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**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT**

(2023-24)

(SEVENTEENTH LOK SABHA)

MINISTRY OF LABOUR & EMPLOYMENT

NATIONAL POLICY ON CHILD LABOUR – AN ASSESSMENT

FIFTY-SECOND REPORT



LOK SABHA SECRETARIAT

NEW DELHI

December, 2023/ Agrahayana, 1945 (Saka)

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Presented to Lok Sabha on 20.12.2023

Laid in Rajya Sabha on 20.12.2023



LOK SABHA SECRETARIAT

NEW DELHI

December, 2023/ Agrahayana, 1945 (Saka)

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*Not appended with this cyclostyled copy.

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Ravikumar D.
5. Shri Pallab Lochan Das
6. Shri Pasunoori Dayakar
7. Shri Feroze Varun Gandhi
8. Shri Satish Kumar Gautam
9. Shri B.N. Bache Gowda
10. Dr. Umesh G. Jadhav
11. Shri Dharmendra Kashyap
12. Shri Pakauri Lal Kol
13. Adv. Dean Kuriakose
14. Shri Sanjay Sadashiv Rao Mandlik
15. Shri Khalilur Rahaman
16. Shri Naba Kumar Sarania
17. Shri Bhola Singh
18. Shri Ganesh Singh
19. Shri Nayab Singh
20. Shri K. Subbarayan
21. Shri Giridhari Yadav

RAJYA SABHA

22. Shri Naresh Bansal
23. Shri Neeraj Dangi
24. Shri Elamaram Kareem
25. Ms. Dola Sen
26. Shri M. Shanmugam
27. Shri Vivek Thakur
28. Shri Vijay Pal Singh Tomar
29. Vacant
- 30.* Vacant
- 31.** Vacant

* Vacancy occurred *vice* Dr. Banda Prakash resigned *w.e.f.* 04.12.2021.

** Vacancy occurred *vice* Shri Dushyant Gautam retired *w.e.f.* 01.08.2022.

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR, TEXTILES
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Shri Bhartruhari Mahtab - Chairperson

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8. Dr. Umesh G. Jadhav
9. Shri Dharmendra Kumar Kashyap
10. Adv. Dean Kuriakose
11. Shri Pakauri Lal
12. Prof. Sanjay Sadashivrao Mandlik
13. Shri Dayakar Pasunoori
14. Shri Khalilur Rahaman
15. Dr. D. Ravikumar
16. Shri Naba (Hira) Kumar Sarania
17. Shri Bhola Singh
18. Shri Ganesh Singh
19. Shri Nayab Singh
20. Shri K. Subbarayan
21. Shri Giridhari Yadav

RAJYA SABHA

22. Shri Naresh Bansal
23. Shri Neeraj Dangi
24. Shri R. Dharmar
25. Prof. Manoj Kumar Jha
26. Shri Elamaram Kareem
- 27.* Ms. Dola Sen
28. Shri M. Shanmugam
29. Shri Shibu Soren
30. Shri Vijay Pal Singh Tomar
31. Shri Binoy Viswam

* Re-nominated *w.e.f.* 23.08.2023.

**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR, TEXTILES
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Shri Bhartruhari Mahtab - Chairperson

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29. Shri Shibu Soren
30. Shri Vijay Pal Singh Tomar
31. Shri Binoy Viswam

SECRETARIAT

1. Shri Jadumani Baisakh - Joint Secretary
2. Shri Sanjay Sethi - Director
3. Shri Sreekanth S. - Deputy Secretary
4. Shri K.G. Sidhartha - Deputy Secretary
5. Ms. Shilpa Kant - Committee Officer
6. Shri Aditya Runthala - Assistant Executive Officer

INTRODUCTION

I, the Chairperson, Standing Committee on Labour, Textiles and Skill Development (2023-24) having been authorized by the Committee do present on their behalf this Fifty-Second Report on 'National Policy on Child Labour – An Assessment' relating to the Ministry of Labour & Employment.

2. The Committee (2021-22) took oral evidence of the representatives of the Ministry of Labour and Employment on 01.11.2021 and 29.04.2022. The Committee also took oral evidence of the representatives of ten other Ministries *viz.* Ministry of Education (Department of School Education and Literacy); Ministry of Home Affairs; Ministry of Housing and Urban Affairs; Ministry of Rural Development (Department of Rural Development); Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare); Ministry of Fisheries, Animal Husbandry & Dairying (Department of Fisheries) and Department of Animal Husbandry & Dairying; Ministry of Women and Child Development ; Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment); Ministry of Micro, Small & Medium Enterprises; and Ministry of Tribal Affairs at their sittings held on 06.05.2022, 31.05.2022, 07.06.2022, 15.06.2022, 22.06.2022, 29.06.2022 and 22.08.2022. The Committee also took oral evidence of five NGOs/ Stakeholders *viz.* CHILDLINE India Foundation; Bachpan Bachao Andolan; PRAYAS Juvenile Aid Center; Save the Children India; and SOS Children's Villages India at their sitting held on 12.07.2022. Written submissions were also received from another NGO *viz.* Aid et Action. The Committee also took oral evidence of eight State Governments *viz.* Delhi, Rajasthan, Punjab, Madhya Pradesh, Odisha, Assam, Jharkhand and Tamil Nadu on 13.07.2022.

3. The Committee (2022-23) took oral evidence of three State Governments *viz.*, Bihar, Maharashtra and Kerala at their sitting held on 27.10.2022. The Committee also took oral evidence of United Nations International Children's Emergency Fund (UNICEF); National Commission for Protection of Child Rights (NCPCR) and Shri G. Asok Kumar, Director General, National Mission for Clean Ganga (NMCG) at their sittings held on

10.11.2022 and 24.11.2022. The Committee took final oral evidence of the Ministry of Labour & Employment on 10.11.2022.

4. The Committee (2023-24) considered and adopted this Report during the sitting held on 18th December, 2023.

5. The Committee wish to express their thanks to the representatives of various Ministries/State Governments/ Organisations/NGOs/Stakeholders/ expert for tendering evidence/furnishing written submissions and placing before the Committee all the requisite information sought for in connection with the examination of the subject.

6. For ease of reference and convenience, the Observations/ Recommendations of the Committee have been printed in thick type in the body of the Report.

New Delhi;
18th December, 2023
27 Agrahayana, 1945 (Saka)

BHARTRUHARI MAHTAB
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR,
TEXTILES AND SKILL DEVELOPMENT

REPORT

CHAPTER - ONE

INTRODUCTORY

A child below 14 years of age, if found employed or working in any occupation or processes is a child labour. Children affected by economic hardship, extreme poverty, conflict, migration, displacement, communal riots, natural and manmade disaster are most likely to be pushed into child vulnerability leading to forced labour. Child labour is the system of employing a child to provide labour or service by the child to any person, for any payment or benefit to the child, or any other person exercising control over the said child. Child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future. Child labour, therefore, undermines the development of the community and the Country as a whole. Today, child labour exists in multiple sectors and pose multifaceted challenges to address it.

1.2 Child labours are employed in both Organised and Unorganised Sectors. Organised sector child labours are working in establishments like factories, mines, shops, plantations, stone crushers, brick kilns, beedi and cigar manufacturing industries, cracker industries and any work place that comes under the definition of small scale or large scale industries. The Unorganised Sector children work as Rag pickers, beggars, helping the parents in farm land and cattle rearing, domestic helps, informal stall/shop/dhaba workers and those doing other odd jobs which distract them from going to school. The largely family owned informal sector prefers child labour for low costs and 'easy to hire, easy to fire' outlook towards children. Even school going children work in such establishments after attending school.

1.3 India is home to about 1.01 crore working children between the age five and fourteen years as per 2011 census. Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra employ over half of India's child labour. As per 2001 Census, there were about 1.26 crore working children. While the incidence of child labour declined between 2001 and 2011, it is more visible in rural areas due to migration. Child workers might have actually increased in urban areas across all sectors and age categories due to the economic woes brought about by the Covid-19 induced crises.

1.4 Children who constitute a large segment of our society are undeniably our assets and our future. It is therefore, an index of a nation's level of development, both societal and economic. 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 child development and protection. The constitutional provisions pertaining to child labour are as follows:

“Fundamental Rights: Right against exploitation

Article 24 - “ No Child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.”

Directive Principles of State Policy

Article 39(e) -“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.

Article 39(f) – “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.”

National Policy on Child Labour, 1987:

1.5 The National Policy on Child Labour, 1987 laid emphasis on three focus areas of action, which are:

“The Legislative Action Plan:

Child Labour Technical Advisory Committee was 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, 1986). The provisions of the CLA, 1986, the Factories Act, 1948 and the Mines Act, 1952 were enforced so as to 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 provisions of CLA, 1986. State Governments were also asked to make rules, where necessary, to protect the interests of child labour. Government also made necessary amendments in the provisions of the Minimum Wages Act, Payment of Wages Act, Equal Remuneration Act etc., to ensure there is no discrimination to child labour. The Central and State inspection machinery was also geared up for this purpose.

The focusing of general development programmes, for benefiting child labour:

In this context, focused and concerted efforts were initiated to achieve convergence of the ongoing developmental schemes at the Central Government, State Government and the District level. The basic idea was to draw synergies from the various developmental schemes such as income generating schemes of the Ministry of Rural Development that are already in existence in the country, the SarvaSiksha Abhiyan (SSA) Scheme of Development education etc. Linking the parents of the Children covered under the National Child Labour Project (NCLP) Scheme to the various poverty alleviation and employment generation programmes to play a positive role in improving the family income and enable the working children to attend school. Similarly, convergence with other ongoing Schemes of Departments such as Health and

Family Welfare, Women and Child Development, Social welfare and Tribal welfare would be critical for the ultimate attainment of the objective of elimination of Child Labour in a time bound manner.

Project- based Plan of Action in areas of high concentration of child labour:

In addition to the legislative action and convergence with the general development programmes, the National Policy on Child Labour, 1987 also envisaged project-based action in areas of high concentration of Child Labour. It was in this context that the National Child Labour Project (NCLP) Scheme was initiated. The main thrust of the project was to reduce the incidence of Child Labour in the project-area, thereby encouraging the elimination of Child Labour progressively.”

Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

1.6 Government having given consideration to various aspects of the problem of child labour enacted the Child Labour (Protection and Regulation) Act, 1986. The Child Labour (Prohibition and Regulation) Act, 1986 has been amended in 2016. The amended Act is now called the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which inter-alia provides for:

“Complete ban on employment below 14 Years: Employment of a Child below 14 years completely prohibited in any occupation or processes.

Linking age of child with RTE Act: For the first time the age of child is linked with the age of the child in the Right of Children to free and Compulsory Education Act, 2009. The objective is that every child should attend school as per their fundamental right as enshrined in the RTE Act.

Coverage of Adolescents: For the first time the definition of adolescent was introduced and the ambit of the Act enhanced to include adolescents in the age group of 14-18 years. The amendment prohibits the employment of adolescent in hazardous occupations and processes. The objective is to protect the health and well-being of the adolescents also and at the same time allow them to work in non-hazardous occupations, in view of the socio-economic status of the country. If required Government may also specify the nature of non-hazardous work where an adolescent may be permitted to work- A provision for possibility of a positive list where adolescent can work.

Stricter Punishment for Employers: Stricter punishment for employers for violation of the Act to act as deterrent. A comparative table of the earlier penalty and that under the amended Act is as under. The offence under this Act is a cognizable offence for the employers.

For children below 14 years	Earlier Penalty	Penalty as per Amended Act
First Offence		
Fine amount or	Minimum – Rs. 10,000 which may extend up to Rs. 20,000	Minimum- Rs. 20,000 which may extend up to Rs. 50,000
Imprisonment Or both	Minimum term- 3 months Maximum term- 1 year	Minimum term- 6 months Maximum term- 2 years
Second or subsequent Offence		
Imprisonment	Minimum- 6 months	Minimum- 1 year

	Maximum- 2 years	Maximum- 3 years
For adolescent	No such category existed	Similar provision for first and second offence

Punishment for Parents : For parents/ guardians, there is no punishment for the first offence and in case of second and subsequent offence the penalty would be a fine which may extend to Rs. 10,000/-. For parents/ guardians, offence under the Act would be non-cognizable.

Responsibility for enforcement of the provisions of the Act: With the enactment of the Amendment Act, the powers and duties for carrying out the provisions of the Act has been vested with District Magistrate who may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed.”

Initiatives taken by Government subsequent to the enactment of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986:

“Framing of State Action Plan and circulating to all States/ UTs for enforcement of the Amended Act: Labour is under concurrent subject and State Governments are the important stakeholders for implementation of the Act in an effective manner. Specifically, a model State Action Plan was framed enumerating action points to be taken by respective State Governments and was circulated Vide D.O. letter dated 19.08.2016 from Secretary (L&E) to all Chief Secretaries.

Framing of Child Labour (Prohibition and Regulation) Amendment Central Rules: Consequent upon enactment of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, Ministry of Labour & Employment has notified the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 vide Gazette Notification dated 02.06.2017.

Review of the Schedules of hazardous occupations and processes by Technical Advisory Committee: After enactment of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the Schedule under the Act has been categorized into Part A and Part B. Part A contains the list of Hazardous Occupation and Processes (total 38) in which Adolescents are prohibited to work and children to help and Part B prohibits the list of occupations and processes (total 54) where children are prohibited to help in family or family enterprises (in Addition to Part A).

Ratification of International Labour Organization (ILO) Conventions 138 and 182 in 2017: ILO Convention No.138 inter-alia prescribes that there should be a minimum age of entry to employment which should not be less than age of compulsory education or 15 years (relaxable to 14 years in the case of developing countries). ILO Convention 182 inter-alia, prescribes to secure the prohibition and elimination of the worst forms of child labour for all persons below the age of 18.”

National Child Labour Project:

Government had initiated the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in 10 child labour endemic districts of the country. In its present form, the NCLP Scheme seeks to:

- Eliminate all forms of child labour through identification and withdrawal of all children from child labour,
- Preparing children withdrawn from work for mainstream education
- Identification and withdrawal of all adolescent workers from hazardous occupations / processes and facilitating vocational training opportunities for such adolescents through existing scheme of skill developments;
- Raising awareness amongst stakeholders and target communities

Under this Scheme, the District Project Societies are required to conduct survey to identify working children. Of the children identified those in the age group 5-8 years are to be mainstreamed directly to formal educational system through the Samagra Shiksha Abhiyan (SSA) of the Ministry of Education. Working children in the age group of 9-14 years are to be rehabilitated through NCLP Special Training Centres (STCs) established by the Project Society, wherever STCs under SSA Scheme are not functioning. The STCs under the scheme provide: Non-formal/bridge education, Vocational training, Mid-Day Meal, stipend @ Rs.400/- per child per month, and health care facilities through School Health Programme of NRHM.

So far, NCLP scheme has been sanctioned in 324 no. of districts in 21 States and about 1.43 million working children have been mainstreamed to regular education system through NCLP scheme.

Now a policy decision has been taken to merge NCLP Scheme with Samagra Shiksha Abhiyan (SSA) being run by the Department of School Education and Literacy (DoSEL) w.e.f. 01.04.2021.

Platform for Effective Enforcement for No Child Labour (PENCIL)

The Government has developed an online portal i.e. PENCIL (Platform for Effective Enforcement for No Child Labour) for enforcement of the legislative provision and effective implementation of NCLP scheme. The PENCIL portal, launched in 2017 connects the Central Government with State Governments, Districts and all the Project Societies.

1.7 The Committee initially made an appraisal on implementation of abolition of child labour in the Country on 1st November, 2021 and the Ministry presented their view point. Subsequently, the Ministry also constituted an inter-Ministerial Committee under the chairmanship of Secretary (L&E) comprising the Ministry of Home Affairs, Ministry of Agriculture and Farmers' Welfare, Ministry of Rural Development, Department of Commerce, Ministry of Skill Development, etc. to discuss the effective implementation of Child Labour and Adolescent (Prohibition & Regulation) Act, 1986 and strategy of sector wise eradication of child labour. A meeting of the Committee was held on 7th January, 2022.

1.8 In view of some glaring gaps in the implementational aspects of the National Policy on Child Labour, the Committee took up the subject for a comprehensive examination and an in-depth assessment. In the process, the Committee obtained background notes, written replies/clarifications,

post-evidence information besides taking oral evidences of various Ministries/ Departments, State Governments, NGOs and Experts.

1.9 Oral evidence taken by the Committee chronologically is as under in tabular form:

Date of Meeting	Ministry/Department
01.11.2021	Ministry of Labour and Employment
29.04.2022	Ministry of Labour and Employment
06.05.2022	Ministry of Education (Department of School Education and Literacy)
31.05.2022	Ministry of Home Affairs
07.06.2022	Ministry of Housing and Urban Affairs
15.06.2022	Ministry of Rural Development (Department of Rural Development)
	Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare)
	Ministry of Fisheries, Animal Husbandry & Dairying (Department of Fisheries)
	Ministry of Fisheries, Animal Husbandry & Dairying (Department of Animal Husbandry & Dairying)
22.06.2022	Ministry of Women and Child Development
29.06.2022	Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment)
22.08.2022	Ministry of Micro, Small & Medium Enterprises
	Ministry of Tribal Affairs
10.11.2022	Ministry of Labour and Employment

(ii) Oral evidence of the following five NGOs was held :

Date of meeting	NGO
12.07.2022	CHILDLINE India Foundation
	Bachpan Bachao Andolan
	PRAYAS Juvenile Aid Center
	Save the Children India
	SOS Children's Villages India

(iii) Oral evidence of the following Eleven State Governments was held :

Date of Meeting	State Government
13.07.2022	Delhi
	Rajasthan
	Punjab
	Madhya Pradesh
	Odisha
	Assam
	Jharkhand
	Tamil Nadu

27.10.2022	Bihar
	Maharashtra
	Kerala

(iv) Oral evidence of the following organizations/expert was held:

Date of Meeting	Organizations/expert
10.11.2022	United Nations International Children's Emergency Fund (UNICEF)
24.11.2022	National Commission for Protection of Child Rights (NCPCR)
	Shri G. Asok Kumar, Director General, National Mission for Clean Ganga (NMCG)

1.10 Written submissions were also received from another NGO viz. Aid et Action.

1.11 Based on the abovesaid written and oral depositions of various Government and Non-Government entities, the Committee have analysed the subject matter in great details in the succeeding chapters and given their considered opinions/suggestions at the end of each Chapter.

CHAPTER - TWO

MINISTRY OF LABOUR & EMPLOYMENT

I. INTRODUCTION

2.1 Government is following a robust multi -pronged strategy to tackle the issue of child labour. It comprises of statutory and legislative measures, rescue and rehabilitation, universal elementary education along with social protection & poverty alleviation and employment generation schemes. One of the items of work allocated to Ministry of Labour & Employment is policy relating to special target group such as child labour. Accordingly, eliminating child labour is one of the objectives of Ministry, which is the nodal agency responsible for administering the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986, as amended in 2016.

2.2 The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 as amended in 2016, *inter-alia*, covers complete prohibition on employment or work of children below 14 years of age in all occupations and processes; linking the age of the prohibition of employment with the age for free and compulsory education under the Right to Education Act, 2009; prohibition on employment of adolescents (14 to 18 years of age) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act.

2.3 The Act defines the jurisdiction of both Central and State Governments in implementing the Act. The Central Government is the “appropriate Government” in relation to establishments under the control of the Central Government or a railway administration or a major port or a mine or oilfield. In all other cases, the State Government is the “appropriate Government”. The State Action Plan issued by the Ministry enumerates the actions arisen on the part of State Governments/UTs after enactment of the Amendment Act.

2.4. The Child Labour (Prohibition & Regulation) Amendment Rules, 2017, *inter-alia*, cover provision for prevention, rescue and rehabilitation and convergence, definition of “help” in the family enterprises owned by the family of the child and regulation of child artists to ensure their safety and security. The Rules also provides for District Nodal Officer (DNO) and Task Force under the chairmanship of District Magistrate to ensure that the provisions of the Act are properly enforced.

2.5 After making suitable amendment in the Child Labour (Prohibition & Regulation) Act 1986 in 2016, India ratified ILO conventions No.138 (minimum age of entry to employment) and 182 (worst form of child labour) on 13.06.2017. By ratifying these two core conventions, India join majority of the countries who have adopted the legislation to prohibit and place severe restrictions on the employment and work of children.

2.6 The Standard Operating Procedure (SOP) framed by the Ministry works as a ready reckoner for trainers, practitioners and monitoring agencies to ensure complete prohibition of child labour and protection of adolescents from hazardous labour ultimately leading to Child Labour Free India.

2.7 In pursuance of the National Policy on Child Labour, the Government started the National Child Labour Project (NCLP) Scheme in 1988 to rehabilitate working children in the child labour endemic districts of the country.

2.8 The NCLP Scheme is a Central Sector scheme. Under the scheme, project societies are set up at the district level under the Chairpersonship of the Collector / District Magistrate for overseeing the implementation of the project. Under the NCLP Scheme, children in the age group of 9-14 years, withdrawn from work are put into Special Training Centers, where they are provided with bridge education, vocational training, mid-day meal, stipend, health-care facilities etc. and finally mainstreamed to the formal education system. Children in the age group of 5-8 years are directly linked to the formal education system through coordination with the Samagra Shiksha Abhiyan (SSA).

2.9 A Central Monitoring Committee under the chairpersonship of Secretary, Ministry of Labour & Employment, exists for the overall supervision and monitoring of the National Child Labour Project. State Governments have also been advised to set up State Level Monitoring Committees similar to the Central Monitoring Committee.

2.10 The year-wise budget allocation and expenditure incurred under the scheme during last seven years are as under:

(in crore)

Year	Budget Allocation (Final Grant)	Expenditure
2017-18	95.17	94.03
2018-19	89.99	89.99
2019-20	78	77.47
2020-21	49	41.19
2021-22	20	18.45
2022-23	20	15.93
2023-24	10	

2.11 The online portal PENCIL (Platform for Effective Enforcement for No Child Labour) developed by the Ministry provide for a mechanism for both enforcement of the legislative provisions and effective implementation of the National Child Labour Project (NCLP). The Portal has components like Complaint Corner, Child Tracking System, and NCLP Scheme implementation and monitoring. Now complaints of child labour can be registered electronically on the Portal to the concerned District Nodal Officers (DNOs) for taking prompt action.

2.12 The NCLP Scheme has now been assimilated with “Samagra Shiksha Abhiyan” Scheme of Ministry of Education, Department of School Education and Literacy in phased manner after 01st April 2021 to avoid the duplication of efforts at the District and State level. The children rescued / identified as child labour, after completing the necessary formalities, may be admitted to Special Training Centre, operated in the district under SSA Scheme.

(i) Distinction between child and adolescent labour

2.13 The Committee desired to know the basis on which distinction has been drawn between child and adolescent labour and whether this distinction has been codified/legalized. In response, the MoLE stated as under:

“As per definition under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year and “child” means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009 whichever is more.”

2.14 In response to a specific query whether the Government is considering a reduction in the upper limit of statutory age for adolescents, the MoLE replied that at present, no such proposal is under consideration.

2.15 In this context, the representatives of the Ministry during evidence deposed as under:

"Now we come to the topic of adolescent. Earlier this subject was not in the Act, which was brought for the first time in this Amendment Act that a child of fourteen to eighteen years of age cannot work in hazardous occupation. Earlier it was that a child of fourteen to eighteen years can work anywhere, a child below fourteen cannot work only in hazardous occupation, now there is a provision in this Act, which was passed by Parliament that a child of fourteen to eighteen years cannot work in hazardous occupation. Due to demand, some exceptions have been also kept in this act within which children were allowed to work under certain conditions in industries such as audio-visual industry, sports industry...

...The second thing was said about the definition of the adolescent.....has raised this issue. I want to say that we have a lot of clarity in definitions. A child who is below the age of 14 years is considered a child and someone who is between the age of 14 to 18 years is considered as adolescent and someone who is above the age of 18 years is considered adult”.

(ii) Schedule under the Act

2.16 The Schedule of hazardous occupations and processes of the Act is divided in two parts namely 'Part A' covering a list of hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help in family or family enterprises and 'Part B' covering an

additional list of occupations and processes where children are prohibited to help in family or family enterprises (in addition to 'Part A'). Schedule 'A' which enlists 38 hazardous occupations and processes in which adolescents are prohibited to work and children to help and Schedule 'B' having 15 occupations and 54 processes where children are prohibited to help in family or family enterprises, is at **Annexure**.

2.17 When questioned about revision of the list of occupations and processes under the Act, the representative of the Ministry during evidence deposed as under:

“Based on the deliberations of the Committee so far, the Ministry is in the process of revising the list of occupations and processes under the Act through the technical advisory committee so that we can have an updated list of occupations and processes to monitor the implementation of the Act more effectively and to avoid children and adolescents working in hazardous occupations.”

2.18 In this context, the representatives of the Ministry during evidence deposed as under:

"Earlier, children below the age of fourteen years could work in non-hazardous occupation and could not work in hazards occupation, under this amendment, any child below fourteen years of age is banned from working in any occupation, it has been banned. Not only this, if the age of this child is fourteen years today, we have dynamically linked with the Right to Education Act. Just as the Right to Education Act covers a child between six and fourteen years today, tomorrow if you increase this age to fifteen or sixteen years, then automatically this age will increase under it also, because we have dynamically linked it with Right to Education. So here we have converged with it.”

2.19 When asked about the mechanism put in place for mapping of adolescent labour rescued from hazardous occupations in the Schemes implemented by the Ministry, the MoLE stated as under:

“The Child Labour (Prohibition and Regulation) Act, 1986 has been amended in 2016. For the first time the definition of adolescent was introduced and the ambit of the Act enhanced to include adolescents in the age group of 14-18 years. The amendment prohibits the employment of adolescent in hazardous occupations and processes. The objective is to protect the health and well-being of the adolescents also and at the same time allow them to work in non-hazardous occupations, in view of the socio-economic status of the country. If required Government may also specify the nature of non-hazardous work where an adolescent may be permitted to work- A provision for possibility of a positive list where adolescent can work.

Since its inception in 2014, Ministry of Skill Development and Entrepreneurship (MSDE) has initiated several skilling schemes, such as, Pradhan Mantri Kaushal Vikas Yojana (PMKVY), Jan ShikshanSansthan (JSS) etc.

Under the MSDE Ministry, there are no vocational training programs/schemes exclusively for the training of the rescued adolescent

child labour. However, MSDE through its flagship scheme viz. PradhanMantriKaushalVikasYojana (PMKVY) is catering to the needs for skill training of the youths across the country including the rescued adolescent children with focus on unemployed / drop-out youth between the age-group of 15-45 years, including adolescents of 15-19 years. Since July 2015 three versions of the PMKVY scheme namely, PMKVY 1.0, PMKVY 2.0 and PMKVY 3.0; have been implemented.

Further, MSDE is implementing the scheme of Jan ShikshanSansthan (JSS) to impart skill training in non-formal mode at the doorsteps of the beneficiary through registered societies (NGOs) with 100% grant from MSDE. The target beneficiaries of the Scheme are non-literate, neo-literates, persons with rudimentary level of education and school drop-outs upto 12th standard in the age group of 15-45 years. The skill training is low-cost, flexible, and highly accessible to disadvantaged groups of society, among others.”

2.20 Another NGO suggested that the policy may examine the relevance and myth of hazardous and non-hazardous nature of work in current agriculture sector. Indian agriculture has been transforming rapidly into extensive use of chemical fertiliser, use of heavy machineries which makes some of the agriculture sector hazardous.

(iii) Need for the laws to be made more stringent

2.21 When enquired whether the Ministry agree that there is a need for the laws to be made more stringent to effectively prohibit engagement of Child Labour in various Schemes run by various Ministries and the concrete suggestions in this regard, the MoLE replied as under:

“...Ministry of Labour& Employment has set up Central Advisory Board (CAB) on Child Labour through executive order with following objectives:- (i) To suggest measures for effective enforcement of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (ii) To suggest legislative measures as well as welfare measures for welfare of child and adolescent labour (iii) To review the progress of welfare measures for child and adolescent labour (iv) To recommend the industries and areas where there must be progressive elimination of adolescent labour (v) To recommend measures for stopping the misuse of exception provided under Section 3, sub-section (2), (a) & (b) of the said Act...”

2.22 In this context, the representatives of the Ministry during evidence deposed as under:

“As regards law, the law has been made by the Parliament; it is a Central law. Sir, you had also asked, what happens to the domestic workers. So, employment of children as domestic workers or servants is prohibited under the Act; employment of children in dhabhas, restaurants, hotels, motels, tea shops, resorts, bars or other recreation centres is also prohibited. So, with regard to the law, I think, we need to look at what are the provisions; whether they address the issues in the current circumstances properly or not. I think we need to look at the law itself. In terms of penalties also, there was a revision of penalties. But, perhaps, it is not acting as a deterrence and, therefore, the same person from where the children are rescued engages in that occupation again and again. Perhaps, we have not included

as to what will happen to the licence or the registration of the occupation where child labour has been found.

So, I think, from the point of view of law, there is a possibility of having a relook at the penalties also.”

2.23 The representative further supplemented as under:

“I am saying this because unless and until we close these units, where licences have been given or registration has been done, these penalties are not acting as effective deterrence. Therefore, from the point of view of law, I would be seeking your guidance on those issues as to how we can proceed ahead. If there is a need for any amendments under the law, we should bring them.”

2.24 In this context, some of the NGOs suggested as under:

- i. Need to remove discrepancy in the age verification criteria of child under the Child and Adolescent Labour (Prohibition and Regulation) Rules and the Juvenile Justice (Care and Protection of Children) (JJ) Act, 2015.
- ii. Need to amend Child and Adolescent Labour (Prohibition & Regulation) Act 1986/2016 to define child as a person of 18 years of age so as to make the definition in agreement with Juvenile Justice Act, 2015, other laws and ILO Convention 182 & 138;
- iii. Recent amendment to Juvenile Justice Act is legally untenable as it leads to child labour offence as non-cognizable and non-bailable. A non-bailable offence can not be non-cognizable. If child labour offence is cognizable under one Act and non-cognizable under other then FIR will not be filed.
- iv. Need to include child begging in Juvenile Justice Act.
- v. Need to amend Juvenile Justice Act, 2015 so as to make serious offences against children as cognizable;
- vi. Need to amend part B of Schedule to CALPRA, 1986 to exclude occupation & processes, which are hazardous in nature;
- vii. Need to include prohibited forms of child labour in child labour Act like domestic worker children, etc.”

2.25 One of the NGOs suggested that CALPRA Act has provision for punishment for employer. It does not mention anything about traffickers and principal employers, which needs to be included. In the case of Protection of Children from Sexual Offences Act, there is provision for action against Police for not registering FIRs. Similar provisions need to be made in CALPRA Act. In the Juvenile Justice Act, there is provision for creation of Juvenile Justice Fund. Similar provisions may be incorporated in CALPRA Act for Child Labour Protection Fund.

(iv) Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986.

2.26 The Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 issued by the Ministry of Labour and Employment in September, 2017 is a comprehensive document containing detailed guidelines on (i) understanding legal framework; (ii) prevention, identification and reporting of child and adolescent labour in hazardous employment; (iii) pre-rescue; (iv) rescue; (iv) post-rescue; (v) rehabilitation; (vi) monitoring mechanism and (vii) role and responsibilities of enforcing agencies and other stakeholders at different stages. The gist of SOP is as under:

“A. Legal framework

A child below 14 years if found employed or working in any occupation or processes is a child labour. Employment of children below 14 years in any form in any occupation and process is prohibited and attracts the penalty provisions under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

Any adolescent in the age group of 14 to 18 years is prohibited to work or employed in any occupation or process set forth in Part A of the Schedule of Hazardous Occupations and Processes in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. In all occupations or processes other than those set forth in Part A of the Schedule of the Act, the following conditions shall apply if adolescent is permitted to be employed in non-hazardous occupations and processes:

Element of Work	Conditions applicable
Hours of work	<ol style="list-style-type: none">1. Cannot work for more hours than prescribed for that establishment or class of establishments2. No period of work shall be fixed as stated in point 1 above but no adolescent shall work consecutively for over three hours; hence no adolescent shall work for more than 3 hours without rest3. No period of work shall be more than six hours a day4. Timing of work cannot be between 7 pm and 8 am5. They cannot work overtime6. Cannot work at an establishment on the same day as he has been working in another establishment
Weekly Holiday	<ol style="list-style-type: none">1. Every Adolescent shall be allowed one whole day holiday every week2. The specific day of such holiday shall be evidently displayed in the organisation3. Such day shall not be altered more than once in every three months
Notice to Inspector	<ol style="list-style-type: none">1. Every establishment employing an adolescent has to send the following information to labour inspector within local limits about their establishment: -Name and the situation of the establishment

	<p>-Name of the persons in actual management of the establishment</p> <p>-Address to which related communication to be sent</p> <p>-Nature of the occupation or process carried on in the establishment</p> <p>2. This should be sent within 30 days from the starting of the employment of the adolescent in the establishment</p>
Regulation regarding age	<p>1. During a labour inspection, the inspector shall in every instance where he is unsure if the employed person is a child below 14 years or an adolescent who is employed in a hazardous occupation shall ask for a certificate of age granted by the prescribed medical authority.</p> <p>2. In case such record does not exist, the inspector may refer child to prescribed medical authority for decision regarding age of concerned child or adolescent</p>
Maintenance of Register	All establishments where adolescents are employed or permitted to work shall maintain a register as prescribed in the Rules.
Health and Safety	The health and safety of the adolescents shall be ensured with respect to points given in Section 13 sub-section (2) of the C&AL (P&R) Act.

B. Prevention

Prevention activities to be undertaken have been categorized as under:

(a) Creation of Awareness

- (i) Launching of public awareness campaigns targeted to the general public, consumers, vulnerable communities, employers etc. using folk, traditional media, mass media such as television and / or radio etc.
- (ii) Awareness campaigns to encourage reporting by facilitating access to the number of the police, child line and local district nodal office in the labour department.
- (iii) Create and display in an easily understandable manner salient provisions of the Act and the Rules in public places.
- (iv) Empower and enable the public and community resources like Panchayat, Women's groups, children's groups, schools, teachers etc. to generate intelligence regarding any violation. Awareness among children and adolescents can be undertaken at the school level or through mid-media activities such as street plays, competitive activities and folklore activities etc.
- (v) Aid and assist different training institutes for senior government officials, judicial training institutes, business schools, law schools etc to include information on legal implication of child and adolescent labour.
- (vi) Conduct sensitization programs for the employers/ officials of industries or institutions to generate legal awareness and their role in eliminating child labour by district administration.

(b) Building Capacity of Institutions

- (i) Formation of a District Task Force (DTF) in every district with the District Magistrate as its chairperson, with members as prescribed under Rule 17

- C (iii) of the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988. The task force shall meet once a month and shall identify areas in the district vulnerable to child labour (NCLP survey, survey as per the Bonded Labour Rehabilitation Scheme and/ or information from the local CWC etc may be used). The task force shall coordinate such activities as necessary at the local level for awareness generation, monitoring and stopping child labour and adolescent labour in hazardous employment.
- (ii) The labour department /DM shall appoint a District Nodal Officer (DNO) who shall track the cases of child labour on PENCIL Portal and recommend necessary activities in the monthly DTF meetings for prevention of child labour and adolescent labour in hazardous employment.
- (iii) Consistent tracking of complaints of child labour and adolescent labour in hazardous employment through the online portal 'PENCIL'. The District Nodal Officer to fill and bring all the complaints from other sources to 'PENCIL'. Child Tracking System under PENCIL would ensure prevention through checking their re-entry into the labour market and their regularity in school.
- (c) **Coordination and Convergence among agencies at the District, State and Center.**
- (i) Coordination with Ministry of Women and Child Development – sharing of information from child helpline, surveys or portals of M/o WCD for identification of child labour.
- (ii) Coordination with Department of School Education & Literacy- At the school level reporting of children who have been consistently absent from school for 30 days and ensuring enrolment and retention of all children; and at the State and Central level inclusion of information about child labour in the syllabus and education material is key in ensuring prevention of child labour.
- (iii) Consistent coordination and work with other agencies at the district level such as District Child Protection Unit (DCPU), Special Juvenile Police Unit (SJPU), Child Line, District Magistrate/ Sub-District Magistrate , Child Welfare Committee, National Child Labour Project, Village-level Child Protection Committee under ICPS, District-level Vigilance Committee under ITPA Act, 1986, Schools and Panchayat through the District Task Force (DTF).

C. Identification and reporting

Information can be obtained from following sources for identification of child labour and adolescent labour employed in hazardous occupations and processes:

Survey	<ul style="list-style-type: none"> • National Child Labour Project • Bonded Labour Scheme • Out of School children- HRD • Need Assessment of District Child Protection Units and State Child Protection Units
Proactive Investigation	<ul style="list-style-type: none"> • District Task Force • Officials of District Labour Department • District Magistrate

	<ul style="list-style-type: none"> • District Nodal Officer • Police
Institutional Complaint	<ul style="list-style-type: none"> • on PENCIL - www.pencil.gov.in • on Childline- 1098 • by NCLP Project Society • by District Nodal Officer • From NCPCR, SCPCR, NHRC, SHRC, NALSA, SLSA, DLSA, CWC
Complaint from Other Sources	<ul style="list-style-type: none"> • from employer associations and trade unions • from NGOs • from parents and relatives • from teachers & Principal on absence of 30 days self reported by Victim • Any person

Any person, member of civil society, institutions or organizations can report through PENCIL Portal of Ministry of Labour and Employment, phone, letter, written complaint, e-mail, helpline, in person, or any other means can report an incident of child labour, or, adolescent labour in hazardous employment. Anyone having any information about a child labour, may contact the following agencies.

Reporting Agencies					
Complaint Corner at PENCIL Portal	Any Police Station/SJPU	District Task Force under DM	State Labour Dept./Labour Insp.	Child Line (1098)	District Nodal Officer

These agencies will verify the complaint, either through direct site visits or through resources identified by the District Task Force within 24 hours of the receipt of the complaint. If the complaint is found to be genuine, all agencies are to report the complaint to the police department who may begin the process for rescue.

The written complaint should contain a description about the place where the child/ adolescent is working, details of place and address of working place, name of employer, suspected child/ adolescent labour, probable age of child/ adolescent, if possible picture of the child/ adolescent.

On receipt of the complaint the police proceeds to identify the relevant laws to include when a complaint is registered, including the following provisions of the Child and Adolescent Labour (Regulation and Prohibition) Act, 1986.

Section14	Offence	Punishment
(1)	Employing a child or permitting a child to work	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. (Parents or guardians may not be punished under this section)

(1A)	Employing an adolescent or permitting an adolescent to work in a hazardous occupation or process listed in Part A of the Schedule	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. (Parents or guardians may not be punished under this section)
(2)	A repeat offence of the above stated sections	Imprisonment for a term which shall not be less than 1 year but which may extend to 3 years.
(2A)	Parents who commit a repeat offence	Fine which may extend to 10000 rupees.
(3)	Violations of any other section of the Act including conditions for adolescents to work	Imprisonment for a month or with fine of 10000 rupees or with both.

D. Pre-rescue

A comprehensive rescue team consisting of a spectrum of stakeholders shall be constituted for the rescue of child labourer or adolescent labourer in hazardous employment. A suggestive list of law enforcement agencies, independent witnesses and other persons with valuable skill sets to be included in a rescue team is as under:

- a) Police/ Special Juvenile Police Unit;
- b) District Nodal Officer or Labour Inspectors;
- c) District Magistrate or the Sub- Divisional Magistrate or Nominee of the DM (A case of child labour could also be a case of Bonded Labour)
- d) CWCs/ DCPO/ Members of village level child protection committees;
- e) Representative of District Legal Services Authority;
- f) Women police officer;
- g) NGOs, representative of child helpline services; and
- h) Translators, counsellors etc.

E. Rescue

Each rescue should be dealt with on a case to case basis. The rescue team should be alert and each action must be guided towards rescuing all victims, ensuring protection of the victims and collecting evidence for investigation.

Children rescued have to be produced in front of the CWC or where that is not possible in front of one member within 24 hours from the time of rescue, excluding the time of travel.

F. Post Rescue

(a) Registration of FIR

The police should ensure that FIR is registered including relevant provisions of all laws. Additional to child labour or adolescent labour

in hazardous employment, the child could also be a victim of trafficking, crimes against the child, kidnapping, sexual exploitation etc. In case of trafficking also remember to include economic offences under Maharashtra Control of Organized Crime Act, 1999 and Prevention of Money Laundering Act, 2002.

(b) Production in front of the CWC

All children must be produced in front of the CWC who shall then order inquiry which may include medical examination, determination of age, intermediary care and protection, tracing parents or if the CWC deems fit sending the child with parents, home verification etc. The social investigation report to be filed within 15 days. At this stage or the end of the inquiry, CWC may recommend inclusion of additional sections in the FIR through the Juvenile Justice Board as per the JJ Act, 2015.

(c) Counseling of victim

Counseling should be provided to victims by trained counselor, community social worker or NGOs or DLSA so that the victim is well informed. An assessment of mental trauma caused to the victim and support required should be determined and such information provided to the CWC so that they may pass suitable orders for the same. All information s/he possess is obtained for the investigation and her/ his needs are heard at all stages of prosecution and rehabilitation.

(d) Legal Aid

Legal aid is to be provided to the victim at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/ SLSA and NGOs. Legal Counseling and advice to the parents of the child must be provided.

G. Rehabilitation

(a) Social Rehabilitation

All persons below 18 years who have been rescued have to be produced in front of the CWC. The CWC must conduct an inquiry which includes a home verification process and a social investigation report.

(b) Educational Rehabilitation

Children who are rescued from labour or adolescents who are rescued from hazardous employment shall be linked to suitable education facilities by National Child Labour Project (NCLP) in following steps:

If the child is between 5- 8 years she/ he will be directly linked to the Samagra Shiksha Abhiyan to access their Right to Education.

A child between 9- 14 years will attend two year bridge education in the NCLP Special Training Centers and then will be mainstreamed to the schools under Samagra Shiksha Abhiyan programme.

To ensure quality of educational rehabilitation, the index card prepared under PENCIL portal of Ministry of Labour and Employment

would be updated regularly by the District Project Society under NCLP.

An adolescent between 14-18 years will be linked to a skill development program run by the Government of India or the particular State Government.

The data of rescued adolescents would be shared with Ministry of Skill Development through PENCIL Portal.

(c) Economic Rehabilitation

Back wages: All rescued child labourer and adolescent labourers in hazardous employment shall be paid back wages at a rate not less than minimum wages for their period of employment.

Immediate financial assistance of Rs 30000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2017 if the child/ adolescent is a bonded labour. Additional compensation up to Rs. 3,00,000 is available upon proof of bondage and other legal consequences as per judicial process.

Economic Compensation: As per MC Mehta vs. State of Tamil Nadu and Ors. AIR 1997 SCC 699 judgment-

Rs 20000 per child are to be paid by the employer to a “Child Labour Rehabilitation-cum-Welfare Fund” to be used only for the benefit of that child.

In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund

As per Section 14(B) of C&AL (P&R) Act 1986, a Child and Adolescent Labour Rehabilitation Fund is to be formed by appropriate government in every district or for two or more districts. The amount of Fine and an additional amount of Rs 15000 is to be credited by the Government for each child or adolescent in such fund. The amount deposited and income accrued shall be given to the child as per Child and Adolescent Labour (Prohibition and Regulation) Central Rules.

H. Monitoring

Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Rules made therein are to be monitored both by an elaborate monitoring mechanism within the Ministry of Labour and Employment as well as by external independent agencies, thereby assuring robust enforcement of the law.

Monitoring Mechanisms at the District, State and Central Level

Commissions formed at the center, state and district level have the mandate to monitor the implementation of child labour

National Human Rights Commission along with its counterpart at the State are to look into any violation of human rights not addressed, including child labour and adolescent labour in hazardous industries. The National Commission for Protection of Child Rights and its counterpart at the State levels as well as those at the District Child Protection Unit at the district level have a mandate to monitor the protection systems for children all over the country. While the NCPCR and SCPCR reviews policy implementation, the DCPU regulates and monitors institutions on the field such as the children’s homes, community level monitoring committees etc.

NALSA, SLSA and DLSA have the mandate to monitor coordination among agencies, and convergent implementation of laws and schemes for the eradication of child labour. They also have the mandate to monitor access to justice of every child.

I. Role and responsibilities of enforcing agencies and other stakeholders

The role and responsibilities of enforcing agencies and other stakeholders at different stages are as under:

Enforcing agency/ stakeholder	Role and responsibilities
District Nodal Officer	Prevention, identification, preparation before rescue, rescue, post rescue, rehabilitation and follow up
Police/Special Juvenile Police Officer	Prevention, identification, pre-rescue planning, rescue, post rescue and investigation
District Magistrate	Prevention, identification, preparation before rescue, rescue, post rescue and rehabilitation
Project Director – National Child Labour Project Society	Prevention, identification, assistance in rescue, rehabilitation and follow up.
State Resource Centre- State Labour Department	Prevention, identification, assistance in rescue, rehabilitation and follow up.
State or District Legal Services Authority	Prevention, assistance in rescue and rehabilitation.
Child Welfare Committees	Rescue and rehabilitation
Department of Education and Schools	Prevention, identification and rehabilitation.

2.27 In this context, the representatives of the Ministry during evidence deposed as under:

“Now we come to the Standard Operating Procedure, which was launched in the year 2017. What will be the provisions under it, what will be the reporting system, how will first action report, second action report and legal action report, come, all these were described in detail. As it was in the rules,

pre and post rescue, how the child will be rescued from child labour, how the child will be presented before the Child Welfare Committee after rescue and who will be in that rescue team, counseling will also be needed, legal experts will be needed, women police officers will be needed, who all will be in that rescue team, It was mentioned in detail. After the post rescue, the child appears before the Child Welfare Committee, if that child has been rescued from a faraway place , then complete provision is there regarding the procedure to reunite him with his family. If the child is there with his parents, then how to rehabilitate him with his family, all this was mentioned in the Standard Operating Procedure. The enforcement agencies, whether they are District Magistrates, District Task Force, State Police agencies, what are their rules, what is the line of action, all that has been explained in detail.”

2.28 In this context, some of the NGOs suggested as under:

- i. Need to provide employment to one adult member of family of rescued child or contribution of Rs. 5,000 to the Welfare Fund by State Government and need to formulate guidelines for the utilization of the Fund
- ii. need to substantially increase financial assistance from Rs. 5000 to an appropriate amount keeping in view inflation
- iii. Need to ensure implementation of the Child & Adolescent Labour Rehabilitation Fund at district level to ensure that child and adolescent is not only rescued but his/her future is secured by the amount collected in fund for his/her welfare and education Often due to non-receipt of fine from the employer deprive rescued children rehabilitation.
- iv. Central Sector Plan for rehabilitation of bonded labourer has a provision of creating a district corpus fund of Rs. 10 lakhs for meeting immediate relief of rehabilitation of legally released bonded labourers. Therefore, there is a need for district level corpus fund for meeting the immediate relief and rehabilitation of child labourers. The district corpus fund will also be used for the rehabilitation of trafficked and migrant child labourers repatriated from other states.”

(v) Roles and Responsibilities of the District Magistrate

2.29 As regards, the role and responsibilities of the District Magistrate by virtue of 'The Child and Adolescent Labour (Prohibition and Regulation) Rules, 2017' the Ministry stated as under:

“The Rule 17C deals with the Duties of the District Magistrate :

1. The District Magistrate shall —

- (i) Specify such officers subordinate to him, as he consider necessary, to be called nodal officers, who shall exercise all or any of the powers and perform all or any of the duties of the District Magistrate conferred and imposed on him by the Central Government under Section 17 A:

- (ii) Assign such powers and duties, as he thinks appropriate, to a nodal officer to be exercised and performed by him within his local limits of jurisdiction as subordinate Officer:
 - (iii) Preside over as chairperson of the Task Force to be formed in a District Consisting of -
 - (a) inspector appointed under Section 17 for the purposes of his local limits of jurisdiction;
 - (b) Superintends of Police for the purposes of his local limits of jurisdiction
 - (c) Additional District Magistrate for the purposes of his local limits of jurisdiction;
 - (d) Nodal Officer referred to under clause (i) for the purposes of his local limits of jurisdiction;
 - (e) Assistant Labour Commissioner (Central) for the Purposes of his local limits of jurisdiction;
 - (f) Two representatives each from a voluntary organization involved in rescue and rehabilitation of employed children in the district on rotation basis for a period of two year;
 - (g) A representative of the District Legal Services Authority to be nominated by the District Judge;
 - (h) A member of the District Anti-trafficking Unit;
 - (i) Chairperson of the Child Welfare Committee of the District;
 - (j) District Child Protection Officers in the District under the Integrated Child Protection Scheme of the Ministry of the Government of India dealing with women and child development;
 - (k) District Education Officer;
 - (l) Any other person nominated by the District Magistrate;
 - (m) Secretary of the Task Force shall be any of the nodal officers referred to in clause (i) and nominated by the Chairperson.
- (2) The Task Force referred to in clause (iii) of sub-rule (1) shall meet at least once in every month and shall make a comprehensive action plan for conducting the rescue operation, taking into account the time available, point of raid in accordance with the law for the time being in force, confidentiality of the plan, protection of victims and witnesses and the interim relief, in accordance with the guidelines for rescue and repatriation issued by the Central Government from time to time; and the Task Force Shall also cause to upload the minutes of such meeting on the portal created for such purpose by the Central Government.
- (3) In addition to the duties referred to in sub-rule (1), the District Magistrate shall ensure through Nodal Officers that the children and

adolescents who are employed in contravention of the provisions of the Act are rescued and shall be rehabilitated -

Roles and Responsibilities of the State Government by Virtue of the revised NCLP Guidelines.

- (a) The State Government has the responsibility in the matter of planning, co-ordination and monitoring of the NCLPS. The State Level Monitoring Committee (SLMC) headed by the Chief Secretary of the State is meant for effective and efficient implementation of NCLP Scheme and convergence of various development initiatives. The State Department of Labour or any other department may be designated to monitor and review the functioning of child labour project(s) in the state and give secretariat help to State Level Monitoring Committee (SLMC) (Para 3.14)
- (b) The SLMC headed by the Chief Secretary of the state should be the apex body to converge the efforts of all departments for the delivery of various services to the rescued child workers and their families. The Secretaries of other concerned departments, Civil Society working in this area may be invited in the SLMC meeting. It is recommended that the SLMC meet at least once a year to take stock of the progress in elimination of child labour efforts in the state and review the progress in convergence of services for the benefit of the families of child workers (Para 116). Further Ministry has also framed Standard Operating Procedure (SOP) as a ready reckoner for enforcing agencies and other stakeholders.”

(vi) State Action Plan/State Resource Centres

2.30 The Committee desired to know about the directives / advisories issued by the Central Government to various State Governments to prevent / eradicate Child labour. In response, the MoLE stated as under:

“The Government has been issuing directives / advisories to States / UTs from time to time on certain issues viz. conduct survey to identify the child labour, collect and furnish the enforcement data relating to enforcement of Child Labour and Adolescent (Prohibition & Regulation) Act, 1986, State Action Plan indicating the provisions and related actions by State Governments / UTs for enforcement of the amended Child and Adolescent Labour (Prohibition & Regulations) Act 1986 which came into force 01.09.2016, uploading of data on PENCiL portal etc.”

2.31 In response to a pointed query as to what extent, model State Action Plan has been implemented and whether any further instructions have been issued to the States during the last 5 years and the outcome thereof, the MoLE replied as under:

“.....Labour being in the concurrent list, effective implementation of the Child Labour Act requires cooperation and active participation of the State Governments. After amendment, various provisions were required to be

implemented immediately by State Governments, especially strengthening the monitoring and inspection system. A State Action Plan was prepared for effective enforcement. As per Section 17 A of the amended Act, powers and duties for carrying out the provisions of the Act are vested with District Magistrate. Child and Adolescent Labour (P&R) Central Rules also provides for specific duties for District Nodal Officer. Provisions related to the action by Nodal Officers are made in online portal PENCIL. Therefore intervention was sought to facilitate nomination of Nodal Officer(s) in every district and to provide their details to the Ministry for enforcement of the Act. Vide D.O. letter dated 19.08.2016 from Secretary (L&E) to all Chief Secretaries., a State Action Plan was circulated and state governments were requested for its implementation. Consequently , it has been found that many states have framed the state action plan like Punjab, Odisha etc.”

2.32 In this context, some of the NGOs suggested for need for appointment of District Nodal Officers to track the cases of child labour at PENCIL Portal and also to attach complaints received from other sources to the Portal; strengthening of PENCIL portal; development of state-based child tracking systems for each rescued/at risk child;

2.33 On the issue of the functioning of the State Resource Centres and the review mechanism for the purpose, the MoLE replied as under:

“.....State Resource Centre (SRC) ensured state involvement in National Child Labour Project (NCLP) implementation and monitoring. Each state had one SRC under the Principal Secretary Labour/Labour Commissioner. Funds were released to every resource centre which was used for awareness, rescue activities, and enforcement of the Act. SRCs were manned by State Labour Department officials. SRC functions include coordinating rescue efforts, monitoring enforcement of the Child and adolescent labour Act, supervising NCLP implementation, coordinating child labour data on PENCIL, creating and implementing Awareness Generation Plans, and communicating with the Central Government on enforcement of the Child and adolescent labour Act and NCLP implementation. The NCLP scheme has been subsumed with Samagra Shiksha Abhiyan (SSA) Scheme in phased manner. Now it has been decided to provide bridge education to the rescued child labour directly through Special Training Centres of Samagra Shiksha Abhiyaan (SSA) of Department of School Education and Literacy.”

(vii) Identification and Prohibition of Child Labour

2.34 The Committee desired to know the process being followed to identify the areas of high concentration of Child Labour across the country. In response, the MoLE responded as under:

“Preliminary survey is conducted by the District Administration with the help of Labour and Education Department to know the number of children / adolescents engaged in hazardous and non-hazardous occupation and processes in the District. If the District Administration observes high incidence of child labour and decides to implement NCLP, composition of the District Project Society is finalized by the District Collector / Magistrate. The District administration submits the proposal through the State Government to Ministry of Labour & Employment for opening of

Special Training Centres (STCs) under the NCLP in particular district. The proposal of the District Administration is examined in the Ministry and necessary approval is conveyed if proposal is in line with NCLP guidelines.”

2.35 When enquired about the mechanism put in place to effectively implement the directions/instructions as laid down under various Acts/Rules for identification and prohibition of Child Labour, the MoLE submitted as under:

“.....The Government has also notified Child and Adolescent Labour (Prohibition & Regulation) Rules, 2017. The Rules also provides for District Nodal Officer (DNO) and Task Force under the chairmanship of District Magistrate to ensure that the provisions of the Act are properly enforced.

To ensure the effective enforcement of the provisions of the Child and Adolescent (Prohibition & Regulation) Act, 1986 and smooth implementation of the National Child Labour Project (NCLP) Scheme an online portal PENCIL (Platform for Effective Enforcement for No Child Labour) was launched in September 2017. The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public. Further, online complaints regarding child labour can also be filed by anybody on the PENCIL Portal. The complaint gets assigned to the concerned Nodal Officer automatically by the system for further necessary action.”

2.36 In response to a specific query as to how do the Ministry propose to identify those areas where children are deployed as family labour or otherwise and also to mechanise the jobs undertaken by such children, the MoLE submitted as under:

“..... Ministry of Labour and Employment functions to ensure improving life and dignity of labour force of the country by protecting and safeguarding the interest of workers, promotion of their welfare and providing social security to the labour force both in organized and unorganized sector by enactment and implementation of various labour laws, which regulate the terms and conditions of service and employment of workers.

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits employment of children below 14 years of age in all occupations and processes and the employment of adolescents in hazardous occupations and processes. However, the child is permitted to help his family or in family enterprises, which is other than any processes or hazardous occupations/ processes set forth in the Schedule of the Act , and only after school hours or during vacations. This “help” does not include “engagement in employment” or the situation where a relationship of “employer-employee” exists. In the Act, “family enterprises” means any work, profession, manufacture or business which is performed by the members of the family.”

2.37 In this context, the representatives of the Ministry during evidence deposited as under:

“...Poverty is one of the main causes of child labour. The government has launched many schemes targeting poverty, you have mentioned NREGA in it, we have to see what is the family approach for child labour? Whether the family income is sufficient enough so that their child does not get into child labour? We need to make it a little family oriented.”

2.38 In this context some of the NGOs suggested as under:

- i. Need to formulate special Scheme for providing financial assistance to a rescued victim of child labour. This financial assistance shall be interim assistance until such time the child receives access to economic benefits under laws, schemes and Court orders.
- ii. Need to address the economic crisis of families/provide Socio-economic assistance by the Labour Department through the District Magistrate or the Sub-Divisional Magistrate.
- iii. Need to address factors responsible for child labour including family circumstances, viz. family not being economically empowered; earning member suffering from life threatening illness; marital dispute; man made or natural calamities; loss of livelihood due to COVID-19 pandemic;
- iv. need to put identified children under Individual Foster Care, Kinship care, after care Program or any other support system that meet the need. Wherever possible, the child should be re-linked to their biological families and the family is supported to take care of the child.
- v. need to allocate resources for identification of family having higher incidents of child labour followed by Family Strengthening Measures viz. livelihood support, provision of education material, nutrition supplement, legal & psycho social support for a period of 5 years
- vi. Need for monitoring supply chain and hot spots and mapping of vulnerable families and children at risk of child labour.”

(viii) District Project Societies and Special Training Centres

2.39 As regards the functioning of the District Project Societies, the Ministry of Labour and Employment stated as under:

“National Child Labour Project (NCLP) Scheme is implemented by the District Project Societies (DPS) under the chairmanship of the administrative head of the district namely, District Magistrate/Dy. Commissioner/ District Collector of the district under administrative control of the State government. Under the NCLP Scheme, the DPS at District level are required to conduct the baseline survey to identify child labour. Based on the number of child labour identified and rescued from the survey, Special Training Centres are opened for rehabilitation of the child labour in the age group of 9-14 years. The Scheme is regularly monitored and evaluated by the Chairman, Project Director of the Society, District Nodal Officer, Labour Commissioner and. Ministry of Labour and Employment.”

