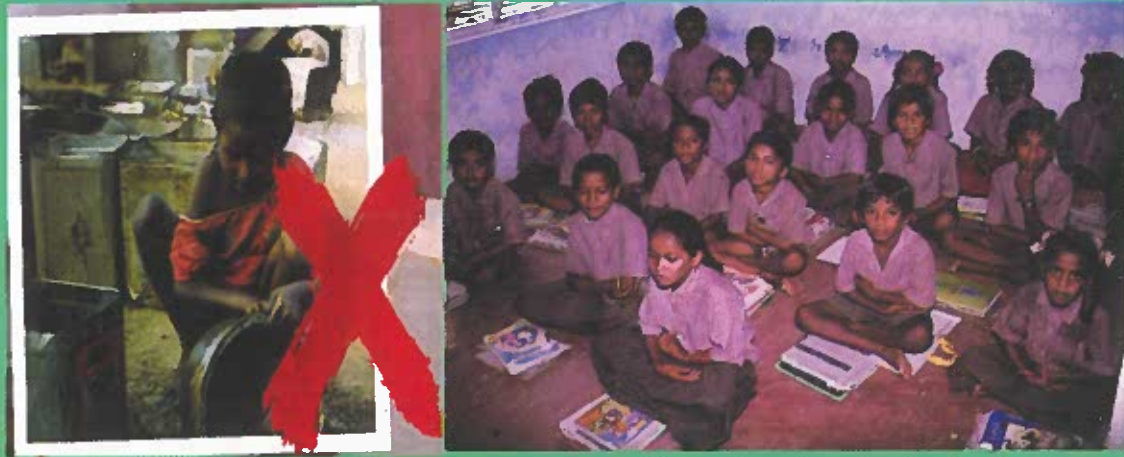




**INTERNATIONAL LABOUR
ORGANIZATION**
(International Programme on the
Elimination of Child Labour)



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REFERENCE MATERIAL ON CHILD LABOUR

ILO PROJECT
(Sensitisation and
Capacity Building)
Action Programme

REFERENCE MATERIAL ON CHILD LABOUR



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The training material embodies the Core Training Manual, Reference Material and the Target Group specific Handbooks and these three components need to be referred together.

The Publication is brought out with liberal financial assistance provided by the Department for international Development United Kingdom.

Developed by the V.V.Giri National Labour Institute, (NRCCL), NOIDA. Uttar Pradesh, for Dr. MCR Human Resource Development Institute of Andhra Pradesh, Hyderabad.

FOREWARD

The Government of Andhra Pradesh is implementing an important action programme – sensitization and capacity building towards elimination of child labour – sponsored by the International Labour Organization (ILO) through the International Programme on Elimination of Child Labour (IPEC). The action programme is state-based with focus on the pilot-districts of Ananatapur, Chittoor, Prakasam, Visakhapatnam and Mahaboobnagar for the present. As a part of its endeavour to provide training material to the participants of various programmes organized by this Institute under ILO project action programme, we are happy to present this Reference Material. The successful and effective implementation of any initiative under this Project largely depends on how sincerely and effectively the trainers put in their efforts towards trainees at different levels. The Reference Material presented to you herewith is to make the individual trainers aware of their role, functions and responsibilities.

The Reference Material is being provided for trainers & Resource Persons to be trained under the action programme of sensitization and capacity building towards elimination of Child Labour. The Reference Material provides material relating to all public policies the rules and regulations made there under in respect of the action programmes and strategies on elimination of child labour. It also contains information on the budgetary allocations and different Government Orders and legal issues arising from time to time governing the child labour legislation which were formulated by the Union and State Governments. I am sure these inputs would prove to be a rich resource of information for those involved in the training programmes to be organized under International Labour Organization action programmes on the elimination of child labour in our State.

In this connection it is pertinent to mention that the State Government attached great importance to elimination of child labour in our State. The Government have embarked on an ambitious and laudable plan of action of eliminating child labour through universalisation of primary education by the year 2005. For achieving this mission the Government have come with several initiatives like “Chaduvula Pandaga” (Education Festival), “Malli Badiki Podam” (Back to School) and “Akshara Sankranti” Projects.

Effective strategies have been adopted by the State Government for the elimination of child labour. The determination of the people of our state to totally eradicate the incidence of the child labour is demonstrated by the unique and unanimous resolution by the state legislature.

I commend the efforts of V.V.G. National Labour Institute, NOIDA, our Technical Resource Agency for designing and developing the Reference Material.

I would like to make it clear that there is no claim to total authenticity or exhaustiveness of the material provided in this manual. The manual is produced for the limited purpose of supporting training activity. It is hoped that this material would be very useful not only to the trainers but also to all the persons interested in the elimination of child labour. Any suggestions for the improvement of this material may be sent directly to the Project Manager, ILO Project (Sensitization and Capacity Building Action Programme), Dr. MCR HRDI AP, Road No.25, Jubilee Hills, Hyderabad – 500 033. Ph. No. 23546638, for consideration and incorporation in the subsequent updation / revision of the manual.

– P.V.R.K. PRASAD
DIRECTOR GENERAL

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I. INTRODUCTION

Training is the responsibility of the participants' organisation, the participants and the organisation which conducts the training. Training deals mostly with imparting skills, understanding and action. This training kit which is an integral part of the Core Training Manual and the Handbooks on Child Labour were developed under the ILO-IPEC-APSB Project. The Core Training Manual, Training Kit and Handbooks have been developed with a view to:

- ◆ Design and conduct trainings on Child Labour with relevant readings (The Core Training Manual).
- ◆ Provide complete information on the sessions dealt in the Core Training Manual and readymade training materials to be used by trainers (Training Kit).
- ◆ Give information related to actions to be taken by specific target groups (The Handbook).

The Reference Material aims to:

- ◆ Provide complete information on sessions designed in Core Training Manual for resource persons and trainers to be trained under ILO – IPEC- ABSBP project.
- ◆ Give additional information to develop broader perspective on the themes included in the Core Training Manual.
- ◆ Provide more variations and alterations.

An attempt has been made to prepare this kit simple and informative. It has been designed in such a way that an experienced Trainer as well as a novice can use it. Accordingly, it starts with national policies, programmes and laws so that trainer may get holistic views on the above and conduct sessions efficaciously.

The kit (Reference Material) has the following grouping of information

- ◆ National Policies

REFERENCE MATERIAL

- ◆ National Programmes
- ◆ National Laws
- ◆ Judicial Pronouncements
- ◆ International Instruments
- ◆ State Vision on Education

Before conducting the training, resource persons and trainers would go through this Training Kit and make them aware of the information available on the themes.

It is hoped that the kit would help the resource persons and trainers to develop deeper understanding on Child Labour and they would find this kit as a resource and meaning for support in conducting Training on Child Labour.

Andhra Pradesh's Responses on Children's Education

I. VISION 2020

The Agenda For Education in Andhra Pradesh

Education has a critical role to play in development. Recognizing this, Andhra Pradesh firmly believes that outlays on education are an investment rather than an expenditure.

Education allows an individual to develop the knowledge and skills to capture economic opportunities and thus increases his or her income. This provides the basis to capture further opportunities. Education also leads to improvement in other critical areas such as health and family planning. Studies have shown that educated women can take better decisions about nutrition and healthcare for their families. They are also more open to family planning and have fewer children. In addition, greater literacy and basic education help people understand their needs and demand services. This expands facilities for the public and, at the same time, improves the utilization of these facilities. Education, thus, empowers the individual.

Furthermore, education is critical for building a modern, market-based economy and raising living standards. The human capital model in theories of economic growth shows that a rise in the level of education brings a rise in the efficiency of all factors of production. Educated people use capital more efficiently; they think of new and better forms of production; and they embrace change and innovation faster and quickly learn new skills.

The existence of such a productive and skilled workplace will catalyze development in Andhra Pradesh and attract investment into the State. Furthermore, education and training becomes an engine of growth for the economy, which creates many jobs in teaching and administration, and provide an impetus to growth and employment through the creation of new schools, vocational training institutes, and higher education institutions.

By 2020, Andhra Pradesh will be not just literate but a knowledge society capable of meeting the challenges posed by the 21st century. It will be a state in which every person will be able to realise his or her full potential through access to educational

opportunities regardless of the class or region to which he or she belongs. Andhra Pradesh will offer its people a variety of opportunities to develop a rich base of skills that industry can draw upon to build a competitive economy. With a progressive and well-managed education system and many institutions of learning and skill building, it will make an effective and complete transition into a knowledge society.

To achieve this vision, the primary goal for the State will be to steadily increase overall literacy levels from the current level of 44 per cent to over 95 per cent (according to the 1991 census). This will require an increase in adult literacy from the current 55 per cent for males and 33 per cent for females to over 95 per cent for the entire population. To reach this target, the State will have to significantly improve the literacy levels of groups with traditionally low levels of literacy, such as, rural women, minorities, scheduled castes (SCs), scheduled tribes (STs), backward classes (BCs), and the population of certain backward districts.

Exhibit 2.1 lays out literacy targets for the State for each major section of the population.

To achieve the vision, Andhra Pradesh will also need to make education a dynamic and vibrant sector, keeping pace with the changing needs of the State's economy and society. This will call for the strengthening, transforming and expanding of elementary and higher education, including the revamping of their management, curricula, and teaching methods. The emphasis will be on providing high quality education to the poor to correct the current unequal situation where in quality school and college education is available only to the better off sections of the society.

In other words, Andhra Pradesh will need to transform the current educational system** so that it can play a catalytic role in the economy and society. Such a system will:

- Ensure universal literacy by providing effective, high quality, and widespread elementary education, non-formal education and an effective adult literacy programme.
- Develop specific programmes to promote education on building marketable skills.
- Actively involve the private sector in higher education.
- Manage and fund education more effectively, particularly through community

participation.

****** Comprising elementary education (pre-primary, primary (classes I-IV), Upper primary (classes XI and XII), and higher education (undergraduate and post-graduate courses).

Ensure Full Literacy

Literacy is the foundation for building an enlightened, self-reliant society and a skilled workforce. However, today, one out of two people in Andhra Pradesh is illiterate and Andhra Pradesh ranks 26th in terms of literacy among the 32 states and Union Territories in the country. Furthermore, as noted earlier there are considerable disparities between the literacy levels of specific groups such as rural women, SCs, STs, BCs and minorities, and the rest of the population. Moreover, literacy levels vary greatly between districts: while the literacy rate in Hyderabad district is over 72 per cent, in Mahbubnagar, it is only around 30 per cent. Any strategy to raise overall literacy levels will, therefore, have to focus on dramatically improving literacy levels among disadvantaged groups and in backward regions in the State.

Today, the main causes of low literacy are poverty, lack of access to schools, an adverse student-teacher ratio, poor infrastructure (such as water supply and toilets), low enrolment and large dropout rates. For example, between Class I and VII, dropout rates are high as 66 per cent. This means that, on an average, only 35 per cent of the State's children complete elementary education. Among SCs and STs, the dropout rate is even higher-as much as 73 per cent and 82 per cent respectively.

Therefore, to achieve universal literacy, the State will need to follow a two-pronged approach. First, the State will need to provide quality primary education for all and improve enrolment and retention rates. This will require a number of interventions, namely, providing more teachers; building more schools and classrooms; increasing the number of residential school; redesigning curricula; expanding early childhood education; introducing programmes to bring drop-outs back to school; focusing on specific disadvantaged groups and locations; providing non-formal education and increasing adult literacy; and involving the community in increasing enrolment and improving retention rates. Second, the State will need to re-orient non-formal education for drop-out children, with a commitment to bringing them back into formal education, as well as strengthen and expand its adult literacy programme. All these initiatives are outlined below.

Providing more teachers and training

A major element of the approach to strengthening primary education will be to improve current learning levels by lowering the teacher-pupil ratio. Under the World Bank funded Andhra Pradesh Economic Restructuring Programme (APERP), the Government has already committed itself to filling all existing primary teacher vacancies and sanctioning the additional posts necessary to achieve a teacher-pupil ratio 1:45 by 2002.

In addition, the services of 'Education Volunteer's' (i.e., boys and girls from the same or similar social backgrounds) will be used to supplement teachers' efforts in the classroom as well as work in the community to increase enrolment and prevent children from dropping out of school. This is likely to increase local commitment to education since volunteers will have to be residents of the village. 'Education Volunteers' can be trained at the Districts Institutes of Education and Training (DIETs).

In fact, the focus on hiring more teachers must be buttressed by a stress on providing frequent training for both new and existing teachers. The State will give priority to recurrent training, supervision, and technical support for teachers as well as Education Volunteers. Under the APERP, the State has already initiated a comprehensive programme to provide in-service training. This initiative includes:

- Providing in service training to all teachers every year: Every teacher will attend ten-day residential training programmes every year. Education Volunteers will receive at least 15 days of induction training. This training will include child-centred teaching and active-learning methods, multi-grade teaching, and the preparation of teaching aids. Integrated training packages based on successive cycles of in-service training for existing teachers will be developed for new teachers. Training institutions will be staffed with highly motivated personnel with rich experience at the primary school level.
- Providing support and follow-up: Schools will facilitate and monitor the use of improved methods of teaching learnt during training. This will include helping teachers develop good training materials and providing effective master trainers and resource persons.

Building more Schools and Classrooms

Growing enrolment in primary education in recent years has led to a shortage of schools and classrooms. Currently, the State has 30-40 per cent of the classrooms required. Furthermore, facilities such as water supply and toilets are either limited or non-existent. This has a greater impact than realised for instance, parents are reluctant to send girls to school due to non-existent toilets for girls or no toilets at all.

Recognising the importance of an appropriate physical environment for effective learning and induce children to remain in school, the State will seek to provide the number of schools, classrooms and other infrastructure required. Under the APERP, the State aims to build at least 25,000 school buildings by the end of 1999. Already, 1,112 new primary schools have been established in backward areas to increase access to primary education.

This will call for greater expenditure on primary education in line with the nationally accepted goal to increase overall expenditure on education to 6 per cent of GDP. However, since this level of expenditure will take some time to achieve, the State will consider lower cost approaches, such as using local construction materials. Given the low durability of these materials, a provision for annual maintenance will also have to be made. It must be emphasised, however, that this is an interim solution until such time as the State increases its investment in primary education to the levels required.

Increasing the Number of Residential Schools

The State has set up residential schools to offer a quality school education to poor and talented rural children. The Andhra Pradesh Residential Educational Institutions Society is now running 137 such schools and the Andhra Pradesh Social Welfare Residential Educational Institutions Society is running 180. The special feature of these schools is a teacher-pupil ratio of 1:30, higher than the norms 1:50. This programme will be further strengthened and expanded to achieve the goal of strengthening institutional capacity to ensure that children from socially disadvantaged groups complete a primary education of appropriate quality. The goal is to set up one such school for every mandal.

Redesigning Curricula

To significantly raise literacy levels, children must be motivated into staying at

school for at least 5 to 7 years. At present, children drop out of school in large numbers because they find learning unappealing: the curriculum is rigid, formal and unrelated to their lives. The curriculum will thus be made more interesting and relevant to children. In addition, teaching methods will be made much less formal. Teachers will be encouraged to teach less through text books and more through play-way and activity-based learning, including singing, dancing, story-telling, role-plays, etc. Furthermore, the curriculum will be tailored to local conditions. For instance, in tribal areas, it could be tailored to the tribal way of life.

The Government will initiate to redesign the curriculum. This effort will be piloted in identified schools and then extended all over the State in phases. Additionally, once the curriculum is changed, teachers will need to be equipped to teach it. The training infrastructure that exists in each district will have to be strengthened and expanded to include training, especially for Education Volunteers. The DIETs, which already provide pre-service and in-service training, can play this role.

Expanding Early Childhood Care and Education

A major factor behind the high drop-out rates in elementary school is children's lack of preparation for formal schooling. To successfully cope with the demands of formal schooling, children under the age of six need to have adequate nutrition and an introduction to learning through informal methods such as play-way learning. The Early Childhood Care Education (ECCE) scheme, implemented through the anganwadi centres, has been introduced nation-wide to meet this need. To achieve the Vision 2020 goals, the ECCE scheme will be expanded to cover all children under the age of six. Important elements of this initiative will include increasing the number of anganwadi centres; providing practical training to anganwadi workers; providing materials such as picture books, posters, and play material. In addition, the State will need to synchronise the timings of elementary schools and anganwadi centres so that infants are providing for throughout the time their sibling caregivers are in school.

Exhibit 1.1 describes a successful early childhood education programme in the US.

Strengthening Programmes to bring Drop-outs Back to School

The District Primary Education Programme (DPED), launched all over India in 1993, provides interventions for improving the primary school system by training teachers, constructing and improving school buildings, and making school activities more attractive to induce children to stay in school. It also addresses the problem of how to bring children who have dropped out back to school.

Exhibit I.1

The 'Head Start' Programme In The United States

Aim of the Programme

- To increase the school-readiness of poor children in the United States with the aim of increasing school attendance and reducing drop-out rates.
- Ultimately, to combat poverty by promoting the educational development of poor children in the US.

Key features

- National programme, begun in 1965 and enduring until today.
- Serves more than 450,000 children at 1,300 sites.
- Goes beyond the classroom to provide health, nutrition and social services.
- Stresses parental involvement to strengthen parenting skills as well.

Description of Activities

- Teachers in "Head Start" classroom are trained in early childhood education; trained parents act as aides in teaching.
- Children spend most of the time working individually or in small groups on activities prepared by the teacher or activities they initiate themselves.
- Teachers and aids move among children and facilitate learning by asking questions, offering suggestions and adding more complex materials, ideas, or language to the children's play.
- Children are allowed to acquire important skills at their own pace.

Impact

- Lasting effect on school attendance, retention and promotion. Children scoring below average before 'Head Start' gained the most on two measures relevant to school adjustment
 - Test of children's self-control or ability to control impulsive behaviour
 - Pre-school inventory of social and cognitive skills that aid adjustment to school

Source: 'Improving Primary Education in Developing Countries' (World Bank publication); Haskins et al.

The DPEP strategy includes innovative approaches such as using the services of 'Education Volunteers'. Andhra Pradesh has successfully used these local volunteers to persuade parents to send their children back to school. The experiment showed that these activists were more successful than other interveners because, being from the same background, they were able to use effective persuasion methods in addition to presenting a powerful demonstration effect through the improvement education had brought to their own position. This approach will have to be backed by a mechanism to facilitate the re-entry of dropouts into school at levels appropriate to their ages. One mechanism, the Back to School programme, has already been successfully established in the State. This programme comprises bridge courses to bring dropouts up to the standard required for re-entry into formal education. Such courses will be particularly useful for girls of different age groups who have been forced to drop out to take care of household chores or siblings. To strengthen the programme, different approaches tailored to various age groups, will be developed. Thus, for the age group five to eight, round-the year bridge courses and 'transition classes' within the school complex will be appropriate. However, for the 9-12 age group, short or long duration education camps will be required.

The state has made a firm commitment to eliminating child labour (see Chapter 1, "Progress and Prosperity through Poverty Eradication and Social Welfare"). The Back to School programme will be a critical intervention in helping these children re-inter formal education.

Focusing on Specific Disadvantaged Groups and Locations

To achieve total literacy by 2010, the State will pursue special initiatives to reduce the gaps between specific disadvantaged groups and backward areas (as mentioned earlier) and the 'mainstream' sections of the population. The low literacy levels of these groups results from specific problems they face, problems that prevent their children from entering the education system and cause them to drop out. Broadly, these are economic constraints, lack of access, e.g., due to great distance between dwellings and the nearest school (particularly for girls from STs); the lack of facilities, such as separate toilets for girls; and social taboos about girls mingling with boys. Without specific interventions to tackle their problems, these groups are in danger of being left out of the programme to develop the state's people.

To address these problems, the state will ensure access to school for SCs, STs, backward classes, minorities, girls and children with special educational needs. In remote (tribal) habitations where building a school is not feasible, alternative schooling centres will be set up to provide basic education. Other interventions will include providing anganwadi centres as creches for infants, so that older girls can go to school, and the Back to School programme for dropouts. Initiatives described earlier, such as improving curricula and teaching methods and the use of Education Volunteers, will also help bring dropouts back to school.

Providing Non-Formal Education and Increasing Adult Literacy

To achieve total literacy, the State will also need to provide for the large number of children and adults who have never had the opportunity to go to school. Non-formal education and adult literacy programmes are two main ways to do this.

For children, the State is firmly committed to providing non-formal education (NFE) with the clear objective of bringing dropout children back into mainstream education. Current NFE programmes have been allowed to continue for years together without any such emphasis. As a result, NFE is becoming a parallel but inadequate system of education with no linkage to the formal system. Recognising the need to change the approach, Andhra Pradesh is now using a more effective model of NFE, based on a successful UNICEF experiment in Mahbubnagar district. The State has adopted a new bridge course curriculum, which is being run at each NFE centre. Instructors have been provided with clear targets to admit children who have dropped out of school and prepare them for re-entry into school. The initial target for each NFE centre is to admit 10 dropout children into primary school after each bridge course. Furthermore, NFE centres now function within primary schools. This allows them to use the existing education infrastructure and ensures supervision by formal primary school teachers.

For adults, the State will aggressively pursue adult literacy campaigns. The emphasis of such programmes will be on providing a minimum package of learning needs.

This includes:

1. Functional literacy and numeracy for adults (sufficient to read a newspaper).
2. A sufficient understanding of nature.
3. Providing knowledge and skills to earn a livelihood.

4. The knowledge and skills for civic participation.
5. The fundamental skills for raising a family and operating a household.
6. Positive attitudes towards co-operative with one's family and fellow members of society; towards work, community, and national development, and towards continuing learning and the development of ethical values.

Exhibit 1.2 Adult Literacy Programmes in the US

- 21 per cent of the US population function at the lowest of five levels of proficiency; many of them cannot read a restaurant menu or fill a job application. US literacy programmes tackle this group to ensure these individuals do not continue to live at the margins of an industrialized society
- The largest US adult-literacy programme is Literacy Volunteers of America with 43,400 volunteers (1996) and 400 affiliates in 44 states. The agency offers a variety of programmes.

Two examples are:

Union Country Affiliate	The Loyola Literacy Centre, Chicago
<p>Programme co-ordinator grades Students by asking them questions And using test</p> <p>Co-ordinator then matches learners Learners work with tutors in Confidential sessions</p> <p>Long-term goals, like getting a job Are broken down into short-term Goals like learning to read classified Ads or a training manual</p> <p>Tutors use adult's life experiences To teach; each lesson plan is different</p>	<p>'Drop in' centre open 2 nights a week; on a given night, 25 adults turn up</p> <p>Offers tuition in English and Mathematics With tutors</p> <p>Tutors work on adults' needs but emphasise writing</p> <p>Tutors ask learners questions about their lives and develop answers into a text</p> <ul style="list-style-type: none"> - Adults change and correct text as required - At the end of the course, the text is printed as a booklet and presented to the learner

Sources: Dow Jones News Retrieval; McKinsey research

The State will explore approaches used in other countries to develop effective adult literacy programmes, Exhibit 2.3 provides an example of successful adult literacy programmes in US, which, contrary to expectations, has a large number of adults with literacy levels low enough to make them functionally illiterate (i.e., unable to perform such tasks as writing a cheque, reading a restaurant menu, or filling in an application form).

Involving the Community in Increasing Enrolment and Improving Retention

Low enrolment in school and low retention rates are often caused by socio-economic problems. Therefore, approaches to solving these problems need to be rooted in specific local conditions, e.g., raising awareness, providing incentives to attend school, providing free text books, etc. Andhra Pradesh will need to make education a people's movement and enlist the support of local leaders, NGOs and teachers in creating awareness about the need to be educated. Again, as in the DIETs, a programme to achieve this objective already exists at the village level. Furthermore, under the DPEP, School Committees have been chartered with the task of improving enrolment by undertaking suitable measures to encourage parents to send their children to school and instituting incentives and disincentives to wipe out child labour.

The role of the School Committees is discussed in the section "Manage and fund education more effectively" of this chapter.

Promote Education for Girls

Andhra Pradesh's development goals cannot be achieved without harnessing the potential of its women. Today, however, girls in the State lag well behind boys on all indicators of development, including education. The gap in enrolment between boys and girls and the dropout ratio for girls are increasing steadily. Not surprisingly, the 1991 census showed that only 33 percent of the State's women are literate compared to 55 per cent of men.

The state will, therefore, undertake specific initiatives to encourage education for girls. They will involve increasing the demand for primary and secondary education, increasing the supply of primary and secondary education; and fostering higher education for girls.

- Increase demand for primary and secondary education This will entail:
 1. Extending the Girl Child Protection Scheme to a larger number of girls. Currently covering around 50,000 girls, this scheme provides a fixed deposit of around Rs.5,000 in the name of the girl child on the condition that she does not marry before the age of 18 and continues her studies up to this age. If the girl drops out, the amount is refunded to the State. From high school onwards, the girl students receives Rs.1,000 a year and then Rs.20,000 at marriage. By 2020, the scheme should cover all girls needing such assistance.
 2. Providing toilet facilities for girls in all upper primary and high schools.
 3. Providing anganwadi centres to take care of infants enabling older girls to go to school.
- Increase the supply of primary and secondary education: The State will provide more upper primary schools for girls and extend the open school concept to all villages for girl school drop-outs. It will also set up more residential schools for girls. The non-government sector will be encouraged to set up secondary schools for girls. To enhance their opportunities for employment, a special emphasis will be placed on building technical skills for girls, e.g. by increasing the number of women only Industrial Training Institute(ITIs).
- Foster higher education for girls: To ensure that more girl got trained in specialised skills, the State will introduce more vocational courses in girls' colleges and provide financial assistance for all girl students needing assistance in professional courses. It will also increase the number of hostels for college-going girls. In addition, the State will continue with the reservation of 33 per cent of seats in higher education for girls.

Provide Skill-Based Secondary and Higher Education

To create a mass base of skilled people for industry, the State needs to change the focus of education from a stress on academics to an emphasis on specialised skills. This can be achieved by providing vocational and technical courses at the secondary and high school levels and providing vocational and technical courses at the secondary and high school levels and providing more specialised courses in higher education.

Providing more Options in Vocational and Technical Education

In today's technological society, people with practical and problem-solving skills have more opportunities. The State, therefore, urgently needs to bring vocational education to centre stage for students up to the intermediate level.

Currently, vocational education is offered through the ITIs, polytechnic institutes, and certificate courses in areas such as pharmacy, nursing, etc. The ITIs will be strengthened so that they offer a variety of skill-development courses. The State will expand the ITI network with a special focus on increasing reservations for women. In addition, the State will proactively identify subjects in high demand in rural areas and diversify the courses at ITIs. The challenges will be designing effective curricula; re-training teachers to conduct new courses introduced; and installing confidence in students (and parents) about the utility of these courses.

Technical education for students leaving academic education after completing a secondary education is provided mainly at the polytechnics. In addition, many colleges now provide technical courses such as food technology, office management, travel and tourism, etc. To strengthen technical education, the State will need to expand the polytechnics, increase the variety of courses offered to include new subjects such as environmental management, and ensure accreditation of all institutions offering technical education. A mechanism for accreditation already exists. The All India Council for Technical Education (AICTE) already regulates the quality of technical education and curriculum design, and lays down norms for the provision and management of technical education. A counterpart of the University Grants Commission, the AICTE already has an accreditation board. New Zealand has experimented with a 'National Qualifications Framework' and the UK with a 'National Vocational Qualification' system, though these have largely been private sector efforts. In Andhra Pradesh, the Government will need to play a similar role in laying down the standards required by employers and ensuring the quality and credibility of the qualifications gained through vocational courses.

The State will develop skill-building institutions, focused on specific disciplines and directly tied to targeted growth engines (Exhibit 1.3). These institutions will serve two objectives: build vocational and technical skills, and spearhead research and development. For instance, for the construction industry, the State will set up training schools for trades like masonry and welding. In fact, it is already setting up a National

Academy of Construction in Hyderabad for specialised research and training in construction technology and management.

To supplement these efforts, the State will actively promote distance-learning programmes in all areas of education. It will also ensure that Internet connections are provided to all high schools. This will strengthen vocational, technical, and general education.

Exhibit I.3

Skill-Building Institutions and Programmes Needed to Develop The Growth Engines

	Growth engine	Vocational Training Institutions	Specialised education Institutes/R&D Centre	Skill-transfer/ extension programmes
Agriculture	Rice Horticulture Poultry Dairy		Rice Research Institutes Agricultural University Horticulture University Breed research institutes Veterinary healthcare Institutes	Focused, customised, decentralised Extension and former education programmes
Industry	Construction Labour-incentive export-oriented Industries Mining	Trades training institutes Large ITI network Tailoring schools; design institutes Training Institutes/programmes for Minors	National Academy of Construction at Hyderabad NIFT* at Hyderabad studios in the Export Promotion Zones	
Services	IT Knowledge Corridor Logistics Tourism Small-scale services	Large network of computer training institutes Training programmes for tourist guides Vocational institute with variety of vocational courses	IIIT** World-class medical University Technology Research-based organisation Institute of Logistics Management Institute for hotel management and catering technology	

* National Institute of Fashion Technology

** Indian Institute of Information Technology

Providing more Specialised Courses in Higher Education

The State's higher education system will need to focus on providing courses that stress the development of specialised and technical skills such as computer applications or biotechnology. Professional courses in emerging areas, such as environmental management, will be introduced at the undergraduate level. The trend has already been established with the introduction of courses such as the B.C.A. (Bachelor in Computer Applications) and B.B.M. (Bachelor in Business Management). The State will also need to introduce flexibility in choosing subjects of study during undergraduate courses. This may also include allowing the transfer of credits between (related) courses. At the same time, liberal arts and science courses will need to be strengthened and redesigned.

To ensure that professional courses are in tune with industry requirements, colleges should keep track of the demand and supply of various skills, the remuneration and placement records of their students and redesign courses and curricula accordingly. The State will need to set up a professional body for employment-oriented education and manpower research and planning. This body will provide regular forecasts of the manpower requirements for different sectors of education.

To become major centre for high quality professional education, Andhra Pradesh needs to set up several 'Centres of Excellence' mainly in the areas of information technology, medicine, construction, horticulture, management education, biotechnology and pharmaceuticals research. These Centres will help to build expertise in the State, allowing it to take an early lead in new areas of economic growth.

Involve the Private Sector in Higher Education

Given the magnitude of the tasks involved, the Government will not be able to undertake all the interventions required to strengthen education in the State on its own. It will, therefore, need to actively encourage private investors to partner its efforts, particularly in strengthening higher education. However, while encouraging a private sector role in higher education, the Government will continue to ensure access to higher education for the poor, women, minorities, disadvantaged groups, and residents backward regions. It will also continue to prudently regulate quality and administrative standards.

- Encouraging private investment: to enable the entry of the private sector, the Government will need to offer appropriate incentives and support, and an appropriate regulatory climate. To enable investment by professionals and other individuals, who

may have rich experience in higher education but no access to finance, the State will provide the education sector with a status that qualifies it for credit from banks and financial institutions.

- Ensuring access for the poor and disadvantaged groups: The development of higher education through private investment will necessarily increase its costs. This could make private education expensive for poorer sections; a key concern the Government will address. To make education accessible to all, the Government will create a fund to finance higher education for poor, meritorious students and continue to provide scholarships for students from poorer and disadvantaged sections of society. The government will also rely on mechanisms like loans, grants and work-study schemes. In addition, initiatives earlier, such as setting up colleges to benefit the poorer and backward sections of the society and cater to students in remote, rural areas or women in minority-dominated areas, will also provide the poor and disadvantaged groups with access to higher education.
- Regulating quality and administrative standards: The Government will ensure quality in higher education in several ways. First, it will set administrative standards for educational institutions (for example, on the minimum qualifications of a teacher, tuition fees, etc.) and strengthen their observance to protect the interests of all stakeholders (parents, children, teachers and employers). This will include strengthening the enforcement of the Andhra Pradesh Education Act, 1982. Second, the Government will play a proactive role in identifying emerging areas of economic importance for the State and the nation and encourage the upgrading of curricula to incorporate these areas. It will also provide technical assistance for curriculum development. Third, the State will play a proactive role in training teachers for both private and government institutes. A teacher's academy, to be set up for this purpose, will provide both orientation as well as refresher training courses in existing and new areas of education. Finally, the Government will continue to ensure the quality of education through accreditation and other evaluation systems. Accreditation will be made compulsory, and accreditation guidelines will be strictly enforced.

For Government College, the state will focus on upgrading infrastructure, ensuring quality through strict accreditation or affiliation guidelines, and improving the delivery of education, for instance, by introducing accountability. Teachers will be made accountable for their performance through mechanisms such as research requirements (to ensure

professional development and the growth of the discipline) and student assessment.

Managing and Funding Education More Effectively

To achieve Vision 2020 for education, the Government will need to institute systems for effectively managing the education system and for managing its budget to ensure the best use of funds.

Instituting Management System

The first step in strengthening the management of the education system will be decentralising the management of primary and secondary education. Going forward, School Committees and the Panchayat Education Committees will manage school with the help of local bodies at the village, mandal, and district level. The responsibilities of these bodies will include:

- Undertaking appropriate measures to encourage parents to send their children to school, including incentives for keeping children in school and disincentives for making children work.
- Ensuring good performance by the school and students.
- Encouraging local youth to become Education Volunteers, perhaps on payment of a fixed honorarium.
- Determining the school calendar and school timing subjects to guidelines from the Education Department and the District Education Board.
- Helping to augment infrastructure and supplement school resources.
- Reviewing monitoring all school programmes.

Apart from rationalising management, reducing duplication, and improving co-ordination, this approach will also foster community participation.

Since the State will always have a role to play in education, its policy-making capability will need to be strengthened. Furthermore, all education will have to be integrated into one department, and information systems to track performance, for instance, on increasing literacy, will have to be set up. This information will then have to be communicated to the public to ensure that performance remains up to standard. Priorities will need to be rigorously and consciously planned every year.

Managing the Budget

The State budget will reflect the Government's concern over education. Since education will need to be emphasised, spending on the sector will need to be increased from the current 14 per cent to between 17-20 per cent of the budget. Furthermore, spending across different sectors of education will need to be aligned with State priorities. Thus, a disproportionately high share of the budget will have to be invested initially in primary education and subsequently in secondary education. The funding of higher education will need to be limited to operating select college, while ensuring access for disadvantage groups. In general, higher education institutions will have to become more self-financing.

