

3

**STANDING COMMITTEE
ON LABOUR AND WELFARE
(1993-94)
TENTH LOK SABHA**

MINISTRY OF LABOUR

THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

October, 1993/Kartika, 1915 (Saka)

THIRD REPORT
STANDING COMMITTEE ON
LABOUR AND WELFARE
(1993-94)

(TENTH LOK SABHA)

MINISTRY OF LABOUR—
ABOLITION OF CHILD LABOUR

Presented to Lok Sabha on 9 DEC 1993
Laid in Rajya Sabha on

18 DEC 1993



LOK SABHA SECRETARIAT
NEW DELHI

October, 1993/Kartika, 1915 (Saka)

L.&W.C. No 3

Price: Rs. 6.00

© 1993 BY LOK SABHA SECRETARIAT

Printed under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Seventh Edition) and printed by the Manager, P.L. Unit, Govt. of India Press, Minto Road, New Delhi.

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
CHAPTER I INTRODUCTORY.	1
CHAPTER II ABOLITION OF CHILD LABOUR	
(a) Identification of Child Labour	3
(b) Factors responsible for the con- tinuance of Child Labour System	6
(c) Legal Protection of Children in work	7
(d) The Child Labour Prohibition and Regulation—Enforcement of law	8
(e) National Policy on Child Labour	10
(f) Special Schools	11
(g) Assistance to voluntary organi- sations	12
(h) Assistance by UNICEF and Internat ⁿ	13
(i) Conclus ⁿ	14
ANNEXURE I Minutes of 27.10.1959	-
ANNEXURE II Statem ^{en} tions	

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR
AND WELFARE (1993-94)**

Shrimati Chandra Prabha Urs — Chairperson

MEMBERS

Lok Sabha

2. Shri D.K. Naikar
3. Shri S.B. Thorat
4. Shri Bheru Lal Meena
5. Shri K. Pradhani
6. Smt. Kamala Kumari Karreodula
7. Kumari Padmasree Kudumula
8. Shri Siddappa Bhimappa Nyamagoudar
9. Dr. P. Vallal Peruman
10. Dr. Chinta Mohan
11. Shri A. Prathap Sai
12. Shri B. Akbar Pasha
13. Shri Ramesh Chennithala
14. Shri Gaya Prasad Kori
15. Shri B. Dattatraya
16. Shri Chandubhai Deshmukh
17. Prof. Rasa Singh Rawat
18. Shri Ram Narain Berwa
19. Shri Shivraj Singh Chauhan
20. Shri Swami Sureshanand
21. Shri Mahendra Baitha
22. Shri V.P. Singh
23. Shri Govinda Chandra Munda
24. Shri Ajoy Mukhopadhyay
25. Shri Rup Chand Murmu
26. Shri Vishwa Nath Shastri
27. Dr. R. Sridharan
28. Shri Ram Sagar
29. Shri Yaima Singh Yumnam
30. Shri Satyendra Nath Brohmo Chaudhury

Rajya Sabha

- *31. Shri Jibon Behari Roy
32. Maulana Obaidulla Khan Azmi
33. Shri N.E. Balaram
34. Shri Sushil Barongpa

* Nominated to the Committee w.e.f. 30 August, 1993 vice Shri Mohammed Amin, MP. ceased to be a member of the Committee.

(iv)

35. Shrimati Vidya Beniwal
36. Shri Murlidhar Chandrakant Bhandare
37. Dr. Faguni Ram
38. Shri Anand Prakash Gautam
39. Shri Gundappa Korwar
40. Shri S. Muthu Mani
41. Shri Kameshwar Paswan
42. Shri Narendra Pradhan
43. Shri Ram Ratan Ram
44. Shrimati Ratan Kumari

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri Satish Loomba — *Deputy Secretary*
3. Shri R.S. Misra— — *Assistant Director*

INTRODUCTION

1. I, the Chairperson of the Standing Committee on Labour and Welfare (1993-94) having been authorised by the Committee to submit the Report on their behalf, present this Third Report on the Ministry of Labour—Abolition of Child Labour.

2. The Committee considered the Annual Report of the Ministry of Labour (1992-93) on the subject whereafter the Committee took evidence of the representatives of the Ministry of Labour on 25 June, 1993 and 23 August, 1993. The Committee wish to express their thanks to the officers of the Ministry of Labour for placing before them the detailed written notes on the subject and for furnishing whatever information the Committee desired in connection with the examination of the subject.

3. The Committee also wish to express their thanks to Dr. Usha S. Nayar, Professor, Tata Institute of Social Sciences, Deonar, Bombay for furnishing to them valuable information which helped the Committee in their examination of the subject.

4. The Report was considered and adopted by the Committee at their sitting held on 27.10.1993.

NEW DELHI;
October 29, 1993

Kartika 7, 1915 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee
on Labour and Welfare.