2.40 When asked as to how the Ministry get information on the agencies that are provided with the fund by the District Project Society for operating Special Training Centres as per NCLP guidelines and the action the Ministry take on any act of deviation or malpractices in utilization of NCLP fund, the MoLE replied as under:

“As per NCLP scheme guidelines, the Special Training Center (s) could be operated by reputed and experienced Non-Government Organisations (NGOs), Civil Society Organisations etc. or by the Project Society directly themselves. The onus of selection / identification of implementing agencies to operate the STC under NCLP scheme lies with District Project Society.

- i) The NGO/voluntary agency should be a body registered under the Societies Registration Act or Public Trust Act and should have been in existence for a minimum period of two years.
- ii) The NGO/voluntary agency shall not entrust / sub contract the activities assigned to it under the Project nor shall it divert any part of financial assistance to any other organization / agency.
- iii) It should not have been blacklisted for misuse of public funds, non-delivery of satisfactory service in a previous project or any other misdemeanor.
- iv) It should have prior experience in implementation of social projects.
- v) All accounts, stocks and registers maintained by the NGO / voluntary agency for the project shall be open to inspection by the officers appointed by the Central Govt/ State Govt. / District Project Society or the monitoring institutions entrusted with the task by the appropriate government.
- vi) The NGO/voluntary agency should have a properly constituted managing / governing body and powers and duties clearly defined in its constitution.
- vii) Name of all office bearers involved in the establishment and management of such voluntary agency should be disclosed along with their roles and responsibilities in the organization.
- viii) If any of the officer bearers is holding public office, the details of the office should also be mentioned specifically.
- ix) The performance of these voluntary agencies engaged in NCLP Scheme should be assessed periodically and the renewal of the mandate for the next year should depend upon its performance being found satisfactory in the current year.
- x) It should not discriminate in any manner on the basis of religion, caste, creed.

However, as and when a complaint is registered against the implementing NGOs, the Ministry requests the State Government to conduct an inquiry and take appropriate action in the matter.”

2.41 In response to a specific query as to how the engagement of staff of Special Training Centres (STCs) helped in preventing children from slipping back into child labour, the MoLE stated as under:

“Many District Collector / District Magistrate / Deputy Commissioner-cum-Chairman of the NCLP District Project Societies have certified that the staff of STCs were actively engaged in preventing children from slipping back into

child labour and made alternative arrangements (for benefit of children enrolled before the pandemic) to give bridge education to the children during the time STCs were closed.”

2.42 With regard to the number of Schools/Training Centres set up under NCLP by various State Governments and the number of rescued Child Labours imparted education/training there during the last one decade, the MoLE replied as under:

“National Child Labour Project (NCLP) scheme was approved for continuation up to 31.03.2021 and since then has been subsumed/merged with Samagra Shiksha Abhiyan (SSA) Scheme. No new permission after 31.03.2021 has been given for opening STCs under NCLP scheme. The Child Labour Project under NCLP at a particular location has limited time frame. Eligible Children are enrolled in the Special Training Centres (STCs) for a maximum period of 2 years. STCs provide bridge education to children before they are mainstreamed in to formal education system. STCs are closed on mainstreaming of the enrolled children in formal schools and the volunteers are disengaged.

7,12,426 number of children were rescued / withdrawn from work, rehabilitated and mainstreamed under NCLP Scheme during 2011-12 to 2022-23.”

(ix) Norms prescribed for the selection of Districts/Operational Districts

2.43 As regards the specific norms prescribed for the selection of districts for implementing NCLP, the MoLE stated as under:

“The scheme is demand driven and projects are approved as per scheme guidelines on the basis of applications received for setting up of projects in districts. The State Government, based on the outcome of baseline survey for identification of child labour conducted by District Administration, recommends the proposal for opening new District Project Society. The approval is given by the Ministry of Labour and Employment after examination of the survey report & recommendations by the State Government.”

2.44 When asked about the number of Districts (State-wise) across the Country covered under the National Child Labour Project (NCLP), the MoLE replied as under:

“The NCLP Scheme has been sanctioned in 324 districts in 21 States of the country as on 31.03.2021. Further, the NCLP scheme has been subsumed in Samagra Shiksha Abhiyan (SSA), a scheme of Department of School Education & Literacy. The state wise details are as under:

Sl. No.	Name of State	No. of Sanctioned NCLP Districts	Name of District
1	Andhra Pradesh	13	Anantapur, Chittoor, Kadapa, Guntur, Kurnool, Nellore, Prakasam, Srikakulam, Vizianagaram, Vishakhapatnam, West Godavari, East Godavari, and Krishna.
2	Assam	5	Nagaon, Kamrup, Bongaigaon, Nalbari and Lakhimpur
3	Bihar	24	Nalanda, Saharsa, Jamui, Katihar, Araria, Gaya, East Champaran, West Champaran, Madhepura, Patna, Supaul, Samastipur, Madhubani, Darbhanga, Muzaffarpur, Nawada, Khagaria, Sitamarhi, Kishanganj, Begusarai, Banka, Saran, Purnia and Bhagalpur
4	Chhattisgarh	8	Durg, Bilaspur, Rajnandgaon, Surguja, Raigarh, Raipur, Dantewada and Korba
5	Gujarat	9	Surat, Panchmahal, Kutch (Bhuj), Banaskantha, Dahod, Vadodara, Bhavnagar, Ahmedabad and Rajkot
6	Haryana	3	Gurgaon, Faridabad and Panipat
7	Jammu & Kashmir	3	Srinagar, Jammu and Udhampur
8	Jharkhand	8	Garwha, Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Ranchi, Palamu, and Hazaribagh
9	Karnataka	17	Bijapur, Raichur, Dharwad, Bangalore Rural, Bangalore Urban, Belgaum, Koppal, Davangere, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar, Mandya, Haveri and Tumkur.
10	Madhya Pradesh	22	Mandsaur, Gwalior, Ujjain, Barwani, Rewa, Dhar, East Nimar(Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Shajapur, Ratlam, West Nimar(Khargon), Jhabua, Damoh, Sagar, Jabalpur, Satna, Indore and Katni.
11	Maharashtra	18	Solapur, Thane, Sangli, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia, Mumbai Suburban, Pune, Buldana and Parbhani.
12	Nagaland	1	Dimapur
13	Odisha	24	Angul, Balasore, Bargarh, Bolangir, Cuttack, Deogarh, Gajapati (Udayagiri), Ganjam, Jharsuguda, Kalahandi, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur, Sonapur, Jajpur, Keonjhar, Dhenkanal, Khurda, Nayagarh and Sundergarh.
14	Punjab	3	Jalandhar, Ludhiana and Amritsar
15	Rajasthan	27	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalore, Churu, Nagaur, Chittaurgarh, Banswara, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Sri Ganganagar, Barmer, Dausa, Hanumangarh, Kota and

			Baran.
16	Tamil Nadu	18	Chidambaranar/Toothikudi (Tuticorin), Coimbatore, Dharmapuri, Vellore, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Theni. Kanchipuram, Thiruvannamalai, Tiruvallur, Pudukkottai, Nammakkal and Virudhunagar.
17	Telangana	31	Hyderabad, Karimnagar, Khammam, Nizamabad, Rangareddy, Warangal, Nalgonda, Medak, Mehbubnagar, Adilabad, Mancherial, Nirmal, KomuramBheemAsifabad, Jagtiyal, Warrangal (Urban), JayashankarBhupalpally, Jangaon, Sangareddy, Siddipet, Wanaparthy, Nagarkurnool, JogulambabGajwal, Suryapet, MedchalMalkajgiri, Vikarabad, Mahabubabad, Pedapally, RajannaSircilla, BhadradriKothagudem, YadadriBhuvanagiri and Kamareddy.
18	Uttar Pradesh	56	Varanasi, Mirzapur, Bhadohi (Sant Ravi Das Nagar), Bulandshahar, Saharanpur, Azamgarh, Bijnour, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Kannauj, Shajahanpur, Rae Bareli, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonebhadra, Mau, Kaushambi, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Etah, Moradabad, Allahabad, Kanpur Nagar, Aligarh, Ferozabad, Ballia, Sambhal, Hapur, Mainpuri, Sant Kabir Nagar, Gautam Budh Nagar, Jhansi, Lalitpur and Maharajganj.
19	Uttarakhand	13	Dehradun, Chamoli, Nainital, Champawat, Almora, Haridwar, Tehri Garhwal, Pauri Garhwal, Udham Singh Nagar, Pithoragarh, Rudraprayag, Bageshwar and Uttarkashi.
20	West Bengal	20	Burdwan, North Dinajpur, Dakshin Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad, West Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hoogli, Howrah, Jalpaiguri, Cooch Behar, East Midnapore, Alipurduar and Darjeeling.
21	Delhi	1	NCT of Delhi
	Total	324	

2.45 The Ministry further supplemented that as on 31.03.2021, the NCLP Scheme was operational in 59 districts across 11 States / UTs as per details given below:

S. No.	Name of State	No. of Operational Sanctioned Districts	Name of Operational Districts
1	Andhra Pradesh	6	Guntur, Kurnool, Nellore, Srikakulam, Vizianagaram, Krishna.
2	Assam	2	Nagaon, Kamrup,
3	Jammu & Kashmir	1	Srinagar
4	Jharkhand	2	Ranchi, Hazaribagh
5	Karnataka	1	Bangalore Rural,
6	Madhya Pradesh	6	Gwalior, Ujjain, Barwani, Rewa, Shajapur, Katni
7	Maharashtra	6	Nandurbar, Nanded, Nasik, Beed, Mumbai Suburban, Parbhani.
8	Odisha	3	Deogarh, Jharsuguda, Keonjhar,
9	Rajasthan	3	Alwar, Bhilwara, Dausa,
10	Tamil Nadu	15	Chidambaranar/Toothikudi (Tuticorin), Coimbatore, Dharmapuri, Vellore, Salem, Tiruchirapalli, Tirunelveli, Krishnagiri, Chennai, Erode, Dindigul, Kanchipuram, Thiruvannamallai, Nammakkal, Virudhunagar.
11	Telangana	4	Khammam, Nizamabad, Vikarabad, Kamareddy.
12	Uttar Pradesh	3	Balrampur, Fatehpur, Kaushambi,
13	West Bengal	7	Dakshin Dinajpur, North 24-Parganas, Kolkata, Bankura, Howrah, Cooch Behar, Alipurduar
	Total	59	

Further, on the basis of permission granted earlier by this Ministry to start new STCs, the scheme is operational during 2022-23 in 11 Districts across 5 States in the country and the details thereof may be seen as under:

Sl. No.	State	District	No. of STCs
1	Madhya Pradesh	Shajapur	15
2	Odisha	Jharsuguda	16
3	Odisha	Sundargarh	28
4	Assam	Kamrup (Metro)	40
5	Assam	Nagaon	93
6	West Bengal	Dakshin Dinajpur	30
7	West Bengal	Alipurduar	13
8	West Bengal	Cooch Behar	19
9	Tamil Nadu	Vellore	10

10	Tamil Nadu	Dharmapuri	9
11	Tamil Nadu	Krishnagiri	9
	Total		282

The Ministry further stated that the NCLP Scheme was appraised for its continuation beyond 31st March 2021 in terms of relevant instructions of Ministry of Finance.”

2.46 On a pointed query as to whether individual State Governments have proposed coverage of certain districts in the State under NCLP, the MoLE stated as under:

“The Ministry of Labour & Employment has not received such proposal from any State Government. The NCLP scheme is demand driven and projects are approved as per scheme guidelines on the basis of applications received for setting up of projects in districts. From time to time State Governments send proposal for inclusion of certain district under NCLP Scheme based on the outcome of baseline survey for identification of child labour conducted by District Administration.”

(x) Achievement of objectives of NCLP

2.47 In response to a pointed query as to what extent NCLP Scheme has been able to achieve its objectives, the MoLE replied as under:

“So far, NCLP scheme has been sanctioned in 324 no. of districts in 21 States and about 1.43 million working children have been mainstreamed to regular education system through NCLP scheme since the inception of the scheme.”

(xi) Census data of child labour/number of child labours

2.48 The comparative census data of working children and the main working children as furnished by the Ministry of Labour and Employment is as under:

Year	Data Source	No. of working Children	No. of Main working Children
2001	Census	1.26 crore	57.79 Lakh
2011	Census	1.01crore	43.53 Lakh

2.49 When asked as to how the Ministry differentiate between 'Working Children' and 'Main Working Children', the MoLE stated as under:

“In the previous census i.e. Census 2001, workers were categorized as ‘Main workers’ and ‘Marginal workers’. Those who worked for more than 6 months during last year were categorized as ‘Main workers’ whereas those who worked less than 6 months were categorized as ‘Marginal Workers’.

In Census 2011, for better capturing and analysis of Census data, ‘Marginal workers’ have been classified into two categories viz., (i) worked for 3 months or more but less than 6 months (ii) worked for less than 3 months. The definition of ‘Main worker’ remains the same.”

2.50 When questioned about the plan of action of the Ministry to interact/coordinate with the line Ministries for collection of data on child labour as well as its elimination, the MoLE replied that at present, the Ministry of Labour & Employment relies on the Census data in the matter of child labour.

2.51 The Ministry furnished the following industry-wise data of main workers in the age group of 5 to 14 years, as per 2001 census:

S. No.	Industry	No. of main workers in the age group of 5-14 years
1	Agriculture, Hunting and Forestry; and Fishing	3973894
2	Mining and Quarrying	34106
3	Manufacturing	790022
4	Electricity, Gas and Water Supply	2285
5	Construction	137937
6	Wholesale and Retail Trade	299162
7	Hotels and Restaurants	50415
8	Transport, Storage and Communications	46093
9	Financial Intermediation; and Real Estate, Renting and Business Activities	192359
10	Public Administration and Defence, compulsory Social Security; Education; health and Social Work; Other Community, Social and Personal Service Activities; and Private Households with Employed Persons; and Extra-Territorial Organisation and Bodies	227928
	Total	5754201

(xii) Action against violators

2.52 When asked about the number of employers punished for violation of provisions contained in the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 after its amendment in 2016; the punitive action taken against the offenders and the current conviction rate, the MoLE stated as under:

“.....According to section 14 of the Act whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both. Further, the Act also provides that whoever, having been convicted of an offence under section 3 or section 3A commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than one year but which

may extend to three years. The offence under this Act has also been made cognizable offence for the employers.

As per “Crime in India” a publication of National Crime Records Bureau, 772, 476 and 613 number of cases were registered during calendar years 2019 to 2021 respectively under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in the country. As per records of NCRB, the latest available data pertains to the year 2021.”

2.53 In this context, the representatives of the Ministry during evidence deposed as under:

“Child labour offense has been made cognizable offense for the first time. Not only this, penalty provisions have been made in it, unless there is a deterrent, this practice is not going to stop. Keeping this in mind, the penalties were also increased and for the first time parents are also included in it. Penal provisions have also been made for parents who send their children for child labour. Direct responsibility for implementation of the Act has been given to the District Magistrates”

2.54 The Ministry further stated as under:

“The Ministry of Labour & Employment does not conduct survey across the country to have the number of child labour. The details of State / Union Territories wise cases registered under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 during calendar year 2015 to 2021 is as under:

State / Union Territories wise cases registered under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986								
	State / Union Territories	2015	2016	2017	2018	2019	2020	2021
1	Andhra Pradesh	0	2	0	0	2	37	12
2	Arunachal Pradesh	0	0	0	1	0	1	0
3	Assam	4	2	11	39	68	40	78
4	Bihar	0	0	0	14	15	3	14
5	Chhattisgarh	2	1	0	0	2	0	0
6	Goa	0	3	1	0	0	0	0
7	Gujarat	4	7	3	35	64	39	40
8	Haryana	4	0	2	6	11	1	12
9	Himachal Pradesh	0	0	0	0	0	1	0
10	Jammu & Kashmir*	0	0	0	0	0	0	0
11	Jharkhand	2	0	16	17	18	27	5
12	Karnataka	34	23	72	63	83	54	58
13	Kerala	0	5	0	3	2	0	3
14	Madhya Pradesh	2	0	26	3	4	1	5
15	Maharashtra	96	93	130	90	53	29	57
16	Manipur	0	0	0	0	0	0	0
17	Meghalaya	2	0	0	0	2	0	0
18	Mizoram	0	0	0	0	0	0	0
19	Nagaland	1	0	0	0	0	0	0
20	Odisha	2	0	0	0	0	0	6

21	Punjab	2	0	6	8	8	11	8
22	Rajasthan	6	21	99	32	48	30	19
23	Sikkim	0	0	0	0	0	0	0
24	Tamil Nadu	0	0	3	6	3	2	26
25	Telangana	5	6	58	125	314	147	224
26	Tripura	0	0	0	0	0	1	0
27	Uttar Pradesh	26	6	7	2	9	1	1
28	Uttarakhand	1	0	5	0	27	41	25
29	West Bengal	1	4	2	5	7	1	2
30	A&N Islands	0	0	1	0	0	0	0
31	Chandigarh	0	0	0	0	0	1	7
32	D&N Haveli	0	0	0	0		0	0
33	Daman & Diu	0	0	0	0	2	0	0
34	Delhi	57	31	20	15	30	6	11
35	Lakshadweep	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0
	TOTAL (ALL INDIA)	251	204	462	464	772	476	613
* Including Ladakh								
Source: Publications of National Crime Records Bureau								

2.55 It was noticed from the details of cases registered under Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 that in 2020 only one case was registered in Uttar Pradesh where a large number of cases of child labour are seen / reported. When asked as to how the Ministry ensure the authenticity of the data provided in respect of all States/UTs, coordinate with those State Governments where cases of violation of child labour laws are registered / reported and whether any Task Force has been constituted for the purpose, the MoLE replied as under:

“The reports of cases registered under the Act are published by National Crime Records Bureau (NCRB) and this Ministry has no role to play in the reports. However, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 inter alia provides for complete prohibition of work or employment of children below 14 years in any occupation and process and prohibition of adolescents in the age group of 14 to 18 years in hazardous occupations and processes. The Amendment Act also provides stricter punishment for employers for violation of the Act and has made the offence as cognizable.”

2.56 When asked as to how the data on child labour is collected while conducting census and when will the census report with regard to child labour for 2021 be made available to the Ministry and whether the Ministry themselves propose to develop a mechanism to generate and maintain data relating to child labour instead of depending on census undertaken every 10 years, the MoLE submitted as under:

“The report of Census conveying the number of children engaged in child labour is published by Registrar General of India (RGI) and this Ministry has no role to play in the reports. There is no proposal under consideration in the Ministry to develop a mechanism to maintain child labour data without

depending on census data.

It is further stated that in census, the data of main workers (who works for than six months in year) in the age group of 5 -14 years are available. Ministry of Labour & Employment considers these data as child labour data.”

2.57 In this context, some of the NGOs pointed out that registration of the cases under the Act are still very low and suggested for mandatory registration of FIRs; imposition of fine, fixing time limit for repatriation; need to fix timeline for filing the chargesheet and completion of trial; and need to make a policy of strong implementation of the law to create deterrence in the society.

(xiii) Survey

2.58 The Committee were apprised that the Ministry of Labour and Employment does not conduct survey across the country to ascertain the number of child labour. On being asked, how do the Ministry ensure the effectiveness of the NCLP Scheme in the absence of such data, the MoLE submitted as under:

“The NCLP is a demand-driven scheme insofar as the fund for conducting survey in a district is released by the Ministry only on receipt of a request thereof from the District Collector / District Magistrate / Deputy Commissioner-cum-Chairman of the District Project Society. After receipt of survey report, the same is considered by the Ministry and grant necessary permission to operate STC under NCLP Scheme. While granting permission, the details of number of children to be enrolled, number of STC to be operated are also taking into consideration. After proper bridge education, these children are mainstreamed.”

2.59 During meeting of the Committee with representatives of Census department, it was informed that surveys relating to children in urban areas *viz.*, children living under the bridges, flyovers, pipes etc are being conducted by the Census Department. The Department of School Education and Literacy (DoSEL) conduct door-to-door survey for identification of out of school children. When asked as to how do the Ministry of Labour & Employment propose to extend assistance in accurately quantifying homeless ‘out of school children’ living in urban areas, the MoLE replied as under:

“Education is in the Concurrent List of the Constitution and majority of the schools come under the domain of the State/UT Governments. Under the Samagra Shiksha Scheme, all the States and Union Territories (UTs) are required to conduct Household Survey for identification of Out of School Children (OoSC). DoSEL Department has developed an online module for compiling the data of OoSC identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal. The concerned State/UT validates the child wise information of the identified OoSC and STC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OoSC.”

2.60 In this context, the representatives of the Ministry during evidence deposed as under:

“So, Sir, I take your point. Internally, within the Ministry, we will look at the urban areas to see how we can do a certain kind of survey there because Census is 10 years. Sarva Shiksha Abhiyaan will be annual, and they have their limitation. We would look into this issue as to whether in the urban areas should we be doing a separate survey which we can bring it under NCLP.”

2.61 In this context, various NGOs suggested as under:

- i. Need to map the hotspots.
- ii. Need to also map the hotspots where the BPL families and children who are from dysfunctional families exist.
- iii. Need to create database of children at Panchayat level;
- iv. Village Level Child Protection Committees (VLCPCs) or panchayats be made responsible for the welfare of the children and tracking them and their movement outside to other districts and states.
- v. Panchayati Raj Institutions (PRIs) to include child labour and trafficking as part of their monitoring activity;
- vi. Need to conduct survey to have data regarding hotspots/endemic areas and number of child labours in the country;
- vii. need to have reliable data of child labour for any Action Plan on Child labour.
- viii. Need to conduct national/district level periodic survey and census for child labour;
- ix. need to identify areas/clusters having high incidents of child labour;
- x. Identification of vulnerable children susceptible for trafficking, recruitment for child labour can be prevented through a coordinated approach at the village and panchayat level through the Parichayat Child Protection Committee set up under the Integrated Child Protection Scheme (ICPS).
- xi. Need to incentivize villages and communities by Central or State Governments to achieve child labour-free villages. Such villages/panchayats be rewarded by Government concerned.”

(xiv) Rescue and Rehabilitation

2.62 The Committee were apprised that 14.3 lakh child labours were withdrawn from work, rehabilitated and mainstreamed. When asked to state the manner in which the rescued child labours have been rehabilitated to enable them to earn their livelihood, the MoLE replied as under:

“National Child Labour Project (NCLP) Scheme has been implemented since 1988. Under the scheme, the child labour in the age group of 9-14 years

found in the survey were withdrawn from work and put into NCLP Special Training Centres. In these Centres, the children are provided bridge education, vocational training, mid-day meal, stipend, healthcare and recreation etc. with the ultimate objective of preparing them to be mainstreamed into the formal system of education. Duration of the training shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.”

2.63 In response to a specific query as to what specific provisions / facilities have been enumerated under NCLP to rehabilitate the identified Child Labour and the mechanism established to ensure their compliance, the MoLE responded as under:

“Under this Scheme, those children identified in the age group 5-8 years are mainstreamed directly to formal educational system through the Samagra Shiksha Abhiyan (SSA) of the Ministry of Education. Working children in the age group of 9-14 years are to be rehabilitated through NCLP Special Training Centres (STCs) established by the Project Society, wherever STCs under SSA Scheme are not functioning. The STCs under the scheme provide: Non-formal/bridge education, Vocational training, Mid-Day Meal, stipend @ Rs.400/- per child per month, and health care facilities through School Health Programme of National Rural Health Mission (NRHM).

To ensure the effective enforcement of the provisions of the Child Labour Act and smooth implementation of the National Child Labour Project (NCLP) Scheme a separate online portal PENCIL (Platform for Effective Enforcement for No Child Labour) has been launched w.e.f. 26.9.2017. The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public. Further, online complaints regarding child labour can also be filed by anybody on the Pencil Portal. The complaint gets assigned to the concerned Nodal Officer automatically by the system for further necessary action.”

2.64 In this context, the representatives of the Ministry during evidence deposed as under:

“Now daily attendance of children is marked, whether they are present, absent, because eligibility conditions depend on their attendance. If their attendance is 60 percent then they are eligible for stipend. it is an automated process on this basis, which is a stipend calculation, which is calculated at Rs 400 per month.”

2.65 When questioned about the specific steps taken for the rescue and rehabilitation of children engaged in beggary, particularly, those found at traffic lights in urban areas, the MoLE replied as under:

“Ministry of Social Justice and Empowerment has formulated a scheme “SMILE - Support for Marginalized Individuals for Livelihood and Enterprise”, which includes a sub-scheme - ‘Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in the act of Begging’. This scheme covers several comprehensive measures including welfare measures for persons who are engaged in the act of begging. The focus of the scheme is extensively on rehabilitation, provision of medical facilities, counseling, basic

documentation, education, skill development, economic linkages and so on. Persons engaged in the act of begging are to be covered under the Scheme.

The Ministry of Social Justice and Empowerment had launched a pilot project in 2020 for comprehensive rehabilitation of persons engaged in the act of begging in major seven cities of the country including Delhi, Patna, Nagpur, Indore, Hyderabad, Bengaluru and Lucknow. Objective of this project was identification and rehabilitation of the person engaged in the act of Begging. It also had provision of medical facilities, counselling, skill development, sustainable settlement and education to person engaged in Begging. These pilots have been implemented in these cities by State Governments/UTs/Local Urban Bodies and Voluntary Organizations. In total, Ministry has released Rs. 13 Crore to these cities for the project. Ministry of Social Justice and Empowerment has launched an umbrella scheme “SMILE - Support for Marginalized Individuals for Livelihood and Enterprise” on 12.02.2022, which includes sub-scheme – ‘Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in the act of Begging’. This sub-scheme covers several comprehensive measures including welfare measures for persons who are engaged in the act of begging with focus extensively on rehabilitation, provision of medical facilities, counselling, education, skill development, economic linkages etc. with the support of State Governments /Local Urban Bodies, Voluntary Organizations, NGOs and institutions and others.”

2.66 The Committee desired to be apprised of the specific obstacles/ constraints faced during rescue of Child Labours and the steps taken to overcome them, the MoLE responded as under:

“Labour is under Concurrent List and State Governments are the important stakeholders for implementation of the Act in an effective manner. In most of the cases, state authorities take necessary action to rescue the child labourers.”

2.67 One of the NGOs suggested that the Traffic Police may be given the responsibility of reporting children selling goods or begging at traffic lights and they be held accountable for not reporting such instances.

(xv) Children Rescued, Rehabilitated and Mainstreamed

2.68 On being asked about the number of Child Labours rescued and rehabilitated under NCLP as on 31.03.2023, MoLE replied as under:

“Around 14.3 lakh were rescued / withdrawn from work, rehabilitated and mainstreamed under National Child Labour Project (NCLP) Scheme since inception of the Scheme as on 31.03.2023.”

2.69 As regards the number of children rehabilitated / mainstreamed during last six years, the Ministry furnished the following data:

Year	No. of children rehabilitated
2017-18	47,635
2018-19	50,284
2019-20	54,894
2020-21	58,289

2021-22	18,137
2022-23	13,761

2.70 In response to a specific query regarding the estimated number of children rescued, rehabilitated and mainstreamed from working in hazardous Industries specifically, the MoLE stated as under:

“.....The information on children rescued rehabilitated and mainstreamed is not maintained specifically in respect of hazardous industries. A statement showing the number of children rescued, rehabilitated and mainstreamed to formal education system under NCLP Scheme during 2018-19 to 2022-23 is as under:

Sl. No.	State	2018-19	2019-20	2020-21	2021-22	2022-23	Total
1	Andhra Pradesh	778	1049	622	2090	441	4980
2	Assam	4562	6175	2800	0	1291	14828
3	Bihar	0	0	0	--		
4	Gujarat	101	341	531	50	0	1023
5	Haryana	171	--	0	NA		171
6	Jharkhand	1225	2940	3239	755	410	8569
7	Karnataka	763	363	275	230	0	1631
8	Madhya Pradesh	4910	4010	29179	1268	172	39539
9	Maharashtra	8122	9337	2031	2537	337	22364
10	Odisha	0	6	495	76	1415	1992
11	Punjab	915	483	1307	986	2504	6195
12	Rajasthan	0	1712	0	301	18	2031
13	Tamil Nadu	2534	3928	1456	2183	2628	12729
14	Telangana	935	214	300	618	935	3002
15	Uttar Pradesh	8020	10371	9383	1833	339	29946
16	West Bengal	17137	13879	6671	5207	3270	46164
17	Uttarakhand	0	62	0	3	1	66
18	Nagaland	111	24	0	--		135
	Total	50284	54894	58289	18137	13761	195365

(xvi) Budgetary allocation and expenditure

2.71 As regards the details of funds allocated, released and utilized by various States, under NCLP in the Country, the MoLE furnished the following data:

“Grant released under NCLP Scheme State-wise during the last five years i.e. 2018-19 to 2022-23 is as under:

Sl. No.	Name of State	2018-19	2019-20	2020-21	2021-22	2022-23*
1	Andhra Pradesh	309.46	202.68	306.29	32.01	116.37
2	Assam	1109.45	198.28	49.64	81.10	140.68
3	Gujarat	99.41	154.31	61.36	12.23	0
4	Haryana	234.66	191.77	116.83	34.79	0
5	Jammu&Kashmir	56.14	0	32.48	0	0
6	Jharkhand	0	274.54	177.42	0	60.72

7	Karnataka	184.23	127.38	82.74	7.53	12.27
8	MadhyaPradesh	514.34	491.67	363.41	143.29	236.50
9	Maharashtra	106.19	998.70	931.49	196.53	102.54
10	Nagaland	0	4.00	0	0	0
11	Odisha	138.62	188.57	115.16	236.66	43.24
12	Punjab	256.88	282.35	206.41	317.35	37.53
13	Rajasthan	319.46	281.40	124.19	16.64	0
14	TamilNadu	878.53	811.44	482.00	323.45	178.14
15	Telangana	204.56	132.11	152.86	71.56	94.65
16	UttarPradesh	1420.72	759.66	433.83	137.70	99.91
17	Uttarakhand	0	32.64	0	0	0
18	WestBengal	1896.90	2503.72	463.37	203.10	424.26

*upto 31.1.2023

2.72 On being asked to furnish the details of funds utilised and the activities on which the expenditure was incurred by the respective States, the MoLE replied as under:

“Under NCLP scheme, funds are released to District Project Society, constituted under the chairmanship of District Magistrate / District Collector only after receipt of necessary documents viz. utilization certificate, audited statement, etc. in respect of the funds released during previous years. At many occasions, funds for last year are also released at later year after receipt of the necessary documents. Thus, it may not be necessary that the fund released during the year has been utilized in that particular year but it may be utilized during forthcoming year. Further, some of the released amount may also be liability to the Government i.e. that amount has already been incurred by the District Project Society and Ministry has reimbursed it. Therefore, it becomes difficult to indicate the year-wise utilization by the State Government.”

2.73 In this context one of the NGOs suggested for need to allocate at least 10% of the Union and State Budget to matters of the development, protection and well being of children and also need to integrate ‘Child Budgeting’ into all the budgets and programmes of the State and Central Government of India and various central and state undertakings.

(xvi) Monitoring Mechanism

2.74 On being asked to elaborate on the constitution, ambit and effectiveness of the tripartite Committee in tackling Child Labour, the MoLE replied as under:

“Under the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986, there is no provision for tripartite Committee for Child Labour. But the Ministry constitutes Central Advisory Board (CAB) on Child Labour through executive order. The CAB on Child and Adolescent Labour was first constituted in March 1981 in accordance with the recommendations of the Gurupadswamy Committee with following objectives:-

- (i) To suggest measures for effective enforcement of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- (ii) To suggest legislative measures as well as welfare measures for welfare of child and adolescent labour
- (iii) To review the progress of welfare measures for child and adolescent labour
- (iv) To recommend the industries and areas where there must be progressive elimination of adolescent labour
- (v) To recommend measures for stopping the misuse of exception provided under Section 3, sub-section (2), (a) & (b) of the said Act.

The Central Advisory Board on Child and Adolescent Labour was last re-constituted vide Resolution Gazette Notification dated 20.01.2017 under the chairmanship of Hon'ble Minister for Labour & Employment. At present, there are 54 members in the CAB.

The CAB on Child and Adolescent Labour comprises Hon'ble Minister Labour & Employment Minister as Chairman, Secretary, Ministry of Labour & Employment as Vice Chairman, Joint Secretary in charge of Child Labour Division as Member-Secretary, representatives of various Ministries not below the rank of Joint Secretary of such Ministries, with whom this Ministry is converging in implementing the National Child Labour Project Scheme, two Hon'ble Members of Parliament (one each from Rajya Sabha and Lok Sabha) nominated by the Ministry of Parliamentary Affairs, representatives of major Trade Unions of the country e.g. BMS, INTUC, CITU, HMS, AITUC etc., representatives of Employers (FICCI, SCOPE, EFI, ASSOCHAM etc.), representatives of NGOs associated with the work of elimination of child labour, educationists, activists and prominent personalities.

The CAB suggests measures for effective enforcement of Child and Adolescent (Prohibition and Regulation) Act, 1986, but also welfare measures for welfare of child and adolescent labour, besides other."

2.75 In this context, the representative of the Ministry during evidence deposed as under:

"Sir, the third area which you have mentioned is, how we can effectively have this monitoring and coordination mechanism. Now, whatever monitoring is being done by the States, it is not reaching the Central level; whatever monitoring is being done at the District level, it is not reaching even the States or the Central level. So, I think, we will work upon that and see that if either we can get it through the pencil portal or we go for some better portal which can collate this data."

(xvii) Coordination Mechanism

2.76 When asked as how do the Ministry coordinate with the State Governments with regard to formulation of Rules to protect the interests of Child Labour, the MoLE submitted as under:

"The Ministry has instructed all the concerned States where NCLP Scheme is sanctioned, to form State Resource Centre (SRC) under the chairmanship of

State Labour Secretary, which would monitor the enforcement of Child Labour Act, coordinate for the rescue of children and adolescents, child tracking system and supervise all the functions through PENCIL portal. SRC would also prepare and implement awareness generation plan to curb the menace of child labour in the State”

2.77 When asked as to how it is ensured that the Inspectors-cum-Facilitators take due cognizance of child labours deployed in various establishments so as to facilitate suitable corrective action, the MoLE replied as under:

“This Ministry seeks enforcement data from all the state government to ensure that the Inspectors-cum-Facilitators take due cognizance of child labours deployed in various establishments so as to facilitate suitable corrective action.”

2.78 On 7th January, 2022, the Ministry of Labour & Employment had held detailed discussions with the Ministries concerned on National Policy on Child Labour. On being asked about the specific inputs/feedback provided by the Ministries and what further follow up action has been taken by the Ministry of Labour & Employment, the MoLE replied as under:

“An inter-ministerial meeting was held to discuss the child labour related issue under the chairmanship of Secretary (L&E) on 07.01.2022, wherein 14 Ministries/Departments were invited. D/o School Education and Literacy, Ministry of Home Affairs, Ministry of Panchayati Raj, Ministry of Housing and Urban Affairs, Ministry of Micro, Small and Medium Enterprises, Ministry of Tourism, Ministry of Skill Development and Entrepreneurship, Ministry of Women and Child Development attended the meeting. Department of Commerce, Department of Rural Development, Department of Agriculture and Farmers' Welfare, Ministry of Textiles, Ministry of Mines, Ministry of Social Justice & Empowerment did not attend the meeting. The Ministries/ Departments were requested to prepare the action plan to eradicate child labour”.

2.79 In this context, the representative of the Ministry during evidence deposed as under:

“As far as monitoring mechanism is concerned, as I have already mentioned, we had an inter-ministerial meeting in January in which we called for the action plan from the stakeholder ministry. We also plan to conduct these inter-ministerial meetings with the line ministries at least once in six months so that a comprehensive Government of India approach can be evolved for tackling this problem.”

2.80 In response to a specific query about the other Ministries / Departments / Organization / Agencies responsible for elimination of child labour and how do the Ministry effectively coordinate with them, the MoLE replied as under:

“An important step towards prevention is coordination among various child protection agencies at the District, State and Center.

Ministry of Women and Child Development and Department of School Education & Literacy are important Government Departments / Ministries apart from Ministry of Labour & Employment to eliminate the child labour. Besides these, certain roles are also of Ministry of Home Affairs.

Ministry of Labour & Employment has set up Central Advisory Board (CAB) on Child Labour....The CAB has the representative of various Ministries not below the rank of Joint Secretary of such Ministries. Besides, the Ministry has also set up Task Force under the chairpersonship of Joint Secretary, M/o Labour & Employment comprising representative of Ministry of Home Affairs, etc. Recently, an Inter-Ministerial Committee has also been constituted under the chairmanship of Secretary (L&E) to discuss the effective implementation of Child Labour and Adolescent (Prohibition & Regulation) Act, 1986 and strategy of sector wise eradication of child labour. Representatives of various Ministries / Departments viz. Ministry of Home Affairs, Ministry of Agriculture and Farmers' Welfare, Ministry of Rural Development, Department of Commerce, Ministry of Skill Development, etc. are part of the Committee.”

2.81 In this context one of the NGOs suggested for formulation of detailed guidelines/SOPs for inter-department coordination of Labour, Health, Social Justice, Panchayati Raj, Women & Child Education, Police, etc. and their execution. Another NGO pointed out that due to lack of co-ordination among stakeholders, deserving rescued children cannot get benefit from different central and state schemes, as such, there is need to fix accountability of state agencies.

2.82 Another NGO suggested as under:

“Need for convergence of various Schemes run by various Ministries/ Departments & also convert to action plan; MoLE to constitute a high-level advisory Committee comprising Ministries/ Departments concerned, Commissions for Child Rights, law enforcement agencies & representatives of Civil Society Organisations (CSOs)”

(xviii) Awareness Campaigns

2.83 The Committee desired to be apprised of the platforms available for a common man to report the cases of Child Labour and the steps taken to spread awareness amongst masses about existence of such platforms, the MoLE replied as under:

“The public can raise complaints/report incidences of child labour on PENCiL portal through its “complaint corner”. Public awareness about this is being done through electronic/print/social media handles of the Ministry.”

2.84 When further asked about the concrete measures taken by the Government to create awareness among the parents/ guardians about the ill effects of Child Labour and how do the Ministry encourage/incentivize them to send their children to schools, the MoLE responded as under:

“Awareness Generation at the district level is done by the district project society. At the district level, the District Project Society would be responsible for operationalizing the social mobilization component of the project. From the time to time the District Project Society organizes various activities to create awareness among the general people about the menace of child labour.”

2.85 In this context NGOs suggested that need to launch awareness campaigns to report cases of child labour to Childline helpline number; spreading awareness about the ill effects of employment of children; and need to launch National campaigns and community engagement to generate awareness

xix. Utilization of funds collected through imposition of penalties

2.86 In order to give the statutory back up for the rehabilitation Fund, the Government has made a provision in the Child Labour (Prohibition & Regulation) Amendment Act, 2016 for constitution of Child & Adolescent Labour Rehabilitation Fund at district level to ensure that child and adolescent is not only rescued but his future is secured by the amount collected in fund for his welfare and education. The amount of fine realized from the employer of the child or adolescent shall be credited in the rehabilitation Fund and an amount of fifteen thousand will also be credited by the appropriate Government for each of the child and adolescents rescued from the work.

2.87 On being asked as to how do the Government utilize the fund collected through imposition of penalties, the MoLE submitted as under:

“As per section 14B of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited. (2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1). (3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide. (4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.”

2.88 In this context, some of the NGOs suggested as under:

- i. Need to ensure compliance of Directions of Supreme Court in MC Mehta v/s State of Tamil Nadu case regarding contribution of Rs. 20,000 per child by offending employers;
- ii. need to increase the amount of fine fixed in 1996 from Rs. 20,000/- to Rs.1 lakh per child; and
- iii. Need to utilize the fines collected as per judgement.

xx. ILO Conventions

2.89 When enquired as to whether India is a signatory to any International Convention for elimination of Child Labour and steps taken to liaise with other agencies globally to achieve the targets thereon, the MoLE stated as under:

“Consequent upon strengthening the legislative framework for complete prohibition of employment of children below 14 years through amendment in the Child Labour (Prohibition & Regulation) Act, 1986, ILO Conventions No. 138 and No. 182 have been subsequently ratified. The Government has reaffirmed its commitment for eradication of child labour at the Global level.”

2.90 On being asked about the extent of compliance with targets enshrined under United Nations Goals for sustainable Development number 8.7 under which it was decided to end all forms of Child Labour by 2025, MoLE responded as under:

“Government has ratified the ILO Convention No. 138 concerning minimum age for employment and No. 182 concerning prohibition and elimination of worst forms of child labour.

With the ratification of these two ILO Conventions India has reaffirmed its commitment towards elimination of child labour and sent a message to the international community for achieving the target stipulated in Sustainable Development Goal 8.7. These ratifications are also relevant for economic development of the country. Thus these ratifications will not only help in eradication of child labour but also brighten the image of the country in the international forum.”

2.91 In this context, the representatives of the Ministry during evidence deposed as under:

“We also went ahead and ratified the ILO Conventions which underline the commitment of India towards eradication of child labour. We ratified Convention 138 which is of 1st June, 1973, in June 2017. Similarly, India ratified Convention 182 which is of 1st June, 1999, in June 2017. Now, what is Convention 138? It speaks about minimum age for admission to employment. It lays down that the minimum age for employment should be 15 years but for countries which are developing, the minimum age for employment can be 14 years. So, as per our RTE Act, it is 14 years. We have also placed the same provision in our Act in which minimum age is 14 years. In this Convention, there is provision that minimum age should not be less than the compulsory age of schooling. So, it is dynamically linked to the RTE Act. We have basically put in place the entire mechanism and then we had ratified Convention 138. When we speak about Convention 182, this concerns worst forms of child labour. Now, what are worst forms of child labour? This could include slavery, trafficking, bonded labour, prostitution, forced labour, trafficking for drugs, or child soldiers itself.”

2.92 In this context, some of the NGOs suggested as under:

- i. “Need to take up the issue in mission mode to meet international commitment to eliminate child labour by 2025 need to devise systematic action plan based national policy to meet the objective of Sustainable Development Goal (SDG) 8.7 to eliminate child labour in all its forms by 2025;
- ii. need for a National Policy on Child Labour with a vision of achieving the SDG targets and provide guidance to all concerned stakeholders to address child labour keeping in mind the Best Interest of the Child as stated in Juvenile Justice (Care and Protection of Children) Act 2015. Also to regularly monitor the outcome of the efforts through data and evidence.”

2.93 An NGO pointed out that the Ministry of Education’s Scheme ‘Samagra Shiksha Abhiyan’ doesn’t have the requisite provisions for the legally required care. As such, there is need to have separate/exclusive scheme for child labour as merger of NCLP with Samagra Shiksha Abhiyan (SSA) may have serious repercussions.

xxi. PENCIL Portal

2.94 On being asked about the effectiveness of the PENCIL Portal, which empowers citizens to lodge complaint regarding child labour; whether implementing/enforcement agencies to whom the complaint is forwarded share their findings with the Ministry; and whether such information is placed on PENCIL portal for better monitoring, the MoLE replied as under:

“The portal has five components namely, Central Government, State Government, NCLP District Project Society level, Child Tracking System and Complaint Corner. The District Nodal Officers appointed by each State Government being the enforcement agency in respect of the complaints registered on PENCiL update the Action Taken Report on the cases in the order of: First Action Report(FAR), Second Action Report (SAR), Legal Action Report (LAR) and Closed. Of the 4290 complaints received on the PENCIL Portal as on 15.11.2023, the District Nodal Officers have updated the status of 3312 complaints as closed.”

2.95 When asked to clarify whether any suo-motu action is taken by the Ministry for registration of cases on detection of child labour at public and residential places and whether the Ministry propose to launch a Special Drive to identify such cases, the MoLE stated as under:

“The complaints received directly in the Ministry from the complainants are forwarded to the respective State Governments for necessary action. The complaints received on PENCiL are resolved by the District Nodal Officers (DNOs) appointed by the State Governments.”

2.96 As regards the details of number of complaints of Child Labour registered on the Platform for Effective Enforcement for No Child Labour

(PENCIL) portal since its launch in 2017 and the number of complaints resolved, the MoLE furnished the following data:

- “(1) No. of complaints of registered: (as on 15.11.2023): 4290
- (2) No. of complaints resolved (as on 15.11.2023): 3312”

2.97 On being asked as to how the use of technology has been leveraged to check the incidence of Child Labour and in easier enforcement of the Law in so far as penalties imposed for engaging children below the age of 14, the MoLE responded as under:

“To check the incidence of Child Labour, easier enforcement of the Law, to ensure effective enforcement of the provisions of the Child Labour Act and smooth implementation of the National Child Labour Project (NCLP) Scheme a separate online portal PENCIL (Platform for Effective Enforcement for No Child Labour) has been launched w.e.f. 26.9.2017. The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public. Further, online complaints regarding child labour can also be filed by anybody on the Pencil Portal. The complaint gets assigned to the concerned Nodal Officer automatically by the system for further necessary action.”

2.98 In this context, the representatives of the Ministry during evidence deposed as under:

“Sir, now I come to the PENCIL portal. The Platform for Effective Enforcement for No Child Labour was launched in 2017. With this, we can coordinate with the state government, with the district administration in a better way. It has online attendance, stipend processing, tracking of the child and we also involve the general public and NGOs in this. The main components of the PENCIL portal are Central Government, State Government District, etc. It has a main complaint corner. Any person, NGO or any institution of our country can go to the complaint corner and complain. The complaint goes to the concerned nodal officer, whom the DM appoints and after that the District Nodal Officer takes action on it. Whatever investigation has to be done, there is a First Action Report, etc., and if the complaint is true, an FIR is also registered.”

2.99 The representatives of the Ministry further supplemented as under:

“Under this PENCIL portal, all our project societies of NCLP have the facility to upload all the activities that we have done, documents or periodical reports. Earlier, it used to take a lot of time to send it by post, half of the reports were lost in it, so we have done that. Now this has speeded up the entire process. Now they can upload directly on the PENCIL portal and we can access it and take action on it. Not only this, what we had earlier called Tracking of Children, now I have to track the rescued child, otherwise all our hard work goes in vain. We track it completely. The child's daily attendance is marked and not only that, through linking with PFMS portal stipend is processed automatically. So, we process stipend directly through DBT to the accounts of these children.”

xxii. National Commission on child labour

2.100 In response to a pointed query whether there is any proposal to set up a National Commission on Child Labour for a targeted approach to tackle the issue of Child Labour in the Country, the MoLE replied in negative and stated that currently, no such proposal is under consideration.

2.101 In this context, one of the NGOs suggested for need to have National Child Labour Elimination Mission or the National Child Protection Mission.

xxiii. Child Welfare Committees

2.102 As regards the number of Child Welfare Committees set up and operational across the Country, their composition and the periodicity of their meetings, the MoLE stated as under:

“Child Welfare Committees (CWCs) are to be constituted by State Government under Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) under Ministry of Women and Child Development.

2.103 In this context, some of the NGOs pointed out that all the departments have different Committees at the district level which burdens the District Magistrate to hold multiple meetings which results in multiplicity of proceedings and dilutes the efforts of individual committees and suggested for need of joint efforts by the Ministry of Labour & Employment and Education Department; need for convergence of Child Welfare Committees, District Child Protection Units, District Legal Service Authorities at District level with District Labour Officer as District Nodal Officer. Another NGO pointed out that Labour Department is burdened with various other works and the enforcement of the CLPR Act becomes a least priority for them. Therefore, proper convergence could not happen which add to the vulnerabilities of the rescued child labour. In order to avoid such situation, the structure under the Integrate Child Protection Scheme (ICPS) be used.

xxiv. Employment of child labour in tea plantations and beedi/firecrackers industries

2.104 On being asked about the specific attention paid towards the employment of Child Labour in Tea Plantations and Beedi/Firecrackers Industries, the MoLE replied as under:

“.....The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986, also provides for stricter punishment for employers for violation of the Act and has made the offence as cognizable. The Rules framed under the Act provide for District Nodal Officer (DNO) and Task Force at district level under chairpersonship of District Magistrate to ensure that the provisions of the Act are properly enforced. There is no separate act for child labour in tea plantations and Beedi/Firecrackers industries.”

xxv. Economic security and social protection

2.105 When asked about the robust measures taken to enhance economic security and social protection so as to minimize the exposure of Child Labours to hazardous and exploitative works, the MoLE submitted as under:

“The Government amended the Child Labour (Prohibition & Regulation) Act, 1986 through the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force w.e.f. 1.9.2016 which inter alia provides for:

- 1) Complete prohibition of employment of children below 14 years.
- 2) Prohibition of employment of adolescents (aged 15-18 years) in hazardous occupations
- 3) Enhancement of penalty for contravention of the provisions of the Act.
- 4) Employment of children in contravention of the Act, made a cognizable offence

Further the Government has gone one step ahead and made a provision in the Act for constitution of Child and Adolescent Labour Rehabilitation Fund for one or more districts for carrying out rehabilitation activities for the child or adolescent rescued.”

xxvi. Minimum Wages Act

2.106 The Committee were apprised that "Government also made necessary amendments in the provisions of the Minimum Wages Act, Payment of Wages Act, Equal remuneration Act etc., to ensure there is no discrimination to child labour. The Central and State inspection machinery was also geared up for this purpose. On being asked about the efficacy of the said provisions/ measures, the MoLE replied as under:

“In its Legislative Action Plan, the National Child Labour Policy mentioned that “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 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.”

The Minimum Wages Act, 1948 vide its amendment in 1986 defined "child" means a person who has not completed his fourteenth year of age. As per the Act, the "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment. Further, Rule 24 of Minimum Wages (Central) Rules, as amended in states that:

- The number of hours which shall constitute a normal working day, shall be -
- (a) in the case of an adult – 9 hours;
 - (b) in the case of a child – 4 & 1/2 hours.

Equal Remuneration Act, 1976 as amended in 1987 provides that “No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.” Further section 2 of the Act defines men and women. As per this, “man” and “woman” mean male and female human beings, respectively, of any age.”

xxvii. Imposition of Cess

2.107 When asked as to whether the Government is considering the imposition of a Cess to address the issue of Child Labour, the MoLE replied in negative and stated that at present no such proposal is under consideration

xxviii. Compliance of Instructions / Advisories

2.108 On being enquired as to how it is ensured that the instructions/advisories issued by the Central Government are complied with by the State Governments for strict enforcement of the statutes of Child Labour so as to completely eradicate the menace, the MoLE replied as under:

“For Effective enforcement and implementation of the provisions of the various legislations, convergence of resources of Government both horizontally and vertically, coordination between various stakeholders and active involvement of the community, a Standard Operating Procedure (SoP) has been circulated. A simple step by step SoP is provided to ensure enforcement of the provisions of the protective legislation.”

2.109 Instances of child labourers brought by middlemen or placement agencies among the migrant workers are reported. When asked to clarify whether the Ministry have issued any instructions/advisory to State Labour Departments or any other Department to take action on this issue, the MoLE responded as under:

“The issue regarding regulation/registration of placement agencies/employment agencies lies in the domain of the States. Accordingly, all States were advised to take all necessary steps to protect the interest of workers by regulating the conduct of private placement agencies, if necessary, by making their own Policy / Act.”

2.110 In this context, one of the NGOs suggested for inter State repatriation policy, pointing out that multiple departments have issued advisories and SOPs which are in conflict with each other. To avoid confusions and conflicts, a single document approved by all the Ministries and States could be outlined in the current policy document which would help all the stakeholders to work in uniformity. The following stakeholders of destination state and origin states need to work together to ensure rehabilitation and repatriation of the rescued children: 1. Police, 2. AHTU, 3. Child Welfare

Committee, 4. District Child Protection Unit, 5. Department of Social Welfare & Ministry of Women and Child Development.

2.111 Another NGO suggested for need to obtain permission of State Government for mass movement of children from one State to another. An NGO suggested for need for targeted intervention for child migrants/children of migrant labourers and those belonging to socially disadvantaged groups.

xxix. Participation of public representatives

2.112 When asked as to how do the Ministry ensure the participation of local representatives in the meetings conducted by the respective district authorities in connection with various aspects of Child Labour, the MoLE replied as under:

“Labour is under Concurrent List and State Governments are the important stakeholders for implementation of the Act in a effective manner. The State Government(s) ensures the participation of local representatives in the meetings conducted by the respective district authorities in connection with various aspects of Child Labour. The NCLP Societies which are headed by the District Magistrate/Collector conduct awareness generation campaigns and ensure the participation of local representatives in the meetings conducted.”

2.113 In this context, the representative of the Ministry during evidence deposed as under

“Sir, I take your suggestion very seriously that unless and until NGOs are brought in, unless and until the MPs, MLAs and other public representatives are brought into their committees and they meet frequently, this enforcement by the District Magistrate or, perhaps, by the State Government will not be in the same seriousness as the seriousness which the hon. Committee has shown here.”

2.114 The Committee were apprised that the State Governments ensure the participation of local representatives in the meetings conducted by the respective District Authorities in connection with issues relating to child labour in the respective States. On being asked whether the Ministry of Labour and Employment (MoLE) propose to send advisories to the State Governments to involve Members of Parliament / local representatives as in the case of other Ministries like Ministry of Rural Development, Ministry of Panchayati Raj and Ministry of Health & Family Welfare which reportedly provide for the Members of Parliament Chair the District Level Committees, the MoLE replied as under:

“As per revised NCLP Guidelines, a District Vigilance & Monitoring Committees (VMCs) monitor the National Child Labour Project. A local Member of Parliament chairs the committee, which functions in an advisory capacity. The committee ensures proper fund allocation and beneficiary identification. It reviews project progress and considers member suggestions within scheme guidelines. It also examines synergy with other departments for child benefit and compliance with the Right to Education Act. Meeting

minutes are shared with the State Government and the Ministry of Labour & Employment. The State Level Monitoring Committee (SLMC), headed by the Chief Secretary, oversees the project and coordinates development initiatives. The state government reviews project directors biannually and enforces protective legal provisions. The NCLP scheme has now been subsumed with Samagara Shiksha Abhiyan (SSA) Scheme in phased manner.”

2.115 In this context, the representative of the Ministry during evidence deposed as under:

“All the honourable Members have told that their participation in the committees at the district level is not ensured. We will see how to improve participation. If there is a need to change the institutional structure, then we will definitely do it.”

xxx. Support to NGOs

2.116 When asked as to how do the Ministry guide and support the NGOs and other organizations working for the benefit of the children and whether the Ministry propose to devise an independent mechanism for identification of child labour working in organized as well as unorganized sector, through NGOs engaged by the Ministry, the MoLE replied as under:

“Currently, there is no such proposal under consideration of Ministry of Labour & Employment.”

2.117 In this context, the representative of the Ministry during evidence deposed as under:

“Now let's talk about NGOs involved in it. Firstly, we made a direct involvement of him that he can file a complaint on his own. Secondly, the Ministry has decided that we give NGOs a role in this and we have given access to an NGO on a pilot basis to the complaint corner. They can also see all the complaints that come to them and can take up aggressively with the concerned DNO and get those complaints resolved. What will be the result of this, we will see now, because it is still on pilot basis.”

2.118 The representative of the Ministry further supplemented as under:

“Sir, your last point was about monitoring and coordination as to how we can do better coordination between the District Magistrates at the District level, at the State level and at the Central level. We have tried somehow to bring in these NGOs, which you rightly said that there are a lot of NGOs working there. PRAYAS has been on-boarded. We will be on boarding other NGOs depending upon their credibility in the areas”.

2.119 In this context, one of the NGOs suggested for need to involve NGOs/voluntary organizations while formulating national policy on children; and also have representation of NGOs/voluntary organizations in Technical Advisory Committee

2.120 Suggestions/views received from various NGOs etc. in the matter were forwarded to the Ministry of Labour & Employment for comments. In response the Ministry stated as under:

“As per the provisions of the Act, the Government has constituted a Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act.”

xxxii. Vocational training

2.121 On being enquired about the emphasis laid on vocational training for students so as to equip the rescued children for various income generating activities under NCLP, the MoLE replied as under:

“As per NCLP Scheme Guidelines, a Project Society can hire volunteer vocational trainer(s) at the district level for a consolidated honorarium of Rs 9000/- per month. One vocational trainer is to be deployed for three NCLP Special Training Centres(STCs). Project Society may involve craftsmen / trainers from local ITIs or other vocational institute(s) for developing a training module for providing training to the beneficiaries in accordance with the market requirement.”

2.122 When questioned about the types of vocational training being imparted to rescued adolescent child labour, the MoLE replied as under:

“Facilitating vocational training opportunities for adolescents is to be done through existing schemes of skill development department. (The District Project Society under NCLP scheme was acting as a linking agency for facilitating vocational training through existing schemes of Ministry of Skill Development and Entrepreneurship of the Govt of India and skill development department of respective states).

Ministry of Skill Development and Entrepreneurship (MSDE) has been mandated to synergize and accelerate the skilling efforts across geographies in collaboration with Central Government Ministries, State Governments, Industries, Voluntary Organizations and Academia. Since its inception in 2014, MSDE has initiated several skilling schemes, such as, Pradhan Mantri Kaushal Vikas Yojana (PMKVY), Jan ShikshanSansthan (JSS) etc.”

2. Under this Ministry, there are no vocational training programs/schemes exclusively for the training of the rescued adolescent child labour. However, MSDE through its flagship scheme viz. Pradhan Mantri Kaushal Vikas Yojana (PMKVY) is catering to the needs for skill training of the youths across the country including the rescued adolescent children with focus on unemployed/drop-out youth between the age-group of 15-45 years, including adolescents of 15-19 years. Since July 2015 three versions of the PMKVY scheme namely, PMKVY 1.0, PMKVY 2.0 and PMKVY 3.0; have been implemented.

Further, MSDE is implementing the scheme of Jan ShikshanSansthan (JSS) to impart skill training in non-formal mode at the doorsteps of the beneficiary through registered societies (NGOs) with 100% grant from MSDE. The target beneficiaries of the Scheme are non-literate, neo-literates, persons

with rudimentary level of education and school drop-outs upto 12th standard in the age group of 15-45 years. The skill training is low-cost, flexible, and highly accessible to disadvantaged groups of society, among others...”

2.123 In this context, the representative of the Ministry during evidence deposed as under:

“...has talked about skill development. I agree to this and we have included it in the policy that adolescents can also work, Adolescents are only banned in the hazardous industry but they can do other things. If they are found in the hazardous industry and if you want to shift them to the non-hazardous industry, then there will be a need to re-skill them and we will definitely pay attention to it.”

