CHAPTER-V

POLICY INITIATIVES RELATING TO CHILD LABOUR IN INDIA
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Our evidence reveals that employment of children is almost non-existent in organized industries. It persists in a varying degrees in the unorganized sector such as small plantations, restaurants and hotels, Cotton ginning and weaving, carpet weaving, stone breaking, brick kiln, domestic works, handicrafts and road building.

- The National Commission on Labour (Government of India, 1969)

INTRODUCTION:

India has a long history of giving legal protection to the Child Labour from exploitation at work through its various labour laws and there are specific provisions both in the Directive Principles of State Policy and in the Articles pertaining to the Fundamental Rights guaranteed by the Constitution of India. The Post-Independence era has seen an unequivocal commitment of the government to the cause of children through constitutional provisions, legislation, policies and programs. The Constitution of India in Article 39 of the Directive Principles of State Policy pledges that “the State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused, and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength, that children are given opportunities and facilities to develop in a healthy manner, and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation, and against moral and material abandonment”.

As a follow-up to this commitment, and being a party to the UN Declaration on the Rights of the Child 1959, India adopted the National Policy on Children in 1974. The policy reaffirmed the constitutional provisions and stated “it shall be the policy of the State to provide adequate services to children, both before and after birth
and through the period of growth to ensure their full physical, mental and social
development. The State shall progressively increase the scope of such services so that
within a reasonable time, all children in the country enjoy optimum conditions for their
balanced growth.

5.1 Child Labour Policy:

The National Child Labour Policy aimed at successfully rehabilitating
child labour withdrawn from employment and at reducing the incidence of
child labour progressively through a number of measures. The three main
components of the policy are: Legislative Action Plan, Focusing on General
Development Programmes, and Project based Plan of Action. A brief
discussion on these three aspects is as follows;

5.1.1 Legislative Action Plan: In this, the emphasis is laid on strict and
effective enforcement of legal provisions relating to child labour under various
labour laws including the Child Labour (Prohibition and Regulation) Act,
1986, the Factories Act, 1948, the Mines Act, 1952 and the Plantation Labour
Act, 1951. The National Policy for Children Resolution, adopted in August
1974, further developed the ideas and set out a policy framework and measures
aimed at providing adequate services for children. These were to form a
prominent part of the nation's plan for development of human resources. Free
and compulsory education for all children up to the age of 14, provisions of
health and nutritional programmes and services, providing alternative forms of
education for children unable to take full advantage of formal school education
for whatever reasons and measures for protecting children against neglect,
cruelty and exploitation form part of the National Policy for Children. The
Policy also provides, as one of its objectives, that no child under the age of 14
years shall be permitted to be engaged in hazardous occupations or to be made
to undertake heavy work.

The Committee on Child Labour (Gurupadaswamy Committee)
examined the problems of child labour in detail. India is one of the countries
where the problems of child labour are quite openly manifest and widespread
existence of these has been viewed by the Government of India with concern.
The Gurupadaswamy Committee recognized that a distinction had to be made between child labour and the exploitation of child labour. It had underlined that in all future action dealing with child labour this basic aspect would have to be taken note of i.e., that “labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of an employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupation he is engaged in, endangers his health and safety i.e. when he is exploited”.

Government has given consideration to these aspects of the problems of child labour, i.e. the need to protect child labour from exploitation or from being subjected to work in hazardous conditions which endanger such children’s physical and mental development; the need to ensure safety and health at their working places; that they should be protected from excessively long working hours and from night work; and that there should be regulated work even in non-hazardous occupations, and that all working children have to be provided with sufficient weekly rest periods and holidays in their employments.

The child Labour (Prohibition and Regulation) Act, 1986, is the culmination of the process of consideration, that, Government has been giving to this pervasive problem figuring in the economic and social landscape in the country. Both in enacting the legislation, and thereafter in proceeding to lay down the policy and the outline of the programme of action, Government have had to keep in mind the economic and social aspects of child labour in the country, For example, with substantial portions of Gross Domestic Product (GDP) coming from the agricultural sector, from rural industries or from artisan's workshops, or from small scale services, often children work as an essential part of a farm household, or as part of the working family, assisting parents in ancillary tasks. In such working activities by children in farm and field, in artisan households or in small family-centred trade or services establishments, children most often acquire the skills, which enable them to become full-fledged workers in farming households, family establishments or trades. While work of such kind has its problems, it is essential at the present
stage of our national development to concentrate in those sectors or establishments where children are deployed on wage or quasi-wage employment, outside the family, and where the possibility of children being subjected to exploitation is greater.

India's First Act on the subject was the enactment of the Children (Pledging of Labor) Act of February 1933. The Employment of Children Act followed this in 1938. Subsequently, twelve additional legislations were passed that progressively extended legal protection to children. Provisions relating to child labor under various enactments such as the Factories Act, the Mines Act, the Plantation Labor Act etc. have concentrated on aspects such as reducing working hours, increasing minimum wage and prohibiting employment of children in occupations and processes detrimental to their health and development.

The Child Labor (Prohibition & Regulation) Act 1986 of India was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour.

The Act aims at prohibiting the entry of children into hazardous occupations and at regulating the services of children in non-hazardous occupations. The Act, in particular,

- bans the employment of children, i.e. those who have not completed their 14th year, in specified occupations and processes (listed in the Schedule to the Act, attached at lays down a procedure to make additions to the schedule of banned occupations or processes;
- regulates the working conditions of children in occupations where they are not prohibited from working;
- lays down penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
- brings uniformity in the definition of the "Child" in related laws.