CHAPTER I

INTRODUCTORY

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 opportunity 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. 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 Government of India constituted a Committee under Chairmanship of Shri Gurupad Swami to examine the problems of child labour in detail. The Committee submitted its report in December, 1979. The Gurupad Swami Committee recognised that a distinction had to be made between child labour and the exploitation of child labour as, though both are a problem, they are of different orders. It had underlined that in all future action dealing with child labour the basic aspect that 'labour becomes an absolute evil in the case of child when he is required to work beyond his physical capacity, when hours of employment interfere with his education, recreation and rest, when his wages do 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', would have to be taken note of.

1.4 The National Policy on child labour includes (i) a legislative action plan; (ii) focussing of general development programmes for the benefit of

child labour; and (iii) project based approach in areas of concentration of child labour. Legislative protection is being enhanced by bringing additional employment areas within the prohibited category under the Child Labour (Abolition & Regulation) Act, 1986.

1.5 National Child Labour Projects have been started in the 7th Plan under the National Child Labour Policy. These are being continued and the programme is being expanded in the 8th Plan to cover additional areas. The objective is to withdraw child labour and provide them with education, nutrition and health services etc. through special schools. At present 124 special schools are being run for the benefit of children who are normally engaged in a big way in certain industries—matches, precision stone polishing, slate and slate pencil, carpet weaving, glass, brassware, lock making and tiles.

1.6 The non-Governmental agencies are being increasingly involved in reaching the intended benefits of working Children. International Labour Organisations (ILO) is providing an assistance of about Rs. 3 crores for putting the NCL Projects on sound basis and for enhancing the capabilities of Central and State Governments for dealing with the problem of child labour.

1.7 Under the International Programme for Elimination of Child Labour (IPEC), an outlay of 2.25 million dollars has been provided by the ILO for the period upto 31-12-1993. Clearance has also been given for the Child Labour Assistance and Support Project (CLASP) with German assistance.

CHAPTER II

ABOLITION OF CHILD LABOUR

A. Identification of Child Labour

2.1 The Ministry of Labour has furnished a statement showing state-wise distribution of child workers (0—14 age group) according to 1971 and 1981 census:

Sl. No.	States/Union Terr.	Workers in the age group 0—14	
		1971 Census	1981 Census
1	2	3	4
1.	Andhra Pradesh	1,627,492	1,951,312
2.	Assam	239,349*	**
3.	Bihar	1,059,359	1,101,764
4.	Gujarat	518,061	616,913
5.	Haryana	137,826	194,189
6.	Himachal Pradesh	71,384	99,624
7.	Jammu and Kashmir	70,489	258,437
8.	Karnataka	808,719	1,131,530
9.	Kerala	111,801	92,854
10.	Madhya Pradesh	1,112,319	1,698,597
11.	Maharashtra	988,357	1,557,756
12.	Manipur	16,380	20,217
13.	Meghalaya	30,440	44,916
14.	Nagaland	13,726	16,235
15.	Orissa	492,477	702,293
16.	Punjab	232,774	216,939
17.	Rajasthan	587,389	819,605
18.	Sikkim	15,661	8,561
19.	Tamil Nadu	713,305	975,055
20.	Tripura	17,490	24,204

* Includes figures of Mizo district also which then formed part of Assam.

** 1981 Census could not be conducted in Assam due to disturbed conditions prevailing there then.

1	2	3	4
21.	Uttar Pradesh	1,326,726	1,434,675
22.	West Bengal	511,443	605,263
23.	Andaman & Nicobar Island	572	1,309
24.	Arunachal Pradesh	17,925	17,950
25.	Chandigarh	1,086	1,986
26.	Dadra & Nagar Haveli	3,102	3,615
27.	Delhi	17,120	25,717
28.	Goa, Daman & Diu	7,391	9,378
29.	Lakshadweep	97	56
30.	Mizoram	*	6,314
31.	Pondicherry	3,725	3,606
TOTAL		10,753,985	13,640,872

* Census figures of 1971 in respect of Mizoram included under Assam.

2.2 The Ministry has also furnished following statement showing the details of children working in different areas of employment in India as per 1971 and 1981 Census.

Sl. No.	Nature of Activity	1971 Census		1981 Census	
		No. of child workers in age group 0-14 years (in thousands)	Percentage	No. of child workers in age group 0-14 years (in thousands)	Percentage
1	2	3	4	5	6
1.	Cultivators	3,870	36.05	4,013	35.93
2.	Agricultural labourers	4,586	42.72	4,774	42.75
3.	Livestock, forestry, fishing hunting, plantations, etc.	885	8.25	704	6.30
4.	Mining and quarrying	24	0.22	27	0.24
5.	Manufacturing, processing, serving, repairs, etc.	653	6.08	965	8.64
	(a) Housing industry	338	3.15	425	3.80
	(b) Others	315	2.93	540	4.84
6.	Construction	59	0.55	79	0.71
7.	Transport, storage & communication	42	0.39	34	0.31

1	2	3	4	5	6
8.	Trade and commerce	211	1.97	246	2.20
9.	Other services	405	3.77	3.26	2.92
TOTAL		10,735	100.00	11,168	100.00

In the 1971 Census, no distinction is made between 'main' work and 'marginal' work. In the 1981 Census, 'main' workers have been defined as those who have worked for more than six months. The 1981 Census figures given above relate to 'main' workers only.