2.124 In this context one of the NGOs suggested that the interest, aptitude and skill of the children needs to be understood to link them to their vocations of interest. A child rescued from a garage and interested in that field should be encouraged to take up an ITI course related to that line.

2.125 Another NGO suggested for need to establish residential training centres for rescued children for sustainable rehabilitation and behavioural change. To prevent from re-trafficking, skill development may be provided

xxxii. Training to officials

2.126 Some of the NGOs suggested for need to impart training to officials of NGOs, CWC, Anti-Human Trafficking Unit (AHTU), District Child Protection Unit (DCPU), District Legal Service Authority (DLSA), Railway Protection Force (RPF)/ Ground Railway Police, Labour Inspector, Factories inspector, RDO/ deputy collector, Child Welfare Police Officer. It was also suggested that there is need to provide training to central armed police forces and sensitize them to prevent crimes such as that of trafficking at the border of India with other countries.

xxxiii. Deployment of children at construction sites

2.127 When asked about the number of surprise visits undertaken by the officials of Labour Departments of States/UTs concerned to prevent deployment of child labours at construction sites and the State/UT-wise details of such exercise undertaken during the last three years, the MoLE replied as under:

“Construction work by both child and adolescents have been prohibited by specifying it in S No. 37 of Part A of the schedule to Child and Adolescent Labour (Prohibition and Regulation) Act 1986.

In the case of the Chief Labour Commissioner (Central) Organization, no surprise visit have been undertaken due to the launch of Shram Suvidha Portal w.e.f. 16th October 2014. Further the data relating to States/UTs is not maintained by CLC (C).

There are provisions under the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, administered by the Ministry of Labour and Employment, which regulate the employment and service conditions of building and construction workers.”

2.128 When asked about the suggestions of the Ministry for effective implementation of these Rules so as to prohibit the engagement of Child labour in such works, the MoLE replied as under:

“To maintain linkage with the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, Hazardous processes as specified in Schedule IX to the Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Central Rules, 1998 have been explicitly prohibited by specifying at S. No. 37 of Part A of the schedule to Child and Adolescent Labour (Prohibition and Regulation) Act 1986.

Mass Media campaign and involvement of state government machinery and social partners like NGOs and trade unions may be an effective tool to curb the engagement of Child Labour in such work.”

2.129 On being asked about the mechanism put in place for effective compliance of Contractors with the various labour laws and specifically with the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 between the commencement and completion of work, the MoLE replied as under:

“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).

The Government of India has developed a mechanism for inspections through Shram Suvidha Portal w.e.f 16th October 2014.”

xxxiv. Street children

2.130 When asked about the chances of street children becoming child labour, the representative of the Ministry during evidence deposited as under:

“...has raised the matter of street children. You are absolutely right that all street children are not child labour, but if they are street children then the chances increase that they should go towards child labour.

Now we have recently launched the e-shram portal. It covers registration of unorganised workers above the age of 16 years. This means that if there are street children and are working, then that will also be captured from our data. I think with this data we will be able to pay attention to them.”

xxxv. ‘Child Labour Free’ tag/label in the supply chain

2.131 One of the NGOs suggested for need to make mandatory provisions for ‘Child Labour Free’ tag/label in the supply chain in the contracts executed by Government for procurement of various items/products. Another NGO

suggested out that a special campaign and appeal should be made to Industries, factories and employers to be sensitive about child labour and to make their premises no child labour zone. One of the NGOs suggested for need for mandatory declaration of 'No Child Labour' as per CALPRA 1986 by industries/business houses as a pre-requisite for receiving labour cards; one of the NGOs suggested for need to maintain a directory of all employers to re-check double offenders in order to provide them graver punishment which would create deterrence. The directory should be updated every quarter at district and state level in order to have a proper monitoring mechanism

xxxvi. Role of Residential Welfare Associations

2.132 One of the NGOs suggested for need for reporting of cases of child labour by the Residential Welfare Associations.

xxxvii. Child Friendly Police Stations

2.133 One of the NGOs suggested for need to bridge the gap between the police and children by making all police stations child-friendly including a dedicated corner for children. It was also suggested that there is need to introduce child-friendly approach to investigation in police training institutes. Need to provide legal to the victim at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/ SLSA and NGOs. Legal counselling and advice to the parents of the child must be provided.

xxxviii. Child Friendly Courts

2.134 One of the NGOs suggested for need to have all courts as child friendly in terms of infrastructure and processes including exclusive or dedicated children's courts for crimes against children, child friendly spaces and rooms in the courts, expediting processes through day-to-day trial, and victim/ witness protection to the child and his family amongst other measures

II. MERGER OF NCLP WITH SSA

2.135 The chronology of events leading to the merger of NCLP with SSA, as informed by the Ministry of Labour and Employment, is as under:

(a) Instructions issued by Ministry of Finance, Department of Expenditure regarding continuation of Schemes beyond 31.03.2021.

2.136 In this context, the representative of the Ministry of Labour & Employment during evidence deposed as under:

“Our scheme was approved up to 31st March, 2021 and we were in receipt of Department of Expenditure, Ministry of Finance's instructions, which had laid down certain conditions. This OM, which we have also highlighted, is dated 8th of December, 2020, which says that any scheme which needs to be continued beyond 31st of March, 2021 needs

evaluation by the third party. Then, it needs to be appraised by SFC or EFC, as the case maybe. Then, also we need to rationalise the various schemes of the Government of India through merging, restructuring or dropping existing schemes or sub-schemes that are duplicate or have redundant or ineffective with passage of time. And, then to ensure above before submitting the proposal to Department of Expenditure for continuation of schemes. The Department of Expenditure had the right to merge, restructure or drop any existing scheme, sub-scheme in consultation with the Administrative Ministry or the Department to improvement in economy of scale for better outcomes. So, in view of this OM, we basically focused on two schemes – National Child Labour Project Scheme and Samagra Shiksha Abhiyan Scheme.”

(b) Comparison of NCLP and SSA

A Comparative analysis of both the Schemes viz. NCLP of MoLE and SSA of DoSEL, as furnished by the Ministry, is as under:

- NCLP was started in 1988, when SSA was not in operation.
- SSA scheme also caters to all “out of school” children (which would also include child labour).
- As on 31.03.2021- NCLP was operational in 59 districts, whereas SSA was operational in all districts of the country.

2.137 The number of children enrolled/mainstreamed at STCs of SSA vs those at STCs of NCLP during 2018-19 to 2020-21 are as under:

Year	No. of children enrolled/mainstreamed at/from STCs under	
	SSA	NCLP
2018-19	4.78 Lakhs	0.50 Lakhs
2019-20	5.07 Lakhs	0.55 Lakhs
2020-21	3.26 Lakhs	0.58 Lakhs

The Ministry subsequently informed that 18,000 and 13,000 children were enrolled/mainstreamed during 2021-22 and 2022-23 respectively at STCs of NCLP. During the last five years, 1,94,000 children were enrolled in STCs of NCLP.

2.138 The Ministry further submitted the following comparative statement:

Issue	NCLP	SSA
Survey	Within three years on request of the District	Every year to identify all “out of school” children
Rehabilitation of children (5-8 years)	Directly linked to the formal education system through coordination with SSA	Directly linked to the formal education system

Rehabilitation of children (9-14 years)	Rescued children are enrolled at NCLP- STCs to provide them bridge education, vocational training, PM-Poshan (mid-day meal), stipend, health care facilities, etc. preparing them for formal system of education	Out of School children are enrolled at SSA- STCs to provide them bridge education, vocational training, PM-Poshan (mid-day meal), health care facilities, etc. preparing them for formal system of education Hostel facility is under SSA, due to which the retention rate of child labourers from migrant families may increase in schools.
Rehabilitation of Adolescents	<ul style="list-style-type: none"> Rescued Adolescents working in hazardous occupations / processes are provided vocational training opportunities through existing schemes of skill development (State / Central). No funds are provided 	District Authorities will continue to do so
Rescue of Child Labour	<ul style="list-style-type: none"> State Authorities conduct raids to find the child labour in any establishment. Produced before CWC (of Min of WCD) Sent to STCs Inspection of establishments done by CLC / State Labour Dept to identify Child Labour. 	State Authorities will continue to do so Inspection authorities will continue to do so
Stipend	<ul style="list-style-type: none"> No Stipend to rescued children aged (5-8) years Stipend @Rs. 400/- per child per month enrolled at NCLP's STC, who have 60 % attendance 	No provision of Stipend under SSA
Responsibility	District Magistrate	District Magistrate
Rehabilitation	<ul style="list-style-type: none"> Rescued child/adolescent to get the amount from the Rehabilitation Fund(Fine + Rs 15000 deposited by the appropriate Govt) + Interest thereon, as per CALPR Act 	will continue to do so

2.139 The Ministry further mentioned that the following decisions were taken in consultation with Ministry of Finance and D/o School Education and Literacy:

- (i) NCLP Scheme be merged with SSA in a phased manner
- (ii) District Project Society and STCs opened before 31.03.2021, will be allowed to continue till enrolled children are mainstreamed in formal education system.
- (iii) The pending/committed liability of Grant in Aid and Stipend will be cleared. Rs. 3.0 crore has been released as stipened through Direct Benefit Transfer (DBT) to children enrolled under the NCLP Scheme during 2022-23 (upto 31.01.2023). During 2022-23, funds to the tune of Rs. 15.93 Crores approx. were released, and for the FY 2023-24, budgetary provision of Rs. 10 crores has been made.
- (iv) No new permission has been given for opening of new STC under NCLP Scheme after 31.03.2021.
- (v) The survey report, received in the Ministry, will be forwarded to D/o School Education and Literacy for enrolment of children in the STCs of SSA
- (vi) As per NCLP guidelines, the Project Society will continue to be functional for a period of 6 months after closure of STCs.
- (vii) Identified / Rescued child labour will continue to be provided bridge education at STCs of SSA”

Submission of Ministry of Education, (DoSEL) regarding convergence of National Child Labour Project (NCLP) with Samagra Shiksha:

2.140 The chronology of events leading to merger of National Child Labour Project (NCLP) with Samagra Shiksha, as stated by the DoSEL, is as under:

A Standing Finance Committee (SFC) note was received by Department of School Education and Literacy (DoSEL) from M/o Labour & Employment (MoLE) for furnishing comments on continuance of implementation of National Child Labour Project (NCLP) Scheme beyond 31.03.2021.

DoSEL vide OM dated 12.08.2021 offered their comments as under:

In NCLP, the children in the age group of 9-14 are withdrawn from work and put into NCLP Special Training Centres (STCs) and are provided with bridge education, stipend etc. before being mainstreamed into formal education system. The children in the age group of 5-8 years are directly linked to the formal education system through a close coordination with the Samagra Shiksha. NCLP provides only Bridge education and does not provide Formal Primary and Secondary education. NCLP scheme and Samagra Shiksha, both, undertake independent surveys. This includes 'out of school children' and it is noticed that names of many children find mention in both the surveys.

In order to ensure optimum utilization of available resources, better convergence between both the schemes and avoid duplication at any stage, following suggestions are made:

1. NCLP may continue to rescue children from work as mandated by the extant Act, however, either they may be directly enrolled to school or may be got admitted to STCs run by the States and UTs under Samagra Shiksha depending upon the age and requirement of the child. In case bridge courses are required, they are also provided in STCs under Samagra Shiksha. In that case NCLP need not run their separate STCs.

2. A comprehensive guidelines on running the STCs and mainstreaming the OoSC may be prepared jointly by both the Ministries.

3. In so far as sharing of data between both the schemes is concerned, the representatives of M/o Labour at Block and District level may share the data with Block Education Officers.

4. The other child centric benefits such as text books, uniforms and mid day meal are already provided to the children in NCLP STC.

5. If both the schemes are converged comprehensively, the children under NCLP might get an opportunity to access greater benefits under Samagra Shiksha. Also access to Hostels can be provided which might increase retention rate of children in schools, as many children engaged in Child Labour belong to migrant families having no permanent home.

MoLE examined the comments of DoSEL in consultation with Department of Expenditure (Ministry of Finance) and conveyed the following decision to DoSEL *vide* OM dated 04.01.2022:

- i. National Child Labour Project (NCLP) Scheme may be subsumed with Samagra Shiksha Abhiyan (SSA) with immediate effect.
- ii. Henceforth, no new STC under NCLP will be opened and no survey under NCLP scheme will be conducted as it will be duplication with SSA and in contradiction with Department of Expenditure. Ministry of Finance's O.M. No. 42(02) PF-II/2014 dated 8.12.2020.
- iii. The Surveys being conducted under SSA to also capture data pertaining to "Child Labour" if any. For this, necessary field(s) may be added in the Survey format.
- iv. The Child Labour rescued or withdrawn from work to be mainstreamed directly to SSA either directly to the Schools or through Special Training Centres, being operated in the district under SSA Scheme for bridge education, as the case may be.

In response, DoSEL *vide* OM dated 21.02.2022 informed MoLE as under:

- i. The above OM states that the NCLP scheme will be subsumed into Samagra Shiksha. However, it is made clear that there will be no change in the norms of Samagra Shiksha and Samagra Shiksha will not be taking over or running the centres being run by the NCLP scheme. Further, the Ministry of Education will not be taking over the liabilities from MoL&E including legal cases/parliamentary matters etc. The past liabilities/legal matters pertaining to the NCLP/centers may be dealt by MoL&E only.

ii. MoL&E may continue to survey and rescue child labour from work as mandated by the extant Act, as under Samagra Shiksha, States/UTs conduct a basic door to door survey for identifying out of school children and these surveys are generally conducted by teachers and they don't have any expertise to identify child labour.

iii. However, the child labour surveyed and rescued by MoL&E may be directly enrolled to schools or may be got admitted to Special Training Centers (STCs) run by the States and UTs under Samagra Shiksha depending upon the age and requirement of the child. In case bridge courses are required, they are also provided in STCs under Samagra Shiksha. In that case NCLP need not run their separate STCs. Under PM POSHAN Scheme, noon meal is also served to children in STCs in various states.

In response, MoL&E vide O.M. Z-16025/04/2021-CL dated 30.03.2022 informed DoSEL that it has been decided to merge/subsume the NCLP scheme with SSA as per following details:

The children enrolled at the STCs of NCLP Scheme as on 31.03.2021 be mainstreamed in accordance with NCLP guidelines.

If any child has been enrolled after 31.03.2021 in any STC functional under NCLP, he/she be mainstreamed or shifted to STCs functional under Samagra Shiksha.

After mainstreaming of the children enrolled in the STCs under NCLP scheme as per NCLP guidelines, the NCLP STC will cease to be operational.

The State Government may continue to identify and rescue the child labour, as mandated in Child Labour & Adolescent (Prohibition & Regulation) Act, 1986. The children rescued/identified as child labour after completing the necessary formalities, be mainstreamed through Samagra Shiksha either directly to schools or through Special Training Centre, operated in the district under Samagra Shiksha.

MoL&E vide letter dated 14.03.2022 also communicated the above mentioned decisions to States/UTs as well District Magistrate/Collector, *inter alia*, stating that as per the scheme guidelines of NCLP Scheme, NCLP Special Training Centre were to be operational only in those districts where no Special Training Centre(s) under SSA are operational in that area. Further, the NCLP scheme guidelines also envisages the convergence with the annual survey of 'out of school' children under SSA as it would help to reduce duplication of efforts at the District and State level.

The following observations of Department of Expenditure were also conveyed to DoSEL by MoL&E vide the above mentioned OM:

i DoSEL and MoLE have come to an agreement for the merger of NCLP with SSA, therefore, Department of Expenditure has no objection to the proposal.

ii. MoL&E may release the amount of Rs. 20 crore from the budgetary outlay of NCLP scheme during FY 2021-22.

iii. MoL&E may also spend not more than Rs. 20 crores in 2022-23 and Rs. 10 crore in 2023-24 under NCLP to meet the committed liabilities.

iv. MoL&E may devise a plan in consultation with DoSEL for the following:

- a) To allow children enrolled in existing STC under NCLP to complete their bridge education before mainstreaming formal education system in STC under NCLP.
- b) Child labour identified through recent survey to be enrolled under STC of Samagra Shiksha.

With regard to the comments of DoSEL that there will be no change in the norms of Samagra Shiksha and Samagra Shiksha will not be taking over or running the centres being run by the NCLP scheme, MoLE clarified that it was not proposed to DoSEL to run the NCLP STCs.

The following suggestions/comments of DoSEL were agreed to by MoLE:

- (i) The Ministry of Education will not be taking over the liabilities from Ministry of Labour and Employment (MoL&E) including legal cases / parliamentary matters etc. The past liabilities/legal matter pertaining to the NCLP/centers may be dealt by MoL&E only.
- (ii) The child labour surveyed and rescued by MoL&E may be directly enrolled to school or may be got admitted to Special Training Centers (STCs) run by the States and UTs under Samagra Shiksha depending upon the age and requirement of the child. In case bridge courses are required, they are also provided in STCs under Samagra Shiksha. In that case NCLP need not run their separate STCs.

In response to the comments of DoSEL that MoL&E may continue to survey and rescue child labour from work as mandated by the extant Act, as under Samagra Shiksha, States/UTs conduct a basic door to door survey for identifying out of school children and these surveys are generally conducted by teachers and they don't have any expertise to identify child labour, MoLE clarified as under:

NCLP is a demand driven scheme. Proposals are received from District Project Societies (DPS), through State Govt. to conduct the survey. Under NCLP, survey is not conducted in entire country at a time, it is conducted as per the proposal approved by the Ministry.

DPS is funded through NCLP scheme. Once, NCLP is closed/merged, DPS will also be closed. Therefore, it may not be feasible to conduct survey by this Ministry under NCLP.

In view of this, it was decided while conducting the survey under SSA Scheme, an additional field may be added in survey format to indicate the work, if done by the child.

However, as far as rescue of Child Labour is concerned, it will continue as before by the District Administration as per the Act.

With regard to the clarification sought by DoSEL whether the decision conveyed vide O.M. dated 4th January, 2022 by Ministry of Labour and Employment had the approval of Department of Expenditure through SFC or separately, MoLE stated that a separate approval has been obtained from the Department of Expenditure vide their ID Note dated 25.11.2021.

(ii) Preparedness in carrying forward the NCLP Scheme following its merger with Samagra Shiksha Abhiyan

2.141 In response to a specific query of the Committee regarding the level of the Department's preparedness in carrying forward the NCLP Scheme following its merger with Samagra Shiksha Abhiyan and mechanism put in place for effective coordination with the Ministry of Labour & Employment and with the State Governments which are also involved in elimination and rehabilitation of child labour, the DOSEL stated as under: (PER 1)

“This Department *vide* ID note dated 18th May, 2022 has shared the concerns being faced and likely to be faced by different stakeholders/implementing agencies with MoLE suggesting therein that a Committee of the two Departments be formed for framing a set guidelines/modalities/procedures for smooth convergence of the two Schemes as under:

There are certain practical issues which are being faced by the stakeholders and at this stage it is our mutual responsibility to work towards an amicable solution to resolve the issues being faced by the implementing agencies/stakeholders as also the issues that are likely to be faced by the different implementing agencies and stakeholders:

- i. This Department had agreed only for the convergence of the Schemes. In other words, both the schemes will continue, with NCLP reaping the benefits of Samagra Shiksha.
- ii. However, Ministry of Labour & Employment has informed all the implementing agencies that the Schemes have been merged/subsumed. However, in absence of detailed instructions/procedure, it has created ambiguity at ground level.
- iii. State Education departments are writing to this Department seeking directions with reference to their fund requirement as also utilization of human resource. Likewise, representations are being received in this Department from different stakeholders about their salary dues and further continuance.
- iv. NCLP is a Central Sector Scheme- 100% sponsored by GoI whereas Samagra Shiksha is a Centrally Sponsored Scheme with funding pattern of 60:40/90:10/100% as per fund sharing pattern decided by M/o Finance. In other words, financial burden on the part of the States is likely to increase, and they should have been consulted before taking this decision.
- v. As MoLE has informed that all the District Project Societies (DPSs) will cease to exist with merger/subsuming of both of the Schemes, there is likely to be litigation and increased inflow of parliamentary issues, RTI, Public Grievances and miscellaneous matters. It is requested that as informed earlier, these matters may continue to be dealt by the MoLE, which are now being sent to this department.
- vi. Integration of NCLP online portal named PENCiL (Platform for Effective Enforcement for No Child Labour) with Samagra Shiksha PRABANDH Portal, needs to be worked out.

vii. Under Samagra Shiksha, a door-to-door survey to identify the Out of School Children (OOSC) is done by the respective State and UT Government through the teachers. Now, the Survey format needs to be improvised with the addition of new entries for identification of child labour as also to identify if the child is a working child only or is the Main Working Child, i.e. the sole earner.

As a step towards resolution to the issues being faced or are likely to be faced, it is suggested that:

i. MoLE has agreed to take care of all the past liabilities, court cases, parliamentary matters and other issues. However, all the court matters, audit issues and miscellaneous matters resulting due to merger/subsuming of the Scheme shall also be handled by MoLE till their conclusion.

ii. A joint committee of the two Departments be constituted for preparing guidelines/procedure/modalities for smooth merger of NCLP with Samagra Shiksha.

This Department has also vide D.O. letter dated 17th May, 2022 informed all the States and UTs about the action to be taken by stakeholders/ implementing agencies during the transition phase as under:

The detailed Guidelines/Modalities/Procedures for merger of the two Schemes are being worked out in consultation with MoLE and till such time it may be noted that:

i. There will be no change in the norms of Samagra Shiksha.

ii. DoSEL/Samagra Shiksha will not be taking over or running the centres being run under the NCLP Scheme.

iii. The manpower of the NCLP STCs/District Project Societies will not get subsumed under Samagra Shiksha. All the issues relating to closure of NCLP STCs/DPS including utilization of human resource of these NCLP STCs/DPS and the issues prior to the stage of NCLP STC Child being admitted to Samagra Shiksha STC shall be exclusively dealt with by the Ministry of Labour and Employment.

iv. The child/children admitted/shifted to Samagra Shiksha STC shall be entitled to all the benefits under Samagra Shiksha and PM POSHAN schemes.

v. All the Court matters and other miscellaneous matters arising due to the merger/subsuming of the Scheme shall be dealt with by the Ministry of Labour and Employment.

vi. The State Government may continue to identify and rescue the child labour, as mandated in Child Labour & Adolescent (Prohibition & Regulation) Act, 1986. The children rescued/identified as child labour after completing the necessary formalities, be mainstreamed through Samagra Shiksha either directly to schools or through Special Training Centre, operated in the district under Samagra Shiksha.

vii. While conducting the survey of out of school children, the states/UTs may also include a category for child labour and the children from the fresh survey may be mainstreamed into schools or through special training centres as per the procedure adopted under Samagra Shiksha scheme. Funds for the same may accordingly be budgeted into the AWP&B of Samagra Shiksha.

(iii) Changes envisaged in the NCLP Scheme after merger with the Samagra Shiksha Abhiyan

2.142 On a pointed query as to what positive changes are envisaged in the NCLP Scheme after being merged with the Samagra Shiksha Abhiyan, the DoSEL submitted as under:

There will be no change in the norms of Samagra Shiksha Scheme.... After convergence of the two Schemes, the children will be admitted/shifted to Samagra Shiksha Special Training Centres or mainstreamed for formal education in a school....

Also, the children will have all the benefits of Samagra Shiksha Scheme which, inter-alia, includes free textbooks and free uniform at elementary level, vocational education, identification and assessment of children with special needs, aids and appliances, braille kits and books, appropriate teaching learning material and stipend to girl students with disability etc. Access to Hostels will also be available as many children engaged in Child Labour belong to migrant families having no permanent home. Further, one hot cooked meal is also provided at elementary level under PM-POSHAN Scheme.

2.143 On the same issue, MoLE replied as under:

The following changes are envisaged after merger of NCLP with SSA:

1. Samagra Shiksha Abhiyaan (SSA) aims to improve the access, infrastructure and quality of education to children throughout the country.
2. In the SSA trained teachers provide quality education to the enrolled children.
3. There is provision of Hostel facility under SSA, due to which the retention/attendance rate of child labourers from migrant families may increase in schools.
4. Duplicity of schemes at Centre and the State level is minimised.
5. Under SSA, the survey is conducted every year to identify all "out of school" children, whereas under NCLP the survey is conducted within three years only on the request of the District.

2.144 On being asked about the specific inputs/feedbacks provided by the DoSEL to the MoLE at the meeting held in January, 2022 with the Ministries concerned on NCLP and whether the suggestions were accepted by the MoLE, the DoSEL replied as under:

The following inputs were provided in respect of Minutes of the meeting held on 7th January, 2022:

.....Section 4 of the RTE Act provides for special training for age appropriate admission of out of school children. Those children who have missed out certain academic years either for being never enrolled to school or having dropped out of school, have a right to Special Training in residential and non-residential mode, subsequently to be mainstreamed in formal schools in age appropriate class. These out of school children include those who are never enrolled, those who drop out, children of migrants, street and working children, children without adult protection etc.

Under 'Pradhan Mantri Poshan Shakti Nirman'(PM POSHAN) one hot cooked meal in Govt and Govt aided schools is provided to students at the elementary level of education.

Under Samagra Shiksha, for the first time in 2021-22, financial assistance upto Rs. 2000 per annum has been provided for supporting Out of School Children of age group of 16-19 years, belonging to socio economically disadvantaged groups, for completing their education through NIOS/SIOS, for accessing course materials and certification. Also, under National Means-cum-Merit Scholarship Scheme, scholarship is awarded to meritorious students of economically weaker sections to arrest their drop out at class VIII and encourage them to continue the study at secondary stage.

This Department has also developed an online module for compiling the data of Out of School Children (OoSC) identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal (<http://samagrashiksha.in>). The concerned State/UT validates the child wise information of the identified OoSC and STC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OoSC.

For providing skill training to the rescued Adolescents under Samagra Shiksha, it may be stated that the component of Vocational education of School Education under Samagra Shiksha caters to the in-school students of Classes 9-12. There is provision for providing exposure of vocational education to the students of Classes 6-8. Such rescued adolescents who are mainstreamed in school education can be considered for vocational education. However, the Skill Hubs Initiative is being implemented by the Ministry of Skill Development and Entrepreneurship under PMKVY 3.0 in which schools have also been identified as hubs for providing skill training to the Out of School/Education youth of the age group 15-29. The rescued adolescents may be considered for skill training under this initiative.

Further, the Ministry of Labour has been requested to instruct their agencies in the States to coordinate with the School Education Department and Skill Department in States and UTs for providing skill training to the rescued adolescents.

2.145 When asked as to how do the Right to Education Act, 2009 & the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 work in tandem and whether there is any need for amendment to any of the provisions of these Acts so as to empower the Department to make implementation of RTE better, the DoSEL responded as under:

“The Right of Children to Free and Compulsory Education (RTE) Act, 2009, provides for rights of every child of the age of 6 to 14 years to obtain free and compulsory elementary education. The Act further provides the pathways for education of the child, including Out of School Children.

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 provides that no child shall be employed or permitted to work in any occupation or process that has an effect on the school education of the child. The Act further provides the pathways for education and rehabilitation of the child so engaged as child labour. Thus, both the Acts strive to provide universal access of education to every child....”

2.146 On the same issue, MoLE replied as under:

“In order to ensure compulsory education of children as per Right of Children to Free and Compulsory Education Act, 2009, the age of child in the Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 has been linked with the age of child in the Right of Children to Free and Compulsory Education Act, 2009. As per Section 2(ii) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, a "child" means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more.”

(iii) Framing of Standard Operating Procedures

2.147 There are some penal provisions under Child & Adolescent Labour (Prohibition & Regulation) Act, 1986. The Rules providing for prevention, rescue and rehabilitation of child and adolescent labour have also been framed. The Ministry of Labour & Employment has also devised SOPs providing for reporting mechanism, pre & post rescue action, repatriation and rehabilitation of children, role & responsibilities of enforcing agencies etc. On being asked whether the Rules need to be made more stringent and whether the SOPs need further improvement, the DoSEL stated as under:

“Child labour is the mandate of MoLE. The mandate further extends to the identification, rescue/ withdrawal of the child, special training/ mainstreaming and rehabilitation. This mandate is governed/regulated by the extant Acts and Rules of MoLE.

The Rules for prevention, rescue and rehabilitation of child and adolescent labour provide for specific provisions incorporating duties and responsibilities of enforcement agencies in order to ensure effective implementation and compliance of the provisions of the Act. However, with the convergence of the two schemes, detailed Standard Operating Procedure with regard to mainstreaming of children to schools is required to be prepared in consultation with all the Stakeholders and implementing agencies including all States & UTs and all concerned departments. However, rules regarding rescue and prevention of child labour may be dealt by MoLE....”

(iv) Monitoring Mechanism

2.148 The Ministry of Labour & Employment has at present three level monitoring mechanism i.e Central Level Monitoring Committee, State Level

Monitoring Committee and District Level Monitoring Committee. There is direct responsibility of District Magistrate in appointing District Nodal Officers and district task force. On being asked whether the DoSEL have any suggestions to further strengthen the monitoring mechanism, the DoSEL replied as under:

“The Samagra Shiksha Scheme is implemented as a Centrally Sponsored Scheme through a single State Implementation Society (SIS) at the State level. At the National level, there is a Governing Council/Body headed by the Minister of Education and a Project Approval Board (PAB) headed by Secretary, Department of School Education and Literacy. The Governing Council/body will be empowered to modify financial and programmatic norms and approve the detailed guidelines for implementation within the overall Framework of the scheme. Such modifications will include innovations and interventions to improve the quality of school education.

At the State Level, there is a single Implementation Society for the Integrated Scheme to facilitate better decision making at the state level by resolving issues of coordination and convergence. It also provides a focused and time bound arrangement for decision-making and the presence of representatives of Planning and Finance Departments on these bodies at the state level to facilitate this process.

At district level, there is a District Project Office(DPO). The main role of DPO is to implement and review the progress of the programme and widen networking with the participating agencies. Depending on the State, it would be headed by District Collector/ Magistrate/ Chief Executive officer of the Zilla Parishad.”

2.149 The DoSEL further supplemented as under:

“This Department has also developed an online module for compiling the data of Out of School Children (OoSC) identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal (<http://samagrashiksha.in>). The concerned State/UT validates the child wise information of the identified OoSC and STC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OoSC...

The scheme also has an inbuilt comprehensive monitoring and evaluation mechanism to ensure optimum implementation of interventions, which, inter-alia, includes, Performance Grading Index (PGI), Unified District Information System for Education (UDISE+), Project Appraisal, Budgeting Achievements and Data Handling System (PRABANDH), National Achievement Surveys (NAS), Audit Mechanism, Comprehensive Review Mission (CRM), Social Audit, Third Party Monitoring through Monitoring Institutes and Key Performance Indicators (KPIs). The Samagra Shiksha Manual on Financial Management and Procurement contains detailed procedures on fund flow arrangements, accounting, financial reporting, internal control and audit, external audit, procurement procedures, etc Annual Reports of the State Implementing Societies for implementation of the scheme at State / UT level are also laid on the Table of the Parliament every year.”

2.150 On the same issue, MoLE responded as under:

“Labour being in the Concurrent List, enforcement of the provisions of the Act is the responsibility of both Central and State governments in their respective sphere. Section 17A of the Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 provides for conferring the power and imposing duties on District Magistrate for effective implementation of the provision of the Act. The District Magistrate may specify the officer, subordinate to him who shall exercise all or any of the powers and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed. Further, Section 17B provides for periodic inspection and monitoring of the implementation of the Act.

Further, PENCiL portal (Platform for Effective Enforcement of No Child Labour) was developed by the Ministry in September 2017, which connects Central Government, State Governments, and the Districts. The objective of PENCiL portal is to strengthen the NCLP as well as provide a platform for implementation of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. One of the main components of PENCiL portal is complaint corner wherein anybody can lodge a complaint regarding child labour. At district level District Nodal Officers (DNOs) are nominated to take action on the complaints of their respective districts. The portal can be updated to improve monitoring of disposal of complaints.”

(v) ILO Convention

2.151 The Government of India has ratified ILO Convention (Convention 138 and 182) which underlines the commitment of India towards eradication of child labour. The minimum age for admission to employment as per RTE Act is 14 years. Convention 182 concerns worst forms of child labour like slavery, trafficking, bonded labour, prostitution etc. On being asked about the role and responsibility of the DoSEL to meet the international commitment of the Government, the DoSEL replied as under:

“It is pertinent to mention here that only NCLP scheme is being converged with Samagra Shiksha that too to the extent of providing Special training and mainstreaming of students. The mandate of rescuing Child Labourers and following the convention 182 of ILO is in the domain of the M/o L&E. As far as M/o Education is concerned, its mandate is to provide free and compulsory education to all children of age group of 6-14 years as per the RTE Act.

Further, the Samagra Shiksha scheme is an integrated centrally sponsored scheme for school education and aims to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse background, multilingual needs and different academic abilities, thereby making them active participants in the learning process.”

(vi) Special Training Centers (STCs)

2.152 While NCLP run Special Training Centers (STCs) do not have hostel facility, the STCs under SSA have hostel facility. In the opinion of Ministry of

Labour& Employment, the retention rate of children could be higher for children of migrant workers, if there is hostel facility. When asked about the opinion of DoSEL and how many STCs are functional under SSA and, out of them, how many have hostel facilities, the DoSEL replied as under:

“As per the information provided/uploaded by the States and UTs on the PRABANDH portal(2023-24), there are 83979 Functional Special Training Centres. ”

2.153 The Ministry further submitted that as per the information provided/uploaded by the States and UTs on the PRABANDH portal (2023-24), the number of Functional STCs having hostel facilities is 228.

2.154 On the same issue, MoLE submitted as under:

The State-wise information regarding the functional STCs is as under:

Sl. No.	State Name	Mode of special Training being provided in the STC			Total Number of Functional Centres
		Non-Residential	Residential	Both	
1	ANDAMAN AND NICOBAR ISLANDS	0	0	0	0
2	ANDHRA PRADESH	288	3	2	293
3	ARUNACHAL PRADESH	0	0	0	0
4	ASSAM	2534	76	2	2612
5	BIHAR	4445	0	2	4447
6	CHANDIGARH	57	0	3	60
7	CHHATTISGARH	93	0	0	93
8	DELHI	740	0	0	740
9	DND - DNH	0	0	0	0
10	GOA	8	0	0	8
11	GUJARAT	1111	4	0	1115
12	HARYANA	694	0	0	694
13	HIMACHAL PRADESH	63	0	0	63
14	JAMMU AND KASHMIR	1594	1	5	1600
15	JHARKHAND	1214	0	1	1215
16	KARNATAKA	0	2	0	2
17	KERALA	63	0	0	63
18	LADAKH	0	0	0	0
19	LAKSHADWEEP	0	0	0	0
20	MADHYA PRADESH	0	4	0	4
21	MAHARASHTRA	1157	0	0	1157
22	MANIPUR	118	61	14	193
23	MEGHALAYA	358	0	0	358
24	MIZORAM	25	21	0	46
25	NAGALAND	46	1	5	52
26	ODISHA	18	0	0	18

27	PUDUCHERRY	2	0	0	2
28	PUNJAB	209	0	0	209
29	RAJASTHAN	587	13	3	603
30	SIKKIM	0	0	0	0
31	TAMIL NADU	529	35	0	564
32	TELANGANA	149	0	0	149
33	TRIPURA	2	7	3	12
34	UTTAR PRADESH	65956	0	26	65982
35	UTTARAKHAND	23	0	0	23
36	WEST BENGAL	1475	0	0	1475
	TOTAL	83558	228	66	83852

Source: PRABANDH

(vii) Integration of PRABANDH and PENCIL Portal:

2.155 The Ministry of Labour and Employment have State Resource Centres to monitor the inspection of the rehabilitation fund. The Ministry also have Platform for Effective Enforcement for No Child Labour (PENCIL) Portal having complaints corner. The Committee desired to know whether the Department of School Education and Literacy has tied up with the Ministry of Labour& Employment to have access to the Portal so as to take requisite and corrective measures as and when warranted and whether there is any proposal to integrate PRABANDH Portal of the DoSEL with the PENCIL portal of Ministry of Labour& Employment. In response, the MoLE stated as under:

“Currently, no such proposal is under active consideration of the Ministry of Labour and Employment. However, the Ministry is considering the integration of PENCiL Portal with women/ child help line no. 1098, being administered by Ministry of Women and Child Development.”

2.156 On being asked whether the DoSEL have tied up with the Ministry of Labour& Employment to have access to the Platform for Effective Enforcement for No Child Labour (PENCIL) Portal so as to take requisite and corrective measures as and when warranted and whether there is any proposal to integrate PRABANDH Portal of the DoSEL with the PENCIL portal of Ministry of Labour& Employment, the DoSEL responded as under:

“DoSEL has flagged this issue with MoLE and has suggested that a Committee of the two Departments be formed for framing a set guidelines/modalities/procedures for smooth convergence or the two Schemes....”

2.157 In this context, the representative during evidence stated as under:

“Yes, it can be done. Now the academic session take over is going on. Frankly speaking the SOP has not been made robust yet. We are in the process of doing it.”

(viii) Stipend under NCLP

2.158 Rescued children enrolled at NCLP run STCs are provided stipend @Rs. 400/- per month, which is not admissible to those enrolled under STCs run under SSA. On a specific query as to how will this impact the enrolment and retention of rescued children, the DoSEL replied as under:

“...Under the Samagra Shiksha scheme, financial assistance is provided to States and UTs for undertaking various activities to reduce number of Out of School Children (OoSC) including opening/strengthening of new schools upto senior secondary level, construction of school buildings & additional classrooms, setting up, up-gradation and running of Kasturba Gandhi Balika Vidyalayas, setting up of Netaji Subhash Chandra Bose AvasiyaVidyalayas, transport allowance and undertaking enrolment & retention drives. Under the student oriented component for the children with special needs, financial assistance is provided for identification and assessment of children with special needs, aids and appliances, braille kits and books, appropriate teaching learning material and stipend to girl students with disability etc.”

2.159 On the same issue, MoLE replied as under:

“Under NCLP survey is conducted within three years on request of the District, whereas under SSA survey is conducted every year to identify all “out of school” children. These out of School children are enrolled at SSA-STCs to provide them bridge education, vocational training, PM-Poshan (mid-day meal), health care facilities, etc. preparing them for formal system of education. Also there is hostel facility under SSA, due to which the retention rate of child labourers from migrant families may increase in schools.

It is further stated that under Section 14B of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 there is a provision for constitution of a Child and Adolescent Labour Rehabilitation Fund in every district by the appropriate government, to which the amount of the fine realized from the employer (of the child or adolescent labourer identified) shall be credited. The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited. The amount deposited and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.”

(ix) Fate of District Project Societies

2.160 As per NCLP guidelines, District Project Societies will continue to be functional for a period of 6 months after closure of STCs. When asked about the fate of District Project Societies after merger of NCLP with SSA, the DoSEL replied as under:

“This will have to be decided by the MoLE. DoSEL/Samagra Shiksha will not be absorbing/taking over the District Project Societies or any liabilities of NCLP scheme.”

2.161 On the same issue, MoLE replied as under:

“The Child Labour Project at a particular location under NCLP Scheme has limited time frame. The various volunteers for teaching and other activities including running the Special Training centers are selected among those committed to the cause of the community service and therefore engaged with the clear understanding that they will be paid only a consolidated honorarium for their services which are voluntary in nature and can in no way be considered permanent. As per NCLP guidelines, after the closure of STCs in the district, the Project Society would cease to exist after a period of maximum of 6 months thereafter.”

2.162 The Committee were apprised that as per NCLP guidelines, the District Project Societies will continue to be functional for a period of six months after closure of STCs. On being asked about the mechanism put in place to look after the work being undertaken by the District Project Societies after merger of NCLP with SSA, the MoLE replied as under:

“Since the NCLP Scheme has been merged with SSA under Ministry of Education, Department of School Education and Literacy, new STCs under NCLP will not start and as such the functions of the District Project Society will no longer be required. Further, it is informed that after closure of all Special Training Centre (s) in the district, the Project Society may run at its full strength for the next six months and subsequent continuation of the Project Society even at reduced strength will require justification for the same and approval of the Ministry of Labour and Employment.”

2.163 On being asked about the mechanism put in place to ensure that the rescued children are properly rehabilitated and also the tracking mechanism in the case of school drop outs, the MoLE replied as under:

“It has been decided to merge the National Child Labour Project (NCLP) Scheme with Samagra Shiksha Abhiyaan (SSA) under Ministry of Education, Department of School Education and Literacy (DoSEL) in a phased manner. Accordingly, the authorities under SSA will take the action on the school dropouts.”

(x) Vision to completely eliminate child labour from the country

2.164 In response to a specific query on the vision to completely eliminate child labour from the country, the representative of the Ministry of Labour & Employment during evidence elaborated as under:

“...We have taken note of the best practises shared by the States during the hon. committee's deliberations. We will also work to establish a national-level, child-level tracking system to facilitate coordination among States. Umbrella MoUs for States on the issue of release, rehabilitation, and repatriation of the rescued children by the Central and States, we will work on that also, as was suggested in the previous deliberations of the Committee.

We are also planning to hold a Conference with the States and stakeholders to obtain input on strengthening the implementation of the Child Labour Act. ...through this Conferences, we will once again reinforce our efforts in

coordination with the State Governments for a more effective system for implementation of the Child Labour Abolition Act to take up rescue and rehabilitation activities more effectively”.

OBSERVATIONS/RECOMMENDATIONS

2.165 In the light of provisions contained in the Fundamental Rights pertaining to right against exploitation prohibiting employment of children below fourteen years of age and the Directive Principles of State Policy, the Government in the year 1986 enacted the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. The National Policy on Child Labour framed in 1987 is the outcome of the Act made in the year 1986. A major amendment to the Act was made in the year 2016, when for the first time, ‘adolescent’ was defined as a person who has completed fourteenth year of age but has not completed eighteenth year. With a view to implementing the amendments made in the year 2016, the Child and Adolescent Labour (Prohibition & Regulation) Rules, 2017 were formulated and simultaneously, the Standard Operating Procedure (SOP) for enforcement of the Act were also issued by the Ministry of Labour and Employment in September, 2017 for enforcing agencies and other stakeholders, which provides step by step SOP for effective enforcement and implementation. The Committee took up examination of the Subject in November, 2021. Thereafter, the Ministry of Labour & Employment started consultation with the line Ministries and formed an Inter-Ministerial Committee under the Chairmanship of Secretary (L&E) comprising representatives of fourteen Ministries/Departments to discuss the effective implementation of the Act and also to formulate strategy for sector-wise eradication of child labour. After comprehensive examination of the Subject in all its ramifications and taking into consideration that Labour is under concurrent list and State Governments are the important stakeholders for implementation of the Act, the Committee find that the implementation of the Policy has to go a long way for achieving the objective of elimination of child labour as per commitments made by the county after ratification of ILO conventions

and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025. The Ministry/State-wise recommendations of the Committee are contained in different Chapters and are brought out in the succeeding paragraphs.

i) Ambiguity in definition of child under various Acts

2.166 The Committee note that under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, ‘child’ means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more. The amendment made to the Act in 2016 defines the child falling in the age group of (14-18) years. Under the Right of Children to Free and Compulsory Education Act, 2009, ‘child’ means a male or female child of the age of six to fourteen years. Under the Minimum Wages Act, 1948 vide its amendment in 1986 defined “child” as a person who has not completed his fourteenth year of age. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, ‘child’ means a person who has not completed eighteen years of age. The term ‘adolescent’ is not defined in JJ Act, 2015. The Committee have also been given to understand that the Rashtriya Kishore Swasthya Karyakaram under the Ministry of Health & Family Welfare defines an adolescent as a person between 10-19 years. The Committee further note that the employment of children in contravention of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is a cognizable offence, whereas under the Juvenile Justice (Care and Protection of Children) Act, 2015, it is a non-cognizable offence. **The Committee desire that the discrepancies in the criteria for determination of age of child in the aforesaid Acts and other related Acts as well as the provisions of offence being cognizable/non-cognizable under CALPRA Act/JJ Act be examined with a view to ensuring that these do not lead to any ambiguity as well as delay in justice to the aggrieved children.**

(ii) Schedule of Hazardous Occupations and Processes

2.167 The Committee note that the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits employment of children below 14 years of age in all occupations and processes and the employment of adolescents in hazardous occupations and processes. The Schedule of hazardous occupations and processes of the Act is divided in two parts namely 'Part A' covering a list of 38 hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help in family or family enterprises and 'Part B' covering an additional list of 15 occupations and 54 processes where children are prohibited to help in family or family enterprises (in addition to 'Part A'). However, the child is permitted to help his family or in family enterprises, which is other than any processes or hazardous occupations/ processes set forth in the Schedule of the Act, and only after school hours or during vacations. This “help” does not include “engagement in employment” or the situation where a relationship of “employer-employee” exists. In the Act, “family enterprises” means any work, profession, manufacture or business which is performed by the members of the family. In this context, the Committee in their 4th Report (2019-20), 16th Lok Sabha on the Occupational Safety, Health and Working Conditions Code, 2019 had inter alia recommended that steps be taken to revise the list of hazardous industries in line with developed countries.

2.168 The Committee note that as per the provisions of the Act, the Government have constituted a Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act. In this context, the representatives of the Ministry during oral evidence informed that based on the deliberations of the Committee, the Ministry were in the process of revising the list of occupations and processes under the Act through Technical Advisory Committee. Subsequently, the Ministry also stated that if required, the Government

may also specify the nature of non-hazardous work where an adolescent may be permitted to work. The Committee note that 'processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting' has been included in Part B of the Schedule. The Committee have been apprised that the agriculture sector has been transforming rapidly into extensive use of chemical fertilizers and use of heavy machineries which makes some component of agriculture sector hazardous. While appreciating the efforts being made by the Ministry to have a positive list of occupations and processes where adolescent can work, the Committee desire that while undertaking the exercise of revising the list, it may also be ensured that such occupations and processes as included in Part B of the Schedule, which may be hazardous in nature, in the present context be excluded. The Committee further desire that depending upon their expertise, the representatives of NGOs/voluntary organizations be invited to Technical Advisory Committee so as to have feedback from all possible sources engaged in the work relating to elimination of child labour in the country.

(iii) Penalty/Economic Rehabilitation of the rescued child/adolescent

2.169 The Committee note that amendment to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which came into force w.e.f. 01.09.2016 *inter alia* provided for stricter punishment for employers through enhancement of penalty for contravention of the provisions of the Act. As per the amended Act, the amount of penalty for first offence for employment of children below 14 years and adolescents ranges from Rs. 20,000 to Rs. 50,000 with imprisonment for a period of 06 months to 2 years and for second or subsequent offence it is for a period of one year to three years. In the case of parents/ guardians, there is no punishment for the first offence and in case of second and subsequent offence, the penalty is in the form of a fine upto Rs. 10,000. The offence under the Act is a cognizable offence for the employers but for parents/ guardians, it is non-cognizable. For

violations of any other section of the Act, penalty is in the form of imprisonment for a month or fine of Rs. 10000 or both. A provision was also made in the Act for constitution of “Child and Adolescent Labour Rehabilitation Fund” for one or more districts to which the amount of the fine realized from the employer of the child and adolescent is credited. In addition, an amount of Rs. fifteen thousand is credited by the appropriate Government for each of the child and adolescents rescued from the work. The amount credited to the Fund is deposited in banks or invested and the interest accrued on is paid to the child or adolescent in whose favour such amount is credited.

2.170 As per SOPs issued by the Ministry of Labour and Employment, all rescued child labourer and adolescent labourers in hazardous employment are to be paid back wages at a rate not less than minimum wages for their period of employment. Further, immediate financial assistance of Rs 30,000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2017 is required to be provided if the child/ adolescent is a bonded labour. In addition, as per the judgment of Hon’ble Supreme Court in the case of MC Mehta vs. State of Tamil Nadu and Ors. [AIR 1997 SC 699], a sum of Rs 20,000 per child is to be paid by the employer to “Child Labour Rehabilitation-cum-Welfare Fund”, which is to be used only for the benefit of that child. In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund. The Committee, thus, find that two types of funds are in existence for economic rehabilitation of the rescued child/adolescent *viz.* “Child and Adolescent Labour Rehabilitation Fund”, as per amended Act and “Child Labour Rehabilitation-cum-Welfare Fund”, as per judgment of Hon’ble Supreme Court. The Committee have been apprised that, at present, specific guidelines for the utilization of the Fund do not exist. The Committee also note that the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2017 has a provision of creating a district corpus fund of Rs. 10 lakhs for meeting immediate

relief of rehabilitation of legally released bonded labourers. The Committee have also received suggestion to increase the amount of fine of Rs. 20,000 fixed by Hon'ble Supreme Court in 1996 under "Child Labour Rehabilitation-cum-Welfare Fund" as well as contribution of Rs. 5000 by the Government under "Child and Adolescent Labour Rehabilitation Fund", as per the amended Act.

2.171 The Committee, therefore, urge the Ministry of Labour and Employment to formulate suitable guidelines for the utilization of the fund and also take immediate steps to increase the amount of fine of Rs. 20,000/contribution of Rs.5000 keeping in view the inflation and ensure timely deposit of the amount in the account of the rescued child/adolescent so as to have their secure future. The Committee also urge the Ministry to take steps for creating a district corpus fund of appropriate amount for child labourers on the lines of the provisions contained in the Central Sector Plan for rehabilitation of bonded labourer for meeting the immediate relief and rehabilitation of child labourers. The Committee feel that the corpus fund so created may also be used for the rehabilitation of trafficked and migrant child labourers repatriated from other States.

2.172 The Committee further note that employment of children as domestic workers/servants, in dhabas (roadside eateries), restaurants, hotels, motels, automobile workshops, garages, etc. is prohibited under the Act. However, children are deployed in these places. The Committee find that despite revision of penalties there is no deterrence on the employer and as informed by NGOs, the children after being rescued are again employed in the same occupation. The Committee, therefore, feel that there is a desperate need to make the laws more stringent for the employers/violators in particular. The Committee, therefore, recommend that in addition to the three/four times increase in the amount of fine, some stricter punishment in the form of cancellation of license, attachment of property, etc. also need to be incorporated so as to protect and safeguard the interest of the

children. This may require amendment in the Act, which the Ministry of Labour & Employment should pursue in order to have zero tolerance on child labour.

2.173 The Committee note that a large number of establishments outsource their work to contractors, who hire the contract workers through manpower suppliers. The Committee further note that while the Act has provision for punishment for employer, there are no provisions for penalty on principal employer and traffickers. The Committee, therefore, desire that in the case of deployment of child labour, in addition to the employer, the accountability of principal employer and traffickers be also fixed.

(iv) District Project Societies

2.174 The Committee were apprised that under the NCLP, grants in aid are released to District Project Societies (DPSs) to operate the Special Training Centres (STCs). Further, stipend @ Rs. 400 per month is also released to the eligible child enrolled at STC through Direct Benefit Transfer (DBT) mode. The Committee were also apprised that after the closure of STCs in the District, the DPS would cease to exist after a period of 6 months. With regard to the fate of District Project Societies after merger of NCLP with SSA, while DOSEL have stated that DOSEL/Samagra Shiksha will not absorb/take over DPS or any liabilities of NCLP Scheme, the Ministry of Labour & Employment have stated that new STCs under NCLP will not start and as such the functions of DPS will no longer be required. The Committee, however, find that the activities undertaken by DPS on PENCIL Portal, *inter-alia*, include creating the Index Cards, validating the daily attendance, uploading bank account details of the rescued child etc. The Committee also note that awareness generation at the district level about the menace of child labour is done by the DPS, which is responsible for operationalising the social mobilization component of NCLP. The Committee further note that the District Project Societies

act as a linking agency for facilitating vocational training through existing Schemes of the Ministry of Skill Development & Entrepreneurship of the Government of India & Skill Development Departments of respective State Governments. In addition, DPSs are also required to conduct the baseline surveys to identify child labour. The Committee are deeply concerned to note that the functions of DPS with regard to uploading information of the rescued child on PENCIL Portal, awareness generation, facilitating vocational training, conducting baseline survey, etc. have not been assigned to anyone. The Committee, therefore, recommend that an appropriate mechanism in this regard be put in place in a time bound manner so that there is no discontinuity with regard to mandate assigned to DPS through Standard Operating Procedure.

(v) Children Rescued, Rehabilitated and Mainstreamed

2.175 The Committee note that 14.3 lakh children were rescued/withdrawn from work, rehabilitated and mainstreamed under NCLP Scheme since its inception *viz.* since 1988 up to 31.03.2023. The Scheme, which was sanctioned in 324 Districts in 21 States, was operational in 59 Districts of 11 States, as on 31.03.2021. The Committee further note that during the last five years, 1,95,365 children were rescued and mainstreamed and majority of them were from the six States *viz.* West Bengal (46164), Madhya Pradesh (39539), Maharashtra (22364), Uttar Pradesh (29946), Assam (14828) and Tamil Nadu (12729), which is indicative of existence of large number of child labour in these States in particular. The Committee are deeply concerned to note that despite existence of stringent measures in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Rules made thereunder, the scourge of child labour still exists in a big way. It has also been brought to the notice of the Committees that FIRs in child labour cases are not being lodged as it should be. During calendar year 2019, 2020 and 2021, the number of cases registered under the Act were 772, 476 and 613 respectively implying

that the implementation of the existing laws are not strictly enforced. The Committee are of the considered view that strict action needs to be taken against the violators. The Committee also note that there are inherent provisions in Protection of Children from Sexual Offences Act, 2012 for action against police for not registering FIRs. The Committee desire that similar provisions need to be made in CALPRA Act, 1986. The Committee also desire that the responsibility of reporting children selling goods or begging at traffic lights be assigned to the Traffic Police and they may also be held accountable for not reporting such instances. In addition, there needs to be a better coordination between various law enforcing agencies. Training needs to be provided to the officials of NGOs, Child Welfare Committee (CWC), Anti-Human Trafficking Unit (AHTU), District Child Protection Unit (DCPU), District Legal Service Authority (DLSA), Railway Protection Force (RPF)/ Ground Railway Police, Labour Inspector, Factories inspector, RDO/ deputy collector, Child Welfare Police Officer and central armed forces and they need to be sensitized about the gravity of the crime and also about the international commitment made to eliminate child labour by 2025 and its relevance for economic development of the country. The Committee also desire that at the local level, various Market Associations/Resident Welfare Associations be sensitized about consequences of deployment of child labours at commercial/residential places through launch of massive awareness campaigns through all possible means viz. Print, Electronic and social media platforms and be encouraged to report such cases. Further, the Government/PSU employees be asked to mandatorily furnish an undertaking annually regarding non-deployment of children below 14 years of age as domestic workers/ servants at their residence(s). The Committee would like to be apprised of the measures taken in this regard.

(vi) Sector-Wise eradication of Child Labour

2.176 The Committee note that as per 2001 census, the number of main workers in the age group of 5 to 14 years in various industries

was 57.54 lakh. Out of them, 39.73 lakh were in Agriculture, Hunting & Forestry & Fishing; 7.90 lakh in Manufacturing & 2.99 lakh in Wholesale and Retail Trade. The Committee note that in the year 2021, after the Committee started examination of the Subject, the Ministry of Labour & Employment constituted an Inter-Ministerial Committee under the Chairmanship of Secretary (L&E) to discuss the effective implementation of the Child and Adolescent Labour (Prohibition and Regulation), Act 1986 and strategy of sector-wise eradication of child labour comprising representatives of various Ministries/Departments *viz.* Department of School Education and Literacy, Ministry of Home Affairs, Ministry of Women and Child Development, Ministry of Agriculture and Farmers' Welfare, Ministry of Rural Development, Department of Commerce, Ministry of Skill Development & Entrepreneurship, Ministry of Textiles, etc. While appreciating the step taken by the Ministry in the right direction, the Committee desire that it is imperative on the part of the Ministries/Departments/State Governments to chalk out a Sector-wise focused strategy for effective enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 so as to ensure elimination of child labour. Further, as assured by the representative of the Ministry during evidence, the Committee desire that these inter-Ministerial meetings with the line Ministries be conducted at least once in six months so that a comprehensive approach for tackling the issue of child labour in various sectors could be evolved. The Committee further desire that a special campaign and appeal be made to industries, factories and employers to be sensitive about child labour and to make their premises 'No Child Labour Zone'.

(vii) Census & Survey

2.177 The Committee note that the number of working children has decreased from 1.26 crore (as per 2001 census) to 1.01 crore (as per 2011 census) and the number of main working children in the age group of 5-14 years have also decreased from 57.79 lakh (as per 2001

census) to 43.53 lakh (as per 2011 census). The Committee further note that the Ministry of Labour & Employment do not conduct any survey to ascertain the number of child labours across the country and consider this data as child labour data. The Ministry have also categorically stated that no proposal is under their consideration to develop a mechanism to maintain child labour data except depending on census data. The Committee further note that the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 was amended in 2016 and for the first time, 'adolescent' has been defined as a person who has completed fourteenth year of age but has not completed eighteenth year. The amendment has been made after census 2011, wherein data of working children up to 14 years of age was captured & notified. The Committee, therefore, urge the Ministry of Labour & Employment to take up the matter regarding capturing data of children between 14 to 18 years during next census exercise with the Ministry of Home Affairs so as to have reliable data of children and adolescents, which would not only help in formulating policies but also devising action plan for eliminating child labour. Since census exercise is conducted after a period of ten years and for 2021, it is yet to commence, the Committee impress upon the Ministry of Labour & Employment to conduct periodic survey particularly in urban areas to identify child labours, as assured by the representatives of the Ministry during oral evidence.

2.178 The Committee also impress upon the Ministry to continue issuing directives/advisories to States/UTs on regular intervals to conduct survey to identify the child labour, collect and furnish enforcement data alongwith their views/suggestions on difficulties being faced and measures to be taken for further improvement, framing of State Action Plan, functioning of State Resource Centres and other related actions on their part for enforcement of the Child & Adolescent Labour (Prevention and Regulation) Act, 1986.