A Child Labour Technical Advisory Committee has been set up to advise the Central Government on addition of occupations and processes to the
Schedule contained in the Child labour (Prohibition and Regulation) Act, 1986 (herein after referred to as CLA, 86)

The provisions of the CLA 86, the Factories Act and the Mines Act will be enforced so as to particularly ensure that children are not employed in factories or mines or in any other hazardous employment, and where they are employed in non-hazardous employments or occupations, to ensure that the work is regulated in accordance with Part III of the CLA 86. Where it is necessary for State Governments to make rules under CLA 86 or under any other legislation so as to protect the interest of child labour, they are so requested to undertake reviews and frame rules as and when necessary. The Railway administration, major ports and Central and State Government departments in charge of oil-fields and mines are also similarly be asked to review the situation arising from the enactment of CLA 86, so as to ensure that children are not employed in other occupations or employments, that the provisions set out for their health and safety, for the maintenance of registers, and for regulating the period and hours of work or overtime or of weekly holidays and days of rest are enforced in all establishments.

The enactment of Child Labour Act in 1986 and enunciation of Child Labour Policy in 1987 the government has been following a sequential approach towards elimination of child labour in the country. While it is committed for elimination of child labour in all its forms in the country, the focus is on elimination of hazardous forms of child labour in areas of high concentration. The list of hazardous occupations and processes are also being expanded to cover more and more sectors. At the time of enactment of Child Labour Act, there were 6 occupations and 13 processes, where employment of children was prohibited. The list has been expanded to include 13 occupations and 57 processes at present. In addition, government has recently also included domestic servants and children working in dhabas, hotels etc, in the list of hazardous occupations, which cover a large number of working children in the country.

Government has also brought forward legislation to delete the provision contained in the Minimum Wages Act allowing different wages to be fixed for
children, adolescents and adults. In other words, children are to be paid the same wage as adults. This removes the economic incentive to employ child labour on lower wages. For enforcing other protective legislation like the Payment of Wages Act, the Equal Remuneration Act, etc., it is ensured that child labour is not discriminated against as compared to adult labour. The Central and State inspection machinery is geared up for this purpose.

5.1.2 Focusing of General Developmental Programmes for Benefitting Child Labour:

As poverty is the root cause of child labour, the action plan emphasizes the need to cover these children and their families also under various poverty alleviation and employment generation schemes of the Government. In this component of the National Child Labour Policy the stress is on utilization of various on-going development programmes of other Ministries and Departments for the benefit of Child Labour wherever possible.

Various national development programmes exist with wide coverage in the areas of education, health, nutrition, integrated child development and income and employment generation for the poor. These programmes should be utilized to create socio-economic conditions in which the compulsions to send the children to work diminish and children are encouraged to school rather than take wage employment.

5.1.3 Project based Plan of Action: The aim is to launch projects for the welfare of working children in the areas of high concentration of child labour. Project Based Plan of Action envisages starting of projects in areas of high concentration of child labour. Pursuant to this, in 1988, the National Child Labour Project (NCLP) Scheme was launched in 9 districts of high child labour endemicity in the country. The Scheme envisages running of special schools for child labour withdrawn from work. In the special schools, these children are provided formal/non-formal education along with vocational training, a stipend of Rs.100 per month, supplementary nutrition and regular health checkups so as to prepare them to join regular mainstream schools. Under the Scheme, funds are given to the District Collectors for running special schools for child labour. Most of these schools are run by the NGOs in the district.
5.1.4 Important and enhanced parameters that have been introduced in the scheme now are as under:

a) Stipend: In the existing arrangement, the stipend of Rs. 100/- per child per month is being disbursed every month. As per the revised scheme, the monthly stipend of Rs. 100/- per month per child is disbursed only after the child is successfully mainstreamed into the formal system of schooling. Till that period, the amount of stipend is regularly deposited in the Bank Account of the child. The accumulated stipend amount could be handed over to the child at the time of her/his getting mainstreamed.

b) Nutrition: The amount for provision of nutrition to the children in the special schools has been doubled from Rs. 2.50/- per child per day to Rs. 5/- per child per day.

c) Health component: In the earlier scheme, there was no separate budgetary provision for any health component to take care of the health-related aspects of the children. In the revised scheme an amount of honorarium (Rs. 5,000/- per month for one doctor for every 20 schools) has been provided to put in place an institutionalized mechanism for regular and periodical effective health care of the children by a doctor. A health card in respect of every child also needs to be maintained with all the necessary entries.

d) Vocational training: In the former scheme, there was no separate budgetary provision for the services of any Master Trainer for imparting training to the children/teachers. In the revised scheme, budgetary provision (Rs. 5,000/- for one Master Trainer for each NCLP) has been provided to hire the services of a Master for each NCLP.

e) Training for educational teachers: In the previous scheme, there was no separate budgetary provision for providing training to the educational teachers. In the revised scheme, budgetary provision has been provided to impart training to the teachers twice during the 10th Plan period.
f) **Survey:** In the revised Scheme, provision (Rs. 2.75 lakh per survey) has been made to conduct surveys of working children two times during the 10th Plan period. By following the strategy enunciated above and combining this with the existing established mechanisms of enforcement, a drastic reduction in child labour would result.

The problem of child labour requires to be dealt through sustained efforts over a period of time. Government is committed to the goal of eradication of child labour in all its forms. Considering the nature and magnitude of the problem, a gradual and sequential approach has been adopted to withdraw and rehabilitate child labour beginning with the children working in hazardous occupations.

**5.2 Programme Component:** Under the National Child Labour Projects, it is proposed to focus on different developmental and welfare programmes for the benefit of child labour in the project area. Effective convergence and an integrated approach of the relevant social sector schemes need to be carried out to achieve the project goals. The activities taken up under the project in the 10th Plan are:

a. Stepping up of enforcement of child labour laws
b. Formal Non-formal education
c. Provision of Vocational Training
d. Income and employment generation activities
e. Direct rehabilitation of child labour
f. Raising of public awareness
g. Survey and evaluation.

Some of the important components are elaborated in the subsequent paragraphs.
(i) Special Schools (Child Labour Rehabilitation-cum-Welfare Centres): Rehabilitation of working children is an important activity, which is the direct responsibility of the project authorities. Under this activity, Child labour special schools (Rehabilitation-cum-Welfare Centres) are set up by encouraging voluntary efforts for imparting formal/non-formal education and pre-vocational/craft training. The children in the centres are also provided with supplementary nutrition, stipend, health care services, etc. These Centres essentially act as bridge institutions to enable children withdrawn from work to join mainstream education.