2.3 Asked to state whether any survey has been conducted by the Government for identification of Child Labour and their enrolment/registration etc., the representative of the Ministry stated during evidence:

"First, about the data and survey that has been done, the need has been expressed by a large number of Members that we should have authentic data and survey in regard to the various pockets of the country, that too industry-wise also. We have got a census data. We are awaiting classification of the 1991 census which would give the up-to-date information about the existence of child labour throughout the country. Further, individual survey in specific areas and in specific States is also take up from time to time. When the National Child Labour Project Programme was started in 1987, at that time a few surveys were taken up as indicated by the State Governments. As a result of that, 9 projects which have been mentioned—the fire-works project in Sivakasi, the lock-making project in Aligarh and the one in Mirzapur etc.—have come up. We appreciate the suggestions made by the hon. Members that this programme needs to be extended. I would like to inform that in the Eighth Plan, the Programme is being continued. There is provision for taking up at least two to three new projects every year."

2.4 Giving details of problems being faced by the Government in registration of child labour, the Secretary, Ministry of labour stated during evidence:

"There is a lot of resentment. Yesterday evening the Chief Secretary from Uttar Pradesh phoned me up. He said that they had issued a notification already to compulsorily register for the limited purpose of knowing how many children are working. But he also mentioned that there is tremendous popular opposition for this and he asked whether he should withdraw this notification. I told him as Labour Secretary, Government of India, I could only say that we would solidly stand behind him because the law provides for prohibition of children in certain employments. If all that he was doing was at least securing some statutory measures for compulsory registration of the children working why should I stand in the way?"

B. Factors responsible for the continuance of Child Labour System

2.5 Detailing the reasons for the continuance of Child Labour System, the representatives of the Ministry stated during evidence:

"We have done some research work and we have come across certain conclusions. The problem of child labour is a very complex problem. It is a social and economic problem and it is a combination of both these problems. Very often, we say that child labour is forced to work because of economic circumstances. There is an element of truth in it but very often this may not be the real cause. We have come across many findings here. We have carried out research work on the match and fire works industry at Sivakasi, about the girl child employed in the Sivakasi industry."

Adding further, the Secretary, Ministry of Labour stated:

"In fact, the problem is this. Many parents in many parts of India believe that it is much better for them to make their children go for work and learn some skills which they can use later on. This is the thinking of the parents. This is reflected in a study conducted in gem polishing industry in Jaipur. During the initial period, the children will be working as errand boys and as the years pass by, when he is with the Ustad he wants to become Ustad himself. This is what the ILO report itself states. The most important compulsion is the compulsion that is being brought about by the parents themselves. These are the problems for which we do not have remedies through laws. The existing policy says there must be a combination of legislative, development and reformative work by the society so that over a period of time, if not immediately, we will be in a position to eliminate child labour altogether."

2.6 Dr. Usha S. Nayer, an expert on Child Labour from Tata Institute of Social Sciences stated during evidence:

"Poverty is the major contribution. Other causes are like this. If you ask the parents that between sending the child to school and labour which one would they prefer, they say school. If you ask them about their preference between employment and doing nothing, they say school. If you ask them about their preference between employment and doing nothing, they prefer employment. Another thing which we say is that some parents believe that the child, particularly, the girl child need not go to school but just mind children at home or relieve the parents to go to the work. This is something which we need to work with the belief or the attitude of the child community or particular group, of adults, who are care takers."

She further added:

“Another belief is that if you specialise the child early in some craft, you can discipline him before, because later on when the child grows up and starts taking the decisions independently, it will not be possible to make him an obedient child.”

2.7 Summing up the reasons for continuance of Child Labour System Dr. Usha S. Nayer further stated:

“There are several factors of exploitation. When child labour is there in weaving, carpet-making, zari-making, glass factory and fireworks industries, the vested interests of groups of people, those who form the employers' associations, give an impression that they are helping the children but in reality they exploit the cheap labour which is available by paying less. They try to keep the area backward. They keep the margin of profit they get by employing children. It is a complicated issue. I may mention that in 1982 I made a study/survey of the problem of child labour. I tried to find out how the family takes a decision to put the child to school or to labour, with whatever meaninglessness of education. I found out that at least people with education try to put their children to schools even the circumstances are not very economical.”

C. Legal Protection of Children in Work

2.8 It has been stated in the Annual Report of the Ministry that Child Labour, though undesirable, persists on account of socio-economic compulsions. The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and other hazardous employments in accordance with the provisions of the Constitution and to regulate the working conditions of children in certain other employments. The Child Labour (Prohibition & Regulation) Act, 1986 seeks to achieve this basic objective.

2.9 The protective Legal Provisions for employment of children under various enactment are as under:

Sl. No.	Name of Enactment	Protective Provisions for Child
1	2	3
1.	The Children (Pledging of Labour) Act, 1933.	Any agreement to pledge the labour of children is void.
2.	The Bidi and Cigar Workers (Conditions of Employment) Act, 1966	Employment of children under 14 years of age prohibited under the laws at Sl. Nos. 2 to 5.
3.	The Factories Act, 1948.	
4.	The Mines Act, 1952.	
5.	The Motor Transport Workers Act, 1961.	