Consequently, a range of measures will need to be introduced to ensure that higher education institutions can indeed become self-financing. Today, higher education is funded through substantial grants from the State. Government-aided colleges need to be encouraged to recover costs through higher fees or alternatives like providing consulting services. Operational autonomy, e.g. in recruitment, should be provided to facilitate better management. Eventually, funding support need to be progressively shifted from college grants towards targeted student scholarships. At the same time, affirmative action for meritorious students from disadvantaged groups and backward regions will need to be continued.

By creating a progressive and well-managed education system, Andhra Pradesh will transform itself into a knowledge society and provide a huge impetus to economic growth.

ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

1. ABSTRACT - Secretariat - Allotment of subject “Child Labour Rehabilitation” to Women Development & Child Welfare Department - Orders - Issued.

GENERAL ADMINISTRATION (AR&T-I) DEPARTMENT

G.O.Ms. No. 194

Dt: 13-3-1997

Labour Employment, Training & Factories Department,

U.O.No.IS/Lab.IV/A1/96-6, dt.29.4.97.

ORDER:-

The subject “Child Labour Rehabilitation” is hereby allotted to the women Development and Child Welfare Department at Secretariat with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNMENT
OF ANDHRA PRADESH)

Dr. M.S.RAJAJEE
CHIEF SECRETARY TO GOVERNMENT.

To
The Women’s Development & Child Welfare Deptt.
XX XX XX

//TRUE COPY//

SECTION OFFICER

2. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

Establishment - Women Development and Child Welfare (OP) Department Transfer of Subject "Child Labour Rehabilitation" to Women Development and Child Welfare Department- Allotment to Director of Welfare of Handicapped, Hyderabad - Orders - Issued.

WOMEN DEVELOPMENT AND CHILD LABOUR WELFARE (OP) DEPARTMENT

G.O.Ms. No.41

Dated: 26-5-97

G.O.Ms.No.194 (GA AR&T) Department, dt.13-5-97.

ORDER:-

In pursuance of the orders issued in the reference read above, the subject "Child Labour Rehabilitation" is allotted to the Director of Welfare of Handicapped at Head of Department level.

He is requested to take over all the files and papers pertaining to the above subject from the Commissioner of Labour, Hyderabad, immediately under the intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHANDANA KHAN
SECRETARY TO GOVERNEMENT

The Director, Welfare of Handicapped, Hyderabad,
The Commissioner of Labour, Hyderabad,
G.A. (AR&T) Department,
The H.G.A.P., Hyderabad,
P.S. to Minister for (Tribal Welfare and Physically Handicapped)
All Departments of Secretariat,
CF/SC.

SECTION OFFICER

3. GOVERNMENT OF ANDHRA PRADESH WOMEN DEVELOPMENT AND CHILD LABOUR WELFARE (OP) DEPARTMENT

G.OR.No.48.

Dated: 26-5-97

Sub : WD&CW (OP.A1) Department - Transfer of subject "Child Rehabilitation" to W.D. & C.W. Department and Allotment of subject to W.H. (A2) Section - Orders - issued.

Ref : O.O.Rt.No. 134, WD&CW (OP) Department - dt. 5-11-96
2. G.O.Ms.No.194, GA (AR&T) Department, dt. 13-5-97.

* * *

In the reference 2nd read above, the subject "Child Labour Rehabilitation" was allotted to Women Development and Child Welfare Department from Labour, Employment, Training and Factories Department level.

The subject "Child Labour Rehabilitation" is allotted to Welfare of Handicapped (A2) Section in addition to the subjects already allotted in the G.O. Ist read above.

The S.O. (W.H.) is requested to take over the records pertaining to the above subject from LET&F Department immediately.

CHANDANA KHAN
SECRETARY TO GOVERNMENT

To
The GA (AR&T) Dept.,
The WH Section, WD&CW Deptt.,
The Director -Welfare of Handicapped, Hyderabad,
All Sections in this Department,
The Tappal Clerk,
HODs under administrative Control of WD&CW
SC/SF

//FORWARDED BY ORDER//

SECTION OFFICER

4. ORDERS OF THE ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

Women's Development & Child Welfare Child Labour Rehabilitation - Constitution of District Child Labour Rehabilitation - 'Society for the National Child Labour Project' - Redesignated as "District Child Labour Rehabilitation -cum-Welfare Fund-cum-National Child Labour Project Society" - Orders - Issued.

WOMEN'S DEVELOPMENT AND CHILD WELFARE (W.D.DESK) DEPTT.

G.O.Ms. No. 43

Dt: 31-5-1997

From the Scy., Ministry of Labour, Govt. of India, New Delhi,
D.O.Lr. S-27016/4/96/ CL, dt. 26.12.96.

The Hon'ble Supreme Court of India in its Judgement dated 10th December, 1996 W.P. (Civil) No. 445/96 among several other directions also issued directions to constitute a fund called the District Child Labour Rehabilitation -cum- Welfare Fund. In this connection it is found that for the purpose of Child Labour Project already a Society has been constituted in the Districts with an Executive Committee under the Chairmanship of District Collectors. Therefore constituting a separate Child Labour Rehabilitation Fund at District Level is, considered not necessary.

2. Government taking into consideration all these facts, and keeping in view of the directions of the Supreme Court, have decided to re-designate the existing 'Society for the National Child Labour Project' as District Child Labour Rehabilitation-cum-Welfare Fund-cum-National Child Labour Project Society", in each District. The Collector of the District will be its Chairman and the other Executive members of the society will be the same as now existing in the National Child Labour Project Society except that the Asst. Director, Welfare of Handicapped, wherever he is not a member

will be nominated by the Collector to this Executive Committee, as a Member Secretary for Managing the Fund, as well as the National Child Labour Project Director of the Society.

3. In the District where no National Child Labour Project is existing, separate orders are issued in G.O.Ms. No.44, W.D.&.C.W. (W.D.DESK) Department, dt. 31.5.97 constituting the District Child Labour Rehabilitation-cum-Welfare Fund.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF AN DRA PRADESH)

CHANDANA KHAN
SECRETARY TO GOVERNMENT

To

The Commissioner of Labour, Hyderabad

The Director, welfare of Handicapped, Hyderabad

The Director, Women's Development & Child Welfare, Hyderabad

The All Collectors

The Members Concerned

The Accountant General, A.P. Hyderabad.

The Information & Public Relation, Department

The Secretary, Ministry of Labour, Government of India, New Delhi

Copy to:

P.S. to C.M.

P.S. to C.S.

P.S. to Minister (Lab.)

P.S. to Minister (TW&W)

P.S. to Secretary. W.D. &. C.W.Deptt.

sf/sc.

// FORWARDED BY ORDER //

DESK OFFICER

5. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

W.D. & .C.W. - Child Labour -Constitution of District Child
Labour Rehabilitation -cum-Welfare Fund - Orders - Issued

WOMEN'S DEVELOPMENT AND CHILD WELFARE (WH.DESK) DEPARTMENT

G.O. Ms.No.44

Dated: 31-5-1997

Read:

From the Secy., Ministry of Labour, Govt. of India, New Delhi,
D.O.No.S-27016/4/96-CL, dt.26.12.96.

* * *

ORDER:-

Government after careful examination, decided to constitute a fund called the District Child labour Rehabilitation -cum-Welfare Fund at the District Level in the Districts of Adilabad and Mahaboobnagar under the Chairmanship of the respective Collector. The Collector shall open an account in a Nationalised Bank in the name of "Child Labour Rehabilitation-cum-Welfare Fund" and the same shall be operated either by the District Collector or by a nominee of the District Collector.

The District Collector shall constitute an Advisory Board with the following:-

- | | |
|-------------------------------------|--------------------|
| 1. District Collector | - Chairperson |
| 2. Jt. Collector | - Vice Chairperson |
| 3. Executive Officer Zilla Parishad | - Member |
| 4. Project Officer, D.R.D.A. | - Member |
| 5. District Education Officer | - Member |
| 6. District Social Welfare Officer | - Member |
| 7. District Tribal Welfare Officer | - Member |

- | | |
|--|---------------------|
| 8. District B.C. Welfare Officer | - Member |
| 9. District Women Child Welfare Officer | - Member |
| 10. Asst. Commissioner of Labour | - Member |
| 11. Asst. Director Welfare of Handicapped | - Member/ Secretary |
| 12. Two Non-Governmental Organisations
Representatives members to be nominated
by the District Collectors. | - Member |

The Advisory Board shall manage the affairs of the fund and take appropriate action for rehabilitation and Welfare of the Child withdrawn from hazardous occupations.

(BY ORDER AND IN THE NAME THE OF THE GOVERNOR OF
ANDHRA PRADESH)

CHANDANA KHAN
SECRETARY TO GOVERNEMENT

To

The Commissioner of Labour, Hyderabad.

The Director, Welfare of Handicapped, Hyderabad

The Director, Women's Development & Child Welfare, Hyderabad

The All Collectors

The Members concerned

The Accountant General, A.P., Hyderabad

The Information & Public Relation Department

The Secretary, Ministry of Welfare, Government of India, New Delhi

Copy to:

P.S. to Chief Minister

P.S. to Chief Secretary

P.S. to Minister (Lab)

P.S. to Minister (TW&W)

P.S. to Secretary, W.D.& C.W.

sf/Sc

//FORWARDED BY ORDER//

DESK OFFICER

6. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

Women Development and Child Welfare (CL) Department - Rehabilitation of Child Labour withdrawn from the hazardous and non-hazardous industries in the State - Implementation of Integrated Project for Child Labour - Orders - Issued.

WOMEN'S DEVELOPMENT AND CHILD WELFARE (CHILD LABOUR) DEPARTMENT

G.O. Ms.No.90

Dated: 23-9-1997

Read the following:-

1. G.O.Ms.No.48, WD&CW (Prog) Dept., dt. 11-9-96
2. G.O.Ms.No.8, WD&CW (Prog) Dept., dt. 20-2-97
3. G.O.Ms.No.17, WD&CW (Prog) Dept., dt. 12-3-97
4. G.O.Ms.No.32, WD&CW (Prog) Dept., dt. 5-5-97
5. G.O.Ms.No.78, WD&CW (Prog) Dept., dt. 30-8-97
6. Supreme Court Judgement dt. 10-12-96

* * *

ORDER: -

In pursuance of the directions of Supreme Court of India dt. 10-12-96 on child labour, the State Government conducted survey in all the Districts to identify child labour in not only hazardous but also non-hazardous occupations/processes. The survey teams have surveyed 11,845 hazardous industries and 147560 non hazardous establishments/occupations totaling 1,59,405 establishments, 7,769 child labour are found employed during the survey in hazardous occupations and 39000 children are found employed in non-hazardous industries. Out of the total numbers of child labour 7769 in hazardous occupations, 6826 children are girls and out of 39000 child in non-hazardous occupations, 8040 children are girls.

2. The results of the survey indicate that there are 1546 girls in the age group of 5-10 years and 5280 girls are in the age group of 11-14 years in hazardous industries. The girl child labour withdrawn from the hazardous, non-hazardous employment should

be given an opportunity to improve their skills by imparting training. Keeping in view of the complex problems of girl child labour, Government has prepared Integrated projects for girl child labour to rehabilitate them in vocational training in Telugu Bala Mahila Pragati Pranganams of each District. An integrated project for girl child labour has been prepared for Karimnagar which would be the model in all Telugu Bala Mahila Pranganam buildings of Districts, having sufficient infrastructure and spacious buildings to impart training to 100 girl child labour in each pranganams.

3. Government has already nominated officers for supervision and conducting the workshop at TBMPP concerned District and monitoring the Implementation of the Integrated Project for girl child labour in each District vide G.O. 5th read above.
4. This scheme will cover minimum 100-girl child labourers in each TBMPP and the M.D., APWCFC, LTD., shall take necessary immediate action to implement the scheme in the respective pranganams in the states.
5. The Government after careful consideration hereby accord sanction for incurring an expenditure of Rs. 1.00 crore for implementation of Integrated Project for girl child labour, out of the funds released in the G.O India's 1st, 2nd, 3rd, 4th and 5th read above under the girl child protection scheme.
6. The expenditure sanctioned above shall be debited to the Head of Account "2235 – Social Security and Welfare – 102 Social Welfare – M.H. 102 Child Welfare – Schemes included in plan – SH (15) Girl Child Protection Scheme (090/092) – other Grant-in-aid".
7. The Asst. Secretary to Government, Women Development and Child Welfare (ICDS) Department shall draw the amount and place it at the disposal of Managing Director, A.P. Women Cooperative Finance Corporation Ltd. Hyderabad by proffering adjustment bill to the P.D. Account of Andhra Pradesh Women Cooperative Finance Corporation Ltd., Hyderabad.
8. This issues with the concurrence of Finance Planning (EW.EBS. XII) Department vide their U.O.No. Fin.(EBS-XII) W.D.&U.W.U.O.No. 84/396/97-1, 19-9-97

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHANDANA KHAN
SECRETARY TO GOVERNMENT

To

Managing Director,

A.P. Women Cooperative Finance Corporation Ltd., Hyderabad

All Project Officers of Pranganams,

The Directors, Women Development and Child Welfare Dept.,

All Officers of Integrated Projects

Copy to:-

P.S. to Chief Minister,

P.S. to Minister (WD&CW)

P.S. to Minister (Labour)

Commissioner of Labour,

Director of Welfare of Handicapped

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

7. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

WD&CW (C.L.)Dept.-Nomination of Director W.H. as Nodal Officer for proper monitoring and implementation of directions of Supreme Court on Child Labour Rehabilitation – Orders – Issued.

WOMEN'S DEVELOPMENT AND CHILD WELFARE (C.L.) DEPARTMENT

G.O.Rt.No.53

Dated 11.02.1998

Read the following:-

- 1) G.O. Ms. No.194, G.A.(AR&T) Dept. dt.13.5.97
- 2) G.O. Ms. No. 41 WD&CW(OP) Dept. dt.26.5.97
- 3) G.O. Ms. No.43 WD&CW (WH Desk) Dept. dt.31.5.97
- 4) From the Director, Welfare of Handicapped,
- 5) Lr.No.A1/3066/97, dt.24.1.98.

The subject Child Labour Rehabilitation was allotted to the Director, Welfare of Handicapped at the Heads of Department level vide reference 2nd read above.

Orders were issued in the reference 3rd read above for constituting District Level Executive Committee under the chairmanship of District Collectors and the Assistant Directors, Welfare of Handicapped wherever he is not a member in the Executive Committee will be nominated by the Executive Committee as a Member Secretary for Managing Welfare Fund, as well as Project Director of the National Child Labour Projects in the District.

The Director, Welfare of Handicapped has represented that the agencies working

on Child Labour Rehabilitation are not providing full information to her office inspite of repeated requests on the important matters pertaining to Child Labour Rehabilitation and requested to issue detailed orders stipulating the functions of the Director, Welfare of Handicapped for effective supervision and monitoring the Child Labour Rehabilitation issues.

After careful examination, the Government hereby nominate the Director, Welfare of Handicapped as State Coordinator of National Child Labour Projects in the State for monitoring and supervising the issues relating to Child Labour Rehabilitation. The following functions are assigned to the State Co-ordinator:-

1. Any matter relating to re-survey of Child Labour Rehabilitation.
2. To supervise the action taken in respect of Child Labour withdrawn from Hazardous/Non-Hazardous industries and report to Government.
3. To supervise the Fund released by Government for Child Labour Rehabilitation from time to time.
4. To monitor the cases relating to alternative employment to the parents of the child labour withdrawn.
5. To monitor the recovery of Rs.20,000/- as compensation as per the directions of the Supreme Court from the employers who have violated the directions of the Supreme Court in consultation with the Inspectors appointed under section 17 of child labour (P&R) Act, 1986.
6. To assess, the progress achieved by the National Child Labour Projects in the State in admitting the Child Labour withdrawn into the special schools/formal education system.
7. To obtain quarterly progress report from the Project Director, National Child Labour Project from the Districts and to furnish consolidated report to Government.
8. To send supplementary budget estimates on child labour rehabilitation from time to time in consultation with Fin.& Plg. Department.

The District Collectors and Project Directors, National Child Labour Projects are requested to extend Co-operation to the Director, Welfare of Handicapped in furnishing upto date information on Child Labour Rehabilitation.

These orders shall come into force with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHANDANA KHAN
SECRETARY TO GOVERNMENT**

To
The Director, Welfare of Handicapped, Hyderabad
All the District Collectors
All the Project Directors, National Child Labour Projects.

Copy to:

The Joint Secretary to Govt. of India
Ministry of Labour, Shram Shakti Bhawan
New Delhi
The Commissioner of Labour, Hyderabad
All Departments of Secretariat
All Sections, W.D. & C.W. Dept.
The P.S. to Minister (Labour)
The Managing Director, Andhra Pradesh Women's Cooperative
Finance Corporation Ltd. Hyderabad
General Administration (I&PR) Department
S.F./S.C.

//FORWARDED BY ORDER//

SECTION OFFICER

8. GOVERNMENT OF ANDHRA PRADESH HANDICAPPED WELFARE DEPARTMENT

From

Dr. N. Sailaja, M.Sc., Ph.D.,
Director,
Welfare of Handicapped,
6th Floor, Chandravihar,
M.H. Road, Hyderabad –500 001

To

The Secretary to
Women's Development and
Child Welfare Department
A.P.Secretariat
Hyderabad

Lr. No.A1/3066/97, dated 7.3.1998

Madam,

Sub: Elimination of Child Labour – Certain
Policy decisions – Request – Regarding

I am to state that Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986, prohibits the engagement of children in the occupations set forth in part 'A' of the schedule or in any work wherein any of the processes set forth in Part B of the schedule, Section 6 of the same Act regulates the working conditions of the children engaged in activities other than listed in Part-A and Part-B of the schedules under section-3. However, section 20 of the Andhra Pradesh Shops & Establishments Act, 1988 prohibits the engagement of children in all kinds of establishments. They are —

1. Shop
2. Commercial establishment
3. Hotel, Restaurants, catering House, Lodging and café.
4. Theatres, cinema and other places of public amusements.

Any employer who contravenes Section 20 of A.P. Shops & Establishments Act, 1988 will be punished with a fine which may extend to fifty rupees. For a second offence

with fine which shall not be less than one hundred rupees but which may extend to two hundred rupees and for the third or subsequent offences, with a fine which shall not be less than two hundred and fifty rupees but which may extend to rupees five hundred (Rule 34 of the A.P. Shops & Establishments Act, 1998, Rules, 1990.)

The above laws clearly spell out the intentions of the Government of Andhra Pradesh towards banning of child labour in as many vocations as possible.

In the light of latest Supreme Court judgement in W.P. No.465/96 © the responsibility of the State Government increases in the elimination of child labour.

In view of the above, it is imperative to undertaken multipronged measures in order to deal with the complex problem of 'Child Labour'. Besides enacting laws, strengthening supervisory mechanisms probably we may have to touch upon the various other methods whereby we can impose checks, obligations and sensitise the various sections of the Society. As the saying goes that "Charity should begin at home", probably it is time for us to concentrate on the measures which eliminates the engagement of child labour by the Government personnel and in Government activities and premises. To begin with we may have to issue clear cut Government orders saying that:

- 1) Government Employees (State Government Employees, Central Government Employees working in Andhra Pradesh, Employees of all public undertakings, Government Corporations etc) cannot engage children in their houses for wages as domestic servants.
- 2) To ban engagement of children by the Contractors when they are doing Government work i.e. construction of roads, Government buildings etc.Relevant undertakings should be taken from the contractors in their application form itself, that they should not engage children in their contract work. And if they are found engaging children, Government may be given powers to cancel the contract work besides undertaking penal action.
- 3) Banning of engagement of children in canteens, hotels located in the Government office complexes.

In fact, as per Section 20 of A.P. Shops and Establishments Act, this is already banned. However, Government may have emphasised for this in its order along with penal actions and cancellation of contracts if children are found engaged.

These kinds of measures would clearly portray the intentions and seriousness of the Government towards the elimination of child labour. They further give space and moral confidence to the Government for more effective advocacy for elimination of child labour in the remaining sectors in a gradual manner.

In view of the above, I request the Government to issue necessary orders at the earliest.

Yours faithfully

DIRECTOR

9. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

CONTINGENCY FUND – Advances for meeting unforeseen expenditure-Sanctioned.

FINANCE & PLANNING (FW:BG) DEPARTMENT

G.O. Rt. No. 847

Dated :- 07.04.1998

ORDER

The Government of Andhra Pradesh hereby authorizes the sanction of an advance of Rs. 21,00,000/- (Rupees Twenty One Lakhs only) from the contingency Fund of the State of Andhra Pradesh for the purpose of meeting the expenditure to be incurred on the scheme mentioned in the Annexure pending authorization of the expenditure by the Legislature.

2. The advance now sanctioned and the expenditure to be incurred against it shall be accounted for as indicated in Rule 6 of the Andhra Pradesh Contingency Fund Rules.
3. The Accountant General, A.P. Hyderabad shall maintain separate classified and consolidated abstracts for recording the expenditure met out of the advances from the Contingency Fund. The Drawing Officer shall quote the number and date of the order sanctioning the scheme and this order on all bills relating to the scheme and also indicate therein prominently that the expenditure is met from the Contingency Fund.
4. The Drawing Officers shall furnish the particulars of advance sanctioned, drawal of amounts i.e. the amount drawn, the voucher number and date, name of the treasury and head of account to the Accountant General, A.P., Hyderabad and to the Finance & Plg. (FW) Dept., immediately after the amount is drawn. The Department of Secretariat are also requested to furnish these particulars while sending the proposals for obtaining supplementary grant towards recoupment of advance to the Contingency Fund.

5. This advance from the Contingency Fund will lapse soon after the Appropriation Bill relating to the regular Annual Budget or the Supplementary Estimate where this advance is included towards recoupment to the Contingency Fund is passed by the Legislature.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH).

D.SUBBARAO
SECRETARY TO GOVERNMENT

To

The Accountant General, A.P., Hyderabad (10 copies).

The Pay and Accounts Officer, Hyderabad.

The Director of Treasuries and Accounts, A.P. Hyd.

The Director Women Development & Child Welfare, A.P., Hyd.

The All District Treasury Officers.

The Women Development & Child Welfare Department.

The Finance & Planning (FW.EBS.W.D.C.W & L) Department.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

Reference to the G.O. sanctioning the Scheme	Description of the Scheme	Head of Account	Amount of Advance Sanctioned Rs.
G.O. Ms.No.61, WD&CW Department Dt. 03.07.1997	WD&CW-Child Labour rehabilitation release of funds to the District Collectors for survey and Rehabilitation of Child Labour-Orders-Issued.	2235 Social Security and welfare 02 Social Welfare MH 102 Child Welfare Schemes included in the Plan SH (16) Rehabilitation of Child labour 340 other charges 342 other expenditure (charged).	Rs.21,00,000/-

10. GOVERNMENT OF ANDHRA PRADESH WOMEN DEVELOPMENT AND CHILD WELFARE (WH) DEPARTMENT

Memo. No. 1607/CL/98-6

Dt. 22-05-1998

Sub: - W.D. & C.W. (CL) Department – Advance for meeting unforeseen expenditure on Child Labour Rehabilitation in the State - Issue of specific authorisation to the District Collectors to draw Rs. 1.00 lakh to each District Child Labour-cum-Welfare Fund (except Adilabad & Mahaboobnagar).

Ref:- G.O. Rt. No. 847, Fin & Plg. (FW.BG) Dept. dt. 16-4-98
2. Govt. Memo No. 1807/CL/98-5, dt. 22-5-98

* * * * *

Copies of the reference cited, are communicated to the Director of Treasuries & Accounts, Hyderabad. He is requested to issue specific authorisation to the District Collectors to draw Rs. 1.00 lakh to each district and deposit into District Child Labour Rehabilitation-cum-Welfare Fund for implementation of directions of Supreme Court for survey and rehabilitation of child withdrawn from the hazardous occupations.

CHANDANA KHAN
SECRETARY TO GOVERNMENT

To
The Director of Treasuries & Accounts, Hyderabad (w.e.)
Copy to all Collectors,
(except Adilabad & Mahaboobnagar)
The Director, W.H. , Hyderabad
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

II. GOVERNMENT OF ANDHRA PRADESH WOMEN DEVELOPMENT, CHILD WELFARE & DISABLED WELFARE (WDCW&DW) DEPARTMENT

Memo No. 534 /CL/98-

Dated :- 21-8-98

SUB :- WDCW&DW(CL) Department-Instructions on posting of Full time Project Directors to National Child Labour Projects-Reg.

1. During the discussions with Secretary to Government of India, Ministry of Labour a suggestion has been made for posting regular Project Directors to National Child Labour Project instead part time officers.
2. Government hereby issue the following instructions to be followed indicate that when ever
 1. Assistant Director, (Welfare of Handicapped) is holding charge of Project Director, National Child Labour Project, and working efficiently, they may be continued.
 2. Where Asst. Director(WH) is not discharging duties of Project Director, National Child Labour Project properly collector may appoint a full time Project Director, and
 3. When Project Director is from some other department, and is working well, he may be continued, but where Project Director from other Department is not working well, charge may be given to Assistant Director, Welfare of Handicapped.

3. The Director, Disabled Welfare is requested to take necessary action accordingly under intimation to the Government.

RADHA RATURI
JOINT SECRETARY TO GOVERNMENT

To

The Director, Disabled Welfare, Hyderabad.

The Managing Director, A.P. Women Cooperative Finance Corporation Ltd., Hyderabad.

All District Collectors.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

12. GOVERNMENT OF ANDHRA PRADESH SOCIAL WELFARE DEPARTMENT

From	To
Sri A.K. Tigidi,	The Principal Secretary to Govt.
Commissioner of Social Welfare	Social Welfare Department,
A.P. Hyderabad	Hyderabad

Lr.Rc.No.F/16527/9, dt.4.1.99

Sir,

Sub:- SOCIAL WELFARE DEPARTMENT - Back to school programme
Conducting of intensive Summer Coaching Camps from 14.4.1999 onwards
for a period of 2 months for SC working children (Dropouts and those who
have never attended school) in all the Districts – Proposals – submitted –
Regarding

I invite kind attention of the Government to the reference (1) cited wherein orders were issued by the government to all the district collectors in the state for conducting intensive summer coaching camps from 14.4.98 to 14.6.98 under Back to school programme. Accordingly 1063 Back to School centres were opened by enrolling 1,20,626 SC/ST children who were either school dropouts or had never attended school and they were also admitted in the regular schools after completion of the summer coaching camps.

According to the data furnished by the Director of School Education the dropout rate of SC children in class I to V on an average is still 54.10% in the state for the year 1997-98. There are 7,24,979 SC children who were dropped out from the school in the classes 1 to 5 in the state. The Centre for Public Policy Studies, Hyderabad has conducted an evaluation study of Back to School programme- 1998 and recommended that the programme needs to be continued for the next 2 to 3 years. Hence it is necessary to continue Back to School programmes during the summer starting from 14.4.98 onwards for a period of 2 months in Social Welfare hostels for 2.00 lakh SC working children

who have either never attended the school or have been dropouts and to prepare them for admission into schools depending on their age, their capacity to learn and reach the required academic standards. Detailed guidelines along with the calendar for implementation of back to school programme during the summer 1999 are shown in the annexures I and II.

The budget required for taking up Back to School Programme for 2.00 lakh children is worked out and shown in annexure III. Government has already released an amount Rs.8.00 crores from the current year's budget for implementation of Back to School Programme out of which an amount of Rs.57.50 lakhs has already been incurred for the programme conducted in the last year. In addition to the balance amount available in this office, an additional amount of Rs.5.33 crores is required and I request the Government to provide the additional amount of Rs.5.33 crores for conducting back to school programme during the current year.

Yours faithfully,

Sd/-

For Commissioner of Social Welfare

13. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

Women's Development, Child Welfare and Disabled Welfare (CL) Department-State Level Monitoring Committee for the overall supervision, monitoring and evaluation of National Child Labour Project – Constituted-Orders-Issued.

WOMEN'S DEV. CHILD WELFARE & DISABLED WELFARE (CL) DEPARTMENT

G.O. Rt. No. 278

Date :- 02.07.1999

From the Joint Secretary to G.O.I., Ministry of Labour, New Delhi, D.O.Lr. No. H-11013/3/98-CL, Dt. 19-05.99.

ORDERS

In the D.O.Labour, read above, the Government of India, Ministry of Labour, New Delhi have constituted a Central Monitoring Committee for the overall supervision, monitoring and evaluation of the National Child Labour Project and also requested the State Government to constitute a State Level Monitoring and evaluation of the National Child Labour Project at State Level.

2. Accordingly the Government hereby constitute a "State Level Monitoring Committee" with the following members:-

- | | | | |
|----|---|---|-------------|
| 1. | Secretary to Government
WD,CW &DW Department | - | Chairperson |
| 2. | Commissioner,
Labour Department, Hyderabad | - | Member |

- | | | | |
|-----|--|---|------------------|
| 3. | Secretary/Commissioner
School Education, Hyderabad | - | Member |
| 4. | Commissioner,
Women's Dev. & Child Welfare,
Hyderabad. | - | Member |
| 5. | Commissioner,
Rural Development, Hyderabad. | - | Member |
| 6. | Commissioner,
Disabled Welfare, Hyderabad. | - | Member |
| 7. | Director,
Andhra Pradesh Academy of Rural
Development, Rajendranagar, Hyderabad. | - | Member |
| 8. | Project Director,
District Primary Education Project,
Hyderabad. | - | Member |
| 9. | Joint Secretary to Govt.,
M.A. & U.D. Department. | - | Member |
| 10. | Joint Secretary to Govt.,
WD,CW DW Department. | - | Member/Secretary |

The State Level Monitoring Committee should meet atleast twice a year preferably in June and December.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF
ANDHRA PRADESH)**

**CHANDANA KHAN
SECRETARY TO GOVERNMENT**

REFERENCE MATERIAL

To
All the Members concerned.
Commissioner, Disabled Welfare A.P. Hyd.

Copy to:
The P.S. to Minister (Labour)
The Joint Secretary to Government of India,
Ministry of Labour,
Shrama Shakti Bhavan,
New Delhi – 110 001.

All District Collectors,
All Project Directors of N.C.L.P.,
S.F/S.C.

//FORWARDED BY ORDER//

SECTION OFFICER

14. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

Re-organization of Secretariat - Transfer of subject "Child Labour" from Women Development, Child & Disabled Welfare Department to School Education Department-Orders-Issued.

GENERAL ADMINISTRATION (AR & TI) DEPARTMENT

G.O.Ms. No. 47

Dated: - 25.01.2001

Read the following: -

1. G.O. Ms. No. 194, Administration (AR&TI) Department, Dt. 13.05.1997.
2. From the Chief Secretary Note C. No. 25/CSP/N/2001, Dated 24.01.2001.

ORDER

The subject "Child Labour" hitherto being dealt with in Women Development, Child & Disabled Welfare Department is allocated to School Education Department with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.V. RAO

CHIEF SECRETARY TO GOVERNMENT

To

The Women Dev, Child & Disabled Welfare Department

The School Education Department

All Departments of Secretariats

All Heads of Department.

Copy to: -

P.S. to Secretary to Govt., School Education Deptt.

P.S. to Secretary to Govt., WDC&DW Deptt.

P.S. to Principle Secretary to Govt., Finance & Planning. (FW) Deptt.

The Finance & Planning (FW.Expenditure) Department

The Finance & Planning (Budget) Department

The General Administration (Cabinet) Department

The Accountant General A.P. Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

P.S. to Chief Secretary/Secretary (Ser.), General Administration Department.

//FORWARDED BY ORDER//

SECTION OFFICER

15. ORDERS OF ANDHRA PRADESH GOVERNMENT ON CHILD LABOUR

The appointment of Inspectors and fixation of their local limits under certain Labour Legislations for enforcement of provisions relating to Child Labour.

EDUCATION (PROG. II) DEPARTMENT

G.O.M No. 80

Dated: - 03.07.2001

- 1). G.O.Ms. No. 11, LET&F (Lab.IV), dated 12.03.1998.
- 2). G.O.Ms. No. 47, G.A. (AR &T), department, dated 25.01.2001

ORDER

The following notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by section 17 of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act No. 61 of 1986), section 57 read with section 20 of the A.P. Shops and Establishments Act 1988 (Act 20 of 1988), sub-section (1) of section 8 read with section 67 of the Factories Act, 1948 (Central Act LXIII of 1948), sub-section (1) of section 4 read with section 21 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961) and section 6 read with section 24 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966) and in partial modification of the notification issued in G.O.Ms. No.11, Labour, Employment, Training and Factories (Lab-IV) Department, dated the 12th March, 1998, the Governor of Andhra Pradesh hereby appoints the officers mentioned in the column (2) of the annexure appended to this notification as 'Inspectors' for the purpose of the implementation of the said Acts and for the local limits (jurisdiction) as specified in column (3) thereof.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF
ANDHRA PRADESH)

I.V. SUBBA RAO
SECRETARY TO GOVERNMENT

To

The Commissioner of printing, Stationery & Stores Purchase,
Govt., Central Press Chanchalguda, Hyderabad, for publication of the notification in
the extra- ordinary issue of the Andhra Pradesh Gazette and requested to send 100
copies of the same.

The Director of School Education, A.P. Hyderabad.

The State Project Director (DPEP) Hyderabad.

The Commissioner of Labour Department.

The Commissioner Women Development & Child Welfare Department.

All the Regional Joint Directors of School Education.

All the District Educational Officers in the State

All the Mandal Educational Officers in the State

Copy to:-

Law (E) Department.

Legislature (Legn) Secretariat

Officer on Special Duty to Chief Minister

Private Secretary to M(SE).

Private Secretary to Minister for Labour

Private Secretary to Chief Secretary

Stock Files.