(ii) Awareness Generation: Apart from direct rehabilitation of working children, it is also necessary to prevent fresh entry of children to work by arousing and awakening the critical consciousness of the public against the evils of child labour. In order to achieve this objective, continual and sustained awareness generation programmes are carried out on regular basis. For this purpose, an enhanced budgetary provision amounting up to Rs. 1.25 lakhs per year has been earmarked in respect of each NCLP.

(iii) Convergence of Services: In the Tenth Plan, child labour elimination efforts would be linked with the Scheme of Sarva Shiksha Abhiyan of the Department of Elementary Education and Literacy Ministry of Human Resource Development (HRD). The intention is to ensure that all children in the age group of 5-8 years get directly linked to the formal school education system through a close, coordinated attempt with the Sarva Shiksha Abhiyan (SSA). Poverty, apart from illiteracy, being the main cause of child labour, it is necessary to raise the economic standard of the parents of working children by exploiting the synergy of benefits of various schemes under implementation at the district level. A substantial number of parents of working children could be covered under the Department of Rural Development’s self-employment and poverty alleviation schemes. In the context of these above objectives concerted, focused and rigorous efforts at converging important activities at the Central Government, State Government and the District level would be needed to be put in place. Similarly, convergence with ongoing schemes of other Departments such as Health, Women and Child Development, Social Welfare, Tribal Welfare, Labour etc could be critical for the ultimate attainment of the objective of elimination of child labour in a time-bound manner.
(iv) Enforcement Legal Action: It is felt that a more focused and effective enforcement of the provisions of the Child Labour (Prevention & Regulation) Act, 1986 needs to be put in place in the districts. Concerted and serious efforts are made to enforce the law at the state and district level. In order to achieve this objective, the enforcement machinery will have to be geared up and activated suitably.

5.2.1. Operationalisation of child labour special schools:

(i) In view of the crucial role of education in prevention and elimination of child labour, a component of education is provided in the project. As the working children are from diverse backgrounds, skill and experience, it is important that the children in the special schools are imparted education on a formal/non-formal pattern with a condensed syllabus for a maximum period of 3 years after which the children are expected to reach the level of 5th standard. The children are also are imparted craft and pre-vocational training as considered appropriate to their age. After completion of formal/non-formal education, the children are expected to join the formal stream of education in the 6th standard. Some children, who are capable of being mainstreamed before the completion of three years of education, are encouraged to be mainstreamed earlier than the prescribed maximum period of three years. Flexibility in this regard is exercised by the concerned NCLP. The choice of Vocational Training is available to those children who wish to take up skill based work after the initial training in the special schools. Apart from education, children are also provided with a package of welfare inputs such as supplementary nutrition and health-care through special schools to meet their special needs.

(ii) Focus of enrollment is on children in the age group of 9-14 years. The working children in the lower age group are motivated to join formal school system (primary and upper primary) directly.

(iii) The curriculum, course content and textual material is finalized at the District/State level by associating the SCERT, DIET, DRU and non-governmental organizations working in the field of child labour and other
related areas. The State Governmental/District Child Labour Project Societies have the freedom to decide the ground conditions. The training of volunteers in the form of a brief orientation programme is organized at the district level with the help of DIETs and DRUs.

iv) Considering the nature of work the children are employed in, it is necessary to ensure that the special schools are run in a manner so as to effectively prevent children from working in prohibited employment and enable them to be mainstreamed into the regular education system. Therefore, the Project Societies/Implementing Agencies are permitted some amount of flexibility, in terms of timing and duration of the special schools with a view to ensure reduction in the number of children going to work.

The child labour project has a specific time frame and it will not continue indefinitely. The teaching volunteers for the special schools and other staff of the project, society should be engaged with the clear understanding/agreement that they will be paid only a consolidated amount of honorarium for their services which are more or less voluntary in nature and in no case be considered permanent with no regular scale of pay. There should not be any centralized system of recruitment of teaching volunteers at the district head quarters level. The volunteers should be from the local community/village to be selected and engaged by the Implementing Agencies/NGOs. The main criterion for their selection is their commitment to the cause of community service. Minimum level of qualification of the teaching volunteers could be prescribed by the project societies.

The timing as well as the duration of the Centres is flexible. The timing of the centres should be adjusted to suit the convenience of the children who are the target group under the project. While the duration of the special schools could be around five hours a day, the duration of duty of each of the project personnel/volunteers should not exceed five hours a day to enable them to work elsewhere also. While deciding on the timing, duration and working hours of the volunteers, the project society must keep in view the convenience of the target group and the objective of the project, which is sought to be achieved.
If a situation arises where building and other infrastructure for the special schools are not available in a particular area in the district, the special schools could also be run in the buildings of the regular schools after the regular school hours are over.

5.2.2. Project Implementation:

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

(ii) It is necessary to involve suitable voluntary organizations in the implementation of the project, especially in the running of the special schools. However, the project society can itself directly execute some of the programme activities. The project society would draw up its own criteria regarding the eligibility of NGOs for associating them in the project activities.