1	2	3
6.	The Child Labour (Prohibition and Regulation) Act, 1986	<p>Except in the process of family based work or recognised school based activities, children not permitted to work in occupations connected with</p> <p>*Passenger, goods mail transport by Railway</p> <p>*Cinder picking, cleaning of ash pits</p> <p>*Building operations, construction</p> <p>*Catering establishments in Railway premises on parts limits</p> <p>*Beedi making</p> <p>*Carpet weaving</p> <p>*Cement manufacturing</p> <p>*Cloth printing</p> <p>*Dyeing, weaving</p> <p>*Manufacture of matches, explosives, fireworks.</p> <p>*Mica cutting</p> <p>*Splitting</p> <p>*Wool cleaning</p>
		<p>In occupations and processes other than the above mentioned, work by children is permissible only for six hours between 8.00 A.M. and 7.00 P.M. with one day's weekly rest.</p>
		<p>Occupier of establishment employing children to give notice to local Inspector and maintain prescribed register.</p>
7.	The Plantations Labour Act, 1951	Children/adolescents are allowed to work 27 hours a week. Child work is not allowed during night <i>i.e.</i>
8.	Minimum Wages Act, 1948	7.00 P.M. to 6.00 A.M. Children permitted to work in plantation only where certificate of fitness is granted by a certifying Surgeon. On completion of 15 day's work, one day's leave with wages is to be allowed.

D. The Child Labour Prohibition and Regulation—Enforcement of Law

2.10 When asked about the measures taken by Government to implement the Law, the Secretary, Ministry of Labour stated during evidence:

"One way of handling the problem would be to take recourse to the existing legal provisions. The Child Labour Prohibition and Regulation Act of 1986 provides for penalties of imprisonment to the employers who engage child workers up to a minimum period of three months which may extend to one year. For repeated offences, they can be imprisoned on orders of courts of law up to three years. The penalty is Rs. 10,000/-. The State Governments are the enforcement agencies. If they are serious, they can conduct raids on all types of hotels."

He further elaborated:

"We have a system of monitoring through the State Governments. I should candidly admit that reporting from the States is inadequate. According to the available information with us, during the year 1990-91, 75,000 inspections were conducted; 1566 prosecutions were

launched; 456 convictions were obtained. During 1991-92, 42,000 inspections were conducted; 1291 prosecutions were launched; 781 convictions were obtained. There has been nil action on the part of several States. This is the fact of the matter. The Labour Minister himself has had a meeting with the employers. He has also planned to have a meeting with the Secretaries of the State Governments who are concerned in a significant ways with the problem of child labour in their States."

2.11 The Ministry of Labour has furnished the following statement showing Statewise data on violation of Child Labour Act and prosecutions launched:

States/UTs	No. of CL Act	Inspect. Fact Act	Violations		Prosecutions		Convictions	
			CL Act	Fact Act	CL Act	Fact Act	CL Act	Fact Act
Arunachal Pradesh	25	7						
Gujarat	1618	46842		48		48		19
Madhya Pradesh	11453	31238		18		1667		
Maharashtra		21841						
Meghalaya	1321	169						
Nagaland	16							
Orissa	63	2577						
Punjab	7608	170		21		3044		2556
Rajasthan	545	11789	1		3			
Tamil Nadu		98609		92	85	94	2	82
Uttar Pradesh	24368	2307	4251	273	3582	611	574	58
Delhi	1094	14633						
Bihar		1672						
Jammu & Kashmir	534	978						
Kerala		11012						
Tripura	9	131						
Total	48654	243975	4252	452	3670	5464	576	2715

2.12 As regards the measures to be taken to implement the law. The Secretary, Ministry of Labour stated during evidence:

"The responsibility for implementing the Child Labour (Prohibition and Regulation) Act is both with the Central and State Governments. Recently, in order that all the States follow a uniform policy for the purpose of enforcing the provisions of the Child Labour (Prohibition and Regulation) Act, the Minister of Labour in the meeting of the Labour Ministers held on 7th and 8th July, has requested the State Governments to enforce the law more vigorously.

Following the decisions that have been taken in the Labour Ministers' Conference, there was unanimity on this matter, that, firstly, the

implementation of the Child Labour (Prohibition and Regulation) Act, 1986; secondly, particularly enforcing of the restrictions should be done at the district level, vigilance committees should be formed as suggested in the Child Labour Policy of 1987 and thirdly, proper implementation of the Minimum Wages Act without discrimination between adults and children to be ensured.

One way of discouraging child labour is to make it worthwhile for the employer in terms of wages paid and that can be achieved by stipulating through a statutory notification the quantum of work. The wages shall be the same for adults, as for children. This cannot be so prohibited employment. Whenever children can be legally employed without discrimination between children and adults, the same wages will be paid. The Governments have agreed on it. They will bring about the necessary changes.

The next decision was to undertake up special projects for providing vocational education to wean them away from work. Another decision was to involve voluntary agencies which would implement the kind of machinery, especially for the establishment of adequate mechanism for formal and implementation of vocational programmes.