(viii) Standard Operating Procedures

2.179 The Committee note that the Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 issued by the Ministry of Labour and Employment in September, 2017 is a comprehensive document containing detailed guidelines on (i) understanding legal framework; (ii) prevention, identification and reporting of child and adolescent labour in hazardous employment; (iii) pre-rescue; (iv) rescue; (iv) post-rescue; (v) rehabilitation; (vi) monitoring mechanism and (vii) role and responsibilities of enforcing agencies and other stakeholders at different stages. The document acts as a ready reckoner for enforcing agencies and other stakeholders and provides step by step SOP for effective enforcement and implementation of the provisions of the various legislations, convergence of resources of Government both horizontally and vertically, coordination between various stakeholders and active involvement of the community. The Committee have been apprised that multiple Departments have issued advisories and SOPs which are in conflict with each other and to avoid confusion and conflicts, a single document needs to be prepared after consultation with the Ministries concerned so as to maintain uniformity. The Committee desire that the document so prepared should *inter-alia* contain Inter-State Repatriation Policy highlighting clear cut demarcation of duties and responsibilities and coordination between various Ministries and Department concerned, State Governments, stakeholders, Police, Anti-Human Trafficking Unit (AHTU), Child Welfare Committee, District Child Protection Unit, etc. *inter-alia* containing provisions for grant of permission from State Governments for mass movement of children from one State to another and targeted interventions for child migrants/ children of migrant labours and those belonging to socially disadvantaged group. The Committee note that in this context, Department of School Education and Literacy have also stated that with the convergence of the two schemes *viz.* NCLP and

SSA, detailed Standard Operating Procedure with regard to mainstreaming of children to schools is required to be prepared in consultation with all the Stakeholders and implementing agencies including all States & UTs and all concerned departments.

The Committee, therefore, strongly recommend that a detailed Standard Operating Procedure be worked out by the Ministry of Labour & Employment in consultation with all concerned in a time bound manner so as to avoid any confusion amongst all stakeholders.

(ix) Child Budgeting

2.180 The Committee note that the 'budgetary allocation to Ministry of Labour & Employment under NCLP Scheme during 2017-18 to 2022-23 was Rs. 352.16 crore and out of which Rs. 337.06 crore (95%) was utilized. For 2023-24, Rs. 10 crore has been allocated. The Committee during deliberations with various Ministries/Departments noted with concern that some of the Ministries viz. Ministry of Agriculture and Ministry of Social Justice and Empowerment had expressed reservations with regard to their jurisdiction on child labour related issues. Though both the Ministries later extended full support and responded well to the points raised during deliberations, the Committee feel that although the overall responsibility for eliminating child labour vests with the Ministry of Labour & Employment, the other Ministries/Departments as well as State Governments have also an equally important role to play and this social evil can be eliminated only with the coordinated efforts of Central & State Governments. The Committee are of the considered view that all Ministries/Departments should have budgetary allocations in their Demands for Grants exclusively for the child labour related activities. The Committee, therefore, recommend that the Government besides integrating 'Child Budgeting' into all the budgets and programmes of the Central and State Governments and their Undertakings, should also ensure

optimum utilization of budget allocated for children while periodically increasing the allocation keeping in mind the evolving needs.

(x) ILO Conventions

2.181 The Committee note that consequent upon strengthening the legislative framework for complete prohibition of employment of children below 14 years through amendment in the Child Labour and Adolescent (Prohibition and Regulation) Act, 1986 in 2016, ILO Convention No. 138 of 01.06.1973 concerning minimum age for employment and No. 182 of 01.06.1999 concerning prohibition and elimination of worst forms of child labour viz. slavery, trafficking, bonded labour, child soldiers, etc. were subsequently ratified in June, 2017. The Committee further note that with the ratification of these two ILO conventions, the country has re-affirmed its commitment towards elimination of child labour and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025. The Committee feel that various factors like economic insecurity, lack of social protection, inadequate household income, etc. has increased the risk of exposure to exploitative work. Considering the prevalence of child labour at present, it is practically not possible to meet the international commitment to eliminate child labour by 2025. As action taken today will determine the future of children of tomorrow, the Committee impress upon the Ministry to take up the issue in a mission mode and devise a systematic action plan based policy to meet international commitments, which are not only relevant for economic development of the country but will also brighten the image of the country in international forum. The Committee, therefore, desire that in line with the aim of the Sustainable Development Goals (SDGs) 8.7, the Government should take immediate and effective measures to eradicate forced labour and modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and by 2025 end child labour in all its forms.

(xi) PENCIL Portal

2.182 The Committee note that to ensure the effective enforcement of the provisions of the Child and Adolescent (Prohibition & Regulation) Act, 1986 and smooth implementation of the National Child Labour Project (NCLP) Scheme, an online portal PENCIL (Platform for Effective Enforcement for No Child Labour) was launched w.e.f. 26 September, 2017. The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public. Further, online complaints regarding child labour can also be filed by anybody on the Portal. The complaints received on the Portal are resolved by the District Nodal Officers (DNOs) which are appointed by the State Governments under the Child and Adolescent Labour (Prohibition & Regulation) Rules, 2017.

2.183 Further, as per Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 issued by the Ministry in September, 2017, the role and responsibilities of the District Nodal Officer includes prevention, identification, preparation before rescue, rescue, post rescue, rehabilitation and follow up including uploading Information on the Portal. The Committee were apprised by National Commission for Protection of Child Rights (NCPCR) that the District Nodal Officer has not been appointed by many States/UTs. Considering the fact that the District Nodal Officer has a very important role to play, the Committee impress upon the Ministry to ensure that District Nodal Officers are appointed by all States/UTs within two months of the presentation of this Report to the Parliament. The Committee also recommend that the District Labour Officer be appointed ex-officio District Nodal Officer under the Child and Adolescent Labour (Prohibition and Regulation) Rules, 2017. The Committee further note that since its launch in September, 2017, 4290 complaints were registered on Portal and out of them, 3312 complaints have been resolved and 978 complaints (22%) are yet to be resolved. The Committee impress upon the Ministry to

issue appropriate instructions to the concerned to resolve these complaints on priority. The Committee further desire that a mechanism be put in place to resolve the complaints in a time bound manner.

2.184 The Committee appreciate that an NGO has been on-boarded on PENCIL Portal on pilot basis to have access to the complaints registered and take up the matter with District Nodal Officer for redressal of the same. The Committee desire that other NGOs be on-boarded on the portal for speedy redressal of complaints.

2.185 The Committee find that PENCIL Portal has provision to register complaints for which details of child labour/adolescent child, address where child is found & details of reporting persons are required to be filled in. There is, however, no provisions for a child labour to register himself/herself. The Committee desire that a provision to this effect be made on the Portal for effective implementation of the Act.

2.186 The Committee were apprised that the Ministry of Labour & Employment are considering the integration of PENCIL Portal with women/child help line no. 1098 being administered by the Ministry of Women and Child Development. The Committee desire that the exercise may be completed in a time bound manner. The Committee also desire that consequent upon merger of NCLP with Samagra Shiksha Abhiyan, the integration of PENCIL Portal with PRABANDH Portal of Department of School Education & Literacy also needs to be undertaken. The Committee wish to be apprised of the action taken in this regard.

(xii) Deployment of Children at Construction Sites/Beedi-making/firecrackers Industries

2.187 The Committee note that construction work; beedi making; and production, storage or sale of fire crackers, etc. are included in Part A of the Schedule to the Child and Adolescent Labour (Prohibition

and Regulation) Act, 1986 containing hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help. However, the instances of deployment of children in these hazardous occupations are often reported from time to time. In the case of construction work, the Ministry have stated that no surprise visits are being undertaken due to launch of Shram Suvidha Portal w.e.f. 16.10.2014. The Committee feel that deployment of children in hazardous occupations can be prevented only through physical/on-site inspections and through massive awareness campaigns. The Committee, therefore, urge the Ministry to undertake surprise physical inspections at construction sites/beedi making/fire cracker industries and other hazardous occupations included in Schedule 'A' and also launch mass media campaign by involving State Governments, NGOs, Trade Unions and other stakeholders so as to prevent the engagement of adolescents/ children in such work.

(xiii) Participation of Public Representatives

2.188 The Committee were apprised that the State Government(s) ensure the participation of local representatives in the meetings conducted by the respective district authorities in connection with various aspects of Child Labour. The Committee were also apprised that as per revised NCLP Guidelines, a District Vigilance & Monitoring Committee (VMC) which functions in an advisory capacity, and monitors the National Child Labour Project under the Chairmanship of local Member of Parliament. The Committee, however, find that despite existence of laid down guidelines, the participation of local MPs, MLAs and other public representatives in District Level Committees is not ensured. The Committee, therefore, exhort the Ministry to issue advisories to State Governments to adhere to the guidelines & ensure that such meeting are held at regular intervals so that the feedback and suggestions of public representatives with regard to the aspects related to child labour could be gainfully utilized.

(xiv) Vocational Training to Adolescents

2.189 The Committee were apprised that under the Ministry of Skill Development & Entrepreneurship, there are no vocational training programme/schemes exclusively for the training of rescued adolescent children. As admitted by the representative of the Ministry during oral evidence, the rescued adolescent children from hazardous industry need to be re-skilled for utilizing their services in non-hazardous industries. The Committee, therefore, impress upon the Ministry to take up the matter regarding skilling/re-skilling of rescued adolescent children with the Ministry of Skill Development & Entrepreneurship and devise customized/need based training programmes keeping in view the interest, aptitude and skill of the rescued adolescent. The Committee also call upon the Ministry of Labour & Employment to coordinate with School Education Departments and Skill Development Departments of States and UTs to provide skill training to the rescued adolescents.

(xv) Child Friendly Police Stations

2.190 The Committee agree with the views of the NGOs that there is a need to bridge the gap between the police and children by making all police stations child-friendly including a dedicated corner for children besides introducing child friendly approach to investigations. In addition, legal aid and counseling to the parents and the victim be provided at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/SLSA and NGOs, as laid down in Standard Operating Procedures. The Committee desire the Ministry of Labour & Employment to take up the matter with the Ministry of Home Affairs/others concerned on priority.

(xvi) Child Friendly Courts

2.191 The Committee also agree with the views of NGOs that there is a need to have all courts as child friendly in terms of infrastructure and processes including exclusive or dedicated children's

courts for crimes against children, child friendly spaces and rooms in the courts, victim/ witness protection to the child and his family, etc. The Committee desire that the matter be taken up with the concerned authorities by the Ministry of Labour & Employment.

(xvii) Financial assistance to the family of rescued child

2.192 The Committee were apprised that some of the factors responsible for child labour include family circumstances viz. family not being economically empowered, earning member suffering from life threatening illness, marital dispute, occurrence of manmade or natural calamities, etc. The Committee feel that under such circumstances, the family needs to be supported through livelihood support especially in the case of rescued child. The Committee desire that the issue of economic crisis of the family needs to be addressed to prevent the recurrence of incidents of child labour and for the purpose, a special scheme for providing financial assistance to the family of rescued child be formulated to provide interim financial assistance until such time the child receives access to economic benefits under laws, schemes and court orders.

(xviii) Monitoring and Coordination Mechanism

2.193 The Committee note that Labour is under concurrent list and State Governments are the important stakeholders for implementation of the Act in an effective manner. There is no denying the fact that despite existence of monitoring and coordination mechanism, the menace of child labour still exists. The Committee were apprised that the Ministry of Labour & Employment propose to hold Conference with States and Stakeholders to obtain inputs on strengthening of implementation of the Child and Adolescent Labour (Prohibition and Regulation) Act,1986. The Committee were also apprised that the Ministry propose to have umbrella MoU for States on the issue of release, repatriation and rehabilitation of rescued child by

Central Government. The Committee wish to be apprised of the developments made in this regard.

2.194 The Committee also desire that steps be taken to establish a National Level Child Tracking Mechanism to facilitate coordination among the States/Centre in such a way that the monitoring at District level is reported to States and from there to Centre by digital mode through coordinated efforts of all concerned so as to facilitate prevention, tracing, tracking, rescue, rehabilitation and reintegration of the rescued children.

CHAPTER - THREE

MINISTRY OF EDUCATION

DEPARTMENT OF SCHOOL EDUCATION AND LITERACY (DOSEL)

3.1 The Department of School Education and Literacy (DoSEL), Ministry of Education also apprised the Committee about the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 and Samagra Shiksha and other related issues.

(i) Mandate of Department of School Education and Literacy (DoSEL)

3.2 The mandate of the DoSEL is to implement the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 and aims to provide universal access to free and compulsory elementary education to the child, including out of school children, in the age group of 6 to 14 years.

(ii) Provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009:

3.3 The Right of Children to Free and Compulsory Education (RTE) Act, 2009, mandates the appropriate Government to provide free and compulsory elementary education to every child of the age 6 to 14 years in a neighbourhood school.

3.4 Section-4 of the Act stipulates “Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age;

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed;

Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.”

3.5 Section 10 of the RTE Act states that it shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, for elementary education in the neighbourhood school.

(iii) Enforcement Agency under the RTE Act, 2009:

3.6 When asked about the enforcement agency under the RTE Act, 2009, the DoSEL replied as under:

“Section 8 of the RTE Act mandates the appropriate Government to implement the provisions of the Act. As per Section 2 of the RTE Act:

(a) “appropriate Government” means—

(i) in relation to a school established, owned or controlled by the Central Government, or the administrator of the Union territory, having no legislature, the Central Government;

(ii) in relation to a school, other than the school referred to in sub-clause (i), established within the territory of—

(A) a State, the State Government;

(B) a Union territory having legislature, the Government of that Union territory”

(iv) Provisions of Samagra Shiksha:

3.7 The Samagra Shiksha Scheme of the Department of School Education and Literacy is an overarching programme for the school education sector extending from pre-school to class XII and aims to ensure inclusive and equitable quality education at all levels of school education. The Scheme has been aligned with the recommendations of the National Education Policy: 2020. The children are provided free uniforms and free Textbooks in appropriate regional languages at elementary level. Under ‘Pradhan Mantri Poshan Shakti Nirman’ (PM POSHAN) one hot cooked meal in Government and Government aided schools is provided to students at the elementary level of education.

3.8 The scheme being an integrated scheme for school education also aims to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse background, multilingual needs and different academic abilities, thereby making them active participants in the learning process.

3.9 Under Samagra Shiksha financial assistance is provided as per the fund sharing pattern as decided by the Ministry of Finance in the ratio of 60:40 between Centre and State for all States and Union Territories with Legislature except for the 8 North-Eastern States and 2 Himalayan States viz. Himachal Pradesh and Uttarakhand and UT of Jammu and Kashmir, where it is 90:10. It is 100% centrally sponsored for Union Territories without Legislature.

3.10 Under the Samagra Shiksha Scheme, financial assistance is provided to States and UTs for undertaking various activities to reduce number of Out of School Children (OoSC) including opening/strengthening of new schools upto senior secondary level, construction of school buildings & additional classrooms, setting up, up-gradation and running of Kasturba Gandhi Balika Vidyalayas, setting up of Netaji Subhash Chandra Bose Avasiya Vidyalayas, free uniforms, free text books, transport allowance and undertaking enrolment & retention drives. Under the student oriented component for the children with special needs, financial assistance is provided for identification and assessment of children with special needs, aids and appliances, braille kits and books, appropriate teaching learning material and stipend to girl students with disability etc.

3.11 Further, special training for age appropriate admission of out of school children and residential as well as non-residential training for older children, seasonal hostels / residential camps, special training centres at worksites, transport/ escort facility are also supported as follows to bring out of school children to the formal schooling:

- “Up to ₹ 6,000/- per child per annum for non-residential courses.
- Up to ₹ 20,000/- per child per annum for residential courses.
- The Department has also developed an online module for compiling the data of Out of School Children (OoSC) identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal (<http://samagrashiksha.in>). The concerned State/UT validates the child wise information of the identified OoSC and STC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OoSC.”

(v) Objectives of Samagra Shiksha Scheme

3.12 The major objectives of Samagra Shiksha Scheme are:

- (i) Support States and UTs in implementing the recommendations of the National Education Policy 2020 (NEP 2020); (ii) Support States in implementation of Right of Children to Free and Compulsory Education (RTE) Act, 2009; (iii) Focus on Early Childhood Care and Education; (iv) Emphasis on Foundational Literacy and Numeracy; (v) Thrust on Holistic, Integrated, Inclusive and activity based Curriculum and Pedagogy to impart 21st century skills among the students; (vi) Provision of quality education and enhancing learning outcomes of students; (vii) Bridging Social and Gender Gaps in School Education; (viii) Ensuring equity and inclusion at all levels of school education; (ix) Strengthening and up-gradation of State Councils for Educational Research and Training (SCERTs)/State Institutes of Education and District Institutes for Education and Training (DIET) as nodal agency for teacher training; (x) Ensuring safe, secure and conducive learning environment and maintenance of standards in schooling provisions and (xi) Promoting vocational education.

(vi) Achievements of Samagra Shiksha

3.13 The Achievements of Samagra Shiksha till 30.09.2023 are as under:

A. From 2018-19 to 2023-24

Activities	Achievement* (2018-19 to 2023-24)
Number of schools upgraded	3029
New Residential schools/hostels	237
Number of schools strengthen including additional classrooms	97071
Schools covered under ICT & Digital initiatives including Smart Schools	122757
Schools covered under Vocational Education	8619
Number of KGBVs upgraded from class VIII to X	351
Number of KGBVs upgraded from class VIII to XII	2271
Construction of separate Girls toilets	28357
*Works completed in the Financial Year 2018-2019 till 2023-2024	

* Till 30th September, 2023, Source: PRABANDH

Samagra Shiksha: 2018-19 to 2023-24

Activities	2018-19	2019-20	2020-21	2021-22	2022-2023	2023-2024*
No. of OoSC provided special training at elementary level (Migrant Children excluded)	3.73 lakh	3.98 lakh	2.40 lakh	7.59 lakh	5.14 lakh	2.20 lakh
Children provided transport and escort facility	4.24 lakh	6.60 lakh	2.35 lakh	6.66 lakh	8.70 lakh	1.41 lakh
Children covered under Section 12(1)(c) of the RTE Act	16.76 lakh	21.58 lakh	32.34 lakh	25.40 lakh	21.56 lakh	29.11 lakh
Free uniforms	7.09 cr	6.68 cr	6.83 cr	6.04 cr	7.24 cr	1.82 cr
Free textbooks	8.85cr	8.64 cr	8.84 cr	9.44 cr	8.34 cr	3.72 cr
Remedial teaching	74.4 Lakhs	1.76 cr	1.44 cr	1.23 cr	3.86 cr	1.66 cr
Teachers trained	14.83 lakh	29.11 lakh	14.57 lakh	25.69 lakh	7.73 lakh	4.87 lakh
No. of Schools provided Self-defence training to girls	30327	119770	83177	119283	178698	38398
CWSN girls given stipend	3.75 lakh	3.01 lakh	3.64 lakh	4.02 lakh	3.71 lakh	1.90 lakh
Special educators funded	23443	23950	23276	25041	25373	17032

* Till 30th September, 2023, Source: PRABANDH

The fund released and expenditure incurred under Samagra Shiksha is as under (₹ In Cr)

Year	Release	Expenditure
2018-19	29239.95	44875.43
2019-20	32326.82	48116.28
2020-21	27759.50	45586.12
2021-22	24848.54	43583.44
2022-23	32154.15	51983.90
2023-24	9393.37	10832.67

Note: Expenditure include Expenditures against funds released by Central Government, State Share, unspent balances of previous years etc.

(vii) Budget for Child-Related Activities:

3.14 On being asked about the budget allocated to DoSEL during FY 2022-23 and 2023-24 for child labour related activities and the mechanism put in place for release and utilisation of funds, the DoSEL responded as under:

“The child labour related activities do not fall within the administrative domain of the Ministry of Education. However, appropriate Governments

under the RTE Act are committed to provide free and compulsory education to all children falling in the age group of 6 to 14 years...

The BE 2022-23 and 2023-24 for Samagra Shiksha is ₹ 37805.07 crore and ₹ 37453.37 crore respectively. As per norms of the Samagra Shiksha Scheme, the annual plans are prepared by the States and UTs based on their requirements and priority and this is reflected in their respective Annual Work Plan and Budget (AWP&B) Proposals. These plans are then appraised and approved/estimated by the Project Approval Board (PAB) in the Department of School Education & Literacy in consultation with the States and UTs as per the programmatic and financial norms of the scheme, and physical and financial progress of the State for the interventions approved earlier. Further, the funds are released on the basis of submission of Audited Accounts, Utilization Certificate, physical and financial progress and other documents as prescribed under the Financial Management & Procurement (FMP) Manual of Samagra Shiksha.”

3.15 When asked whether the money is transferred to children under the various provisions of the Samagra Shiksha Abhiyaan (SSA) completely through DBT mode or released to them through various Institutes, the DoSEL replied as under:

“As per the directions of Ministry of Finance O.M. dated 21.03.2021, the central share is released to the State Treasury who in turn transfer it to the Single Nodal Agency implementing the Samagra Shiksha Scheme in the State who again in turn transfer it to the Schools (last implementing agency). Some states are transferring the funds through DBT for various child centric interventions. However, in order to enhance the direct outreach of the scheme, all child centric interventions will be provided directly to the students through DBT mode on an IT based platform over a period of time.”

(viii) Financial Support to States/UTs for providing Special Training to Out of School Children

3.16 With regard to the process of special training, the representative of the Ministry during evidence deposed as under:

“Section 4 of the RTE Act provides for special training to Out of School Children in the age group of six to 14 years so that they can be mainstreamed into the age-appropriate classes. Purpose of special training is to mainstream them into the age-appropriate classes and to integrate them academically and emotionally.

The process of special training is like this. After identification, the children are enrolled to the nearby elementary schools. They are given all the child related entitlements. Then, we assess them whether they need to undergo a special training or whether they can go directly because the children who were already in schools and have dropped out may be brought back into the class directly, whereas children who have never enrolled, they may require a special training. Then, we do a special training in residential and non-residential modes. Then, assessment and evaluation of the children is done periodically, and then they are enrolled in the age-appropriate classes. Once the child is enrolled, the educational and child entitlement support is continued to be given. So, this is the process that we adopt for identification and mainstreaming for Out of School Children.”

3.17 On being asked about the specific measures taken by the Department to cover 'out of school' children of Nomadic Tribes while undertaking door-to-door survey under SSA; the methodology being followed for their identification; and whether hostel facility is made available to them, the DoSEL submitted as under:

“Under the Samagra Shiksha scheme, the annual plans are prepared by the States and UTs based on their requirements and priority and this is reflected in their respective Annual Work Plan and Budget (AWP&B) Proposals. During the appraisal of AWP&B proposals, all States and UTs are requested to conduct household survey annually for the purpose of identification of Out of School Children (OoSC). This includes dropout children and never enrolled. The identified OoSC are brought back to school and assessed for their learning gaps. Also, in order to provide universal access of education to all the children, financial assistance is provided to all States and UTs under Management Monitoring Media Evaluation and Research (MMMER) component of the scheme for various evaluation and research activities, including survey for identification of OoSC.

In order to ensure universal enrolment and schooling facilities in areas which are sparsely populated with low density of population (mostly tribal areas) where opening of schools may not be viable and for children in urban areas who are in need of care and protection, MoE under Samagra Shiksha provides financial assistance for opening and running of Residential Schools, and Hostels in hilly terrain, small and sparsely populated areas for children without adult protection who are in need of shelter and care, in addition to the provision of regular schools. The residential schools/hostels funded under Samagra Shiksha have been named as “Netaji Subhas Chandra Bose residential schools/hostels”.

The residential facilities are also provided to child labour rescued, migrant children who belong to poor landless families, children without adult protection, separated from their families, internally displaced persons, and children from the areas of social and armed conflict and natural calamities. In this regard, preference is given to EBBs, LWE affected districts SFDs and the 115 Aspirational districts identified by NITI Aayog.

In these residential schools and hostels, in addition to regular school curriculum, interventions for all round development of children such as provision of Specific Skill Training, physical self-defense, medical care, community participation, monthly stipend are also made available to children. These residential schools and hostels follow the same norms as followed by KGBVs and aspire to achieve the standards set by the KGBVs.”

3.18 In this context, the representative of the DoSEL during evidence deposed as under:

“Our unit will conduct a house-to-house survey. There is a standing instruction for migrating nomadic children that they will get admission in government school without documentation where they will be found. The only thing we will ask for is some form of identity, the name of his father or mother and they will be admitted in a class as per their age.”

3.19 On being asked about the functioning of Kasturba Gandhi Balika Vidyalayas, DoSEL replied as under:

“Kasturba Gandhi Balika Vidyalaya (KGBV) is a provision under Samagra Shiksha, a flagship scheme of Department of School Education and Literacy. KGBVs are residential schools from Class VI to XII for girls belonging to disadvantaged groups such as SC, ST, OBC, Minority and Below Poverty Line (BPL). The KGBVs are set up in Educationally Backward Blocks. The objective behind establishing KGBVs is to ensure access and quality education to girls from disadvantaged groups by setting up residential schools and to reduce gender gaps at all levels of school education. Target Group for KGBVs is the Girls in the age group of 10-18 years aspiring to study in classes VI to VII belonging to SC, ST, OBC, Minority Communities and BPL families. As on 30.09.2023, a total of 5639 KGBVs have been sanctioned in the country. Out of it, 5074 KGBVs are operational with the enrolment of 691304 girls.”

3.20 On being asked to provide the State-wise information regarding financial assistance sought by various States for ‘out of school’ children and the amount released during the last three years, the DoSEL replied as under:

“As per the information provided/uploaded by the States and UTs on the PRABANDH portal, financial outlay/assistance sought by various States, during the last three years, for ‘out of school’ children is as under:

Status of Financial Proposal for Special Training (2020-21 to 2022-23)							
S.No	State	Proposal 2020-21		Proposal 2021-22		Proposal 2022-23	
		Physical	Financial (Rs in Lacs)	Physical	Financial (Rs in Lacs)	Physical	Financial (Rs in Lacs)
1	Andaman And Nicobar Islands			139	8.34	548	32.88
2	Andhra Pradesh	60205	8815.568	62328	6478.937	41530	3637.615
3	Arunachal Pradesh	996	177.5	1531	243.2	238	36.4
4	Assam	128707	8264.005	135700	7689.87	139123	7382.445
5	Bihar	62803	2471.39	348131	12078.18	135501	4902.825
6	Chandigarh	3681	211.005	4157	237	3646	209.205
7	Chhattisgarh	10150	664.855	14474	737.96	6838	316.615
8	Delhi	25500	1530	26346	1580.76	28880	1732.8
9	Dadra And Nagar Haveli	124	7.44	875	52.5	384	23.04
10	Goa	228	11.4	127	7.62	252	15.12
11	Gujarat	74518	6936.85	64719	6167.47	60374	5852.63
12	Haryana	23373	740.29	30693	1408	17802	803.685
13	Himachal Pradesh	4017	220.29	3842	194.85	3158	166.515
14	Jammu And Kashmir	49834	2990.04	52525	3151.5	40856	2413.14
15	Jharkhand	12854	1138.46	195865	4102.615	47103	1190.385
16	Karnataka	5353	432.37	6455	439.26	3849	11.95
17	Kerala	3164	189.84	1811	108.66	3402	204.12
18	Ladakh	150	9	28	1.68		

19	Lakshadweep						
20	Madhya Pradesh	16195	2534.5	21192	2579.55	15680	2855.25
21	Maharashtra	84753	6235.252	68956	3767.04	56011	3045
22	Manipur	4975	507.165	5589	563.88	5006	648.82
23	Meghalaya	10963	679.2	10287	617.22	8940	536.4
24	Mizoram	4425	499.86	3983	390.52	4199	421.205
25	Nagaland	1827	264.18	1726	103.56	645	106.32
26	Odisha	11423	1237.18	9720	910.1	10788	1113.1
27	Puducherry	35	2.1	42	2.52	45	2.7
28	Punjab	2593	90.755	3807	209.385	2002	90.09
29	Rajasthan	17800	530.25	21500	825	17700	517.6
30	Sikkim	87	5.22	120	7.2	96	5.76
31	Tamil Nadu	19627	1554.16	17493	1395.22	15407	1165.8
32	Telangana	8980	662.6	10006	587.226	12004	577.12
33	Tripura	5577	345.9	6715	396.88	6824	391.7
34	Uttar Pradesh	107190	4823.55	247719	11147.355	250493	11272.185
35	Uttarakhand	3616	181.1	3545	179.94	3390	167.995
36	West Bengal	10507	630.42	9279	556.74	7854	471.24
Grand Total		776230	55593.695	1391425	68927.738	950568	52319.655
Source : PRABANDH							

3.21 With regard to the details of the States which have opted to provide residential and non-residential training, the DoSEL replied as under:

PAB Approval for Special Training to Out of School Children in Residential and Non Residential Mode (2021-22)

(Rs. in Lakh)

S. No.	State	Residential Mode (RST)		Non Residential Mode (NRST)		Grand Total	
		Phy.	Fin.	Phy.	Fin.	Phy.	Fin.
1	A&N Island			63	2.84	63	2.84
2	Andhra Pradesh	16501	808.25	9359	412.47	25860	1220.72
3	Arunachal Pradesh	1081	48.65	450	20.25	1531	68.90
4	Assam	13450	1102.89	114281	4906.37	127731	6009.26
5	Bihar			348131	12078.18	348131	12078.18
6	Chandigarh UT			4157	187.08	4157	187.08
7	Chhattisgarh	2705	245.25	9559	271.71	12264	516.96
8	Daman & Dadra			875	39.38	875	39.38
9	Delhi			26346	1580.76	26346	1580.76
10	Goa			127	5.72	127	5.72
11	Gujarat	28050	2102.25	26740	1143.30	54790	3245.55
12	Haryana	173	10.38	29097	1309.37	29270	1319.75
13	Himachal Pradesh			3842	194.85	3842	194.85
14	Jammu & Kashmir			52525	3151.50	52525	3151.50
15	Jharkhand	2227	87.02	193638	3812.58	195865	3899.60
16	Karnataka	4023	407.90	199	5.47	4222	413.37

17	Kerala			1811	81.50	1811	81.50
18	Ladakh			28	0.84	28	0.84
19	Lakshdweep						
20	Madhya Pradesh	9150	411.75	4997	224.87	14147	636.62
21	Maharashtra	56612	3396.72	12344	246.88	68956	3643.60
22	Manipur	2975	133.88	2614	117.64	5589	251.52
23	Meghalaya			10287	462.92	10287	462.92
24	Mizoram	1689	101.34	1951	87.80	3640	189.14
25	Nagaland			1726	25.89	1726	25.89
26	Odisha	4463	446.30	1040	31.20	5503	477.50
27	Puducherry			42	1.89	42	1.89
28	Punjab			3807	171.32	3807	171.32
29	Rajasthan	2000	105.00	17000	375.00	19000	480.00
30	Sikkim	838	1.71	82	3.69	920	5.40
31	Tamilnadu	2016	126.72	14677	631.23	16693	757.95
32	Telangana	3322	90.00	7006	79.41	10328	169.41
33	Tripura	211	23.99	6182	237.87	6393	261.86
34	Uttar Pradesh	43		247719	11147.36	247762	11147.36
35	Uttarakhand	50	4.19	3129	125.07	3179	129.25
36	West Bengal			9279	417.56	9279	417.56
Grand Total		151579	9654.17	1165110	43591.70	1316689	53245.87

3.22 For 2022-23, the Ministry, subsequently, furnished the following data:

PAB Approval for Special Training to Out of School Children (2022-23)

Sl. No	State	Physical	Financial (₹ In lakh)
1	Andaman And Nicobar Islands	19	0.29
2	Andhra Pradesh	36775	3167.28
3	Arunachal Pradesh	183	25.40
4	Assam	87308	4532.12
5	Bihar	122480	4316.88
6	Chandigarh	3146	186.71
7	Chhattisgarh	6266	291.80
8	Delhi	13171	790.26
9	Dnd - Dnh	384	17.28
10	Goa	186	11.16
11	Gujarat	56438	5450.75
12	Haryana	19481	876.65
13	Himachal Pradesh	3075	161.54
14	Jammu And Kashmir	40856	2413.14
15	Jharkhand	4672	144.96
16	Karnataka	126	11.70
17	Kerala	2588	155.28
18	Madhya Pradesh	8081	1335.45

19	Maharashtra	37705	1974.06
20	Manipur	3964	498.38
21	Meghalaya	8462	507.72
22	Mizoram	4076	412.75
23	Nagaland	623	48.53
24	Odisha	9251	1024.01
25	Puducherry	45	2.70
26	Punjab	1981	89.15
27	Rajasthan	17013	492.95
28	Sikkim	74	4.44
29	Tamil Nadu	10021	892.44
30	Telangana	7175	432.25
31	Tripura	6824	391.70
32	Uttar Pradesh	250493	11272.19
33	Uttarakhand	2911	143.79
34	West Bengal	4521	271.26
	Total	770374	42346.92
Source: PRABANDH			

3.23 On being asked when was the amount of financial assistance of Rs. 6,000 per child per annum and Rs. 20,000 per child per annum for non-residential and residential courses respectively fixed; whether this amount is sufficient or needs to be enhanced; how much disbursement State-wise on this count has been made during the last three years, the DoSEL replied as under:

“MoE, under the Samagra Shiksha scheme, provides financial support to States and UTs for providing special training to Out of School Children. The amount of Rs. 6000 per child per annum and Rs. 20,000 per child per annum for non-residential and residential courses (class 1st to 8th) respectively which was available under the erstwhile centrally sponsored scheme of SSA, has been continued for non residential and residential (upto class XIIth) under Samagra Shiksha also. The state-wise expenditure on Special Training as reported by States and UTs during the last three years is as under:

(Rs. in Lakh)

Status of Expenditure on Special Training of Out of School Children as reported by States and UTs on PRABANDH Portal					
S. No,	State	2019-2020	2020-2021	2021-2022	2022-23
1	Andaman And Nicobar Islands			2.84	
2	Andhra Pradesh	1195.442	163.355	69.57	327
3	Arunachal Pradesh	155.18			25
4	Assam	4836.33	3535.115	3700.696	3596
5	Bihar	867.489	463.573	1929.412	1063
6	Chandigarh	181.204	189.76	156.81	183
7	Chhattisgarh	2.04	15.71	237.27	110
8	Delhi	1344.77	1474.751	1518.614	768

9	Dnd - Dnh	5.484	3.36	32.414	15
10	Goa	9.35	3.9	5.72	
11	Gujarat	4671.964	1108.266	1543.36	2868
12	Haryana	553.18	488.1	796	284
13	Himachal Pradesh	288.73	129.689	159.7	162
14	Jammu And Kashmir	1166.48	1984.92	809.56	1311
15	Jharkhand	183.129	142.416	1775.545	107
16	Karnataka	184.79	61.111	191.2	11
17	Kerala	75.586	132.29	81.484	126
18	Lakshadweep				
19	Ladakh				
20	Madhya Pradesh	394.44	5.778	10	43
21	Maharashtra	1419.486	2742.09	37.833	1718
22	Manipur	738.46	366.28	251.52	318
23	Meghalaya	142.247	181.848	79.17	200
24	Mizoram	326.052	112.827	55.55	330
25	Nagaland	62.145	10.85	25.89	39
26	Odisha	1178.05	4.95	9.57	450
27	Puducherry	1.767	2.1	1.89	3
28	Punjab	134.925	90.755	73.845	
29	Rajasthan	147.7	7.039	53.871	124
30	Sikkim		5.22		2
31	Tamil Nadu	1420.3	645.529	721.93	877
32	Telangana	306.27	14.5		4
33	Tripura	272.64	266.2	261.86	240
34	Uttar Pradesh	573.878		2461.233	1667
35	Uttarakhand	104.26	90.808	94.975	51
36	West Bengal	11.788	5.23	217.56	48
	Grand Total	22955.56	14448.32	17366.89	17070
Source: PRABANDH Portal					

3.24 The DoSEL did not provide any information regarding the date from which financial support is provided to States/UTs. The DoSEL, however, stated that the amount was fixed as per the norms of erstwhile Sarva Shiksha Abhiyan (SSA).

(ix) Out of School children/drop-out rate

3.25. When asked about the State-wise data regarding the school drop-outs and the children not enrolled in schools, the DoSEL furnished the following data:

As per Unified District Information System for Education + (UDISE +) the State-wise dropout rate for 2019-20, 2020-21 and 2021-22 is as under:

S. No.	Annual Average Dropout Rate						
	State/UT	2019-20		2020-21		2021-22	
		Elementary	Secondary	Elementary	Secondary	Elementary	Secondary
1	Andaman &	0.0	15.7	1.6	7.0	0.6	5.0
2	Andhra Pradesh	0.0	14.8	-	16.7	0.1	16.3
3	Arunachal Pradesh	6.6	34.3	7.8	10.1	8.4	11.7

4	Assam	4.0	32.2	3.8	30.3	7.0	20.3
5	Bihar	4.5	21.4	-	17.6	0.3	20.5
6	Chandigarh	0.0	4.7	-	-	-	-
7	Chhattisgarh	2.0	18.2	1.9	13.4	2.0	9.7
8	Dadra & Nagar and Daman & Diu	0.0	42.2	3.2	17.7	-	9.5
9	Delhi	0.0	13.9	-	6.1	-	4.8
10	Goa	0.1	10.2	1.2	5.7	-	9.0
11	Gujarat	2.6	23.7	2.3	23.3	1.7	17.9
12	Haryana	0.2	13.3	2.0	10.8	-	5.9
13	Himachal Pradesh	0.7	7.2	1.7	7.6	-	1.5
14	Jammu And	3.7	16.7	4.0	3.7	3.7	6.0
15	Jharkhand	7.0	16.6	4.1	13.0	2.5	9.3
16	Karnataka	1.6	16.8	1.4	16.6	-	14.6
17	Kerala	0.0	7.9	-	7.1	-	5.5
18	Ladakh	3.0	11.4	3.4	3.4	4.6	4.9
19	Lakshadweep	0.0	6.7	-	-	1.1	-
20	Madhya Pradesh	2.0	23.2	3.2	23.8	5.2	10.1
21	Maharashtra	0.4	15.2	1.2	11.2	0.6	10.7
22	Manipur	7.3	9.2	7.1	9.4	10.8	1.3
23	Meghalaya	7.3	22.2	7.9	27.6	10.1	21.7
24	Mizoram	6.1	20.4	7.1	20.0	5.1	11.9
25	Nagaland	4.6	21.2	5.3	23.6	4.7	17.5
26	Odisha	2.2	23.6	-	16.0	2.4	27.3
27	Puducherry	0.0	7.9	-	6.9	3.2	6.3
28	Punjab	0.0	1.6	-	9.0	3.9	17.2
29	Rajasthan	2.4	12.3	1.5	8.9	3.8	7.6
30	Sikkim	0.0	23.2	-	21.6	1.0	11.9
31	Tamil Nadu	0.8	9.6	0.6	6.4	-	4.5
32	Telangana	0.0	12.3	-	13.9	0.8	13.7
33	Tripura	2.6	26.7	4.7	26.7	2.3	8.3
34	Uttar Pradesh	2.5	14.4	2.9	12.5	2.7	9.7
35	Uttarakhand	2.4	8.4	1.9	8.3	1.5	5.0
36	West Bengal	0.0	13.8	-	13.3	4.0	18.0
	All India	1.9	16.1	1.3	14.0	2.0	12.6

Source UDISE+; Negative dropout rate have not been reported.

3.26 With regard to the system of 'Out of School' children, the representative of DoSEL during evidence deposed as under:

“In Samagra Shiksha Scheme there is a very important component of access and equity. There are out-of-school children and dropouts students. Out-of-school children are of two types. One is those who have never been enrolled and others are those who come to school and they get dropouts of schools for various reasons. Out of school children have to be identified and then they have to be mainstreamed in schools. This is a part of Samagra Shiksha Abhiyan. The state government conducts a house-to-house survey every year for the identification of such children. Thereafter, the mainstreaming process is done outside the school first, in which we also take the help of many civil society organizations and apart from that, the

schools and states also support a lot. After mainstreaming them, they are admitted to schools on the grade appropriate level. So, this is the system of 'out of school'. We also track it."

3.27 With regard to the provisions contained in National Education Policy, 2020, the representatives further supplemented as under:

"Secondly, both types of out of school children should be identified and mainstreamed. The third thing is to track the children once they are in school. This means that when the child has come to the first class, tracking will be made to find out whether they are promoted to second or third class or not. In that tracking system, we will access their learning outcomes. These are provisioned in NEP."

3.28 When asked about the target group in OoSC, the representative stated as under:

"The target group in OoSC is the 'never enrolled' and 'drop out' children. They could be of any category, ...they can be child labour also. Mode of special training is residential as well as non-residential. The training is imparted either in the school premises itself if the children are directly brought to the school or it can be done outside the school in case of residential mode."

3.29 In the context of tracking of children, the representative stated as under:

"There is a query about Tracking. Right now we are tracking out-of-school children on the management portal, tracking of the rest of the children will take time. But we are committed to it."

3.30 When asked as to how do the Department identify 'out of school' children in urban areas; specific steps taken to conduct a door-to-door survey in urban areas especially in slums and bottlenecks/constraints faced by the Department in conducting surveys in such areas, the DoSEL responded as under:

"Education is in the Concurrent List of the Constitution and majority of the schools come under the domain of the State/UT Governments. State & UT Governments conduct door-to-door survey to identify the Out of School Children."

(x) District-wise details of OoSC

3.31 When asked about availability of District-wise details of OoSC, the representatives during evidence submitted as under:

"...We can do coalition district-wise. We have schools as per their locations."

(xi) 'Working Children' and 'Main Working Children'

3.32 On a pointed query as to how do the Department distinguish between 'working children' and 'main working children' and while undertaking the

next survey under SSA, do the Department propose to add a column in this regard, the DoSEL replied as under:

“Presently, there is no such distinction. However, it is proposed to improvise the survey format of out of school children to add new entries with reference to the ‘working children’ and ‘main working children’ in consultation with M/o Labour & Employment and States & UTs.”

3.33 In response to a specific query regarding addition of another column in the survey format, whether the child is working or not, the representatives of DoSEL during evidence submitted as under:

“Sir, we have actually agreed to that and we are going to do that.

That is a commitment, Sir.

Sir, I want to clarify that we do not have wherewithal to go from industry to industry or various other sites where the child labour is engaged. So, we are going to do house to house survey in which we are including this column, in which, if there is a child who is engaged in child labour, who is dropped out of out of school for any reason, would be identified and they would be mainstreamed. That is our mandate. We have been doing it. But in the past, we did not have a separate column, which we will be adding now. That is the only difference.”

3.34 In this context, the representative further supplemented as under:

“As for working children and main working children, we will now instruct the States because this is something which was not brought to our notice by Ministry of Labour and Employment.”

(xii) Special Training to Teachers

3.35 When asked whether any Special Training is being provided to the teachers who conduct survey under SSA, the DoSEL replied as under:

“Education is in the Concurrent List of the Constitution and majority of the schools come under the domain of the State/ UT Governments. States & UT Governments conduct door to door survey for identification of out of school children and providing training for the same rests with the appropriate government.”

3.36 In this context, the representatives of the DoSEL during evidence deposed as under:

“Our Education Officers or teachers do not have any wherewithal or expertise to identify the child labour. Even they do not have the mandate to do it. So, that has to be done by the Labour Officers. That is what has been clarified by the Ministry of Labour and Employment.”

(xiii) Rescue Unit for OoSC

3.37 With regard to existence of rescue unit for OoSC, the representative stated as under:

“An Hon’ble Member had asked, "Is there any rescue unit for out-of-school children? We don't have, we depend on the Ministry of Labour for this.”

(xiv) Student Registry

3.38 On specifically being asked as to whether any Nodal Officer has been appointed for tracking the rescued children; how often the Officer interacts with the States and the periodicity of furnishing the information by the States, the DoSEL replied as under:

“To curtail dropout rate and ensuring universal access to education at all levels, NEP recommends achieving universal participation in school by carefully tracking students, as well as their learning levels, student registry by the States. Child tracking at national level is yet to be rolled out, however, around 20 States/ UTs have prepared Student registry with all relevant details.

Child labour is the mandate of MoLE. The mandate further extends to the identification, rescue/ withdrawal of the child, special training/ mainstreaming and rehabilitation. This mandate is governed/regulated by the extant Acts and Rules of MoLE.”

3.39 When asked about the Student Registry, the representative during evidence apprised the Committee as under:

“The National Education Policy has provided that now there is a student registry i.e. we have to track every child who are in our system. This year we are developing IT software for the rest of the children and will be completed by February 2023 and after that we will include states. Some states have developed their own student registry. There are 26crore children in the data available with us. We collect data at the Unified District Information System for School Education annually. It includes total enrollment of students, number of schools and teachers etc. According to the data collected in this regard, there are about 26crore children in schools. We observed that 20 states have created their student registry and about 200million children are being tracked in the states. Right now, as I said, it will take some time to develop the IT portal and will be onboarding from next year. We will not demand student-wise data, but we will take aggregated data from the state and do tracking. We also have data from previous years, if you ask, we will share it state-wise.”

3.40 With regard to the State-wise data regarding ‘Student Registry’ being maintained by States/UTs, the DoSEL responded as under:

Student Registry

State/UT	Government	Govt. Aided	Private & Others	Total Enrolment (I-XII)	Number of Students covered	% of Students covered
Uttar Pradesh	Y	X	X	4,53,62,059	1,68,48,709	37.1
Kerala	Y	Y	X	58,42,611	41,38,992	70.8
Bihar	Y	Y	X	2,46,75,490	1,97,66,100	80.1
Tripura	Y	Y	X	7,03,132	5,87,087	83.5

West Bengal	Y	X	X	1,69,91,969	1,48,53,227	87.4
Maharashtra	Y	Y	Y	2,21,74,625	2,21,74,625	100
Rajasthan	Y	Y	Y	1,67,75,668	1,67,75,668	100
Madhya Pradesh	Y	Y	Y	1,57,80,097	1,57,80,097	100
Tamil Nadu	Y	Y	Y	1,20,57,823	1,20,57,823	100
Karnataka	Y	Y	Y	1,15,44,885	1,15,44,885	100
Gujarat	Y	Y	Y	1,14,81,607	1,14,81,607	100
Andhra Pradesh	Y	Y	Y	81,36,933	81,36,933	100
Odisha	Y	Y	Y	76,86,894	76,86,894	100
Jharkhand	Y	Y	Y	74,89,137	74,89,137	100
Assam	Y	Y	Y	70,15,898	70,15,898	100
Telangana	Y	Y	Y	66,65,475	66,65,475	100
Chhattisgarh	Y	Y	Y	56,77,203	56,77,203	100
Haryana	Y	Y	Y	56,53,992	56,53,992	100
Punjab	Y	Y	Y	54,75,865	54,75,865	100
Delhi	Y	Y	Y	41,80,617	41,80,617	100

3.41 The DoSEL, subsequently stated that w.e.f. 2022-23, they have started collecting child wise information under UDISE+ in order to track students to reduce dropouts and to track their Learning Outcomes. The State/UT wise number of enrolments reported in 2022-23 is as under:-

Enrolment of students, 2022-23: All Management

India/State/ UT	Total (Pre-Primary to Higher Secondary)
India	251791722
Andaman and Nicobar Islands	75107
Andhra Pradesh	8622192
Arunachal Pradesh	325018
Assam	7116900
Bihar	24543698
Chandigarh	270310
Chhattisgarh	5764210
Dadra and Nagar Haveli and Daman and Diu	139967
Delhi	4628514
Goa	309594
Gujarat	11499580
Haryana	5727319
Himachal Pradesh	1419388
Jammu and Kashmir	2614335
Jharkhand	7209261
Karnataka	12398654
Kerala	6185360
Ladakh	58841
Lakshadweep	12587
Madhya Pradesh	15241680
Maharashtra	21150066
Manipur	655620
Meghalaya	1074966

Mizoram	293203
Nagaland	415655
Odisha	7649925
Puducherry	251481
Punjab	5915223
Rajasthan	17707162
Sikkim	128204
Tamil Nadu	12880110
Telangana	7027086
Tripura	694539
Uttar Pradesh	41672205
Uttarakhand	2357204
West Bengal	17756558

*UDISE+ 2022-23 (Provisional)

(xv) Integration with Department of Women and Child Welfare

3.42 The representative during evidence further stated as under:

"I also want to mention that we have our own integration with Department of Women and Child Welfare. Adolescent girls come to the Anganwadi centre for nutrition like folic acid etc. They found that some of them were out of school. We have had meetings with all the States giving joint instructions, Take list from Anganwadi and mainstream them this year. We are integrating them."

(xvi) Role of elected public representatives

3.43 When asked about the role of elected public representatives under SSA and whether there is any proposal to involve public representatives at the district level, the DoSEL replied as under:

"Section 21 of the RTE Act provides for School Management Committee/School Management Development Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers."

(xvii) Awareness campaigns

3.44 When asked about the concrete awareness campaigns launched by the Department under SSA to educate the masses on the provisions of RTE Act, SSA and Schemes taken up for the prohibition of child labour, the DoSEL responded as under:

"Under Samagra Shiksha, financial assistance is provided to the States and UTs for Community Mobilization activities@ ₹ 1500 per school for Government Schools. The Community Mobilisation activities are held to enhance Community participation and monitoring for universal access, equity and quality. Workshops/Lectures/Programmes are done for creating Awareness on RTE Act, Learning Outcomes etc. Training to School Management Committee (SMC)/School Management and Development Committee (SMDC) is provided for their Capacity building. The financial

norms for the same are up to ₹ 3000 per school for Government schools. Department of School Education & Literacy, in coordination with State Governments and UT Administrations, has been observing Swachhata Pakhwada from the year 2016 from 1st -15th September every year. The schools and students across all states and UTs have been participating whole-heartedly in the Swachhata Pakhwada every year. In Swachhata Pakhwada 2023, more than 5.9 lakh schools have participated with 7.32 crore students pledging for cleanliness in the country.

2. The Ministry regularly undertakes extensive print & audiovisual media campaigns, nation-wide awareness programmes including Kala Jathas, Road shows, Public meetings, Padayatras; advertisements on railway tickets and bus panels etc. to generate awareness.

3. The Department organizes a teacher's fest, 'Shikshak Parv' every year. In 2022 Shikshak Parv discussed various recommendations of National Education Policy (NEP)2020 and its implementation strategies. Suggestions received during the Parv were in the development of an indicative and suggestive NEP Implementation Plan for School Education, called 'Students' and Teachers' Holistic Advancement through Quality Education (SARTHAQ)'. In 2021 'Shikshak Parv- generated awareness among teaching community about the implementation of the New Education Policy. Shikshak Parv 2022 marked the NEP 2020 as a key initiative to help realise Prime Minister's Panch Pran vision of developed India by 2047.

4. A 2 years NEP 2020 Implementation booklet covering various initiatives undertaken across all levels of school education was released in November 2022. The booklet highlighted the efforts made by the Ministry for the implementation of NEP 2020 in a mission mode and accomplishment of some milestones with a view to transform the school education sector.

5. A campaign with theme #NEP2020InAction, was run on Twitter from Dec 1, 2021 onwards. It highlighted Ministry's various schemes/ initiatives including those targeted at the rural India. Posts with this hashtag reached 55,67,126 people till 28th February, 2022.

The Department launched a 100 days Nation Wide Reading Campaign called Padhe Bharat Badhe Bharat starting from 1st January 2022 so that each child learns to read with comprehension, in a joyful manner, as per the vision of National Education Policy (NEP) 2020. Social media posts with #100DaysReadingCampaign had reached 76,14,646 people and #Padhe Bharat reached 75,93,859 people.

6. Coinciding with the 3rd anniversary of National Education Policy 2020, Hon'ble Prime Minister inaugurated Akhil Bhartiya Shiksha Samagam at Bharat Mandapam on 29th July, 2023. This two-day Samagam event provided a platform for experts of schools, higher educational institutions, and skilling institutions to discuss, deliberate and share insights, strategies, success stories and best practices in implementing the NEP 2020.

7. A 75 days Bharatiya Bhasha Utsav was launched on 28th September 2023 alongwith Technology & Bharatiya Bhasha Summit."

OBSERVATIONS/RECOMMENDATIONS

(i) Merger of National Child Labour Project (NCLP) with Samagra Shiksha Abhiyan (SSA)

3.45 The Committee note that under the National Child Labour Project (NCLP) Scheme, which was sanctioned in 324 Districts and operational in 59 Districts as on 31.03.2021, the District Project Society (DPS) at District level is required to conduct the baseline survey to identify child labour and based on the number of child labours identified and rescued from the survey, Special Training Centres (STCs) are opened for rehabilitation of the child labour in the age group of 9-14 years, who are enrolled in these Centres for a maximum period of 2 years. These Centres are operated by NGOs, Civil Society Organisations, etc. or by the District Project Society directly themselves. Further, the onus of selection/identification of implementing agencies to operate the STC lies with District Project Society. These STCs provide bridge education to children before they mainstreamed into formal education system. As stated by the Ministry of Labour and Employment, after mainstreaming of the children enrolled in the STCs under NCLP, the NCLP STC will cease to be operational but District Project Society will continue to be functional for a period of six months after closure of STCs. The Committee further note that no new permission after 31.03.2021 has been given by the Ministry of Labour and Employment for opening STCs under NCLP after its merger with Samagra Shiksha Abhiyan Scheme. The children enrolled at the STCs of NCLP as on 31.03.2021 will be mainstreamed in accordance with NCLP guidelines. If any child has been enrolled after 31.03.2021 in any STC functional under NCLP, he/she be mainstreamed or shifted to STCs functional under SSA.

The Committee also note that during 2022-23, 282 STCs under NCLP were operational in 11 Districts of 5 States *viz.* Madhya Pradesh, Odisha, Assam, West Bengal and Tamil Nadu. The Committee further note that under Samagra Shiksha, 83,979 STCs are functional in 32 States/UTs and out of them, 228 STCs in 12 States/UTs have hostel facilities. The Committee feel that access to hostels will increase retention rate of children in schools, as many children engaged in child labour belong to migrant families/Nomadic Tribes having no permanent home. The Committee, therefore, impress upon

DoSEL to increase the number and capacity of their Special Training Centres across the country in a time bound manner especially at places where the concentration of child labour is very large.

3.46 The Committee further note that the DoSEL has categorically stated that Samagra Shiksha will not be absorbing/taking over the District Project Society or any liability of NCLP Scheme as convergence of NCLP with Samagra Shiksha is only to the extent of providing special training and mainstreaming of students. The Committee also take cognizance of the issues flagged by DoSEL with regard to closure of STCs under NCLP, utilization of human resources deployed and taking over/running STCs under NCLP, etc. with the Ministry of Labour and Employment and feel that comprehensive guidelines on running the STCs and mainstreaming the Out of School Children and other related issues need to be framed jointly by the Ministry of Labour and Employment and DoSEL so as to amicably resolve the issues.

3.47 Considering the fact that the Ministry of Finance (Department of Expenditure) had granted no objection to the proposal of the Ministry of Labour and Employment for merger of NCLP with SSA on the ground that both Ministry of Labour and Employment and DoSEL had come to an agreement for merger of NCLP with SSA, the Committee desire that detailed guidelines/modalities/procedures to be observed by States/UTs/Stakeholders implementing agencies following the merger of two Schemes be worked out by both the Ministries on priority.

3.48 Further, the Committee while acknowledging the fact that the Ministry of Labour and Employment do not have an independent mechanism to identify the child labour, impress upon the Ministry that prevention, identification, rescue, rehabilitation and reintegration of the rescued child is their overall responsibility assigned by an Act of Parliament and the Rules made thereunder. Simultaneously after merger of NCLP with SSA, DoSEL has now a very important role as far as rehabilitation of the rescued child is concerned. During the course of extensive examination of the subject for a period exceeding two years, the Committee have attempted to sensitize some of the line Ministries, State Governments and Stakeholders about their direct/indirect role and further efforts to be made for elimination the social evil of child labour. It is now for the Ministry of Labour and Employment in

particular and other Ministries and State/UT Governments to ensure that observations/recommendations made by the Committee are implemented in letter and spirit.

(ii) Financial support to States/ UTs for providing Special Training to Out of School Children.

3.49 The Committee note that DoSEL, under the Samagra Shiksha Scheme, provides financial support to States and UTs for providing Special Training to Out of School Children. The Committee were apprised that the amount of Rs. 6000 per child per annum and Rs. 20,000 per child per annum for non-residential and residential courses (class 1st to 8th) respectively, which was available under the erstwhile centrally sponsored scheme of Sarva Shiksha Abhiyan, has been continued for non-residential and residential (upto class XIIth) under the Samagra Shiksha also. The Committee were apprised during oral evidence that when RTE Act, 2009 came into existence, Sarva Shiksha Abhiyan (SSA) Scheme was in operation implying that the amount of financial assistance was fixed prior to 2009. Considering the fact that the amount of financial assistance being provided to States/ UTs for providing Special Training to Out of School Children, viz. Rs. 500 per child per month for non-residential and Rs. 1667 per child per month for residential courses has not been increased for more than 14 years, the Committee desire that this amount be suitably increased keeping in view the inflation as well as the interest of beneficiaries.

(iii) Out of School Children

3.50 The Committee note that the target group in Out of School Children (OOSC) is the 'never enrolled' and 'drop out' children. The National Education Policy, 2020, *inter alia*, lays emphasis on identification of OOSC, their mainstreaming and tracking. In this context, the Committee further note that DoSEL has developed an online module for compiling the data of Out of School Children identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal (<http://samagrashiksha.in>). The concerned State/UT validates the child-wise information of the identified OOSC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OOSC.

The Committee note that at present District-wise data of OOSC is not being maintained. The Committee desire that in addition to child-wise/school-wise data, the District-wise details of OOSC be maintained and shared with the Ministry of Labour and Employment, as OOSC are the children at risk or vulnerable to child labour.

3.51 The Committee were apprised by an NGO that one of the major causes of dropout of children especially girls in rural areas is that the schools are upto 8th class whereas in urban areas, the schools are upto 12th class. The Committee desire the DoSEL to examine this aspect with a view to maintaining the uniformity and also to ensure that the children in rural areas in particular do not have to travel long distance for getting secondary and senior secondary level of education.