(iii) The rehabilitation of child labour calls for a lot of voluntarism and a high level of motivation on the part of those implementing the scheme. Therefore, the running of special schools should be entrusted to good, reliable and reputed non-governmental organizations, including Panchayati Raj institutions and Trade Unions. The experiment of running special schools through small implementing agencies like Yuvak Sangh, Women's Group, Village Club, Youth Club etc. has been found to be successful. Implementing Agencies, with adequate checks and balances, should be encouraged by the project societies to take up running of the special schools. In case, adequate number of good NGOs or implementing agencies is not available, the centres could be run by the Project Society only as a temporary measure. However, running of this special school should be progressively passed on to NGOs, and other implementing agencies.
5.2.3. Monitoring & Evaluation: Regular monitoring at the Central, State and district level is important for the effective implementation of the project. At the national level, a Central Monitoring Committee has been set up under the Chairmanship of Union Labour Secretary for overall supervision, monitoring and evaluation of various child labour projects. At the District Level, the Chairperson should review the functioning of the project continuously. The functioning of the child labour projects are to be monitored and reviewed at the State level by the State Department of Labour (or any other designated Department). In addition, the State Governments are expected to oversee the enforcement of protective legal provisions and act as a focal point for child labour issues in the State and be instrumental in the coordination of the developmental programmes for the benefit of the child labour which is an essential part of the National Child Labour Policy. Apart from regular monitoring of the projects, periodic evaluations are required to be undertaken to take mid-course corrective measure and also to assess the overall efficacy of the projects.

5.2.4. Role of the State Government: There are a number of areas in which the intervention of the State Government is essential. A few of them are illustrated below:

a. Finalization of uniform curriculum, course content and textual material through involvement of the Department of Education, SCERT, SIET, etc.

b. Coordination with the State Education Department for facilitating the enrolment of children passing out of the Special schools/ Rehabilitation Centres into the mainstream education system.

c. Finalization of craft and pre-vocational training module for children enrolled in the special schools.

d. Ensuring inspection of the child labour projects and sending periodic (at least once a year) inspection reports to the Ministry of Labour.

e. Regular interaction with project societies for ensuring timely submission of Audited Accounts and Utilization Certificates by the project societies. The State Government must review the progress in the implementation of the child labour programme twice every year.
f. Brief training of the volunteers by way of orientation programmes.

g. National Child Labour Projects are demonstrative projects, which cover a limited number of working children. State Government should find ways and means for rehabilitating other working children either through their enrolment in the formal system or through any other methods deemed appropriate.

5.2.5. Funding: Since the projects have been taken up in the Central Sector, the entire funding is done by the Central Government (Ministry of Labour). Funds are released to the project societies concerned depending upon the progress of project activities. The release of funds for a financial year is made in two equal installments. The first instalment for the months of April-September will be released, in case it is proposed to implement and continue the project in that financial year. The second instalment will be sanctioned after the receipt of Audited Accounts, Utilizations Certificates of the grants released earlier in the previous financial year and a progress report in the prescribed format for the period ending 31st March of the previous financial year.

5.2.6. Project staffing and Budget: A model of the Project staffing and the budget for the Project Society and the special schools are given at Model Budget. The project society must conform to the approved model budget and any change in the pattern and norms of expenditure either on project personnel or on welfare inputs must be with prior and express approval of the Ministry of Labour, Government of India. The pattern of budget, engagement of personnel/volunteers etc under the existing project should progressively conform to the revised pattern.

5.3. STEPS TO BE TAKEN FOR SETTING UP OF NEW NATIONAL CHILD LABOUR PROJECTS (NCLPs):

1. Survey to be conducted by the District Administration with the help of Labour and Education Department, regarding the number of children engaged in hazardous and non-hazardous occupations and processes in the District.
2. Full details such as name of the child, father’s name, age, address and occupation/process from where the child would be withdrawn to be compiled.

3. The number and locations of the proposed Special Schools under the NCLP to be finalized by the District Administration.

4. Justification for the setting up of NCLP to be brought out clearly.

5. Composition of the Project Society to be finalized by the District Collector.

6. Bye-laws of the Project Society to be framed and finalized by the District Collector.

7. Registration of the District Project Society under the Societies Registration Act, 1860.

8. Forwarding of the Proposal by the District Collector/Chairperson of the NCLP to the State Government (Labour Secretary).

9. Recommendation of the proposal by the State Government to the Government of India.

10. Consideration of the Project Proposal by the Government of India.

11. Issue of Sanction by the Government of India.

12. Recruitment of the Project Director and other staff of the Project Society, by the Chairperson.

13. Finalization of the names of the NGOs. by the Chairperson, NCLP for running the Special Schools.

14. Allotment of Special Schools to the NGOs.

15. Training/Orientation Programme for the selected NGOs.

16. Selection of staff for special schools by NGOs.

17. Admission of children into special schools.

18. Constitution of State Level Monitoring Committee by the State Government.
<table>
<thead>
<tr>
<th>S. No</th>
<th>Items of Expenditure</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Project Director(1)=(1x6000x12)</td>
<td>Rs.72,000</td>
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<tr>
<td>2.</td>
<td>Field Officer(2)=(2x4000x12)</td>
<td>Rs.96,000</td>
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<td>3.</td>
<td>Clerk cum Accountant(1)=(1x2000x12)</td>
<td>Rs. 24000</td>
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<td>4.</td>
<td>Steno/DEO(1)=(1x2000x12)</td>
<td>Rs.24,000</td>
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<tr>
<td>5.</td>
<td>Driver(1)=(1x2000x12)</td>
<td>Rs.24,000</td>
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<td>6.</td>
<td>Helper/Peon(1)=(1x1500 x 12)</td>
<td>Rs. 18,000</td>
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<td><strong>Total</strong></td>
<td><strong>Rs. 2,58,000</strong></td>
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<td>7.</td>
<td>Honorarium to Doctor (one doctor for every 20 schools) @ Rs. 5000 per month.</td>
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<tr>
<td>8.</td>
<td>Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.</td>
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### REMUNERATION: (New NCLPs)

<table>
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<td>7.</td>
<td>Honorarium to Master Trainer (one master trainer for every NCLP district) @ Rs. 5000 per month.</td>
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### OFFICE AND SUPPORT EXPENSES (Old NCLPs)

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<th>S. No.</th>
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<th>Amount</th>
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<tbody>
<tr>
<td>1.</td>
<td>Recurring (Office Expenses)</td>
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<td>2.</td>
<td>Non-Recurring(One time only):</td>
<td>Rs. 3,50,000</td>
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<td>i) Vehicle - Rs.3,00,000</td>
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<td></td>
<td>ii) Furniture- Rs.50,000</td>
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### OFFICE AND SUPPORT EXPENSES (New NCLPs)