A fifth decision was to have Child Labour Councils and Child Labour Cells."

E. National Policy on Child Labour

2.13 It has been stated in the Annual Report of the Ministry of Labour that the Child Labour Cell of the Ministry continuous to be involved in the formulation, coordination and implementation of policies and programmes for improving the working conditions of children. The Government announced the National Policy on Child Labour in August, 1987, which *inter-alia*, provides for taking up projects in areas of child labour concentration. Under the National Policy on Child Labour, the following nine projects are under implementation for the welfare of children removed from:—

- (i) match industry in Sivakasi, Tamil Nadu.
- (ii) precious stone polishing industry in Jaipur, Rajasthan.
- (iii) slate pencil making industry in Mandasaur, Madhya Pradesh.
- (iv) slate industry in Markapur, Andhra Pradesh.
- (v) handmade carpet weaving industry in Mirzapur, Bhadohi, Uttar Pradesh.
- (vi) The glass industry Ferözabad, Uttar Pradesh.
- (vii) the brassware industry in Moradabad, Uttar Pradesh.
- (viii) lock making industry in Aligarh, Uttar Pradesh.
- (ix) tile industry in Jaggampet, Andhra Pradesh.

F. Special Schools

2.14 It has been stated in the Annual Report that Special Schools which form a major component of these projects have been set up to provide basic needs like non-formal education, vocational training, supplementary nutrition, health care etc. to the children withdrawn from employment. So far, 124 special schools have been sanctioned for covering 6900 children. An amount of Rs. 1.09 crores has been released during 1992-93 (till the end of December, 1992) under these projects. The details project-wise are given below:

Special Schools			
Sl.No.	Name of the Child Labour Projects	No. Of Schools	No. Of Children Covers
1.	Sivakasi	26	1800
2.	Jaipur	20	1000
3.	Mandsaur	8	600
4.	Markapur	20	1000
5.	Mirzapur-Bhadohi	20	1000
6.	Ferozabad	10	500
7.	Aligarh	10	500
8.	Moradabad	10	500
9.	Jaggampet	—	—
Total		124	6900

2.15 When enquired about the problems being faced by the Government in imparting education to Child Labour the Secretary, Ministry of Labour stated during evidence:

“At present, we do not have a system under which we compulsorily remove children from places of work and put them in a particular school. The whole objective of having this National Child Labour Project is to gradually take children away from work place so that they are given basically primary education or elementary education, as the case may be, depending upon the levels and you will kindly appreciate that very often the children to go work with consent of the parents. It will be very difficult to haul up a child and put him compulsorily in a school because of the problems relating to the relationship between the child and the parents in a home that will have to be tackled in the circumstances. For example, we have laws in many States which say that primary education will be compulsory and in case primary education is not given to the children, legally speaking, the parents could be punished. But I have not come across a single instance where the parents of the children who are not sent

to school are hauled up and punished in courts of law. This is to be treated as a special problem. It is very difficult to take recourse to measures of this nature which are of coercive or compulsive nature."

2.16 Asked whether the Government has given a thought to initiate Non-formal System of Education under 'Earn and Learn Scheme for the Rehabilitation of Child Labour' the Secretary, Ministry of Labour stated during evidence:

"The Government of India is implementing a very major programme for non-formal education. The programme is implemented by the Department of Education under the Ministry of Human Resource Development. The other day, I spoke to the Education Secretary to find out the present status of implementation of this programme. The current year's Budget allocation is something like Rs. 90 crore for non-formal education. This is mainly for the purpose of providing primary education for the children. This is the latest figure. As on date 2.35 lakh non-formal education centres have already been established in different parts of the country. All the States and Union Territories have been covered and this is a continuing programme. If a child goes from Class 5 to Class 6 or Class 6 to Class 7, until the non-formal education is over, the Government of India gives assistance."

He further added:

"This has been going on since 1986 viz. ever since the New Education Policy was brought under implementation. It has been going on, on an intensive basis. The idea behind this is that the non-formal education system will be different from the formal education system. The school hours for the children will be so adjusted that they can come for schooling at a time convenient to them because many children in the rural areas, work as part and parcel of the families also."

G. Assistance to Voluntary Organisations

2.17 It has been stated in the Annual Report that during the financial year 1992-93 the child labour cell of the Ministry has rendered financial assistance to 7 projects of 7 voluntary organisations in the field of child labour for implementation of continuing as well as new projects for the welfare of the working children, to provide non-formal education, supplementary nutrition, health care and vocational/skill training. The projects financed by the Cell are:

- (i) For the welfare of rag-picking children run by the Congregation of the Sisters of the Cross of Chavanar, Tiruchirapalli, Tamil Nadu.

- (ii) For setting up welfare centres for the children working in the Beedi Industry in Madhya Pradesh run by the Indian Council for Child Welfare, New Delhi.
- (iii) For non-institutional care for working children run by the Ruchika School, Bhubaneshwar.
- (iv) For children removed from the match industry run by the Malarchi Trust, Vahaikulam, Tamil Nadu (Pilot Project).
- (v) For setting up Centres for street and Working Children by the Indian Council for Child Welfare, New Delhi.