SF/Scs.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE

Sl. No.	Designation and Officers with Headquarters	Jurisdiction
(1)	(2)	(3)
OFFICE OF THE DIRECTOR OF SCHOOL EDUCATION, HYDERABAD		
(1)	Director of School Education, Hyderabad	Whole of the State
(2)	Addl. Director of School Education, Hyderabad	Whole of the State
(3)	Joint. Director of School Education, Hyderabad	Whole of the State
(4)	Dy. Director of School Education, Hyderabad	Whole of the State
(5)	Asst. Director of School Education, Hyderabad	Whole of the State
ZONE – 1 & 2		
	Regional Joint Director of School Education, Kakinada, East Godavari district	Srikakulam, Vizianagaram, Vishakapatnam, East Godavari, West Godavari and Krishna.
(1)	District Educational Officer, Srikakulam	Srikakulam district
(2)	Deputy Educational Officer, Srikakulam (Women)	Srikakulam (Women) Revenue Division
(3)	Dy. Educational Officer Tekkali	Tekkali Revenue Division
(4)	Dy. Educational Officer, Palakonda	Palakonda Revenue Division
(5)	Dy. Educational Officer Seethampeta ITDA	Seethampeta ITDA Revenue Division
(6)	All Mandal Education Officers in the District	Respective Revenue Mandals
VIZIANAGARAM DISTRICT		
(1)	District Educational Officer, Vizianagaram	Vizianagaram district
(2)	Dy. Ednl. Officer, Vizianagaram (Women)	Vizianagaram (Women) Revenue District
(3)	Dy. Educational Officer Bobbili	Bobbili Revenue Division
(4)	Dy. Educational Officer, ITDA Parvathipuram	ITDA Parvathipuram Revenue Division
(5)	All Mandal Edn, Officers in the District	Respective Revenue Mandals

VISAKHAPATNAM		
(1)	District Educational Officer, Vishakapatnam	Vishakapatnam district
(2)	Dy. Educational Officer, Vishakapatnam (Women)	Vishakapatnam (Women) Revenue Division
(3)	Dy. Educational Officer, Yellamanchili	Yellamanchili Paderu Revenue Division
(4)	All Mandal Education Officers in the District	Respective Revenue Mandals
EAST GODAVARI DISTRICT		
(1)	District Educational Officer, Kakinada	East Godavari district
(2)	Dy. Educational Officer, Kakinada (Men)	Kakinada (Men) Rev. division
(3)	Dy. Educational Officer, Kakinanda (Women)	Kakinanda (Women) Rev. division
(4)	Dy. Educational Officer, Amalapuram	Amalapuram Rev. division
(5)	Dy. Educational Officer, Rajahmundry Rajahmundry Rev. division	
(6)	Dy. Educational Officer, Pithapuram	Pithapuram Revenue division
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals
WEST GODAVARI DISTRICT		
(1)	District Educational Officer, Eluru	West Godavari district
(2)	Dy. Educational, Officer, Eluru (Women)	Eluru (W) Revenue division
(3)	Dy. Educational. Officer, Tadepalliguden	Tadepalliguden Revenue division
(4)	Dy. Educational. Officer, Bhimavaram	Bhimavaram Revenue division
(5)	Dy. Educational. Officer, Tanuku	Tanuku Revenue division
(6)	Dy. Educational Officer, Koyyalagudem	Koyyalagudem Revenue division
(7)	Dy. Educational Officer, ITDA, Rampachodavaram	ITDA Ramapachodavaram Revenue division
(8)	All Mandal Ednl. Officers in the district	Respective revenue mandals
KRISHNA DISTRICT		
(1)	District Educational Officer, Machilipatnam	Krishna district
(2)	Dy. Ednl. Officer, Machilipatnam (Women)	Machilipatna (Women) Revenue Division

(3)	Dy. Educational Officer, Gudiwada	Gudiwada Revenue Division
(4)	Dy. Ednl. Officer, Vijayawada-I	Vijayawada-I Revenue Division
(5)	Dy. Ednl. Officer, Vijayawada-II	Vijayawada-II Revenue Division
(6)	Dy. Ednl. Officer, Nuzvid	Nuzvid Revenue Division
(7)	All Mandal Educational Officers in the District	Respective Revenue Mandals
ZONE - 3		
Regional Joint Director of Sch. Education, Guntur		Guntur, Prakasham and Nellore
GUNTUR DISTRICT		
(1)	District Educational Officer, Guntur	Guntur district
(2)	Dy. Educational. Officer, Guntur (Men)	Guntur Men Revenue division
(3)	Dy. Educational Officer, Guntur (Women)	Guntur Women Revenue division
(4)	Dy. Educational. Officer, Tenali	Tenali Revenue division
(5)	Dy. Educational Officer, Narasaraopet	Narasaraopet Revenue division
(6)	Dy. Educational Officer, Bapatla	Bapatla Revenue division
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals
PRAKASHAM DISTRICT		
(1)	District Educational Officer, Ongloe	Prakasham district
(2)	Dy. Educational, Officer, Ongole (Women)	Ongole (Women) Revenue division
(3)	Dy. Educational Officer, Kandukur	Kandukur Revenue division
(4)	Dy Educational. Officer, Parchur	Parchur Revenue division
(5)	All Mandal Educational Officers in the district	Respective Revenue Mandals
NELLORE DISTRICT		
(1)	District Educational Officer, Nellore	Nellore district
(2)	Dy. Educational. Officer, Nellore (Women)	Nellore (Women) Revenue Division
(3)	Dy. Educational Officer, Kavali	Kavali Revenue Division
(4)	Dy. Ednl. Officer, Gudur	Gudur Revenue Division
(5)	All Mandal Educational Officers in the District	Respective Revenue Mandals

ZONE - 4		
Regional Jt. Director of School Education, Cuddapah		Chittoor, Cuddapah, Anantapur & Kurnool
CHITTOOR DISTRICT		
(1)	District Educational Officer, Chittoor	Chittoor district
(2)	Dy. Educational Officer, Chittoor (Women)	Chittoor (Women) Revenue division
(3)	Dy. Educational Officer, Madanapalli	Madanapalli Revenue division
(4)	Dy. Educational Officer Tirupathi	Tirupathi Revenue division
(5)	Dy. Educational Officer Puttur	Puttur Revenue division
(6)	All Mandal Educational Officers in the district	Respective Revenue Mandals
CUDDAPAH DISTRICT		
(1)	District Educational Officer, Cuddapah	Cuddapah district
(2)	Dy. Educational Officer, Cuddapah (Women)	Cuddapah (Women) Revenue division
(3)	Dy. Educational Officer, Proddutor	Proddutor Revenue division
(4)	Dy Educational Officer, Rayachoty	Rayachoty Revenue division
(5)	All Mandal Educational Officers in the district	Respective Revenue Mandals
ANANTAPUR DISTRICT		
(1)	District Educational Officer, Anantapur	Anantapur district
(2)	Dy. Educational Officer, Anantapur (Women)	Anantapur (Women) Revenue Division
(3)	Dy. Educational Officer, Penukonda	Penukonda Revenue Division
(4)	Dy. Educational l. Officer, Gooty	Gooty Revenue Division
(5)	Dy. Educational. Officer, Dharamvaram	Dharmavaram Revenue division
(6)	All Mandal Educational Officers in the District	Respective Revenue Mandals
KURNOOL DISTRICT		
(1)	District Educational Officer, Kurnool	Kurnool district
(2)	Dy. Educational Officer, Kurnool (Women)	Kurnool (Women) Revenue division

(3)	Dy. Educational. Officer, Nandyal	Nandyal Revenue division	
(4)	Dy. Educational. Officer, Adoni	Adoni Revenue division	(1)
(5)	Dy. Educational. Officer, Dhone	Dhone Revenue division	(2)
(6)	All Mandal Educational Officers in the district	Respective Revenue Mandals	
ZONE-5			
	Regional Jt. Director of Sch. Education, Warangal	Warangal, Adilabad, Karimnagar & Khamman	(4) (2)
WARANGAL DISTRICT			
(1)	District Educational Officer, Warangal	Warangal district	
(2)	Dy. Educational Officer, Warangal (Women)	Warangal (Women) Revenue division	
(3)	Dy. Educational Officer, Janagaon	Janagaon Revenue division	
(4)	Dy. Educational. Officer, Parkal	Parkal Revenue division	(1)
(5)	Dy. Educational Officer, Mahabubabad	Mahabubabad Revenue division	
(6)	Dy. Educational Officer, ITDA Eturu Nagaram	ITDA Eturu Nagaram Revenue division	(2)
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals	(3)
ADILABAD DISTRICT			
(1)	District Educational Officer, Adilabad	Adilabad district	(6)
(2)	Dy. Educational. Officer, Adilabad (Women)	Adilabad (Women) Revenue Division	
(3)	Dy. Educational Officer, Laxetpet	Laxetpet Revenue Division	(1)
(4)	All Mandal Educational Officers in the District	Respective Revenue Mandals	(2)
KARIMNAGAR DISTRICT			
(1)	District Educational Officer, Karimnagar	Karimnagar district	(4)
(2)	Dy. Educational. Officer, Karimnagar (Women)	Karimnagar (Women) Revenue division	(2) (6)
(3)	Dy. Educational. Officer, Jagityal	Jagityal Revenue division	(7)
(4)	Dy. Educational. Officer, Peddapalli	Peddapalli Revenue division	
(5)	Dy. Educational. Officer, Huzurabad	Huzurabad Revenue division	
(6)	All Mandal Educational Officers in the district	Respective Revenue Mandals	(1)

KHAMMAM DISTRICT		
(1)	District Educational Officer, Khammam	Khammam district
(2)	Dy. Educational, Officer, Khammam (Women)	Khammam (Women) Revenue division
(3)	Dy. Educational. Officer, Kothogudem	Kothogudem Revenue division
(4)	Dy. Educational. Officer, Madhira	Madhira Revenue division
(5)	All Mandal Educational Officers in the district	Respective Revenue Mandals
ZONE 6 & 7 (HYDERABAD)		
Regional Jt. Director of School Education, Hyderabad		Medak, Mahaboobnagar, Nalgonda, Nizamabad and Ranga Reddy
MEDAK DISTRICT		
(1)	District Educational Officer, Sanga Reddy	Medak District Revenue division
(2)	Dy. Ednl. Officer, Sanga Reddy	Sanga Reddy (Women) Revenue Division
(3)	Dy. Educational Officer, Medak	Medak Revenue division
(4)	Dy. Educational. Officer, Jogipet	Jogipet Revenue division
(5)	Dy. Educational Officer, Siddipet	Siddipet Revenue division
(6)	All Mandal Educational Officers in the District	Respective Revenue Mandals
MAHABOORNAGAR DISTRICT		
(1)	District Educational Officer, Mahaboobnagar	Mahaboobnagar district
(2)	Dy. Educational Officer, Mahaboobnagar (Women)	Mahaboobnagar (Women) Revenue division
(3)	Dy. Educational. Officer, Narayanpet	Narayanpet Revenue division
(4)	Dy. Educational. Officer, Jadcherla	Jadcherla Revenue division
(5)	Dy. Educational. Officer, Nagarkurnool	Nagarkurnool Revenue division
(6)	Dy. Educational Officer, Gadwal	Gadwal Revenue division
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals
NALGONDA DISTRICT		
(1)	District Educational Officer, Nalgonda	Nalgonda district

(2)	Dy. Educational, Officer, Nalgonda (Women)	Nalgonda (Women) Revenue division
(3)	Dy. Educational. Officer, Miryalaguda	Miryalaguda Revenue division
(4)	Dy. Educational Officer, Suryapet	Suryapet Revenue division
(5)	Dy. Educational Officer, Bhongir	Bhongir Revenue division
(6)	Dy. Educational Officer, Devarakonda	Devarakonda Revenue division
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals
NIZAMBAD DISTRICT		
(1)	District Educational Officer, NIZAMABAD	NIZAMABAD district
(2)	Dy. Educational Officer, NIZAMABAD (Women)	NIZAMABAD (Women) Revenue division
(3)	Dy. Educational Officer, NIZAMABAD	NIZAMABAD Revenue division
(4)	Dy. Educational Officer, Nizamabad	Nizamabad Revenue division
(5)	Dy. Educational Officer, Nizamabad	Nizamabad Revenue division
(6)	Dy. Educational Officer, Nizamabad	Nizamabad Revenue division
(7)	All Mandal Educational Officers in the district	Respective Revenue Mandals
RANGA REDDY DISTRICT		
(1)	District Educational Officer, Secunderabad	Ranga Reddy District
(2)	Dy. Educational Officer, Ranga Reddy (Women)	Ranga Reddy (Women) Revenue Division
(3)	Dy. Educational Officer, Vikarabad	Vikarabad Revenue division
(4)	Dy. Educational. Officer, Rajendranagar	Rajendranagar Revenue division
(5)	All Mandal Educational Officers in the District	Respective Revenue Mandals
ZONE - 7		
Regional Jt. Director of Sch. Edn., Hyderabad		Hyderabad
HYDERABAD DISTRICT		
(1)	District Educational Officer, Hyderabad	Hyderabad district
(2)	Dy. Educational Officer, Nampally	Nampally Revenue division
(3)	Dy. Educational. Officer, Ranigunj	Ranigunj Revenue division

(4)	Dy. Educational Officer, Yakutpura	Yakutpura Revenue division
(5)	Dy. Educational Officer, Tilak Road	Tilak Road Revenue division
(6)	Dy. Educational Officer, Seetaram Bagh	Seetaram Bagh Revenue division
(7)	Dy. Educational Officer Sanathnagar	Sanathnagar Revenue division
(8)	Dy. Educational Officer Seethapal Mandi	Seethapal Mandi Revenue division
(9)	Dy. Educational Officer Musheerabad	Musheerabad Revenue division
(10)	Dy. Educational Officer Darushafi	Darushafi Revenue division
(11)	Dy. Educational Officer Shalibanda	Shalibanda Revenue division
(12)	Dy. Educational Officer Moghalpura	Moghalpura Revenue division
(13)	Dy. Educational Officer Mustaidpura	Mustaidpura Revenue division
(14)	All Mandal Educational Officers in the district	Respective Revenue Mandals

(1)	District Educational Officer, Secunderabad	
(2)	Dy. Educational Officer, Ranga Reddy (Women) Revenue Division	
(3)	Dy. Educational Officer, Vikarabad	
(4)	Dy. Educational Officer, Rajendranagar	
(5)	All Mandal Educational Officers in the District	Respective Revenue Mandals
COMMISSIONER		
Regional Jt. Director of Sch. Edu., Hyderabad		Hyderabad
" "		
(1)	District Educational Officer, Hyderabad	
(2)	Dy. Educational Officer, Nampally	
(3)	Dy. Educational Officer, Ranigunj	

NATIONAL POLICIES ON CHILD LABOUR

(a) National Child Labour Act, 1948
 (b) National Child Labour Act, 1987

Summary

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. During the 1980s, the Government of India initiated several action-oriented rehabilitation programmes to withdraw children from work and prevent them from entering the labour markets. The most significant steps in this direction was the adoption of National Child Labour Policy in 1987.

The National Child Labour Policy, 1987, has been formulated to provide a framework for withdrawing from employment and to reduce the incidence of child labour progressively through a number of measures. The three components of the policy are: Legislative Action Plan, Focusing on General Development Programmes, and Project based Plan of Action.

National Policies on Child Labour

❖ Legislative Action Plan – In this the emphasis would be 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.

❖ Focusing on General Development Programmes - In this component of the National Child Labour Policy the stress is on utilisation 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 utilised to create socio-economic

2: NATIONAL POLICIES ON CHILD LABOUR

- (a) **National Child Labour Policy, 1987**
- (b) **National Policy on Education, 1986**

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The National Child Labour Policy aimed at successfully rehabilitating child labour withdrawn from employment and to reduce the incidence of child labour progressively through a number of measures. The three main components of the policy are: Legislative Action Plan, Focussing on General Development Programmes, and Project based Plan of Action.

- ❖ Legislative Action Plan – In this the emphasis would be 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.
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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 utilised 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.

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.

Around hundred Projects are taken up in the areas of high concentration of working children with a thrust on rehabilitating children working in hazardous occupations and processes in a priority basis. The various activities included in the Plan of Action are setting up special schools/centres, stepping up enforcement; raising public awareness; strengthening formal education structure, targeting child labour families as beneficiaries for the development programmes that are being implemented, monitoring and evaluation.

National Child Labour Policy, 1987

I. National Child Labour Policy, 1987

Introduction

- 1.1 The Constitution of India, both in the Directive Principles of State Policy and as a part of the Fundamental Rights, has laid down that the State shall direct its policy towards securing that 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 vocations unsuited to their age or strength, and that children, particularly, are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Childhood and youth are to be protected against exploitation, and no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- 1.2 The National Policy for Children Resolution, adopted in August 1974, further developed the above 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 upto 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.
- 1.3 The Committee on Child Labour (Gurupadaswamy Committee), which submitted its report in December 1979, 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 has been viewed by the Government of India. The Gurupadaswamy Committee recognised 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.

1.4 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.

1.5 The recently enacted 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 kinds has its problems, it is more 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, where the possibility of children being subjected to exploitation is greater.

1.6 The national anti-poverty policies, the national education policy, the national policy on health for all and on nutrition, as also the generally stepped-up provisions in social services in national plan outlays, are all geared to tackle the problems like poverty, where too often the origins and compulsions of child labour rest. The general

raising of large number of the people above the poverty line, or the provision of the entire spectrum of improved social services in the areas above mentioned will, it is hoped, lead to progressive elimination of poverty, and consequently of the phenomena of children being put out for wage employment or quasi-wage employment at unsuitable ages. The measures to promote employment-oriented development both in rural and in urban areas, and the all-round development and extension of adequate facilities for both formal and non-formal education, vocational education and training, and in the coverage and extension of social security and family welfare measures would all go a long way to tackle the basic and root causes of child labour.

- 1.7 This action programme, therefore, has to be viewed against the above background. Specifically, the attempt is to deal with a situation where children work, or are compelled to work, on a regular or a continuous basis to earn a living for themselves and/or for their family, and where their conditions of work result in their being severely disadvantaged and exploited, and where abuses connected with such factors impacting on wage-employed children need to be given close attention by the State for rectification, amelioration and regulation through specific legal and administrative instruments and measures.
- 1.8 The future action programme is set out under the following three heads:
 - I. The legislative Action Plan;
 - II. The focusing of general development programmes, for benefiting child labour wherever possible; and
 - III. Project-based Plan of Action in areas of high concentration of child labour engaged in wage/quasi-wage employment.

II. LEGISLATIVE ACTION PLAN

- 2.1 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).
- 2.2 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 will be so requested to undertake reviews and frame rules as necessary. The Railway administration, major ports and Central and State Government departments in charge of oil-fields and mines will 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.
- 2.3 Government will also bring 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 will have to be paid the same as adults. This will remove 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 will be ensured that child labour is not discriminated against as compared to adult labour. The Central and State inspection machinery will be geared up for this purpose.

III. FOCUSING ON NATIONAL DEVELOPMENT PROGRAMMES FOR BENEFITTING CHILD LABOURERS

- 3.1 National development programmes exist with very wide coverage in areas of education, health, nutrition, integrated child development and the anti-poverty group of programmes. In order to have an impact on child labour, it will be necessary for the implementing agencies particularly under the State Governments to focus on these programmes and bring convergence so as to deliver maximum benefit to child labour, wherever possible. Some areas where such focussing could be possible are set out below:
- 3.2 **Education** : The National Policy on Education, 1986 (NPE) sets the target of all children who attain the age of 11 years by 1990 having had five years of schooling, or its equivalent, through a non-formal system of education. 4,90,000 Non-Formal Education (NFE) Centres are proposed to be opened, which will supplement the formal education system. Since the Central feature of the implementation of the strategy for non-formal education is based on micro-level and area specific and population specific planning, NFE Centres for child labour will be set up with the involvement of voluntary agencies and Panchayati Raj institutions which are capable of running Non-Formal Education Centres wherever possible to cater to child labour who, after work or during holidays, can attend the NFE Centres. Special attention will be given to attracting and retaining girls from among working children to NFE Centres. Part-time courses and vocational courses will also be catered to at these centres. Such Non-Formal Education Centres for child labour would aim to educate children upto class V level, with arrangements for continuance of non-formal education upto class VIII level, wherever possible. Where it is possible to organise such NFE centres for child labour, all the special features figuring in the Programme of Action of the NPE will be provided.
- 3.3 For child labour belonging to disadvantaged classes like SC/ST families, details of schemes of incentives/assistance to indigent SC/ST families who have to put their children to wage/quasi-wage employment will be worked out in consultation with

State Governments. For such children who come from families engaged in occupations like scavenging, flaying and tanning, scholarships will be extended, with constant micro-planning, to ensure that SC/ST child labour enrolled in non-formal education centres successfully complete the course of non-formal education upto class VIII. These are as per the specific provisions laid down in the Programme of Action of the NPE.

- 3.4 Micro-planning for non-formal education centres will have to be undertaken for child labour, especially for those belonging to such disadvantaged sections of the society as SC/ST, or in areas of known concentration of such disadvantaged groups of families.
- 3.5 In urban areas also, especially in urban slums, non-formal education programmes by both the State Governments and by voluntary agencies will be promoted, including the organisation of extra-curricular activities, diversity in learning activity and with a provision of games and sports and related equipment, plays and skits, excursions, etc.
- 3.6 The projects of voluntary agencies will be entertained for a period of 3-4 years, whether for urban or for rural areas, and while the initial proposals would be required to be sent to the State Governments, at subsequent stages, the voluntary agencies will directly approach the Department of Education for release of grants-in-aid to such non-formal education centres. The Ministry of Labour may also arrange for micro-level planning for NFE centres for benefiting child labour, and recommend these to the department of Education.
- 3.7 NREP/RLEGP funds would be used on a priority basis for creating the infrastructure for non-formal education centres catering to child labour under the overall coordination and direction of the local district level development authorities.
- 3.8 For continuing education of child labour that have been enrolled and successfully completed their period of non-formal education, efforts would be made to link the non-formal educational institutions with the open schools, or with the formal

educational system, so as to enable them to continue their education. The non-formal education programmes would also be linked with the Shramik Vidyapeeths, scheme of Public Libraries, Jana Shiksha Nilayams and vocational technical courses of a wide variety would be provided where required for, among others, working children who come from the non-formal stream.

- 3.9 **Health:** Health is a State subject, and the programmes of medical inspection of children have been assigned to the States. The progress among the various States is uneven. A few States have good programmes but many other States do not. In those States where there exists a school health service programme, many, and in some States even all, primary school-going children in the rural areas have been covered under the scheme for regular examinations. Children who do not join school would obviously not be covered by such school health programmes (where they exist). The Ministry of Health and Family Welfare will address the State Governments, recommending that intensive medical inspection of children be taken up in those areas where child labour is prevalent. The State Governments will have to be persuaded to extend the coverage of the school health services programme to child labour. Since this is an area essentially under the State sector, a continuing dialogue, effort and persuasion with the State Governments will have to be maintained so that all children, irrespective of whether they are in primary school, or at work, are covered by regular health inspection and treatment/referral services. It should be by regular health inspection and treatment/referral services. It should be possible to arrange for some health screening at NFE centres for child labour.
- 3.10 **Nutrition:** Department of Women and Child Development have an on-going programme for women and children i.e., Integrated Child Development Services which is approved on the basis of proposals by the State Government and non-governmental organisations. While it will not be possible to earmark funds specifically for child labour, proposals from state governments/non-governmental organisations and voluntary agencies in child labour areas will be funded on a priority basis and, if necessary, the rules could be relaxed to consider proposals from the organisations to be set up for taking up welfare measures for child labour also.

3.11 Anti-poverty Programmes : IRDP/NREP/RLEGP etc. funds are meant for poverty-alleviation programmes on the basis of criteria which have been laid down for the States to follow. Included in the coverage of the entire gamut of anti-poverty programmes are families which have child labour and, to the extent that such families with incidence of child labour fall within the selection criteria for endowment of income-generating assets (i.e. IRDP) or for wage employment (NREP/RLEGP) they would be benefitted by the on-going programmes which have a large corpus of funds allocated to them in the 7th Plan. To the extent, therefore, that the poorest families are often forced to send their children to work for wage/quasi-wage employment, they would be getting assistance to raise themselves above the poverty line and this, in conjunction with the non-formal education centres being opened in rural areas, slum areas etc., will go a long way towards tackling one of the basic causes of children being put to work i.e., poverty.

IV. PROJECT-BASED PLAN OF ACTION

- 4.1 It is known that there are specific sectors of employment where the incidence of child labour is high, such as:
1. Match industry in Sivakasi, Tamilnadu.
 2. Diamond polishing industry in Surat, Gujarat.
 3. Gem cutting and polishing industry in Jaipur, Rajasthan.
 4. Glass industry in Ferozabad, Uttar Pradesh.
 5. Brassware industry in Moradabad, Uttar Pradesh.
 6. Handmade carpet industry in Mirzapur-Bhadohi in Uttar Pradesh.
 7. Lock-making industry in Aligarh, Uttar Pradesh.
 8. Handmade carpet industry in Jammu & Kashmir.
 9. Slate industry in Mandsaur, Madhya Pradesh.
 10. Slate industry in Markapur, Andhra Pradesh.
- 4.2 The Child workers involved in the above-mentioned sectors of employment and geographical areas deserve priority attention because either the employment processes in which they work are prohibited under the Factories Act, or the Child Labour (Prohibition & Regulation) Act or the work is such that it is likely to affect the child's well being, particularly health and education.
- 4.3 In each of the 10 "project areas", the strategy will be to evolve a package comprising of the following elements: -
1. Stepping up the enforcement of the Child Labour (Prohibition & Regulation) Act, the Factories Act and the Mines Act.
 2. Coverage of families of child labour under the income/employment generating programmes under the overall aegis of anti-poverty programmes.
 3. Where there is a concentration of SC/ST families with child labour, a concentration of special component and Tribal sub-plans by the State Governments in each project area.
 4. Formal/non-formal education of all child labourer engaged in hazardous and

non-hazardous employments. An adult education programme was also conducted including non-formal education of the working children.

5. Coordinating the activities of different Department /Ministries of the Central Government and State Governments to benefit child labour.
6. Setting up of special schools for child workers together with provision of vocational education/training in such special schools, supplementary nutrition, stipends to the children taken out from prohibited employments, and health care for all children attending such special schools.

- 4.4 For this purpose, i.e., (6) the infrastructure will have to be created, and wherever the infrastructure run by the Departments of Education, Health, etc. like Shramik Vidyapeeth exists, they will be suitably modified and utilised. Stipend will not be paid to children who are working in non-hazardous non-prohibited employments. The non-formal education/formal educational institutions in the project area will function on flexible hour basis after working hours, during holidays etc., as may be convenient. They will cover the range of special features on non-formal education set out in the Programme of Action of the NPE.
- 4.5 In order to enable intensive coverage in the Project areas of the anti-poverty group of programmes, the health programmes analogous to the school health programmes run by the State Governments, the special nutrition programme, and for the setting up of special schools, providing vocational education and training arrangements and for providing stipend to the children taken out from hazardous employments, it will be necessary to provide for additional funds over and above the funds that exist in the respective programmes administered under the Plan, whether by the Central or by State Governments. The additional funds required will be channelled through the Ministry of Labour, which will be the nodal Ministry for the child labour projects.
- 4.6 In the first phase of the special project areas approach, it is proposed to cover upto 30,000 child labourers. Each project will be carefully drawn up in consultation with the State Governments and Central Ministries concerned, to ensure proper coverage and inter-meshing of programmes administered by the Central and State Governments under the overall coordinating agency of the Ministry of Labour. The Ministry of Labour will be the nodal agency for drawing up a project report in respect of each project area and for providing the additionality of funds that may be required for the total coverage envisaged in each project area.

V. ORGANISATION FOR IMPLEMENTING THE CHILD LABOUR PROJECTS

There will be a Chief Executive Officer in charge of each project area who will work under the general supervision and direction of the administrative head of the district where the project is situated. There will be a Child Labour Project Board, with the Collector as its Chairman, which will represent the district educational, health, and nutritional authorities, as well as the representatives of voluntary agencies/Panchayati Raj institutions who are active in the districts where child labour is prevalent. This will ensure coordination of all inputs of the various departments executing plan and non-plan schemes in the project area, so as to focus the benefits on the child labourers and their families, and also to allocate the additional project funds to each project.

VI. MONITORING OF PROJECTS

The working of the child labour projects will be monitored by a high-powered Committee of the Central Government with representatives of the Ministries/Departments of Labour, Education, Health, Rural Development, Women and Child Development and the State Governments where child labour projects are being implemented, namely Tamil Nadu, Uttar Pradesh, Rajasthan, Gujarat, Jammu & Kashmir, Madhya Pradesh and Andhra Pradesh. The Committee will meet as often as necessary to ensure the smooth working of the projects.

The National Policy on Education, 1986

The National Policy on Education, 1986

Summary

National policy on education has formulated with the key concept that education is a unique investment in the present and the future. The concept of National System of Education under the National Policy on Education implies that up to a given level, all students, irrespective of caste, creed, location or sex have access education of a comparable quality accordingly the National Policy on Education envisages initiating appropriately funded programmes and to take effective measures in the direction of Common School System as recommended in the 1968 Policy.

In Higher Education in general and technical education particular the policy emphasises that steps should be taken to facilitate inter-regional mobility by providing equal access to every Indian of requisite merit, regardless of his/her origins. The universal character of universities and other institutions of Higher Education are to be accordingly under scored.

The policy foresees that the nation as a whole will assume the responsibility of providing resource support for implementing programmes for educational transformation, reducing disparities, universalisation of elementary education, adult literacy, scientific and technological research.

The policy laid special emphasis on the removal of disparities and to equalise educational opportunities for those who have been deprived of such opportunities.

The educational development of Schedule Caste is the centre focus of the policy with an objective of their equalization with non-SC population at all stages and levels of education, in all areas and in all the four dimensions rural male, rural female, urban male and urban female. Priority has been accorded to opening primary schools in tribal areas emphasising the need to develop the curricula and devise instructional material in tribal languages at the initial stages, with arrangements for switching over to the regional languages. The education of backward sections, minorities, handicapped and adult education is also given importance in the policy framework.

Under the re-organisation of education at different stages, the thrust is on elementary educating emphasising three aspects; universal access and enrolment, universal retention of children up to 14 years of age and a substantial improvement in the quality of education to enable all children to achieve essential levels of learning.

In order to develop a healthy attitude amongst students towards work and life, to enhance employment, to bridge the gap between the demand and supply of skilled manpower, the policy emphasizes the introduction of systematic, well-planned and rigorously implemented programmes of vocational education.

In view of these and several other imperatives, education will be treated as a crucial area of investment for National development and survival. Realizing that the actual level of investment has remained far short of the target, the policy has also shown greater determination to seek funds for the programmes laid out in the policy.

I. NATIONAL POLICY ON EDUCATION

(With Modifications in 1992)

Introduction

- 1.1 Education has continued to evolve, diversify and extend its reach and coverage since the dawn of human history. Every country develops its system of education to express and promote its unique socio-cultural identity and also to meet the challenges of the times. There are moments in history when a new direction has to be given to an-old process. That moment is today.
- 1.2 The country has reached a stage in its economic and technical development when a major effort must be made to derive the maximum benefit from the assets already created and to ensure that the fruits of change reach all sections. Education is the highway to that goal.
- 1.3 With this aim in view, the Government of India announced in January 1985 that a new Education Policy would be formulated for the country. A comprehensive appraisal of the existing educational scene was made, followed by a countrywide debate. The views and suggestions received from different quarters were carefully studied

The 1968 Education Policy And After

- 1.4 The National Policy of 1968 marked a significant step in the history of education in post-Independence India. It aimed to promote national progress, a sense of common citizenship and culture, and to strengthen national integration. It laid stress on the need for a radical reconstruction of the education system. To improve its quality at all stages, and gave much greater attention to science and technology, the cultivation of moral values and a relation between education and the life of people.
- 1.5 Since the adoption of the 1968 Policy, there has been considerable expansion in educational facilities all over the country all levels. More than 90 per cent of the country's rural habitations now have schooling facilities within a radius of one kilometre. There has been sizeable augmentation of facilities at other stages also.

- 1.6 Perhaps the most notable development has been the acceptance of a common structure of education throughout the country and the introduction of the 10+2+3 system by most states. In the school curricula, in addition to laying down a common scheme of studies for boys and girls, science and mathematics were incorporated as compulsory subjects and work experience assigned a place of importance.
- 1.7 A beginning was also made in restructuring of courses at the undergraduate level. Centres of Advanced Studies were set up for post-graduate education and research. And we have been able to meet our requirements of educated manpower.
- 1.8 While these achievements are impressive by themselves, the general formulations incorporated in the 1968 Policy did not, however, get translated into a detailed strategy of implementation, accompanied by the assignment of specific responsibilities and financial and Organizational support. As a result, problems of access, quality, quantity, utility and financial outlay, accumulated over the years, have now assumed such massive proportions that they must be tackled with the utmost urgency.
- 1.9 Education in India stands at the cross roads today. Neither normal linear expansion nor the existing pace and nature of improvement can meet the needs of the situation.
- 1.10 In the Indian way of thinking, a human being is a positive asset and a precious national resource, which needs to be cherished, nurtured and developed with tenderness, care and dynamism. Each individual's growth presents a different range of problems and requirements, at every stage from the womb to the tomb. The catalytic action of Education in this complex and dynamic growth process needs to be planned meticulously and executed with great sensitivity.
- 1.11 India's political and social life is passing through a phase, which poses the danger of erosion to long-accepted values. The goals of secularism, socialism, democracy and professional ethics are coming under increasing strain.
- 1.12 The rural areas, with poor infrastructure and social services, will not get benefit of trained and educated youth, unless rural-urban disparities are reduced and determined

measures are taken to promote diversification and dispersal of employment opportunities.

- 1.13 The growth of our population needs to be brought down significantly over the coming decades. The largest single factor that could help achieve this is the spread of literacy and education among women.
- 1.14 Life in the coming decades is likely to bring new tensions together with unprecedented opportunities. To enable the people to benefit in the new environment will require new designs of human resource development. The coming generations should have the ability to internalise new ideas constantly and creatively. They have to be imbued with a strong commitment to human values and to social justice. All this implies better education.
- 1.15 Besides, a variety of new challenges and social needs make it imperative for the Government to formulate and implement a new Education Policy for the country. Nothing short of this will meet the situation.