(iv) Dropout Rate

3.52 The Committee note that the annual average drop out rate at the elementary level for 2019-20, 2020-21 and 2021-22 was 1.9%, 1.3% and 2.0% respectively, whereas at the secondary level, it was 16.1%, 14.0% and 12.6% during the corresponding period implying that the number of children who dropped out at the secondary level were 8,11 & 6 times more than those dropped out at the elementary level during 2019-20, 2020-21 and 2021-22 respectively. The Committee also note that the Right of Children to Free and Compulsory Education (RTE) Act, 2009 mandates the Government to provide free and compulsory elementary education to every child of the age 6 to 14 years in a neighbourhood school. The Committee feel that one of the reasons for dropping out of a large number of children is that the provisions of RTE Act, 2009 do not cover the adolescent group of children due to which these children are not mobilized to attend school. In this context, the Committee further note that under 'Pradhan Mantri Poshan Shakti Nirman' (PM POSHAN), one hot cooked meal in Government and Government aided schools is provided to students at the elementary level of education under Samagra Shiksha Abhiyan. The Committee desire that with a view to reducing drop out rate at secondary level, the adolescents be covered under the RTE, Act, 2009 and the facility of providing hot cooked meal be extended from elementary level of education to secondary/senior secondary levelso as to minimize drop out rate at secondary level.

(v) 'Working Children' and 'Main Working Children'

3.53 The Committee note that the survey of 'Out of School Children (OOSC) does not capture the data of 'working children' and 'main working children'. The DoSEL have, however, stated that they propose to improvise the survey format of out of school children, in consultation with Ministry of Labour and Employment, to add new entries for identification of child labour as also to identify if the child is a 'working child' only or is the 'main working child' i.e. the sole earner. The Committee desire that the consultation process be expedited and the format for out of school children be revised so as to include these two categories of children, as committed by the representative of the Ministry during evidence. The Committee also impress upon the DoSEL to ensure that the data, as per revised format, is captured during next 'OOSC' survey.

(vi) Data of migrant children/Nomadic Tribes

3.54 The Committee note that as per Section 4 of the RTE Act, 2009, special training is provided to Out of School Children (OOSC) in the age group of six to fourteen years so that they can be mainstreamed into the age-appropriate classes. The Committee further note that during the period 2018-19 to 30.09.2023, 25.04 lakh OOSC were provided special training at elementary level. The data, however, does not include the data of migrant children/Nomadic Tribes. As informed by the DoSEL, the residential facilities are also provided to child labour rescued, migrant children who belong to poor landless families, etc. The Committee desire that the data of migrant children/Nomadic Tribes provided special training be maintained as the possibility of such children being pushed to child labour is always very high.

(vii) Door-to-Door Surveys

3.55 The Committee note that teachers conduct door-to-door survey in rural as well as urban areas to identify Out of School Children (OOSC). The Committee feel that while it is comparatively easier to conduct door-to-door surveys in rural areas, there are many places in the urban areas where homeless/migrant families alongwith their children including Nomadic Tribes live viz. under the flyovers, on roadside/slum areas or outskirts of the city, etc. The Committee, thus find that there is gap in identification of OOSC,

especially in urban areas, which needs to be filled in. The Committee, therefore, desire the DoSEL to devise suitable mechanism to cover such homeless children, who reside in urban areas, so as to have correct data of OOSC.

(viii) Special Training to Teachers

3.56 The Committee note that 25.69 lakh, 7.73 lakh and 4.87 lakh teachers were trained during 2020-21, 2021-22 and upto 30.09.2023 respectively. The Committee further note that under Samagra Shiksha Abhiyan, door-to-door survey to identify the Out of School Children(OOSC) is conducted by the respective States/UTs Government through the teachers. The Committee were apprised that the teachers have neither the expertise nor mandate to identify the child labour. The Committee are of the considered view that though identification of child labour is the mandate of Ministry of Labour and Employment/ State Governments, considering the fact that the teachers conduct door-to-door survey annually to identify OOSC, and are the only source of direct interaction with parents/guardians throughout the country, it is imperative on the part of DoSEL to sensitize teachers through Special Training about the international commitment of the country towards elimination of child labour and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025. As the services of teachers are also utilized at the time of preparation of electoral list and, for the purpose, training is also being imparted to them, the Committee desire that on the similar lines, DoSEL may devise an appropriate mechanism to include child labour related component in the training module of teachers so that the exposure so gained is gainfully utilized by them while interacting with parents/guardians at the time of conducting OOSC surveys. The Committee wish to be apprised of the developments made in this regard.

(ix) Student Registry

3.57 The Committee note that to curtail dropout rate and ensuring universal access to education at all levels, National Education Policy, 2020 (NEP) recommends achieving universal participation in school by carefully tracking students, as well as their learning levels, Student Registry by the States. The Committee were apprised that child tracking at national level is yet to be rolled out, however, around 20 States/ UTs have prepared Student Registry

with all relevant details and around 20 crore children are being tracked at State level. The Committee urge the DoSEL to issue appropriate instructions to the remaining 16 States/UTs to prepare Student Registry and start tracking them. The Committee are happy to note that w.e.f. 2022-23, DoSEL have started collecting child-wise information under UDISE+ Portal in order to track students to reduce dropouts and to track their Learning Outcomes and the number of enrolments of students from pre-primary to higher secondary level in 2022-23 is 25.17 crore across all States/UTs. The Committee call upon the DoSEL to leave no stone unturned to ensure that child tracking at National level is undertaken as per norms so as to achieve the objectives of NEP, 2020.

(x) Integration with Department of Women and Child Development

3.58 The Committee were apprised that the Department of Women and Child Development had observed that some of the adolescent girls visiting Anganwadi Centres were 'out of school'. The Committee were also apprised that the Department of School Education and Literacy(DoSEL) and Women and Child Development had issued joint instructions to all the States with regard to mainstreaming of such children. The Committee appreciate the joint efforts made in this direction and desire that the process of integration with Department of Child Development be expedited and completed in a time bound manner.

(xi) Role of Elected Representatives

3.59 The Committee note that as per Section 21 of the RTE Act, 2009, the School Management Committee/School Management Development Committee consists of the elected representatives of the local authority, parents or guardians of children admitted and teachers. The Committee further note that under the Samagra Shiksha Abhiyan, provisions exist for Governing Council/Body at National level; single Implementation Society at State level to facilitate better decision making; and District Project office at District Level headed by District Collector/Magistrate/Chief Executive Officer of the Zila Parishad. The Committee feel that the experience gained by MPs and MLAs through interactions with stakeholders at ground level and also through various other means can be gainfully utilized by sharing their views and feedback. The Committee, therefore, desire that the local MPs and MLAs

be also invited at the meetings held at State/District level so as to strengthen the monitoring mechanism.

(xii) Awareness Campaigns

3.60 The Committee appreciate the efforts made by the Department of School Education and Literacy(DoSEL) for generating awareness on RTE Act, 2009; Samagra Shiksha Abhiyan; and NEP, 2020, etc. through print, electronic and social media platforms, road shows, Shikshak Parv, publication of NEP 2020 Implementation Booklet, launch of Nation wide reading campaign, organizing Akhil Bhartiya Shiksha Samagam, Bhartiya Bhasha Utsav, Swachhata Pakhwada, etc. As teachers have a very important role in eliminating the social evil of child labour from the country, the Committee desire the DoSEL to include this aspect also in the awareness campaigns to be launched in future.

(xiii) Educating children about child labour and child protection issues

3.61 The Committee note that the Samagra Shiksha Scheme aims to ensure inclusive and equitable quality education at all levels of school education. The Scheme has also been aligned with the recommendations of the National Education Policy, 2020. The Committee further note that the scheme being an integrated scheme for school education also aims to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse background, multilingual needs and different academic abilities, thereby making them active participants in the learning process. The Committee have been apprised by NGOs that there is a need to include a Chapter on elimination of child labour in school curriculum and also to educate the children in understanding, recognizing and reporting any crimes against children and other child protection issues through academic curriculum and in non-academic spaces. The Committee call upon the DoSEL to accord priority to these measures in the overall interest of the country and also in the interest of children in particular.

CHAPTER - FOUR

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

I Introduction

4.1 As a nodal Ministry for the advancement of women and children, the Ministry of Women and Child Development is responsible for the formulation of plans, policies and programmes and legislation in this regard. It also guides and coordinates the efforts of both Governmental and Non-Governmental organizations working in the field of Women and Child Development. In view of the above, the Committee decided to examine the Ministry of Women and Child Development because of its wide ambit in the realm of Child care, protection, rehabilitation and reintegration. The Committee were apprised by the Ministry of Women and Child Development that they have administered the Juvenile Justice (Care and Protection of Children) Act, 2015 which is the primary legislation for children in conflict with the law by providing rescue, rehabilitation and restoration services for such children by defining the standards of care and protection to secure the best interests of a Child. Further, all the other child related legislations such as the POCSO Act 2012, Child Marriage Act, Child Labour (Prohibition & Regulation) Act etc. have to be implemented in nexus with JJ Act, 2015.

4.2 On the two categories of children in need of rehabilitative care, the representatives of the Ministry deposed as under:

“One category comprises of children who are in need of care and protection and second category comprises of children who are in conflict with law. So, this Act provides the institutional set up as well as non-institutional framework for taking care of the children who are in either of the categories.”

4.3 It was further brought to the notice of the Committee that the Juvenile Justice Act, 2015 and its Model Rules, 2016 have been recently amended in 2021 & 2022, to make the provisions of the Act more stringent and procedures simpler. These amendments focus on overall rehabilitation process of children and ensure that rights of all children are protected.

4.4 It was informed that the JJ Act, 2015 is applicable all over India and mandates setting up of one or more Child Welfare Committees (CWC's) in each District by the State/UT Government for the purpose of reporting of such Children to the CWC to ensure that the benefits under the Act reach the beneficiaries.

4.5 The Ministry further apprised the Committee that they are implementing Mission Vatsalya (erstwhile Child Protection Services-CPS) which aims to pursue convergence of schemes to ensure desired outcomes in terms of child development while optimising investment, for care, protection, rehabilitation and reintegration of children in difficult circumstances. Under the Scheme, financial assistance was provided to State Governments/UT Administrations, for, *inter-alia*, setting up and

maintenance of various types of Child Care Institutions (CCIs) for providing various rehabilitative services through institutional and non-institutional care under the JJ Act, 2015. In these CCIs, children are provided age appropriate education either within the institution or outside in a formal education system through convergence with other schemes and programmes of the Government or civil society. Under the non-institutional care component, support is extended for adoption, foster care and sponsorship.

II. Juvenile Justice (Care and Protection of Children) Act, 2015

(i) Provisions under JJ Act, 2015 for rehabilitation of Children

4.6 The Ministry informed the Committee that under the JJ Act, 2015, a 'child' is defined as a person who has not completed eighteen years of age. As per the Act, "a child in need of care and protection" means a child- who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street and who is found vulnerable and has been or is being or is likely to be inducted into drug abuse or trafficking, among others.

4.7 Asked specifically on how a Child is differentiated from an Adolescent in view of the definition of a child, the Ministry submitted as under:

"The term 'adolescent' is not defined under the JJ Act, 2015. However, the Rashtriya Kishore Swasthya Karyakram under Ministry of Health and Family Welfare defines an adolescent as a person within 10-19 years of age. It may be noted that the JJ Act, 2015 is applicable for care and protection of a child (Children in need of Care and Protection and Children in Conflict with Law) i.e., a person who has not completed eighteen years of age."

4.8 On the rehabilitation measures envisaged for children in need of care and protection under the Act, the Ministry submitted as under:

"(i) Institutional care through Childrens home, Open Shelter and Specialised Adoption Agencies; where the Children are provided with various facilities including birth registration, assistance for obtaining the proof of identity where required; education, skill development; life skill education etc.
(ii) Family based non-institutional care ie, Sponsorship, foster care, adoption
(iii) Restoration
(iv) Aftercare Programme: Financial support to Children leaving a child care institution on completion of eighteen years of age in order to facilitate childs re-integration into the mainstream of the society."

4.9 In this regard, the Committee during the course of their deposition elaborated as under:

"Under the institutional care system, we have children's home, open shelter, and specialized adoption agencies. Basically, these are three kinds of 5 children's homes. The children's homes are basically for long-term rehabilitation of children. Open shelters are basically for children in street situation and where we keep the children for short periods. Specialized

adoption agencies are basically for the children in the age group of 0 to 5 years and they also have abandoned, surrendered and orphaned children who basically come in the adoption process in the long-term... In family-based non-institutional care, there is sponsorship. Under sponsorship, if one of the parents is missing or the child is orphan and if there is a near relative who is willing to take care of the child, then in that case, -- if the CWC orders -- the Government pays Rs. 4000 per month as a sponsorship amount in such cases. 'Foster care' is the one where people do take children for protection and care for a particular period. Here also, certain help is provided by the Government and adoption is a permanent care of the child by the adopted family. In case of restoration, the children who have been missing or who have been found at some other place and you know their place of natural residence, then you restore them to that particular place. 'Aftercare programme' of the child care homes are for those children who after the age of 18 years need certain support for their financial wellbeing so that they can stand on their feet."

4.10 In this regard, the Committee were informed that a total of 66965 Children have benefitted through the Institutional care and 26431 Children through non-institutional care, respectively.

4.11 Enquired about the extent to which the provisions under the Juvenile Justice (Care and Protection of Children) Act, 2015 have been enforced. The Ministry, while stating that the primary responsibility for implementation of the Act lies with the State Governments, furnished the following data as under:

Statutory structure	Description	Strength
Child Welfare Committee	Decides on matters relating to children in need of care and protection.	753
Juvenile Justice Board	Decides on matters relating to children in conflict with law	727 in 740 districts
District Child Protection Unit	Set up at district level to ensure implementation of the JJ Act, 2015	734
State Child Protection Society	Set up at State level to ensure implementation of the JJ Act, 2015	35
State Adoption Resource Agency (SARA)	Set up at State Level for dealing with adoptions and related matters in the State under the guidance of the Central Adoption Resource Authority.	35
Child Care Institutions (CCIs)	Section 41(1) of the JJ Act, 2015 mandates that all Child Care Institutions (CCIs) whether run by State Government or by voluntary or non-governmental organisations shall be registered under the Act. The primary responsibility of registrations as well as effective functioning of the CCIs vests with the State Governments/UT Administrations concerned.	As on 31.03.2022 2245 CCIs are funded under Mission Vatsalya (erstwhile CPS) housing 76118 Children/beneficiaries. Further, as per information from States/UTs, as on 15 th July, 2020, 7275 CCIs are registered for providing minimum standard of care as per JJ Act, 2015.

4.12 The Committee were further apprised by the Ministry that, under Section 27 of JJ Act, 2015, the State Government shall constitute one or more Child Welfare Committees for every district, for exercising the powers and to discharge the duties in relation to children. The Ministry also submitted that continuous efforts were made to ensure that the CWC is set up and is functional in every district.

4.13 Insofar as the procedure laid down under the Act, a child in need of care and protection is to be produced before the Child Welfare Committee (CWC) and CWC declares that child as a child in need of care and protection, on consideration of Social Investigation Report of the child and by taking into account the child's wishes in case the child is sufficiently mature to take a view.

4.14 In this regard, the Ministry informed the Committee that the procedure of the Social Investigation Report was being revised to address the different categories of children in need of care and protection so as to enable the implementing authorities to better understand the needs and requirements of the child including provisions for welfare and rehabilitation of children who are found working in contravention of the provisions of JJ Act or Labour Laws.”

4.15 When asked to state their views on the need for greater level of scrutiny for enforcing agencies to ensure effective implementation of JJ Act, the Ministry stated as under:

“The Ministry felt the need for constant supervision at a senior level in the District for implementation of the Act. As a result, they have notified the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, *vide* which the District Magistrate has been made the focal point with regard to implementation of the JJ Act, 2015. As per the Amendment, the District Magistrate shall conduct quarterly review of the functioning of the Child Welfare Committees at district level. The DM would be passing the adoption orders in future as soon as the rules under the new amended Act are notified. a power which was being exercised by the Judiciary till now. DM would also be heading the District Child Protection Units and would coordinate all Child Protection, Welfare and Development related activities in the District.”

4.16 The Ministry further elaborated on the coordination mechanism in place among different stakeholders *viz*, Juvenile Justice Board, Child Welfare Committee and the District Child Protection Units for seamless implementation of the JJ Act as under:

“As per the JJ Act, 2015, the District Magistrates review the functioning of Juvenile Justice Board and the Child Welfare Committee, in the following manner:

- i. The Juvenile Justice Board is mandated to furnish the quarterly report of pending cases to the District Magistrate.

- ii. The District Magistrate may, as and when required, in the best interest of a child, call for any information from all the Stakeholders including the Board and the Committee.
- iii. The Child Welfare Committee has been mandated to send quarterly information about children in need of care and protection to the District Magistrate.
- iv. District Magistrate shall review the functioning of the Child Welfare Committee once every quarter.”

4.17 Further, the Ministry during the course of their evidence, supplemented as under:

“It may also be noted that the Juvenile Justice Board, based on inquiry, may pass orders to place a child in conflict with law in a observation home or special home or place of safety. Likewise, the Child Welfare Committee, based on inquiry, may pass orders to place a child in need of care and protection in children home or open Shelter or specialised adoption agency or fit facility. These Child Care Institutions (viz., observation home, special home, place of safety, children home, open Shelter, specialised adoption agency, fit facility) are periodically visited/inspected by the Child Welfare Committee or the Juvenile Justice Board, as the case may be and the Inspection Committees under the JJ Act, 2015 including the District Magistrate.”

(ii) Provisions for Institutional care under the Act

4.18 The Ministry informed the Committee that the JJ Act, 2015 provides that the State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, which shall be registered under the Act. Open shelter functions as a community based facility for children in need of residential support, on short term basis, to children whose parents are poor and are working during the day with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. Facilities in an Open shelter include food, supplementary education, sports etc. Open shelters are also for children in the street who are found begging. But these are short stay homes unlike the homes which are for permanent stay where you can stay up to the age of 18 years depending on the requirements. Most of these shelters are operated by NGOs and some shelters have the provision for night shelters also. The Ministry further submitted that under Mission Vatsalya, an amount of Rs.29,48,096/- per year (recurring and non-recurring) has been provisioned for an Open Shelter unit of 25 children. As on 31.03.2022, 241 Open shelters are assisted under the Mission Vatsalya Scheme which has benefitted 5048 children across the country.”

4.19 When asked about the State wise data on the number of functional open shelters/temporary shelters, the Ministry furnished as under:

S. No.	State	No. Assisted under Mission Vatsalya as on 31.03.2022 (to be updated)
1	Andhra Pradesh	5
2	Arunachal Pradesh	0
3	Assam	5
4	Bihar	0
5	Chhattisgarh	9
6	Goa	2
7	Gujarat	3
8	Haryana	12
9	Himachal Pradesh	4
10	Jammu and Kashmir	0
11	Jharkhand	2
12	Karnataka	35
13	Kerala	3
14	Madhya Pradesh	9
15	Maharashtra	13
16	Manipur	17
17	Meghalaya	4
18	Mizoram	0
19	Nagaland	2
20	Orissa	12
21	Punjab	0
22	Rajasthan	20
23	Sikkim	3
24	Tamil Nadu	11
25	Tripura	4
26	Uttar Pradesh	13
27	Uttarakhand	4
28	West Bengal	38
29	Telangana	0
30	Andaman & Nicobar	0
31	Chandigarh	0
32	Dadra & Nagar Haveli and Daman & Diu	1
33	Ladakh	
34	Lakshadweep	0
35	Delhi	9
36	Puducherry	1
	Total	241

4.20 The Committee were also apprised of the Specialised Adoption Agencies (SAA) which are institutions recognised by the State Government for housing orphans, abandoned and surrendered children, placed there by order of the Committee, for the purpose of adoption and non-institutional

care. The children of the age group 0-5 years are kept in SAAs. The Committee were informed that a total of 390 Specialised Adoption Agencies have been set up and 4105 Children have benefitted from these SAA's.

4.21 With regard to the mechanism established for the monitoring and procedure for inspection of Specialized Adoption Agencies, the Ministry replied that the Act provides for inspection of the SAAs as under:

- i. "The State Government shall get every Specialised Adoption Agency inspected at least once in a year and take necessary remedial measures, if required.
- ii. Inspection committees are constituted at the State and district level, to mandatorily conduct visits to all facilities housing children (including SAAs) in the area allocated, at least once in three months. The Inspection Committee submit reports of the findings of such visits to the District Magistrate or State Government, which then takes appropriate action within a month.
- iii. Child Welfare Committee is also responsible for conducting at least two inspection visits per month of residential facilities for children in need of care and protection (which includes SAAs) and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government.

In addition, the JJ Act, 2015 has mandated the National Commission for Protection of Child Rights (NCPCR) to monitor the implementation of the provisions of the JJ Act, 2015."

(iii) Outreach services/Online Monitoring for Emergency Child Care

4.22 Asked specifically about the outreach provisions in place/proposed to be put in place to streamline and strengthen the reporting mechanism, pre and post rescue action, institutional and non-institutional care restoration, repatriation and rehabilitation of children, the Ministry submitted as under:

- i. "Childline (short code 1098) Services, defined in Juvenile Justice (Care & Protection of Children) Act, 2015 under section 2(25) is a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service.
- ii. As per Mission Vatsalya guidelines, the Child Helpline shall be run in coordination with State and District functionaries and integrated with the Emergency Response Support System 112 (ERSS-112) helpline of Ministry of Home Affairs.
- iii. For real time monitoring of children in the Juvenile Justice system, the Mission Vatsalya portal is under development."

(iv) Provisions for Penal Offences against Children

4.23 Asked to state the penal provisions in place for offences against Children under the Act, the Ministry highlighted as under:

“The JJ Act, 2015 provides penal provisions for offences committed against the children, which includes employment of child for begging (under section 76 of JJ Act 2015); using of child for vending, peddling, carrying supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance (under sections 77 & 78 of JJ Act 2015); and exploitation of a child employee (under section 79 of JJ Act 2015)”.

4.24 The Ministry further added that the Act acknowledges several new forms of offences committed against children, which were not adequately covered under any other existing law, such as, sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children etc. JJ Model Rules, 2016 and Adoption Regulations, 2017 have also been promulgated under the Act. For specific offences and penalty thereof there are other laws such as the Protection of Children from Sexual Offences Act 2012, 2005, the Prohibition of Child Marriage Act, 2006, the Child Labour (Prohibition and Regulation) Act, 1986 etc.

(v) Awareness Campaigns

4.25 The Ministry informed the Committee about the concerted efforts undertaken by them to raise awareness for identifying and prohibiting Child labour as under:

“The National Institute of Public Cooperation and Child Development (NIPCCD) under the Ministry of Women and Child Development regularly conducts training programmes for sensitization of the stakeholders, including the District Magistrates. During the year 2021-22, 115 training programmes were conducted by NIPCCD on Child Rights and Protection including on JJ Act, 2015”

4.26 Asked about the periodicity of the awareness campaigns for proper enforcement of provisions under the JJ Act, 2015, the Ministry, while stating that they hold regular interactions with States/UTs, elaborated as under:

“The Ministry has held Zonal and Sub-Zonal Meetings with the State/UT Governments in April and June-July, 2022 in various cities to deliberate upon the Mission Guidelines of the Mission Vatsalya and also the work done by the Ministry in the past 8 years. The Ministry does a comprehensive review of implementation of JJ Act in the Project Approval Board meetings with States. Apart from these, Ministry and NCPCR hold workshops with States on various aspects of JJ Act.”

National Commission for Protection of Child Rights (NCPCR)

4.27 The Committee were apprised of the mandate of the National Commission for Protection of Child Rights (NCPCR) to ensure better protection of the rights of the child through monitoring of constitutional and legal rights of children, review of safeguards, reviews of existing laws, look into violations of the constitutional and legal rights of children, and monitor programmes relating to the survival, protection, participation and

development of children. Further, NCPCR is also mandated for monitoring the implementation of the Protection of Children from Sexual Offences Act (POCSO Act), Juvenile Justice (Care & Protection of Children) Act and Right of Children to Free & Compulsory Education (RTE) Act, 2009.

4.28 The functions of NCPCR were stated to be as under:

- (a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- (b) Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- (c) Inquire into violation of child rights and recommend initiation of proceedings in such cases;
- (d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, P a g e pornography and prostitution and recommend appropriate remedial measures;
- (e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- (f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- (g) Undertake and promote research in the field of child rights;
- (h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- (i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- (j) Inquire into complaints and take *suo motu* notice of matters relating to,—
 - (i) deprivation and violation of child rights; (ii) non-implementation of laws providing for protection and development of children; (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities; and

(k) Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

4.29 The Committee were apprised on the membership of the NCPCR as under:

“The Commission consists of the following Members, namely (a) a Chairperson who is a person of eminence and has done outstanding work for promoting the welfare of children; and (b) six Members, out of which at least two shall be women, from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in,— (i) Education; (ii) Child health, care, welfare or child development; (iii) Juvenile justice or care of neglected or marginalized children or children with disabilities; (iv) Elimination of child labour or children in distress; (v) Child psychology or sociology; and (vi) Laws relating to children.”

4.30 Enquired specifically on the prevailing vacancies under the Commission, the Ministry replied that since December 2021, the posts of six posts for Members are lying vacant. The Ministry stated that the vacancies have to be advertised and unlike the National Commission for Women, where the procedure is not prescribed, in the case of NCPCR, necessary procedure has been laid down by Supreme Court.

4.31 The Committee desired to enquire about the specific number of Child labour in the country. The representative of NCPCR, in response, replied as under:

“As per Census, 2011, of the total child population of 259.6 million in the age group of 5-14 years, 10.1 million or 3.9% of the total child population are working, either as main workers or as marginal workers. However, the exact estimate of the total child labourers is not available.”

4.32 The Committee were apprised of difficulties faced by NCPCR during child rescue operations as under:

"Every child who needs help and care is required to be presented before the Child Welfare Committee. This is the mandate given under Section 31 of the Juvenile Justice Act. Here, one of the ambiguities that we get to see is that the child who is a child labourer is not covered by the CNCP (Children in need of care and protection) as per the definition of the Juvenile Justice Act and anyone can do the work of presenting them, but a task force has been formed in the district, which has been formed in compliance with the Child Labour Prohibition Act. When we work in the field, it is often seen that without that task force i.e. SDM, it is not possible. Other authorities do not do the work of rescuing children without the presence of him. This is a big problem in front of us. According to the NCRB data, only 613 cases are reported, while the Rajasthan government told us during a meeting that about 700 cases were registered by them alone.”

4.33 It was further submitted that NCPCR has initiated several strategic interventions for effective monitoring of the children related Acts/child labour across various sectors. Specifically asked to elaborate on the key

interventions undertaken by NCPCR to address incidence of Child labour, the Committee were informed as under:

- i. **Redressal of grievances:** Grievance redressal is one of the core functions and mainstay work of the Commission. In last one year through awareness generation and developing its capability, the Commission has dealt with 37652 complaints.
- ii. **Suo-motu Cognizance:** The Commission takes *suo-motu* cognizance on matters related to cases of violation of the child rights which appear in media including social media.
- iii. **NCPCR Benches:** As a quasi-judicial body, NCPCR is organizing grievance redressal benches in aspirational districts across the country. In the first phase, 55 benches were organized prior to the COVID-19 pandemic wherein the Commission received more than 27000 cases of complaints of various nature. Many cases were sorted out on spot by the Bench benefiting thousands of children. Benches have been re-started from September 2022 and so far 07 Benches have been organized by NCPCR
- iv. **Inter-Departmental meetings:** Inter-Departmental meetings with the States/UTs were organized in 2020-21, wherein, various issues were discussed including inter-state child labour issues and children in street situations. Monthly meetings have been taken by NCPCR with the State departments to discuss various child related issues. On 07th July 2022, NCPCR organized a meeting with Department of WCD/Social Welfare, Labour and Education of all States/UTs to discuss the issues related to children in street situations including child labour issues. During the meeting, one of the key issues discussed regarding child labour was the less number of FIRs being registered in child labour cases. States/UTs were informed by NCPCR in the meeting that all child labour cases reported under the Child Labour Act are cognizable offences and that States/UTs should register the FIRs in such cases immediately and promptly.
- v. **Consultations:** The Commission has organized thematic consultations with key stakeholders, authorities and duty bearers from States/UTs on child labour
- vi. **Fact findings:** The Commission conducts fact finding exercise whenever there are any issues or complaint of child labour in any industry/sector/region.
- vi. **Coordination meetings with SCPCR:** The Commission organizes coordination meetings with State Commissions on contemporary child rights issues wherein inter-state issues of child labour and other matters are also discussed for effective redressal”

4.34 The various sectors where Child labour is prevalent and unregulated as observed by NCPCR were stated to be as under:

- **“Un-organized Sector-** It is a reality that most of the industries/sectors have a distinct feature of having two facets i.e. “organized sector” which is well regulated and the “unorganized sector” which is unregulated, uninspected and not monitored. Children are found working in these unorganized sectors. The experience of the

Commission points out that “when an industry or sector involves or depends upon unorganized activities in its entire supply chain that attracts child labour.

- **Automobile Industry-** There are various industries and sectors in India where it is observed that children are being engaged as child labour and Automobile Industry is one of them. It is one of the fastest growing industries now penetrated in almost all parts of the country. Interestingly, it is observed that this industry has a distinct feature of having two facets i.e. “organized sector” which is well regulated and the “unorganized sector” which is unregulated, uninspected and not monitored. It is also an undeniable fact that the automotive industry comprising the automobile and the auto component segments – is one of the key drivers of the economic growth in India. With its deep backward linkages and forward linkages, it is seen as a major driver and has been recognized as a sector with very high potential to increase the share of manufacturing in gross domestic product (GDP), exports and employment. Automobiles will continue to be critical for the functioning of various industries, sectors, societies and economy of our country. Therefore, it is more important to develop an in-depth understanding of the sector including the inherent reasons why this industry is attracting child labour.
- **E-waste management-** Among the sectors where children are engaged as labour, electronic waste (e-waste) management is a rather overt sector that requires major reform. The Electronic Waste Management (EWM), Rules 2015 defines ‘e-waste’ as electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes. These electronic items get recycled by dismantling motherboards, obtaining metals like copper and iron rods from discarded air-conditioners, melting electronics from acids, segregation etc. These all processes become dangerous practices if there are no precautionary measures taken. This e-waste contains heavy metals and many components that can be re-used by grey market even after its disposal. In DelhiNCR, children are found involved in the informal sector of e-waste recycling processes. They are involved in collecting to dismantling of the e-waste without any standard operation systems. This exposes children to toxic gases and elements categorizing this as violence against children and impact their health, growth and development.
- **Fast Moving Consumer Goods (FMCGs)-** Where a company is providing its products for sale and advertising on the roadside dhabas and stalls, the accountability of the company should be fixed in cases where the roadside dhabas and stalls are engaging children as labour. These companies while publishing hoardings and banners at the roadside stalls and dhabas should maintain the list of such shops and dhabas. This would ensure that regular inspections and checks can be made by these companies advertising and selling goods through the local shops and dhabas and the children engaged as labour can be identified. Where any child engaged as labour is found at such dhabas or shops, the accountability of the FMCG companies can be fixed.

- **Placement Agencies in Metro Cities especially in Delhi-** NCPCR has observed that one of the common issues prevalent in child labour is the unregulated placement agencies working in Metro Cities. The real reason behind trafficking of children is that traffickers use tools of enticement and allurements. Traffickers promise the children and their families of providing the families with a good income and give false assurances that they will be able to secure their children good jobs and employment. These placement agencies then bring these children to metro cities like Delhi from various parts of India like Bihar, Jharkhand, West Bengal, Odisha, North-East. The agencies not only place these children as domestic help but also sell these children to other parts of India. These children who are brought by these unregulated agencies are vulnerable to abuse, exploitation and cruelty. NCPCR has observed that there are multiple placement agencies working in many parts of Delhi who are becoming a big contributor in trafficking of children as they are unregulated.”

4.35 On the Rescue Operations undertaken by NCPCR to check incidence Child labour, it was submitted that the Commission has set up a **Quick Response Cell (QRC)** which is an internal mechanism to address the complaints that require immediate action and rescue operation. Consequently, the Commission has conducted several rescue operations especially rescuing children from labour situations. In addition to quick response, pre-plan rescue operations on child labour are also being carried out as pilot initiatives to set examples so that State Commission and other authorities at State and district level can act in the same manner. Since 2015-16, Commission has conducted around 471 visits for inspections, inquiry, or rescue across the country.

4.36 The Committee were further informed that, as part of the 75th-anniversary of India’s independence to celebrate ‘Azadi ka Amrit Mahotsav’, NCPCR commemorated Child Labour Week in honour of World Day Against Child Labour from 12th to 20th June 22 to scrutinize the challenge of child labour and to identify the ways and means to eradicate it. Accordingly, it was stated that NCPCR undertook rescue operations in 75 places of 41 districts across 18 States. A rescue team consisting of a team from NCPCR, Labour Department officials and other local authorities reached predetermined areas and retrieved the minors being exploited as child labourers from various scrap and automobile markets. A total of 1025 children were rescued during this drive.

4.37 It was also brought to the notice of the Committee that NCPCR had set up an **online Management Information System** where data from all States/UTs is being submitted with respect to the actions taken by them for ensuring protection to children and implementation of various child rights laws.

4.38 Asked to provide the Information provided by Police and Labour Department of respective States/UTs as uploaded in the MIS Portal, NCPCR furnished as under:

	01.04.2021- 31.03.2022	01.04.2022- 22.11.2022
No. of child labour rescued	410	339
No. of child labour produced before CWC	330	113

4.39 In this regard, the Committee were apprised that only 12 States/1UT *viz*, Andaman & Nicobar Islands, Assam, Chhattisgarh, Haryana, Jammu & Kashmir, Jharkhand, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Uttar Pradesh have submitted information on the portal.

4.40 The Committee were further apprised that a Draft SOP for Child Labour was prepared by NCPCR. Elaborating on the need for an SOP, it was submitted as under:

“While inquiring into complaints in connection with child labour, it was observed that there are delays and lapses by the authorities in initiating investigation in such matters because of which there is a difficulty in identification and prosecution of offenders committing such contravention of labour laws. It is also noticed that due to the involvement of multiple authorities under the Child Labour Act, 1986 and Juvenile Justice Act, 2015, there are difficulties faced by not only the concerned authorities in dealing with such child labour matters but also by the child labour victims. Further, such delays and lapses on part of the authorities prevents the minor victims from receiving funds from the Child Labour Rehabilitation Fund constituted under Section 14B of the Child Labour Act, 1986 and any other compensation/fund that the minor is eligible for under any Government scheme and/or awarded by the Hon’ble Court. To curb such issues related to child labour and to streamline the role of multiple authorities to deal with a child who is a victim of contravention of labour laws, NCPCR has published a draft SOP for Child Labour. The draft SOP has been published online for comments and had been sent to district officials for pilot testing as well.”

4.41 The Committee desired to be apprised of the status of the writ petition that was taken up *suo-moto* by the Supreme Court concerning children living in street conditions (and to which the National Commission for Child Rights is party). The Ministry, in response, submitted as under:

“The Hon’ble Supreme Court in SMWP (C) No.6/2021 in response to Children in Street Situations had taken cognizance on the issue of children in street situations. During the course of hearings in this matter, the Hon’ble Supreme Court has directed the State Governments and district authorities to identify children who are in street situations and initiate the process of rescue and rehabilitation for them. The Hon’ble Supreme Court has directed the State Governments to implement the SOP 2.0 of National Commission for Protection of Child Rights (NCPCR) for children in street situation, to upload the data of such children on the Baal Swaraj Portal-CiSS of NCPCR and to implement the suggestions made by NCPCR for developing a policy for rehabilitation of children in street situations till the time the State Governments do not implement their own policy. The case had last been listed on 09.05.2022 and is now listed for hearing on 01.08.2022. This case is still sub-judice and ongoing before the Hon’ble Supreme Court.”

4.42 On the aforementioned directions, the Committee were apprised on the following actions/developments *inter-alia* as under:

“(i) While developing SOP 2.0, NCPCR had been informed by Save the Children – NGO that they had mapped about 2 lakh children in 4 States/UTs namely Delhi, Maharashtra, Uttar Pradesh and West Bengal. The Hon’ble Supreme Court was also informed about this data in affidavit of NCPCR dated 12.11.2021 and the Hon’ble Court directed the State Governments to take necessary action for these children.

(ii) Hon’ble Supreme Court in January 2022 expressed its concern regarding having a set policy for dealing with children in street situations and asked NCPCR to provide some suggestions which can help in framing a policy. NCPCR in its affidavit dated 17.02.2022 submitted suggestions for developing a policy for rehabilitation of children in street situations. The Hon’ble Supreme Court vide its order dated 09.05.2022 has asked all States/UTs to implement the policy made by NCPCR till they don’t frame their own policy for children in street situations.

(iii) NCPCR through its affidavits has been informing the Hon’ble Court about the steps being taken by it to address the issues concerning street children and also submitting the data uploaded by the States/UTs on Baal Swaraj Portal- CiSS from time to time.”

4.43 Further, on the Orders of the Hon’ble Supreme Court in the context of appointment of Labour Officer under the Child Labour Rules, 2017 for care and protection of children /children who are victims of child labour and the action taken therewith, the Committee were informed as under:

“The Hon’ble Supreme Court In SMWP (C) 4/2020, vide order dated 09.05.2022 had observed that there is a significant role played by the Labour Officer appointed under Rule 17C (1) of the Child Labour Rules, 2017. NCPCR has observed that the nodal officer to be appointed under the Child Labour Rules, 2017 is not appointed in many States/UTs and for information and compliance of the same. NCPCR had issued a letter to all States/UTs for appointment of the nodal officer. The Commission had also organized a review meeting on 16.07.2022 to discuss the orders of SMWP (C) No.4/2020 In Re Care and Protection of Children due to Loss of Parents during Covid-19 wherein the State Departments of Education, Labour and WCD had participated. During the meeting, the Labour Department of each State/UT was requested to provide information about the following:

- i. Status of appointment of nodal officer of the Labour Department [Rule 2B (2) of the Child Labour Rules]
- ii. List of officers with their name and contact details.”

4.44 In accordance to the above directives, the Committee were apprised of the status of appointment of a nodal officer for various States/UTs as under:

Andhra Pradesh, Arunachal Pradesh, Bihar, Haryana, Himachal Pradesh, Manipur, Mizoram, Nagaland, Punjab, Sikkim, Telangana, Uttar Pradesh, West Bengal, U.T. of Delhi, Lakshadweep and Puducherry	Yet to be appointed
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Assam, Chhatisgarh, Goa, Gujarat, Jharkand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Odisha, Rajasthan, Tamil Nadu, Tripura, Uttarakhand, U.T. of Dadra and Nagar Haveli and Daman & Diu, Chandigarh, J&K and Ladakh.	Appointed
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4.45 The Committee were further apprised by the Ministry that in order to protect the best interests of the child, directions have been issued to the NCPCR to constitute a mediation Cell to resolve the cases of children who were taken away by one of the spouse without permission of the other spouse due to marital discord or domestic violence from other Countries to India or vice versa, for preparing a parental plan into account the best interest of the child.

4.46 Elaborating further on the role of the Mediation Cell, the officials of the Ministry during the course of their evidence, deposed as under:

“There are disputes between husband over the custody of child and all. People have brought their children and have come to India. Now, the husband is American citizens. So, they file cases. There are a lot of such cases where husbands have detained the child in US and wife is here in India. All these cases of marital discord are there. There are 87 odd cases with US only. As per the request of the other Government, we have set a mediation cell where we try to work with both the parents whenever they are willing to come on board. Then, we try to make a plan so that child can be safely taken care of... Unfortunately, in countries like US, at times, we get complaints where the men are in a better financial position. So, their legal system is such that the courts normally will give the custody to the person, I mean the parent, who is doing well in such cases. So, a lot of children are there where men have got the position of that child. Unfortunately, the mother was not working. So, she will not get the position of the child. We get a lot of complaints where they want the children. We are trying but not much success is made in these cases. It is a regular problem which we keep facing... In fact, in several cases, our courts have not allowed children to go back. There are several cases where the mother has got the child here. From there, they say we have got the custody and all that. But then, our courts have said no to them. Mother is the natural guardian in such cases. They have not allowed repatriation of the child in such cases.”

4.47 The Ministry further highlighted the setting up of ‘POSCO e-box’, an online complaint management system by NCPCR for easy and direct reporting of sexual offences against Children and timely action against the offenders under POSCO Act, 2012.

4.48 Further, the representative of the Ministry submitted that certain directives were being issued to Panchayats and Municipal bodies in the area of Child protection and welfare under Mission Vatsalya. Elaborating further in this matter, the Ministry during the course of deposed as under:

"We have started 'Mission Vatsalya Yojana' on 5th July, 2022 to notify the topics of child protection and child welfare in panchayat and municipal areas. Under 2.12 of 'Mission Vatsalya Yojana', the Child Welfare Protection

Committee should be notified in every Panchayati Raj Institution and every Municipal Urban/Local Body. Their existing Standing Committee could deal with women and children related topics. The work of this committee is to discuss these topics. Who is going to school, who is not going and who has to make plans and budgets according to the 15th Finance Commission. Thus, we have issued our existing guidelines. We have to take a review from the State Governments and UTs... Secondly, you have asked whether there is only census data to calculate child labour, is there no other data. One of the major initiatives in our 'Mission Vatsalya Yojana' is to conduct a child survey. In future, a child index is also to be created, but first we will start with the child survey. At present it is under consultation with the Ministry of Statistics and Programme Implementation. We have had around two meetings. We are constructing the different factors which we want to bring into the survey.”

III. Integrated Child Development Services- Saksham Anganwadi/ Poshan 2.0

4.49 The Committee were informed that the Integrated Child Development Services Scheme was approved on 16th November, 2017 with a revised scope, structure and cost sharing ratio for continuation upto 30th November, 2018 and subsequently continued up to 2020-21. Now, the Government has approved 'Saksham Anganwadi and Poshan 2.0' scheme, which is a mission mode scheme to develop practices that nurture health, wellness and immunity from malnutrition. The Committee were further apprised that the Anganwadi Services Scheme, Scheme for Adolescent Girls and Poshan Abhiyaan have been realigned under POSHAN 2.0 for maximizing nutritional outcomes. (PPT9 WCD)

4.50 The Ministry informed the Committee that under the Scheme, the primary focus is on practices that nurture health, wellness and immunity from malnutrition and organized under 3 verticals viz, Nutrition Support for POSHAN and for Adolescent Girls; Early Childhood Care and Education (3-6 years); Anganwadi Infrastructure including modern, upgraded Saksham Anganwadis.

4.51 Elaborating further, the Ministry submitted as under:

“Anganwadi Services Scheme is a symbol of the country’s commitment to its children and nursing mothers, as a response to the challenge of providing pre-school non-formal education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality on the other. The beneficiaries under the Scheme are children in the age group of 0-6 years, pregnant women and lactating mothers. The scheme has universal coverage and all children of the age group 6 months to Six years are entitled to supplementary nutrition and early childhood care and education from AWCs. Any child of age group 6 months to 6 Years is entitled to a set of six services under the Scheme which are (i) Supplementary Nutrition (SNP), (ii) Pre-school Non-formal Education, (iii) Nutrition & Health Education, (iv) Immunization, (v) Health Check-up, and (vi) Referral Services. Immunization, Health check-up and Referral Services are provided through NHM & Public Health Infrastructure. (BN Pg 5). The

Committee were informed that the total beneficiaries (as on 31.12.2021) are 9,50,18,684 comprising of 7.5 lakh children and 2 lakh women “

4.52 The Committee were informed that the Anganwadi Services team comprises of the Anganwadi Workers (AWWs), Anganwadi Helpers (AWHs), Supervisors, Child Development Project Officers (CDPOs) and District Programme Officers (DPOs). AWWs and AWHs are honorary workers and are paid a monthly honoraria as decided by the Government.

4.53 On the functioning of Anganwadis and their role in ensuring nutrition to the child , the officials of the Ministry deposed as under:

“...the district level Anganwadi supervisor can see all the data of all her Anganwadi under her jurisdiction. Normally, there are 25 Anganwadis. CDPO will be able to see the block level. He can identify all the Anganwadis what level of problems are there and it is individual specific. So, also in that case, District Programme Officer and District Magistrate. This was not available. At the State level also, this data is collated and they can see for the entire State. The basic thing about Anganwadi is that this scheme though part funding is done by the Central Government, but the implementation is fully with the State Governments. So, this data is required by the State Governments. If the State Governments work well, then we can see with the Poshan Tracker, we will see a substantive change in nutrition status of children over the next one or two years. We were travelling to a district called Nevada in Gujarat which is an aspirational district and again where nutrition indicators do not do well. There I saw in Tribal areas, the Anganwadi workers using this and they could tell that this child is mal-nutritioned and what they are doing about it.There will be one category where we do the appetite test. The child is kept hungry, say, for two hours and if he is able to eat after that means he does not need medical intervention. In that case you give twice the normal food to the child and he recovers within a month or so. The second case is where the child is not eating, in that case you will have to take him to the nearest Nutrition Rehabilitation Centre (NRC). Now, there are some States which have a large number of NRCs. Health Department will be able to tell this, but in every district, there is one NRC and many of the States have brought NRC to the block level.”

4.54 In this regard, the Committee were informed that there are 1089 functional Nutrition Rehabilitation Centre (NRCs) across the country as on 31.03.2022.

4.55 The Official further submitted that Even if NRC is not there, there are medicines which are given regularly but normally why we require NRCs is that the child has to be supervised over at least seven to fifteen days. One of the parents have to be with the child. Some States are ensuring that they pay some kind of wage compensation to the parent who is accompanying the child.

4.56 Asked to apprise the Committee about the number of sanctioned/operational Anganwadi Centres (AWCs) as of 31.12.2021, the Ministry furnished the data as under:

S. No	State/UTs	No. of Anganwadi Centres	
		Sanctioned	Operational
1	Andhra Pradesh	55607	55607
2	Arunachal Pradesh	6225	6225
3	Assam	62153	61715
4	Bihar	115009	112094
5	Chhatisgarh	52474	51605
6	Goa	1262	1262
7	Gujarat	53029	53029
8	Haryana	25962	25962
9	Himachal Pradesh	18925	18925
10	Jharkhand	38432	38432
11	Karnataka	65911	65911
12	Kerala	33318	33115
13	Madhya Pradesh	97135	97135
14	Maharashtra	110486	110293
15	Manipur#	11510	11510
16	Meghalaya	5896	5896
17	Mizoram	2244	2244
18	Nagaland	3980	3980
19	Odisha	74154	74096
20	Punjab	27314	27304
21	Rajasthan	62010	61655
22	Sikkim	1308	1308
23	Tamil Nadu	54439	54439
24	Telangana	35700	35580
25	Tripura	10145	9911
26	Uttar Pradesh	190145	189432
27	Uttrakhand	20067	20067
28	West Bengal	119481	119481
29	A & N Islands	720	719
30	Chandigarh	450	450
31	Dadra & N Haveli and Daman & Diu	409	405
32	Delhi	10897	10896
33	Jammu & Kashmir	30765	28078
34	Ladakh	1173	1137
35	Lakshadweep	107	71
36	Puducherry	855	855
Total		1399697	1390824

4.57 On the aspect of Anganwadi Workers and Anganwadi Helpers, the Committee were informed that Anganwadi Workers (AWWs) & Anganwadi Helpers (AWHs) were 'honorary workers' who come from the local community and volunteer to render their services, on part time basis, in the

area of child care and development. In this regard, it was submitted that Anganwadi Workers (AWWs) & Anganwadi Helpers (AWHs), being honorary workers, are paid a monthly honorarium as decided by the Government from time to time. The Government has enhanced the honorarium given to Anganwadi Workers (AWW) and Anganwadi Helpers (AWH) w.e.f 01.10.2018. Further, the AWWs/ AWHs are appointed on fulfillment of certain eligibility conditions and therefore they cannot be strictly termed as beneficiaries under the Scheme.

4.58 As regards the Scheme for Adolescent girls, the officials of the Ministry submitted as under:

“We also have a scheme for adolescent girls but there have been some changes. Earlier, the adolescent girl scheme was for 11-14 years age group and over a period of time with Right to Education scheme of Education Department, most of the girls in this age group have moved to the school and now, that mid-day meal is being provided in schools also. So, beginning from 1st April, this scheme has been changed. An adolescent girl now will be from 14-18 years and initially it will be in the aspirational districts of the country. There are 112 districts. It is because there, the nutritional support is not up to the desired level and also in the North Eastern States. That is the basic change. It is because from 14-18 years, there was no scheme for providing nutrition to the girls of that age group and normally, after that age group, they get married. So, at that time, if they are well-nourished, when the children are born, they are born healthy.....It is only for the aspirational districts and northeastern States.”

4.59 The Ministry further informed the Committee about the recent initiatives taken by them as under:

- “(i) Streamlining Guidelines issued on 13.01.2021 to ensure transparency, efficiency and accountability in delivery of Supplementary Nutrition,
- (ii) Poshan Tracker, an important IT Governance Tool, has been rolled out to strengthen and bring about transparency in nutrition delivery support systems.
- (iii) In keeping with the announcement made by the Prime Minister on 15th August 2021, 100% fortified rice to States/UTs are allocated under the Supplementary Nutrition Programme to address the issue of malnutrition faced by women and children.
- (iv) States have been advised to incorporate millets in local recipes to enhance the nutritional quality of Supplementary Nutrition provided at the Anganwadi Centers.
- (v) Under the Saksham Anganwadi and Poshan 2.0, 2 lakh AWCs @40,000 AWCs per year would be strengthened, upgraded and rejuvenated. The Panchayati Raj Department through Poshan Panchayats shall play a very active role for malnutrition free India through Jan Andolans.
- (vi) Under Poshan 2.0, Anganwadi Centres, which provide a platform for convergence for nutrition delivery, health and early childhood care and education are being strengthened and rejuvenated as Saksham Anganwadis to create robust platforms for delivery of nutrition and

ECCE services. Saksham Anganwadi and Poshan 2.0' will seek to optimize the quality and delivery of food under the Supplementary Nutrition Program by moving away from a calorie-focus to more balanced diets to address chronic micro-nutrient malnutrition including by supply of fortified rice and nutri-cereals.

- (vii) Poshan Abhiyan will be the key pillar for Outreach and will cover innovations related to nutritional support, ICT interventions, Media Advocacy and Research, Community Outreach and Jan Andolan.
- (viii) More than 40 crore activities have been carried out under Poshan Maah and Poshan Pakhwada and 3.70 lakh CBEs have been conducted since the launch of the Abhiyaan.
- (ix) To encourage diet-diversity and consumption of wholesome local produce, around 4.35 lakhs poshan vaticas have been developed at AWCs.
- (x) Anganwadi workers have been provided with 11.13 lakh smart phones. Besides, to promote regular growth monitoring 11.94 lakh Growth Monitoring Devices have been procured by States/UTs under the Abhiyaan."

4.60 Asked to elaborate on the Poshan Tracker specifically, the officials of the Ministry deposed as under:

"Under Poshan Tracker, all the data relating to children, say their height, length and weight is kept there. This has been tabulated with the World Health Organization's table on nutrition. So, the moment you put the data of length or height and weight, it will automatically give result whether the child is normal child, obese or is slightly mal-nourished and severely malnourished. This kind of information was not available till now in our system. Neither District program Officer nor the District Magistrate or the CDPO had this data about how many children are kuposhan in their area. This tracker is now giving us real time information. This will tell as to which child in a particular Anganwadi are mal-nourished and who needs support for improving their health..... Tracker is monitored by district authorities at State level."

IV. Scheme for Empowerment of Girl Child/Beti Bachao Beti Padhao

4.61 The Committee were informed by the Ministry that the Beti Bachao Beti Padhao scheme was envisaged to address the issue of decline in Child Sex ratio and related issues of empowerment of girls and women over a life cycle continuum. This scheme has a multi-sectoral intervention at district level. It was being run in 405 districts and through multi-media advocacy it was expanded to 640 districts of the country.

4.62 The achievements of the scheme were stated to be as under:

- Increase in 19 points in Sex Ratio at Birth at National level from 918 (2014-15) to 937 (2020-21).
- Percentage of 1st Trimester ANC Registration has shown improvement from 61% in 2014-15 to 73.9% in 2020-21.

- Percentage of Institutional Deliveries has also shown an improvement from 87% in 2014-15 to 94.8% in 2020-2
- Gross Enrolment of Girls in secondary education at National Level has increased from 75.51% in 2014-15 to 77.83% in 2019-20.

4.63 The Committee were apprised of the partner Ministries under these Scheme as under:

- Ministry of Education- for concerted effort of the education of girl child, including out of school girls and school level implementation of BBBP activities and calendar
- Ministry of Health and Family Welfare- for effective Implementation of Pre-Conception and Pre-Natal Diagnostic Techniques (PC&PNDT Act, birth registration and promoting institutional delivery, Awareness for nutrition and health education, including importance of Iron & Folic Acid supplementation, awareness on menstrual hygiene maintenance
- Ministry of Skill Development and Entrepreneurship- for encouraging skilling and vocational training of girls, prepare them for job opportunities and entrepreneurship. At least 15-20% of the skilled girls may be from SC/ST group.
- Ministry of Youth Affairs and Sports- for promoting girls in all sports, engaging youth groups for awareness generation and making BBBP champions at all levels

V. Scheme for Prevention of trafficking

(i) UJJAWALA:

4.64 The Committee were informed that under the Scheme, a comprehensive scheme for prevention of trafficking, with five specific components – Prevention, Rescue, Rehabilitation, Re-Integration and Repatriation of victims of trafficking has been conceived primarily for the purpose of preventing trafficking on the one hand and rescue and rehabilitation of victims on the other.

4.65. In this regard, the Official of the Ministry elaborated as under:

“Under this scheme, these five components are there and not all the components are implemented everywhere. It depends on how the situation is developing at the particular location and accordingly the component-wise grant is provided by the Government. So, we have provisions for rehabilitation where we provide rent for setting up UJJAWALA homes and then we provide assistance for recurring and non-recurring expenditures.....Basically, when such events take place and we have found out some victims obviously police and district administration is in touch with them. They only come through those channels. They are aware that such kind of facilities are there. So, they take them directly to Ujjwala homes. There are certain cases where a woman has been found who is destitute and who is not actually the victim of trafficking. There is nobody to take care of her. In that case, we shift her to something called ‘Swadhar Greh’. Under this Scheme, all the necessities of the victims are taken care of, for example, food, shelter and clothing, providing them psychological counselling, medical help etc. Through the vocational training, we try to

provide them some support so that they themselves can start earning some bit and they are able to go back to their home. They are psychologically ready after having gone through the traumatic period and they are ready to get integrated with their families. In the 15th financial year cycle, we are going to integrate Ujjwala and Swadhar Greh Scheme. They are basically running parallel. We have given this option to the States, if possible, run them together. Wherever there are circumstances which do not permit for operating these two homes together, they may have common premises but separate buildings. We have made the changes in the sense that financial assistance for administrative set up management and maintenance cost has been increased for the coming 15th financial circle period. We are going to geotag in all the houses so that anybody sitting anywhere in this country can find out if some victim is there and she can be asked to go to these Homes. With the integration of these two Homes, we will be able to run them much more effectively...Sir, Shakti Sadan Scheme will be the integrated name of Ujjwala Scheme and Swadhar Greh Scheme.Sir, there are two aspects. One is for women who are coming out of trafficking and going to Ujjwala homes and the other is for women in distress. Both the situations are very different. If we mix them, some serious problems are going to be there”

(ii) Immoral Traffic (Prevention) Act (ITPA),1956:

4.66 The Committee were informed that the Immoral Traffic (Prevention) Act, 1956 (ITPA) was enacted with the objective to prevent trafficking for commercial sexual exploitation. It is a gender neutral legislation which defines prostitution as *the sexual exploitation or abuse of persons for commercial purposes* and penalises specific activities which leads to sexual exploitation of persons viz. Brothel keeping, Living on the earnings of prostitution, Procuring, inducing or detaining for prostitution (the penalties are higher where offences involve children (<16 yrs) & minors (< 18 yrs), Prostitution in areas notified & near public places, Soliciting.

4.67 The official of the Ministry further deposed as under:

“If you see some of the provisions of this Act are now, as far as children are concerned, those are covered under the POCSO Act and they carry much higher sentence in such cases. If children are found in such situations, they are covered under JJ Act and POCSO Act, whereas for the women of the age group of more than 18, ITPA set-up provides that the court orders their rehabilitation. Then these women are taken to the Ujjwala home.”

4.68 In this regard, the Committee were apprised that the Ministry of Home Affairs had issued an advisory dated 09.09.2009 whereby the law enforcement agencies were advised to adopt a victim centric approach and not to invoke soliciting (Section 8) and removal of prostitutes from any place (Section 20) as it will lead to the re-victimization.

(iii) Scheme for Working Women Hostel:

4.69 The Committee were informed of the Working women hostel scheme. The facilities under the Scheme were stated to be as under:

- Safe and affordable accommodation to working women,

- Accommodation to women under job training
- Facility of Day Care Centre for Working mothers

4.70 Elaborating further during evidence, the Ministry deposed as under:

“We have located these hostels where job opportunities for women are there, but proper of facility for accommodation is not there for them. In order to enhance our labour force participation in respect of women, this scheme is working towards that objective. We have facility for day care centre for working mothers who have small kids. As of now, we are providing Rs.50,000 as rental per month in the metropolitan cities and Rs.35,000 per month for other places. As of now, 500 hostels are functional all over the country.”

OBSERVATIONS/RECOMMENDATIONS

4.71 The Committee note that the Mission Vatsalya (erstwhile Child Protection Services-CPS) aims to pursue convergence of schemes to ensure desired outcomes in terms of child development while optimising investment, for care, protection, rehabilitation and reintegration of children in difficult circumstances. As per the Ministry, under the Scheme, financial assistance is provided to State Governments/UT Administrations, for providing various rehabilitative services through institutional and non-institutional care under the JJ Act, 2015. In this regard, the Committee while lauding the efforts made under the Mission, are of the opinion that the efforts towards convergence should be taken at the three levels namely, District, State and National level, so as to effectively forge convergence between States and services. In this regard, the Committee feel that synergy particularly with the Ministry of Labour and Employment and Departments of Labour in States is critical for prevention, identification, rescue and rehabilitation of Child labours and urge upon the Ministry to consistently coordinate and work with other agencies at the District level such as District Child Protection Unit, District Magistrate, Child Welfare Committee and Village level Child Protection Committees under Mission Vatsalaya in order to successfully mitigate incidence of Child labour.