H. Assistance from UNICEF and International Agencies

2.18 Giving details of the assistance received from external sources and the fields they are being utilised for the Elimination of Child Labour, the Secretary, Ministry of Labour stated during the evidence:

“Apart from the funds that are provided in Budget by the Government, we are getting assistance from three main external sources. One is the International Labour Organisation source. They provide money under the International Programme for Elimination of Child Labour. This money comes from the Government of Germany and the Government of Belgium. The funds that have been earmarked for India during the current year is US \$ 2.25 million, that is, roughly Rs. 6.65 crores. Then we have the UNICEF programme. We have got their master plan of operation mainly for the purpose of providing assistance to children in difficult circumstances. The amount of money that is likely to become available during 1993 is Rs. 60 lakhs. Then, we have got the Child Labour Action and Support Project. This is also an externally funded project. On this project for the current year 1993 the amount expected to come is Rs. 87 lakhs. So, altogether it will be Rs. 8.12 crores that would come from outside.”

He further added :

“These moneys are meant to be distributed only to non-government organisations. They do not give the money direct to the State Governments or to the Central Ministries. We have identified non-government organisations all over India, anybody can apply. Non-Government Organisations should be voluntary agencies. They should be registered. They should have done some social work at least for a period of three years. There is a proforma in which we obtain their proposals for assisting children. Generally, we ask for information on whether it is registered, whether they have prepared their annual report and annual accounts.”

2.19 Asked whether any monitoring is being done by the Central Government in regard to functioning of voluntary agencies, the Secretary replies:-

"It is only by inspections. We satisfy ourselves that the organisation has been in existence for a few years and we know the organisation. Your point is very valid and it is necessary we should ensure that the money goes to the voluntary agencies that do proper work.

2.20 As regards the role of Central Government in regard to release of money to Voluntary Agencies from Foreign Agencies, the Secretary, Ministry of Labour stated as under:-

"So far as the International Programme for Elimination of Child Labour is concerned, the money is given by the ILO direct. The Central Government comes into the picture only for scrutinising the programmes through a Steering Committee constituted by the Labour Ministry in which ILO representatives are also there. Once the clearance is given, ILO Office at New Delhi through its Project Director provisionally releases the money to the voluntary agency. They conduct field inspections. They also take the assistance of State Government authorities to undertake field research.

He further added:

"Regarding the nature of the schemes, the Government does not stipulate any rigid condition because the conditions may vary from State to State. Many of the organisations are doing good work. They know what the problem of children in a particular area is, how it should be tackled if it is education, that should be given to the children in the formal or non-formal way; if it is health centre that should be provided; and if it is nutrition that should be provided as an input etc.

1. Conclusions / Recommendations

2.21 The Committee note with distress that the Ministry of Labour are not having an authentic data regarding the Child Labour in the age group of 0-14 as they are awaiting the 1991 Census Report. The Committee have been informed by the Ministry that when the National Child Labour Project Programme was started in 1987, few surveys were taken up by State Government and as a result of which nine projects have come up. Since then no proper survey has been conducted by the Ministry barring a few and that too in a haphazard manner. The Committee fail to understand the lackadaisical attitude of the Ministry of Labour towards such a serious problem. In their view, unless the Ministry have an authentic data by carrying out surveys in regard to various pockets of Child Labour concentration of the country, if possible industry wise, they are not in a position to carryout proper planning for the elimination of the Child Labour System in a phased manner. The Ministry, instead of resting only on the

Census Report, should have taken up regular surveys. The Committee, therefore, recommend to institute a comprehensive Socio-economic Study of the Child Labour Problem in relation to emerging social realities after taking into account 1991 Census Report. A comprehensive survey should be conducted State-wise on a time bound scale in certain areas of Child Labour concentration such as Beedi workers, Fire works, Glass works, Carpet weaving, Hoteleering etc. Where large number of children are employed for the identification/registration of child labour. The Committee are also of the view that for the purpose of identification/registration, the Government should formulate active Committees at the District level involving officials from the District Administration such as District Commissioner/District Collector/Labour Officers/Welfare Officers, Elected Representatives of the area, Voluntary Organisations and Trade Unions etc. These Committees should meet periodically and monitor the programme.

2.22 The Committee are concerned to note that the Ministry of Labour have not given a serious thought to study the factors responsible for the continuance of Child Labour System after the submission of Gurupad Swami Committee Report way back in the year 1979. In their view, unless the root cause of the system is eliminated, the system itself cannot be eliminated. The Ministry's assertion, 'very often we say that Child Labour is forced to work because of economic circumstances but very often this may not be the very real cause' speak highly of their findings about the continuance of Child Labour System. The Committee are unable to understand the Ministry's planning in this regard as to whether they are trying to eliminate the Child Labour System or they are legalising the continuance of Child Labour System. The Committee, therefore, recommend that the Ministry should formulate a clear and cogent policy in regard to abolition of Child Labour System.