II. THE ESSENCE AND ROLE OF EDUCATION

- 2.1 In our national perception education is essentially for all. This is fundamental to our all-round development, material and spiritual.
- 2.2 Education has an acculturating role. It refines sensitivities and perceptions that contribute to national cohesion, a scientific temper and independence of mind and spirit – thus furthering the goals of socialism, secularism and democracy enshrined in our constitution.
- 2.3 Education develops manpower for different levels of the economy. It is also the substance on which research and development flourish, being the ultimate guarantee of national self-reliance.
- 2.4 In sum, Education is a unique investment in the present and the future. This cardinal principal is the key to the National Policy on Education.

III. THE NATIONAL SYSTEM OF EDUCATION

- 3.1 The Constitution embodies the principals on which the National System of Education is conceived of.
- 3.2 The concept of a National System of Education implies that, up to a given level, all students, irrespective of caste, creed, location or sex, have access to education of a comparable quality. To achieve this, the Government will initiate appropriately funded programmes. Effective measures will be taken in the direction of the common school system recommended in the 1968 Policy.
- 3.3 The National System of Education envisages a common educational structure. The 10+2+3 structure has now been accepted in all parts of the country. Regarding the further break-up of the first 10 years efforts will be made to move towards an elementary system comprising 5 years of primary education and 3 years of upper primary, followed by 2 years of High School. Efforts will also be made to have the +2 stage accepted as a part of school education throughout the country.
- 3.4 The National System of Education will be based on a national curricular framework, which comprises of a common theme along with other components that are flexible. The common core will include the history of India's freedom movement, the constitutional obligations and other content essential to nurture national identity. These elements will cut across subject areas and will be designed to promote values such as India's common cultural heritage, egalitarianism, democracy and secularism, equality of the sexes, protection of the environment, removal of social barriers, observance of the small family norm and inculcation of the scientific temper. All educational programmes will be carried on in strict conformity with secular values.
- 3.5 India has always worked for peace and understanding between nations, treating the whole world as one family. True to this hoary tradition, education has to strengthen this world view and motivate the younger generations for international co-operation and peaceful co-existence. This aspect cannot be neglected.
- 3.6 To promote equality, it will be necessary to provide for equal opportunity to all not only in access, but also in the conditions for success. Besides, awareness of the

- inherent equality, of all will be created through the core curriculum. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth.
- 3.7 Minimum levels of learning will be laid out for each stage of education. Steps will also be taken to foster among students an understanding of the diverse cultural and social systems of the people living in different parts of the country. Besides the promotion of the language, programmes will also be launched to increase substantially the translation of books from one language to another and to publish multi-lingual dictionaries and glossaries.
 - 3.8 In higher education and technical education in particular, steps will be taken to facilitate inter-regional mobility by providing equal access to every Indian of requisite merit, regardless of his/her origins. The universal character of universities and other institutions of higher education is to be underscored.
 - 3.9 In the areas of research and development, and education in science and technology, special measures will be taken to establish network arrangements between different institutions in the country to pool their resources and participate in projects of national importance.
 - 3.10 The nation as a whole will assume the responsibility of providing resource support for implementing programmes of educational transformation, reducing disparities, universalisation of elementary education, adult literacy, scientific and technological research, etc.
 - 3.11 Life-long education is a cherished goal of the educational process. This presupposes universal literacy. Opportunities will be provided to the youth, housewives, agricultural and industrial workers and professionals to continue the education of their choice, at the pace suited to them. The future thrust will be in the direction of open and distance learning.
 - 3.12 The National System of Education will be steered by several institutions like the University Grants Commission, the All India Council of Technical Education, the Indian Council of Agricultural Research and the Indian Medical Council. Integrated

planning will be instituted among all these bodies so as to establish functional linkage and reinforce programmes of research and postgraduate education. These, together with the National Council of Educational Research and Training, the National Institute of Educational Planning and Administration, the National Council of Teacher Education and the National Institute of Adult Education will be involved in implementing the Education Policy.

IV. A MEANINGFUL PARTNERSHIP

- 4.1 The Constitutional Amendment of 1976, which includes Education in the Concurrent List, was a far-reaching step whose implications—substantive, financial and administrative—require a new sharing of responsibility between the Union Government and the States in respect of this vital area of national life. While the role and responsibility of the States in regard to education will remain essentially uncharged, the Union Government would accept a larger responsibility to reinforce the national and integrative character of education, to maintain quality and standards (including those of the teaching profession at all levels), to study and monitor the educational requirements of the country as a whole in regard to manpower for development, to cater to the needs of research and advanced study, to look after the international aspects of education, culture and Human Resource Development and, in general, to promote excellence at all levels of the educational pyramid throughout the country. Concurrence signifies a partnership which is at once meaningful and challenging; the National Policy will be oriented towards giving effect to it in letter and spirit.

V. EDUCATION FOR EQUALITY

Disparities

- 5.1 The new Policy will lay special emphasis on the removal of disparities and to equalise educational opportunity by attending to the specific needs of those who have been denied equality so far.

Education for Women's Equality

- 5.2 Education will be used as an agent of basic change in the status of woman. In order to neutralise the accumulated distortions of the past, there will be a well-conceived edge in favour of women. The National Education System will play a positive, interventionist role in the empowerment of women. It will foster the development of new values through redesigned curricula, textbooks, the training and orientation of teachers, decision-makers and administrators, and the active involvement of educational institutions. This will be an act of faith and social engineering. Women's studies will be promoted as a part of various courses and educational institutions encouraged to take up active programmes to further women's development.
- 5.3 The removal of women's illiteracy and obstacles inhibiting their access to, and retention in, elementary education will receive overriding priority, through provision of special support services, setting of time targets, and effective monitoring. Major emphasis will be laid on women's participation in vocational, technical and professional education at different levels. The policy of non-discrimination will be pursued vigorously to eliminate sex stereo-typing in vocational and professional courses and to promote women's participation in non-traditional occupations, as well as in existing and emergent technologies.

Education of Scheduled Castes

- 5.4 The central focus in the SCs' educational development is their equalisation with the non-SC population at all stages and levels of education, in all areas and in all the four dimensions – rural male, rural female, urban male and urban female.
- 5.5.1 The measures contemplated for this purpose include:

- i) Incentives to indigent families to send their children to school regularly till they reach the age of 14;
- ii) Pre-matriculation Scholarship scheme for children of families engaged in occupations such as scavenging, flaying and tanning to be made applicable from Class I onwards. All children of such families, regardless of incomes, will be covered by this scheme and time-bound programmes targetted on them will be undertaken.
- iii) Constant micro-planning and verification to ensure that the enrolment, retention and successful completion of courses by SC students do not fall at any stage, and provision of remedial courses to improve their prospects for further education and employment.
- iv) Recruitment of teachers from Scheduled Castes;
- v) Provision of facilities for SC students in students' hostels at district headquarters, according to a phased programmes;
- vi) Location of school building, Balwadis and Adult Education Centres in such a way as to facilitate full participation of the Scheduled Castes;
- vii) The utilisation of Jawahar Rozgar Yojana resources so as to make substantial educational facilities available to the Scheduled Castes; and
- viii) Constant innovation in finding new methods to increase the participation of the Scheduled Casts in the educational process.

Education of Scheduled Tribes

5.6 The following measures will be taken urgently to bring the Scheduled Tribes on par with others:

- i) Priority will be accorded to opening primary schools in tribal areas. The construction of school buildings will be undertaken in these areas on a priority basis under the normal funds for education, as well as under the Jawahar Rozgar Yojana, Tribal Welfare Schemes, etc.
- ii) The socio-cultural milieu of the STs has its distinctive characteristics including, in many cases, their own spoken languages. This underlines the need to develop the curricula and devise instructional materials in tribal

languages at the initial stages, with arrangements for switching over to the regional language.

- iii) Educated and promising Scheduled Tribe youths will be encouraged and trained to take up teaching in tribal areas.
- iv) Residential schools, including Ashram schools, will be established on a large scale.
- v) Incentive schemes will be formulated for the Scheduled Tribes, keeping in view their special needs and life styles. Scholarships for higher education will emphasise technical, professional and para-professional course. Special remedial courses and other programmes to remove psycho-social impediments will be provided to improve their performance in various courses.
- vi) Anganwadis, Non-formal and Adult Education Centres will be opened on a priority basis in areas predominantly inhabited by the Scheduled Tribes.
- vii) The curriculum at all stages of education will be designed to create an awareness of the rich cultural identity of the tribal people as also of their enormous creative talent.

Other Educationally Backward Sections and Areas

- 5.7 Suitable incentives will be provided to all educationally backward sections of society, particularly in the rural areas, Hill and desert districts, remote and inaccessible areas and islands will be provided adequate institutional infrastructure.

Minorities

- 5.8 Some minority groups are educationally deprived or backward. Greater attention will be paid to the education of these groups in the interests of equality and social justice. This will naturally include the constitutional guarantees given to them to establish and administer their own educational institutions, and protection to their languages and culture. Simultaneously, objectivity will be reflected in the preparation of textbooks and in all school activities, and all possible measures will be taken to promote integration based on appreciation of common national goals and ideals, in conformity with the core curriculum.

Handicapped

- 5.9 The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard:
- i) Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others.
 - ii) Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children.
 - iii) Adequate arrangements will be made to give vocational training to the disabled.
 - iv) Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children; and
 - v) Voluntary effort for the education of the disabled will be encouraged in every possible manner.

Adult Education

- 5.10 Our ancient scriptures define education as that which provides the instruments for liberating one from ignorance and oppression. In the modern world, it would naturally include the ability to read and write, since that is the main instrument of learning.
- 5.11 The whole nation has pledged to eradicate illiteracy through the National Literacy Mission, particularly in the age group of 15-35 years, with special emphasis on total literacy campaigns. The Central and State Governments, the mass media and educational institutions, teachers, students, youth, voluntary agencies, social activist groups, and employers, must reinforce their commitment to mass literacy campaigns, which includes literacy and functional knowledge and skills, and awareness among learners about the socio-economic reality and the possibility to change it.

- 5.12 Since involvement of the participants of the literacy campaigns in the development programmes is of crucial importance, the National Literacy Mission will be geared to the national goals such as alleviation of poverty, national integration, environmental conservation, observance of the small family norm, promotion of women's equality, universalisation of primary education, basic health-care, etc. It will also facilitate energising the cultural creativity of the people and their active participation in development processes.
- 5.13 Comprehensive programmes of post-literacy and continuing education will be provided for neo-literates and youth who have received primary education with a view to enabling them to retain and upgrade their literacy skills, and to harness it for the improvement of their living and working condition. These programmes would include:
- (a) Establishment of continuing education centres of diverse kind to enable adults to continue their education of their choice;
 - (b) Workers' education through the employers, trade unions and government;
 - (c) Promotion of books, libraries and reading rooms;
 - (d) Use of radio, TV and films – as mass as well as group learning media;
 - (e) Creation of learners' group and organisation; and
 - (f) Programmes of distance learning
- 5.14 A critical development issue today is the continuous up gradation of skills so as to produce manpower resources of the kind and the number required by the society. Special emphasis will, therefore, be laid on organisation of employment /self-employment oriented, and need and interest based vocational and skill training programmes.

VI. REORGANISATION OF EDUCATION AT DIFFERENT STAGES OF EARLY CHILDHOOD CARE & EDUCATION

- 6.1 The National Policy on Children specially emphasises investment in the development of young child, particularly children from sections of the population in which first generation learners predominate
- 6.2 Recognizing the holistic nature of child development, vis., nutrition, health and social, mental, physical, moral and emotional development, Early Childhood Care and Education (ECCE) will receive high priority and be suitably integrated with the integrated child development services programme, wherever possible. Day-care centres will be provided as support service for universalization of primary education, to enable girls engaged in taking care of siblings to attend school and as a support service for working women belonging to poorer sections.
- 6.3 Programmes of ECCE will be child-oriented, focused around play and the individuality of the child. Formal methods and introduction of the 3 R's will be discouraged at this stage. The local community will be fully involved in these programmes.
- 6.4. A full integration of childcare and pre-primary education will be brought about, both as a feeder and a strengthening factor for primary education and for human resource development in general. In continuation of this stage, the school health programme will be strengthened.

Elementary Education

- 6.5 The new thrust in elementary education will emphasise three aspects: (i) universal access and enrolment, (ii) universal retention of children up to 14 years of age; and (iii) a substantial improvement in the quality of education to enable all children to achieve essential levels of learning.

Child Centered Approach

- 6.6 A warm, welcoming and encouraging approach, in which all concerned share

solicitude for the needs of the child, is the best motivation for the child to attend school and learn. A child-centered and activity-based process of learning should be adopted at the primary stage. First generation learners should be allowed to set their own pace and be given supplementary remedial instruction. As the child grows, the component of cognitive learning will be increased and skills organized through practice. The policy of non-detention at the primary stage will be retained, making evaluation as desegregated as feasible. Corporal punishment will be firmly excluded from the educational system and school timings as well as vacations adjusted to the convenience of children.

School Facilities

- 6.7 Provision will be made of essential facilities in primary schools. The scope of Operation Blackboard will be enlarged to provide three reasonably large rooms that are usable in all weather, and black boards, maps, charts, toys, other necessary learning aids and school library. At least three teachers should work in every school the number increasing, as early as possible, to one teacher per class. At least 50 per cent of teachers recruited in future should be women. The Operation Blackboard will be extended to upper primary stage also. Construction of school buildings will be a priority charge on JRY funds.

Non-Formal Education

- 6.8 The Non-formal education programme meant for school dropouts, for children from habitations without schools, working children and girls who cannot attend whole-day schools, would be strengthened and enlarged.
- 6.9 Modern technological aids will be used to improve the learning environment of NFE Centers. Talented and dedicated young men and women from the local community will be chosen to serve as instructors, and particular attention paid to their training. All necessary measures will be taken to ensure that the quality of non-formal education is comparable with the formal education. Steps will be taken to facilitate lateral entry into the formal system of children passing out of the non-formal system.
- 6.10 Effective steps will be taken to provide a framework for the curriculum on the lines of the national core curriculum, but based on the needs of the learners and

related to the local environment. Learning material of high quality will be developed and provided free of charge to all pupils. NFE programme will provide participatory learning environment, and activities such as games and sports, cultural programmes, excursions, etc.

- 6.11 The Government will take over-all responsibility for this vital sector. Voluntary agencies and Panchayati Raj institutions will take much of the responsibility of running NFE programmes. The provision of funds to these agencies will be adequate and timely.

A Resolve

- 6.12 The New Education Policy will give the highest priority to solving the problem of children dropping out of school and will adopt an array of meticulously formulated strategies based on micro-planning, and applied at the grass roots level all over the country, to ensure children's retention at school. This effort will be fully coordinated with the network of non-formal education. It shall be ensured that free and compulsory education of satisfactory quality is provided to all children up to 14 years of age before we enter the twenty-first century.

Secondary Education

- 6.13 Secondary education begins to expose students to the differentiated roles of science, the humanities, and social sciences. This is also an appropriate stage to provide children with a sense of history a national perspective and give them opportunities to understand their constitutional duties and rights on citizens. Access to secondary education will be widened with emphasis on enrolment of girls, SCs and STs, particularly in science, commerce and vocational streams. Boards of Secondary Education will be reorganized and vested with autonomy so that their ability to improve the quality of secondary education is enhanced. Effort will be made to provide computer literacy in as many secondary level institutions as possible so that the children are equipped with necessary computer skills to be effective in the emerging technological world. A proper understanding of the work ethos and of the values of a human and composite culture will be brought about through appropriately formulated curricula. Vocationalisation through specialized institutions or through the refashioning of secondary education will, at this stage, provide valuable manpower for economic growth.

- 6.14 It is universally accepted that children with special talent or aptitude should be provided opportunities to proceed at a faster pace, by making good quality education available to them irrespective of their capacity to pay for it.
- 6.15 Pace-setting residential schools, Navodaya Vidyalayas, intended to serve this purpose have been established in most parts of the country on a given pattern, but with full scope for innovation and experimentation. Their broad aim will continue to be to serve the objective of excellence coupled with equity and social just (with reservation for the rural areas, SCs and STs), to promote national integration by providing opportunities to talented children from different parts of the country, to live and learn together, to develop their full potential, and, most importantly, to become catalysts of a nation-wide programme of school improvement.

Vocationalisation

- 6.16 The introduction of systematic, well-planned and rigorously implemented programmes of vocational education is crucial in the proposed educational re-organization. These elements are meant to develop a healthy attitude amongst students towards work and life, to enhance individual employability, to reduce the mismatch between the demand and supply of skilled manpower, and to provide an alternative for those intending to pursue higher education without particular interest or purpose. Efforts will be made to provide children at the higher secondary level with generic vocational courses which cut across several occupational fields.
- 6.17 Vocational Education will also be a distinct stream, intended to prepare students of identified occupations spanning several areas of activity. These courses will ordinarily be provided after the secondary stage, but keeping the scheme flexible, they may also be made available after class VIII.
- 6.18 Health planning and health service management should optimally interlock with the education and training of appropriate categories of health manpower through health-related vocational courses. Health education at the primary and middle levels will ensure the commitment of the individual to family and community health, and lead to health-related vocational courses at the +2 stage of higher secondary education. Efforts will be made to devise similar vocational courses based on Agriculture, Marketing, Social Services, etc. An emphasis in vocational

education will also be on development of attitudes, knowledge, and skills for entrepreneurship and self-employment.

- 6.19 The establishment of vocational courses or institutions will be the responsibility of the Government as well as employers in the public and private sectors; the government will, however, take special steps to cater to the needs of women, rural and tribal students and the deprived sections of society. Appropriate programmes will also be started for the handicapped.
- 6.20 Graduates of vocational courses will be given opportunities, under predetermined conditions, for professional growth, career improvement and lateral entry into courses of general, technical and professional education through appropriate bridge courses.
- 6.21 Non-formal, flexible and need-based vocational programme will also be made available to neo-literates, youth who have completed primary education, school dropouts persons engaged in work and unemployed or partially employed persons. Special attention in this regard will be given to women.
- 6.22 Tertiary level courses will be organized for the young who graduate from the higher secondary courses of the academic stream and may also require vocational courses.
- 6.23 It is proposed that vocational courses cover 10 per cent of higher secondary students by 1995 and 25 per cent by 2000. Steps will be taken to see that a substantial majority of the products of vocational courses are employed or become self-employed. Review of the courses offered would be regularly undertaken. Government will also review its recruitment policy to encourage diversification at the secondary level.

Higher Education

- 6.24 Higher education provides people with an opportunity to reflect on the critical social, economic, cultural, moral and spiritual issues facing humanity,. It contributes to national development through dissemination of specialized knowledge and skills. It is therefore a crucial factor for survival. Being at the apex of the educational pyramid, it has also a key role in producing teachers for the education system.

- 6.25 In the context of the unprecedented explosion of knowledge, higher education has to become dynamic as never before, constantly entering uncharted areas.
- 6.26 There are around 150 universities and about 5,000 colleges in India today. In view of the need to effect an all round improvement in the institutions, it is proposed that, in the near future, the main emphasis will be on the consolidation of, and expansion of facilities in the existing institutions.
- 6.27 Urgent steps will be taken to protect the system from degradation.
- 6.28 In view of mixed experiences with system of affiliation, autonomous colleges will be developed in large numbers until a freer and more creative association of universities replaces the existing system. Similarly, the creation of autonomous departments within universities on a selective basis will be encouraged. Autonomy and freedom will be accompanied by accountability.
- 6.29 Courses and programmes will be redesigned to meet the demands of specialization better. Special emphasis will be laid on linguistic competence. There will be increasing flexibility in the combination of courses.
- 6.30 State level planning and coordination of higher education will be done through Councils of Higher Education. The UGC and these Councils will develop coordinative methods to keep a watch on standards.
- 6.31 Provision will be made for minimum facilities and admission will be regulated according to capacity. A major effort will be directed towards the transformation of teaching methods. Audio-visual aids and electronic equipment will be introduced; development of science and technology curricula and material, research, and teacher orientation will receive attention. This will require preparation of teachers at the beginning of the service as well as continuing education thereafter. Teachers' performance will be systemically assessed. All posts will be filled on the basis of merit.
- 6.32 Research in the universities will be provided enhanced support and steps will be taken to ensure its high quality. Suitable mechanisms will be set up by the UGC for coordinating research in the universities, particularly in thrust areas of science

and technology, with research undertaken by other agencies. An effort will be made to encourage the setting up of national research facilities within the universities system, with proper forms of autonomous management.

- 6.33 Research in Indology, the humanities and social sciences will receive adequate support. To fulfill the need for the synthesis of knowledge, inter-disciplinary research will be encouraged. Efforts will be made to delve into India's ancient fund of knowledge and to relate it to contemporary reality. This effort will imply the development of facilities for the intensive study of Sanskrit and other classical languages. An autonomous Commission will be established to foster and improve teaching, study and research in Sanskrit and other classical languages.
- 6.34 In the interest of greater coordination and consistency in policy, sharing of facilities and developing inter-disciplinary research, a national body covering higher education in general, agricultural, medical, technical, legal and other professional fields will be set up.

Open University And Distance Learning

- 6.35 The open learning system has been initiated in order to augment opportunities for higher education, as an instrument of democratising education and to make it a lifelong process. The flexibility and innovativeness of the open learning system are particularly suited to the diverse requirements of the citizens of our country, including those who had joined the vocational stream.
- 6.36 The Indira Gandhi National Open University, established in 1985 in fulfillment of these objectives, will be strengthened. It would also provide support to establishment of open universities in the States.
- 6.37 The National Open School will be strengthened and open learning facilities extended in a phased manner at the secondary level in all parts of the country.

De-Linking Degrees From Jobs

- 6.38 A beginning will be made in de-linking degrees from jobs in selected areas.
- 6.39 The proposal cannot be applied to occupation-specific courses like Engineering, Medicine, Law, Teaching, etc. Similarly, the services of specialists with academic

qualifications in the humanities, social sciences, etc. will continue to be required in various job positions.

- 6.40 De-linking will be applied in services for which a university degree need not be a necessary qualification. Its implementation will lead to a re-fashioning of job-specific courses and afford greater justice to those candidates who, despite begin equipped for a given job, are unable to get it because of an unnecessary preference for graduate candidates.
- 6.41 Concomitant with de-linking, an appropriate machinery, such as National Evaluation Organization, will be 'established to conduct tests on a voluntary basis to determine the suitability of candidates for specific jobs, to pave the way for the emergence of norms of comparable competencies across the nation, and to bring about an over-all improvement in testing and measurement.

Rural University

- 6.42 The New pattern of the Rural University will be consolidated and developed on the lines of Mahatma Gandhi's revolutionary ideas on education so as to take up the challenges of micro planning at grassroots levels for the transformation of rural areas. Institutions and programmes of Gandhian basic education will be supported.

VII. TECHNICAL AND MANAGEMENT EDUCATION

- 7.1 Although the two streams of technical and management education are functioning separately, it is essential to look at them together, in view of their close relationship and complementary concerns. The re-organization of Technical and Management Education should take into account the anticipated scenarios by the turn of the century, with specific references to the likely changes in the economy, social environment, production and management processes, the rapid expansion of knowledge and the great advances in science and technology.
- 7.2 The infrastructure and services sectors as well as the unorganized rural sector also need a greater induction have improve technologies and a supply of technical and managerial manpower. The government will attend to this need.
- 7.3 In order to improve the situation regarding manpower information, the recently set up Technical Manpower Information System will be further developed and strengthened.
- 7.4 Continuing education, covering established as well as emerging technologies, will be promoted.
- 7.5 As computers have become important and ubiquitous tools, a minimal exposure to computers and training will form part of professional education. Programmes of computer literacy will be organized on wide scale from the school stage.
- 7.6 In view of the present rigid entry requirements to formal courses restricting the access of a large segment of people to technical and managerial education programmes through a distance-learning process, including use of the mass media, will be offered. Technical and management education programmes, including education in polytechnics, with provision for multi-point entry. A strong guidance and counseling service will be provided.
- 7.7 In order to increase the relevance of management education, particularly in the non-corporate and under-managed sectors, the management education system will study and document the Indian experience and create body of knowledge and specific educational programmes suited to these sectors.
- 7.8 Appropriate formal and non-formal programmes of technical education will be

devised for the benefit of women, the economically and socially weaker sections, and the physically handicapped.

- 7.9 The emphasis of vocational education and its expansions will be need a large number of teachers and professionals in vocational education, educational technology, curriculum development, etc. Programmes will be started to meet this demand.
- 7.10 To encourage to consider ‘self-employment’ as a career option, training in entrepreneurship will be provided through modular or optional courses, in degree or diploma programmes.
- 7.11 In order to meet the continuing needs of updating curriculum, renewal should systematically phase out obsolescence and introduce new technologies of disciplines.

Institutional Thrust

- 7.12 Some polytechnics in the rural areas have started training weaker groups in those areas for productive occupations through a system of community polytechnics. The community polytechnic system will be appropriately strengthened to increase its quality and coverage.

Innovation, Research and Development

- 7.13 All higher institutions will undertake research as a means of renovating and renewing the educational process. It will primarily aim at producing quality manpower capable of taking up Research and Development functions. Research for development will focus on improving present technologies, developing new indigenous a ones and enhancing production and productivity. A suitable system for watching and forecasting technology will be set up.
- 7.14 The scope for cooperation, collaboration and networking relationships between institutions at various levels and with the user systems will be utilised. Proper maintenance, and an attitude of innovation and improvement will be promoted systematically.

Promoting Efficiency and Effectiveness at All Levels

- 7.15 As technical and management education is expensive, the following and major steps will be taken for cost-effectiveness and to promote excellence:

- i) High priority will be given to modernization and removal of obsolescence. However, modernisation will be undertaken to enhance functional efficiency and not for its own sake or as a status symbol.
- ii) Institutions will be encouraged to generate resources using their capacities to provide services to community and industry. They will be equipped with up-to-date learning resources, library and computer facilities.
- iii) Adequate hostel accommodation will be provided, specially for girls. Facilities for sports, creative work and cultural activities will be expanded.
- iv) More effective procedures will be adopted in the recruitment of staff. Career opportunities, service conditions, consultancy norms and other perquisites will be improved.
- v) Teachers will have multiple roles to perform: teaching, research, development of learning resource material, extension and managing the institution. Initial and in-service training will be made mandatory for faculty members and adequate training reserves will be provided. Staff development programmes will be integrated at the state, and co-ordinated at Regional and National Levels.
- vi) The curricula of technical and management programmes will be targeted on current as well as the projected funds of industry or user system. Active interaction between technical or management institutions and industry will be promoted in programme planning and implementation, exchange of personnel, training facilities and resources, research and consultancy and other areas of mutual interest.
- vii) Excellence in performance of institutions and individuals will be recognized and rewarded. The emergence of substandard and mediocre institutions will be checked. A climate conducive to excellence innovation will be promoted with full involvement of the faculty.
- viii) Select institutions will be awarded academic, administrative and financial autonomy of varying degrees, building in safeguards with respect to accountability.
- ix) Networking systems will have to established between technical education and industry, R&D organizations, programmes of rural and community development, and with other sectors of education with complementary characteristics.

Management Functions and Change

- 7.16 In view of the likely emergence of changes in management systems and the need to equip students with the ability to cope with them effective mechanisms will be devised to understand the nature and direction of change per se and to develop the important skill of managing change.
- 7.17 In view of the integrated nature of the task, the Ministry of Human Resource Development will co-ordinate the balanced development of engineering, vocational and management education as well as the education of technicians and craftsmen.
- 7.18 Professional societies will be encouraged and enabled to perform their due role in the advancement of technical and management education.
- 7.19 The All India Council for Technical Education will be vested with statutory authority for planning, formulation and the maintenance of norms and standards, accreditation funding of priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring the co-ordinated and integrated development of technical and management education. A duly constituted Accreditation Board will carry out periodic mandatory evaluations.
- 7.20 In the interests of maintaining standards and for several other valid reasons, the commercialisation of technical and professional education will be curbed. An alternative system will be devised to involve private and voluntary effort in this sector of education, in conformity with accepted norms and goals.

VIII. MAKING THE SYSTEM WORK

- 8.1 It is obvious that these and many other new tasks of education cannot be performed in a state of disorder. Education needs to be managed in an atmosphere of utmost intellectual rigour, seriousness of purpose and, at the same time, of freedom essential for innovation and creativity. While far-reaching changes will have to be incorporated in the quality and range of education, the process of introducing discipline into the system will have to be started, here and now, in what exists.
- 8.2 The country has placed boundless trust in the educational system. The people have a right to expect concrete results. The first task is to make it work. All teachers should teach and all students study.
- 8.3 The Strategy in this behalf will consist of -
- (a) A better deal to teachers with greater accountability;
 - (b) Provisions of improved students' services and insistence on observance of acceptable norms of behaviour;
 - (c) Provision of better facilities to institutions; and
 - (d) Creation of a system of performance appraisals of institutions according to standards and norms set at the National or State levels.

IX. REORIENTING THE CONTENT AND PROCESS OF EDUCATION

The Cultural Perspective

- 9.1 The existing system between the formal system of education and the country's rich and varied cultural traditions need to be bridged. The preoccupation with modern technologies cannot be allowed to sever our new generations from the roots in Indian's history and culture. Dehumanisation and alienation must be avoided at all costs. Education can and must bring about the fine synthesis between change-oriented technologies and the country's continuity of cultural tradition.
- 9.2 The curricula and processes of education will be enriched by cultural content in as many manifestations as possible. Children will be enabled to develop sensitivity to beauty, harmony and refinement. Resources persons in the community, irrespective of their formal educational qualifications, will be invited to contribute to the cultural enrichment of education, employing both the literate and oral traditions of communication. To sustain and carry forward the cultural tradition, the role of old masters, who train pupils through traditional modes will be supported and recognized.
- 9.3 Linkages will be established between the university system and institutions of higher learning in art, archaeology, oriental studies, etc. Due attention will also be paid to the specialized disciplines of Fine Arts, Folklore, etc. Teaching, training and research in these disciplines will be strengthened so as to replenish specialized manpower in them.

Value Education

- 9.4 The growing concern over the erosion of essential values and an increasing cynicism in society has brought to focus the need of readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and more values.
- 9.5 In our culturally plural society, education should foster universal and eternal values, oriented towards the unity and integration of our people. Such value education

should help eliminate obscurantism, religious fanaticism, violence, superstition and fatalism.

- 9.6 Apart from this combative role, value education has profound positive content, based on our heritage, national and universal goals and perceptions. It should lay primary emphasis on this aspect.

Languages

- 9.7 The Education Policy of 1968 had examined the question of the development of languages in great detail; the essential provisions can hardly be improved upon and are as relevant today as before. The implementation of this part of the 1968 policy has, however, been uneven. The policy will be implemented more energetically and purposefully.

Books and Libraries

- 9.8 The availability of books at low prices is indispensable for people's education. Effort will be made to secure easy accessibility to books for all segments of the population. Measures will be taken to improve the quality of books, promote the reading habit and encourage creative writing. Authors' interests will be protected. Good translations of foreign books into Indian languages will be supported. Special attention will be paid to the production of quality of books for children, including textbooks and workbooks.
- 9.9 Together with the development of books, a nation-wide movement of the improvement of existing libraries and the establishment of new ones will be taken up. Provision will be made in all educational institutions for library facilities and the status of librarians improved.

Media and Education Technology

- 9.10 Modern communication technologies have the potential to bypass several stages and sequences in the process of development encountered in earlier decades. Both the constraints of time and distance at once become manageable. In order to avoid structural dualism, modern educational technology must reach out to the most distant areas and the most deprived sections of beneficiaries simultaneously with the areas of comparative affluence and ready availability.
- 9.11 Educational technology will be employed in the spread of useful information, the training and re-training of teachers, to improve quality, sharpen awareness of art

and culture, inculcate abiding values, etc. both in the formal and non-formal sectors. Maximum use will be made of the available infrastructure. In villages without electricity, batteries or solar packs will be used to run the programme.

- 9.12 The generation of relevant and culturally compatible educational programmes will for an important component of educational technology, and all available resources in the country will be utilized of this purpose.
- 9.13 The media have a profound influence on the minds of children as well as adults; some of them tend to encourage consumerism, violence, etc. and have a deleterious effect. Radio and T.V. Programmes, which clearly militate proper educational objectives, will be prevented. Steps will be taken to discourage such trends in films and other media also. An active movement will be started to promote the production of children's films of high quality and usefulness.
- 9.14 Work experience, viewed as purposive and meaningful manual work, organized as an integral part of the learning process and resulting in either goods or services useful to the community, is considered as an essential component at all stages of education, to be provided through well-structural and graded programmes. It would comprise activities in accord with the interests, abilities and the needs of the students. The level of skills and knowledge to be upgraded will be synchronised with the various stages of education. This experience would be helpful on his entry into the workforce. Pre-vocational programmes provided at the lower secondary stage will also facilitate the choice of the vocational courses at the higher secondary stage.

Education and Environment

- 9.15 There is a paramount need to create a consciousness of the environment. It must permeate all ages and all sections of society, beginning with the child. Environmental consciousness should inform teaching in schools and colleges. This aspect will be integrated in the entire educational process.

Population Education

- 9.16 Population must be viewed as an important part of the nation's strategy to contain the growth of population. Starting at the primary and secondary levels with

inculcation of consciousness about the looming crisis due to expansion of population, educational programmes should actively motivate and inform youth and adults about family planning and responsible parenthood.

Mathematics Teaching

- 9.17 Mathematics should be visualized as the vehicle to train a child to think, reason, analyse and to articulate logically. Apart from being a specific subject, it should be treated as concomitant to any subject involving analysis and reasoning. With the recent introduction of computers in schools, educational computing and the emergence of learning through the understanding of cause-effect relationships and the interplay of variable, the teaching of mathematics will be suitably redesigned to bring it in line with modern technological devices.

Science Education

- 9.18 Science education will be strengthened so as to develop in the child well-defined abilities and values such as the spirit of inquiry, creativity, objectivity, the courage to question, and an aesthetic sensibility.
- 9.19 Science education programmes will be designed to with health, agriculture, industry and other aspects of daily life. Every effort will be made to extend science education to the vast numbers who have remained outside the pale of formal education.