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<td>Furniture- Rs.50,000</td>
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## OTHER EXPENSES

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<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Survey (twice during the 10th Plan Period)</td>
<td>Rs. 2.75 lakh per survey per district.</td>
</tr>
<tr>
<td>2</td>
<td>Teachers' Training (twice for every educational instructor during the 10th Plan period)</td>
<td>Rs. 1500 per teacher per training</td>
</tr>
<tr>
<td>3</td>
<td>Awareness Generation: During the 10th Plan Period, awareness generation campaigns to be organized regularly in the district.</td>
<td>Maximum of Rs. 1.25 lakh per annum.</td>
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## ANNUAL BUDGET FOR ONE SPECIAL SCHOOL OF 50 CHILDREN EACH

<table>
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<th>S. No.</th>
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<td>Honorarium to Instructors:</td>
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</tr>
<tr>
<td>i)</td>
<td>Educational (2) = (2x1500x12) Rs.36,000</td>
<td></td>
</tr>
<tr>
<td>ii)</td>
<td>Vocational(1) = (1x1500x12) Rs. 18,000</td>
<td></td>
</tr>
<tr>
<td>iii)</td>
<td>Clerk cum Accountant(1)=(1x 1400x12) Rs.16,800</td>
<td></td>
</tr>
<tr>
<td>iv)</td>
<td>Peon/Helper(1) = (1x800x12) Rs. 9,600</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stipend (100x50x12)</td>
<td>Rs.60,000</td>
</tr>
<tr>
<td></td>
<td>Nutrition (2.50x50x26x12)</td>
<td>Rs.78,000</td>
</tr>
<tr>
<td></td>
<td>Rent, Water &amp; Electricity (1000x12)</td>
<td>Rs. 12,000</td>
</tr>
<tr>
<td></td>
<td>Educational &amp; Vocational Materials</td>
<td>Rs. 10,000</td>
</tr>
<tr>
<td></td>
<td>Contingencies</td>
<td>Rs.4,000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>Rs.2,44,400</strong></td>
</tr>
<tr>
<td>SNo</td>
<td>District Collector/</td>
<td>-</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------</td>
<td>---</td>
</tr>
<tr>
<td>1</td>
<td>Addl. Collector (Dev.)/Project Director, DRDA/ DUD A/Secretary/Member</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>District Elementary Education Officer</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>District Education Officer</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Chief Medical Officer</td>
<td>-</td>
</tr>
<tr>
<td>5</td>
<td>Asst. Labour Commissioner/Dist. Labour Officer</td>
<td>-</td>
</tr>
<tr>
<td>6</td>
<td>Dist. Social Welfare/Tribal Devi. Officer</td>
<td>-</td>
</tr>
<tr>
<td>7</td>
<td>District Adult Education Officer</td>
<td>-</td>
</tr>
<tr>
<td>8</td>
<td>CEO, Zilla Parishad</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>District Revenue Officer</td>
<td>-</td>
</tr>
<tr>
<td>10</td>
<td>Inspector of Factories</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>Officer-in-Charge, Dist. Industries Centre</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>Dist. Project Nutrition Officer</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>Dist. Public Relation Officer</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>Representative of Dist. Lead Bank</td>
<td>-</td>
</tr>
<tr>
<td>15</td>
<td>Representative of Postal Department</td>
<td>-</td>
</tr>
<tr>
<td>16</td>
<td>Member of Parliament MLA/MLC</td>
<td>-</td>
</tr>
<tr>
<td>17</td>
<td>Representative(s) of Trade Unions</td>
<td>-</td>
</tr>
<tr>
<td>18</td>
<td>Representative of Panchayati Raj Institutions/ Local Bodies</td>
<td>-</td>
</tr>
<tr>
<td>19</td>
<td>Representative(s) of NGOs</td>
<td>-</td>
</tr>
<tr>
<td>20</td>
<td>Project Director, NCLP</td>
<td>-</td>
</tr>
<tr>
<td>21</td>
<td>Representative of employer/Business Community</td>
<td>-</td>
</tr>
<tr>
<td>22</td>
<td>Representative of Parents of Children</td>
<td>-</td>
</tr>
</tbody>
</table>
5.3.1. Enhancement of honorarium: There is a strong and persistent demand for revision of honorarium of the NCLP staff and the school functionaries. Considering the rate of inflation since 2001, when the last revision of honorarium was carried out under the scheme, approximately 25% increase is proposed for the 11th plan. It is proposed to enhance the honorarium for different categories of staff as follows.

### A

<table>
<thead>
<tr>
<th>Project Society Staff</th>
<th>Existing honorarium</th>
<th>Proposed honorarium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Director</td>
<td>₹ 6000 per month</td>
<td>₹ 7500 per month</td>
</tr>
<tr>
<td>Field Officer</td>
<td>₹ 4000 per month</td>
<td>₹ 5000 per month</td>
</tr>
<tr>
<td>Clerk cum Accountant</td>
<td>₹ 2000 per month</td>
<td>₹ 3000 per month</td>
</tr>
<tr>
<td>Steno / DEO</td>
<td>₹ 2000 per month</td>
<td>₹ 3000 per month</td>
</tr>
<tr>
<td>Driver</td>
<td>₹ 2000 per month</td>
<td>₹ 3000 per month</td>
</tr>
<tr>
<td>Helper / Peon</td>
<td>₹ 1500 per month</td>
<td>₹ 2000 per month</td>
</tr>
</tbody>
</table>

### B

<table>
<thead>
<tr>
<th>NCLP School Staff</th>
<th>Existing honorarium</th>
<th>Proposed honorarium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Instructors</td>
<td>₹ 1500 per month</td>
<td>₹ 2000 per month</td>
</tr>
<tr>
<td>Vocational Instructors</td>
<td>₹ 1500 per month</td>
<td>₹ 2000 per month</td>
</tr>
<tr>
<td>Clerk cum Accountant</td>
<td>₹ 1400 per month</td>
<td>₹ Nil (Not proposed)</td>
</tr>
<tr>
<td>Community Volunteers</td>
<td>₹ Nil</td>
<td>₹ 2000 per month</td>
</tr>
<tr>
<td>Helper / Peon</td>
<td>₹ 800 per month</td>
<td>₹ 1000 per month</td>
</tr>
</tbody>
</table>

5.4. International Programme on the Elimination of Child Labour (IPEC):

The International Programme on the Elimination of Child Labour is a global programme launched by the International Labour Organization in December, 1991. India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with ILO.