4.72 The Committee note that under the JJ Act, 2015, a 'Child' is defined as a person who has not completed eighteen years of age. Further, all cases related to child labour are dealt solely under the Act, which provides for prosecution of those involved in child labour and rehabilitation of child labours. The Committee, however, find that the term 'adolescent' is not defined under the JJ Act, 2015. The Committee have also been given to understand that the Rashtriya Kishore Swasthya Karyakaram under the Ministry of Health of Family Welfare defines an adolescent as a person between 10-19 years. Further, as per the Child Labour (Prohibition and Regulation) Act, 1986, children between age group 14-18 years are defined as adolescents. The Committee feel that, in the absence of any definition of 'adolescent' category of children, in cases related to adolescents, prosecuting someone under JJ Act will become difficult. In the considered opinion of the Committee, there is a lack of consistency in the definition of adolescents and there is a need for inclusion of a sub-category of children under JJ Act to cater to Adolescents. Moreover, the Committee feel that the lack of clarity in definition of Child/adolescents in Government policies is also bound to adversely affect laws governing their employability and prosecution. There is thus an urgent need to harmonize the various laws on the definition of Child/adolescents so as to effectively regulate and rehabilitate them.

4.73 The Committee find that under the JJ Act, 2015, the State/UT Government is mandated to constitute one or more Child Welfare Committees (CWCs) in each District for the purpose of reporting of children in need of care and protection for exercising the powers and to discharge the duties in relation to Children. In this regard, it was informed that continuous efforts were made to ensure that the CWCs are set up and functional in all districts. The Committee find that as on 31.03.2022, 753 CWCs have been set up across the country and urge the Ministry to immediately intervene in such States/districts where CWCs are yet to be set up or are dysfunctional owing to staff shortage,

lack of adequate monitoring and lack of timely review. The Committee are of the opinion that unless timely interventions are undertaken to address any shortcomings, a robust welfare system will continue to be out of reach for vulnerable Children and they will have to bear the brunt of it.

4.74 The Committee were informed that, as per procedure laid down under the Act, a child in need of care and protection is to be produced before Child Welfare Committee(CWC) and CWC declares that child, as a child in need of care and protection on consideration of Social Investigation Report of the child and by taking into account the child's wishes in case the child is sufficiently mature to take that view. The Committee have been given to understand that the procedure of Social Investigation Report was being revised to address the different categories of children in need of care and protection. The Committee are conscious of the fact that the Social investigation report is an important procedure regarding the antecedents of the child and is a vital link for assessing the requirements of the Child in need of care and protection and helps in taking a clear decision regarding rehabilitation and their social re-integration. The Committee urge upon the Ministry to expedite revision of Social Investigation Report so as to enable the implementing authorities to better understand the needs and requirement of the child including provisions for welfare and rehabilitation of children who are found working in contravention of provisions of JJ Act or Labour laws. The Committee may be updated regarding the progress in this regard.

4.75 The Committee note the laudable initiatives taken by the Ministry of Women and Child Development (MWCD) to strengthen the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). In this regard, the Ministry having felt the need for constant supervision at a senior level in the Districts for strict adherence of the Act, has notified the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 which has made the

District Magistrate (DM) as the focal point for implementation of the JJ Act at the district level. The Committee find that now the DM will be responsible for conducting quarterly reviews of the functioning of the Child Welfare Committees (CWCs) and for passing adoption orders, which was previously being exercised by the Judiciary. However, the enabling rules need to be notified at the earliest for swift implementation of revision in the Act. Moreover, the DM will also head the District Child Protection Units (DCPUs), which are responsible for coordinating all child protection, welfare, and development activities in the district. The Committee emphasize that the existing coordination mechanism among different stakeholders viz. Juvenile Justice Board, Child Welfare Committee and District Child Protection Units need to be monitored and reviewed by the DM at regular intervals for seamless implementation of JJ Act. The Committee view this as a significant step as it will provide constant supervision and leadership for child protection efforts in the district and these stakeholders play a critical role in the implementation of the JJ Act, the DM's oversight will help to ensure that they are functioning effectively. At the same time the Committee feel that the DM already has a wide range of responsibilities and adding the JJ Act to this could strain the DM's resources and time. To address this concern, the Committee recommend that the Ministry of Women and Child Development (MWCD) should provide the DMs with the necessary support to effectively carry out their new responsibilities. The Ministry should also work closely with the State Governments to ensure that the DMs are given the authority and resources they need to do their job effectively.

4.76 The Committee find that there are 241 Open shelters (as on 31.03.2022) that are assisted under the Mission Vatsalya Scheme across the country which has benefitted only 5048 children across the country, which in the estimation of the Committee is inadequate. Moreover, it is also observed that the open shelters in some of the more populous states such as UP (13), MP(9), Bihar(0) and

Maharashtra(13) is a serious cause of concern for the Committee. According to the Ministry, the JJ Act, 2015 provides that the State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, which shall be registered under the Act. These shelters are to function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. The Committee note with concern that the lack of adequate open shelters can have serious consequences for children, including through increased vulnerability to abuse and exploitation and also exposure to criminal activity. The Committee thus recommend that the Ministry urge the State Governments and their concerned departments to increase their partnerships with non-governmental organizations (NGOs) in order to establish and operate larger number of such open shelters. The Ministry might devise suitable incentives to encourage the States towards this end. Efforts are also required for regular monitoring and evaluation of open shelters to ensure that they are meeting the needs of children. At the same time the Committee emphasize on the need for collection and analysis of data on the number of children utilizing open shelters, their backgrounds, and their outcomes to help policy decisions and resource allocation.

4.77 The Committee note the provision of Specialised Adoption Agency (SSA) to house orphans, abandoned and surrendered Children, for the children under age group upto 5 years for the purpose of placing them under adoption and non-institutional care. The Committee have been informed that a total of 390 SSAs have been set up and 4105 children have been benefitted from these SSAs. The Committee find that necessary monitoring/inspection procedure is also laid down under the Act which postulate conducting visits to all facilities by the Inspection Committees and submit their findings to the District

Magistrate for necessary action within a month. Additionally under the Act, it is mandatory for the Child Welfare Committees to conduct inspections and recommend action for improvement in quality of services to the District Child Protection Unit/State Government. The Committee are of the opinion that the SAA's are an essential refuge/link till a suitable means of rehabilitation is available for the Child. Further, in addition to according importance to timely inspection protocols, the Committee would like to impress upon the Child Welfare Committees to prioritise infrastructural upgradation and extending essential services to the Children to ensure their wellbeing and to improve overall capacity of the institution for housing orphans, abandoned and surrendered Children in order to aid in their effective rehabilitation. The Committee recommend that more number of SAAs need to be set up expanding the scope of larger beneficiaries.

4.78 The Committee were informed about the Childline services which is a 24 hour emergency outreach service for children in crisis, linking them to long term care and rehabilitation service. As per the Ministry, in line with the Mission Vatsalya guidelines, the Child helpline shall be run in coordination with State and District functionaries and is to be integrated with the Emergency Response Support System 112 (ER-112) helpline of Ministry of Home Affairs. The Committee commend the steps taken to integrate the child helpline with ERSS-112 for all child emergency cases so that immediate help can be provided to vulnerable children in distress conditions without any hassle. Moreover, the Committee further desire that a mechanism to ensure interoperability with other services like police, fire and ambulance may be devised which may be of help in distress situations. The Committee desire that the Ministry work in tandem with the Ministry of Home Affairs in expediting the process of integration of the emergency outreach service and activating the service in all the States/UTs along with a detailed SOP in this regard. Further, the Committee were informed that for the purpose of real time monitoring of children in the Juvenile

Justice System, the Mission Vatsalya portal is under development. The Committee hope that the portal, when functional, will avoid duplication of work, ensure better monitoring through Management Information System (MIS) dashboard, better citizen participation, effective decision making and provide an evidence based roadmap for implementation of provisions under JJ Act and specifically in tackling Child labour and their rehabilitation.

4.79 The Committee note that necessary penal provisions have been incorporated under the JJ Act for offences committed against children, which include employment of child for begging, using of child for vending, peddling, carrying supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance and exploitation of a child employee. According to the Ministry, the Act also acknowledges several new forms of offences committed against children, which were not adequately covered under any other existing law, such as, sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children etc. Taking note of the penal interventions in place under the Act, the Committee believe that only stringent conviction rates under these provisions can serve as a barometer to gauge the extent of effectiveness of the laws under the Act. Moreover, it is particularly important that those who violate the law are convicted and appropriately punished or else such a situation would pave way for perpetuation of the practice of exploitation of children and shield the perpetrators who are found working in contravention of the provisions of the labour laws. Further, the Committee would also urge upon the Ministry to take a relook at the classification of serious offences against children so that there are no legal loopholes/let up available for employers to exploit which will serve as one of the significant steps towards ending child labour.

4.80 The Committee note the efforts taken by the National Institute of Public Cooperation and Child Development (NIPCCD) under the Ministry of Women and Child Development in regularly conducting training programmes for sensitization of the stakeholders, including the District Magistrates. As per the Ministry, during the year 2021-22, 115 training programmes were conducted by NIPCCD on Child Rights and Protection including on JJ Act, 2015. Keeping in view, the multi-dimensional challenges posed by the scourge of Child labour, the Committee urge the Ministry to further work in coordination with the State Governments to hold multi-city/zone awareness camps to emphasize on the effective implementation of the provisions under the JJ Act along with amplifying the frequency and coverage of sensitization/training programs for Child Labour related issues. The Committee also impress upon the Ministry to further expand the ambit of training programs so as to reach a wider range of officials, including police officers, labour inspectors and officials of the CWCs and CCIs. The Ministry may also consider identifying all the relevant institutions whose professionals play a role in addressing child labour and customize training modules on child labour to provide the officials practical hands-on training to prepare them for working in a sensitive manner with the affected children. At the same time support for research on child labour issues is crucial for quantifying the prevalence, forms, and demographics of child labour. The Committee desire that adequate funds be allocated for these endeavours.

4.81 The Committee note that the mandate of the National Commission for Protection of Child Rights (NCPCR) to ensure better protection of the rights of the child through monitoring of constitutional and legal rights of children, review of safeguards, reviews of existing laws, look into violations of the constitutional and legal rights of children, and monitor programmes relating to the survival, protection, participation and development of children. Further, NCPCR is also mandated for monitoring the implementation of the Protection

of Children from Sexual Offences Act (POCSO Act), Juvenile Justice (Care & Protection of Children) Act and Right of Children to Free & Compulsory Education (RTE) Act, 2009. It consists of a Chairperson and six members. It is a matter of deep concern that since December, 2021, six posts for members are lying vacant. As per the Ministry, procedure is laid down by the Supreme Court insofar as procedure for filing up of vacancies is concerned. The Committee are of the opinion that if the Commission is functioning below its mandated administrative capacity, it would be detrimental to the welfare and well-being of children and exhort the Ministry to expedite the exercise to call for applications for filling up all the vacancies in NCPCR at the earliest in order to justify its mandate as India's apex body for safeguarding children's rights.

4.82 As per census 2011, of the total population of 259.6 million in the age group of 5-14 years, 10.1 million representing 3.9% of the total child population are working either as main workers or as marginal workers. However, according to NCPCR, the exact estimate of the total child labourers is not available. The Committee are constrained to point out that in the absence of exact data about presence of child labours, it may be difficult to envisage an effective response for their rehabilitation. As a matter of fact, the 2011 census serves the only authentic source of information and the data available is more than a decade old and is of limited utility and relevance insofar as implementation of specific schemes and their targeted beneficiaries in the present scenario is concerned. In the wake of delay in Census 2021, it becomes imperative on the part of the Ministry to devise an internal mechanism to independently conduct household survey/data collection exercises so that adequate allocation of resources may be directed towards effective rescue/repatriation and rehabilitation of child victims.

4.83 The Committee note that under Section 31 of the JJ Act, 2015, it is mandated to produce a Child in need of care and protection before

the Child Welfare Committees (CWC). However, the Committee find that without the presence of District task force headed by the S.D.M, child rescue operations are not being undertaken. The Committee are given to understand that such a scenario is creating a hurdle for NCPCR during their child rescue operations as no other authorities of the District would be willing to partake in such an exercise in the absence of SDM/District task force. Further, as illustrated by NCPCR to the Committee, it was noted that NCRB data has reported only 613 cases whereas Rajasthan Government had informed NCPCR that more than 700 cases were registered by them against Child labour. In this regard, the Committee are of the view that the remaining 87 cases have not been acted upon owing to the absence of the SDM/District task force during the Child rescue operations as mandated under Section 31 of the JJ Act. The Committee thus recommend for streamlining the procedures of Child labour rescue under the JJ Act so that all the cases are registered with NCPCR and follow up action taken for effectively tackling incidence of Child labour.

4.84 The Committee note that most of the industries/sector have a distinct feature of having two facets, i.e., 'organised sector' which is well-regulated and the 'unorganised sector' which is unregulated, uninspected and not monitored. Children are found working in these unorganized sectors. Sharing its experience, NCPCR pointed out that when an industry or sector involves or depends upon unorganized activities in its entire supply chain, that attracts child labour. The majority of the industries and sectors in India which attract child labour relate to automobile industry, e-waste management, Fast Moving Consumer Goods (FMCGs), placement agencies in the metro cities especially in Delhi etc. In this regard, the Committee find that whenever any Industry/Company involves/depends upon unorganized activities, its supply chain attracts child labour. The Committee feel that it is imperative to identify the real reasons behind the influx of Child labour in certain Industries. The Committee feel that any erring

Industry which employs child labour in the unorganized supply chain of products cannot be held accountable as it is discrete and unregulated. Further, accountability may be difficult to fix as it may be possible that several Industries outsource part of their responsibilities to the unorganized sector which are again unregulated. In the opinion of the Committee, a mechanism/principle of accountability of such Industries ought to be fixed and only when they take responsibility for a supply chain free of unethical practices including Child labour, incidence of unregulated child labour in the unorganized sector will be difficult to tackle.

4.85 In this regard, the Committee observe that the Automobile Industry has a distinct feature of having two facets i.e. “organized sector” which is well regulated and the “unorganized sector” which is unregulated, uninspected and not monitored. The Committee while recognizing the significance of the sector and its potential to increase the share of manufacturing in gross domestic product (GDP), exports and employment feel it is important to delve into the inherent reasons of attracting child labour. The Committee observe that there are cases of Automobile manufacturers regularly outsourcing the services/repairing work and these repairing and servicing of automobiles are carried out in unorganized sector without any monitoring. Further, the availability of spare parts in the grey market are also a cause of concern. The Committee find it interesting that despite the manufacturing and repairing process of any automobile is a confidential process of any automobile company, the spare parts of such automobiles and the labour mechanics having the skill and knowledge about such automobiles are available readily. The Committee feel that, it is time to ensure that the companies must take the responsibility of the repairing and servicing and not just outsource to any third party. Additionally, there is a need for a system of controlling/monitoring the supply chain of automobile spare parts in the market. Moreover, the Committee would like to impress upon the

Ministry to standardize road side repairing shops and list of vendors involved in repairing work must be approved and registered with the Road Transport Authority. Once registered with the RTO and the respective automobile company, these small road side auto shops would come under regulation thereby ensuring that such activities are free of child labour and the accountability of the automobile company can thus be fixed.

4.86 The Committee are deeply concerned over the precarious manner in which Children are employed as labour at e-waste sites. The process of electronic waste management process can become dangerous if necessary precautionary measures are not taken. The Committee find that e-waste contains heavy metals and many components that can be re-used by grey market even after its disposal. The Committee feel that such exercises exposes children to toxic gases and adversely impacts their health, growth and development. The Committee recommend that a third party monitoring mechanism for assessing the implementation of EWM Rules, 2015 should be established for end-to-end monitoring of the entire process beginning from e-waste generation to its disposal so as to ensure that children are not being used for such hazardous occupation. Further, strict penal provisions need to be enforced and stringently against violators of the EVM, Rules 2015. The Committee also call upon all concerned stakeholder Ministries/Departments including Ministry of Environment, Ministry of Labour, Ministry of Health and Family Welfare, Ministry of Education for devising an action plan for eradicating child labour in this sector.

4.87 In respect of FMCGs sector, the Committee find that that in cases where the roadside dhabas and stalls are engaging children as labour, it may be easier to ensure inspections if companies while publishing banners/hoardings maintain a list of such shops and dhabas. The Committee urge upon the Ministry to intensify efforts to ensure that Children should not be engaged or involved in entire supply chain as well as selling of these products. Further, the Committee are of the

view that FMCG companies need to take the social, ethical and legal responsibility to prohibit child labour in this segment of business. Such a step in the opinion of the Committee will help in addressing child labour in this sector.

4.88 The Committee observe that one of the common issues prevalent in child labour is the unregulated placement agencies working in Metropolitan Cities. The real reason behind trafficking of children is that traffickers use tools of enticement and allurements. The Committee find that these placement agencies then bring these children to metro cities like Delhi from various parts of India like Bihar, Jharkhand, West Bengal, Odisha, North-East. The agencies not only place these children as domestic help but also sell these children to other parts of India making them vulnerable to abuse, exploitation and cruelty. While acknowledging that there are unregulated multiple placement agencies working in many parts of Delhi that are contributing in trafficking of children, it is vital that regulation of such placement agencies is done by the Delhi Government so as to stop child trafficking by these agencies. Furthermore, as Delhi is a strategic destination as well as transit point for whole of north India, regulation and timely inspections of these agencies would make the functioning of these agencies transparent. The Committee desire that all other States across the Country should also make regulations binding for placement agencies operating under their jurisdiction.

4.89 The Committee are dismayed to note the anomalies which have come to the fore through the information uploaded in the MIS Portal (as provided by the Police and Labour Department of various States/UTs). The Committee observe that there is a gross mismatch between the number of child labour rescued and the number of child labour produced before Child Welfare Committees (CWC). The Committee find that this is in direct contravention of the JJ Act, 2015 which provides (under Section 31) that every child in need of care and protection should be produced before a CWC. Secondly, it was stated by

NCPCR that 1025 children who were employed as child labour were rescued as part of 'Azadi ka Amrit Mahotsav' drive against Child labour in June 2022. However, it has been noticed that this is in variance with the number provided (no. of Child labours rescued is 339 between 01.04.2022 – 22.11.2022) in the portal. The Committee thus urge upon the NCPCR to ascertain the credibility and authenticity of the data uploaded in the portal by matching the information pertaining to their own data relating to rescue of child labours and issue necessary directions to the concerned labour/police departments in case of discrepancies. Thirdly, the Committee feel that it may be possible that in many cases, the Police and the Labour Department may not have filed FIRs in child labour cases which may be the reason for less number of child labour being reported than the actual number on the ground. Further, in this regard, the Committee were apprised that on 07th July 2022, NCPCR had organized a meeting with Department of WCD, Social Welfare, Labour and Education of all States/UTs and it was impressed upon that all child labour cases reported under the Child Labour Act are cognizable offences and that States/UTs should register the FIRs in such cases immediately and promptly. Moreover, filing of FIR and strong implementation of the law is bound to create deterrence in society. The Committee are of the considered opinion that such inaccuracies in data /lapses on the part of the authorities lead to flawed outcomes potentially hampering the tangible benefits of the Policy in ensuring care and protection as envisioned under the JJ Act. Further, emphasis may be placed on conducting training of Labour officers and police officers on the issue of Child Labour including a capsule training specifically on the various provisions of JJ Act, 2015.

4.90 The Committee expressed their concern on the submission made by NCPCR that the proper and timely updation of data, that is to be uploaded by the Labour Department and Police Department, is not being done on the NCPCR's portal. The Committee observe that the States/UTs are not prompt in uploading the information on the MIS

portal and that only 12 States/1UT viz, Andaman & Nicobar Islands, Assam, Chhattisgarh, Haryana, Jammu & Kashmir, Jharkhand, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Uttar Pradesh have submitted information on the portal. In the view of the Committee, if all States/UTs would provide data to the Commission in a timely manner, the monitoring by the Commission would be more effective and the Commission would be able to identify issues where interventions can be made. Comprehensive data also provides a strong foundation for evidence-based policy decisions at the national and state levels. The Committee would therefore urge the Ministry of Women and Child Development as well as the Ministry of Home Affairs to ask the State Governments and their respective Labour and Police Departments to take serious note of the issue highlighted by NCPCR and take urgent action to rectify the situation. The Ministry should ensure that necessary technical assistance is provided to the States/UTs on how to use the MIS portal and any difficulties being reported in this regard be resolved expeditiously. There is also a need to develop clear and concise reporting guidelines to ensure consistency and accuracy.

4.91 The Committee note that NCPCR, while dealing with the cases of complaints relating to child labour, observed that there arose procedural delays in the process of rescue and rehabilitation of children due to lack of convergence in the implementation of various legislations and multiple authorities under the Child labour Act 1986 and Juvenile Justice Act, 2015. As a result of which delays and lapses were observed by authorities in initiating investigation in matters leading to difficulty in identification and prosecution of offenders. In order to effectively strengthen the process of rescue and rehabilitation of children involved in child labour, necessary steps were taken by the Commission in preparing a Draft SOP for Child Labour. It has been stated that the Draft SOP has been sent to district officials for pilot testing as well. The Committee are of the opinion that the endeavour of

the Draft SOP for the rescue and post rescue of child labour is to streamline the understanding of the process laid down for inquiry and rehabilitation of children who are victims of child labour. The Committee also hope that if the SOP is complied to, in letter and spirit by all States/UTs, it will aid in better integration with the various Child welfare legislations and effectively facilitate a concerted framework to tackle the scourge of Child labour.

4.92 The Committee note that in a *suo motu* writ petition (SMWP)(c) No. 6 of 2021, Hon'ble Supreme Court had taken cognizance on the issue of Children in street situations and to which NCPCR is party. The Committee find that while developing SOP 2.0 regarding rescue of children in street situation NCPCR had been informed by Save the Children-NGO that they had mapped about 2 lakh in 04 States/UTs namely Delhi, Maharashtra, Uttar Pradesh and West Bengal. The Hon'ble Supreme Court was also informed about this data in affidavit of NCPCR dated 12.11.2021 and the Hon'ble Court directed the State Governments to take necessary action for these children. At the same time, according to the Ministry, as on 31.03.2022, 2245 CCIs are funded under Mission Vatsalya Scheme (erstwhile Child Protection Services) housing 76118 Children/beneficiaries including children who have been rehabilitated from begging by concerned Child Welfare Committees. Thus the number of children in street situation being reported by Save the Children, for just four states, is more than double the total number of children being housed by the CCIs. Evidently, the obtaining situation calls for greater efforts on the part of the Government to consolidate the coordination mechanism to accumulate accurate data regarding children in street situation so that effective policy interventions can be made. The Committee thus urge the Ministry to conduct a comprehensive nationwide survey in collaboration with various stakeholders, including NGOs, social workers, and community representatives to ensure a thorough and inclusive assessment so as to accurately determine the number of

children in street situation. At the same time, there is a need to establish a robust data management system to track the number and characteristics of children in street situations and strengthen coordination and collaboration among various government agencies and non-governmental organizations working on child protection issues.

4.93 The Committee note that the Hon'ble Supreme Court in January 2022 expressed its concern regarding having a set policy for dealing with children in street situations and asked NCPCR to provide some suggestions which can help in framing a policy. NCPCR in its affidavit dated 17.02.2022 submitted suggestions for developing a policy for rehabilitation of children in street situations. The Hon'ble Supreme Court *vide* its order dated 09.05.2022 has asked all States/UTs to implement the policy made by NCPCR till they don't frame their own policy for children in street situations. The Committee appreciate that National Commission for Protection of Child Rights (NCPCR) has taken the initiative to develop a policy for the rehabilitation of children in street situations. The Committee believe that the NCPCR policy is a comprehensive document that can provide a valuable framework for States/UTs to develop their own policies and programmes to address the issue of children in street situations. The Committee urge the Ministry to ensure that all States/UTs to give the NCPCR policy careful consideration and that they implement it effectively until they are able to formulate their own policies as per the directions of the Hon'ble Supreme Court. The Ministry can provide the necessary technical assistance to the State Governments so that they expedite framing of their own policies based on the specific conditions prevalent in their States.

4.94 The Committee note that the NCPCR through its affidavits has been informing the Hon'ble Court about the steps taken by it to address the issues concerning street children and submitting its data uploaded by the States/UTs on Baal Swaraj Portal-CiSS from time to

time. The Committee hope that the Children in Street Situations(CiSS) platform is effectively used, as envisioned, for receiving data of children in street situations from all the States and Union territories, to aid in their effective identification, tracking, rescue and rehabilitation process. Further, the Committee are of the opinion that necessary steps may be put in place to explore the possibility of engaging/providing access through the application to private professionals and organizations who volunteer to provide help in the form of open shelters, counselling services, medical services, sponsorships, de-addiction services, education services, legal/paralegal services, identification of street children hotspots or any other assistance that can be rendered to street children in need. Further, the Committee urge upon the Ministry to analyse the factors/socio-economic compulsions for forcing children onto street situations and prepare an effective Standard Operating Procedure for Care and Protection of Children in Street Situations so as to wean them away from neglect, emotional abuse, sexual abuse, and exploitation.

4.95 The Committee are deeply concerned to note the observation of NCPCR that nodal officers to be appointed under Rule 2B(2) of the Child Labour (Prohibition & Regulation) Rules, 2017 have not been appointed at the district level in the majority of States/UTs (13 States and 3 UTs are yet to appoint nodal officers, according to the information furnished by the NCPCR in light of the review meeting by NCPCR on 16.07.2022). The Committee feel that the appointment of nodal officers under Rule 2B(2) of the Child Labour (Regulation & Prohibition Rules 2017) is crucial for the effective implementation of the Act and the protection of children from exploitation. The absence of nodal officers in these states hinders the coordination and monitoring of child labor-related activities, potentially leading to gaps in enforcement and protection. The Committee thus urge the Ministry and NCPCR to work with the State Governments to ensure that they expeditiously appoint nodal officers under Rule 2B(2) of the Child

Labour (Regulation & Prohibition Rules 2017). Moreover, there is an urgent need to establish a mechanism for regular monitoring and evaluation of the performance of nodal officers through periodic meetings and performance reviews. Efforts must also be taken for capacity-building and training for nodal officers to enhance their knowledge and skills in dealing with child labor issues and promote inter-state collaboration and knowledge sharing among nodal officers to encourage the exchange of best practices and effective strategies in this regard.

4.96 The Committee were informed that under the Mission Vatsalaya Scheme, directives have been issued in July 2022 to notify Child welfare and Protection Committees in every Panchayat and Municipal Urban/local bodies under clause 2.12 of the Scheme. The Committee find that the mandate of the Committee would be to deliberate on issues pertaining to women and Child welfare along with ascertaining the number of school going children, out of school children, etc. along with commensurate budgeting under the 15th Finance Commission. Further, under the Scheme, the Committee are given to understand that proposal to conduct Child survey and a National child index is under active consideration with the Ministry of Statistics and Programme Implementation. The Committee appreciate the efforts made by the Ministry to engage Panchayats/Municipal bodies for conducting a National Child Survey and development of Child Index in convergence with the Ministry of Statistics and Programme Implementation (MoSPI) to map the needs of children through a periodic child survey, so as to envisage a suitable response in terms of an effective policy to eliminate Child labour. The Committee desire that the Ministry of Women and Child Development to expedite the process in coordination with the Ministry of Statistics and Programme Implementation.

4.97 The Committee note that the Saksham Anganwadi and Poshan 2.0 scheme is an Integrated Nutrition Support Programme that seeks to

address the challenges of malnutrition in children, adolescent girls, pregnant women and lactating mothers through a shift in nutrition content and its delivery by creation of a convergent eco-system to develop and promote practices that nurture health, wellness and immunity. The Committee observe that with a view to address various gaps and shortcomings in the ongoing nutrition programme and to improve implementation as well as to accelerate improvement in nutrition and child development outcomes, the existing scheme components have been re-organized under Poshan 2.0 into the three primary verticals viz, Nutrition Support for POSHAN and for Adolescent Girls (14-18), Early Childhood Care and Education [3-6 years], Anganwadi Infrastructure including modern, upgraded Saksham Anganwadis. The Committee note that any child of age group 6 months to 6 years is entitled to a set of six services under the scheme viz, (i) Supplementary Nutrition (SNP), (ii) Pre-school Non-formal Education, (iii) Nutrition & Health Education, (iv) Immunization, (v) Health Check-up, and (vi) Referral Services. Immunization, Health check-up and Referral Services are provided through NHM & Public Health Infrastructure. The Committee were informed that the total number of beneficiaries up to December, 2021 are 9,50,18,684 comprising of 7.5 lakh children and 2 lakh women. The Committee urge that necessary awareness be created among public to avail the nutritional and health services provided to fulfill the commitment of ensuring holistic development of all children under the age of 6 years, adolescent girls and pregnant/lactating mothers.

4.98 The Committee find that Anganwadi Centres have been sanctioned to all States/UTs as of 31.12.2021 (to be updated). However it has been observed that in a few States like Bihar, Rajasthan, Uttar Pradesh and Jammu and Kashmir, there appears to be a variance between the numbers of sanctioned and operational Anganwadi centres. The Committee urge upon the Ministry to issue necessary instructions to address the deficit so as to ensure that the Anganwadi centres that

have not been operationalised as yet be expeditiously functional. The Committee further also exhort the Ministry to direct the State Governments to re-visit the issue of availability of Anganwadi Centres (AWCs) at the habitation level and determine the actual requirement of AWCs vis-a-vis the population of the area, number of children actually attending the AWCs and the number of AWCs available. Further, the Committee feel that the recent initiative to provide 2 lakh AWCs Rs 40,000 per year towards their upgradation by the respective Panchayat Raj departments/Poshan Panchayats, is a step in the right direction. The Committee feel that modernization/ upgradation is a continuous process and the Ministry issue directions to various States/UTs to intensify their efforts through the Poshan Panchayats in rejuvenating the Anganwadi Centres under their jurisdiction in order to effectively function towards achieving the goal of a malnutrition free India.

4.99 Anganwadi Services Scheme is a symbol of the country's commitment to its children and nourishing mothers, as a response to the challenge of providing pre-school non-formal education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality on the other. The Committee appreciate the recent initiatives taken by the Ministry to achieve the enshrined objective. The major initiatives, *inter-alia*, include issuance of guidelines on January, 2021 to ensure transparency, efficiency and accountability in delivery of nutrition delivery support systems. In keeping with the announcement made by the Prime Minister on 15 August, 2021, 100% fortified rice to all State/UTs are allocated to address the issue of malnutrition faced by women and children. States have been advised to incorporate millets to enhance quality of supplementary nutrition. Further, introduction of diet diversity and consumption of wholesome local produce through 4.35 lakh Poshan vaticas, improving digital infrastructure support for last-mile tracking and monitoring of nutrition delivery through 'Poshan Tracker' for transparency, efficiency and accountability in delivery of

Supplementary Nutrition, providing Anganwadi workers with 11.13 lakh smartphones and 11.94 lakh growth monitoring services, 40 crore activities under Poshan Maah and Poshan Pakhwada, Community outreach services, Media advocacy are all steps in the right direction. All these measures provide the necessary direction towards improving the nutritional norms and standards of children, women and lactating mothers. For all these schemes to effectively synergise, the Committee urge upon the Ministry to issue directions to all States/UTs to ensure Aadhar seeding of all beneficiaries so as to ensure good governance through last-mile delivery of services including Supplementary Nutrition under Poshan 2.0.

4.100 The Committee observe that, in response to a rapidly deteriorating child sex ratio and related issues of empowerment of girls and women over a life cycle continuum, the 'Beti Bachao, Beti Padhao' programme was launched in 2014, aiming to provide survival, safety and education to the girl child. This Scheme has a multi-sectoral intervention at district level. It was initially being run in 405 districts and through multi-media advocacy, it was expanded to 640 districts of the country. The Committee were given to understand that there has been a increase in 19 points in Sex ratio at birth at National level from 918 (2014-15) to 937 (2020-21). Also, enrolment of girls in Secondary education at National level has increased from 75.51% in 2014-15 to 78.83% in 2019-20. Appreciating the efforts taken in this regard, the Committee feel that continuing convergence with partner Ministries viz, Ministry of Education, Health and Family Welfare, Skill Development and Entrepreneurship and Youth Affairs and Sports at all levels will ensure holistic empowerment of the girl child. Further, the Committee urge upon the Ministry to devise a mechanism to evaluate the performance of various States/districts to create an environment of healthy competition.

4.101 The Committee note that Ujjawala scheme was launched for the prevention of illicit trafficking, with five specific components *viz.* prevention, rescue, rehabilitation, re-integration and repatriation of victims who were trafficked for commercial sexual exploitation. The Committee were apprised of the difference between Swadhar Greh which caters to the primary needs of women in difficult circumstances and Ujjawala homes which is a scheme for prevention of trafficking and rescue and rehabilitation of survivors. As per the Ministry, during the 15th Financial year cycle, both these schemes are being integrated under the name 'Shakti Sadan' so as to effectively run them.

Further, the Committee were also apprised of the Immoral Traffic (Prevention) Act (ITPA), 1956 which was also enacted with the objective to prevent trafficking for commercial sexual exploitation. Further, the Committee were informed that, if Children are involved in these situations, they are covered under JJ Act/POCSO Act, whereas women above 18 years, are rehabilitated and taken to Ujjawala homes, under provisions of ITPA. Commending the Ministry for the initiatives taken by them under Ujjawala and Immoral Traffic (Prevention) Act, 1956 to effectively aid in checking trafficking in women and children, the Committee desire that endeavour of the Ministry to effectively provide shelter and rehabilitate the victims and lead a life of dignity would be effectively served if the three pillars of anti-trafficking efforts — prevention, protection and prosecution are enforced. The Committee urge upon the Ministry to intensify their efforts towards raising awareness, shelters for protection and rehabilitation of victims, law enforcement and prosecution in order to bolster the effectiveness of these legislations.

CHAPTER - FIVE

MINISTRY OF HOME AFFAIRS

Introduction

5.1 Ministry of Home Affairs plays a crucial role in addressing and combating child labour due to its extensive responsibilities and resources in maintaining law and order, national security, and border control. Effective law enforcement plays a vital role in deterring future offenses and penalizing those who exploit children. Evaluation of functioning of the Ministry in this regard can help assess the effectiveness of existing rescue strategies and interventions. This evaluation can reveal whether current approaches are achieving desired outcomes and whether they are reaching their target beneficiaries effectively. In view of the above, the Committee decided to examine the Ministry of Home Affairs because of its wide ambit in the realm of Child trafficking and repatriation. The Committee were informed by the Ministry of Home Affairs that globalization and the search for better opportunities have increased the movement of people thereby making them vulnerable to trafficking and prone to exploitation. While recognizing that human trafficking is a grave crime, the Ministry have been making continuous and concerted efforts to prevent and counter the crime of trafficking. The victims of trafficking often endure physical violence, sexual abuse, harassment, threat and coercion. In this regard, the Ministry apprised the Committee on the steps taken by them to check child labour, particularly human trafficking and use of children in illicit activities, role of National Crime Records Bureau (NCRB) in documenting incidence of crimes against Children and other additional measures taken to alleviate the menace of Child labour.

Constitutional and Statutory Provisions

5.2 The Ministry while stating that Article 23 of the Constitution of India prohibits trafficking in any form, submitted that Police and Public Order are state subjects under the Seventh Schedule and that the State Governments are competent to take appropriate steps to address and counter the crime of human trafficking, under the extant provisions of the law.

5.3 It was also brought to the notice of the Committee about the new legislative enactment whereby Section 370 of the IPC was substituted with a modified Section 370 along with a new Section 370A which provided strict punishment to be awarded to the offenders for exploitation of a trafficked person. Elaborating on the new provisions, the Ministry submitted that that Section 370 has been strengthened so as to enlarge the scope of the offence and include within its purview not just slavery, but trafficking in general – of minors, adults, forced labour, prostitution, organ transplant etc. thereby not only providing a comprehensive definition of human trafficking but also provide stricter punishment to be awarded to the offenders for exploitation of trafficked person

5.4 Highlighting the penal provisions under Section 370A relating to exploitation of trafficked persons, the Ministry submitted as under:

i. Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years and shall also be liable to fine.

ii. Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years and shall also be liable to fine.”

Census

5.5 The Committee were apprised by the Ministry that the Census is conducted under the Census Act, 1948 and during the exercise, no specific data on child labour is collected, however data on workers (main and marginal) and non-workers are collected and published. The Committee were informed that Main Workers were workers who worked for more than 6 months during the year and Marginal Workers were workers who worked for 0-6 months. The last Census was conducted in 2011 for which the data has been released. It was further stated that due to Covid-19, Census 2021 and related field activities have been postponed until further orders.

5.6 Asked to furnish the data pertaining related to Main and Marginal workers in the age-groups 5-9 years & 10-14 years, the Ministry furnished the data, as per Census 2011, as under:

Workers	Age-group (5-9)				Age-group (10-14)		
	Persons	Males	Females	%age to all ages	Persons	Males	Females
Main workers	1108800	630875	477933	0.31	3244439	2033172	1211267
Marginal workers (<3 months)	357920	180532	177388	1.61	1542262	779362	762900
Marginal workers (3-6 months)	1066910	554665	512245	1.10	2808324	1450309	1358015
Total workers	2533638	1366072	1167566	0.53	7595025	4262843	3332182

5.7 Asked to provide the data pertaining to main/marginal workers in age group 15-19, the Ministry furnished the following data as per Census 2011 as under:

A1: Main workers, Marginal workers in age-groups 15-19, 15-18 & 15-17 by sex as per Census 2011 at India level

Workers	Age-group (15-19)				*Age-group (15-18)				*Age-group (15-17)				All ages		
	Pers ons	Male s	Fem ales	% ag e to all ag es	Pers ons	Male s	Fem ales	% ag e to all ag es	Pers ons	Mal es	Fem ales	% ag e to all ag es	Perso ns	Male s	Fema les
Main wor kers	1770 3310	1272 1891	4981 419	4.8 8	9821 829	5522 664	429 916 5	8.2 3	7439 007	525 042 4	21885	2.05	3625 6557 1	2732 0997 6	3625 6557 1
Tota l Mar ginal wor kers	1251 3070	6975 789	5537 281	10. 49	1305 0079	9364 791	368 528 8	3.6 0	6211 813	346 802 8	27437	5.21	1193 2329 7	5872 9899	1193 2329 7
Mar ginal wor kers (<3 mon ths)	3054 963	1645 507	1409 456	13. 72	NA	NA	NA	-	NA	NA	NA	-	2225 8849	1014 0318	2225 8849
Mar ginal wor kers (3-6 mon ths)	9458 107	5330 282	4127 825	9.7 4	NA	NA	NA	-	NA	NA	NA	-	9706 4448	4858 9581	9706 4448
Tota l wor kers	3021 6380	1969 7680	1051 8700	6.2 7	2287 1908	1488 7455	798 445 3	4.7 5	1365 0820	871 845 2	93236	2.83	4818 8886 8	3319 3987 5	4818 8886 8

* The data is compiled from single year age group data for which categories of marginal workers is not available.

5.8 On being asked about the method adopted for estimating the number of Labour in India, the representative of the Ministry stated that data collected by census enumerators are respondent based and that individual data collected in Census is kept confidential and are not open to inspection nor admissible. In this respect, the representative of the Ministry deposed as under:

“During census, the data is collected from the head of the household and whatever he says is taken on record and based on that we release the data. We also collect the age of the persons as well as the data

about main workers... We also collect age as well as occupation and industry data. Till last census because it was being done manually, it was not possible to release all the data, which we collected for occupation and industry. It is because the data was not in a format. In the last census they used around 27 lakh enumerators and we conducted census in 18 different languages. So, reading all those handwritings was quite cumbersome, but this time because we will be doing digital census and we will be covering occupation and industry for all the persons along with their age, and in that sense when we release the data we will be covering what you were expecting us to cover.”

5.9 The Committee then enquired about the survey of the ‘houseless population’ as part of the Census exercise. The Ministry during their post evidence replies, submitted as under:

“The enumeration of the houseless population is traditionally carried out on the last night of the Population Census. In the 2011 context, the enumeration of the houseless was conducted in the night of the 28th February, 2011. In order to ensure complete coverage of houseless population, the first and foremost, an estimation of the places where such population resides is made in advance to have a fair idea of the number of people who are present in any particular location, so that adequate manpower planning is undertaken. For this purpose, the enumerators list down all the houseless households through the period of enumeration in the Section-4 of the Abridged Houselist. In other words, the enumerator has a fair idea of the places where such houseless population resides and an appropriate number of such persons during rounds in her/his enumeration block. This helps in assessing the number of enumerators that are required for this specific purpose. The local officials, including the Police, are alerted well in advance and teams of enumerators are accompanied by officials and police on the night of the enumeration. A circular is issued on Enumeration of Houseless population during Census of India before the census giving the detailed instructions for their coverage.”

5.10 The official of the Census Department, during the course of his evidence further elaborated as under:

“On the last day of the Census operation, we conduct census only for the houseless population. It is done for those who are living below the bridges and flyovers, in the pipes, etc. Somewhere at flyovers jhuggis and temporary shades has been made. All these are marked at last. It is done from 9 February to 28 February. It is counted at last on 28 February. Sir, we publish it separately or not, we have to check this.”

5.11 The Committee then desired to be apprised of the data pertaining to the 'houseless' population including children in age-group 0-6 years. In response, the representative of the Census Department, furnished as under:

Population/Workers	Persons	%age to total population	Males	Females
Population	1773040	100.00	1046871	726169
Population in age-group(0-6)	270605	15.26	140044	130561
Literate population	588392	-	404475	183917
Literacy rate among population of age group 7+	39.16	-	44.60	30.88
Main workers	654877	36.94	478792	176085
Marginal workers (<3 months)	59673	-	38917	20756
Marginal workers (3-6 months)	205020	-	124202	80818
Total Marginal Workers	264693	14.93	163119	101574
Total workers	919570	51.86	641911	277659

NCRB and Data on Human Trafficking

5.12 The Committee were informed that National Crime Records Bureau (NCRB) compiles crime statistics reported to it by States and UTs and publishes the same in its annual publication 'Crime in India'. As per the report (2020), it was stated that 4680 victims rescued under human trafficking during the year.

5.13 The official of NCRB, during the course of his evidence further apprised the Committee on the collaborative efforts with the Railway Protection Force (RPF) as under:

"I would like to bring two small facts to your focus. We mentioned about the support of RPF. We have developed some tools like unify tool and automatic alerts where a child on the basis of details published from one police station and the child is traced in another police station, then the data is automatically matched and a response goes to both the police stations that your missing child has been traced in this police station. So, this response is system based, and this helps in tracing the children. We also have given a facility to the general public. They can log into our website and check whether their missing person has been traced anywhere. Then, there is another tool whereby missing person's photograph can be tallied and a report can be given. The RPF is working on this and they are getting good results on this. So, these are the facilities extended by the NCRB in recording the data and tracing of our missing children. We collect category-

wise data of the reasons for trafficking, as reported by States and UTs, and they are on record.”

5.14 Asked to provide the State/UT wise data of Children under 18 years along with the purpose of trafficking in 2020, the representative of NCRB furnished as under:

Annexure-III

State/UT-wise Purpose of Human Trafficking (Children & Adult) during 2020																											
Sl. No.	States/UTs	Forced Labour		Sexual exploitation for prostitution		Other forms of Sexual Exploitation		Domestic servitude		Forced Marriage		Petty Crimes		Child Pornography		Begging		Drug Peddling		Removal of Organs		Others		Total			
		Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Total	
1	Andhra Pradesh	0	8	5	195	0	0	0	8	0	0	0	0	0	0	1	0	0	0	0	0	2	38	8	249	257	
2	Arunachal Pradesh	0	0	0	0	0	0	9	0	1	0	0	0	0	0	0	0	0	0	0	0	3	0	13	0	13	
3	Assam	1	25	0	0	0	0	26	10	2	16	0	0	0	0	0	0	0	0	0	0	38	39	67	90	157	
4	Bihar	23	0	35	42	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	64	13	123	56	179	
5	Chhattisgarh	18	45	0	0	0	0	2	2	2	4	2	0	0	0	0	0	0	0	0	0	13	6	39	57	96	
6	Goa	0	0	1	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	29	30
7	Gujarat	42	0	3	5	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	19	16	65	22	87	
8	Haryana	0	0	1	8	0	0	0	0	5	2	0	0	0	0	0	0	0	0	0	0	1	1	7	11	18	
9	Himachal Pradesh	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	7	11	18	
10	Jharkhand	41	152	0	0	0	0	28	45	8	4	0	0	0	0	0	0	0	0	0	0	11	2	11	13	27	
11	Karnataka	0	13	0	11	0	0	0	0	0	0	0	0	0	14	0	0	0	0	0	0	1	0	1	38	39	
12	Kerala	7	3	7	2	0	0	0	0	44	2	0	0	0	0	0	0	0	0	0	0	119	10	179	17	196	
13	Madhya Pradesh	4	0	12	24	0	0	8	0	30	10	0	0	0	0	0	0	0	0	0	0	21	4	75	38	113	
14	Maharashtra	0	0	54	487	0	0	0	0	2	2	2	1	0	0	0	0	0	0	0	0	7	2	65	492	557	
15	Manipur	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	4	5	9	
16	Meghalaya	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	2	
17	Mizoram	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
18	Nagaland	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19	Odisha	125	528	0	9	0	0	2	0	2	4	0	0	0	0	0	0	0	0	0	0	30	64	159	605	764	
20	Punjab	16	0	1	15	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	44	3	61	20	81	
21	Rajasthan	127	0	4	0	0	0	683	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	815	3	818
22	Sikkim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	2	4	
23	Tamil Nadu	7	12	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	23	13	36	
24	Telangana	18	13	2	361	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	4	33	31	407	438		
25	Tripura	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0	2	
26	Uttar Pradesh	5	0	27	103	0	0	6	0	15	6	0	1	0	0	2	0	0	0	0	0	3	6	58	116	174	
27	Uttarakhand	0	0	1	4	0	0	1	0	0	1	0	0	0	0	4	0	0	0	0	0	2	0	8	5	13	
28	West Bengal	5	0	6	1	0	0	1	0	16	0	0	0	0	0	0	0	0	0	0	0	28	18	56	19	75	
	TOTAL STATE(S)	443	804	161	1298	0	0	774	65	129	55	6	4	0	14	9	1	0	0	0	420	266	1942	2507	4449		
29	A & N Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
31	D&N Haveli and Daman & Diu	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	3	
32	Delhi UT	187	18	3	2	0	0	6	1	2	0	0	0	0	0	0	0	0	0	0	0	4	1	202	22	224	
33	Jammu & Kashmir	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0	2	
34	Ladakh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL UT(S)	187	18	5	2	0	0	6	1	3	0	0	0	0	0	0	0	0	0	0	8	1	209	22	231		
	TOTAL (ALL INDIA)	630	822	166	1300	0	0	780	66	132	55	6	4	0	14	9	1	0	0	0	428	267	2151	2529	4680		

Note: Human Trafficking data published is based on annual data as provided by States/UTs from their Anti Human Trafficking Units

5.15 On the analysis derived from the data collated by NCRB with regard to category-wise data of the reasons/purposes for trafficking, as reported by States and UTs, the Officials of NCRB, during the course of their evidence, deposed as under:-

“Out of 2,151 cases analysed and reported during 2020, the purpose of human trafficking as reported by States and UTs, in 630 cases it is because of forced labour; in 166 cases it is for sexual exploitation; in 780 cases it is for domestic servitude; in 132 cases it is for forced marriage. There is a new developing field of cybercrime, where the children are exploited. So, we are taking data on that basis also. We are recording crimes against children

under cybercrime for the entire country so that we can bring a sharper focus on this. The formation of a separate chapter is the outcome of discussions with the MHA and this analysis.”

5.16 Asked to furnish the State/UT wise details of rehabilitation of rescued children (under 18 years) from trafficking during 2020, the Ministry furnished as under:

Annexure-VIII

State/UT-wise details of rehabilitation of rescued victims (Children & Adult) under Human Trafficking during 2020

Sr. No.	State/UT	Sent Back to Parents		Sent to Shelter Homes		Handed Over to NGOs		Other Rehabilitation		Total		
		Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Children (Below 18 yrs)	Adult (Above 18 yrs)	Total
1	Andhra Pradesh	6	100	2	79	0	70	0	0	8	249	257
2	Arunachal Pradesh	13	0	0	0	0	0	0	0	13	0	13
3	Assam	66	76	1	2	0	12	0	0	67	90	157
4	Bihar	51	41	67	15	4	0	1	0	123	56	179
5	Chhattisgarh	39	57	0	0	0	0	0	0	39	57	96
6	Goa	0	0	1	29	0	0	0	0	1	29	30
7	Gujarat	22	20	43	0	0	0	0	2	65	22	87
8	Haryana	6	5	0	0	0	0	1	6	7	11	18
9	Himachal Pradesh	2	11	0	0	0	0	0	0	2	11	13
10	Jharkhand	77	188	0	0	0	13	0	0	77	201	278
11	Karnataka	1	9	0	13	0	0	0	16	1	38	39
12	Kerala	175	16	4	1	0	0	0	0	179	17	196
13	Madhya Pradesh	66	37	7	0	1	0	1	1	75	38	113
14	Maharashtra	11	116	52	278	2	8	0	90	65	492	557
15	Manipur	4	0	0	0	0	0	0	5	4	5	9
16	Meghalaya	1	1	0	0	0	0	0	0	1	1	2
17	Mizoram	0	0	0	0	0	0	0	0	0	0	0
18	Nagaland	0	0	0	0	0	0	0	0	0	0	0
19	Odisha	157	591	2	4	0	0	0	10	159	605	764
20	Punjab	46	19	0	0	15	0	0	1	61	20	81
21	Rajasthan	75	2	736	1	4	0	0	0	815	3	818
22	Sikkim	2	2	0	0	0	0	0	0	2	2	4
23	Tamil Nadu	21	0	2	0	0	12	0	1	23	13	36
24	Telangana	12	75	19	314	0	0	0	18	31	407	438
25	Tripura	2	0	0	0	0	0	0	0	2	0	2
26	Uttar Pradesh	32	22	24	71	0	6	2	17	58	116	174
27	Uttarakhand	7	5	0	0	1	0	0	0	8	5	13
28	West Bengal	47	15	4	1	0	0	5	3	56	19	75
	TOTAL STATE(S)	941	1408	964	808	27	121	10	170	1942	2507	4449
29	A & N Islands	0	0	0	0	0	0	0	0	0	0	0
30	Chandigarh	3	0	0	0	0	0	0	0	3	0	3
31	DNH and Daman & Diu	0	0	2	0	0	0	0	0	2	0	2
32	Delhi UT	153	21	35	0	14	1	0	0	202	22	224
33	Jammu & Kashmir	2	0	0	0	0	0	0	0	2	0	2
34	Ladakh	0	0	0	0	0	0	0	0	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0	0	0
	TOTAL UT(S)	158	21	37	0	14	1	0	0	209	22	231
	TOTAL (ALL INDIA)	1099	1429	1001	808	41	122	10	170	2151	2529	4680

Source : Human Trafficking Data published is based on Annual data provided by State/UT from their Anti-Human Trafficking Units

5.17 Specifically asked to provide the data pertaining to offenders prosecuted under the Child Labour (Regulation and Prohibition) Act, the official of NCRB furnished the following as under:

**State/UT-wise Cases Registered(CR), Cases Convicted(CON) and Persons Convicted(PCV)
under Child Labour (Prohibition & Regulation) Act during 2018-2020**

SL	State/UT	2018			2019			2020		
		CR	CON	PCV	CR	CON	PCV	CR	CON	PCV
1	Andhra Pradesh	0	0	0	2	0	0	37	0	0
2	Arunachal Pradesh	1	0	0	0	0	0	1	0	0
3	Assam	39	0	0	68	0	0	40	0	0
4	Bihar	14	0	0	15	2	2	3	0	0
5	Chhattisgarh	0	0	0	2	0	0	0	0	0
6	Goa	0	0	0	0	0	0	0	0	0
7	Gujarat	35	2	2	64	4	4	39	1	1
8	Haryana	6	0	0	11	1	1	1	0	0
9	Himachal Pradesh	0	0	0	0	0	0	1	0	0
10	Jharkhand	17	0	0	18	6	6	27	12	12
11	Karnataka	63	12	13	83	8	8	54	8	8
12	Kerala	3	0	0	2	0	0	0	1	1
13	Madhya Pradesh	3	0	0	4	1	1	1	0	0
14	Maharashtra	90	6	8	53	1	2	29	0	0
15	Manipur	0	0	0	0	0	0	0	0	0
16	Meghalaya	0	0	0	2	0	0	0	0	0
17	Mizoram	0	0	0	0	0	0	0	0	0
18	Nagaland	0	0	0	0	0	0	0	0	0
19	Odisha	0	0	0	0	0	0	0	0	0
20	Punjab	8	1	1	8	2	2	11	2	2
21	Rajasthan	32	8	8	48	13	15	30	5	10
22	Sikkim	0	0	0	0	0	0	0	0	0
23	Tamil Nadu	6	0	0	3	1	2	2	0	0
24	Telangana	125	4	4	314	32	36	147	50	55
25	Tripura	0	0	0	0	0	0	1	0	0
26	Uttar Pradesh	2	0	0	9	0	0	1	1	1
27	Uttarakhand	0	0	0	27	0	0	41	0	0
28	West Bengal	5	0	0	7	0	0	3	0	0
	TOTAL STATE(S)	449	33	36	740	71	79	469	80	90
29	A&N Islands	0	0	0	0	0	0	0	0	0
30	Chandigarh	0	0	0	0	0	0	1	0	0
31	D&N Haveli and Daman & Diu+	0	0	0	2	0	0	0	0	0
32	Delhi	15	1	1	30	17	18	6	0	0
33	Jammu & Kashmir*	0	0	0	0	0	0	0	0	0
34	Ladakh	-	-	-	-	-	-	0	0	0
35	Lakshadweep	0	0	0	0	0	0	0	0	0
36	Puducherry	0	0	0	0	0	0	0	0	0
	TOTAL UT(S)	15	1	1	32	17	18	7	0	0
	TOTAL (ALL INDIA)	464	34	37	772	88	97	476	80	90

Source: Crime in India

Note : '+' Combined data of erstwhile D&N Haveli UT and Daman & Diu UT during 2018 & 2019

* Data of erstwhile Jammu & Kashmir State including Ladakh during 2018 & 2019

Role of National Investigative Agency (NIA)

5.18 Taking cognizance to the need for effective handling of investigation of human trafficking cases having Inter-State and national/International ramifications, the Committee were apprised by the Ministry that the National Investigative Agency (NIA) was amended in 2019 whereby a significant amendment was added under which NIA has been authorized to investigate the offence of human trafficking by bringing in sections 370 and 370 A of chapter XVI of the Indian Penal Code in its ambit.

5.19 The Officials during the course of their evidence further elaborated on the ambit of NIA as under:

“Now NIA is empowered to investigate cases which have inter-State and international ramifications pertaining to human trafficking, especially under Section 370 and Section 370A of IPC. Based on this change in law, now all the States are mandated to report cases of human trafficking to the Central Government. The Central Government, as per NIA Act Section 6, where it

feels the case is of such an importance that it needs a thorough investigation by NIA, entrusted such cases for investigation to NIA. Since 2019, as of now, NIA has been entrusted 12 cases for investigation which have inter-State and international ramifications of which 53 accused persons have been charge sheeted in 7 cases.. These cases are being currently investigated...The analysis of these cases primarily we conduct to the extent that we register cases under NIA Act and investigate. The victims of these cases have been primarily promised by the headhunters for providing better jobs in the country and that is how they were lured to be brought into the country from Bangladesh and Sri Lanka. In one of the cases, they were using it as a standpost with a promise to further send them to another foreign country. Primarily, these kinds of investigations which have further linkages and where the groups are based in neighbouring countries also, we are investigating, and we do it through the evidence collection mode that we have in the foreign countries, through MLAT etc. We adopt that route for getting evidence.....Nepal and Myanmar are also there.....There are formal ways. We coordinate through the Ministry of Home Affairs, the Internal Security Division. Whenever we require assistance in terms of evidence collection, we write through the Government to the concerned country's Government through the route of mutual legal assistance arrangements (MLAT), that is where we have mutual legal assistance treaties or mutual legal assistance arrangements. So, through that, we obtain the requisite evidence. For conducting investigations abroad, we also send our teams with the consent of the concerned countries and they conduct requisite investigation there....further in case of Inter-State cases, we deal with prosecutions. In terms of registration of these companies, it is a State subject. But we do write to them once we identify that a company has been found to be involved. As per the UAPA also and other legal provisions within the ambit of it, we write to the State Government to take appropriate action against them.”

5.20 The Committee were also apprised that the NIA has the mandate to take up cases which have inter-State and international ramifications. Presently, there are 18 Branch Offices in India including its Headquarters in New Delhi (per 5) and that the sanctioning of a separate vertical of Anti Human Trafficking Cell in NIA is under active consideration of the Government.

5.21 On the coordination mechanism between NIA and the respective State/UT Governments for cases of trafficking, it was submitted that trafficking adolescents and children are the subject matter of investigation of State Police. However NIA remain in touch with other Central agencies and take over investigation of human trafficking cases if such offences come under scheduled offences within the mandate of NIA.