2.23 As regards enforcement of the provisions of the Child Labour prohibition and Regulation Act, 1986, the Ministry of Labour has admitted that reporting from the States is inadequate. Also there has been nil action on the part of the several States. In view of the fact that various States are not at all implementing the law, the Committee fail to understand the truth behind the commitment of the Central Government towards elimination of Child Labour System. Viewing the situation with great concern, the Committee are of the view that necessary steps should be taken to mobilise the State Governments for the enforcement of the Child Labour Law in letter and spirit. They are also of the view that regular monitoring should be done by the Ministry of Labour in this regard.

2.24 The Committee note with concern that in some of States where the law has been enforced, although the number of prosecutions launched were quite high, the convictions could be done in very few cases. They are therefore, of the view that the Child Labour Prohibition and Regulation Act, 1986, should be amended to provide stringent punishment for the employers violating the law and responsibility should be fixed on the State Governments for the enforcement of the law at their grass root level.

2.25 Welcoming the decisions taken during the Labour Ministers' Conference held in July, 1993 for the vigorous enforcement of the Child Labour Law, setting up of vigilance Committees, payment of wages to child labour stipulation of quantum of work. Provision of vocational education and creations of child labour council and child labour cells, the Committee are of the view that these decisions should be pressed into practice by the State Governments without further delay. They also recommend that the employers should be brought under necessary legislation so that they contribute certain percentage of money for the welfare, education and health of the child labour. For the purpose, the Child Labour Prohibition and Regulation Act, 1986 may be amended to provide stringent punishment to the employers violating the law. The Committee are also of the view that the Government should not give any incentive/subsidy for the export of items where Child Labour is involved.

2.26 The Committee note that after announcement of National Policy on Child Labour in 1987, nine projects have been taken up in areas of child labour concentration to provide basic needs like non-formal education, vocational training, supplementary nutrition, health care etc. for the children withdrawn from employment and 124 special schools have been sanctioned covering 6900 children. In their view, these projects are just like a drop in the ocean towards the elimination of Child Labour System. The Committee, therefore, desire that more projects in other areas of child labour concentration should be taken up by the Government and more special schools should be opened covering more children on the pattern of 'Learn and Earn Scheme' for the rehabilitation of child labour. The Committee also recommend for opening up of Residential Schools or Child Welfare Homes in a phased manner for those children who are orphans or homeless.

2.27 The Committee note that the assistance being received from the external sources such as UNICEF, ILO etc. for the rehabilitation of Child Labour is not sufficient for tackling such a complex problem. In their view, the Government should try to mobilise more funds from other resources to solve this social evil. The Committee are deeply concerned to note that instead of Government coming up with their own projects for the rehabilitation of Child Labour, they are totally dependent on the voluntary agencies on whom they have virtually no control. They are, therefore, of the view that the Government should mobilise more funds from both internal and external resources such as UNICEF, ILO, NRIs etc. for the rehabilitation of child labour.

NEW DELHI;
October 29, 1993,

Kartika 7, 1915 (Saka)

CHANDRA PRABHA URS,
Chairperson,
Standing Committee on
Labour and Welfare.

MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON
LABOUR AND WELFARE (1993-94)

The Committee met on Wednesday, 27 October, 1993 from 11.00 hrs. to 11.30 hrs. in Committee Room 'D', Parliament House Annex, New Delhi.

PRESENT

Shrimati Chandra Prabha Urs—*Chairperson*

MEMBERS

Lok Sabha

2. Shri S.B. Thorat
3. Shri K. Pradhani
4. Kumari Padmasree Kudumula
5. Dr. P. Vallal Peruman
6. Shri B. Akbar Pasha
7. Shri Ramesh Chennithala
8. Shri Gaya Prasad Kori
9. Shri B. Dattatraya
10. Shri Swami Sureshanand
11. Shri Mahendra Baitha
12. Shri Govinda Chandra Munda
13. Shri Vishwa Nath Shastri

Rajya Sabha

14. Shri Jibon Behari Roy
15. Shri N.E. Balaram
16. Shri Murlidhar Chandrakant Bhandare
17. Dr. Faguni Ram
18. Shri Anand Prakash Gautam
19. Shri Gundappa Korwar
20. Shri S. Muthu Mani
21. Shri Kameshwar Paswan
22. Shri Narendra Pradhan
23. Shri Ram Ratan Ram

SECRETARIAT

1. Shri Satish Loomba — *Deputy Secretary*
2. Shri R.S. Misra — *Assistant Director*

The Committee considered and adopted the draft Third Report on the Ministry of Labour—Abolition of Child Labour with following modification:

<i>Page</i>	<i>Para</i>	<i>Modification</i>
27	2.25	At the end of para Add "The Committee are also of the view that the Government should not give any incentive/subsidy for the export of items where Child Labour is involved."

The Committee authorised the Chairperson to finalise the Report and present the same to Parliament.

The Committee then adjourned.