Sports and Physical Education

- 9.20 Sports and physical education are an integral part of the learning process, and will be included in the evaluation of performance. A nation-wide infrastructure for physical education, sports and games will be built into the educational edifice. The infrastructure will consist of play fields, equipment, coaches and teachers of physical education as part of the School Improvement Programme. Available open spaces in urban areas will be reserved for playgrounds, if necessary by legislation. Efforts will be made to establish sports institutions and hostels where specialised attention will be given to sports activities and sports-related studies, along with normal education. Appropriate encouragement will be given to those talented in sports and games. Due stress will be laid on indigenous traditional games.

Yoga

- 9.21 As a system which promotes an integrated development of body and mind, yoga has received special attention. Efforts will be made to introduce Yoga in all schools. To this end, it will also be introduced in teacher training courses.

The Role of Youth

- 9.22 Opportunities will be provided for the youth to involve themselves in national and social development through educational institutions and outside them. Students will be required to participate in one or the other of existing schemes, namely, the National Service Scheme, National Cadet Corps, etc. Outside the institutions, the youth will be encouraged to take up programmes of development, reform and extension. The National Service Volunteer Scheme will be strengthened.

The Evaluation Process and Examination Reform

- 9.23 Assessment of performance is an integral part of any process of learning and teaching. As part of sound educational strategy, examinations should be employed to bring about qualitative improvements in education.
- 9.24 The objective will be to re-cast the examination system so as to ensure a method of assessment that is a valid and reliable measure of student development and a powerful instrument for improving teaching and learning. In functional terms, this would mean:
- i) The elimination of excessive element of chance and subjectivity;
 - ii) The de-emphasis of memorisation;
 - iii) Continuous and comprehensive evaluation that incorporates both scholastic and non-scholastic aspects of education, spread over the total span of instructional time.
 - iv) Effective use of the evaluation process by teachers, students and parents;
 - v) Improvement in the conduct of examination;
 - vi) The introduction of concomitant changes in instructional materials and methodology;

- vii) Instruction of the semester system from the secondary stage in a phased manner; and
- viii) The use of grades in place of marks

The above goals are relevant both for external examinations and evaluations within educational institutions. Evaluation at the institutional level will be streamlined and the predominance of external examinations reduced. A National Examination Reform Framework would be prepared to serve as a set of guidelines to the examining bodies, which would have the freedom to innovate and adapt the framework to suit the specific situations.

X. THE TEACHER

- 10.1 The status of the teacher reflects the socio-cultural ethos of a society; it is said that no people can rise above the level of its teachers. The Government and the community should endeavour to create conditions, which will help motivate and inspire teachers on constructive and creative lines. Teachers should have the freedom to innovate, to devise appropriate methods of communication and activities relevant to the needs and capabilities of and the concerns of the community.
- 10.2 The methods of recruiting teachers will be reorganised to ensure merit, objectivity and conformity with spatial and functional requirements. The pay and service conditions of teachers have to be commensurate with their social and professional responsibilities and with the need to attract talent to the profession. Efforts will be made to reach the desirable objective of uniform emoluments, service conditions and grievance-removal mechanisms for teachers throughout the country. Guidelines will be formulated to ensure objectivity in the postings and transfers of teachers. A system of teachers evaluation – open, participate and data-based – will be created and reasonable opportunities of promotion to higher grades provided. Norms of accountability will be laid down with incentives for good performance and disincentives for non-performance. Teachers will continue to play a crucial role in the formulation and implementation of educational programmes.
- 10.3 Teachers' associations must play a significant role in upholding professional integrity, enhancing the dignity of the teacher and in curbing professional misconduct. National level associations of teachers, could prepare a code of Professional Ethics for Teachers and see to its observance.

Teacher Education

- 10.4 Teacher Education is a continuous process, and its pre-service and in-service components are inseparable. As the first step, the system of teacher education will be overhauled.
- 10.5 The new programmes of teacher-education will emphasise continuing education

and the need for teachers to meet the thrusts envisaged in this policy.

- 10.6 District Institutes of Education and Training (DIET) will be established with the capability to organise pre-service and in-service courses for elementary school teachers and for the personnel working in non-formal and adult education. As DIETs get established, sub-standard institutions will be phased out. Selected Secondary Teacher Training Colleges will be upgraded to complement the work of State Councils of Educational Research and Training. The National Council of Teacher Education will be provided the necessary resources and capability to accredit institutions of teacher-education and provide guidance regarding curricula and methods. Networking arrangements will be created between institutions of teacher education and university departments of education.

XI. THE MANAGEMENT OF EDUCATION

- 11.1 An overhaul of the system of planning and the management of education will receive high priority. The guiding considerations will be:
- a) Evolving a long-term planning and management perspective of education and its integration with the country's developmental and manpower needs;
 - b) Decentralisation and the creation of a spirit of autonomy for educational institutions;
 - c) Giving pre-eminence to people's involvement, including association of non-governmental agencies and voluntary effort;
 - d) Inducting more women in the planning and management of education;
 - e) Establishing the principle of accountability in relation to given objectives and norms.

National Level

- 11.2 The Central Advisory Board of Education will play a pivotal role in reviewing educational development, determining the changes required to improve the system and monitoring implementation. It will function through appropriate committees and other mechanisms created to ensure contact with, and co-ordination among, the various areas of Human Resource Development. The Departments of Education at the Centre and in the States will be strengthened through the involvement of professionals.

Indian Education Service

- 11.3 A proper management structure in education will entail the establishment of the Indian Education Service as an All- India Service. It will bring a national perspective to this vital sector. The basic principles, functions and procedures of recruitment to this service will be decided in consultation with the State Governments.

State Level

- 11.4 State Governments may establish State Advisory Boards of Education on the

lines of CABE. Effective measures should be taken to integrate mechanisms in the various State departments concerned with Human Resource Development.

- 11.5 Special attention will be paid to the training of educational planners, administrators and heads of institutions. Institutional arrangements for this purpose should be set up in stages.

District and Local Level

- 11.6 District boards of Education will be created to manage education up to the higher secondary level. State Governments will attend to this aspect with all possible expedition. Within a multi-level framework of educational development, central, State and District and Local level agencies will participate in planning, co-ordination, monitoring and evaluation.
- 11.7 Every important role must be assigned to the head of an educational institution. Heads will be specially selected and trained. School complexes will be promoted on a flexible pattern so as serve as networks of institutions and synergic alliances to encourage professionalism among teachers, to ensure observance of norms of conduct and to enable the sharing of experiences and facilities. It is expected that a developed system of school complexes will take over much of the inspection functions in due course.
- 11.8 Local communities, through appropriate bodies, will be assigned a major role in programmes of school improvement.

Voluntary Agencies and Aided Institutions

- 11.9 Non-government and voluntary effort including social activist groups will be encouraged, subject to proper management, and financial assistance provided. At the same time, steps will be taken to prevent the establishment of institutions set up to commercialise education.

Reduction of Grievances

Educational tribunals, fashioned after Administrative Tribunals, will be established at the national and state levels.

XII. RESOURCES AND REVIEW

- 12.1 The Education Commission of 1964-66, the National Education Policy of 1968 and practically all others concerned with education have stressed that the egalitarian goals and the practical, development-oriented objectives of Indian society can be realised only by making investments in education of an order commensurate with the nature and dimensions of the task.
- 12.2 Resources, to the extent possible, will be raised by mobilising donations, asking the beneficiary communities to maintain school buildings and supplies of some consumables, raising fees at the higher levels of education and effecting some savings by the efficient use of facilities. Institutions involved with research and the development of technical and scientific manpower should also mobilize some funds by levying access or charge on the user agencies, including Government departments, and entrepreneurs. All these measures will be taken not only to reduce the burden on state resources but also for creating a greater sense of responsibility within the educational system. However, such measures will contribute only marginally to the total funding. The Government and the community in general will find for such programmes as: the universalisation of elementary education; liquidating illiteracy; equality of access to educational opportunities to all sections throughout the country; enhancing the social relevance, quality and functional effectiveness of educational programmes; generating knowledge and developing technologies in scientific fields crucial to self-sustaining economic development and creating a critical consciousness of the values and imperatives of national survival.
- 12.3 The deleterious consequences of non-investment or inadequate investment in education are indeed very serious. Similarly, neglecting investment in vocational and technical education and research is also unacceptable. Sub-optimal performance in these fields could cause irreparable damage to the Indian economy. The network of institutions set up from time to time since Independence to facilitate the application of science and technology would need to be substantially and expeditiously updated, since they are fast becoming obsolete.
- 12.4 In view of these imperatives, education will be treated as a crucial area of investment for national development and survival. The National Policy on Education, 1968,

had laid down that the investment on education be gradually increased to reach a level of 6 per cent of the national income as early as possible. Since the actual level of investment has remained far short of that target, it is important that greater determination is shown now to find the funds for the programmes laid down in this policy. While the actual requirements will be computed from time to time on the basis of monitoring and review, the outlay on education will be stepped up to ensure that during the Eighth Five Year Plan and onwards it will uniformly exceed 6 per cent of the national income.

Review

- 12.5 The implementation of the various parameters of the new policy must be reviewed every five years. Appraisals at short intervals will also be made to ascertain the progress of implementation and the trends emerging from time to time.

XIII. THE FUTURE

- 13.1 The future shape of education in India is too complex to envision with precision. Yet, given our tradition, which has always put a high premium on intellectual and spiritual attainment, we are bound to succeed in achieving our objectives.
- 13.2 The main task is to strengthen the base of the pyramid, which might come close to a billion people at the turn of the century. Equally, it is important to ensure that those at the top of the pyramid are among the best in the world. Our cultural well spring's had taken good care of both ends in the past; the skew set in with foreign domination and influence. It should now be possible to further intensify the nation-wide effort in Human Resource Development, with Education playing its multifaceted role.

Corrigendum

- 13.3 The All India Council for Technical Education, which has been given statutory status, will be responsible for planning, formulation and the maintenance of norms and standards, accreditation, funding of priority areas, monitoring and evaluation, maintaining parity of certification and awards and ensuring the co-ordinated and integrated development of technical and management education. A duly constituted Accreditation Board will carry out mandatory periodic evaluations. The council will be strengthened and it will function in a decentralised manner with greater involvement of state government and technical institutions of good quality.

**Recommendations
of the
Commissions and Committees
on
Child Labour
(Gurupadaswamy Committee,
1979)**

COMMISSIONS AND COMMITTEES ON CHILD LABOUR

Summary

A number of commissions and Committees on Labour have looked into the working conditions of children and made recommendations which resulted in enactment of Labour Laws having provisions aiming at the overall development of children.

One of the earliest commissions was the Royal Commission on Labour, 1929 which recommended the legal prohibition of children below the age of ten from work and the entry of all the names in wage books. It also recommended the prohibition of children working overtime and taking work home. The Labour Legislative Committee (Reg. Committee), 1944 recommended for the adoption of positive measures to wean children away from industrial employment. Following this, the Labour Investigation Committee, 1946, reported that in several establishments, the legal provisions of prohibiting the employment of children appear to be infringed openly and with impunity. Commenting on the laws dealing with children, the Harbans Singh Committee on Child Labour (1977) reported that the existing legal framework for the employment of children in India is rather dispersed and patchy and recommends a single-model legislation. The report of the M.S. Gurupadaswamy Committee, 1979 observed that no 'general' law regulating child labour was to be found in the Indian statute books and this was because, historically, legislation was passed not with a focus on the employment of children but with reference to the need to regulate employment in a particular industry as and when such need arose. The Committee stressed the need for bringing child labour laws into proper focus.

I. National Commission on Labour: Recommendations

218. (a) Employment of children has of late been on the decline in organised industries; but it is still common in the unorganised sectors of the economy, (b) The employment of children is more an economic problem than anything else. Even then, where it results in denial of education to them, employment hours of children should be so fixed as to enable them to attend to schooling, (c) Where the number of children is adequate, the employers with the assistance of the State Government should make arrangements to combine work with education.

II. Summary of the Recommendations of the Report of the Committee on Child Labour: Gurupadaswamy Committee, 1979

- 2.1 The Committee would wish to underline that all future action in respect of child labour would depend very much on how intensively occupations in which children are employed are studied and remedial action determined thereafter. Accordingly it recommends more studies to be sponsored in this regard to gather information and data about working children and their working conditions. This task should be spearheaded by the Ministry of the Labour which should have an appropriate cell to sponsor such studies in consultation with Department of Social Welfare and other concerned Ministries, and to co-ordinate further action (paras 1.21, 1.22, and 2.7)
- 2.2 The committee recommends constitution of Advisory boards both at the central and at State levels to keep a constant surveillance on the problems of working children. These Boards should have representatives of Government as those of voluntary organisations and trade unions. The Boards should have the powers and resources to undertake investigative studies and surveys to locate the specific areas where regulation of child labour is called for. It should also review periodically the results of the implementation of the existing legislation and report on the working of the advisory boards should be placed on the Table of the House of Parliament or Assembly, as the case may be (para 3.163)
- 2.3 The committee is of the view that the minimum age should be prescribed for the children for entering any employment. It accordingly recommends that the minimum age for entry into any employment should be 15 years and that existing laws that prescribe an age lower than that specified as between 15 and 18 years (para 3.156 and 3.157).
- 2.4 The committee is strongly of the view that there is a paramount need for an urgent action on the part of the Government to bring into a proper focus the laws relating to employment of children. To avoid any ambiguity in respect of the basic objectives, the Committee recommends that the existing laws relating to prohibition and

regulation of the employment of children should be consolidated into a single comprehensive one. The new legislation should adopt uniform definitions of the expressions of 'Child' and 'adolescent' and prescribe the 'hours of work' 'conditions of work' etc. The new law should also have flexibility extending gradually the provisions contained therein to other occupations, such as mechanised agriculture, horticulture, forestry, fisheries, etc. (para 4.149).

- 2.5 The committee recommends that concerted steps be taken within five years to achieve the objective of providing minimum educational qualification, say eight standard or equivalent for entry into any regulated employment. (para 3.154 and 40).
- 2.6 The Committee strongly urges that serious attention be given towards strengthening the existing machinery for enforcement of legislation relating to employment of children and that due recognition should also be given in this regard to the role of voluntary agencies and trade unions. (para 3.159).
- 2.7 The committee recommends to the Government to initiate dialogue with the trade unions at an early date so that some institutional framework could be evolved for ensuring collective bargaining in respect of needs of working children. (para 3.160).
- 2.8 The committee recommends that the penalty provided in the existing laws for violation of provisions relating to child labour should be made more deterrent. The punishment for the first offence should be imprisonment, which may extend to one year or fine extending to Rs. 2000, or both. In the case of second or continuing offence, the penalty should be only imprisonment and that, too upto two years. (para 3.161).
- 2.9 The Committee recommends to the Planning Commission to work out the feasibility of taking away all children below the age 15 years from the labour market in order to find employment for the unemployed able-bodied persons between analysis of this proposition. (para 4.2).
- 2.10 While accelerated efforts are necessary in national Planning to improve the earnings of adult workers, the Committee feels that stricter enforcement of the Minimum

Wages Act needs to be ensured. In this regard greater participation should be sought of the entire administrative machinery. (para 4.4)

- 2.11 The Committee feels that a more meaningful and effective educational policy is called for to take into account the following-
- (a) Change of curriculum and integration of education requirements with local crafts.
 - (b) Greater involvement of voluntary agencies.
 - (c) Changes and adjustments in the schedule of vocations and holidays to coincide with environmental requirements. (para 4.5 and 4.6)
- 2.12 The committee would also underline more comprehensive statutory provisions for providing educational facilities for child workers and include education as a part of labour welfare measures to be adopted by employers. It recommends arrangements for non-formal education in areas where there is concentration of working children (para 4.9 and 4.8)
- 2.13 The committee recommends that in rural areas, crèches/child care centres should be established at the school premises, or at the community centres, so as to encourage girls who have to take care of young siblings in the family to attend schools. This arrangement would also be of great help to working parents (para 4.7)
- 2.14 The Committee underlines the needs for periodical medical check-ups to be linked with national health scheme in respect of child workers (para 4.10).
- 2.15 The Committee feels that constant attention needs to be paid to keep the working environment hygienically free especially in places where children are employed (para 4.11).
- 2.16 Supplementary nutrition is to be provided to working children by the employers who could be given suitable subsidy for this programme. The possibility of imposing access, or alternatively to allow concessions in taxes, etc. to employers who undertake to implement the schemes as envisaged above, and other welfare schemes, needs to be considered seriously (para 4.12 and 4.9)

- 2.17 Greater emphasis is needed on housing schemes and provisions of basic amenities in areas in which large number of children are working (para 4.13)
- 2.18 More library reading facilities linked with special teaching classes for working children need to be established in selective areas. (4.14).
- 2.19 Arrangements for recreational and cultural activities should be provided in areas in which there is a large number of working children (para 4.15)
- 2.20 The Committee recommends effective enforcement of the Apprentices Act and the setting up of separate vocational guidance clinics and employment bureaus for children (para 4.17)
- 2.21 The committee also underlines the need for a more systemic effort for identification of hazardous occupations, and for detecting occupational diseases and their treatment. There are several areas, both in the organised and unorganised sectors, where children are exposed to serious hazards, but no efforts have so far been made to regulate their employment (para 3.162 and 4.20).
- 2.22 The committee recommends a more purposeful effort on the part of the media to create greater social consciousness in respect of evils of child labour (para 4.21). We hereby submit the above Report to the Government of India for their consideration.

III. RECOMMENDATIONS OF THE L. M. SINGHVI COMMISSION, 1989

In the preface to the Report and in the foregoing discussion in this Report on the Act 1986, it has been pointed out that the problems of child labour cannot be seen or solved in isolation. The Task Force view the problems of child labour on a much larger canvas than that envisaged by its terms of reference and therefore we feel that apart from the specific suggestions in respect of the Act of 1986, we should make some basic recommendations which would delineate the setting and the direction and will augment the momentum for an approach to the solution of the problems of child labour. These eleven recommendation initially adumbrated and advocated in the preface to the Report may not technically fall within our terms of reference, but we endorse them wholeheartedly, because they are vital to the fulfilment of the constitutional mandate and the social commitment of the Republic of India.

The Eleven Fundamentals

1. We must see child as a human person in a holistic prospective. It is trite working children and street children are first and foremost children and the problems of child labour have also to be seen as problems of children as such.
2. We must view problems of the survival and development of children now compartmentally but in all their intertwined ramifications. In that perspective, infant mortality, malnutrition, unemployment of adults, bonded labour, lack of a modicum of educational and recreational facilities including the absence of free and compulsory primary education, pervasive poverty and penury, bureaucratic ineptitude, frustration of voluntary agencies and workers and growing social defencelessness helplessness and insensitivity are all knotted threads in the web of our predicament. We cannot hope to solve any of these problems without attempting to solve all of them and we cannot afford to despair or give up because these problems seem to be intractable and their magnitude tends to debilitate our morale. Nor can we shelve the problems of child labour until we have solved all others when the problems of child labour may automatically recede or disappear. Obviously, a concerted and dynamic thrust is what we need to sustain.

3. We need to accord the welfare of the child the highest and overriding priority in all schemes of development taking into account the fact that children up to 14 years of age constitute 40% of India's teeming millions. That priority must be unequivocally settled and fixed. What is more important, is the need to translate this into concrete terms by means of ample funding and generous allocation of resources, policy making and programming social audit and evaluation, and public and parliamentary accountability. For too long, the Indian nation has allowed lip services to be a substitute for the substance of sustained social defence and transformation. The time has come to recognise the primacy of the rights of child and to take effective steps on the basis of that primacy to promote the cause of child development, and the goal and strategy of prohibition, regulation and progressive elimination of all child labour with any trace of exploitative potential or injurious propensity. We felt that the question of according primacy and overriding priority to child welfare is not to be treated as an amorphous, vague, rhetorical and did active generalisation. That priority ought not be allowed to become an empty verbiage or an occasional incantation. It should be reflected in our national policies, programmes, budgeting and the design of public and private life.
4. In order to accord the highest priority to the child, there should be a Joint Committee of the Houses of Parliament and similar Committee in State. The Standing Committee would symbolise the unrepresentative constituency of the child. A Parliamentary Committee would become a safeguard of accountability in the forum of our national conscience, a significant propeller and pressure group, a vehicle for change, a compass for a sense of direction, a monitoring mechanism and an institutional catalyst.
5. There should be a single Ministry or Department for child welfare at the Centre as well as the State to deal with the whole multitude of problems relating to children, reducing the existing multiplicity of authorities to the very minimum and optimising operational coherence and co-ordination. Voluntary agencies and non-government autonomous institutions and their work and worth should be duly recognised and generously funded and facilitated without in any way interfering with their independence.
6. The Central Advisory Board and similar State Boards should be given statutory status under a separate enactment and their reports should be placed on the Tables of

the Houses of Parliament as well as those of the State Legislatures, respectively along with periodic or annual reports of the Standing Committees of Parliament and State Legislatures. The Board or Boards should have their own professional and administrative secretariats.

7. There should be a statutory system of Child labour Ombudsman or Child labour Commission entrusted inter alia with the task of investigation, resolution of grievances and disputes and giving authoritative directions to employers and other. The Ombudsman system could be progressively expanded on a zonal basis under the apex body, which should have one or more members with the rank and status of Secretary to the Government or a High Court Judge, The Child Labour Ombudsman Government of India, and the parliamentary. The Ombudsman Reports should also be submitted to the State.

Legislatures

8. There should be National and Zonal Institutes for research and training related to Child Welfare including problems of Child Labour. The National Institute should also submit an Annual Report to the Central Advisory Board, the Central Government and the Parliamentary Committee.
9. Particular attention should be paid to the Child in all its profiles and Child labour in all its different aspects in the census operations and in collection, analysis, evaluation and interpretation of statistical and other data which is in a sad state of neglect today.
10. The Act of 1986 and other allied and cognate Acts should be kept under constant and careful review because the existing legislation can at best be viewed as transitional in nature and because the letter of the law, such as it is, provides no consolation and can never be a substitute for substantive justice for working children. There are many areas in which the existing legislation has to be enlarged in order to achieve our ultimate goals in the field of child labour. There are many areas in which concurrently with the imposition of statutory prohibitions or the promulgation of regulatory regimes, there should be mandatory provisions for educational and recreational facilities, for social and economic safeguards, and recreational facilities, and for administrative and legal arrangement. There are also the 'loophole areas' in

the existing legislation which call for constant probing sector is an example in point.

The Task Force is deeply concerned about the informal or unorganised sector which accounts for a vast army of child workers working as domestic servants, helpers or assistants in all kinds of establishment, hawkers, porters, sweepers, and those employed at construction sites engaged in loading and unloading goods or in breaking stones. Child labour employed in the unorganised sector is in a precarious condition. Such employment may often be of a casual nature. The employer establishments might often be small and scattered. The child worker is often ignorant and illiterate. The employers can and do evade the requirements of law and forget the requirements of basic humanity. The child worker in the unorganised sector has little or no access to the enforcement machinery. Records are easy to falsify. What is more, as Maitrey Ghatak points out, “many of those units or industries, in spite of their apparent unorganised status, are highly organised or are direct links in a highly organised system and any exploitation of child labour in those industries or units is actually perpetuated by the direct involvement of basic and organised (or formal) sectors or units.” (Child Labour in India, Human Futures, Winter 1989).

11. The Task Force recommends a comprehensive code to be known as the child Code of India, a part of which would be a comprehensive Child Labour Code. The Child Code of India and the Child Labour Code would reflect the vision of ultimate goals as well as long-term and immediate strategies and will provide a total perspective in respect of values, priorities, institutional structures, social and economic realities and functional challenges.

In the setting of our eleven fundamental recommendations, we now proceed to make certain recommendations in respect of the Act 1986.

The Act

1. *Preamble:* We feel that the following goals of the Act should be reflected in the Preamble:
 - (i) According high priority to the solution of the problems of Child Labour;
 - (ii) Eradication of the evils of child labour and its progressive elimination except as a part of educational work experience consistent with the normal growth and development of child;

- (iii) Effective provision of educational facilities for child workers and social, economic and cultural safeguards for child workers and their families for their development.
2. *Notifications for the Act to come into force:* A timetable with mandatory outer limits for the Act to come into force should be provided in the Act.
 3. *Age:* We are of the view that in the long run a uniform definition of child with reference to age would be useful. It was from that point of view that new definition of child in Section 2(ii) of the Child Labour (prohibition and Regulation) Act, 1986, defining child as a person who has not completed his fourteenth year of age was enacted. We would however like to point out that new definition of child in Section 2(ii) of the Act of 1986 ought not to mean that the age limit for children with reference to employment has to be lowered in those enactments where it is already higher. We would in particular refer to Sections 24m 25 and 26 of the Act of 1986. Those three sections seek to lower the age limit from 15 to 14 in the Plantations Labour Act, 1995 (S) 2 (A) & ©, the Merchant Shipping Act, 1958 (S.109) and the Motor Transport Workers Act 1961 (S.2(a) & (C), respectively.
 4. *Establishment:* We have pointed out that the definition of establishment in Section 2 (iv) is a pivotal provision of the Act of 1986. It is not clear if the term of establishment includes, or would in course of time come to include, some of the activities in which child labour needs to be protected. In any event, the scope of the protective provisions of the Acts has to be progressively extended, A provision should therefore be made to enable the government to extend the scope of the Act by extending the definition of establishments by means of notifications on that basis. We would therefore recommend that the following words should be added at the end on Section 2 (iv): and such other activities or places of employment as may be notified by the Central Government. We feel that the Central Government would be in a position to review and assess the need for such extension notifications on that basis. We would therefore recommend that the following words should be added at the end on Section 2 (iv): and such other activities or places of employment as may be notified by the Central Government by a notification in the Official Gazette.”
 5. *The Unorganised Sector:* We may reiterate our anxiety and concern with regard to the unorganised sector in the context of the definition of “establishment”. We feel that the definition of establishment should not be allowed to become one large loophole

for the organised sectors for units to avail of child labour at exploitative terms and under conditions of flagrant violations of the law.

6. *Constant Review of Proviso Section 3:* We are also of the view that the working of the proviso to section 3, particularly in relation to the possibility of child workers being exposed to dangerous processes and occupations by indirect means, has to be kept under constant review. The same applies to Section 9(3).
7. *Addition of Second Proviso to Section 3 :* We suggest that an enabling second proviso the Section 3 should be enacted to check manifold malpractice's employed in the exploitation of child labour under the guise of an occupier carrying on process with the aid of his family. In this context we would like to point out that Section 9 (3) is a substance in the same terms as the existing proviso to section 3. Section 9 (3) reads as follows:

“Nothing in Section 7, 8 and 9 shall apply to any establishment where in any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from government.”

A danger inherent in the proviso to Section 3 and in Section 9 (3) is that there may be exploitation of child labour behind the cloak of family exception. Another danger which may flow from these provisions of exception is that a child may be engaged in hazardous occupation and processes prohibited by law but exempted if the occupier carries them out with the aid of his family or if a school established by, or receiving assistance of recognition from Government carries on those processes. Hence the need for a second provision which takes away the exemption in respect of occupations and processes to be notified by the Central Government.

This suggested second proviso should also lay down that schools established by, or receiving assistance or recognition from, Government shall not be used as production centres although they would be entitled to impart work experience to the pupils in the schools under prescribed curricula and according to recognised norms applicable to children in specified age groups.

8. *Sections 4 and 5: Technical Advisory Committee:* We note that Section 4 permits the Central Government to add any occupation or process to the Schedule appended to

the Act. Section 5 provides for the constitution by the Central Government of an Advisory Committee, to be called the Child Labour Technical Advisory Committee, to advise the Central Government for the purpose of addition of occupations and processes to the Schedule. While Section 5 provides for the constitution of the Committee and its term of office and empowers the Committee to regulate its own procedure, it does not make an express provision for mandatory public consultative process. We are of this view that the functions of Technical Advisory Committee and the power of the Central Government to add occupations and the schedule an aspect of the progressive and transitional nature of the Act. In order that the Technical Advisory Committee may have the benefit of the widest possible inputs of information and experience it is necessary that it should have mandatory statutory consultative mechanisms and procedures. We are so of the view that the advisory function of the Technical Advisory Committee under Section 5(1) should be expanded. It should be possible for the Technical Advisory Committee to make detailed recommendations in respect of occupations and processes to be added to the Schedule. It should also be possible for the additions of occupations and processes to the Schedule. We suggest that Section 5 should be amended accordingly.

9. *Part II and Section 12:* Part II deals with prohibition of employment of children in certain occupations and processes. Section 12 of the Act, which falls in Part III, however deals with regulation of conditions of work of children. It would be appropriate to place the provision of Section 12 either in Part II or in Part IV (Miscellaneous). Section 12 should authorise the Government to notify a simplified, text of the purport of Sections and 14, the local language version of which should be required to be displayed. The proposed equivalent of Section 12 should come into force at once.
10. *Part III of the Act:* Many of the Provisions in Part III, for example, Section 7 (1) can come into play only after Part III comes into force generally or vis-a-vis certain Status and certain establishments. The enforcement of regulatory provisions in Part III also depends on notification of rules by the appropriate Government. For instance, the regulatory provisions of Section 7 cannot be applied unless the appropriate Government makes and notifies rules under Section 18(2) by providing for the number of hours in which a child may be required or permitted to work under subsection (1) of section 7. Similarly, Section 11, which provides for the maintenance of a register

by every occupier in respect of children employed or permitted to work in any establishment cannot be fully implemented unless the appropriate Government makes rules under Section 19 (2) (d) prescribing the other particulars, which such rules should contain. We recommended that a mandatory time limit should be fixed by statute for doing what the statute requires to be done to effectuate its provisions and, if necessary, the requisite forms and particulars may be prescribed in Schedules to the Act which may be added.

11. *Section 14 (3) and 15*: We are of the opinion that the maximum permissible punishment should be increased to rupees one lakh with a proviso that in case of second or subsequent conviction a sentence of imprisonment shall be mandatory. A provision should also be made for parents/guardians. A provision should also be made for payment of substantial compensation to the child in all cases involving infractions of the child labour Act.
12. *Section 16*: There should be a statutory time limit of six months from the date of complaint and within which the trial of the case should be concluded and the order should be pronounced. It should be clarified that the time limit is being prescribed not for the benefit to the accused, but in order to ensure expedition in the trial of offences with regard to child labour.
13. *Section 17*: Section 17 should be couched in mandatory terms and it should be provided that “the appropriate Government shall appoint a sufficient number of inspectors....” We would also suggest that duly accredited nongovernmental organisations and / or their heads might also be notified as inspectors.
14. *Section 18*: There should be a mandatory provision calling upon the appropriate Government to make the requisite rules within the time limit expressly prescribed by the Act itself.
15. *Section 21 (Power to Remove Difficulties)*: Section 21 is an instance of what is known as Henry VIII clause. It has its beneficial uses. It enables the Central Government to make necessary provisions, not inconsistent of the Act. The proviso the Section 21 (1) limits the operation of the provision to three years when it was possible to do so, mainly because the Act has not yet swung into full-fledged functioning. We would suggest that the efficacy of Section 21 should be extended for a further period of three years by amending the proviso.

NATIONAL POLICY AND ACTION PLANS

The first and foremost recommendation we would like to make in respect of National Policy and Action Plan is that the Government of India should publish a White paper or some such document explaining the historical background, analysing the present situation, giving reliable statistical and other data and projecting and policies in terms of targets, allocations and types of programmes and other activities it has in its contemplation. A white paper on child labour would have the great merit of underlying the priority which child labour is to occupy in the scheme of things. A definitive official document will also provide a proper and welcome starting point for a renewed national commitment and for a rescued and reconstructed priority in respect of child labour.

Secondly, we would suggest that the National Policy and Action Plan should be carefully rewritten to convey and project clearly the vision, values, commitments, concerns and the substantive content of Government's policy on child labour. It should also spell out the kind of funding it is going to provide, the approach to voluntary agencies, the phases which it envisages and the kind of apparatus to which would it entrust the policy and programmes. We hope that a redrafted national Policy and Action Plan would provide a comprehensive national perspective on child labour.

The Task Force is of the view that policy prescriptions cannot go very far unless they are based on intensive empirical field studies of occupations and processes, social and economic factors and educational and cultural facilities. The Gurupadaswamy Committee had recommended that the ministry of Labour in consultation with the Department of Social Welfare and other concerned Ministries should accomplish this task. Very little, however, appears to have been done in the matter of detailed studies. In this connection it is important to note that each category of working children has to be studied separately. The problems of paid family workers, apprentices, wage earning workers and workers in certain establishments and in the unorganised sector are quite different and have to be approached with different strategies.

We are pained to find that the Universities and the Indian Council of Social Science Research have also not accorded problems of child labour any particular attention, so that the academic community of social scientists has by and large not provided the inputs

it could have. We attach great importance to such independent studies in the universities and by independent academics.

We note that the educational strategy for the age group of children up to 14 years is a state of disarray. Free and compulsory primary education appears to be a distant dream. Vocationalization of education is scattered and is comparable to a few cases in a vast desert area. Even the Operation Blackboard appears to have been a non-starter. Rural education has yet to be resurrected. The question arises whether it is not incumbent and obligatory on the State to provide for proper educational and vocational training facilities while seeking to prohibit and regulate child labour.

It is vital that educational facilities should be provided for child workers as a part of labour welfare measures to be adopted by employers. Non-formal alternative strategies of education should also be developed. There should be library and reading facilities and special courses for working children. Vocational guidance, employment bureaus for children and courses for imparting skills to upgrade abilities and employability of children should be thought of. Holidays and travel programmes should be provided for child workers in the regulated sector as a part of the employers responsibility. We feel that both legislation and policy on child labour must necessarily provide for these facilities, and the government should so formulate its policy as to ensure that the provision of these facilities goes hand in hand with the prohibition and regulation of child labour.

One of the most important prerequisites for the success of any child labour policy is a massive national programme for public civic education on child labour. It is necessary that public opinion is created and public interest is sustained in respect of the problems of child labour. The media, both official and non-official, should be approached by the government to give due attention to the problems of child labour. Responsible investigative journalism should also be invited and encouraged to repeat on the problems of child labour and to suggest remedial action.

With regard to the Action plan, we are of the view that either the present Task Force or a new Task Force should be asked to evaluate them and to help in revising, restructuring and revitalising them. We also feel that it is imperative to establish many more projects to build up a mass movement bases on action programmes.

