

**Minutes of the meeting of the Technical Advisory Committee held on 5<sup>th</sup> March, 2010 in the Committee Room at the Headquarters of Indian Council of Medical Research, Ansari Nagar, New Delhi**

A meeting of the Technical Advisory Committee held on 5<sup>th</sup> March, 2010 in the Committee Room at the Headquarters of Indian Council of Medical Research, Ansari Nagar, New Delhi under the Chairmanship of Shri V. M. Katoch, Secretary-DHR and Director General, ICMR. The list of Members and participants is **annexed**.

2. The Chairman welcomed the Members and after a round of introduction, requested Shri Dev Verman, Joint Secretary, to explain the objectives etc. of the TAC. Shri Dev Verman informed the Committee that as per Article 24 of the Constitution of India, employment of children below 14 years of age is prohibited in factories, mines and hazardous work and the Child Labour (Prohibition & Regulation) Act, 1986 was enacted in consonance with these provisions of the Constitution. Section 3 of the Child Labour (Prohibition & Regulation) Act prohibits employment of children in the occupations and processes listed in the Schedule A & B to the Act. Shri Dev Verman informed that though the Government's aim is to ultimately eradicate all forms of child labour but keeping in mind the prevailing socio-economic circumstances of the country, the Government has adopted a sequential approach and a Technical Advisory Committee, constituted under Section 5 of the Child Labour (Prohibition & Regulation) Act has progressively recommended prohibition of employment of children in 16 occupations and 65 processes. As a result, employment of children in all the above number of occupations/processes identified in earlier

meetings of the Advisory Committee, have been prohibited. The problem has thus been addressed in a phased manner. To begin with, the Government is targeting the most vulnerable sections of the working children who are employed in hazardous occupation and processes. He also informed the Committee that now the Ministry of Labour & Employment has received proposals to prohibit employment of children in two occupations, viz. (i) Circus and (ii) Caring of Elephants.

3. Dr. P. K. Nag, Director, National Institute of Occupational Health, Ahmedabad, enquired if the caring of elephants is within the circus. It was clarified that these two are different occupations. Dr. Nag further stated that caring of elephants is normally done by a family and the children of the artist generally perform with their parents/guardian. In this regard, Shri Dev Verman clarified that as per proviso to Section 3 of the Child Labour (Prohibition & Regulation) Act, 1986, nothing in the Section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family and thus the prohibition will not affect the grooming of the arts and artists. However, in many cases, the children being employed were trafficked or were being forced to work with sheer disregard of their tender age and their future by unscrupulous elements just for the motive of making money. He stated that the instant proposals were to address these issues in the circus industry. Regarding caring of elephants, the members were of the view that in the profession of caring of elephants, there was certain amount of danger from which the children should be protected. Some Members apprehended that certain acrobatic acts are learnt at the tender age and most of the children learn the art while working with their parents and grow up in

that environment to become circus artists and blanket Prohibition could actually kill the art of acrobatics. However, the Members were unanimous in asserting that children should be debarred from being employed in any occupation or process which not only endanger their health but also put them at the risk of being deprived of education. The Government now stands obliged to provide education to children upto 14 years in the light of the Right to Education Act becoming law.

4. All the Members were unanimous with the view that there was no denial that employment of children in the occupations of (i) circus; and (ii) caring of elephants are hazardous in nature and should be listed in the Schedule to the Act. The ban would be subject to the various provisions of the Child Labour (Prohibition & Regulation) Act.

5. The Chairman agreed with the Members and suggested that this Committee had been enlisting so many occupations in the hazardous list where the children were prohibited to work. Therefore, there was a need to revisit/study the impact on the ban as a whole. He suggested that the Ministry of Labour & Employment to suggest/propose some of these areas where study/evaluation could be conducted and a report could be presented. For this, he suggested for formation of a sub-committee to see the impact of the prohibitions made under the Act on the society and the Chairman and other Members of his fraternity would willingly help the team of the Ministry in any form deemed fit. Shri S.K. Dev Verman stated that the Committee, to begin with, might suggest some selective occupations from the Prohibited list for carrying out the impact study. The proposal would be examined for consideration by the Ministry of Labour & Employment.

6. Shri S. K. Dev Verman, Joint Secretary, Ministry of Labour & Employment, thanked the Chairman and other Members of the Committee for their active participation.

## Annexure

### List of participants attending the meeting of the Technical Advisory Committee held on 5<sup>th</sup> March, 2010 in the Committee Room at the Headquarters of Indian Council of Medical Research, Ansari Nagar, New Delhi

#### Members

<b>Name</b>	<b>Designation</b>	
<b>Organisation</b>		
1. Dr. V. M. Katoch	Secretary-DHR and, Director General	ICMR
2. Shri S. K. Dev Verman Labour &	Joint Secretary,	Ministry of Employment
3. Dr. A. K. Chakraborti	Director General, FASLI, Mumbai	- do-
4. Dr. P. K. Nag Institute of	Director	National Occupational Health, Ahmedabad
5. Dr. N. H. S. Yadav Health, Pradesh	Joint Director	Medical Uttar
6. Dr. V. K. Vijayan Institute,	Director	V. P. Chest Delhi
7. Dr. Dipankar Das Health &	Addl. DG	DGHS, M/o FW

#### Others

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| 8. Shri Goutam Roy<br>Labour & | Director                 | Ministry of<br>Employment |
| 9. Shri Ashish Chatterjee      | Section Officer<br>..... | -do-                      |