the concurrent list, so Central as well as State Government has the responsibility to implement the provision of the Child Labour (P&R) Act in the area of its jurisdiction. As majority of the jurisdiction lies with the State Governments, so unless the States take interest to implement and monitor the implementation of various provisions of the Act, in proper prospective, it would be very difficult to achieve the desired objective. Some States were taking some interest but many States are lagging and in a democracy, it was difficult to force any State for implementation of any central scheme within their jurisdiction. Considering the distressed condition of the child labour and their families, withdrawal of an ongoing scheme from the non performing States was also not practically desirable. The only thing that could be done was to request them to go in accordance to the provision of the Child Labour (P&R) Act. He desired that most of the States would realize the need for strict enforcement of the Child Labour (P&R) Act and proper monitoring of the NCLP schemes at some point of time. Hon'ble Minister for Labour and Employment further stated that he was fully convinced that with the active cooperation of the State

agencies, VOs and convergence with the programme of other Ministries, the menace of the child labour could be tackled effectively. He stated that there were reports of mis-utilization of grant by number of NGOS. Powers had been conferred to DMs/Dy. Commissioners to review and recommend the functioning of the NCLP schools being operated by the NGO's but on many occasions; they were also influenced by some political leaders or local powerful NGOs. It has also been observed that in many cases, applications for grants come late in the month of March. Such practices should be strictly checked and wherever required be enquired.

Regarding regular meeting, he stated that there were about 44 advisory committees in the Ministry of Labour & Employment, so it becomes difficult to schedule all the meetings due to which meeting of the CAB couldn't be called as desired by the members, however, he has requested his Department's officers to call, at least one meeting in six months so that there could be regular exchange of views. On the suggestion of some Members, he assured that he would constitute a sub-committee and also try to ratify the ILO Conventions. He concluded with the hope for some good result would emerge in the next CAB meeting.

The meeting ended with a vote of thanks to the Chair.