EPILOGUE

We conclude with the hope that the Government in redressing new as well as age-old injustices perpetrated on child labour would make a purposeful beginning. Those injustices rankle, as they ought to. In the words of Charles Dickens, who vivified the abject misery and the heartless oppression and victimisation of children with relentless candour and profound compassion in his writing, “in the little world in which children have their existence.... there is nothing so finely perceived and so finely felt, as injustice.”

Child Labour belongs to that segment of human population, often described as “the loveliest and most divine’. Unfortunately, they are also the most neglected and exploited. In the midst of that neglect, exploitation and injustice, let us not forget Rabindranath Tagore’s declaration that “Life’s aspirations come in the guise of children” and Kahlil Gibran’s evocative description of children as “the sons and daughters of life’s longing for itself.” Let us remember as a nation that our trust with destiny symbolises the sanctity of life and the dignity and worth of the child as a human person, in other words, “Life’s longing for itself.”

Sd/-

L.M. Singhvi
Convenor and Chairman

Sd/-

Nandana Reddy
Member

Sd/-

Shakuntala Shankarnarayan
Member

Sd/-

K.R. Venugopal
Member

Sd/-

Vijendra Kabra,
Member

(Shri Vijendra Kabra could not attend the last meeting of the Task Force in which the Report was finalised).

IV. RECOMMENDATIONS OF NATIONAL COMMISSION ON RURAL LABOUR, 1991

(a) Child Labour

- (i) Free and compulsory elementary education for all children up to the age of 14 should be ensured immediately through the formal school system. Compulsory Primary Education Act should be enacted in State, which does not have such legislation, and the Act should be implemented strictly. Informal education centres should also be set up near the basis. This will be the most effective method of preventing child labour of all kinds.
- (ii) This measures should be backed up by a substantial increase in outlay for elementary education (which was only 1.04 per cent of the total Plan outlay in the Seventh Plan) for providing school building and equipment, teachers, teacher's training, textbooks and other requisites. Supporting measures like free text books and uniforms, stipend or attendance scholarships, particularly for girls and mid-day meals consisting of pre-cooked packed food etc. should also be provided.
- (iii) If guaranteed wage employment can provided to the parents of such child labour, the need for sending the child for work will also reduce. This programme should phase and spread over the next five years, especially first covering areas where employment of child labourers is extensive.
- (iv) Simultaneously, the law also should provide for prohibition of child labour (that is, those under fourteen years of age) in all occupations and processes. The law should also plug loopholes to make the real principal employer liable for violations (as recommended in the case of home-based workers).
- (v) A publicity campaign should also be undertaken through various media to bring out the evils of child labour and educate the public.

(b) General

Basic health facilities in rural areas must be substantially enhanced. Emphasis should shift from curative to preventive and public health aspects and health education for women should be given priority. Research institutions should reorient their efforts in favour for women should be given priority. Research institutions should reorient their efforts in favour of solving occupational health problems of workers in the unorganised sector. Medical and child health services in rural areas should be strengthened.

National Laws on Child Labour

History of Legislation Relating to Child Labour: A Resume

1881 to 1954 The Factories Act, 1948 replaced the Factories Act, 1881

- (i) The Factories Act, 1881 provided prohibition of employment of children of minimum age of seven years. In 1891 the age was increased to nine years and further raised to fifteen years in 1948.
- (ii) The Act of 1881 provided prohibition of successive employment in two factories on the same day.
- (iii) The Act of 1881 provided maximum working hours of nine hours a day with at least four holidays in a month. In 1891, working hours were reduced to seven hours with prohibition of work at night between 8 p.m. and 5 a.m. In 1911, prohibition of work at night was modified between 7 p.m. and 5.30 a.m. In 1922, working hours was further reduced to 6 hours and also added an interval of half an hour if children are employed for more than 5½ hours in a day.
- (iv) The Factory Act, 1881 was applicable to factories employing 100 or more persons. In 1922 it was brought down to establishments employing 20 or more persons with mechanical processes. Power vested with local governments to exclude the application of provisions to premises employing 10 or more persons. In 1948, the Act was made applicable to factories employing 10 or more persons with the aid of power and for employing 20 or more persons without the aid of power.
- (v) In 1911, it provided prohibition of employment of children for work in certain dangerous process. In 1922, it provided prohibition of employment of children below 18 and women in certain processes. In 1934, elaborate provisions were added for regulating the employment of children of various groups in the factories, such as:
 - (a) Children under 12 & 15 years – employment generally prohibited in certain areas;

- (b) Children under 12 & 15 years – employment restricted to 5 hours a day in other areas;
- (c) Children between 15 and 17 years – certain restrictions were imposed;
- (vi) In 1911, requirement of certificate of age and fitness was added. In 1922 provision for medical certificate and also certificate of re-examination for continuing work was made.
- (vii) In 1926 a provision was added for imposition of certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day.
- (viii) In 1954, a provision was added for prohibition of employment of persons under 17 years at night (“Night” was defined as a period of 12 consecutive hours and which included hours between 10 pm and 7 am)

1901 to 1952: The Mines Act, 1952 replaced the Mines Act, 1901

- (i) The Act of 1901 prohibited employment of children less than 12 years of age. In 1923, age was raised to 13 years. In 1935, it was further raised to 15 years.
- (a) It further provided permission of employment of persons between 15 and 17 years only on production of certificate of physical fitness granted by a qualified medical practitioner;
- (b) Working time was restricted to maximum of 10 hours a day and 54 hours a week for work above the ground and 9 hours a day underground.

The Act of 1952 stipulated two conditions for underground work in a mine-

- (I) Requirement to have completed 16 years of age and,
- (II) Requirement to obtain a certificate of physical fitness from a surgeon.

1931: The Indian Ports (Amendment) Act 1931

Laid down 12 years as the Minimum age that could be prescribed for handling goods in ports. The Report of the Royal Commission on Labour (1931) had an impact on legislation pertaining to Child Labour during the period between 1931 and 1949.

1932: The Tea Districts' (Emigrant Labour) Act 1932

Was passed to check migration of labour to Assam. It provided that no under – age child is employed or allowed to migrate unless the child was accompanied by his or her parents or adults on whom the child was dependent.

1933: The Children (Pledging of Labour) Act 1933

Prohibited pledging of children – i.e. taking of advances by parents and guardians in return for bonds, pledging the labour of their children – a system akin to the bonded labour system. The Royal Commission noticed this practice of pledging the labour of their children in carpet and bidi factories, in areas such as Amritsar, Allahabad, Madras, etc.. The children in these situations were found to be working under extremely unsatisfactory conditions.

1938: The Employment of Children Act 1938

Was passed to implement the convention adopted by the 23rd session of ILO (1937), which inserted a special article on India:

Children under the age of 13 years shall not be employed or work in the transport of passengers, or goods or mails, by rail, or in the handling of goods at docks, quays of wharves, but excluding transport by hand. Children under the age of 15 years shall not be employed or work.... in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

This Act:

- (i) Prohibited the employment of children under 15 years in occupations connected with transport of goods, passengers, mails on railways;
- (ii) Raised the minimum age for handling goods on docks from 12 to 14 years;
- (iii) Provided for the requirement of a certification of age.
- (iv) In 1951, a provision was added for prohibition the employment of the children between 15 and 17 years at night in railways and ports and also provided for requirement of maintaining register for children less than 17 years.
- (v) In 1978, a provision was added for prohibition employment of a child below 15 years in occupations in railway premises such as cinder-picking or cleaning

of ash pit or building operations, in catering establishment and in any other work which is carried on in close proximity to or between the railway lines.

1951: Plantations Labour Act 1951

Prohibited the employment of children less than 12 years in plantation.

1958: The Merchant Shipping Act 1958

Prohibits children under 15, to be engaged to work in any capacity in any ship, except in certain specified cases.

1961: The Motor Transport Worker Act 1961

Prohibits the employment of children under 15 years in any motor transport undertaking.

The Apprentices Act 1961

Prohibits the apprenticeship/training of a person under 14 years.

1966: The Beedi and Cigar Workers (Conditions of Employment) Act 1966 prohibits:

- (i) The employment of children under 14 years in any industrial premises manufacturing bidis or cigars;
- (ii) Persons between 14 and 18 years to work at night between 7 pm and 6 am.

1986: The Child Labour (Prohibition and Regulation) Act

- i) Bans the employment of children, i.e. those who have not completed their fourteenth year, in specified occupation and processes;
- ii) Lays down a procedure to decide modifications to the Schedule of banned occupations or processes;
- iii) Regulates the conditions of work of children in employment where they are not prohibited from working;
- iv) Lays down enhanced penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
- v) It also intends to obtain uniformity in the definition of “child” in the related laws.

The Child Labour (Prohibition & Regulation) Act, 1986

Summary

The Child Labour (Prohibition & 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 are the National Commission on Labour (1966-69), Gurupadaswamy Committee on Child Labour (1979), Sanat Mehta Committee (1984) and others. The basic objective of the Child Labour (Prohibition & Regulation) Act, 1986 is to ban employment of children below the age of 14 years in factories, mines and hazardous employments and to regulate the working conditions of children in other employment.

- i) Bans the employment of children – i.e. those who have not completed their 14th year, in specified occupations and processes;
- ii) Lays down a procedure to decide modifications to the schedule of banned occupations or processes;
- iii) This act regulates the conditions of work of children in employment where they are not prohibited from working;
- iv) It also lays down enhanced penalties for the employment of children in violation of the previous of this act, and other acts which forbid the employment of children; and
- v) The act brings about uniformity in the definition of “child in related laws”.

The Act prohibits employment of children below 14 years of age in occupations and processes listed in Part A and Part B of the Schedule to the Act. Through a Notification dated 26.5.1993, the working conditions of children have been regulated in all employments, which are not prohibited under the Child Labour (Prohibition & Regulation) Act, 1986. Through a Notification dated 10.5.2000 the schedule has been modified by adding six more processes, thereby bringing the total to 13 occupations and 57 processes. Section 5 of the Child Labour (Prohibition & Regulation) Act, 1986 provides for the constitution of a Child Labour Technical Advisory Committee to advise the Central Government for the purpose of addition of the schedule of the Act.

II. THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

(Act No. 61 of 1986)

[23rd December, 1986]

An Act to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:

Comment

Social and beneficial legislation - Social legislation is designed to protect the interest of a class of society who, because of their economic conditions, deserves such protection. With a view to pass the test of reasonable classification there must exist intelligible differential between persons or things grouped together from those who have been left out and there must be a reasonable nexus with the object to be achieved by the legislation.

The Court must strive to so interpret the statute as to protect and advance the object and purpose of the enactment. Any narrow or technical interpretation of the provisions would defeat the legislative policy. The Court must, therefore, keep the legislative policy in mind in applying the provisions of the Act to the facts of the case.

PART I PRELIMINARY

1. Short title, extent and commencement - (1) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986.
 - (2) It extends to the whole of India.
 - (3) The provisions of this Act, other than Part III, shall come into force at once, and Part III shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different States and for different classes of establishments.

Comment

May and shall - Where the Legislature uses two words “may” and “shall” in two different parts of the same provision, prima facie it would appear that the Legislature manifested its intention to make one part directory and another mandatory. But that by itself is not decisive. The power of the Court still to ascertain the real intention of the Legislature by carefully examining the scope of the statute to find out whether the provision is directory or mandatory remains unimpaired even where both the words are used in the same provision.

In interpreting the provisions the exercise undertaken by the Court is to make explicit the intention of the Legislature, which enacted the legislation. It is not for the Court to reframe the legislation for the very good reason that the powers to “legislate” have not been conferred on the Court.

In order to sustain the presumption of constitutionality of a legislative measure, the Court can take into consideration matters of common knowledge, matters of common report, the history of the times and also assume every state of facts which can be conceived existing at the time of the legislation.

2. Definitions - In this Act, unless the context otherwise requires,
 - (i) “Appropriate Government” means, in relation to an establishment under the control of the Central Government or a railway administration or a major port or a mine or oilfield, the Central Government, and in all other cases, the State Government;

- (ii) “Child” means a person who has not completed his fourteenth year of age;
- (iii) “Day” means a period of twenty-four hours beginning at midnight;
- (iv) “Establishment” includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment;
- (v) “Family”, in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
- (vi) “Occupier”, in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;
- (vii) “Port authority” means any authority administering a port;
- (viii) “Prescribed” means prescribed by rules made under Sec.18;
- (ix) “Week” means a period of seven days beginning at midnight on Saturday night or any other night as approved by the Inspector;
- (x) “Workshop” means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of Sec. 67 of the Factories Act, 1948 (63 of 1948), for the time being, apply.

Comment

This section defines the various words and expressions occurring in the Act.

Interpretation of section — The Court can merely interpret the section; it cannot re-write, re-cast or re-design the section.

Ambiguous expression — Courts must find out the literal meaning of the expression in the task of construction. In doing so if the expressions are ambiguous then the construction that fulfils the object of the legislation must provide the key to the meaning. Courts must not make mockery of legislation and should take a constructive approach to fulfil the purpose and for that purpose, if necessary, iron out the creases.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

3. Prohibition of employment of children in certain occupations and processes — No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on :

Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

Comment

This section imposes prohibition on employment of children in the occupation and processes specified in the Schedule.

Proviso — A proviso is intended to limit the enacted provision so as to except something, which would have otherwise been within it or in some measure to modify the enacting clause. Sometimes proviso may be embedded in the main provision and becomes an integral part of it so as to amount to a substantive provision itself.

4. Power to amend the Schedule - The Central Government, after giving by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly.

Comment

This section empowers the Central Government to amend the Schedule so as to include therein any occupation or process considered necessary.

Construction of a section — It is an elementary rule that construction of a section is to be made of all parts together. It is not permissible to omit any part of it. For, the principle that the statute must be read as a whole is equally applicable to different parts of the same section.

5. **Child Labour Technical Advisory Committee**— (1) The Central Government may, by notification in the official Gazette, constitute an advisory committee to be called the Child Labour Technical Advisory Committee (hereinafter in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.
- (2) The Committee shall consist of a Chairman and such other members not exceeding ten, as may be appointed by the Central Government.
- (3) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.
- (4) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.
- (5) The term of office of, the manner of filling casual vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.

Comment

This section empowers the Central Government to constitute the Child Labour Technical Advisory Committee for giving advice in the matter of inclusion of any occupation and process in the Schedule.

PART III

REGULATION OF CONDITIONS OF WORKING CHILDREN

6. Application of Part — The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in Sec. 3 is carried on.

Comment

This section lays down that provisions of this Part shall apply to an establishment in which none of the prohibited occupations or processes is carried on.

7. Hours and period of work

- (1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.
- (2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.
- (3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section (2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.
- (4) No child shall be permitted or required to work between 7 p.m. and 8 a.m.
- (5) No child shall be permitted or required to work overtime.
- (6) No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

Comment

This section prescribes working hours for a child labour.

Provision if mandatory or directory — The surest test for determination as to whether

the provisions is mandatory or directory is to see as to whether the sanction is provided therein.

8. **Weekly holidays** — Every child employed in an establishment shall be allowed in each week, a holiday or one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

Comment

This section lays down that a weekly holiday should be allowed to every child labour.

9. **Notice to Inspector** — (1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:
- (a) The name and situation of the establishment;
 - (b) The name of the person in actual management of the establishment;
 - (c) The address to which communications relating to the establishment should be sent; and,
 - (d) The nature of the occupation or process carried on in the establishment.
- (2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars as are mentioned in sub-section (1).

Explanation — For the purposes of sub-sections (1) and (2), “date of commencement of this Act, in relation to an establishment” means the date of

bringing into force of this Act in relation to such establishment.

- (3) Nothing in Sections. 7,8 and 9 shall apply to any establishment wherein the occupier carries on any process with the aid of his/her family or to any school established by, or receiving assistance or recognition from, Government.

Comment

This section makes provision for furnishing of information regarding employment of a child labour to Inspector.

Explanation — It is now well settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain or clarify certain ambiguities, which may have crept in the statutory provision.

10. Disputes as to age — If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

Comment

This section makes provision for settlement of disputes as to age of any child labour.

11. Maintenance of register — There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing -
- (a) The name and date of birth of every child so employed or permitted to work;
 - (b) Hours and periods of work of any such child and the intervals of rest to which he is entitled;
 - (c) The nature of work of any such child; and,
 - (d) Such other particulars as may be prescribed.

Comment

This section makes provision for maintenance of register in respect of child labour.

12. Display of notice containing abstract of Secs.3 and 14 — Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of Secs. 3 and 14.

Comment

This section makes provision for display of notice in a conspicuous place at every railway station or port or place of work regarding prohibition of employment of child labour, penalties, etc., in the local language and in the English language.

13. Health and safety — (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.
- (2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely:
- (a) Cleanliness in the place of work and its freedom from nuisance;
 - (b) Disposal of wastes and effluents;
 - (c) Ventilation and temperature;
 - (d) Dust and fume;
 - (e) Artificial humidification;
 - (f) Lighting;
 - (g) Drinking water;
 - (h) Latrine and urinals;
 - (i) Spittoons;
 - (j) Fencing of machinery;

- (k) Work at or near machinery in motion;
- (l) Employment of children on dangerous machines;
- (m) Instructions, training and supervision in relation to employment of children on dangerous machines;
- (n) Device for cutting off power;
- (o) Self-acting machines;
- (p) Easing of new machinery;
- (q) Floor, stairs and means of access;
- (r) Pits, sumps, openings in floors, etc.;
- (s) Excessive weights;
- (t) Protection of eyes;
- (u) Explosive or inflammable dust, gas, etc.;
- (v) Precautions in case of fire;
- (w) Maintenance of buildings; and,
- (x) Safety of buildings and machinery.

Comment

This section lays down that the Government is required to make rules for the health and safety of the child labour.

PART IV MISCELLANEOUS

14. Penalties — (1) Whoever employs any child or permits any child to work in contravention of the provisions of Sec 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.
- (2) Whoever, having been convicted of an offence under Sec. 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.
- (3) Whoever -
- (a) Fails to give notice as required by Sec. 9, or
 - (b) Fails to maintain a register as required by Sec. 11 or makes any false entry in any such register; or
 - (c) Fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 12; or
 - (d) Fails to comply with or contravenes any other provisions of this Act or the rules made there under; shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both.

Comment

This section makes provision for penalty for contravention of the provisions of the Act.

Penalty — Mens rea — Essential — Penalty proceedings are quasi criminal proceedings. Before penalty can be imposed it has to be ensured that mens rea has been established.

Penal provision — Object of — The law in its wisdom seeks to punish the guilty who commits the sin, and not his son, who is innocent.

15. Modified application of certain laws in relation to penalties —

- (1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of Sec. 14 of this Act and not under the Acts in which those provisions are contained.
- (2) The provisions referred to in sub-section (1) are the provisions mentioned below:
 - (a) Section 67 of the Factories Act, 1948 (63 of 1948);
 - (b) Section 40 of the Mines Act, 1952 (35 of 1952);
 - (c) Section 109 of the Merchant Shipping Act, 1958 (44 of 1958); and
 - (d) Section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).

Comment

This section makes provision of penalties under the Act even when any person is found guilty and convicted of contravention of any of the provisions of Sec.67 of the Factories Act, 1948, Sec.40 of the Mines Act, 1952, Section 109 of the Merchant Shipping Act, 1958 and Sec.21 of the Motor Transport Workers Act, 1961.

16. Procedure relating to offences —

- (1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any Court of competent jurisdiction.
- (2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.
- (3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.

Comment

This section lays down that any person, police officer or inspector can make a complaint regarding commission of offences. It also lays down the procedure for disposal of such a complaint.

Court Duty of — The Court should meticulously consider all facts and circumstances of the case. The Court is not bound to grant specific performance merely because it is lawful to do so. The motive behind the litigation should also enter into the judicial verdict. The Court should take care to see that it is used as an instrument of oppression to have an

unfair advantage to the plaintiff.

17. Appointment of inspectors — The appropriate Government may appoint inspectors for the purposes of securing compliance with the provisions of this Act and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

Comment

This section empowers the appropriate Government to appoint inspectors for securing compliance of the provisions of the Act. Such inspector is deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

Public servant — Every public officer is a trustee and in respect of the office he holds and the salary and other benefits, which he/she draws, is obliged to render appropriate service to the State. If an officer does not behave as required under the law he/she is certainly liable to be punished in accordance with law.

18. Power to make rules —

- (1) The appropriate Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
 - (a) The term of the office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of Sec.5;
 - (b) Number of hours for which a child may be required or permitted to work under sub-section (1) of Sec.7;
 - (c) Grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities, which may issue such certificate, the form of such certificate, the charges, which may be made there under, and the manner in which such certificate may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned;

- (d) The other particulars is maintained in a register under Sec.11.

Comment

This section empowers the appropriate Government to make rule for carrying out the provisions of the Act.

Rules for effectuating the purpose of the Act — The general power of framing rules for effectuating the purposes of the Act, would plainly authorize and sanctify the framing of such a rule.

19. Rules and notifications to be laid before Parliament or State legislature —

(1) Every rules made under this Act by the Central Government and every notification issued under Sec.4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the Legislature of that State.

Comment

Under this section the rules and notifications are to be laid before Parliament or State Legislature for approval.

20. Certain other provisions of law not barred — Subject to the provisions contained in Sec.15, the provisions of this Act and the rules made there under shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).

Comment

This section lays down that the provisions of this Act shall be in addition to and not in derogation of, the provisions of the Factories Act, 1948, the Plantations Labour Act, 1951 and the Mines Act, 1952.

21. Power to remove difficulties —

- (1) If any difficulty arises in giving effect of the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty.

Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.

- (2) Every order made under this section shall, as soon as may be after it is made, before the Houses of Parliament.

Comment

Under the provisions of this section the Central Government is empowered to remove difficulties, which arise in giving effect to the provisions of this Act.

22. Repeal and savings —

- (1) The Employment of Children Act, 1938 (26 of 1938) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Comment

The Employment of Children Act, 1938 (26 of 1938) has been repealed by this section.

Implied repeal — It is well settled that when a competent authority makes a new law which is totally inconsistent with the earlier law and that the two cannot stand together any longer it must be construed that the earlier law had been repealed by necessary implication by the latter law.

23. Amendment of Act 11 of 1948 — In Sec.2 of the Minimum Wages Act, 1948-

- (i) For Cl.(a), the following clauses shall be substituted, namely:
 - (a) 'Adolescent' means a person who has completed his fourteenth year of age but has not completed his eighteenth year;
 - (b) 'Adult' means a person who has completed his eighteenth year of age;"
- (ii) After Cl.(b), the following clause shall be inserted, namely:
 - (c) 'Child' means a person who had not completed his fourteenth year of age;"

Comment

Under this section 2 of the Minimum Wages Act, 1948 has been amended so as to define the terms "adolescent", "adult" and "child".

24. Amendment of Act 69 of 1951 — In the Plantations Labour Act, 1951 —

- (a) In Sec.2, in Cl.(a) and (c), for the word "fifteenth", the word "fourteenth" shall be substituted;
- (b) Sec.24 shall be omitted;
- (c) In Sec.26, in the opening portion, the words "who has completed his twelfth year" shall be omitted.

Comment

Under this section, Sec. 2 of the Plantations Labour Act, 1951, has been amended so far as it relates to the employment of child labour.

25. Amendment of Act 44 of 1958 — In the Merchant Shipping Act, 1958, in Sec.109, for the word "fifteen", the word "fourteen" shall be substituted.

Comment

Under this section Sec.109 of the Merchant Shipping Act, 1958, has been amended so far as it relates to the employment of child labour.

26. Amendment of Act 27 of 1961 — In the Motor Transport Workers Act, 1961, in Sec.2, in Cls.(a) and (c), for the word "fifteenth", the word "fourteenth" shall be substituted.

Comment

Under this section, Sec.2 of the Motor Transport Workers Act, 1961, has been amended so far as it relates to the employment of child labour.

THE SCHEDULE

(See Sec.3)

PART A

OCCUPATIONS

Any occupation connected with -

- (1) Transport of passengers, goods or mails by railway;
- (2) Cinder picking, clearing of an ash pit or building operation in the railway premises;
- (3) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
- (4) Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines;
- (5) A port authority within the limits of any port;
- (6) Work relating to selling or crackers and fireworks in shops with temporary licences;
- (7) Abattoirs/Slaughter House.

PART B PROCESSES

- (1) Beedi-making.
- (2) Carpet-weaving.
- (3) Cement manufacture, including bagging of cement.
- (4) Cloth printing, dyeing and weaving.
- (5) Manufacture of matches, explosives and fire-works.
- (6) Mica-cutting and splitting.
- (7) Shellac manufacture
- (8) Soap manufacture.
- (9) Tanning.
- (10) Wool-cleaning.
- (11) Building and construction industry.
- * (12) Manufacture of slate pencils (including packing).
- * (13) Manufacture of products from agate.
- (14) Manufacturing processes using toxic metals and substances such as lead mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.
- # (15) "Hazardous processes" as defined in Sec.2(c) (b) and 'dangerous operations' as notified in rules made under Section 87 of the Factories Act, 1948 (63 of 1948).
- # (16) Printing as defined in Section 2(k)(iv) of the Factories Act, 1948 (63 of 1948).
- # (17) Cashew and cashewnut descaling and processing.
- # (18) Soldering processes in electronic industries.

SUPPLEMENT

Child Labour (Prohibition and Regulation) Act, 1986

In exercise of the powers conferred by section 4 of the Child Labour (Prohibition and Regulation) Act, 1986*, the Central Government hereby adds the following occupation and processes in the Schedule to the said Act, namely :

In the Schedule to the said Act -

(1) In Part A, after item (5) and the entry relating thereto, the following item and entry shall be inserted, namely:-

“(6) Work relating to selling of crackers and fire works in shops with temporary licences”;

(2) In Part B, after item (II) and the entry relating thereto, the following items and entries shall be inserted, namely: -

“(12) Manufacture of slate pencils (including packing).

(13) Manufacture of products from agate.

(14) Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos.”

* Ins. by Notification No.S.O.404 (E) dated the 5th June, 1989 published in the Gazette of India, Extraordinary.

Ins. by Notification No.S.O.263 (E) dated 29th March, 1994 published in the Gazette of India, Extraordinary.

III. LATEST NATIONAL NOTIFICATIONS ON CHILD LABOUR

Ministry of Labour, Notification, New Delhi, 27th January, 1999

S.O.36(E). Whereas the draft of the proposal further to amend the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986 was published as required by section 4 of the Child Labour (Prohibition & Regulation) Act, 1986 (61 of 1986), in the Gazette of India, Extraordinary, Part –II, Section 3, Sub-section (ii) dated 23rd July, 1998 under the notification of Government of India in the Ministry of Labour No. S.O. 619(E) dated 23rd July, 1998 for inviting objections and suggestions from all persons likely to be affected thereby within a period of three months from the date on which copies of the Official Gazette containing the said notification were made available to the public;

And whereas, the said Gazette was made available to the public on the 24th July, 1998;

And whereas, the objections or suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 4 of the Child Labour (Prohibition & Regulation) Act, 1986, the Central Government, after consultation with the Child Labour Technical Advisory Committee, hereby makes the following amendments further to amend the Schedule to the said Act and the directs that they shall come into force on the date of their publication in the official Gazette, namely:-

According to the Schedule for the said Act,-

(a) In PART A, after item (7), the following items shall be added, namely:-

“(8) Automobile workshops and garages;

(9) Foundries;

(10) Handling of toxic or inflammable substances or explosives;

(11) Handloom and power loom industry;

(12) Mines (underground and under water) and collieries;

(13) Plastic units and fibreglass workshops”;

- (b) In PART B:-
- (i) For item (2), the following item shall be substituted, namely: -
“(2) Carpet weaving including preparatory and incidental process thereof”;
- (ii) For item (4), the following item shall be substituted, namely: -
“(4) Cloth printing, dyeing and weaving including processes preparatory and incidental thereto”;
- (iii) After item (18), the following items shall be added, namely: -
- (19) Agarbatti manufacturing.
- (20) Automobile repairs and maintenance including processes incidental thereto namely welding, lathe work, dent beating and painting.
- (21) Brick Kilns and Roof tiles units.
- (22) Cotton ginning and processing and production of hosiery goods.
- (23) Detergent manufacturing.
- (25) Fabrication workshops (ferrous and non ferrous).
- (25) Gem cutting and polishing.
- (26) Handling of chromate and manganese ores.
- (27) Jute textile manufacture and coir making.
- (28) Lime Kilns and Manufacture of Lime.
- (29) Lock making.
- (30) Manufacturing process having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal constructions, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scrapping of lead paint, burning of lead in enamelling workshops, lead mining, plumbing, cable making wire, patenting, lead casting, type founding in printing shops. Store type setting, assembling of cars, shot making and lead glass blowing.
- (31) Manufacture of cement pipes, cement products and other related work.

REFERENCE MATERIAL

- (32) Manufacturing of glass, glassware including bangles, florescent tubes, bulbs and other similar glass products.
- (33) Manufacture of dyes and dyestuff.
- (34) Manufacturing or handling of pesticides and insecticides
- (35) Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving and soldering processes in electronic industry
- (36) Manufacturing of burning coal and coal briquettes.
- (37) Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather.
- (38) Moulding and processing of fibreglass and plastic
- (39) Oil expelling and refinery.
- (40) Paper making.
- (41) Potteries and ceramic industry.
- (42) Polishing moulding, cutting, welding and manufacture of brass goods in all forms.
- (43) Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting.
- (44) Saw mill – all processes.
- (45) Sericulture processing.
- (46) Skinning, dyeing and processes for manufacturing of leather and leather products.
- (47) Stone breaking and stone crushing.
- (48) Tobacco processing including manufacturing of tobacco paste and handling of tobacco in any form.
- (49) Tyre making, repairing, re-treading and graphite benefaction.
- (50) Utensils making, polishing and metal buffing.
- (51) 'Zari' making (all processes)".

[F.No. S-27012/3/97-CLI]

Chitra Chopra Jt. Secy.

The Schedule was earlier amended vide: -

1. S.O. No. 404 (E) dated 5th June, 1989 published in Gazette of India, Extraordinary
2. S.O. No. 263 (E) dated 29th March, 1994 published in Gazette of India, Extraordinary

Ministry of Labour, Notification, New Delhi 10th May, 2001

S.O. 397(E)-Whereas the draft of the proposal further to amend the Schedule to the Child Labour (Prohibition & Regulation) Act, 1986 (61 of the said Act, in the Part-II, Section 3 Sub-section (ii) of the Gazette of India, Extraordinary, dated the 28th July, 2000 under the notification of the Government of India in the Ministry of Labour number S.O. 700 (E), dated the 28th July, 2000 for inviting objections and suggestions from persons likely to be affected thereby within a period of three months from the date on which copies of the Gazette containing the said notification were made available to the public.

And whereas, the copies of the said Gazette were made available to the general public on the 31st July, 2000:

And whereas, the objections and suggestions received from the general public within the said period of three months on the said draft were considered by the Central Government.

Now, therefore, in exercise of the powers conferred by Section 4 of the said Act, the Central Government, after consultation Schedule to the said Act, namely: -

In the schedule to the said Act, in Part B, under the heading "Process":-

- (i) For item (11) and the entries relating thereto, the following shall be substituted, namely: -
- (ii) Building and Construction Industry including processing and polishing and polishing of granite stones"
- (iii) After item (51) and the entries relating thereto, the following shall be inserted, namely: -

(52) Electroplating;

(53) Graphite powdering and incidental processing;

(54) Grinding or glazing of metals;

(55) Diamond cutting and polishing;

(56) Extraction of slate form mines;

(57) Rag picking and scavenging”.

[F.No. S-270/3/97-CL]

Vinod Vaish, Secy.

The first notification to amend the Schedule was issued vide number S.O. 61 dated the 23rd December, 1986 and subsequently the same was amended vide number:-

(1) S.O. No. 404 (E) dated 5th June, 1989

(2) S.O. No. 263 (E) 29th March, 1994

Last amended vide notification No. 36 (E) dated the 27th January, 1999.

IV. THE CHILD LABOUR (PROHIBITION AND REGULATION) RULES, 1988

G.S.R. 847(E), dated 10th August, 1988 — In exercise of the powers conferred by sub-section (1) of Sec. 18 of the said Act, the Central Government, hereby makes the following rules, namely:

Comment

Rule-making power — The general power of framing rules for effectuating the purposes of the Act, would plainly authorize and sanctify the framing of such a rule.

1. Short title and commencement — (1) These rules may be called the Child Labour (Prohibition and Regulation) Rules, 1988.
(2) They shall come into force on the date of their publication in the official Gazette.

Comment

These rules have been framed by the Central Government in the exercise of the powers conferred by Sec.18 (1) of the Child Labour (Prohibition and Regulation) Act, 1986.

Rules - Whether validly framed — The question whether rules are validly framed to carry out the purposes of the Act can be determined on the analysis of the provisions of the Act.

2. Definitions — In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986);
 - (b) "Committee" means the Child Labour Technical Advisory Committee constituted under sub-section (1) of Sec.5 of the Act;
 - (c) "Chairman" means the Chairman of the Committee appointed under sub-section (2) of Sec.5 of the Act;
 - (d) "Form" means a Form appended to these rules;
 - (e) "Register" means the register required to be maintained under Sec.11 of the Act;

- (f) “Schedule” means the schedule appended to the Act;
- (g) “Section” means a section of the Act.

Comment

This rule defines the various expressions occurring in the Rules.

Interpretation by a court — The Court can merely interpret the section; it cannot re-write, re-cast or re-design the section.

Otherwise - What amounts to — The word “otherwise” is not to be construed ejusdem generis with the word “circulars, advertisements”.

3. Term of office of the members of the Committee — (1) The term of office of the members of the Committee shall be one year from the date on which their appointment is notified in the official Gazette:

Provided that the Central Government may extend the term of office of the member of the Committee for a maximum period of two years:

Provided further that the member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

- (2) The members appointed under sub-rule (1) shall be eligible for re-appointment.

Comment

“Shall” cannot be interpreted as “may”.

Proviso — In *Abdul Jabar Butt v. State of Jammu and Kashmir*, it was held that a proviso must be considered with relation to the principal matter to which it stands as a proviso.