The MOU that expired on 31.12.1996 has thereafter been extended from time to time and has recently been extended till 3 December, 2006. The long-term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are:
i. Enhancement of the capability of ILO constituents and NGOs to design, implement and evaluate programmes for child labour;

ii. To identify interventions at community and national levels which could serve as models for replication; and

iii. Creation of awareness and social mobilization for securing elimination of child labour.

At the international level, IPEC has a Programme Steering committee consisting of representatives of the ILO, the donors and participating countries. At the national level in India, there is a National Steering Committee of which the Secretary, Ministry of Labour and Employment is the Chairman. This is tripartite in composition with representation from NGOs as well. The National Steering Committee met twice in 2004 i.e. on 2nd July and 24th August 2004. Its last meeting was held on the 10th of October, 2005.

IPEC-India has, during the period 1992-2002, supported over 165 Action Programmes. The Government of India and the US Department of Labour have also initiated a US$ 40 million project aimed at eliminating child labour in 10 hazardous sectors across 21 districts in five States namely, Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and NCT of Delhi. This project, popularly known as INDUS, is being implemented by ILO. An estimated 80,000 children are to be withdrawn and rehabilitated through this project. Support activities are also directed to 10,000 families of former child workers.

5.4.1. The Andhra project: The ILO has also implemented phase I of the State-based Project in Andhra Pradesh. The National Steering Committee has also approved Phase II of the AP Project in its meeting held on 24.08.2004. A Memorandum of Understanding was signed between the DFID and the ILO in November 2004. In the second phase, the project will focus on two most child labour endemic districts in the State i.e. Mahabubnagar and Kurnool. The Project also focuses on the special problems of urban areas and attempt to evolve a strategy for Hyderabad city. The Project seeks to develop and implement strategy for skill training for adolescent children by linking vocational training facilities.
5.4.2. Karnataka project: In addition, the National Steering Committee also gave a go ahead to the ILO supported project on “Combating worst forms of child labour in sericulture industry” in Karnataka as per the revised parameters proposed by the State Government keeping in view the existing child labour situation in the State. The Project will be implemented in the two districts of Chamarajanagar & Bidar and would not be confined to the sericulture industry alone, but would also include other working children. The Project would implement all the existing components of the NCLP and would also incorporate some of the additional components being implemented in other ILO Project like INDUS. The initiatives are implemented on the pilot basis for future replication in other areas. The duration of the Project is 3 years with the budget of US$ 3.29 million, which is funded by the Government of Italy through ILO.

The Ministry of Labour, Government of India and US Department of Labour have developed a project under ILO-IPEC for Prevention and Elimination of Child Labour in identified Hazardous Sectors. This project has been developed as a follow-up of the Joint Statement on “Enhanced Indo-US Cooperation on Eliminating Child Labour” signed between the Ministry of Labour and the US Department of Labour in August, 2000 whereby each reiterated their respective nation’s commitment to the Prohibition and Elimination of the Worst Forms of child labour as a matter of urgency and agreed that each would support and facilitate the development of comprehensive projects in identified sectors.

The Indus Project is jointly funded by the Ministry of Labour, Government of India and the Department of Labour, United States of America (USDOL) and is implemented in ten hazardous sectors in 21 districts across five states namely, Maharashtra, Madhya Pradesh, Tamil Nadu and Uttar Pradesh.

5.4.3. The major components of the project would include:

i. Identifying children working in hazardous occupations by means of a detailed survey.
ii. Withdrawing children in the age group 8-14 from hazardous occupations and providing them meaningful transitional education.

iii. Making provision for systematic Vocational education/training of adolescents.

iv. Providing viable income generating alternatives for families of children withdrawn from work.

v. Strengthening public education of child workers (to be implemented through the Department of Education, MHRD)

vi. Monitoring/Tracking.

vii. Social mobilization.

viii. Capacity building of National/ State and Local Institutions

ix. Raising interest towards Action against Hazardous Child Labour in other states.

5.5. Committees and advisory board on child labour:

In terms of the Provisions of Section 5 of the Child Labour (Prohibition & Regulation) Act, 1986, further occupations and processes may be added to the Schedule of the Act as per the recommendations of the Child Labour Technical Advisory Committee (CLTAC). The Committee consists of a Chairman and nine other Members appointed in terms of Child Labour (Prohibition & Regulation) Rules.

Besides, CLTAC, a high level National Authority for Elimination of Child Labour has been constituted under the Chairmanship of Hon’ble Labour Minister to lay down policies and programmes for elimination of child labour, particularly, in hazardous employments. The Authority is also expected to coordinate implementation of child labour related projects of various Ministries/Departments of the Central Government.

In addition, a Central Advisory Board on Child Labour has also been constituted to review the implementation of the existing legislations and suggest measures for welfare of working children.
Finally, in order to monitor the functioning of the NCLPs, a Central Monitoring Committee has been formed. The Committee sees the overall supervision, monitoring and evaluation of the National Child Labour Projects. It is set up under the Chairmanship of Secretary, Ministry of Labour and Employment with representative of State Governments and Ministries/Departments concerned. The State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee to monitor functioning of National Child Labour Projects in their States.