5.22 The Ministry further furnished the data pertaining to State/UT wise persons arrested, chargesheeted, convicted and the overall conviction rate under Sections 370/370A IPC for crimes against Children during 2018-2020 as under:

State/UT-wise Persons Arrested (PAR), Persons Chargesheeted (PCS), Persons Convicted (PCV) and Conviction Rate (CVR) under Sec. 370 & 370A IPC for Crime against Children during 2018-2020

Sl	State/UT	2018				2019				2020			
		PAR	PCS	PCV	CVR	PAR	PCS	PCV	CVR	PAR	PCS	PCV	CVR
1	Andhra Pradesh	7	5	0	0.0	0	0	0	-	2	2	0	-
2	Arunachal Pradesh	0	0	0	-	10	0	0	-	3	3	0	-
3	Assam	59	33	0	-	48	36	0	0.0	48	28	1	100.0
4	Bihar	5	4	0	-	26	21	0	0.0	24	36	0	0.0
5	Chhattisgarh	42	40	3	18.8	69	67	7	55.6	47	47	0	0.0
6	Goa	10	10	0	-	2	2	0	-	0	0	0	-
7	Gujarat	7	7	0	-	8	8	0	-	33	33	0	-
8	Haryana	3	3	3	100.0	10	10	0	0.0	30	30	0	-
9	Himachal Pradesh	0	0	0	-	0	0	0	-	0	0	0	-
10	Jharkhand	42	45	7	36.4	38	44	15	63.6	76	76	53	98.1
11	Karnataka	2	2	3	100.0	16	13	3	100.0	7	16	0	-
12	Kerala	133	65	1	50.0	156	102	2	50.0	130	125	0	0.0
13	Madhya Pradesh	136	136	22	63.6	116	117	8	37.5	122	120	0	0.0
14	Maharashtra	70	45	0	0.0	125	80	3	9.5	87	31	2	50.0
15	Manipur	3	1	0	-	3	0	0	-	3	0	0	-
16	Meghalaya	0	0	0	-	0	0	0	-	0	0	0	-
17	Mizoram	0	0	0	-	13	5	0	-	0	0	0	-
18	Nagaland	0	0	0	-	0	0	0	-	0	0	0	-
19	Odisha	11	12	0	0.0	7	7	0	-	20	20	0	-
20	Punjab	15	10	0	0.0	9	1	0	0.0	29	13	0	-
21	Rajasthan	19	18	0	-	15	14	1	50.0	30	30	1	33.3
22	Sikkim	0	0	0	-	0	0	0	-	0	0	0	-
23	Tamil Nadu	4	1	0	-	31	11	0	-	24	12	0	-
24	Telangana	1	2	1	100.0	6	3	0	-	2	2	0	-
25	Tripura	0	0	0	-	1	0	0	-	7	6	0	-
26	Uttar Pradesh	0	0	0	-	0	0	0	-	5	5	0	-
27	Uttarakhand	16	16	1	50.0	9	10	0	-	10	10	13	100.0
28	West Bengal	42	39	0	0.0	78	64	0	-	15	13	1	33.3
	TOTAL STATE(S)	627	494	41	38.2	796	615	39	39.0	754	658	71	77.8
29	A&N Islands	0	0	0	-	0	0	0	-	0	0	0	-
30	Chandigarh	0	0	0	-	0	0	0	-	7	7	0	-
31	D&N Haveli and Daman & Diu+	0	0	0	-	0	0	0	-	3	3	0	-
32	Delhi	96	52	0	-	70	34	0	0.0	32	39	0	0.0
33	Jammu & Kashmir*	0	0	0	-	0	0	0	-	9	9	0	-
34	Ladakh	-	-	-	-	-	-	-	-	0	0	0	-
35	Lakshadweep	0	0	0	-	0	0	0	-	0	0	0	-
36	Puducherry	0	0	0	-	0	0	0	-	0	0	0	-
	TOTAL UT(S)	96	52	0	-	70	34	0	0.0	51	58	0	0.0
	TOTAL (ALL INDIA)	723	546	41	38.2	866	649	39	38.5	805	716	71	76.8

Source: Crime in India

Note : '+' Combined data of erstwhile D&N Haveli UT and Daman & Diu UT during 2018, 2019

*' Data of erstwhile Jammu & Kashmir State including Ladakh during 2018, 2019

Steps taken by Ministry of Home Affairs

(i) Anti Trafficking Cell (ATC)/Anti-Human Trafficking Units (AHTUs)

5.23 Asked about the measures envisaged to address human trafficking, the Committee were apprised on the steps put in place by the Ministry, as under:

“The Ministry established a Anti Trafficking Cell in 2006 to deal with matters relating to law enforcement response on human trafficking. It acts as an interface with Ministry of Women and Child Development, Ministry of External Affairs, Ministry of Labour & Employment and also engages with State/UT authorities, etc. to address the issue of human trafficking. It

provides guidelines, Standard Operating Procedure(SOP)and advisories to States/UTs from time to time.

Further, financial assistance has also been provided to States and UTs for holding 'Judicial Colloquiums' and 'State level conferences' on periodic basis for sensitizing judicial and police officials and to make available to them updated information on latest provisions of law relating to trafficking. For addressing transnational issues of human trafficking, the Anti Trafficking Cell has also assisted in signing of bilateral Memorandums of Understanding with Bangladesh, UAE, Cambodia and Myanmar; and multilateral instruments on human trafficking.

Funds were also provided to State Governments for setting up Anti-Human Trafficking Units (AHTUs) in 50 percent Police Districts(15) of States and amount of Rs. 25.16 crore was released to the States during the period 2010 to 2019 for setting up AHTUs in 332 Districts of States besides AHTUs being set up by some States/UTs on their own.”

5.24 Specifically asked to elaborate on the AHTU's, the Committee were informed as under:

“AHTU's are integrated task forces to prevent and combat trafficking in persons and comprise of a group of trained sensitive officials of Police, Women and Child Welfare Department and other relevant Departments of the State. AHTUs function as coherent units to prevent and combat trafficking. Objectives and responsibilities of AHTUs include conducting rescue operations whenever they receive information about trafficking activities; ensuring victim-centric approach; functioning as a grass root unit for collection and development of database or all aspects of the crime, helping in investigation of trafficking cases, collecting information on traffickers and trafficking gangs etc. AHTUs attend to all three aspects of trafficking viz. prevention, protection and assistance in prosecution and are thus the field level functional units to address human trafficking in a holistic manner. AHTUs have proved to be useful in coordinating timely action at the ground level to curb the menace of human trafficking.”

5.25 In order to further fortify the law enforcement response against trafficking, the Ministry supplemented on the institutional mechanism at the State/District/Police Station level as under:

“Anti-Human Trafficking Units were established in each State and UT. These are generally headed by an Additional DG level officer, who addresses human trafficking issue in a holistic manner. In each district also, AHTUs have been established which will function under the supervision of a Superintendent of Police/Deputy Superintendent of Police level officer. We also have established AHTUs in border areas under BSF and SSB to check and curb trans-national trafficking. A total of 696 AHTUs have been established in various States and UTs as per National Crime Records Bureau's annual publication “Crime in India 2020.

As a result of this, the Ministry submitted that by establishing the above arrangement, each State will have a Unit for preventing and countering human trafficking at all levels of the State/UT-Headquarters of the

State/UT, District level and Police Station level, thus dealing with the problem of human trafficking in a comprehensive manner.”

5.26 The Ministry further apprised the Committee that Rs. 100 crore were allocated from Nirbhaya Fund for setting up new AHTUs as well as strengthening the existing AHTUs covering all districts of States/UTs whereby funds were provided to States/UTs to establish infrastructure.

5.27 When asked about the extent to which the fund allocated from the Nirbhaya Fund has been utilized towards setting up of AHTUs and whether it is proposed to achieve comprehensive coverage of such Units across all the Districts in the country, the Ministry in their post evidence reply stated as under:

“The Ministry of Home Affairs has provided financial assistance of Rs98.86 crore to all States and UTs for strengthening existing Anti Human Trafficking Units (AHTUs) and setting up new AHTUs, covering all districts of the country.”

5.28 On the mechanism available to monitor the functioning of AHTUs, the Ministry replied as under:

“Engagement with States and UTs is a continuous and ongoing process. MHA engages with the States and UTs in the matter of human trafficking from time to time. MHA reviews the progress of implementation of various Women Safety projects, including the scheme of setting up/strengthening Anti-Human Trafficking Units (AHTUs) through virtual meetings with State/UT functionaries. MHA has also established an online monitoring portal for the States and UTs to update the progress of AHTUs and for sharing their best practices and success stories.”

5.29 The Committee were informed that an Institutional mechanism to counter human trafficking in a focused and effective manner at the level of State Governments was devised and shared with all States and UTs in December, 2020. Subsequently, the States have been asked to establish appropriate Bureau/Units at State-Headquarter level, District level and Police Station level to address the issues of trafficking in a comprehensive manner. In this regard, the Committee desired to know whether Anti Human Trafficking Bureau (ATHB) were established in all States/UTs and details of the Officer heading such units. The Ministry, while stating that details of Officers heading Anti Human Trafficking Bureau are not maintained Centrally, furnished the number of State/UT-wise AHTUs during 2020 are as under:

Annexure-V**States/UT-wise Total No. of Anti-Human Trafficking Units during 2020**

S. No.	State/UT	No. of AHT Units
1	Andhra Pradesh	3
2	Arunachal Pradesh	8
3	Assam	37
4	Bihar	44
5	Chattisgarh	8
6	Goa	2
7	Gujarat	40
8	Haryana	7
9	Himachal Pradesh	4
10	Jharkhand	24
11	Karnataka	30
12	Kerala	19
13	Madhya Pradesh	51
14	Maharashtra	36
15	Manipur	5
16	Meghalaya	11
17	Mizoram	4
18	Nagaland	12
19	Odisha	36
20	Punjab	27
21	Rajasthan	43
22	Sikkim	5
23	Tamil Nadu	43
24	Telangana	30
25	Tripura	2
26	Uttar Pradesh	75
27	Uttarakhand	13
28	West Bengal	38
	TOTAL STATE(S)	657
29	A&N Islands	1
30	Chandigarh	1
31	D&N Haveli and Daman & Diu	3
32	Delhi	17
33	Jammu & Kashmir	13
34	Ladakh	2
35	Lakshadweep	1
36	Puducherry	1
	TOTAL UT(S)	39
	TOTAL (ALL INDIA)	696

5.30 Enquired about the coordination mechanism between AHTUs and AHTBs, the Ministry responded that the States have been asked to notify a State-Headquarter level Anti-Human Trafficking Bureau at State-Headquarter level to oversee and coordinate all trafficking related issues within the State and for coordination with other States/UTs. Further, the States have also been asked that each AHTU will report to the State-Headquarter level AHTB.

(ii) Advisories/SOPs to States and UTs

5.31 The Committee were informed that the Ministry have issued advisories/SOPs to States and UTs on 6.7.2020 to check incidence of trafficking during the pandemic. (b/n pg 6). The Ministry further submitted that a specific SOP to handle trafficking of children for Child labour and measures to be taken for trafficked child labour and penal action against employers/traffickers has also been issued. All States /UTs have been vigorously advised to enforce all existing legislations relating to crimes against children under the Prohibition of Child Labour (Prohibition and Regulation) Act, 1986.

5.32 Further, the Committee were apprised that the MHA have advised the States that they should set up exclusive 'Crime against Women/Children' Desks in each Police Station and that there should be no delay in registration of FIRs in all cases of crime against children and has released an amount of more than Rs. 100 crore under Nirbhaya Fund in 2020 for establishing Women Help Desks in Police Stations.

5.33 It was further submitted that the State Governments were advised that crimes against children should be thoroughly investigated and speedy investigation should be conducted. They have also been advised to increase the number of beat constables, police help kiosks, increase patrolling, etc. States have also been advised that all efforts should be made to prevent child labour and exploitation of children in all forms and that law enforcement agencies must extend necessary cooperation to State Labour Department. Additionally, it was stated that necessary financial assistance is also provided to all States and UTs to hold State Level Conference on Human Trafficking on a regular basis to sensitize and bring awareness among the various law enforcement agencies and other stakeholder Departments of the States in the matter of trafficking.

(iii) Sensitization/Awareness Campaigns

5.34 On the steps taken by the Ministry to generate awareness to check incidence of human trafficking, the Committee were informed as under:

“The Ministry engages with the States and UTs to generate awareness about human trafficking. Financial assistance is provided by MHA to all State Governments and UT Administrations on regular basis to hold Judicial Colloquiums on human trafficking. This is aimed at sensitizing the judicial officers to focus on measures for speedy disposal of trafficking cases and taking stringent action against traffickers and exercise discretion as provided under the law.”

5.35 On the measures taken to create awareness among police personnel on the perils of trafficking and the need to sensitise them in order to facilitate early detection and apprehension of child traffickers, the Ministry submitted as under:

“Financial assistance to States and UTs was provided for holding ‘State level conferences’ on periodic basis for sensitizing police officials and to make available to them updated information on latest provisions of law relating to trafficking. Bureau of Police Research and Development has been regularly conducting training courses pertaining to Anti-Human Trafficking. MHA have also issued an Advisory dated 6.7.2020 to all States and UTs inter-alia advising the Police Officers to undertake preventive steps such as identification of children in distress, watching out for suspicious persons, keeping special vigil at transit points and identify vulnerable population and susceptible pockets in the State.”

5.36 Additionally, the Ministry have also advised the States to sensitise police personnel deployed at bus depots, Inter-State Check posts and State borders to keep a close watch on suspicious activities of those transporting victims especially women and children.

(iv) Inter-Ministerial Coordination/Sensitisation

5.37 The Ministry further submitted that the Ministry of Railways have been advised to involve Railway Protection Force(RPF) and Government Railway Police(GRP) personnel deployed at Railway stations in detecting trafficking incidents and apprehending the traffickers in coordination with local police. It was further brought to the notice of the Committee that the Ministry of Railways in collaboration with the Ministry of Women and Child Development and National Commission for Protection of Child Rights have issued a SOP for ensuring care and protection of children in contact with Railways, which also includes a protocol for rescue for children found abandoned at rail stations or trafficked through trains.

5.38 Specifically drawing the attention of the Ministry of Home Affairs to reported incidence of child labourers brought by middlemen or placement agencies among the migrant workers, the Committee sought to enquire whether the Ministry have issued any instructions/advisory to State Labour Departments or any other Department to take action on this issue. The Ministry in this regard, submitted as under:

“This point concerns Ministry of Labour& Employment and they have been asked to respond to it. In 2017, Ministry of Home Affairs had also requested the Ministry of Labour& Employment to sensitize officers of the Labour Department in all States and UTs to keep a close vigil and watch on the activities of placement agencies in States with a view to addressing the crime of human trafficking and render all necessary assistance to the law enforcement agencies to check the crime.”

5.39 Additionally, the Ministry of Women and Child Development were also urged to advise their respective State level officers of the Dept of Women and Child Development to extend full cooperation and assistance in

rehabilitation of victims in close coordination with local enforcement agencies.

5.40 When asked whether the Ministry issued any instructions/guidelines to the police authorities for regular inspection of establishments with high incidence of child labour such as brick kilns and construction sites, the Ministry submitted that the query pertains to the Ministry of Labour and Employment.

(v) Inter- State Coordination – Technology sharing

5.41 On the significance of Inter-State coordination, the Ministry informed the Committee that they have urged upon the respective State Governments to evolve Inter- State coordination mechanisms by means of technology information sharing about victims in apprehending traffickers and rescuing victims.

5.42 In this regard, the Committee were apprised of a national level communication platform- Crime Multi Agency Centre (Cri-MAC) launched by MHA in 2020 which facilitates dissemination of information about significant crimes including human trafficking cases across the country on real time basis and enables inter State coordination for online sharing of information on crime and criminals on 24x7 basis between various law enforcement agencies and ensure seamless flow of information in prevention, detection and investigation of crimes.

OBSERVATIONS/RECOMMENDATIONS

5.43 The Committee are concerned to note that during the Census exercise, no specific data on child labour is documented. However, data on workers (main and marginal) and non-workers are collected and published. The Committee were informed that Main Workers were workers who worked for more than 6months during the year and Marginal Workers were workers who worked for 0-6 months. Further, the Committee find that traditionally the enumeration of the houseless population is carried out on the last night of the population Census and the Census department has a well established protocol to ensure the complete coverage of the houseless population. According to the last Census conducted in 2011, out of the total population of houseless persons, 270605 are children aged between 0-6 years, which, in the opinion of the Committee, is a cause of great concern. The Committee observe that the houseless population comprise of the most underprivileged and disadvantaged sections of the society and thus

there is a dire need to target the welfare efforts of the Government towards them. The Committee observe that the Census exercise provides an opportunity to map the areas where the homeless populations are concentrated particularly in metropolitan areas where such groups tend to settle down in certain parts over the years. The Committee further recommend that the publication of the data pertaining to the houseless population be expedited after the next Census so that urgent interventionist measures can be undertaken by departments such as the Ministry of Housing and Urban Affairs, Ministry of Labour and Ministry of Women and Child Development for the welfare of the houseless population.

5.44 The Committee while acknowledging the link between human trafficking and the engagement of trafficked children as child labour, appreciate the efforts of the Government in bringing the offence of human trafficking, as envisaged under section 370 and 370 A of IPC, under the mandate of National Investigation Agency (NIA). The Committee also laud the work done by NIA under its new mandate where out of the 12 cases of Human trafficking entrusted to NIA, it has submitted charge sheet in 7 cases against 53 accused. The Committee also find that in order to strengthen the efforts of NIA against traffickers, the Ministry have sanctioned 6 new Branch offices (18 total) while a separate vertical of Anti - Human Trafficking is under consideration of the Government. The Committee observe that NIA, being a National level investigative agency which has the mandate and the expertise to take up cases having inter-State and International ramifications, the steps taken by the Government to strengthen the agency are in the right direction and may be earnestly pursued. In this regard, the Committee recommend that the process of creation of a separate vertical of Anti- Human Trafficking in NIA be expedited.

5.45 The Committee note that in order to address the law enforcement response to human trafficking, the Anti-Trafficking Cell(ATCs) was established in 2006. An amount of Rs. 25.16 crore was released to the

states during the period 2010 to 2019 for setting up Anti-Human Trafficking Units (AHTUs) in 332 districts of States besides AHTUs being set up by some states on their own. These ATCs act as an interface with Ministry of Women and Child Development, Ministry of External Affairs, Ministry of Labour & Employment and State/UT authorities by issuing guidelines, Standard Operating Procedure(SOP) and advisories from time to time. Moreover, the Committee were given to understand that in order to address transnational/cross border issues of human trafficking, the ATC has also assisted in signing of Bilateral Memorandums of Understanding with Bangladesh, UAE, Cambodia and Myanmar and other Multilateral treaties on human trafficking. The Committee are of the view that Inter-State/ Inter-Ministerial/International cooperation is a prerequisite for envisaging any response against human trafficking and without a collective framework, feel that human trafficking cannot be addressed comprehensively. Specifically with regard to the bilateral and multilateral agreements, the Committee urge the Ministry to periodically review the progress in anti-human trafficking efforts in order to hold Member States/Countries accountable and embark on interventionist measures, if need be.

5.46 The Committee note that Anti-Human Trafficking Units(AHTUs) are integrated task forces to prevent and combat trafficking in persons and comprise of a group of trained sensitive officials of Police, Women and Child Welfare Department and other relevant Departments of the State. The Committee were given to understand that AHTUs function as coherent units to prevent and combat trafficking and attend to all three aspects of trafficking viz. prevention, protection and assistance in prosecution and are thus the field level functional units to address human trafficking in a holistic manner. The Committee were given to understand that pursuant to the decision of the Ministry of Home Affairs (MHA) to set up Anti-Human Trafficking Units(AHTUs) in all the districts, 696 AHTUs have been established across various States and

Union Territories. While the MHA have also issued advisories to all States and UTs, *inter-alia* advising them to immediately set up new AHTUs and upgrade the infrastructure of the existing AHTUs with the financial assistance provided to them and make the AHTUs functional on urgent basis. The Committee find that there are still districts where AHTUs have not been established and urge the Ministry to ensure that the remaining districts are covered at the earliest. The Committee also desire that the AHTUs established in States with greater prevalence of trafficking related activities be provided additional funds for strengthening infrastructure and other capabilities. The Committee feel that special attention, in this regard, needs to be paid towards states sharing border with Bangladesh, Nepal and Myanmar from where cross border trafficking takes place.

5.47 The Committee laud the steps taken by the Ministry to periodically engage with the States and UTs in the matter of human trafficking from time to time. The Committee find that the progress of implementation of various Women Safety projects, including the scheme of setting up/strengthening Anti-Human Trafficking Units (AHTUs) through virtual meetings with State/UT functionaries are reviewed regularly by the Ministry. In this regard, the Committee were informed that an online monitoring portal for the States and UTs to update the progress of AHTUs and for sharing their best practices and success stories has been established by the Ministry. The Committee hope that the web portal would serve as a vital IT tool for dissemination of information across all stakeholders, States/UTs and civil society organizations for effective implementation of Anti Human Trafficking measures and would serve as a repository on issues relating to trafficking including details of Anti-Human Trafficking Units (AHTUs), their locations, contact details of Anti-Human Trafficking Nodal Officers so as to supplement the efforts of the Ministry in tackling human trafficking.

5.48 The Committee were given to understand that an Institutional mechanism to counter human trafficking in a focussed and effective manner at the level of State Governments was devised and shared with all States and UTs in December, 2020. Subsequently, the States had been asked to establish appropriate Bureau/Units at State-Headquarter level, District level and Police Station level to address the issues of trafficking in a comprehensive manner. In this regard, the Committee note that as a way of strengthening the Anti Human Trafficking efforts, States were asked to notify a State-Headquarter level Anti-Human Trafficking Bureau. However, the Committee were informed that the details of the Officer heading such Anti-Human Trafficking Bureaus were not maintained Centrally by the Ministry. The Committee, in this regard, urge the Ministry to ensure that all the States setup the Anti-Human Trafficking Bureaus at State-Headquarter level and made functional in every State along with maintaining the details of the Officer heading such a unit. The Committee also urge upon the Ministry to devise a mechanism for effective coordination between the different AHTBs and the nodal Ministry for timely dissemination of intelligence.

5.49 The Committee are concerned to note that human trafficking especially, of women and children for various purposes such as commercial sexual exploitation (CSE), forced labour, domestic servitude etc. is a crime that gravely violates basic human rights. In this regard, the Committee appreciate the steps taken by the Ministry towards issuance of a SOP/Advisory to handle trafficking in Children for Child labour and penal action against employers/traffickers. Additionally, advisories have been issued to the States/UTs to set up exclusive 'Crime against Women/Children Desks and that there should not be any delay in registration in FIRs in all cases of crime against Children and has released 100 crores under Nirbhaya Fund in 2020 for establishing Women Help Desks in Police Stations. While lauding the initiatives taken by the Ministry of Home Affairs to check the

incidence of human trafficking especially among women and children, the Committee urge the Ministry to issue and reiterate directions to the States/UTs to place utmost priority to cases of child trafficking/registration of FIRs in cases of crime against Children in order to preempt instances of according low priority to cases of trafficking due to the preoccupation of police with other crimes. The Committee thus recommend further strengthening the institutional response for the law enforcement officers viz, police and prosecutors, against trafficking through training and capacity building to better investigate and prosecute offenders perpetrating this crime.

5.50 The Committee find that measures were taken to create awareness among police personnel on the perils of trafficking and the need to sensitise them in order to facilitate early detection and apprehension of child traffickers. In this regard, Ministry of Home Affairs (MHA) provide financial assistance to States and UTs for holding ‘State level conferences’ on periodic basis for police officials and to make available to them, updated information on latest provisions of law relating to trafficking. The Committee were also informed that Bureau of Police Research and Development (BPRD) has been regularly conducting training courses pertaining to Anti-Human Trafficking. MHA has also issued an Advisory dated 6.7.2020 to all States and UTs *inter-alia* advising them that Police Officers should be advised to undertake preventive steps such as identification of children in distress, watching out for suspicious persons, keeping special vigil at transit points and identify vulnerable population and susceptible pockets in the State. The Committee appreciate the various steps taken for tackling the issue of trafficking and urge the Ministry to continue with its efforts and at the same time seek inputs from the States with regard to the impediments being faced and the ways and means to remove them. In the above context, the Committee also recommend that all the measures that are being taken by the Ministry for the sensitization of police departments regarding the issue of

trafficking, may suitably be replicated for addressing the issue of child labour. The Committee thus recommend that the Ministry of Home Affairs collaborate with the Ministry of Labour and Employment and take similar measures, including organising training short courses of training and sensitising police personnel to keep vigil on identified areas such as eateries and small shops, so as to strengthen the awareness of police personnel with regard to the issue of child labour.

5.51 The Committee were informed that the Ministry of Railways have been advised to involve Railway Protection Force (RPF) and Government Railway Police (GRP) personnel deployed at Railway Stations in detecting trafficking incidents and apprehending the traffickers in coordination with the local police. Further, it was brought to the notice of the Committee that the Ministry of Railways in collaboration with the Ministry of Women and Child Development and National Commission for Protection of Child Rights has issued a Standard operating procedure (SOP) for ensuring care and protection of children in contact with Railways, which also includes a protocol for rescue for children found abandoned at rail stations or trafficked through trains. Appreciating the multi-sectoral efforts taken by the Ministry in collaboration with other Ministries/agencies, the Committee feel that, in addition to discharging its responsibility as mandated by the Standard operating procedure(SOP) for the rescue of children issued by the Ministry of Railways, the Committee in their considered opinion feel that active involvement and engagement of other stakeholders like NGOs/Voluntary associations with domain expertise in field of action of child trafficking will enhance the scale, reach and efforts of the Ministry in addressing trafficking.

5.52 The Committee's attention was drawn to reported incidence of child labourers brought by middlemen or placement agencies with the promise of better future but are subject to exploitation and have to endure violence, sexual abuse, harassment, threat and coercion. The Committee feel that it is important to keep a check on the various

placement agencies that might traffick children for the purpose of employing them in domestic labour, particularly in metropolitan cities. However, the Ministry of Home Affairs in this regard, have stated that it is the sole responsibility of the Ministry of Labour to address these concerns. In this regard, the Committee observe that, in 2017, Ministry of Home Affairs had also requested the Ministry of Labour & Employment to sensitize officers of the Labour Department in all States and UTs to keep a close vigil and watch on the activities of placement agencies in States with a view to addressing the crime of human trafficking and render all necessary assistance to the law enforcement agencies to check the crime. Further, in this context, the Committee are of the opinion that, given the multi-dimensional complexity in addressing the problem of child labour, unless various departments recognize the magnitude of the problem, accept collective responsibility and devise internal mechanism to address the incidence of child labour, child labour will continue to persist unabated. Therefore, the Committee recommend that since such placement agencies and other similar establishments have an interface with the police authorities, the Ministry should take robust steps to ensure that the police departments keep a periodic check on the functioning of these placement agencies.

5.53 The Committee find that the prevalence of child labour is high in establishments such as brick kilns and construction sites. However, the Committee were dismayed with the response of the Ministry when enquired whether guidelines had been issued to the local police authorities in the States for regular inspection of such establishments with high incidence of child labour. The Ministry had evaded responsibility by stating that the issue concerned the Ministry of Labour and Employment. Although the Committee while recognising the differing mandate of both the Ministries, however urge the Ministry of Home Affairs, that even though law and order might be a State subject and the inspections of work sites may qualify to be the primary

responsibility of the Ministry of Labour, the Ministry of Home Affairs may still issue certain instructions/guidelines to the police departments to devise a mechanism of coordination with the labour departments and ensure that even the police authorities keep a vigil/check on establishments that are prone to employ children/adolescents, particularly in districts identified as hotspots of child labour.

5.54 The Committee appreciate the steps taken by the Ministry of Home Affairs towards establishing a National level communication platform- Crime Multi Agency Centre (Cri-MAC) which facilitates dissemination of information about significant crimes including human trafficking cases across the country on real time basis. The Committee observe that by effectively leveraging technology for real-time information sharing between States, the platform can help various law enforcement agencies with seamless flow of information in prevention, detection and investigation of crime. The Committee while recognizing that trafficking is a grave crime, urge the Ministry to issue directives to all the States/UTs to actively participate in uploading of information about incidence of crime and criminals and continue to accord highest priority to the efforts directed at preventing and countering the scourge of trafficking.

CHAPTER - SIX

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

Introduction

6.1 The Committee decided to examine the Ministry of Social Justice and Empowerment because they felt that the Ministry have a greater role to play in addressing the issue of Child Labour. Initially, the Ministry took a plea that they do not have any role in this regard having the understanding that the entire policy on child labour was vested with the Ministry of Labour. When the representatives of the Ministry were called for evidence and deliberated with the Committee, the Secretary thereafter admitted that the Ministry needed to come out with a very clear-cut action plan and a policy on child labour. The Ministry subsequently informed the Committee that Child labour is a multi-dimensional phenomenon requiring a multitude of solutions to be planned and delivered in harmony by a range of stakeholders. The Ministry of Social Justice & Empowerment while recognizing the inextricable link between the abolition of child labour and the subsequent welfare of such children, submitted before the Committee that vulnerable children and those involved in child labour are among the target beneficiaries of welfare protection programs and schemes run by them.

6.2 The Ministry briefed the Committee on the various verticals under which schemes were formulated for the vulnerable and marginalised sections of the society, as under:

"Education has been one of our major interventions for the SC's and OBC's...Our schemes cover providing of scholarships so as to make education affordable..Most of our initiatives are focused on providing quality education affordable to the SC's and OBC's...70 percent of our budget goes in this scheme...Secondly, we have a scheme for the implementation of the Protection of Civil Rights Act and the Prevention of Atrocities Act...Thirdly, we have a corporation which lends to the SC's and to the OBC's...So we have been undertaking these three things, educational empowerment on one side, protection on the other side and economic empowerment."

6.3 Asked about the mechanism in place to identify the targetted beneficiaries *viz*, marginalised and disadvantaged sections of the society, the Ministry submitted that that they use the data reported in Census 2011 and they do not have any internal/independent mechanism for survey/collection of data.

II.(i) Rehabilitation of persons engaged in Beggary under SMILE Scheme

6.4 On the welfare measures taken to rehabilitate persons engaged in beggary including child beggars, the Ministry submitted as under:

"We have recently launched an umbrella scheme "SMILE - Support for Marginalized Individuals for Livelihood and Enterprise" on 12.02.2022, which includes a sub-scheme – 'Central Sector Scheme for Comprehensive

Rehabilitation of persons engaged in the act of Begging'. This sub-scheme covers several comprehensive measures including welfare measures for persons who are engaged in the act of begging with focus extensively on rehabilitation, provision of medical facilities, counseling, education, skill development, economic linkages etc. with the support of State Governments/UTs/Local Urban Bodies, Voluntary Organizations, Community Based Organizations (CBOs) and institutions and others. The Ministry has also launched a pilot project on Comprehensive Rehabilitation of the persons engaged in the act of Begging in major seven cities of the country including Delhi, Patna, Nagpur, Indore, Hyderabad, Bengaluru and Lucknow. These pilots are being implemented in these cities by State Governments/UTs/Local Urban Bodies and Voluntary Organizations. The budget allocation for the sub-scheme 'Comprehensive Rehabilitation of persons engaged in the act of Begging' under the 'SMILE' scheme for the financial year 2021-22 to 2025-26 is Rs. 100.00 Crore. Expenditure as on 08.03.2022 was 1.94 Crore."

6.5 When specifically asked on the issue of rehabilitation of children, identified as beggars at traffic signals in urban areas, the Ministry submitted that, under the SMILE scheme, shelter homes will facilitate for education for child engaged in the act of Begging and children of persons engaged in the act of Begging. In the case of orphan children engaged in Begging, they will be referred to Child Care Institutions (CCIs) of Ministry of Women and Child Development."

6.6 Noting that identification of persons engaged in begging and their profiling on the basis of gender and age is the responsibility of the Ministry, the Committee were apprised that one of the main components of the sub-scheme 'Comprehensive Rehabilitation of the persons engaged in the act of Begging' under the 'SMILE' scheme is 'Survey/ Identification' and that Survey of persons engaged in the act of Begging will be conducted by the implementing agencies in their area.

6.7 Elaborating on the status of various pilot projects/campaigns conducted across the Country to check the prevalence of beggars, the officials of the Ministry during the course of their evidence deposed as under:

"We started 10 pilots in 10 major cities. Indore has been our first success. Then, we have launched it in Delhi, Mumbai, Chennai, Banglore, Lucknow and Patna. In all these cities, we have taken up this campaign. Unfortunately, for about one and half to two years, the Municipal corporations were completely engaged in fighting Covid....In this year's plan of action, what we have done is that we have opened it for NGOs. We have a huge response. Nearly about 1300 NGOs have come forward saying that they want to take up beggary rehabilitation. So there is a lot of NGO interest in this. We will take up those cities which are fully tied up with a plan of action and which have the support of municipal corporations. I feel in this year, under the SMILE's beggary component we will be able to make a good progress. As far as Delhi is concerned, all the 9 districts of Delhi have shown a lot of interest. The NGOs have also come onboard. So I think Delhi will be one major success. We have allocated funds for this year. We have called for

applications and the selection process is underway. We will know soon which are the towns we will be working on comprehensive rehabilitation and who are our partners. we will also know who are our NGO partners and Municipal Corporations. On Beggary, thanks to this scheme we have a clear perception on how we should go about the Action Plan.”

6.8 In this context, the Ministry submitted that clear-cut guidelines have been administered in order to guide/assist NGOs and other organizations for implementation of beggary rehabilitation scheme and other schemes for targetted social groups. In addition, regular directions/instructions have been issued on specific issues raised by these organizations as applicable.

(ii) Rehabilitation of Transgenders under SMILE Scheme

6.9 The Ministry during the course of their evidence on the other sub-scheme under SMILE component relating to rehabilitation of transgenders, deposed as under:

“Under the SMILE-Support for Marginalised Individuals for Livelihood and Enterprise, the mandate of the sub-scheme on ‘Comprehensive Rehabilitation for Welfare of Transgender Persons’ is to ensure them a life of dignity. Under this, we have given a charter of assurances to the transgender community. One is providing them identity; second is providing them education; third is providing them skill; fourth is providing them access to cashless medical facilities; and fifth is providing them other livelihoods. So, on all these components we are working. This particular scheme provides for specific interventions. All of them have taken off. The Minister has launched a number of Garima Grihas. These are the safe places for them. Transgender children are removed from the house the moment the person is found to be a transgender. The identity of the transgender comes only after adolescence. Once the parents find that the person is transgender, they think it is bad luck for the house and then they are taken out of the house. It is an unfortunate thing. While we fight that, we also provide a safe place for them. These Garima Grihas will be set up in every State. We have already set up eight Garima Grihas. We are going to sanction five more. So, about 13 States will be covered in this process.”

II. Rehabilitation Measures for Children of De-notified, Nomadic and Semi-nomadic Communities

6.10 On the measures taken for the welfare of the children of Nomadic and migratory tribes, the Ministry informed as under:

“The Hon’ble Minister of Social Justice and Empowerment has launched the scheme on “ Scheme for Economic Empowerment of DNT Communities (SEED)” on 16.02.2022 with total outlay of Rs. 200 Crore for next five years, having following four components:-

- (i) To provide coaching of good quality for DNT candidates to enable them to appear in competitive examinations,
- (ii) To provide Health Insurance to them,
- (iii) To facilitate livelihood initiative at community level and
- (iv) To provide financial assistance for construction of houses for members of these communities.”

6.11 The Committee were further informed that in order to implement the scheme components, NIC has developed the online portal with the help of technical study group (TSG) which is open for seeking benefit under the scheme components. As of June 2022, under Coaching components 03, Health Insurance 12, Livelihood 01 and Housing 20 totalling to 36 beneficiaries has been applied for seeking benefits along with a fund allocation under SEED Scheme for FY 2022-23 is Rs.28.00 Crores.

III. Rehabilitation measures for Children of Manual scavengers

6.12 On the rehabilitation measures for Children of manual scavengers, the Ministry during the course of their evidence deposed as under:

“Dealing with manual scavenging is one of our main tasks. You are aware that the Act banning manual scavenging was passed in 2013. This Act is in implementation. One big campaign which has been taken up since 2014 has almost eliminated the lifting of night soil. That problem has been solved after the Swachh Bharat Abhiyan was taken to every nook and corner of the country. Of course, as you have mentioned, still people are going into the sewer holes and manholes. They go inside the septic tanks also to clean them. This is a very hazardous sort of operation. I am happy to inform you that, after a lot of consultation with the Ministry of Housing and Urban Affairs, we have now come up with a programme called ‘National Action for Mechanised Sanitation Ecosystem(NAMASTE)’. It basically talks about the national action for mechanical cleaning of sewers and others. Under this we are taking up three things. One is that we want to fund local bodies. We want to provide machines to the persons who are currently engaged in this work. We have a programme called Swachhta Udyami Yojana (SUY) under which we provide up to 50 per cent subsidy to purchase vehicles which can clean the sewers. So, they do not need to go in. Hundreds of vehicles have been purchased, but our requirement may be in thousands across the country. So, we have made a step forward and we have a long way to go. Swachhta Udyami Yojana has been a very popular scheme because a large number of municipal corporations have taken benefit out of this. For example, one municipality has taken almost 200 vehicles, and then they have completely converted all their operations from manual to mechanical. Municipal Corporation can directly apply. The State Government is not involved because what we do is that we provide this subsidy and we link it with the bank loan. So, there is no contribution of the State Government in this. But the Municipal Corporation has to give an assurance that they will take this vehicle. Whenever they require, they will give work to them. Otherwise, it will become a non-productive asset. We are coordinating with the Ministry of Housing and Urban Affairs and NITI Aayog in order to fund those startups which come up with new technologies for cleaning the sewers and septic tanks without any manual intervention. So, this is one area where there is a lot of startup activity. As you have rightly pointed out, we have the National Safai Karamchhari Finance and Development Corporation. In that, we fund about 30,000 to 50,000 people every year to cover their livelihoods, that means loans to take alternative occupations and skill development training programmes. We have developed a portal called PM-Daksh. So, this is a portal which is an end-to-end automated one. So, people who want a particular skill from the reputed skill providers, they can simply

express their interest and it is provided free of cost followed by placement in the jobs or self-employment. The children of the scavengers are also eligible to take this skill programme. So, this is a modification which we have made. We also have a National Commission for Safai Karamcharis which look into the complaints of any violations of the Act.”

6.13 The Committee then desired to know the specific measures taken for the welfare of Manual Scavengers particularly those affecting their children. In response, the Ministry submitted as under:

“The Central Sector Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was revised in November, 2013, in consonance with the provisions of the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (MS Act, 2013). The scheme has been thereafter provided in 2017-18, 2020-21 and 2021-22 to provide more benefits to the identified manual scavengers and their dependants. The main provisions under the Scheme were stated to be as under:

- (i) One Time Cash Assistance of Rs. 40,000/- to identified manual scavengers (one per family)
- (ii) Skill Development Training upto two years with stipend @ Rs. 3,000/- per month
- (iii) Capital Subsidy up to Rs. 5.00 lakh for Self-Employment Projects up to Rs. 15.00 lakh.
- (iv) Sanitation Workers and their dependents are provided capital subsidy up to Rs. 5.00 lakh and interest subsidy for sanitation related projects.
- (v) Coverage of Manual Scavengers for Health Insurance under Ayushman Bharat (PM-JAY) Yojana

During the two surveys initiated by the Ministry of Social Justice and Empowerment in the year 2013 and 2018, for identification of manual scavengers, 58,098 manual scavengers have been identified. All these eligible manual scavengers have been provided One Time Cash Assistance of Rs. 40,000/-“

6.14 Highlighting the achievements under the Scheme, the Ministry submitted as under:

- “(i) One Time Cash Assistance of Rs. 40,000/- provided to all identified eligible 58,098 manual scavengers
- (ii) Covered 18,880 manual scavengers and their dependents under various Skill Development Training Programmes with stipend @ Rs. 3,000/- per month
- (iii) Capital Subsidy up to Rs. 5.00 lakh for Self-Employment Projects provided for 2095 beneficiaries.”

6.15 The Ministry further apprised the Committee on the other significant developments as under:

- (i) 988 workshops have been organized in various ULBs since 2017-18 for spreading awareness about prevention of ‘Hazardous Cleaning of Sewers and Septic Tanks’.
- (ii) 270 Health-cum-Awareness Camps have been organized in the basties/work place of manual scavengers/sanitation workers.
- (iii) Covered over 10,000 sanitation workers under RPL/upskilling training programmes.
- (iv) Programme to provide Health Insurance cover of Rs. 5.00 lakh to the family of the identified manual scavengers under Ayushman Bharat is in advance stage of implementation.

6.16 The Committee were further informed that the National Safai Karamcharis Finance and Development Corporation (NSKFDC) is the nodal agency of the Government for implementation of SRMS. For the National Survey of manual scavengers conducted in 194 districts of 18 States, NSKFDC was the nodal agency of the Centre. It coordinated the whole survey in all these districts and also digitized all the survey forms received from the concerned districts/States. NSKFDC has been successfully implementing SRMS for the rehabilitation of manual scavengers. With its special efforts and coordination, National Survey of Manual Scavengers started in 2018, yielded good results and 44,217 manual scavengers were identified. No adolescent has been identified as manual scavenger.

IV. Rehabilitation measures for drug Addicts

6.17 On the measures in place to counter drug demand and rehabilitate drug addicts, the Ministry deposed as under:

“As far as the drug victims are concerned, we have a national programme, Nasha Mukta Bharat Abhiyan (NMBA) for drug demand reduction. Under this we are funding a large number of de-addiction centres. We have about 600 deaddiction centres, which are funded by us 100 per cent. These are run by the NGOs, but funded by the Government. Yes, they go directly from the Ministry to the NGOs. About seven lakh people are getting de-addicted every year. Seven lakh is the capacity of these institutions.....They are all above 18. This is one question which we have constantly deliberated on. As per our action plan we are only focussing on above 18 years victims.”

6.18 Enquired whether the Ministry were contemplating covering adolescents (14years and above), the Ministry responded as under:

“In fact, this point has been mentioned in the past also. We have worked with our sister Ministry, that is the Ministry of Women and Child Development. They are having large number of child homes, which they are fully funding. We said that we will be able to first work with them by bringing in de-addiction medication and then the modalities in these institutions. It is because a large number of children who are brought there are already addicted... So, we want to work with the Ministry of Women and Child Development. We want to coordinate with them so that we can extend this de-addiction campaign to children and also women. Of course, it is a huge issue for victims who are above 18. We have got six crore people who are substance abuse victims as per our survey. So, we are working on

expanding this reach to as many people as possible. As of now, we have got the capacity to treat seven lakh people.”

6.19 The Committee then desired to enquire on the funding pattern and the capacity of the de-addiction centres. In this regard, the Ministry submitted as under:

“As per revised guidelines of NAPDDR (effective from 01.04.2021), for Integrated Rehabilitation Centre for Addicts (IRCAs)/ District De-Addiction Centres (DDACs) being run by NGOs/VOs financial assistance will be given up to 90 percent of the approved cost on recurring and non-recurring expenditure (95% in-case of NE States, J&K, Ladakh and Sikkim). 10% of the expenditure would be borne by the organizations themselves (5% in-case of NE States, J&K, Ladakh and Sikkim). In case of IRCAs being run by State Governments, the financial assistance will be given up to 100 percent of the approved cost on recurring and non-recurring expenditure. 10% of the expenditure (5% in-case of NE States, J&K, Ladakh and Sikkim) to be borne by the organizations themselves will be raised through donations, contributions etc. and no fee will be charged from the beneficiaries. The Ministry provides 100% of grants in aid to NGOs for running of Outreach and Drop-In Centres (ODICs), Community based Peer Led Intervention (CPLIs) and State Level Coordinating Agencies (SLCAs). Further, there are 15 bedded, 30 bedded and 50 bedded Integrated Rehabilitation Centre for Addicts (IRCA) or de-addiction centres are being supported by the Ministry in the country under NAPDDR. Presently, 350 IRCAs are being supported by the Ministry.”

6.20 When asked about any proposal to cover adolescents/children in need of care in the eligibility criteria under de-addiction centres, the Ministry replied as under:

“Yes, as per revised guidelines of National Action Plan for Drug Demand Reduction (NAPDDR), establishing and assisting counseling/de-addiction centres or facilities in closed settings such as Juvenile Homes, for special groups such as women and children in need for care and protection/conflict with law or any other special group etc. by this Ministry or in convergence with other Central Ministries and implemented through various organizations/ Government Departments.”

6.21 Asked whether any survey was conducted to identify the addicts alongwith the number of persons identified *vis-a-vis* de-addicted annually during the last three years, the Ministry responded as under:

“The first Comprehensive National Survey on Extent and Pattern of Substance Use in India was conducted between December 2017 and October 2018 by Ministry of Social Justice and Empowerment through National Drug Dependence Treatment Centre (NDDTC), All India Institute of Medical Sciences (AIIMS), New Delhi. The Report was published in 2019.

As per the National survey, the substance-wise details of estimated users are as under:

Sl.	Name of the Substance	Prevalence of use (%)	Estimated no. of Users
1.	Alcohol	17.10	15,01,16,000
2.	Cannabis	3.31	2,90,18,000
3.	Opioids	2.12	1,86,44,000
4.	Sedatives	1.21	1,05,80,000
5.	Inhalant	0.58	51,25,000
6.	Cocaine	0.11	9,40,000
7.	Amphetamines Stiulants (ATS) Type	0.18	15,47,000
8.	Hallucinogens	0.13	11,01,000

6.22 The Committee were informed that the Ministry are presently supporting various NGOs for running of 514 Centres (to be updated) including 350 IRCAs, 73 ODICs, 53 CPLIs and 38 Addiction Treatment Facilities (ATFs) under NAPDDR throughout the country. These centres provide for a whole range of community-based services for identification, motivation, counselling, de-addiction treatment, after care and rehabilitation of affected persons.

6.23 The Ministry submitted that during the last three years, 93,364 beneficiaries in 2019-20, 2,08,415 beneficiaries in 2020-21 and 2,86,402 beneficiaries in 2021-22 taken treatment in aforesaid Centres in the country.

V. Educational Empowerment- Scholarships for Scheduled Castes/Other Backward Classes

6.24 The Ministry apprised the Committee during the course of their evidence as under:

“Education has been one of our major interventions for the SCs and OBCs. These are the two categories that we are looking at very intensely. So, our scheme cover providing of scholarships so as to make the education affordable. We have just started a scheme in which we are identifying meritorious SC boys and OBC boys and then putting them in very good schools. We also a scholarship scheme which will allow them to go abroad and study. We have schemes which provide them entry into the best institutions. So, all these interventions are focused on providing quality education affordable to the SCs and OBCs. Sir, 70 per cent of our Budget goes in this scheme.”

6.25 The Ministry apprised the Committee about the Pre-matric Scholarship Scheme for SC Students & Others’ which has two component, one for SC student studying in classes IX and X (Component 1), and the other for the children studying in Classes I to X, of parents/guardians engaged in unclean and hazardous occupations (Component 2). The Pre-matric Scholarship for SC Students is a Centrally sponsored scheme and implemented through States/UTs to support parents of SC Children for education of their wards studying in classes IX and X in order to improve

their participation and chance of progressing to the post-matric stage of education.

6.26 Specifically asked to state the measures undertaken for the welfare of Children of those engaged in hazardous occupations, the Ministry in response, submitted that for the welfare of children of those engaged in hazardous occupations, they run a Scholarship Scheme as 'Component 2: Pre-matric Scholarship for children of parents/guardians engaged in Unclean and hazardous Occupation' whose brief is as under:

- A. "The students should be studying in classes I to X on a full time basis
- B. Scholarship will be admissible to the children/wards of parents/guardians who, irrespective of their caste/religion belong to one of the following categories:
 - a. Persons who are Manual Scavengers as defined under section 2(I) (g) of Manual Scavengers Act 2013;
 - b. Tanners & Flayers;
 - c. Waste pickers; and
 - d. Persons engaged in hazardous cleaning as defined in Section 2(I) (d) of Manual Scavengers Act 2013.
- C. There is no family income ceiling under this component of the Scheme."

6.27 The major features under the Scheme were stated to be as under:

- (i) This Scheme is based on fixed sharing pattern of 60:40 between Centre and States (90:10 in case of NE states, Uttarakhand and Himachal Pradesh)
- (ii) Under this revised Scheme, the Central assistance shall be released directly into the account of beneficiaries only after ensuring that the concerned State Government has released their share;
- (iii) The Central share would be paid directly to the account of beneficiary/ guardian through DBT w.e.f 2021-22.

6.28 Further, in order to strengthen the implementation of the Scheme, the following steps have been taken by the Ministry as under:

- i. "Online end to end processing, verification of eligibility credentials through online transaction to ensure greater transparency, control duplicity and wrongful claims by institutions
- ii. All verification process of the students should be done using the above authenticated databases automatically using the digital process with little or no manual intervention;
- iii. A performance module to monitor the progress of student as well as performance of the institution should be suitably designed and incorporated.
- iv. Coverage of poorest households would be focused.
- v. Quality education should be ensured to the target group."

6.29 Asked to furnish the State wise details with regard to the Pre-matric Scholarship Scheme for SC Students & Others(Component 1 &2), the Ministry furnished as under:

Sl.No	Name of the State	No of Beneficiaries under "Post Matric Scholarship scheme for SC students" (in lakhs)			No of Beneficiaries under "Pre-Matric Scholarship Scheme for SC and Others" (in lakhs)					
					No of Beneficiaries under Component-I			No of Beneficiaries under Component-II		
		2019-20	2020-21	2021-22	2019-20	2020-21	2021-22	2019-20	2020-21	2021-22
1.	Andhra Pradesh	369316	469000	333884	223722	236337	231340	0	0	39420
2.	Assam	6668	17944	8439	720	912	0	0	0	0
3.	Bihar	109869	153787	82895	0	531536	558113	0	0	0
4.	Chandigarh	0	0	1126	1500	1000	1634	0	0	0
5.	Chhattisgarh	96362	105994	109047	88138	0	0	0	0	0
6.	Daman & Diu	0	0	93	119	46	51	0	0	0
7.	Delhi	19508	22500	4653	14643	16500	55000	0	0	0
8.	Goa	0	0	0	0	200	100	0	0	0
9.	Gujarat	131284	140000	133659	61052	56684	63000	200846	234592	240000
10.	Haryana	91438	0	49624	147104	0	0	0	0	0
11.	Himachal Pradesh	20758	22836	21119	20665	15458	18641	0	0	0
12.	Jammu & Kashmir	11995	0	9696	4978	891	6000	0	0	0
13.	Jharkhand	24038	28010	30542	44352	38015	47720	0	0	0
14.	Karnataka	330000	152311	298983	260732	323332	339499	0	0	0
15.	Kerala	0	119575	118935	75728	59312	74527	0	0	1000
16.	Madhya Pradesh	339676	476050	226331	323545	31863	341082	0	0	14668
17.	Maharashtra	325856	346330	68576	74365	0	0	0	0	0
18.	Manipur	8163	8255	5910	1379	485	2099	0	0	0
19.	Meghalaya	0	0	0	0	0	0	0	0	0
20.	Odisha	169666	174756	199631	171450	153073	168385	0	0	306
21.	Puducherry	0	7177	3420	2693	4000	4550	0	0	0
22.	Punjab	0	186354	173192	0	217729	196843	0	0	0
23.	Rajasthan	457915	503707	307020	168095	203083	240500	0	0	0
24.	Sikkim	464	442	406	152	118	131	0	0	0
25.	Tamil Nadu	611434	825000	648056	257855	278838	305073	0	0	37239
26.	Telangana	220381	286495	0	15423	9051	41350	0	0	0
27.	Tripura	17992	17672	21059	3585	4592	10222	0	0	0
28.	Uttar Pradesh	1360376	1450000	1032499	541551	362511	500000	0	0	0
29.	Uttarakhand	38077	45692	27178	22492	26990	17363	0	0	0
30.	West Bengal	518953	677932	536524	283504	209552	256746	0	0	339
	Total	5280189	6237819	4452497	2809542	3068876	3479969	200846	234592	332969

6.30 On the Scholarship schemes for students of Other Backward Communities, the Committee were informed that the vision of Ministry of Social Justice & Empowerment is to build an inclusive society wherein members of OBC community can lead productive, safe and dignified lives with adequate support for their Socio Economic Development through programmes of educational, economic and social development. Pursuant thereto, the Government of India has taken number of initiatives through various Central Sector and Centrally Sponsored scholarship schemes for the vulnerable sections *viz.*, OBCs/EBCs/DNTs, as under:

1. Pre Matric Scholarship Schemes for OBCs/EBCs/DNTs
2. Post Matric Scholarship Schemes for OBCs/EBCs/DNTs
3. Construction of Hostels for OBC Boys & Girls
4. National Fellowship for OBCs
5. Dr. Ambedkar Interest Subsidy Schemes for OBC/EBC
6. Dr. Ambedkar Post Matric Scholarship for EBC Students
7. Dr. Ambedkar Pre-Matric and Post-Matric Scholarship for DNT Students

6.31 The Ministry furnished the information relating to scholarship released to the State of Gujarat and Tamil Nadu under the scheme of Dr

Ambedkar Pre and Post Matric Scholarship for DNTS Students, as on 31-03-2021, are as under:-

SNo.	State	2017-18		2018-19		2019-20		2020-21		2021-22	
		Funds released (in Lakh)	No. of Ben.	Funds released	No. of Ben.	Funds released	NO. of Ben.	Funds released	No. of Ben.	Funds released	No. of Ben.
1.	Gujarat	539.25	0.42	900.00	0.53	780.00	0.50	470.53	Ben. Awaited from the States	Merged with PM YASASVI	
2.	Tamil Nadu					120.00	0.06	429.47			

VI. Economic Empowerment- Skill development Initiatives/PM-Daksh

6.32 The Committee desired to know if the Ministry was conducting any Skill development programmes for the deprived/marginalised sections. In response, the Ministry submitted that it caters for empowerment of the socially, educationally and economically marginalized sections of the society including SCs, OBCs, De-notified Tribes (DNTs), EBCs, Safai Karamcharis including Waste Pickers. Most of the persons of target group are having minimal economic assets; therefore, provision of training and enhancing their competencies is essential for economic empowerment/upliftment of these marginalized target groups.

6.33 The Ministry further submitted that, in 2020-21, the Ministry modified the existing Scheme of Assistance to skilling for OBCs/EBCs/DNTs with inclusion of SCs and Safai karamcharis including Waste pickers and renamed it as PM DAKSH Yojana as a Central Sector Scheme, with a target to skill around 2, 71,000 SC/OBC/EBC/DNT persons, Safai Karamcharis including Waste Pickers during next five years (2021-22 to 2025-26) with a budget outlay of Rs.450.25 crore.

6.34 Asked to elaborate on the provisions of PM-DAKSH, the Ministry stated as under:

“The main objective of the Scheme is to enhance competency level of the target groups to make them employable both in self-employment and wage-employment for their socio-economic development. A multi-pronged strategy to improve the all-round competency and adeptness of the following sections of the target groups namely:

- i. artisans may improve their revenue generation capacities within their practicing vocations,
- ii. women may enter into self-employment thereby financially empowering themselves without neglecting their domestic activities; and
- iii. youth may acquire long-term training and specialization in employable vocations giving them better standing in the job market.”

6.35 The Committee were informed that there are three Implementing Agencies viz. NSFDC, NBCFDC and NSKFDC for their respective target groups

- National Scheduled Caste Finance and Development Corporation
- National Backward Classes Finance and Development Corporation
- National Safai Karamcharis Finance and Development Corporation

6.36 The funding pattern under the Scheme was stated to be as under:

- Fund is released on milestone basis.
- In case of Upskilling and EDP, 50% (on commencement of course) and 50% (on completion and certification of course) is released.
- In case of Short Term and Long Term course, 30% (on commencement of course), 40% (on completion and certification of course) and 30% (on placement) is released”

6.37 The Ministry submitted that funds have been allocated in separate budget heads as under:

“Although an amount of Rs.84.00 crores has been allocated under PM-DAKSH scheme for FY 2022-23, the amount has been bifurcated into PM DAKSH SC Component and PM DAKSH OBC and others components by allocating Rs.40.00 crores and Rs.44.00 crores respectively in separate budget heads. The amount being released for safai karamcharis is from the budget allocation of PM-DAKSH Yojana (OBC component).

- The target Group under the PM-DAKSH scheme was stated to be as under: The target groups of the scheme are Scheduled Castes, Other Backward Classes, Economically Backward Classes, De-Notified Tribes, Safai Karamcharis including Waste Pickers in the age group of 18-45. In order to cater to the specific target group under Scheme, three Corporations were set up, viz. National Scheduled Caste Finance and Development Corporation (NSFDC) for SCs, National Backward Classes Finance and Development Corporation (NBCFDC) for OBCs, EBCs & DNTs and National Safai Karamcharis Finance and Development Corporation(NSKFDC) for Safai Karamcharis including Waste Pickers.”

6.38 The Committee were apprised of the criteria for short-listing of training Providers as under:

“The list of training institutes will be finalized on year to year basis with the recommendation of the committee consisting of the officials from the three corporations (Implementing Agencies) and Department of Social Justice and Empowerment including Integrated Finance Division (IFD). Further, the selection of training institutes (mostly Government training institutes and some Private training institutes but not NGOs) is made based on following conditions:

- i. Empanelled with Pradhan Mantri Kaushal Vikas Yojana (PMKVY) scheme of Ministry of Skill Development and Entrepreneurship (MSDE);
- ii. Past performance including placement record; and
- iii. Recommendations/observations of PMU team in their report during surprise inspection”

6.39 Asked to state the key initiatives under PM DAKSH during the period of 2020-21 to 2021-22, the Ministry submitted before the Committee as under:

- (a) PM-DAKSH Portal and Mobile App were launched on 07.08.2021 to make end to end digitization of the programme starting with registration of the candidates to their placements.
- (b) The scheme has been made trainee centric providing the facilities for online registration, selection of course, training institutes and place of training. In addition, the Portal has the facilities for submission of bills and uploading the documents by Training Institutes, payment to Training Institutes by integrating the Portal with PFMS portal through EAT (Expenditure Advance Transfer) module (in process), release of Stipend to the candidates through DBT (Direct Benefit Transfer), etc.
- (c) Artificial Intelligence (AI) based Biometric Attendance System has been integrated with PM-DAKSH portal to monitor the attendance of the candidates with facial recognition. It works both in online and offline mode.
- (d) The four interventions such Up-skilling/Re-skilling, Short Term Training, Long term training and Entrepreneurship Development Programmes (EDP) are introduced for enhancing skill on them.
 - (i) Up skilling (35 to 60 hours/ 5 days to 35 days)
 - (ii) Short Term Training (300 hours/3 months)
 - (iii) Entrepreneurship Development Programme (90 hours/15 days)
 - (iv) Long Term Training (650 hours/7 months)”

6.40 When asked about the key benefits under the scheme, the Ministry listed as under:

- Free of cost training
- Stipend @Rs. 1500 per month for SC and Safai Karamchari candidates and @Rs. 1000 per month for OBC, EBC and DNT candidates in case of non- residential short term and long term training.
- Certification after completion of Training Programme.
- Placement facilitation after completion of training
- Assistance in starting own enterprise
- Convergence with loan scheme of Corporation and assistance provided to beneficiaries who start their own work/self-employment.