4. Secretary to the Committee — The Central Government may appoint an officer not below the rank of an Under-Secretary to the Government of India as Secretary of the Committee.

Comment

This rule empowers the Central Government to appoint an officer not below the rank of an under-secretary to the Government of India as the Secretary to the Child Labour Technical Advisory Committee.

5. Allowances to non-official members. — The non-official members and Chairman of the Committee shall be paid such fees and allowances as may be admissible to the officers of the Central Government drawing a pay of rupees four thousand and five hundred or above.
6. Resignation —
 - (1) A member may resign his office by writing under his hand addressed to the Chairman.
 - (2) The Chairman may resign his office by writing under his hand addressed to the Central Government.
 - (3) The resignation referred to in sub-rule (1) and sub-rule (2) shall take effect from the date of its acceptance or on the expiry of thirty days from the date of receipt of such resignation, whichever is earlier, by the Chairman or the Central Government, as the case may be.
7. Removal of Chairman or member of the Committee — The Central Government may remove the Chairman or any member of the Committee at any time before the expiry of the term of office after giving him a reasonable opportunity of showing cause against the proposed removal.

Comment

This rule lays down procedure for removal of Chairman or member of the Committee by the Central Government.

8. Cessation of membership — If a member —
 - (a) Is absent without leave of the Chairman for three or more consecutive meetings of the Committee; or
 - (b) Is declared to be of unsound mind by a competent court; or
 - (c) Is or has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (d) Is, or at any time, has been adjudicated insolvent or has suspended his debts or has compounded with his creditors, shall cease to be a member of the Committee.

Comment

This rule deals with the matter relating to cessation of membership.

9. Filling up of casual vacancies — In case a member resigns his office under rule 6 or ceases to be a member under rule 8, the casual vacancy thus caused shall be filled up by the Central Government and the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

Comment

This rule empowers the Central Government to fill up casual vacancies and it lays down that the member so appointed shall hold office for the unexpired portion of the term of his predecessor.

10. Time and place of meetings — The Committee shall meet at such times and places as the Chairman may fix in this behalf.
11. Notice of meetings — The Secretary to the Committee shall give at least seven days notice to every member of the Committee of the time and place fixed for each meeting along with the list of business to be transacted at the said meeting.
12. Presiding at meetings — The Chairman shall preside at every meeting of the Committee at which he is present; if, however, the Chairman is unable to attend a meeting, any member elected by the members present among themselves shall preside at the meeting.

Comment

“Shall” — It is well-known principle that in the interpretation of statutes that where the situation and the context warrants it, the word “shall” used in a section or rule of a statute has to be construed as “may”.

13. Quorum — No business shall be transacted at a meeting of the Committee unless at least three members of the Committee other than the Chairman and the Secretary are present :

Provided that at any meeting in which less than three of the total members are present, the Chairman may adjourn the meeting to a date as he deems fit and inform the members present and notify other members that the business of the scheduled

meeting shall be disposed of at the adjourned meeting irrespective of the quorum and it shall be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending the meeting.

Comment

Scope of proviso — The scope of a proviso is well settled. In *Ram Narain Sons Ltd. v. Asstt. Commissioner of Sales Tax*, it was held:

“It is a cardinal rule of interpretation that a proviso to a particular provision of statute only embraces the field which is covered by the main provision. It carves out an exception to the main provision to which it has been enacted as a proviso and to no other.”

14. Decision by majority - All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairman, or in the absence of Chairman, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

Comment

This rule lays down that the matters considered by the Committee in its meeting should be decided by a majority votes of the members present. The rule further lays down that the Chairman or in his absence the member presiding at the meeting shall have a casting vote.

15. Sub-Committees. — The Committee may constitute one or more Sub-Committees, whether consisting only of members of the Committee or partly of members of the Committee and partly of other persons as it thinks fit, for such purposes, as it may decide and any Sub-Committee so constituted shall discharge such functions as may be delegated to it by the Committee.

16. Register to be maintained under Sec. 11 of the Act. —

- (1) Every occupier of an establishment shall maintain a register in respect of children employed or permitted to work, in Form A.

- (2) The register shall be maintained on a yearly basis but shall be retained by the employer for a period of three years after the date of the last entry made therein.

Comment

Under this rule every occupier of an establishment is required to maintain an yearly register showing the children employed or permitted to work and to retain such registers for a period of three years.

17. Certificate of age. —

- (1) All young persons in employment in any of the occupations set-forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on, shall produce a certificate of age from the appropriate medical authority, whenever required to do so by an Inspector.
- (2) The certificate of age referred to in sub-rule (1) shall be issued in Form 'B'.
- (3) The charges payable to the medical authority for the issue of such certificate shall be the same as prescribed by the State Government or the Central Government, as the case may be for their respective Medical Boards.
- (4) The charges payable to the medical authority shall be borne by the employer of the young person whose age is under question.

Explanation — For the purposes of sub-rule (1), the appropriate “Medical authority” shall be Government medical doctor not below the rank of an Assistant Surgeon of a District or a regular doctor of equivalent rank employed in Employees’ State Insurance dispensaries of hospitals.

Comment

Explanation — It is not well settled that an explanation added to a statutory provision is not a substantive provision in any sense of the term but as the plain meaning of the word itself shows it is merely meant to explain and clarify certain ambiguities, which may have crept in the statutory provision.

FORM A

[See Rule 16(I)]

Year

Name and address of employer

Place of work.....

Nature of work being done by the establishment.....

Sl. No.	Name of Child	Father's Name	Date of Birth	Permanent Address	Date of joining the Establishment
1	2	3	4	5	6
7					

Nature of Work on which employed	Daily hours of work	Intervals of rest	Wages paid	Remarks
7	8	9	10	11

FORM B

Certificate of Age
[See Rule 17(2)]

Certificate No.....

I hereby certify that I have personally examined

(name.....) son/daughter of
..... residing at and that he/
she has completed his/her fourteenth year and his/her age, as nearly as can be ascertained
from my examination is years (completed). His/Her descriptive
marks are.....

Thumb-impression/signature of child

Place

Medical Authority

Date

Designation

Supplement

The Child Labour (Prohibition and Regulation) Act, 1986

S.O. 333(E), dated 26th May, 1993. — In exercise of the powers conferred by sub-section (3) of Sec. 1 of the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), the Central Government hereby appoints the 26th day of May, 1993 as the date of which the provisions of Part III of the said Act shall come into force in respect of all classes of establishments, throughout the territory of India, in which none of the occupations and processes referred to in Sec. 3 of the said Act is carried on.

National Projects on Child Labour

5: National Projects on Child Labour

The National Child Labour Policy was adopted in 1987 and the policy was translated into action by the National Child Labour projects. The main components of the National Child Labour projects are awareness generation, survey for identification of child labour, running special schools, non-formal education, mainstreaming of child labour, enforcement of child labour laws and income and employment generation in the child labour concentration areas. The Projects are area specific, time bound, and participative in as much as they involve government and non-government agencies and the community in an integrated manner. Though these projects recognize the desirability of simultaneous withdrawal and rehabilitation of all working children, due to various administrative, logistic and financial reasons, a gradual and progressive approach has been adopted. This approach places priority on withdrawal and rehabilitation of children engaged in hazardous employments.

The main strategies of the Projects are Rehabilitation of Children withdrawn from Work; Prevention of Entry of Children into Work; and Convergence of Services. In some Districts, the Project Society itself directly execute some of the programme activities, in some other, they involve suitable voluntary organizations in the implementation of the project. The eligibility of non governmental organizations for taking up activities under the project is that it should be a Society under the Societies Registration Act, 1860 or a Public Trust registered under any law for the time being in force, or a registered Trade Union, or a Charitable Company licensed under Section 25 of the Companies Act, or Universities/institutions of higher learning.

The organization should be such that its welfare and other programme relating to child labour are accessible to the target group without any distinction of caste, religion or language and should be in a sound financial position and it should have the capability of executing programmes effectively and smoothly.

Since the National Child Labour Projects are demonstrative projects, which cover limited number of working children, the State Governments are expected to find ways and means for rehabilitating other working children either through the enrolment

of children in the formal system or through any other methods deemed appropriate. They are also expected to take steps with regard to Finalization of uniform, curriculum, course content and textual material for the special schools through involvement of Department of Education, SCERT, etc.

At the national level, the programme is carried out under the auspices of the Ministry of Labour. A Central Monitoring Committee has been set up for overall supervision and evaluation of various child labour projects under the National Child Labour Policy. Representatives of concerned Central Ministries/State Governments and Projects are included in the committee. Since the projects have been taken up in the Central Sector, the entire funding is done by the Central Government - Ministry of Labour, Government of India. Funds are released to the concerned Project Societies, voluntary organizations etc. depending upon the progress of the project expenditure incurred.

A project level society is constituted for each project and the major Activities of the Projects are implemented through District Project Society with District Collector as the Chairperson and other members comprising representatives of Departments concerned with programmes of non-formal education, vocational training, health etc. and suitable voluntary organizations as required. The execution of the project is entrusted to a Project Director, who is assisted by Field Officers or Social Workers and other support staff. The Society is a registered body and has a distinct legal status. The other staff including teachers is engaged either by the voluntary agency or by the Project Society. In the Special schools, the non-formal education and vocational training are imparted along with provision of supplementary nutrition and health care services. In addition, stipend is paid to children withdrawn from the employment. Stepping up of their enforcement is an essential component of the project activities and special responsibility is cast on the labour enforcement staff available in the project areas.

NATIONAL CHILD LABOUR PROJECT

Annexure – I

(Vide Para 3.4)

DETAILS OF SPECIAL SCHOOLS SANCTIONED

Sl. No.	Name of the Child Labour Project	Year of Starting	Special Schools (As on 31.3.92)		Expenditure (Actual) for 1991-92 (In Rs.)
			Sanctioned	No. of Children	
1.	Sivakasi	1986	27	1800	39,00,277
2.	Jaipur	1988	20	1000	25,55,851
3.	Mandsaur	1988	8	600	13,11,200
4.	Markapur	1988	20	1000	31,21,663
5.	Mirzapur-Bhadohi	1988	20	1000	26,99,409
6.	Ferozabad	1988	10	500	12,38,794
7.	Aligarh	1988	10	500	15,62,384
8.	Moradabad	1988	10	500	—
9.	Jaggampet	1989	—	—	1,15,712
TOTAL			125	6900	1,65,05,290

Note *This project was started before framing the National Child Labour Policy in 1987.

SURVEY (FOR NGOs)

For the purpose of conducting survey through a NGO, the NGOs should apply to the Ministry of Labour with their proposal for financial assistance. The conditions for deciding their eligibility for assistance will be the same as indicated in para 5.6 of the scheme. The following should be the main terms and conditions for financial assistance from Govt. of India (Ministry of Labour).

Terms & Conditions

1. Period of the survey in no case should exceed 6 months.
2. Financial assistance may be given in full and its size will be determined on the basis of size, scope and the nature of the survey to be conducted.
3. Items of expenditure:
 - (a) Staff-Staff of proposed society may be involved in the survey as they have to initially implement the scheme.
 - (b) Stationery
 - (c) Travel Expenses
 - (d) Contingencies
4. Report of the survey of must reach Ministry of Labour within one month of completion of survey.
5. The survey report should inter alia include the following information:
 - (a) Name of the agency
 - (b) Period of survey _____
 - (c) An overview of the industry or employment in which child labour are engaged including extent of total employment of children.
 - (d) Area covered (Number and names of District, Blocks, Villages, etc. should be indicated)
 - (e) No. of families

- (f) Number of children (with age range, viz. _____0_____ to 5 years, 6 to 10, 10 to 14 years).
- (g) Number of child labour (_____ do _____)
- (h) Level of school education :
 - (i) Children
 - (ii) Child Labour
 - (iii) Parent
 - (iv) Other adult members of the family
 - (i) Income of families
 - (i) Income of parents
 - (ii) Income of adult members
 - (iii) Income of children
- (j) Source of income (agriculture or otherwise needs to be specifically indicated).
- (k) Occupations/Processes in which child labour is engaged, along with number of children in each occupation/process.
- (l) Nature of employment of children (whether employment is in the prohibited category as defined in Child Labour Prohibition and Regulation Act)
- (m) Occupational hazards involved in any for the child labour
- (n) General nutritional and health status of the child labour
- (o) Child Labour Welfare scheme being implemented, if any, with its impact in general.
- (p) The situation in the surveyed area regarding employment of general development and welfare programmes such as education (formal, non-formal and adult education) and special literacy programmes, poverty alleviation and income generation, IRDP, SEPUP, DWCRA, health schemes, vocational training, Community based and Coordinated Programmes etc.
- (q) Any additional information, considered relevant to be reported.

BUDGET FOR SPECIAL SCHOOL OF 50 CHILDREN EACH

S. No	Items of Expenditure	Budget (Amount in Rupees)
1.	Honorarium Instructors- -Education -Vocational	36,000 (2X1500X12) 18,000 (1X1500X12)
2.	Stipend (100X50X12)	60,000
3.	Nutrition (2.50X50X26X12)	39,000
4.	Clerk-cum-Accountant	16,800 (1X1400X12)
5.	Peon/Helper	9,600 (1X800X12)
6.	Rent, Water & Electricity- Rent-Water & Electricity	12,000 (1000X12)
7.	Educational & Vocational Material- -Educational Material -Vocational Material	 8,000
8.	Contingencies	4,000
	TOTAL	2,03,400

MODEL BUDGET FOR NATIONAL CHILD LABOUR PROJECT

B. Budget for the Project Society

B-I. Remuneration:

S. No.	Items of Expenditure	Budget (Amount in Rupees)
1.	Project Director	72,000 (1X6000X12)
2.	Field Officer	96,000 (2X4000X12)
3.	Clerk-cum-Accountant	24,000 (1X2000X12)
4.	Steno/DEO	24,000 (1X2000X12)
5.	Driver	24,000 (1X2000X12)
6.	Helper/Peon	12,000 (1X1000X12)
	TOTAL	<u>2,52,000</u>

B-II. Office and Support Expenses

S. No.	Items of Expenditure	Revised Budget (Amount in Rupees)
1.	Recurring (Office Expenses)	2,00,000
2.	Non-Recurring:-	
	-Vehicle	3,00,000
	-Furniture	50,000
	TOTAL	<u>5,50,000</u>

C. Raising Public Awareness, Survey, Evaluation, training capacity building, new initiatives and additionally for integrating with Central/State Schemes: Expenditure will be restricted to 20% of Project Cost

II. GUIDELINES FOR OPERATIONALISING NATIONAL CHILD LABOUR PROJECTS

1. Survey

- 1.1 Survey is the essential starting point for operationalising the child labour project. Survey provides us information on the magnitude of child labour, their geographical distribution, health status of working children, nature of industries/occupations (hazardous or otherwise) they are employed in. It also provides information on other related aspects like economic condition of working children and their parents, their access to primary education and magnitude of school drop outs, etc. All this information is required for formulating suitable projects for the rehabilitation of child labour and operationalising the child labour project.
- 1.2 In operational terms, survey can be divided into pre-survey, actual survey and post survey. Pre survey is concerned with identification of volunteers who will be willing to conduct the survey, composition of survey teams (2 members or so for each team), designing the questionnaire for the survey, imparting a brief orientation to the members of the team on the manner of proceeding with the survey, selecting the area (ward, mohalla, village, gram panchayat etc.) to be covered by the survey, drawing up a calendar of survey activity and so on. In course of conducting the survey information according to the questionnaire is to be canvassed from the households on the number of working children, number of children not going to school and the overall status of education, health and nutrition of parents and children. In the post survey scenario the information so canvassed is to be compiled and kept ready for formulation of the action plan for liberation and rehabilitation of working children. In other words, survey conducted in a systematic and scientific manner would lead to formation of a data base and every such data base could be used as an important tool of planning of the project.

2. Awareness Generation

- 2.1 Awareness generation is a composite term. In terms of the objective, it is directed towards sensitisation of parents, sensitisation of employers and sensitisation of working children themselves. In terms of strategy, it implies designing of a

software package (nukkad natak, street theatres, songs and slogans, role plays, simulation exercises etc.), and transmission of the software to the target audience in a simple, intelligible and effective manner. In terms of activity, it implies formation of cultural troupes (creative writers, singers, performers), organising workshops for designing the software as also for rehearsing the software for the performers, pre-testing the software and reviewing it on the basis of the responses elicited from the target audience and drawing up a calendar of activities for application ie. for actual performance. For effective transmission, a close and constant liaison with both print, as well as electronic media is needed so that whatever material is produced is imaginatively transmitted. The target audience (employers, parents and children) being different, different packages need to be designed to cater to their varying perceptions, preferences and needs.

2.2 During the year 1995-96, funds have been released to 133 child labour endemic districts for the purpose of generating awareness against child labour. The funds released for awareness generation should be utilised for the cheapest and most cost effective modes of publicity. Certain suggestions that can be made are as follows:

- Local Radio programmes, street plays, folk art and music, magic shows, wall paintings (not hoarding), wall posters, slides in Cinema houses, panel discussion in Radio and T.V., announcement through microphones mounted on announcement/publicity, distribution of pamphlets, organisation of functions related to elimination of child labour etc. This list is not exhaustive but only indicative.
- The sum of Rs.5 lacs, which has been released for publicity, should not be spent straight away on one occasion/event; rather, efforts should be made to maximize the number of events spread over a longer time frame.
- The project society should disseminate message on child labour in local newspaper and magazines. These funds should not be utilised for advertisements in Regional, National Newspapers/ Magazines which are considered very expensive from the level of funding at the district level and at any rate, they are being put to use by the Central Government.

2.3 Even though in order of sequence awareness generation is being placed after

survey, it does not necessarily mean that one precedes or follows the other. The two activities can be simultaneous. As a matter of fact, a good awareness generation programme effectively conducted can act as an excellent backdrop for the survey. It may, therefore, be desirable that the two are conducted simultaneously for ensuring the end product i.e. accurate and authentic data about working children and creation of a climate that will be conducive for release and rehabilitation of working children.

3. Operationalisation of Child Labour Projects

- 3.1 In terms of operationalisation of the projects, the main objective of the National Child Labour Project is to withdraw children working in hazardous occupations and rehabilitate them through their education in the special schools, where they are provided non formal education, vocational training, stipend, nutrition, etc. The children in the special schools are taught through a non-formal mode with a condensed syllabus for a maximum period of 3 years. After 3 years of special school education, the children are expected to reach a level of 5th standard. The children are also imparted age - appropriate craft and pre-vocational training. After completion of the special school education children are expected to join formal stream of education in 6th standard. Some children are also capable of being mainstreamed before the completion of 3 years of special school education. Since this is cost effective, this process of mainstreaming should be encouraged. Children of special schools who cannot be mainstreamed to formal stream of education should be encouraged to take up vocation of their choice after completion of their special school education.

The following guidelines should be followed in operationalising the project:

4. Target Group

- 4.1 The target group comprises of children working in hazardous occupations who have not completed 14 years of age. What are these hazardous industries/ occupations/ processes? In this connection, it will be appropriate to reiterate relevant portion of the inaugural address of Shri. P.A. Sangma, the then Union Minister of Labour on 13th September, 95 in the workshop of the District Collectors on Child Labour. “...Though hazardous occupations are limited in number because of their specification in the Child Labour (Prohibition and

Regulation) Act, 1986, a flexible approach could be adopted in identifying hazardous occupations so long as the hazardous elements in non-specified occupations could be reasonably established. However, that should not be stretched to the extreme as this would result in losing the benefit of targeting the most deserving among these children.” Seen in this context, our target groups are children below 14 years of age and if they are working in an occupation, which adversely affects their health and psyche. The occupations need not necessarily be listed in the schedule to the Child Labour Act but their hazardousness towards the employed children should be reasonably established. Our aim is to withdraw these children from hazardous occupations, put them in special schools in order to enable them to join mainstream education or take up any vocation after they cross the age of 14 years.

- 4.2 Individual profile of each student should be kept in the school itself so that it is available to the inspecting authorities.
- 4.3 Focus of enrolment should be on children in the age group of 8-14 years. The working children in lower age group should be motivated to join formal school system.

5. Special School/Learning cum Rehabilitation Centre

- 5.1 The running of special schools should be entrusted to good, reliable and reputed non-governmental organisations including Panchayati Raj institutions and Trade Unions. Experiment of running special schools through small implementing agencies like Yuvak Sangh, Women’s Group, Village Club, Youth Club etc. have been found to be successful. Implementing Agencies, with adequate checks and balances, should be encouraged to take up running of special schools.
- 5.2 The Project Societies could operate the special schools in case an adequate number of good NGOs or Implementing Agencies are not available. However, running of these schools should be progressively passed on to NGOs and Implementing Agencies.
- 5.3 There should not be any centralized system of recruitment of teaching volunteers. The volunteers should be from the local community/ village to be selected and engaged by the Implementing Agencies / NGOs. Minimum level of qualification

of the teaching volunteers should be prescribed by the project societies.

6. Curriculum

- 6.1 The curriculum, course content and textual material should be finalised at the District/ State level by associating SCERT, DIET, DRU and non-governmental organisations working in the field of child labour and other related areas. The State Government/District Child Labour Project Societies have the freedom to decide the nature of curriculum, course content and textual materials based on the ground conditions.
- 6.2 The training of volunteers in the form of a brief orientation should be organised at the district level with the help of DIETs and DRUs.
- 6.3 Non-Governmental and Voluntary Organisations, including trade unions should be actively associated in the running of the child labour project.

7. Project Staff & Volunteers

- 7.1 It is necessary to appoint a full time Project Director for the project society. Higher degree of laxity in supervision of project activities and submission of returns to the Ministry of Labour have been noticed in project societies which are manned by part time Project Directors. Considering the nature and extent of work, part time officer will not be able to give justice to the enormous responsibilities assigned to the Project Director. Therefore, the practice of putting part time Project Director in child labour project should be discouraged.
- 7.2 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 a consolidated honorarium for their services which are more or less voluntary in nature. No regular scale of pay should be prescribed for any of the project staff except for the Project Director who is on deputation from the State Government.

8. Use Of Project Vehicle

- 8.1 It has been noticed that the project vehicle is not being used for the bona fide project activities. These vehicles are often used for the work of District

Collectorate. This practice should be discontinued forthwith. The project vehicle should be utilised only for the project work like visiting the special schools by the Project Director and other officers of the project society. Use of vehicle even for other official purposes, particularly in respect of officers holding the post of Project Director as additional charge, should be strictly avoided. Log Book should be maintained and the officers visiting the special schools should make an entry in the appropriate register.

9. Nutrition

- 9.1 Mid-day meal should be served. The practice of giving cash in lieu of mid-day meal should be stopped.

10. Stipend

- 10.1 Stipends should not be paid in cash to the students or the parents. Instead, an account should be opened in the post office/commercial or cooperative bank in the name of the student and his guardian. The stipend should be deposited in the account every month. The District Collector should ensure speedy opening of accounts in the village post offices.
- 10.2 It has been noticed that there has been considerable delay in disbursing stipend amount to the children admitted in the special schools despite the availability of adequate funds in the project society. As a result of this unutilized funds are being shown in the Audited Accounts. Steps should be taken to expedite the release of funds by proper coordination at the District Postal Authority or the Lead Bank of the district.

11. Travel

- 11.1 Doubts have been raised whether TA/DA of the officials of the project society for the project work could be met out of the office expenses. It is clarified that such expenses could be met out of the office expenses subject to the condition that the overall expenditure is limited to the approved budget for this particular item of expenditure for the society.
- 11.2 Journey of the Project functionaries by air is not permitted unless there is prior approval of the Ministry of Labour. The Ministry of Labour will permit Project

Director to travel by air, provided they are otherwise eligible as per the rule of the respective State Governments and/or depending upon the urgency of the case. This is again subject to the condition that sufficient funds are available under office expenses for the project society.

12. Sensitisation

- 12.1 Regular workshops/seminars should be organised involving the field level functionaries/ NGOs in order to generate necessary awareness against the evil of child labour and sensitise the field level functionaries.

13. Supervision

- 13.1 Functionaries of Education, Social Welfare and other sister Departments should be associated with the programme particularly for improving the quality of education and professional supervision.

14. Review Of Progress

- 14.1 Child Labour Project society should receive the priority that it deserves particularly at the district level. The Chairman, Child Labour Project Society, should review the functioning of the project periodically at least once every quarter.

15. Convergence of Services

- 15.1 Poverty being the most important contributing factor of child labour, it is necessary to effect convergence of the various development programmes under implementation at the district level for the benefit of the working children and their parents. The circular captioned "Identification, release and rehabilitation of child labour" details the measures which are to be taken to effectively tackle the problem of child labour at the district level. The circular essentially seeks the convergence of services under various schemes/programmes at the district level. The basic idea underlying convergence is pooling of resources from a variety of sources and integrating them imaginatively and skillfully to achieve the desired results. Convergence becomes more meaningful in a situation of scarcity of resources, large magnitude of the problem and limited time frame. It is well known that while Ministry of Labour is concerned with the problem of working children, but there are departments like, Women and Child

- Development, Education, Rural areas and Employment, Urban Poverty Alleviation, Health and Family Welfare, Welfare, etc. which have separate programmes for promoting well being of children. The magnitude of the problem of child labour being large, there is scope for pooling resources from other sources like the Ministries/Departments indicated above and dovetailing them with the resources available with Ministry of Labour to produce optimal results.
- 15.2 The scheme of National Child Labour Projects under implementation provides funds for limited number of inputs. These inputs are certainly not exhaustive. District Collector as the Chairperson of the Child Labour Project could improve the content of the programme by complementing the activities under NCLP with that of other programmes in the spirit of convergence.
- 15.3 Ministry of Rural Development, Government of India has already issued circulars for coverage of the parents of children under the existing poverty alleviation and employment generation schemes. The Project Directors should continuously monitor the coverage of the parents of children under various poverty alleviation and employment generation schemes. This issue should be regularly discussed in the meeting for review of the progress in the implementation of the project.
- 15.4 The District Collector may consider earmarking benefit under different programmes for the parents of working children.

16. Inspection

- 16.1 As per the terms and conditions of grants-in-aid, inspection of the project is required to be carried out at regular intervals. The State Governments are, therefore, required to arrange for the inspection of the project through officials of the State Governments. The Inspecting Officer should be conversant with the implementation of social sector programmes. It is not necessary to inspect all the special schools under the project but the officer should inspect such number of schools, on random basis, to enable him to offer a balanced view on the progress of the project activities. The Inspection Report should be submitted to the Chairperson of the respective project societies who would forward the same to Ministry of Labour and State Government after giving his observation. Some guidelines for the Inspecting Officer and the format in which the inspection

report is required to be submitted is given in Appendix 1 & 2.

17. Progress Report

- 17.1 The Project Societies are required to furnish Progress reports in order to enable the Ministry of Labour to assess the progress of the project implementation, on the basis of which funds are released. The voluntary organizations, which are funded directly by the Ministry of Labour, are also required to submit progress reports. The Progress reports to be furnished by the project society should contain information about the progress in the implementation of the entire project (including the activities of NGOs which are directly funded by the Ministry of Labour). The Progress Report furnished by the NGOs, which are directly funded by the Ministry of Labour, should pertain to activities of the respective NGOs.
- 17.2 There are two kinds of Progress Reports, namely, Annual Progress Report and Half Yearly Progress Report. These are given in Appendix 3 & 4. Two Half Yearly Progress Reports, one each for the period ending September and March should be furnished by October and April respectively. The Annual Progress Report pertains to an academic year. Therefore, the report should be furnished immediately after the completion of academic year, preferably in the months of June-July.

18. Role of State Government

- 18.1 Child labour is a subject on which both the Central and State Governments have joint responsibility. Child Labour Elimination Programme is, therefore, a national programme, which must be supported both by Central and the State Governments by enlisting the involvement of different Ministries/Departments at the Central and the State Government level as also Non-Governmental Organisations. For facilitating the overall monitoring, supervision and coordination, Ministry of labour at the Government of India and the Department of Labour (or any other designated department) at the level of State Government will be the nodal agencies.
- 18.2 There are a number of areas in which the intervention of the State Government is necessary. An illustrative list is given as under:-

- (i) Finalization of uniform curriculum, course content and textual material for the special schools through involvement of Department of Education, SCERT, etc.
- (ii) Monitoring the progress in the implementation of child labour projects.
- (iii) Ensuring inspection of the child labour projects and sending periodic (at least once a year) inspection reports to the Ministry of Labour .
- (iv) State Government should have regular interaction with the project society and ensure timely submission of audited accounts, utilization certificates by the project society. The State Government must review the progress in the implementation of the child labour programme twice every year.
- (v) Coordination with the State Education Department for facilitating the enrolment of children passing out of the special schools in the mainstream of education
- (vi) Finalization of craft and pre-vocational training for children enrolled in the special schools.

18.3 National Child Labour Projects are demonstrative projects, which cover 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.

19. Important circulars and letters for operating Child Labour Projects are given in Part V of the book.

III. COVERAGE UNDER NATIONAL CHILD LABOUR PROJECTS

Districts	Sanctioned No. of		Actual Coverage As on 04.02.2002	
	Schools	Children	Schools	Children
ANDHRA PRADESH (22)				
Anantapur	60	3,000	60	3,000
Chittoor	40	2,000	36	1,82 ²
Cuddapah	40	2,000	40	2,000
East Godavari (Jaggampet)	40	2,000	40	2,000
Guntur	30	1,500	29	1,450
Hyderabad	70	3,500	70	3,500
Karimnagar	50	2,500	50	2,500
Khammam	27	1,350	27	1,350
Kurnool	93	4,650	93	4,650
Medak	50	2,500	47	2,350
Nalgonda	23	1,150	23	1,150
Nellore	30	1,500	27	1,500
Nizamabad	34	1,700	34	1,700
Prakasam (Markapur)	14	700	14	700
Ranga Reddy	120	6,000	120	6,000
Srikakulam	40	2,000	38	1,900
Vizianagaram	40	2,000	40	2,000
Visakhapatnam	70	3,500	70	3,500
Adilabad	40	2,000	15	750
Mahbubnagar	40	2,000	40	2,000
Warangal	60	3,000	60	3,932
West Godawari	22	1,100	22	915
Sub Total A.P.	1,033	51,650	995	50,670
BIHAR/JHARKHAND (8)				
Dumka	40	2,000	40	2,000
Garhwa	9	450	9	450
Jamui	20	2,000	20	2,000

Nalanda	25	2,500	25	2,500
Pakur	19	950	19	950
Sahibganj	8	400	8	400
Saharsa	40	2,000	40	1,816
West Singhbhum	38	1,900	38	1,900
Sub Total Bihar	199	12,200	199	12,016
KARNATAKA (5)				
Bijapur	40	2,000	40	1,972
Bangalore Rural	40	2,000	20	636
Bangalore Urban	40	2,000	16	803
Raichur	30	1,500	30	1,500
Dharwad	40	2,000	35	1,750
Sub Total Karnataka	190	9,500	141	6,661
MADHYA PRADESH/ CHATTISGARH (8)				
Bilaspur	25	2,500	12	1,054
Durg	40	2,000	39	1,950
Gwalior	40	2,000	40	1,999
Ujjain	40	2,000		
Mandsaur	8	600	4	468
Rajnandgaon	40	2,000	19	799
Surguja	24	2,400	17	895
Raigarh	10	1,000	11	430
Sub Total M.P.	227	14,500	142	7,595
MAHARASHTRA (2)				
Solapur	34	1,700	34	1,700
Thane	40	2,000	35	1,870
Sub Total Maharashtra	74	3,700	69	3,570
ORISSA (18)				
Angul	20	2,000	20	1,913
Bargarh	40	2,000	40	2,000

REFERENCE MATERIAL

Balasure	40	2,000	40	2,000
Bolangir	40	2,000	40	1,987
Cuttack	40	2,000	34	1,700
Deogarh	40	2,000	40	2,000
Gajpati(36/1800+2/200+20/1000)	58	3,000	38	2,000
Ganjam (19/1900+2/100+16/800)	37	2,800	21	2,000
Jharsuguda	55	2,750	49	1,500
Kalahandi (40+10)	50	2,500	50	2,500
Koraput	20	1,000	20	1,000
Malkangiri	60	3,000	40	2,000
Rairangpur (Mayurb.) (14/1400+12/600)	26	2,000	26	2,000
Nabarangapur	20	2,000	20	2,000
Nuapada	20	1,000	20	1,000
Rayagada	20	2,000	20	2,000
Sambalpur	70	3,500	70	3,500
Sonepur	40	2,000	40	1,902
Sub Total Orissa	696	39,550	628	35,002
RAJASTHAN (6)				
Jaipur	20	1,000	20	1,000
Ajmer	20	1,000	20	1,000
Alwar	40	2,000	21	1,050
Tonk	20	1,000	20	1,000
Jodhpur	20	1,000	20	1,000
Udaipur	60	3,000	60	3,000
Sub Total Rajasthan	180	9,000	161	8,050
TAMIL NADU (9)				
Chidambarnar (Tuticorin)	40	2,000	40	2,000
Coimbatore	40	2,000	40	2,000
Dharmapuri	40	2,000	40	2,395
Kamrajar (Sivakasi)	85	4,900	81	4,325
North Arcot	60	3,000	60	3,000
Tirunelveli	50	2,500	50	2,500
Pudukottai	40	2,000	34	1,632

Salem	40	2,000	40	2,000
Tiruchirapalli	30	1,500	30	1,559
Sub Total Tamil Nadu	425	21,900	415	21,411
UTTAR PRADESH (11)				
Aligarh	50	2,500	50	2,500
Ferozabad	114	6,500	114	4,930
Moradabad	70	3,500	70	3,500
Saharanpur	40	2,000	40	1,837
Kanpur nagar	40	2,000	40	2,000
Azamgarh	40	2,000	40	2,000
Varanasi	40	2,000	36	1,800
Allahabad	40	2,000	40	2,000
Bulandshahar (Khurja)	40	2,000	40	2,000
Mirzapur	20	1,000	20	1,000
Bhodohi	20	1,000	20	1,000
Sub Total Uttar Pradesh	514	26,500	510	24,567
WEST BENGAL (8)				
Burdwan	47	2,350	47	2,350
Daksin Dinajpur	40	2,000	40	2,000
Calcutta	40	2,000		
Midnapur (40+20)	60	3,000	54	2,700
North24-Pargana	40	2,000	38	1,900
Murshidabad	40	2,000	40	2,000
South 24-Pargana	40	2,000	40	2,000
Uttar Dinajpur	40	2,000	40	2,000
Sub Total West Bengal	347	17,350	299	14,950
PUNJAB (3)				
Jalandhar	27	1,350	27	1,350
Ludhiana	40	2,000	40	2,000
Amritsar	40	2,000	107	2,000
Sub-total Punjab	107	5,350	174	5,350
Total All India (13 states)	3,992	2,11,200	3,666	1,89,842

COVERAGE UNDER NATIONAL CHILD LABOUR PROJECTS				
	Sanctioned No. of		Actual Coverage As on 04.02.2002	
	Schools	Children	Schools	Children
Andhra Pradesh (22)	1,033	51,650	995	50,670
Bihar (8)	199	12,200	199	12,016
Karnatka (5)	190	9,500	141	6,661
Madhya Pradesh (8)	227	14,500	142	7,595
Maharastra (2)	74	3,700	69	3,570
Orissa (18)	696	39,550	628	35,002
Rajsthan (6)	180	9,000	161	8,050
Tamil Nadu (9)	425	21,900	415	21,411
Uttar Pradesh (11)	514	26,500	510	24,567
West Bengal (8)	347	17,350	299	14,950
Punjab (3)	107	5,350	107	5,350
Grand Total (100)	3,992	2,11,200	3,666	1,89,842

Selected Judicial Pronouncements on Child Labour

Supreme Court Direction on Child Labour

Summary

On December 10, 1996, the Supreme Court of India gave its verdict on the petition of M.C. Mehta (No.465 of 1986) for the gross violation of Article 24 by the employment of children in the match industries of Sivakasi. The Court gave directions regarding the manner in which the children working in the hazardous occupations and processes are to be withdrawn from work and rehabilitated as also the manner in which the working conditions of the children working in non-hazardous occupations and processes are to be regulated and improved upon.