5.6. Strategy for the elimination of child labour under the 10th Plan:

An evaluation of the Scheme was carried out by independent agencies in coordination with V. V. Giri National Labour Institute in 2001. Based on the recommendations of the evaluation and experience of implementing the scheme since 1988, the strategy for implementing the scheme during the 10th Plan was devised. It aimed at greater convergence with the other developmental schemes and bringing qualitative changes in the Scheme. Some of the salient points of the 10th Plan Strategy are as follows:

1. Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the Plan period.
2. Expansion of National Child Labour Projects to additional 150 districts.
3. Linking the child labour elimination efforts with the Scheme of Sarva Shiksha Abhiyan of Ministry of Human Resource Development to ensure that children in the age group of 5-8 years get directly admitted to regular schools and that the older working children are mainstreamed to the formal education system through special schools functioning under the NCLP Scheme.

The Government and the Ministry of Labour and Employment in particular, are rather serious in their efforts to fight and succeed in this direction. The number of districts covered under the NCLP Scheme has been
increased from 100 to 250. In addition, 21 districts have been covered under INDUS, a similar Scheme for rehabilitation of child labour in cooperation with US Department of Labour.

Implementation of this Project was recently reviewed during the visit of Mr. Steven Law, Deputy Secretary of State, from the USA. For the Districts not covered under these two Schemes, Government has also been providing funds directly to the NGOs under the Ministry's Grants-in-aid Scheme for running Special Schools for rehabilitation of child labour, thereby providing for a greater role and cooperation of the civil society in combating this menace.

Elimination of child labour is the single largest programme in this Ministry's activities. Apart from a major increase in the number of districts covered under the scheme, the priority of the Government in this direction is evident in the quantum jump in budgetary allocation during the 10th Plan. Government has allocated Rs. 602 crores for the Scheme during the 10th Plan, as against an expenditure of Rs. 178 crores in the 9th Plan. The resources set aside for combating this evil in the Ministry is to the tune of around 50 per cent of its total annual budget.

The implementation of NCLP and INDUS Schemes is being closely monitored through periodical reports, frequent visits and meetings with the District and State Government officials. The Government's commitment to achieve tangible results in this direction in a time bound manner is also evident from the fact that Regional Level Conferences of District Collectors held in Hyderabad, Pune, Mussoorie and Kolkata. District-wise review of the Scheme was conducted at the level of Secretary. These Conferences provided an excellent opportunity to have one-to-one interaction with the Collectors, who play a pivotal role in the implementation of these Schemes in the District. Besides, these Conferences also helped in a big way in early operationalisation of Scheme in the newly selected 150 districts.
5.7. Policy Measures in 11th plan: In addition to the policy initiatives undertaken in the 10th plan, the 11th plan focused on the following issues to eliminate child labour:

1. It is decided to expand NCLP scheme to all the districts of the country. It is also decided to revise the NCLP scheme by adding the following new components,
   a. Provision of uniform and sports kits to children enrolled in special schools.
   b. Providing immunization and mineral / vitamins supplements to them regularly with the help of Health Department at state level.
   c. Development of curriculum for special schools at state level in collaboration with Education Department.
   d. Establishing a system of 'lead schools' in every district for smooth transition into main stream education.
   e. Monitoring and tracking of child labour even after mainstream, and
   f. Vocational training based upon market survey and association with ITI and vocational training to adolescents also.

II. Considering need for greater monitoring and conversion the plan fevered the formation of the state level core committee on child labour headed by the chief Secretary and a state monitoring committee headed by the state labour secretary in every state for more effective implementation of the NCLP scheme. The State Government can provide support in the child labour elimination programmes in the districts through,

a. Collaboration with key government departments to ensure that child labour concerns are addressed at the policy level.

b. Coordination with other State government departments like Elementary Education, Employment and Training, Rural and Urban development, Health and Women and Child welfare to provide effective convergence at the field level.

c. Development of district wise state section plan for elimination of child labour in the entire state, with clear cut time lines taking into account the magnitude and problems in each district separately.

d. Conducting fresh child labour surveys whenever required.
e. Organizing training and capacity building programmes on child labour.
f. Undertaking State level Awareness Generation Advocacy and community mobilization campaigns.
g. Stepping up Enforcement drives in the state.

III. Every state should develop ‘state action plan’ with specific targets for every district to eliminate child labour in a time bound manner. The plan also identified the need to evolve a ‘specific strategy for migrant child labour’ in metropolitan cities with greater interstate coordination.

IV. It is decided to amend the child labour (Prohibition and Regulation) Act, 1986, as follows;

a. Fixing 14 years as minimum age of employment in non hazardous occupation.
b. Rising minimum age of employment hazardous occupation from current level of 14 years to 18 years.
c. Inclusion of education as one of the objectives for framing rules under the act for regulation of working conditions.

V. assessment of child labour in various occupation in the district through intensive fresh child labour surveys in all the districts. This would enable the state and district level authorities to develop the action plan to tackle this problem in the entire state. The financial implication for conducting child labour survey twice during the 11th plan in 600 districts of the country at the rate of `. 2.75 lakhs for survey per district works out to `. 33 crores.

VI. Strict enforcement measures are most essential to deter employers from employing children. Effective rehabilitation measures have to be supplemented with strong enforcement measures to prevent further entry of children in to the work force. To invoke public interest and awareness generation campaigns launched over a period of time at the centre, state and district levels. Keeping this in mind a provision of at least `. 50 crores are to be kept aside in the ministry’s budget in the 11th plan for undertaking national level media campaign on the subject.
VII. Since the problem of child labour essentially emanated from poverty, there was a need to develop strong convergence mechanism and linkages between NCLP and other schemes of the government under poverty alleviation, employment generation, rural development, women and child development, health care etc., to target child labour and their families for improving their economic conditions.

Some of the prominent schemes of these Ministries / Departments, which could have an explicit component for child labour and their families are given below and could be utilized for supporting Government’s intervention for elimination of child labour. This is however, only an indicative list and could be extended to other programmes too.