STATEMENT OF CONCLUSIONS/RECOMMENDATIONS

Sl. No.	Para No.	Conclusions/Recommendations
1	2	3
1.	2.21	<p>The Committee note with distress that the Ministry of Labour are not having an authentic data regarding the Child Labour in the age group of 0-14 as they are awaiting the 1991 Census Report. The Committee have been informed by the Ministry that when the National Child Labour Project Programme was started in 1987, few surveys were taken up by State Government and as a result of which nine projects have come up. Since then no proper survey has been conducted by the Ministry barring a few and that too in a haphazard manner. The Committee fail to understand the lackadaisical attitude of the Ministry of Labour towards such a serious problem. In their view, unless the Ministry have an authentic data by carrying out surveys in regard to various pockets of Child Labour concentration of the country, if possible industry wise, they are not in a position to carryout proper planning for the elimination of the Child Labour System in a phased manner. The Ministry, instead of resting only on the Census Report, should have taken up regular surveys. The Committee, therefore, recommend to institute a comprehensive Socio-economic Study of the Child Labour Problem in relation to emerging social realities after taking into account 1991 Census Report. A comprehensive survey should be conducted Statewise on a time bound scale in certain areas of Child Labour concentration such as Beedi workers, Fire works, Glass works, Carpet weaving, Hoteleering etc. where large number of children are employed for the identification/registration of child labour. The Committee are also of the view that for the purpose of identification/</p>

1

2

3

registration, the Government should formulate active Committees at the District level involving officials from the District Administration such as District Commissioner/District Collector/Labour officers/Welfare Officers, Elected Representatives of the area, voluntary Organisations and trade Unions etc. These committees should meet periodically and monitor the programme.

2. 2.22

The committee are concerned to note that the Ministry of Labour have not given a serious thought to study the factors responsible for the continuance of Child Labour System after the submission of Gurupad Swami Committee Report way back in the year 1979. In their view, unless the root cause of the system is eliminated, the system itself cannot be eliminated. The Ministry's assertion, 'very often we say that Child Labour is' 'forced to work because of economic circumstances but very often this may not be the very real cause' speak highly of their findings about the continuance of child labour system. The Committee are unable to understand the Ministry's planning in this regard as to whether they are trying to eliminate the Child Labour System or they are legalising the continuance of child labour system. The Committee, therefore, recommend that the Ministry should formulate a clear and cogent policy in regard to abolition of Child Labour System.

3. 2.23

As regards enforcement of the provisions of the Child Labour Prohibition and Regulation Act, 1986, the Ministry of Labour has admitted that reporting from the States is inadequate. Also there has been nil action on the part of the several States. In view of the fact that various States are not at all implementing the law, the Committee fail to understand the truth behind the commitment of the Central Government towards elimination of Child Labour System. Viewing the situation with great concern, the Committee are of the view that necessary steps should be taken to mobilise the State Governments for the enforcement of the Child Labour Law in letter and

1	2	3
		spirit. They are also of the view that regular monitoring should be done by the Ministry of Labour in this regard.
4.	2.24	The Committee note with concern that in some of States where the law has been enforced, although the number of prosecutions launched were quite high, the convictions could be done in very few cases. They are, therefore, of the view that the Child Labour Prohibition and Regulation Act, 1986, should be amended to provide stringent punishment for the employers violating the law and responsibility should be fixed on the State Governments for the enforcement of the law at their grass root level.
5.	2.25	Welcoming the decisions taken during the Labour Minister's Conference held in July, 1993 for the vigorous enforcement of the Child Labour law, setting up of vigilance Committees, payment of wages to child labour, stipulation of quantum of work, provision of vocational education and creations of child labour council and child labour cells, the Committee are of the view that these decisions should be pressed into practice by the State Governments without further delay. They also recommend that the employers should be brought under necessary legislation so that they contribute certain percentage of money for the welfare, education and health of the child labour. For the purpose, the Child Labour Prohibition and Regulation Act, 1986 may be amended to provide stringent punishment to the employers violating the law. The Committee are also of the view that the Government should not give any incentive/subsidy for the export of items where Child Labour is involved.
6.	2.26	The Committee note that after announcement of National Policy on Child Labour in 1987, nine projects have been taken up in areas of child labour concentration to provide basic needs like non-formal education, vocational training, supplementary nutrition, health care etc. for the children withdrawn from employment and 124 special schools have been sanctioned covering 6900 children. In their view, these

1

2

3

projects are just like a drop in the ocean towards the elimination of child labour system. The Committee, therefore, desire that more projects in other areas of child labour concentration should be taken up by the Government and more special schools should be opened covering more children on the pattern of 'Learn and Earn Scheme' for the rehabilitation of child labour. The Committee also recommend for opening up of Residential Schools or Child Welfare Homes in a phased manner for those children who are orphans or homeless.

7.

2.27

The Committee note that the assistance being received from the external sources such as UNICEF, ILO etc. for the rehabilitation of Child Labour is not sufficient for tackling such a complex problem. In their view, the Government should try to mobilise more funds from other resources to solve this social evil. The Committee are deeply concerned to note that instead of Government coming up with their own Projects for the rehabilitation of Child Labour, they are totally dependent on the voluntary agencies on whom they have virtually no control. They are, therefore, of the view that the Government should mobilise more funds from both internal and external resources such as UNICEF, ILO, NRIs etc. for the rehabilitation of Child Labour.