The judgement of the Supreme Court envisaged on conducting a country-wide survey to identify the total number of working children and removing the children identified working in hazardous occupations/processes from work to formal school system. It directed initiating legal and penal action against all offending employers responsible for employment of children in contravention of the provisions of the Act and recovery of Rs. 20,000/- per child from every offending employer. The Court also directed the setting up of District Child Labour Welfare cum Rehabilitation Fund for depositing the amount recovered from the offending employers.

The judgement recommended that employment should be provided to an adult in the family in lieu of the child working in any hazardous work. In the absence of an alternative employment, the parent/guardian will be paid an additional Rs. 5000/- which has to be contributed by the State. The total Rs. 25,000/- is to be deposited in a Corpus Fund and the income earned on the Corpus Fund will be paid to the parents. The payment will however cease if the child is not being sent for education. It was also directed that all Inspectors appointed under section 17 of the Child Labour (Prohibition and Regulation) Act should be made accountable to the District Magistrate who will be the Chairman of the District Child Labour Welfare cum Rehabilitation Fund.

I. M.C. MEHTA
V/s
STATE OF TAMIL NADU AND OTHERS, 1996 (6)
SCC 756

1. It may be that the aforesaid appeal lies at the back of the saying that “child is the father of man”. To enable fathering of a valiant and vibrant man, the child must be groomed well in the formative years on his life. He must receive education, acquire knowledge of men and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with mission, a man who matters so far as the society is concerned.
2. Our Constitution-makers, wise and sagacious as they were, had known that India of their vision would not be a reality if the children of the country are not nurtured and educated. For this, their exploitation by different profit-makers for their personal gain had to be first indicted. It is this need, which has found manifestation in Articles 24, which is one of the two provisions in Part IV of our Constitution on the fundamental right against exploitation. The framers were aware nation-building work unless it receives at least basic education. Article 45 was therefore inserted in our paramount parchment casting a duty on the state of endeavours to provide free and compulsory education to children. (It is known that this provision in Part IV of our Constitution is after the decision by a Constitution Bench of this court in Unni Krishnan J.P. Vs. State of A.P. has acquired the status of a fundamental right). Our Constitution contains some other provisions also, to which we shall advert later, desiring that a child must be given an opportunity and facility to develop in a healthy manner.
3. Despite the above, the stark reality is that in our country like many others, children are an exploited lot. Child Labour is a big problem and has remained intractable, even after about 50 years of our having become independent, despite various legislative enactments, to which we shall refer in detail subsequently, prohibiting employment of a child in a number of occupations and avocations.
4. In our country, Sivakasi was once taken as the worst offender in the matter of violating prohibition of employing child labour. As the situation there had become intolerable, the public-spirited lawyer, Shri M.C. Mehta, thought it necessary to invoke this Court’s power under Article 32, as after all the fundamental right of the children

guaranteed by Article 32, as after all the fundamental right of the children guaranteed by Article 24 was being grossly violated. He, therefore, filed this petition. It once came to be disposed of by an order of 31-10-1990 by noting that in Sivakasi, as on 31-12-1985, there were 221 registered Match factories employing 27,338 workmen of whom 2,941 were children. The Court then noted that the manufacturing process of matches and fireworks (for the manufacture of which also, Sivakasi is a traditional centre) is hazardous, giving rise to accidents including fatal cases. So, keeping in view the provisions contained in Article 39(f) and 45 of the Constitution, it gave certain directions as to how the quality of life of children employed in the factories could be improved. The Court also felt the need of constituting a Committee to oversee the directions given.

5. Subsequently, *suo moto* cognizance was taken in the present case itself when news about an “unfortunate accident”, in one of the Sivakasi cracker factories was published. At the direction of the Court, Tamil Nadu Government filed a detailed counter stating, inter alia, that number of persons, who died was 39. The Court gave certain directions regarding the payment of compensation and thought that an Advocates’ Committee should visit the area and make a comprehensive report relating to the various aspects of the matter, as mentioned in the order of 14-8-1991. The Committee was to consist of (1) Shri R.K. Jain, a Senior Advocate; (2) Ms. Indira Jaising, another Senior Advocate; and (3) Shri K.C. Dua, advocate.
6. The Committee has done a commendable job. It submitted its report on 11-11-1991 containing many recommendations, the summary of which is to be found at pp. 24-25 of the Report, reading as below:
 - (a) State of Tamil Nadu should be directed to ensure that children are not employed in fireworks factories.
 - (b) The children employed in the match factories for packing purposes must work in separate premises for packing.
 - (c) Employers should not be permitted to take work from the children for more than six hours a day.
 - (d) The employers and State Government should provide proper transport facilities for travelling of the children from their homes to their work places and back.
 - (e) Facilities for recreation, socialization and education should be provided either in the factory or close to the factory.

- (f) Employees should make arrangements for providing basic diets for the children and in case they fail to do so, the Government may be directed to provide for basic diet-one meal a day programme in the State of Tamil Nadu for school children may be extended to the child worker.
 - (g) Piece-rate wages should be abolished and payment should be made on monthly basis. Wages should be commensurate to the work done by the children.
 - (h) All the workers working in the industry, whether in registered factories or in unregistered factories, whether in cottage industry on contract basis, should be brought under the Insurance Scheme.
 - (i) Welfare Fund – For Sivakasi area, a committee headed by a retired High Court Judge or a person of equal status with two social workers, who should be answerable either to this Hon'ble Court or to the High Court, as may be directed by this Hon'ble Court. Employers should be directed to deposit Rs. 2 per month per worker.
 - (j) A National Commission for children's welfare should be set up to prepares a scheme for child labour abolition in a phased manner. Such a Commission should be answerable to this Hon'ble Court directly and should report to this Hon'ble Court at periodical intervals about the progress.
7. We put on record our appreciation for the commendable work done by the Committee.
 8. There is an affidavit of the President of the All India Chamber of Match Industries, Sivakasi, on record, which contains its reaction to the recommendations of the Committee. It is not necessary to deal with this affidavit. Objection to the Committee's recommendations was also filed by the President of Tamil Nadu Fireworks and Amorges Manufacturers' Association. We do not propose to traverse this affidavit as well. Both of these contain general statements and denial of what was found by the Committee.
 9. For the same of completeness, it may be stated that there are on record various reports relating to working conditions etc. of child labour at Sivakasi. First of these reports is of a Committee which had been constituted by the Labour Department by the Tamil Nadu Government vide its GOMs dated 19-3-1984, under the Chairmanship of Thiru N. Haribhashkar. The Report of the Committee is voluminous, as it runs into 181 pages and contains a number of Annexures. The Committee reviewed the working conditions and measures taken to mitigate the sufferings of the child labour

and has made various recommendations in Chapter XI of its report. We also have a work of Collector of Kamarajar District titled “Integrated Project for the Betterment of Living Conditions of Women and Children Employed in Match Factories in Sivakasi area”. This work is of October 1985. There is yet another report dealing with the causes and circumstances of the fire explosions, which had taken place on 12-7-1991 at Dawn Amorces Fireworks Industries and contains remedial measures. The final report relating to Sivakasi workers is of 30-3-1993, which relates to elimination of child labour in the match and fireworks industries in Tamil Nadu. The Representatives of then Department of Labour and Employment, Social Welfare and Education had prepared this report in collaboration with UNICEF and it speaks of “A Proposed Strategy Framework”.

10. The Government of India as well, has been appraising itself about the various aspects relating to child labour in various industries. A 16-members Committee had come to be set up by a resolution of the Labour Ministry dated 6-2-1979 and 7-2-1979 under the Chairmanship of Shir M.S. Gurupadaswamy. The Committee submitted its report on 29-12-1979 and made various recommendations, which are contained in Chapter V. The Labour Ministry, had subsequently surveyed the problem of child labour departmentally, as a part of the observance of International Year of the Child Programme. The report (dated 24-6-1981) mentions about the survey conducted in certain organized and unorganized sectors of industries. It contains an account of employment, wages and earnings, working conditions and welfare activities relating to child labour both in organized and unorganized sectors. Chapter III of the report contains the conclusions, of which what has been stated in para 4.5 deserves to be noted. The same is as below:

Extreme poverty, lack of opportunity for gainful employment and intermittancy of income and low standards of living are the main reasons for the wide prevalence of child labour. Though it is possible to identify child labour in the organized sector, which forms a minuscule of the total child labour, the problem relates mainly to the unorganized sector where utmost attention needs to be paid. The problem is universal but in our case it is more crucial.

Magnitude of the Problem

11. Sivakasi has ceased to be the only centre employing child labour. The malady is no longer confined to that place.
12. A write-up in the Indian Express of 25-10-1996 has described Bhavnagar as another

Sivakasi in making, as that town of about 4 lakh population has at least 13,000 children employed in 300 different industries. The problem of child labour in India has indeed spread its fangs far and wide. This would be apparent from the chart which finds place in the commendable work of a social anthropologist of United Nations Volunteers, Neera Burra, published under the title "Born to work; Child Labour in India", as at pp. XXIV of the book. (Please see for details the part on statistics).

13. According to the 1971 census 4.66 percent of the child population in India consisted of working children. In absolute numbers, the 1971 census put the figure at 10.7 million working children. On the basis of National Sample Survey 27th round (1972-73), the number of working children as on March 1973 in the age group of 5-14 years may be estimated at 16.3 million and based on the 32nd round at 16.25 million 1-3-1978 (14.68 million rural and 1.57 million urban). According to 1981 census the figure has gone to 11.16 million working children. As estimated by the Planning Commission on 1-3-1983, there would be 15.70 million child labourers, (14.03 rural and 1.67 urban) in the age group of 10-14 Survey Organization estimates numbers at 17.58 million in 1985. Note of the official estimates included child workers in the unorganized sector and therefore, are obviously gross underestimates. Estimates from various non-governmental sources as to the actual number of working children range from 44 million to 100 million. (Figures of 1981 census have been quoted because the report relating to 1991 census has not yet been made public. It is understood that the same is under publication).
14. The aforesaid profile shows that child labour by now is an all-India evil, though its acuteness differs from area to area. So, without a concerted effort, both the Central Government and various State Governments, this ignominy would not get wiped out. We have, therefore, thought it fit to travel beyond the confines of Sivakasi to which place this petition initially related. In our view, it would be more appropriate to deal with the issue in wider spectrum and broader perspective taking it as a national problem and not pertaining to any one region of the country. So, we would address ourselves as at how we can, and are required to, tackle the problem of child labour, solution of which is necessary to build a better India.

Constitutional Call

15. To accomplish the aforesaid task, we have first to note the constitutional mandate and all on the subject, which are contained in Articles 24, 35(c), 39(f), 41 and 47 of

the Constitution of India.

16. Of the aforesaid provisions, the one finding place in Article 24 has been a fundamental right ever since 28-1-1950. Article 45 too has been raised to a high pedestal by Unni Krishnan, which was decided on 4-2-1998. Though other articles are part of directive principles, they are fundamental in the governance of our country and it is the duty of all the organs of the State (Article 37) to apply these principles. Judiciary, being also one of the three principal organs of the State, has to keep the same in mind when called upon to decide matters of great public importance. Abolition of child labour is definitely a matter of great public concern and significance.

International Commitment

17. It would be apposite to apprise ourselves also about our commitment to world community. For the case at hand, it would be enough to note that India has accepted the Convention on the Rights of the Child, which was concluded by the UN General Assembly on 20-11-1989. This Convention affirms that children's rights required special protection and it aims, not only to provide such protection but also to ensure the continuous improvement in the situation of children all over the world, as well as their development and education in conditions of peace and security. Thus, the Convention not only protects the child's civil and political rights, but also extends protection to child's economic, social, cultural and humanitarian rights.
18. The Government of India deposited its instrument of accession to the above-mentioned conventions on 11-12-1992 with the United Nation's Secretary-General. That instrument contains the following declaration:

“While fully subscribing to the objectives and purposes of the Convention, realizing that certain of the rights of the child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international cooperation; recognizing that the child has to be protected from exploitation of all forms including exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment’ and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India – the Government of India undertakes to take measures to progressively implement the provisions of Article 32, particularly paragraph 2(a), in

accordance with its national legislation and relevant international instruments to which it is a State Party”.

19. Article 32 of which mention has been made in the instrument of accession reads as below:
- “1. State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical mental, spiritual, moral or social development.
 2. State Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, State Parties shall in particular:
 - (a) Provide for a minimum wage or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment; and
 - (c) Provide for appropriate penalties or other sanction to ensure that effective enforcement of the present article”.

Statutory Provisions

20. We may now note as to how our policy-makers have viewed the problem of child labour and what efforts have been made to safeguard one from this evil. We have shown our concern in this sphere ever since the International Labour Organization, set up in 1919 under the League of Nations, had felt that there should be international guidelines by which employment of children under a certain age could be regulated in industrial undertakings. It, therefore, suggested that the minimum age of work be 12 years. The same required ratification by the Government of British India; and during the Legislative Assembly Debates, the question of raising the minimum age from 9 to 12 years had created a furore. The Hon’ble Sir Thomas Holland had said in the Legislative Assembly in February 1921 that the minimum wage was raised, the same would upset the organizational set-up of the most textile mills, which were the principal employers of children. On the other hand, there were those who felt that the answer to the problem lay in compulsory primary education. The House ultimately was divided with 32 members voting for raising the minimum age to 12

to 40 voting against it. The Assembly, therefore, recommended to the Governor-General-in-Council that the Draft Convention should be ratified with certain observations.

21. May it be stated that the International Labour Organization has been playing an important role in the process of gradual elimination of child labour and to protect the child from industrial exploitation. It has focused five main issues:

1. Prohibition of child labour
2. Protecting child labour at work
3. Attacking the basic causes of child labour
4. Helping children to adapt to future work
5. Protecting the children of working parents.

Till now, the ILO, in the interest of working children all over the world has adopted 18 conventions and 16 recommendations.

22. To continue our narration of steps taken here, a Royal Commission a Labour came to be established in 1929 to inquire into various matters relating to labour in this country. The report came to be finalized in 1931. It brought to light many inequalities and shocking conditions under which children worked. The Commission had examined the conditions of child labour in different industries and had found that children had been obliged to work any number of hours per day as required by their masters. It was also found that they were subject to corporal punishment. The Commission had felt great concern at the placing of children by parents to employers in return for small sums of money; and as this system was found to be indefensible, it recommended that any bond placing a child should be regarded as void.

23. The recommendations of the Commission came to be discussed in the Legislative Assembly and the Children (Pledging of Labour) Act, 1933 came to be passed, which may be said to be the first statutory enactment dealing with child labour. Many statues came to be passed thereafter. As on today, the following legislative enactments are in force prohibiting employment of child labour in different occupations:

- (i) Section 67 of Factories Act, 1948
- (ii) Section 24 of Plantation Labour Act, 1951
- (iii) Section 109 of Merchant Shipping Act, 1958

- (iv) Section 45 of Mines Act, 1952
 - (v) Section 21 of Motor Transport Workers Act, 1961
 - (vi) Section 3 of Apprentices Act, 1961
 - (vii) Section 24 of Beedi and Cigar Workers (Conditions of Employment) Act, 1966
 - (viii) Child Labour (Prohibition and Regulation) Act, 1986 (Act 61 of 1986) (and)
 - (ix) Shops and Commercial Establishment Acts under different nomenclatures in various States.
24. The aforesaid shows that the legislature has strongly desired prohibition of child labour. Act 61 of 1986 is *ex facie*, a bold step. The provisions of this Act, other than Part III, came into force at once and for Part III to come into force, a notification by the Central Government is visualized by Section 1(3), which notification covering all classes of establishments throughout the territory of India was issued on 26-5-1993.
25. Section 3 of this Act has prohibited employment of children in certain occupations and processes. Part A of the Schedule of the Act contains the names of the occupations in which no child can be employed or permitted to work; and in Part B names of some processes have been mentioned in which no child can be employed or permitted to work.
26. Section 14 of the Act has provided for punishment up to 1 year (minimum being 3 months) or with fine up to Rs. 20,000 (minimum being ten thousand) or with both, to one who employs or permits any child to work in contravention of provisions in Section 3. Even so, it is common experience that child labour continues to be employed. As to why this has happened despite the Act of 1986, has come to be discussed by Neera Burra, in her aforementioned book at pp. 246 to 250 of the 1995 edition. It has been first pointed out that the occupations and processes dealt by the Act are same, about which the repealed statute (Employment of Children Act, 1938) had mentioned, except that in Part B, one process has been added – the same being “building and construction industry”. According to Neera, there are a number of loopholes in the Act which has made it a “completely ineffective instrument for the removal of children working in industry”. One of the clear loopholes mentioned is that children can continue to work if they are a part of family of labourers. It is not necessary for our purpose to go into other infirmities pointed out. Nonetheless, it deserves to be pointed that the Act does not use the word “hazardous” anywhere, the

implication of which is that the children may continue to work in those processes not involving chemicals. Neera has tried to show how impracticable and unrealistic it is to draw a distinction between hazardous and non-hazardous" processes in a particular industry. The suggestion given is that what is required is to list the whole industry as banned for child labour, which would make the task of enforcement simpler and strategies of evasion more difficult.

Failure: Causes

27. We have, therefore, to see as to why is it that child labour has continued despite the aforesaid statutory enactments. This has been a subject of study by a good number of authors. It would be enough to note what has been pointed out in Indian Child Labour, by Dr. J.C. Kulshreshtha. This aspect has been dealt in Chapter II. According to the author, the causes of failure are: (1) poverty; (2) low wages of the adult; (3) unemployment; (4) absence of schemes for family allowance; (5) migration to urban area; (6) large families; (7) children being cheaply available; (8) non-existence of provisions for compulsory education; (9) illiteracy and ignorance of parents; and (10) traditional attitudes. Nazir Ahmad Shah has also expressed similar views in his book *Child Labour in India*. In the article at pp. 65 to 68 of (1993) 3 SCJ (Journal Section) titled "Causes of the exploitation of child labour in India", Dr. Amar Singh and Raghuvinder Singh, who are attached to Himachal Pradesh University, have taken the same view.
28. Of the aforesaid causes, it seems to us that poverty is the basic reason which compels parents of a child, despite their unwillingness, to get it employed. The Survey Report of the Ministry of Labour (supra) had also stated so. Otherwise, no parents, specially no mother, would like that a tender-aged child should toil in a factory in a difficult condition, instead of it enjoying its childhood at home under the parental gaze.
29. It may be that the problem would be taken care of to some extent by insisting on compulsory education. Indeed, Neera thinks that if there is at all blueprints for tackling the problem of child labour, it is education. Even if it were to be so, the child of a poor parent would not receive education, if per force it has to earn to make the family meet both ends. Therefore, unless the family is assured of income aliunde, problem of child labour would hardly get solved; and it is this vital question which has remained almost unattended. We are, however, of the view that till an alternative income is assured to the family, the question of abolition of child labour would really remain a will-o'-the-wisp. Now if employment of child below the age of 14

is a constitutional induction, in so far as work in any factory or mine or engagement in other hazardous work, and if it has to be seen that all children are given education till the age of 14 years in view of this being a tender age of children is not abused and citizens are not forced by economic necessity to enter avocation unsuited to their age, and if children are to be given opportunities and facilities to develop in a healthy manner and childhood is to be protected against exploitation as visualized by Articles 39(f), it seems to us that the least we ought to do is to see to the fulfilments of legislative intendment behind enactment of the Child Labour (Prohibition and Regulation) Act, 1986. Taking guidance there from, we are of the view that the offending employer must be asked to pay compensation for every child employed in contravention of the provisions of the Act a sum of Rs. 20,000; and the Inspectors, whose appointment is visualized by Section 7 to secure compliance with the provisions of the Act, should do this job. The Inspectors appointed under Section 17 would see that for each child employed in violation of the provisions of the Act, the employer concerned pays Rs. 20,000, which sum could be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund. The liability of the employer would not cease even if he would desire to disengage the child presently employed. It would perhaps be appropriate to have such a fund district-wise or areas-wise. The fund so generated shall form corpus whose income shall be used only for the child concerned. The quantum could be the income earned on the corpus deposited qua the child. To generate income, fund can be deposited in high-yielding scheme of any nationalized bank or other public body.

30. As the aforesaid income could not be enough to dissuade the parent/guardian to seek employment of the child, the State owes a duty to come forward to discharge its obligation in this regard. After all, the aforementioned constitutional provisions have to be implemented by appropriate Government, which expression has been defined in Section 2(i) of the Act of mean, in relation to establishment under the control of the Central Government or a railway administration or a major port or a mine or an oilfield, the Central Government and in all other cases, the State Government.
31. Now, strictly speaking a strong case exists to invoke the aide of Article 41 of the Constitution regarding the right to work and to give meaning to what has been provided in Article 47 relating to raising of standard of living of the population and Article 39(e) and (f) as to non-abuse of tender age of children giving opportunities and facilities to them to develop in a health manner, for asking the State to see that an adult member of the family, whose child is in employment in a factory or a mine

or in other hazardous work, gets a job anywhere, in lieu of the child. This would also see the fulfilment of the wish contained in Article 41 after about half a century of its being in the paramount parchment like primary education desired by Article 45, having been given the status of fundamental right by the decision in the case of Unni Krishna. We are however, not asking the State at this stage to ensure alternative employment in every case covered by Article 24, as Article 41 speaks about right to work “within the limits of the economic capacity and development of the State.” The very large number of child labour the aforesaid occupations would required giving of job to very large number of adults, if we were to ask the appropriate Government to assure alternative employment in every case, which would strain the resources of the State, in case it would not have been able to do so presently. Instead, we leave the matter to be sorted out by the appropriate Government. In those cases where it would not be possible to provide a job as above mentioned, the appropriate Government would as its contribution/grant, deposit in the aforesaid Fund a sum of Rs. 5,000 for each child employed in a factory or mine or in any other hazardous employment.

32. The aforesaid would either see an adult (whose name would suggested by the parent/guardian of the child concerned) getting a job in lieu of the child, or deposit of a sum of Rs. 25,000 in the Child Labour Rehabilitation-cum-Welfare Fund. In case of getting employment for an adult, the parent/guardian shall have to withdraw his child from the job. Even if no employment would be provided the parent/guardian shall have to see that his child is spared from the requirement to do the job, as an alternative source of income would have become available to him.
33. To give shape to the aforesaid directive, we require the State concerned to do the following:
 - (1) A Survey would be made of the aforesaid type of child labour which would be completed within six months from today.
 - (2) To start with, work could be taken up regarding those employments which have been mentioned in Article 24, which may be regarded as a core sector, to determine which hazardous aspect of the employment may rank first in priority, to be followed by comparatively less hazardous and so on. It may be mentioned here that the National Child Labour Policy as announced by the Government of India has already identified some industries for priority action and the industries identified are as below:

- The match industry in Sivakasi, Tamil Nadu
 - The diamond polishing industry in Surat, Gujarat
 - The precious stone polishing industry in Jaipur, Rajasthan
 - The glass industry in Firozabad, Uttar Pradesh
 - The brass-ware industry in Moradabad, Uttar Pradesh
 - The handmade carpet industry in Mirzapur-Bhadohi, Uttar Pradesh
 - The lock-making industry in Aligarh, Uttar Pradesh
 - The slate industry in Markapur, Andhra Pradesh
 - The slate industry in Mandsaur, Madhya Pradesh
- (3) The employment to be given as per our direction could be dovetailed to other assured employment. On this being done, it is apparent that our direction would not require generation of much additional employment.
 - (4) The employment so given could, as well as the industry where the child is employed; a public undertaking would be manual in nature in as much as the child in question must be engaged in doing manual work. The undertaking chosen for employment shall be one, which is nearest to the place of residence of the family.
 - (5) In those cases where alternative employment would not be made available as aforesaid, the parent/guardian of the child concerned would be paid the income, which would be earned on the corpus, which would be a sum of Rs. 25,000 for each child, every month. The employment given or payment made would cease to be operative if the child would not be sent by the parent/guardian for education.
 - (6) On the discontinuation of employment of the child, his education would be assured in suitable institution with a view to make him a better citizen. It may be pointed out that Article 45 mandates compulsory education for all children until they complete the age of 14 years; it is also required to be free. It would be the duty of the Inspectors to see that this call of the Constitution is carried out.
 - (7) A district could be the unit of collection so that executive head of the district keeps a watchful eye on the work of the Inspectors. Further, in view of the magnitude of the task, a separate cell in the Labour Department of the appropriate Government would be created. Monitoring the scheme would also be necessary and the Secretary of the Department of Labour, Government of India, would be

beneficial and worthwhile.

- (8) The Secretary to the Ministry of Labour, Government of India would apprise this Court within one year from today about the compliance of aforesaid directions. If the petitioner would need any further or other order in the light of the compliance, it would be open to him to do so.
 - (9) We should also like to observe that on the directions given being carried out, penal provision contained in the affronted 1986 Act would be used wherever employment of child labour, prohibited by the Act, would be found.
 - (10) In so far as the non-hazardous jobs are concerned, the Inspector shall have to see that working hours of the child are not more than six hours a day and it receives education at least for two hours each day. It would also be seen that the entire cost of education is borne by the employer.
34. The task is big, but not as to prove either unwieldy or burdensome. The financial implication would not be such as to prove a damper, because the money after all would be used to build up a better India. In this context, it is worth pointing out that poverty as such has not stood in the way of other developing countries from taking care of child labour. It has been pointed out by Myron Weiner (at p. 4 of 1991 Ed.) of his book *The Child and the State in India* that India is a significant exception to the global trend toward the removal of children from the labour force and the establishment of compulsory, universal primary school education, as many countries of Africa like Zambia, Ghana, Ivory Coast, Libya, Zimbabwe, with income levels lower than India, have done better in these matters. This shows that what has caused the problem of child labour to persist here is really not dearth of resources, but lack of real zeal. Let this not continue. Let us all put our head and effort together and assist the child for its good and greater good of the country.
 35. The writ petition is disposed of accordingly.
 36. We part with the fond hope that the closing years of the twentieth century would see us keeping the promise made to our children by our Constitution about a half-century ago. Let the child of twenty-first Century find himself/herself into that "heaven of freedom" of which our poet laureate Rabindranath Tagore has spoken in *Gitanjali*.
 37. Let a copy of this judgement be sent to Chief Secretaries of all the State Government and Union Territories, so also to the Secretary, Ministry of Labour, Government of India for their information and doing needful.

International Instruments on Child Labour

I. WORST FORMS OF CHILD LABOUR CONVENTION 182, 1999

Convention 182

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member who ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration

relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) Prevent the engagement of children in the worst forms of child labour;
 - (b) Provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and

social integration;

- (c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) Identify and reach out to children at special risk; and
 - (e) Take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
 2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
 3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.
-
1. A Member that has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an

act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —

- (a) The ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, not with standing the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) As from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members, which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention unanimously adopted by the General Conference of the International Labour Organisation during its Eighty-Seventh Session which was held at Geneva and declared closed on 17 June 1999.

IN FAITH WHEREOF we have appended our signatures this day of June 1999.

The President of the Conference,

The Director-General of the International Labour Office,

II. WORST FORMS OF CHILD LABOUR RECOMMENDATION 190, 1999

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-seventh Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999; adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Recommendation, which may be cited as the Worst Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as “the Convention”), and should be applied in conjunction with them.

I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, *inter alia*:
 - (a) Identifying and denouncing the worst forms of child labour;
 - (b) Preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
 - (c) Giving special attention to:
 - (i) Younger children;

- (ii) The girl child;
- (iii) The problem of hidden work situations, in which girls are at special risk;
- (iv) Other groups of children with special vulnerabilities or needs;
- (d) Identifying, reaching out to and working with communities where children are at special risk;
- (e) Informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:
 - (a) Work, which exposes children to physical, psychological or sexual abuse;
 - (b) Work underground, under water, at dangerous heights or in confined spaces;
 - (c) Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
 - (d) Work in an unhealthy environment, which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
 - (e) Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.
4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

III. Implementation

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the

prohibition and elimination of its worst forms as a matter of urgency.

- (2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.
 - (3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.
6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.
 7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.
 8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.
 9. Members should ensure that the competent authorities that have the responsibility for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.
 10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.
 11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:
 - (a) Gathering and exchanging information concerning criminal offences, including those involving international networks;
 - (b) Detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;
 - (c) Registering perpetrators of such offences.

12. Members should provide that the following worst forms of child labour are criminal offences:
- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
 - (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
 - (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities, which involve the unlawful, carrying or use of firearms or other weapons.
13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.
14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.
15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:
- (a) Informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
 - (b) Involving and training employers' and workers' organizations and civic organizations;
 - (c) Providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
 - (d) Providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these

- offences are committed in another country;
- (e) Simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
 - (f) Encouraging the development of policies by undertakings to promote the aims of the Convention;
 - (g) Monitoring and giving publicity to best practices on the elimination of child labour;
 - (h) Giving publicity to legal or other provisions on child labour in the different languages or dialects;
 - (i) Establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing help lines or contact persons ;
 - (j) Adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;
 - (k) As far as possible, taking into account in national programmes of action:
 - (i) The need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and
 - (ii) The need for sensitizing parents to the problem of children working in such conditions.
16. Enhanced international cooperation and/or assistance among members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:
- (a) Mobilizing resources for national or international programmes;
 - (b) Mutual legal assistance;
 - (c) Technical assistance including the exchange of information;
 - (d) Support for social and economic development, poverty eradication programmes and universal education.

III. CONVENTION ON THE RIGHTS OF THE CHILD

ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS
ON 20 NOVEMBER, 1989

Preamble

The States Parties to the Present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Meaning in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

Recognizing that the United Nations has, the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

Bearing in mind that the need to extend particular care to the child has been stated

in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November, 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant of Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children.

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child.

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Gave agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability,

birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

- 1 The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the

detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the States) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person (s) concerned.

Article 10

1. In accordance with the obligation of the State Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family re-unification shall be dealt with by State Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1 States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of

the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order {order public}, or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and when, applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. State Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public) the protection

of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, or to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall.

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well being, bearing in mind the provisions of article 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present

Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s) legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate for judicial involvement.

Article 20

1. A child temporarily or permanent deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the States.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, Kafala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children; When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate measures to ensure that, in inter country adoption, the placement does not result in improper financial gain for those involved in it;
- (f) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that competent authorities or organs carry out the placement of the child in another country.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members

of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protecting as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions, which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular accounts shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of

- health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and in particular, shall take appropriate measures:
 - (a) To Diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate per-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
 3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
 4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security,

including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent (s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State party and from abroad. ; In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.

- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible ;to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that School discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Character of the United Nations;
 - (c) The development of respect for the child's parent, his or her own cultural identity, language and values, for the national values of the country in which the child is living the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child; for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
3. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions

shall conform to such minimum standards as may be laid down by the States.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative administrative social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative administrative, social and educational measures, to protect children from the illicit use

of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspect of the child's welfare.

Article 37

States parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall

be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim or any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes

into account the child's age and the desirability of promoting the child's reintegration and the child's assuming constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
 - (a) the establishment of a minimum age below which children shall be presumed

not to have the capacity to infringe the penal law;

(b) whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to be realization of the rights of the child and which may be contained in:

- (a) The law of a State Party; or
- (b) International Law in force for that State.

PART II

Article 42

State Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions here in after provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this convention. The members of the Committee shall be elected by State Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons

nominated by State Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held not later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties to the present Convention.
 1. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
 2. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
 3. If a member of the committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party, which nominated the member, shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
 4. The Committee shall establish its own rules or procedure.
 5. The Committee shall elect its officers for a period of two years.
 6. The meetings of the committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
 7. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the committee under the present Convention.

8. With the approval of the General Assembly, the members of the Committee established under the present convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the convention for the State Party Concerned;
 - (b) There after every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State party which has submitted a comprehensive initial reports to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The committee may request from State Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialised agencies, the United Nations children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the

implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies, as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.
- (d) The committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendation shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments,

if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States

Article 47

The present Convention shall remain open for accession by the State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by the State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to State Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly approval.

2. An amendment adopted in accordance with paragraph 1 of the present shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of State Parties.
3. When an amendment enters into force, it shall be binding on those States Parties, which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States, Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depository of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

India's Commitment

The State shall, in particular, direct its policy towards securing:

- (1) 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;
- (2) 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.

Excerpt from Article 39,
Directive Principles of State Policy
The Constitution of India

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