Schemes of the Department of Elementary Education

- Sarva Siksha Abhiyan (SSA)
- Vastishala
- Shiksha Mitra Yojana
- Mid Day Meal Scheme

Schemes of Ministry of Women & Child Development

- Anganwadi Centre / Day Care Centre
- Extension Services of Anganwadi Workers
- Balika Samridhi Yojana
- Swavalamban
- Mahila Samakhya (Assistance to Voluntary agencies with Mahila Samakhya Women)

Schemes of Ministry of Rural Development

- Swarnjayanthi Gram Swarozgar Yojana (SGSY)
- Samporna Grameen Rozgar Yojana (SGRY)
- Indira Awas Yojana (IAY)
The Government is committed to eliminate child labour in all its forms and is moving in this direction in a targeted manner. The multipronged strategy being followed by the Government to achieve this objective also found its echo during the recent discussions held in the Parliament on the Private Member's Bill tabled by Shri Iqbal Ahmed Saradgi. It was unanimously recognized therein that the problem of child labour, being inextricably linked with poverty and illiteracy, cannot be solved by mere legislation alone, and that a holistic, multipronged and concerted effort to tackle this problem will certainly bring in the desired results.

5.8. Supreme Court on Child Labour:

Judiciary has played very crucial role in augmenting the efforts of all concerned for elimination of child labour in the recent past. The Supreme Court in its landmark judgment delivered on 10th December 1996 in M.C.Mehta case\(^4\) gave a major fillip and encouragement to the efforts of various agencies working in the field of child labour.

The Supreme Court in its judgment directed among other things to conduct a detailed survey of child labour in the entire country. According to the judgment, on completion of the survey an amount of '20, 000/- per child should be collected from the employer who has employed child labour in hazardous occupations and processes, which will be used as corpus for the child labour Rehabilitation cum welfare fund to be set up at the district level. States should ensure alternative employment to an able-bodied adult member of the family of the child who was withdrawn from the work or alternatively contribute '5, 000/- per child to the said fund. The child would be ensured education in the formal school and the employer should be prosecuted for violating the provisions of the child labour Act. In non-hazardous jobs, the child should be imparted education at the cost of the employer and the Government should ensure that the children do not work for more than 4 to 6 hours.

The above directions of the Supreme Court are included in Article 141 of the constitution of India, which is reproduced below:

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Article 141 Law declared by Supreme Court to be binding on all courts: The law declared by the Supreme Court shall be binding on all courts within the territory of India. After MC Mehta's case another important judgment was delivered by the apex court in Bandhu Mukthi Morcha case\(^4\). In this case the court observed that "Child of today cannot develop to be a reasonable and productive member of tomorrow's society unless an environment which is conducive to his social and physical health is assured to him". It directed the government to evolve principles of (and) policies for progressive elimination of employment of the children below the age of 14 years in all employments governed by the respective enactments mentioned in MC Mehta's case.

The court held that child labour must be eradicated through well planned poverty focused alleviation development and imposition of trade sanctions in employment of children etc. It called for progressive ban on the exploitation of the child and directed the government to evolve simultaneous alternative including boarding, education, health care, nutrient food, shelter and other means of livelihood with self-respect and dignity of person.

5.8.1. Follow up action on the directions of the Supreme Court: As a follow up of the directions of the Supreme Court, all the State Governments were sent detailed guidelines on December 26, 1996 indicating the manner in which the directions of the Supreme Court were to be implemented. A meeting of the NAECL was convened on 31\(^{st}\) December 1996 to discuss the directions of the Supreme Court on child labor. It was decided in the meeting that the Ministry of Labor should immediately release funds to the State Governments so as to enable them to conduct surveys of working children before June 10, 1997. A conference of the Labour Ministers of State/Union Territories was convened on January 22\(^{nd}\), 1997 to finalize an action plan for the implementation of the directions of the Supreme Court on withdrawal and rehabilitation of working children. In the conference, all the participating States and Union Territories welcomed the judgment and demonstrated their political will to eliminate child labor. However, all the States pleaded for additional and liberal financial assistance from the Central Government for implementing the judgment of the Supreme Court.
The following significant recommendations were made in the Conference:

The survey envisaged in the judgment of the Supreme Court would be in two phases. In the first phase the survey would be conducted in all industries, establishments, shops, work places in urban and semi-urban catchment areas where hazardous processes will be identified. In the event of any child labor being found employed in any such process, simultaneous action would be taken to recover an amount of ₹20,000 from the offending employer. Hazardous establishments in the rural areas would also be fully covered by the survey in the first phase. The door-to-door survey for the purpose of identification and enumeration of working children will be taken up in the second phase.

While primarily it is the responsibility of the State Governments to provide necessary funds for taking up activities in compliance of the directions of the Supreme Court, funds for conducting the survey will be released by the Central Government to the agencies at the district level immediately. If the funds released for the first phase of survey fall short of the actual requirement in any district, the State Governments will provide the additional funds for this purpose. Since this first phase of the survey is concentrated on industrial establishments, the requirement of funds would be worked out by the Central Government and the same would be released immediately.

Immediate action will be initiated by the State Governments for strengthening the enforcement machinery at various levels and for creation of a separate cell at the State level to monitor and coordinate the activities to be taken up in compliance of the directions of the Supreme Court. They will also send their requirements of funds in this regard, if any, to the Planning Commission at the earliest.

If for some reason, the State Governments find it difficult to give effect to any one or more directions of the Supreme Court, they will seek necessary clarification/directions from the Hon'ble Supreme Court well in time.

As a follow-up of the decision taken in the State Labor Ministers' Conference, the Chief Secretaries of State and Union Territories have been sent detailed guidelines for carrying out the survey as per the directions of the
Supreme Court. A copy of the child labor survey form has also been sent to the Governments of State and Union Territories.

Funds have been released to all the State and Union Territories governments for the purpose of conducting the surveys. The Chief Secretaries were specifically instructed that if the State Governments could not complete the surveys in time, they should apprise the Supreme Court through an affidavit about the reasons for delay and seek extension of time from the Supreme Court well in advance.
References:


4. MC Mehata and the state of Tamilnadu and others, 1996 (B) SCC. 756.