6.41 The Ministry submitted that the salient Features of PM-DAKSH Portal (End to end Digitalisation) is a unified online application with role based access to various stakeholders, supplemented by a mobile application for covering the entire skill lifecycle (from sanction of training to rehabilitation) and strengthening the existing monitoring mechanisms.

6.42 Asked to state the main benefits being addressed through PM-DAKSH Portal, the Ministry highlighted as under:

- The Scheme has been made trainee centric by launching PM-DAKSH Portal and PM-DAKSH Mobile App on 07.08.2021.
- Registration on PM-DAKSH portal.
- Integrated with UMANG Portal.
- Sanction of numbers to various training institutes.

- Opening of registration window on PM-DAKSH portal online registration by beneficiaries.
- The portal provides the facilities for online registration, selection of job roles, selection of training institutes and place of training to the trainees.

6.43 The following features have also been made/are being made in the Portal to ensure transparency under the PM-DAKSH scheme, as under:

- Psychometric test of the candidates,
- Biometric attendance of the candidates using artificial intelligence (AI)
- Submission of bills and uploading the documents by the training institutes in the portal.
- Payment to the training institutes by integrating PM-DAKSH portal with PFMS portal (PFMS integration is still under development)
- Assessment certificate after completion of trainee.
- Release of Stipend for eligible beneficiaries as post training support to beneficiaries via DBT

VII. Rehabilitation Measures for Senior Citizens

6.44 The Committee were informed about the measures in place to rehabilitate senior citizens as under:

“About the senior citizens, about which hon. Members made a mention, we have the Atal Vayo Abhyuday Yojana (AVYAY). That Act provides for maintenance of the senior citizens in case they are not taken care of by the family. As part of the Act, we have brought in a provision, according to which there must be at least one old age home in every district, which is fully funded by the Government. In pursuance of this, about 600 old age homes are being run by the NGOs. But they are not covering all the districts. Around 250 districts do not have any old age home which is funded by the Government. So, our aim is to cover these districts in the next two years so that in every district if there is any destitute or elderly person, he should find accommodation in these old age homes. We also have a policy for the elderly. We are taking up several interventions for the elderly persons for providing them with re-skilling if they want to seek re-employment. That is something we want to assist. We are also forming them into self-help groups, and then providing them with productive occupation so that they will not be dependent on others, and they could live with dignity.”

VIII. Awareness Campaigns

6.45 The Committee then desired to be apprised of the campaigns undertaken to raise awareness about the welfare measures for the various marginalised sections. The Ministry, in response, submitted that they were taking various steps to spread awareness among the people. Advertisements are published in print media and electronic media. Information about the Scheme is spread through various social media platforms like Twitter, Facebook etc.

IX. Inter-Ministry Convergence

6.46 The Committee desired to enquire whether any convergence strategy has been contemplated with the Ministry of Labour and Employment and other Ministries to deter engagement of Child Labour and promote their socio-economic rehabilitation. The Ministry, in response, replied in the negative.

OBSERVATIONS/RECOMMENDATIONS:

6.47 The Ministry of Social Justice and Empowerment recognized their role in prohibition of child labour as late as in June, 2022 when the Committee decided to examine the Ministry and took evidence of their representatives. The Committee are of the considered view that the Ministry have a greater role to play not only in the prohibition of child labour but also in their rescue and rehabilitation. In evidence, the Secretary conceded that the Ministry needed to come out with a clear-cut action plan and a policy on child labour, which hitherto had not been one of the focus areas. The Committee undertook a comprehensive review of the schemes run by the Ministry for marginalized and disadvantaged sections of the society aimed at educational empowerment on the one side, protection on the other and overall economic empowerment. The Committee firmly believe that efficacy in successful implementation of these schemes would ultimately ensure economic upliftment of households thereby preventing child labour. In the succeeding paragraphs, the Committee have reviewed implementation of individual schemes and identified areas where the Ministry need to focus for prevention, rescue, rehabilitation and mainstreaming of vulnerable children.

6.48 The Committee note that in order to identify and frame policies for the targeted beneficiaries viz, marginalized and disadvantaged sections of the society under the various schemes run by the Ministry of Social Justice and Empowerment, the data relating in Census 2011 has been used and as per the Ministry, no mechanism for internal/independent survey/collection of data to ascertain the latest data is available. The Committee are constrained to point out that in

the absence of up to date data on vulnerable children, beyond Census 2011, envisaging a targeted welfare protection programme for their rehabilitation will be adversely impacted. Further, as a matter of fact, the 2011 census serves the only authentic source of information and the data available is more than a decade old and is of limited utility and relevance insofar as implementation of specific schemes and their targeted beneficiaries in the present scenario is concerned. In the wake of delay in Census 2021, it becomes imperative on the part of the Ministry to devise an internal mechanism to independently conduct household survey/data collection exercises in order to gauge the latest data and trends, so that targeted allocation of resources may be directed towards Policies aimed at effective rescue/repatriation and rehabilitation of vulnerable/marginalized sections.

6.49 The Ministry had launched a scheme 'SMILE' - Support for Marginalised Individuals for Livelihood and Enterprise on 12.02.2022 which includes two sub-schemes, out of which one pertains to Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in begging. The Committee were given to understand that the scheme was aimed at making places begging free and cover identification, rehabilitation, provision of medical facilities, counselling, education, skill development with the support of State Governments/UTs/Local Urban bodies and Voluntary Organisations etc. Further, the budget allocation under the Scheme for the financial year 2021-22 to 2025-26 is Rs.100 crore and expenditure, as on March 2022 was Rs.1.94 crore. According to the Ministry, several pilot projects in this regard, are being implemented in major cities of New Delhi, Mumbai, Chennai, Bangalore, Lucknow, Indore and Patna. One of the significant developments in the implementation of this scheme has been the interest evinced by about 1300 NGOs in taking up the responsibility of beggary rehabilitation. The Committee appreciate the Ministry's efforts in roping in NGO's/Community based Organisations (CBO's) for pilot projects on beggary rehabilitation under the SMILE sub-scheme and

consider it to be a step in the right direction. More importantly, these NGO's would be required to be working in close coordination with the respective Municipal Corporations of various Cities in identifying, monitoring, rehabilitating, skilling and sustainable settlement of persons engaged in beggary. The Committee therefore desire that the CBO's/NGO's need to be strengthened and equipped to perform the role of local pressure groups to check and combat beggary and also act as catalysts in effective formulation and implementation of anti-beggary framework. The Committee also desire that in the course of rehabilitation, necessary skills training may be imparted to Adolescent Children rescued from Beggary under the SMILE scheme by mapping them for age appropriate works/occupation in coordination with Ministry of Skill development and Entrepreneurship. The Committee desire to be apprised of concrete measures taken in this direction.

6.50 The Committee appreciate the welfare measures for Transgender persons under the SMILE supported sub-scheme on 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' which focuses extensively on providing them identity, provision of medical facilities, education, skill development, access to cashless medical facilities and livelihood. The Committee were also given to understand that the Ministry have set up housing facilities namely, 'Garima Greh' for transgender persons. As of June 2022, eight 'Garima Grihas' have already been set up across the country, five more have been sanctioned recently and about 13 States would be covered gradually. The Ministry have further assured the Committee that the housing facilities will be set up in each State. The Committee, in this regard are of the opinion that a huge section of the transgender community do not have access to safe housing facilities and consider the setting up of safe shelters to the needy and homeless transgenders as a step in the right direction towards mainstreaming them. The Committee urge upon the Ministry to expedite setting up of the shelters at the earliest as they constitute the basic step in empowering

the transgender community and desire that adequate finances be allocated for operationalizing these shelters and their upkeep. The Committee further feel that subsequent steps may be taken under the scheme for empowering the transgenders by providing access to interest subvention, sanction of loans in order to improve their socio-economic conditions and capacity development /skilling with a view to upgrade their skills to enable them to start income generating activities on their own or get gainfully employed in due course. The Committee are of the view that adequate efforts be channelized towards generating awareness of the various schemes aimed at rehabilitating the transgender community so as to help them in leading a life of dignity by prohibiting discrimination and ensuring equitable access to social and public places and benefits at par with the other genders.

6.51 The Committee laud the steps taken by the Ministry towards providing free competitive exam coaching, health insurance, housing assistance, and livelihood initiatives to the De-notified, Nomadic and Semi Nomadic (DNT) communities in the country by empowering them through the Scheme for Economic Empowerment of DNTs (SEED) launched in February 2022 with a total outlay of Rs.200 crores for five years. The Committee further observe that in order to implement the scheme components, National Informatics Centre (NIC) has developed the online portal with the help of a technical Study group which is open for seeking benefit under the scheme components. According to the data provided by the Ministry, Rs 28 Crores had been allocated under the Scheme for FY 2022-23 and as on June 2022, a total of 36 beneficiaries had applied for seeking benefits. In the view of the Committee, the De-notified, Nomadic and Semi-Nomadic Tribes are among the most neglected and economically/socially deprived communities and feel there is an urgent need to take steps to mainstream them. While appreciating the initiatives undertaken under the SEED Scheme, the Committee would further urge the Ministry to

assess and identify/review gaps in accessing the effectiveness of existing schemes for the DNT Communities and to collaborate with various Ministries/Implementing agencies in order to identify the locations/areas where these communities are densely populated so that the DNT Communities can be comprehensively rehabilitated and mainstreamed. In the opinion of the Committee, successful implementation of SEED would largely help in mitigating the incidence of child labour among vulnerable De-notified, nomadic and semi-nomadic communities.

6.52 The Committee note that the Central Sector Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was revised in November, 2013, in consonance with the provisions of the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (MS Act, 2013). The scheme has been thereafter provided in 2017-18, 2020-21 and 2021-22 to provide more benefits to the identified manual scavengers and their dependants. It was brought to the notice of the Committee that the main provisions *inter-alia* under the Scheme include (i) One Time Cash Assistance of Rs. 40,000/- to identified manual scavengers (one per family); (ii) Skill Development Training up to two years with stipend @ Rs. 3,000/- per month; (iii) Capital Subsidy up to Rs. 5.00 lakh for Self-Employment Projects up to Rs. 15.00 lakh; (iv) Sanitation Workers and their dependents are provided capital subsidy up to Rs. 5.00 lakh and interest subsidy for sanitation related projects; (v) Coverage of Manual Scavengers for Health Insurance under Ayushman Bharat (PM-JAY) Yojana. Further, the Committee were given to understand that two surveys were conducted by the Ministry in the year 2013 and 2018 for identification of manual scavengers during which 58,098 manual scavengers were identified. The Committee in this regard laud the Ministry that all eligible manual scavengers had been timely provided with a One Time Cash Assistance of 40,000 rupees as stipulated under the provisions of the scheme. Also, 18,880 manual scavengers and their dependants

were covered under various skill development training programmes with stipend of @ Rs.300/- per month. The Ministry also provided capital subsidy up to Rs.5.0 lakh for self-employment projects covering 2095 beneficiaries. Further, it was brought to the notice of the Committee that the National Safai Karamcharis Finance and Development Corporation (NSKFDC) is the nodal agency for implementation of SRMS for the rehabilitation of manual scavengers under which a National Survey of Manual Scavengers was started in 2018 and 44,217 manual scavengers were identified and no adolescent was identified as manual scavenger. Appreciating the fact that no adolescent was identified as a manual scavenger as a testimony to effective policy intervention, the Committee exhort the Ministry to further elicit information/confirmation from the concerned Chief Secretaries/Administrators to ascertain whether their States/UTs are free from the scourge of manual scavenging and whether any Child labour/Adolescent labour are engaged as manual scavenger currently. The Committee wish to be apprised of the developments in this regard.

6.53 The Committee observe that in addition to the steps taken to eliminate and rehabilitate identified manual scavengers, a lot needs to be done for full mechanization of cleaning of sewers and septic tanks and rehabilitation of the sanitation workers engaged therein. The Committee are concerned to find that despite the provisions of Manual Scavenging Act, 2013, persons are still being engaged for manual cleaning of sewers, drains containing sewage and septic tanks without proper gear and safety precautions which is a sort of hazardous occupation. In this regard, the Committee were informed that the Ministry of Social Justice and Empowerment and Ministry of Housing and Urban Affairs have proposed the 'National Action for Mechanised Sanitation Ecosystem (NAMASTE)' scheme to make sanitation work safer. Under this scheme, a programme called Swachhta Udyami Yogna (SUYY) is being run in which the Ministry provide up to 50 per cent subsidy to purchase vehicles which can clean the sewers. The

Committee have been given to understand that hundreds of vehicles have been purchased benefiting number of municipal corporations. Considering the huge requirement of such vehicles in the country, the Committee feel that the Ministry have to go a long way for successful implementation of these schemes. The Committee also recommend that the Ministry should coordinate with the Ministry of Housing and Urban Affairs and Niti Ayog in order to fund those startups which come up with new technology for cleaning sewers and septic tanks without any manual intervention. The Committee also desire that National Karmachari and Finance Development Corporation should provide loans to households of scavenging community to take alternate occupations and skill development training programmes. The Committee recommend the ministry to institute a robust monitoring mechanism for successful implementation of schemes in operation, in order to break the intergenerationality in sanitation work and thus prohibit incidence of child labour in their families.

6.54 The Committee note that insofar as the drug victims and de-addiction efforts are concerned, the Ministry run a National programme, Nasha Mukta Bharat Abhiyan (NMBA) for drug demand reduction under which 600 de-addiction centres are currently operational, which are fully funded by them. The Committee were given to understand that these centres are run by the NGOs wherein around seven lakh people were getting de-addicted every year. According to the Ministry, 2,86,402 beneficiaries in 2021-22 had been treated in aforesaid Centres across the country. The Committee find that the total capacity of these centres are about seven lakhs and so far, only victims over 18 years are currently enrolled at these centres. The Ministry further submitted that they are considering a proposal to work together with the Ministry of Women and Child Development towards bringing in a de-addiction medication and other modalities in the Child Care institutions (CCIs) in order to extend this de-addiction campaign to children and women. Additionally, as per the Ministry, the revised

guidelines of National Action Plan for Drug Demand Reduction (NAPDDR) provides for establishing and assisting counseling/de-addiction centres or facilities in closed settings such as Juvenile Homes, for special groups such as women and children in need for care and protection/conflict with law or any other special group etc. by them or in convergence with other Central Ministries and implemented through various organizations/Government Departments. The Committee recommend that the initiatives taken by the ministry should be taken to its logical conclusion to curb drug menace among children.

6.55 The Committee note that the ministry are presently supporting various NGOs for running 514 centers including 350 Integrated Rehabilitation Centre for Addicts (IRCA), 73 outreach and Drop in Centres (ODICs), 53 Community based Peer Lead Intervention (CPLIs) and 38 Addiction Treatment Facilities (ATFs) under NAPDDR throughout the country. These centres provide counseling, de-addiction, treatment, after care, and rehabilitation of affected persons. The Committee have been informed that during the last three years, 93,364 beneficiaries in 2019-20, 2,08,415 beneficiaries in 2020-21 and 2,86,402 beneficiaries in 2021-22 have taken treatment in aforesaid centres in the country. Considering that nearly six crore people are found to be substance abuse victims, in the absence of adequate capacity to treat such a huge population, it seems to be a daunting task to tackle and rehabilitate drug/substance abuse victims. In this regard, the Committee find that NGOs are provided with financial assistance up to 90 percent of the approved expenditure and State Governments are provide 100 per cent for setting up of IRCA. Despite this, the Committee lament the lack of adequate de-addiction facilities to treat victims of drug abuse and recommend more pro-active participation on the part of the Ministry and call upon Voluntary organization/NGOs intervention, including participation of State Governments. The focus needs to be on preventive education, awareness generation, counseling, treatment and rehabilitation of

individuals with substance abuse along with training and capacity building of the service providers through collaborative efforts of Central/State Governments, NGOs and Civil Society to create awareness about the ill-effects of substance dependence, reduce stigmatization and integrate individuals with substance abuse, back into society.

6.56 The Committee note that the Pre-matric Scholarship Scheme for SC Students & Others' is an Umbrella scheme that has two sub schemes, one of which is a Centrally sponsored scheme and implemented through States/UTs to support parents of SC Children for education of their wards studying in classes IX and X. In this regard, the Committee are pleased to take note of the efforts made by the Ministry to ensure the continued increase of coverage in targeted Scheduled Caste beneficiaries studying in classes IX and X under the pre-matric Scholarship scheme (Component 1) viz, 3479969 beneficiaries during 2021-22 as against 3068876 beneficiaries in 2020-21 and 2809542 in 2019-20 respectively. The Committee feel this is indicative of a healthy trend and is of the view that such scholarship schemes help tackle the incidence of drop out especially in the transition from the elementary to the Secondary stage and to improve their participation and facilitate in enabling them to progress to the post-matric stage of education. Further, the Committee feel that the measures like scholarship/fee waiver serve as an incentive for parents to enroll their children in Schools. The Committee thus recommend that adequate policy measures should be directed at providing financial incentives to families which would continue to encourage retention of their wards in schools so as to incentivize them and aid in providing families with avenues for supplementary income so that the vicious trap of poverty which often compel families to send their children/adolescent to work can be offset.

6.57 The Committee note the steps envisaged by the Ministry for the welfare of children of those engaged in hazardous occupations viz, 'Component 2: Pre-Matric Scholarship for children of parents/guardians engaged in Unclean and hazardous Occupation' under the "Pre-Matric Scholarships Scheme for Scheduled Castes and Others". Under the Scholarship Scheme, children/wards studying classes I to X of parents/guardians engaged in Unclean and hazardous Occupation are eligible to pursue pre-matric education provided they belong to one of the following categories namely, Persons who are Manual Scavengers as defined under section 2(I) (g) of Manual Scavengers Act 2013; Tanners & Flayers; Waste pickers; and Persons engaged in hazardous cleaning as defined in Section 2(I) (d) of Manual Scavengers Act 2013. The Committee were given to understand that, in order to strengthen the implementation of the Scheme, several steps have been taken viz., Online end to end processing, verification of eligibility credentials through online transaction to ensure greater transparency, control duplicity and wrongful claims by institutions, automated verification process of the students using the digital process; a performance module to monitor the progress of student as well as performance of the institution; focus on coverage of poorest households; ensuring quality education to the target group etc. Appreciating the steps taken by the Ministry to further the endeavour of providing access to vulnerable children whose parents/guardians are employed in hazardous occupations, the Committee urge the Ministry to periodically review the functioning of the scheme and strengthen the institutional mechanism so that more Children are provided a platform to pursue literacy and uninterrupted pre-matric education, lower the incidence of drop-out and have a better chance of progressing to the Post-matric stage of education. Further, the Committee recommend that necessary public awareness drives shall be undertaken by the State Governments/UTs about the scheme at the local level through the Municipalities/Gram Panchayats in order to extend its coverage by

encouraging pupils who have dropped out to bring them back into the fold of education.

6.58 The Committee note that the Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi (PM-DAKSH) had been launched as a Central sector scheme during 2020-21 for five years (2021-22 to 2025-26) for the marginalized persons of SC/OBC/EBC/DNT/Safai Karamchari including waste-pickers in the age group of 18-45 years with a budget outlay of Rs. 450.25 crores to enhance the skills available that could aid in economic upliftment of these marginalized sections. The Committee have been given to understand that the scheme is implemented through three apex corporations, i.e., National Scheduled Caste Finance and Development Corporation (NSFDC), National Backward Classes Finance and Development Corporation (NBCFDC) and National Safai Karamcharis Finance and Development Corporation (NSKFDC) for their respective target groups with an objective to make them employable both in self-employment and wage employment for their respective socio-economic development. The Committee find that, under the Scheme, a multipronged approach to improve all-round competency by focusing on revenue generation capacities of artisans, self-employment of women and long-term training and specialization in employable vocations among youth. According to the Ministry, a PM-DAKSH portal and Mobile App were launched to make end-to-end digitization of the programme starting from registration of candidates to their placements. The Committee also observe that the scheme has been made trainee centric providing facilities for online registration, selection of course, training institutes and place of training as per the convenience of the candidate. Further, AI based biometric system has been integrated with PM DAKSH portal to monitor the attendance of candidates with facial recognition.

The Ministry further stated that the four core interventions under the Scheme viz., Up-skilling/Re-skilling, Short term training, Long term training and Entrepreneurship Development Programmes

(EDP) have been introduced under the Scheme to enhance the skill of candidates. The Committee find that the key benefits under the scheme are inter-alia free cost of training, stipend of Rs1500 per month for SC and Safai Karamcharis and Rs.1000 per month for OBC/EBC/DNT candidates, Certification, Placement facilitation and assistance in starting own enterprise and convergence with loan scheme of Corporation and assistance for beneficiaries in starting own work/self employment. The Committee appreciate the various steps taken by the Ministry in order to meet the deadline of skilling the target beneficiaries viz., 71,000 SC/OBC/EBC/DNT persons/ Safai Karamcharis including waste pickers by 2025-26. Further, in the view of the Committee, the process of registration has been hastened due to the presence of a dedicated portal and mobile application for candidates to choose the training course and the training institute/centre as per their requirement/interest. The Committee would urge the Ministry to look into areas which may limit the effectiveness of the PM-DAKSH scheme, viz., lack of infrastructure, especially in rural areas which may not have adequate training facilities and need for robust industry/placement partnerships to provide job opportunities to the trained individuals, particularly in sectors where there is limited demand for skilled labor. The Committee are of the opinion that the success of the scheme is directly proportional to the number of candidate registrations on the PM-DAKSH portal and hence urge the Ministry to popularize and create awareness about the tangible benefits under the scheme among the potential candidates through electronic and print/social media. Public information campaigns in this regard in regional dialects would help in reaching out to candidates who are not well versed in English or Hindi. The Committee desire that adequate finances be allocated towards this endeavour.

6.59 The Committee appreciate the initiatives of the Ministry under the Atal Vayo Abhyuday Yojana (AVYAY) for the maintenance of senior

citizens. As part of the Yojana, at least one old age home must be set up in every district, fully funded by the Government. In accordance to the guidelines, the Committee were informed that about 600 old age homes were being run by the NGOs in various parts of the Country. However around 250 districts do not yet have any old age home. The Ministry assured the Committee that within the next two years, the target of coverage of all the 250 districts is likely to be achieved so as to facilitate any destitute/elderly person in finding accommodation in these old age homes in every district. The Committee desire that the deadline be adhered to scrupulously. Further, the Committee are of the view that ensuring that senior citizens lead a secure, dignified and productive life is a major challenge and urge the Ministry to formulate proposals to re-skill them if they want to seek re-employment. The Committee also exhort the Ministry to set up a national helpline for the welfare of senior citizens and sensitise youth and other sections of the society towards issues of the elderly. The Committee also desire that steps be taken to encourage senior citizens to form Self-help Groups in order to provide them with productive occupation and share time constructively with each other.

6.60 The Committee observe that the eradication of Child labour is a multidimensional problem and addressing it in its entirety would require a holistic inter-Ministerial legislative convergence involving a range of stakeholders to effectively formulate and collaborate on targeted policies and review measures for identification, rescue and socio-economic rehabilitation of child labour. However, the Committee are deeply perturbed at the admission on the part of the Ministry on the absence of any convergence strategy either with the Ministry of Labour or other Ministries of the Government of India on a critical issue of Child labour. The Committee feel that inadequate synergy and lack of coordination at grass-root levels and Ministerial level between Child labour policies and interventions between various agencies of the Ministries of the GoI has hampered the anti-Child labour framework.

The Committee are of the view that the Ministry of Social Justice have an important role not only in prohibition of Child labour but also in its rescue and rehabilitation. The Committee therefore exhort the Ministry to devise a coherent convergence strategy wherever possible among various stakeholders involved in standardizing SOPs on identification, rescue, trafficking, repatriation, reintegration and rehabilitation for Children or those found vulnerable to child labour in order to address them effectively and the benefits of convergence can be targeted towards areas of high incidence of child labour by leveraging the strengths of different Ministries to achieve the desired outcomes so as to effectively tackle Child labour in all its manifestation.

CHAPTER - SEVEN

MINISTRY OF TRIBAL AFFAIRS

INTRODUCTION

7.1 The Ministry of Tribal Affairs is not directly related with the implementation of the National Policy on Child Labour. The main focus of the Ministry is to elevate the socio-economic status of the tribal people by providing them better livelihood opportunities better prospects of quality education and accessible health care. The main issue with the tribal children is that they do not work with any employers but work with their own families who are mainly engaged in agriculture business and gathering of Minor Forest Produce (MFP) which is seasonal in nature. Therefore the tribal children work as a help to their families and are marked as child workers instead of child labours. However, there are remarkable number of children working as child workers throughout the country according to 2011 Census. Due to less employment opportunities in the tribal areas seasonal migration of tribal people takes place and children accompany their families and hence do not take admission in schools which also adds upto out of school children. Therefore, the Committee considered it to be relevant to examine the Ministry of Tribal Affairs as they have a role to play in eradication of child labour in tribal areas.

7.2 The Ministry of Tribal Affairs have a unique funding pattern under which 41 Central Ministries apart from Ministry of Tribal Affairs earmark their funds in the range from 4.3% to 17.5% of their total TSP Scheme allocation every year as Tribal Sub Plan/Scheduled Tribes Component (STC) also known as Development Action Plan for STs (DAPST) for various schemes for Tribal development. These funds are spent by different Central Ministries/ Departments under their schemes for various development projects for accelerated socio-economic development of Tribal population. Besides State Governments are also supposed to earmark TSP funds in proportion to ST population in the States. Apart from this there is a statutory provision under Article 275(1) under which 100% financial assistance is provided to enable the States to meet the cost of their schemes of development for promoting welfare of Scheduled Tribes.

7.3 Ministry of Labour is the nodal Ministry for welfare of Labour which includes prevention of child labour. Ministry of Women and Child Development is the nodal ministry for women and child welfare and for co-ordination of activities with other Ministries and organizations in connection with women and child development and for welfare of the family.

7.4 Same was corroborated by one of the representatives of the Ministry of Tribal Affairs in their deposition before the Committee during the course of oral evidence as under:

"We do not have any direct scheme on the child labour per se in the tribal habitations. But by focussing our attention on education, health and livelihood aspects, we have tried to ameliorate the condition of tribal

families. We think that if we succeed in providing quality education and accessible health care to tribal population and if we can create sustainable employment opportunities in the areas of tribal habitations, then tribal children will be able to study in a healthy atmosphere thus decreasing the incidence of child labour. Also, tribal workforce will not need to migrate."

7.5 Asked about the specific measures adopted by the Ministry to improve literacy and prevent child labour amongst the tribal population, it was replied as under:

"The Ministry of Tribal Affairs implements programmes and schemes for development and welfare of the Scheduled Tribe communities."

7.6 Besides other Schemes run by the Ministry of Tribal Affairs, Tribal Sub Plan (TSP), also known as Special Training Centres (STC) which has now been renamed as Development Action Plan for STs (DAPST) is a planning concept that aims to improve the socio-economic development of tribal people across the country. Besides, States Governments are supposed to earmark TSP funds in proportion to ST population in the States w.r.t. total State Plan (Census, 2011) State Welfare Departments are the implementing Agencies of this Plan (STC Monitoring – Ministry of Tribal Affairs website tribal.nic.in). The Ministry further informed the Committee as under:

"Besides Ministry of Tribal Affairs, 41 Central Ministries / Departments have been obligated for earmarking in the range of 4.3 to 17.5 percent of their total Scheme allocation every year as TSP/STC/DAPST funds for tribal development. TSP/STC/DAPST funds are spent by different Central Ministries / Departments under their schemes for various development projects relating to education, health, agriculture, irrigation, roads, housing, drinking water, electrification, employment generation, skill development, etc. for accelerated socio-economic development of STs.

7.7 In this context, a representative of the Ministry deposed before the Committee explaining the TSP further during the oral evidence deposed as under:

"...since 1974-75 a tribal sub-plan with dedicated mechanism was developed where all the relevant Ministries are required to allocate specific amount of their Budget exclusively for the welfare of the Tribals. It has two components. One is the Central component. Since 2015, there are 41 Ministries which are required to allocate a specific amount of their Budget and likewise in the States, all the States which have tribal population are required to spend their Budget in proportion to the tribal population."

7.8 When asked about the budget allocation under TSP/Scheduled Tribe Component (STC) by the nodal Ministries, the Ministry stated as under:

S. No.	Ministry	STC Budget Allocation (%)
1.	Ministry of Labour & Employment	8.57
2.	Ministry of Women & Child Development	8.60
3.	Ministry Tribal Affairs	100

Under Scheduled Tribe Component, STC funds are dedicated source of funds for tribal development. Ministry of Labour and Ministry of WCD is required to spend 8.57% of their budget allocation and 8.60% respectively as STC." As regards School Education, Department of School Education & Literacy (DoSE&L) has allocated Rs. 6093.66 Cr. under STC in FY 2022-23 with major allocation under the schemes - Samagra Shiksha and National Programme of Mid-Day Meal in Schools.

... WCD which is the relevant Ministry and is required to coordinate with the other line Ministries including the Ministry of Tribal Affairs for the welfare of the Tribal children."

ROLE OF MINISTRY OF TRIBAL AFFAIRS IN PREVENTION OF CHILD LABOUR

7.9 When the Committee enquired the Ministry about measures adopted for prevention of child labour in the tribal areas and for ensuring education of tribal children and their all round development, the Ministry stated that the Ministry of Education (Department of School Education and Literacy) is the nodal Ministry which work to provide education to all the children under Right to Free and Compulsory Education Act, 2009. However, as far as the Ministry of Tribal Affairs is concerned there are several schemes implemented by the Ministry which are as under:

- “(i) Pre- Matric Scholarship: Pre-Matric Scholarship Scheme is a Centrally Sponsored Scheme under which financial assistance is provided to ST students studying in classes IX and X.
- (ii) Post Matric Scholarship: Post-Matric Scholarship Scheme is a Centrally Sponsored Scheme under which financial assistance is provided to ST students studying beyond class X.
- (iii) Eklavya Model Residential School (EMRS): It is a Central Sector Scheme to provide quality education to Scheduled Tribes (ST) students (Class 6th to 12th) in remote areas through residential schools. As on date, 684 schools have been sanctioned by the Ministry, out of which 378 are reported to be functional.
- (iv) Grants to NGOs: Ministry of Tribal Affairs is administering the scheme of “Grant-in-Aid to Voluntary Organizations working for the welfare of Scheduled Tribes” under which grants are provided to NGOs working in the health and education sectors. While in the Education Sector, the beneficiaries are ST children, in Health Sector, the beneficiaries are from ST population. In remote, hilly, forested and border areas where there are infrastructural gaps, the Ministry gives grants for more than 200 projects implemented by NGOs for running of residential and nonresidential schools and hostels.
- (v) Grants under Article 275(1) of the Constitution: Ministry of Tribal Affairs is implementing scheme of Grants under Article 275(1) of the Constitution. It is a 100% grant from Government of India. Funding under this programme is to enable the States to meet the cost of such schemes of development as may be undertaken by the State for the purpose of promoting welfare of Scheduled Tribes in that State or raising the level of administration of Scheduled Areas therein to that of the administration of the rest of the areas of that State."

7.10 Elaborating the various schemes run by the Ministry of Tribal Affairs, a representative of the Ministry deposed before the Committee as under:

“...we have four dedicated schemes which are relevant for the children.

First is the pre-matric scholarship and post-matric scholarship. These two schemes are implemented by the States. Any child whose family income is less than Rs. 2,50,000 is entitled for this scholarship in 9th and 10th class and for post-matric scholarship, all the children are entitled for scholarship for studying in any course. Other than these, the Ministry has three Central Sector Schemes which are for higher education, that is top class scholarship scheme where we have 246 top class institutes like IITs, IIMs, NITs where children can study with the Ministry’s fund. Then, we have National Fellowship Scheme where every year, we provide scholarship to 750 students for doing Ph.D and we also have National Overseas Scholarship Scheme where every year 20 scholars can study abroad and the Ministry provide funding for their boarding and lodging including fee.”

7.11 On a pointed query regarding inclusion of tribal children into the mainstream, how many Ashram and Eklavya Model Residential Schools have been sanctioned and how many have started operations, the Ministry replied to the Committee as under:

“Ministry of Tribal Affairs (MoTA) was running a separate scheme “Establishment of Ashram Schools in Tribal Sub-Plan Areas” under which funds were provided to State Governments for construction of Ashram schools. State-wise list of Ashram Schools sanctioned by Ministry of Tribal Affairs (MoTA) under the erstwhile scheme of “Establishment of Ashram Schools in Tribal Sub-Plan Areas” is as under:

State/UT	Number of Ashram Schools Sanctioned
Andhra Pradesh including Telangana	188
Assam	3
Chhattisgarh	134
Goa	1
Gujarat	164
Jharkhand	24
Karnataka	28
Kerala	14
Madhya Pradesh	404
Maharashtra	95
Odisha	97
Rajasthan	9
Sikkim	1
Tripura	24
Uttar Pradesh	7
Uttarakhand	12
Total	1205

As part of rationalization of schemes of the Ministry, the intervention of 'Ashram Schools' was subsumed under the Schemes of 'Special Central Assistance to Tribal Sub-Scheme (SCA to TSS) and Grants under Article 275(1) of the Constitution from 2018-19 onwards. During 2021-22, the scheme of 'SCA to TSS' has been transformed into scheme of 'Pradhan Mantri Aadi Adarsh Gram Yojana (PMAAGY) with the aim of transforming villages with significant tribal population into model village (Adarsh Gram) In the first phase of five years, 36428 tribal dominated villages with at least 50% tribal population and 500 STs will be taken up under the scheme all over the country. Therefore, the interventions of 'Ashram Schools' are now considered for financial assistance under Grants under Article 275(1) of the Constitution of India.

The Ministry provided financial support to the State Government only for construction of Ashram schools. The responsibility for running and overall maintenance of schools constructed with the financial support provided to states by MoTA. The Ministry of Tribal Affairs has advised states to give top priority to improving the infrastructure of Ashram schools, and has also financially supported renovation works as well as provision of equipment.

Eklavya Model Residential Schools (EMRS):

As on date, 685 EMRSs have been sanctioned by the Ministry of Tribal Affairs. The summary of building status pertaining to the same has been tabulated below:

Total Targeted EMRS	Total EMRS Sanctioned	Building Status		
		Completed	Under Construction	Yet to Start
740	685	230	234	221

The state-wise summary of sanctioned and functional EMRSs with enrolment figures for the academic year 2021-22 are as under:

States	Sanctioned EMRS	Functional EMRS	Enrollment (2021-22)
Andhra Pradesh	28	28	5795
Arunachal Pradesh	10	2	220
Assam	12	1	480
Bihar	3	-	-
Chhattisgarh	73	71	15581
Dadra & Nagar Haveli and Daman & Diu	1	1	179
Gujarat	41	35	10973
Himachal Pradesh	4	4	552
Jammu & Kashmir	6	6	-
Jharkhand	88	7	3051
Karnataka	12	12	4027
Kerala	4	4	560
Ladakh	3	-	-
Madhya Pradesh	69	63	23393
Maharashtra	37	33	7062

Manipur	21	3	1431
Meghalaya	27	-	-
Mizoram	17	6	1061
Nagaland	22	3	671
Odisha	104	27	7317
Rajasthan	31	30	7224
Sikkim	4	4	1008
Tamil Nadu	8	8	2867
Telangana	23	23	6795
Tripura	21	5	1899
Uttar Pradesh	4	2	480
Uttarakhand	4	3	765
West Bengal	8	7	2072
Grand Total	685	388	105463

It may be noted that the data regarding functional Ashram Schools and enrolments therein is maintained by the respective states.”

7.12 Further, the Committee were informed during the course of evidence by a representative of the Ministry as follows:

“...the Ministry provides grants to the States for developing hostels in remote areas and Ashram schools also. We funded 1200 Ashram schools under SCA to TSS under Article 275(1). Still, there are remote areas. As you are aware, there are some hilly areas and border areas where the Government has not been able to open schools. So, in those areas, to fill the gaps, there are more than 200 projects which we have implemented through NGOs. You must have heard of RK Mission. It is providing education to more than 10,000 students in Sohra, in Meghalaya. Similarly, in Arunachal Pradesh, Assam and in many remote areas, they are doing this thing. Our NGOs, RK Mission, Bharat Seva Ashram, Linga institute and many more institutes are providing education in remote areas.”

7.13 In this connection, one of the representatives of the Ministry of deposited before the Committee as under:

“Sir, I think you must be aware about the Ekalavya Residential Model Schools. This scheme was started in 1997-98 under Article 275(1) of the Constitution. The grants were given to the States for developing these schools. On the success of this scheme, in 2018-19, the Cabinet took a decision for every tribal block which has a population of 20,000 and fifty per cent of the them are tribals. So, there were 452 blocks which were identified by the Ministry of Tribal Affairs and it is developing Ekalavya Residential Model School. So, in this Cabinet meeting of 2021-22, every school which is there in the hilly areas, the cost of construction has increased to Rs. 48 crore and in plain areas, Rs. 38 crore is the cost of construction. So, annual expenditure on every student is rupees one lakh nine thousand.

Sir, presently, one lakh five thousand students are studying and we are hopeful that by 2025-26 when the schools are constructed and run on

hundred per cent enrolment that three lakh fifty thousand students will get free education and quality education in the remotest areas.”

7.14 Elaborating another Scheme of “Grant-in-Aid to Voluntary Organisations Working for the Welfare of Scheduled Tribes” which aims at strengthening education among ST girls, Ministry of Tribal Affairs informed the Committee as under:

"The Scheme Grant-in-Aid to Voluntary Organisations Working for the Welfare of Scheduled Tribe’ provides funds inter-alia for strengthening Education among ST Girls in Low Literacy Districts. The scheme is being implemented through Voluntary Organisations/ Non-Governmental Organisations and aims at enhancing the literacy rate of tribal girls, bridging the gap in literacy levels between the general female population and tribal women and reducing drop-outs at the elementary and secondary level by creating the required ambiance for education."

7.15 The Ministry further apprised the Committee of the role of Samagra Shiksha Scheme in reaching out to children especially girls belonging to Scheduled Tribes:

"Department of School Education and Literacy (DoSE&L), Ministry of Education is implementing Samagra Shiksha scheme, effective from 2018-19. Bridging gender and social category gaps at all levels of school education is one of the major objectives of the scheme. The Scheme reaches out to girls, and children belonging to SC, ST, Minority communities and transgender. The Scheme also focuses on the identified Special Focus Districts (SFDs) on the basis of adverse performance on various indicators of enrolment, retention, and gender parity, as well as concentration of SC, ST and minority communities. "

7.16 The Committee were further informed that Netaji Subhash Chandra Bose Awasiya Vidyalays and Hostels under Samagra Shiksha Scheme are set up for children in sparsely populated, or hilly and densely forested areas with difficult geographical terrain and border areas. Under Samagra Shiksha Scheme, there is also a provision of Kasturba Gandhi Balika Vidyalays (KGBVs), which are residential schools from classes VI to XII for girls belonging to SC, ST, OBC, Minority and Below Poverty Line (BPL).

7.17 The Ministry further expressed in detail of the role of abovementioned Schools and Hostels in preventing child labour as under:

"Netaji Subhash Chandra Bose Residential Schools and Hostels provide the residential facilities to child labour rescued, migrant children who belong to poor landless families, children without adult protection, separated from their families, internally displaced persons, and children from the areas of social and armed conflict and natural calamities. In this regard, preference is given to Educational Backward Blocks (EBBs), Left Wing Extremism (LWE) affected districts Special Focus Districts (SFDs) and the 115 Aspirational districts identified by NITI Aayog."

7.18 The Committee were further informed by the Ministry as under:

"Navodaya Vidyalaya Samiti also has a mandate for opening of 01 Jawahar Navodaya Vidyalaya in each district of the Country to provide good quality modern education with boarding and lodging facilities, free of cost to all the students including Scheduled Tribe Students."

7.19 When the Committee wanted to know about the school drop-out rate of children of tribal population *vis-à-vis* school children in general, the Ministry informed as under:

"Unified District Information System for Education (UDISE) Plus, Ministry of Education report, dropout rates of Scheduled Tribes students and all Students are given below for Primary, Upper Primary and Secondary stages for the last 5 years. It may be seen that dropout rates have been showing decreasing trend over the years, but there still exists a gap between ST students and All categories.

Drop-Out Rates in School Education for Scheduled Tribe Students									
Year / Class	Primary			Upper Primary			Secondary		
	Girls	Boys	Overall	Girls	Boys	Overall	Girls	Boys	Overall
2016-17	8.52	8.57	8.54	9.70	9.46	9.58	28.11	28.93	28.53
2017-18	3.48	3.82	3.66	6.14	5.95	6.04	21.36	22.90	22.14
2018-19	5.23	5.72	5.48	6.46	6.89	6.69	23.38	26.40	24.93
2019-20	3.61	4.06	3.85	5.81	6.30	6.06	22.65	25.64	24.18
2020-21	2.31	2.72	2.52	4.69	5.36	5.02	19.65	22.14	20.91

Source: UDISE Plus, M/o Education

Drop-Out Rates in School Education for All Students									
Year / Class	Primary			Upper Primary			Secondary		
	Girls	Boys	Overall	Girls	Boys	Overall	Girls	Boys	Overall
2016-17	6.30	6.40	6.35	6.42	4.97	5.68	22.15	22.11	22.13
2017-18	3.33	3.68	3.51	5.57	4.49	5.02	18.66	19.16	18.93
2018-19	4.30	4.59	4.45	5.14	4.26	4.68	17.05	18.68	17.90
2019-20	1.24	1.70	1.48	2.98	2.24	2.60	15.07	17.02	16.09
2020-21	0.69	0.83	0.76	2.61	1.95	2.27	13.71	14.34	14.04

Source: UDISE Plus, M/o Education"

7.20 Explaining the reason for this high drop-out rates of the tribal boys and girls, the Ministry forwarded the following inputs given by the States to the Committee:

"The main concentration of the tribal population is more in the rural area, the people of the tribal society are mainly engaged in agricultural business, minor forest produce, forest produce, various types of materials are made mainly from forest produce, because this work is done by family. Therefore, along with the family, their children have also been working as a help in these. Although they are not engaged with any employer, they are marked as child workers and not child laborers. The number of such child workers has been found mostly in the 2011 census.

Secondly, due to relatively less employment opportunities in areas where tribes are local, people go outside the area with their families for livelihood, due to which the children of this area do not take admission in the school, and are included in the definition of child worker. And due to the involvement of a large number of such children with self-employment, they also get defined in the number of child workers."

7.21 When the Committee enquired about the action taken with regard to developmental programmes including those pertaining to child rights and child protection that were undertaken under the aegis of NITI Working Group (Standing Committee on Civil Society Organisations of NITI Aayog), it was submitted by the Ministry as under:

"The sub -group was constituted on Child Rights and Child Protection under Niti Central Statistics Office (CSO) standing Committee. However, the Sub-Group was discontinued later.

Some States have informed about their initiatives.

Govt. of Goa stated that the provisions in the RTE Act have been notified for the information of general public.

Govt. of Sikkim conducted awareness programmes on:

1. Child protection & Rehabilitation
2. POCSO Act 2012
3. Child marriage
4. Child labour
5. Adoption"

7.22 When the Committee enquired about the estimated number of working tribal children and adolescents, the Ministry replied as under:

"Ministry of Tribal Affairs does not compile data about the number of working tribal children, as Ministry of Labour & Employment is the nodal ministry for welfare of Labour, including child labour. Ministry of Tribal Affairs obtains the required figures, whenever needed to know the estimated numbers, from the census figures. Ministry of Tribal Affairs also coordinates with the Ministry of Labour and the Ministry of Women and Child Development in this regard."

7.23 When the Committee asked the Ministry about the number of child labours/workers, State-wise, the Ministry provided the following statement on Scheduled Tribes Main Workers in 5-14 years age group as per Census 2011 as the Ministry do not maintain this data:

Table: State/UT wise ST main workers in 5-14 years age group	
State /UT	ST Main workers (5-14) years
ANDAMAN & NICOBAR ISLANDS	41
ANDHRA PRADESH	66,191
ARUNACHAL PRADESH	3,711
ASSAM	13,773
BIHAR	8,354
CHHATTISGARH	25,977
DADRA & NAGAR HAVELI	660
DAMAN & DIU	54
GOA	813
GUJARAT	50,832
HIMACHAL PRADESH	1,093
JAMMU & KASHMIR	4,625
JHARKHAND	34,529
KARNATAKA	30,779
KERALA	737
LAKSHADWEEP	26
MADHYA PRADESH	110,736
MAHARASHTRA	102,430
MANIPUR	8,237
MEGHALAYA	17,313
MIZORAM	2,474
NAGALAND	9,802
ODISHA	34,854
RAJASTHAN	47,030
SIKKIM	912
TAMIL NADU	4,967
TRIPURA	2,052
UTTAR PRADESH	4,881
UTTARAKHAND	1,216
WEST BENGAL	16,064

Source: Census, 2011

7.24 On being asked about the reasons for high concentration of workers of the age 05 to 14 years in the States of Madhya Pradesh, Maharashtra, Andhra Pradesh and Gujarat, the Ministry replied as under:

"The State of Madhya Pradesh has got over 1.5 crore of ST population which is about 15% of the ST population of the entire country. Similarly, Maharashtra also has got over one crore of ST population as per 2011 census. Such States with large tribal populations are likely to have relatively higher numbers of working children."

Measures for providing employment and better livelihood to STs for curbing migration

7.25 On a pointed query to the Committee regarding steps taken for preventing migration of tribal population, representative of the Ministry deposed before the Committee as under:

"Sir, migration is directly linked to the livelihood also. We had earlier two schemes. One is institutional support to States and the other is procurement of MFPs that is, minor forest produce. So, there are 87 Minor Forest Produce for which the Ministry and TRIFED have fixed minimum support price. So, if

the tribals want to sell that item, they do through these things. But these two schemes were implemented through the States. In this Cabinet, the Ministry had taken decision after a lot of deliberations with NITI Aayog and with the Group of Ministers. So, Pradhan Mantri Janjatiya Vikas Mission has been approved. This year, approximately Rs. 450 crore has been earmarked for this. So, under this scheme, not only minimum support price will be provided to the minor forest produce but for value addition also, we are establishing Van Dhan Vikas Kendra. Each Kendra has 300 members. So, as you know, the tribals go to the forest. They pick up the minor forest produce but earlier, they used to sell directly to the middlemen like honey, mahua and 87 such products. Other than 87 products also, for example, they also grow hill bloom grass in north east. From that, they are making these brooms. So, value addition is the major component. Under this Scheme, Rs. 15 lakh is given to every Van Dhan Vikas Kendra. So, ten lakh members are there presently and about 3500 Van Dhan Vikas Kendras have been already established.”

7.26 When the Ministry were asked about the steps taken by them to reduce unemployment and generate livelihood opportunities in order to check migration of tribal population and ensure that participation of children in the traditional livelihood activities such as agriculture and gathering of forest produce does not affect their education, the Ministry of Tribal Affairs replied that the following schemes are run by the Ministry which are aimed at providing sustainable livelihood and improving Infrastructure in rural area to prevent migration and exploitation of tribal population:

- i. Pradhan Mantri Janjatiya Vikas Mission (PMJVM)
- ii. Marketing and Logistics Development for Promoting Tribal Products from North-Eastern Region
- iii. Equity Support to National Scheduled Tribes Finance and Development Corporation (NSTFDC)/State Scheduled Tribes Finance and Development Corporations (STFDCs)
- iv. Venture Capital Funds for STs
- v. Funds under Article 275(1) to States
- vi. Pradhan Mantri Adi Adarsh Gram Yojna”

7.27 Further, elaborating Pradhan Mantri Adi Adarsh Gram Yojana (PMAAGY), the Ministry forwarded the following information to the Committee:

“Pradhan Mantri Adi Adarsh Gram Yojana (PMAAGY) aims at providing basic infrastructure in 36,428 villages with significant tribal population having at least 50% tribal population and 500 STs in convergence with Central STC and State TSP funds.”

7.28 When the Ministry were asked regarding role of Tribal Co-Operative Marketing Development Federation of India (TRIFED), and National Scheduled Tribes Finance and Development Corporation (NSTFDC) in providing competitive

markets and subsidized finances to the tribal people, it was informed to the Committee as under:

“With regard to the steps taken for reducing unemployment and generating livelihood opportunities in the Tribal Areas, the Ministry, through Tribal Co-Operative Marketing Development Federation of India (TRIFED), an autonomous organization and National Scheduled Tribes Finance and Development Corporation (NSTFDC), a CPSE, is involved in some way or the other-

- To supplement the livelihood of tribal people, TRIFED under the scheme of PMJVM provides Minimum Support Price (MSP) to Minor Forest Produce (MFPs) gatherers the market price of their MFPs, if it falls below MSP.
- Funds are also provided for setting up Van Dhan Vikas Kendras, comprising of upto 300 members each, wherein, value addition training is being provided to tribal population which ultimately act as value addition centres for State Agencies and as suppliers of tribal produce / products.
- Further, empanelment for sale and purchase of tribal products from tribal artisans are done which helps them to generate employment and augment their income.
- In addition, National Scheduled Tribes Finance and Development Corporation (NSTFDC) provides concessional loans to the eligible Scheduled Tribe persons for any income generation/self-employment activities through its implementing agencies.

Ensuring the above activities will also result in keeping the drop-out rate of tribal children from school at a low level.”

7.29 In this context a representative of the Ministry informed the Committee during evidence as follows:

“Now, our plan in the next phase in these five years is not only for the value addition but also branding of their products and their marketing is also very important because this is very competitive market. As our products are mostly organic, there is a lot of market but there has to be a dedicated mechanism which we are providing under this scheme from this year onwards as Van Dhan enterprises which will be a next level under TRIFED. So, now, TRIFED will be a dedicated agency. It will be the nodal agency where tribal haats will be set up and then, warehouses will also be set up. Depending upon the requirement of each area, this scheme will be implemented. Secondly, exclusively for north east for next two years, for development of their products and providing marketing and logistics, this scheme has been approved by the Department of Expenditure.

Thirdly Sir, we have National Scheduled Tribe Finance Development Corporation (NSTFDC). Under this scheme, we provide subsidized loans to our beneficiaries. The loan rate is as low as 3-4 per cent. This scheme is implemented through State nodal agencies. In addition to this, from this year, we have also started on the line of Ministry of Social Justice, a venture

capital fund for Scheduled Tribes and to start that, Rs. 50 crore has been given. So, we will be implementing this scheme through IFCI”

7.30 For the livelihood activities in the North Eastern Region following submission was made by the Ministry during the course of evidence:

“...under article 275(1) of the States, we give a lot of funds to the States for development of livelihood activities. Especially, in the North East, a lot of projects are given. For example, there is development of pine apple or elaichi. These types of projects are given in the North East. As I said in the beginning, we have 41 Ministries but many times, you must have also seen that many Ministries were not able to spend the amount in a dedicated manner for the development of tribals and tribal areas. So, the Pradhan Mantri Adi Adarsh Gram Yojna is a new scheme which has been revamped from the earlier SCA to TSS. Under this scheme, based on gap analysis in one lakh seventeen villages on the basis of Antyodaya Mission data, there were 18 parameters fixed like whether the road is there or not, school or water facility is there or not, electricity, banks, post office, etc. So, we identified 18 parameters and, on that basis, we further analysed the data and we found 36,428 villages which have a population of 500 and more than 50 per cent. In each of these villages, we will be giving Rs. 20 lakhs but all the concerned Ministries, like the Ministry of Rural Development, Panchayati Raj, Water Resources have been asked to dedicate their funds exclusively for these villages in the next five years. Under the Amrit Mahotsav, every year, we will be taking 7500 villages. All these schemes are basically providing sustainable livelihood and providing infrastructure in the remote tribal areas depending upon the requirement of each area so that they do not migrate and because natural resources are abundantly available in forest areas, they can utilise their resources in their own areas.”

7.31 On a pointed query regarding Research Projects undertaken by the Ministry of Tribal Affairs, to check migration amongst tribal population, the Ministry furnished the following information during the course of evidence before the Committee:

“We have 27 tribal research institutes and we have also recently set up a National Tribal Research Institute. Migration is one of the key areas of concern. We have given multiple projects not only to the States but we have also a scheme of funding a reputed organisation under Centre of Excellence. There, in the last few years, we have conducted several studies. One of the studies was conducted by DISHA Foundation in which seven States were taken. Four States were originating States namely Jharkhand, Odisha, Chhattisgarh from where migration was happening and the destination States were Gujarat, Maharashtra, Goa and Andhra Pradesh. The findings of these reports were that migration mainly takes because of two reasons. One is pull factor. For example, in Goa, the fishermen get a very high per day remuneration. Secondly, as tribals are dependent on a lot of natural resources, if they are not able to properly utilise the natural resources, they prefer to migrate to the neighbouring the States or within the State or outside States. Based on these findings, in Goa, we have a pilot project with the Ministry of Labour in Goa and our Ministry. It is to look into the welfare of all the tribals who are migrating to Goa. If they face any problem, like legal problems, that also is provided jointly through this.

Similarly in Maharashtra, through DISHA Foundation, we are working in Nasik and we are mainly working on labour which is coming from different States. These are the other States which have been given these research projects in the last one year.”

7.32 On being asked about any migrant labour support programme being implemented by the Ministry, it was informed to the Committee as under:

"The Ministry has sanctioned pilot project to State of Goa for migrant labour support program. This program is being implemented by the State Government and it will take some more time to conclude the study."

7.33 The Ministry of Tribal Affairs also apprised the Committee of the major findings of the various studies sanctioned by the Ministry on issues related to Tribal migration as under:

- i. "Tribal migrants face issues like difficult working conditions, lack of documentation and identity issue, inadequate social security coverage
- ii. Lack of awareness about Government Schemes.
- iii. Lack of support at destination level for migrants.
- iv. Difficulty in communicating in language of the host State.
- v. Difficulty in obtaining education and health services in destination State."

Awareness Campaigns

7.34 The Committee enquired about the specific measures undertaken by the Ministry to raise awareness about the welfare measures and various schemes run by the Ministry for the tribal children, the Ministry stated as under:

"TRI & Media Division extends support to the State Governments through centrally sponsored Scheme 'Support to Tribal Research Institutes (TRIs)' to strengthen Tribal Research Institutes (TRIs) in their infrastructural needs, research & documentation activities and training & capacity building programmes, organization of tribal festivals, exchange visits etc. Under the scheme, funds are also provided for awareness programmes."

7.35 Further, a representative of the Ministry provided following details about the awareness campaigns run by the Ministry during evidence:

"With the help of DISHA Foundation and TRI, these two awareness campaigns and sensitisation of child labour happens to be a regular phenomenon. About the welfare programmes of the Ministry, I would like to point out that we have developed several portals so that a dedicated mechanism is there so that people are aware about our schemes. There is one portal called adiprasaran. It gives details of all the schemes of the Ministry and the best practices, the initiatives of the Ministry and how that scheme is performing. We have also developed a performance dashboard where all the portals of the Ministry are included. It shows how the States are performing like the utilisation certificates, how much they have utilised. This mechanism is there on the performance dashboard. Our Ministry won

the SKOCH Award for these portals and in data governance quality index which is a mechanism developed by NITI Aayog, our Ministry is third on digital governance also.”

7.36 Further, the Committee were apprised during the evidence of the State-wise approach of the Ministry as follows:

“These activities in the States are depending upon their requirements. We have also started one pilot project in Odisha where the Panchayati raj institutions are represented. They are being trained about the schemes of the Ministry. Similarly, through the Art of Living Foundation, a project was taken in Jharkhand and Chhattisgarh. TRIs are also taking these projects and under the Pradhan Mantri Adi Adarsh Yojna, our main focus is that we should develop a family wise data of all the tribals and the different schemes. There are two types of schemes. One is infrastructure and the other is direct beneficiary scheme. Whether the benefits of all the schemes are going to the tribals or not are being looked into. These are some of the projects which have been given to different States.”

7.37 On being enquired by the Committee about the engagement of the tribal leaders and public representatives towards creating awareness for eradication of child labour in tribal areas, the Ministry submitted as under:

“The Ministry has launched program of awareness of Panchayati Raj Institutes in Odisha in January 2020. All states have been asked to undertake training activities of the Members of Panchayati Raj Institutions. In Jharkhand, Chattisgarh and Odisha, with the help of UNDP and TRIs, a course curriculum has been designed for PRI representatives. The community leaders are made aware about various schemes of Central and State Government and employment opportunities available in rural areas.

Further Ministry provides funds to State TRIs for conducting Awareness programmes. The projects sanctioned under 'Support to TRIs' during 2019-20 to 2021-22 are as under.

S.No.	State	Activity
2019-20		
1	Manipur	Awareness cum Training on Forest Rights Act (FRA) -Training of Elected Representatives/State Officials/Village Chiefs/Headmen, Leaders of CSOs. Students Leaders, NGOs and other stakeholders -To be conducted in each of the 6 (six) Autonomous District Councils/Districts and 1 (one) Programme at TRI Imphal.
2	Odisha	Off campus awareness and sensitization training programme on POA Act and Rules for STs in ITDAs and Micro Projects
3		Off campus awareness and sensitization training programme on ongoing Development programmes for STs in ITDAs and Micro Projects
4	Tripura	Awareness Programme against alcoholism and drug addiction for the ST youths.
5	West Bengal	Training cum Awareness Programme on POA
6		Training cum Awareness Programme on Hand wash practices among the Tribal School Children of West Bengal

2020-21		
1	Karnataka	Training on Awareness Programme on Health and Hygiene including hand Wash Practices to school children of ST Ashrama Schools and Hostels.
2		Awareness Camp in tribal areas on (a) Drinking Water , (b) Sanitation, Hygiene and Communicable Diseases.
3	Odisha	Awareness and Capacity Building of SMC Members on School Management, their role and how to adopt the Covid 19 precautionary measures for children (one day duration in one batch)
4		Capacity Building Training for all the ST PRI Members and Key Stakeholders on Tribal Development Schemes and Programs (More than 30,000 ST PRI Members (Sarpanches and NayebSarpane and Ward Members/ SET community members will undergo this awareness program)
5	Uttarakhand	Training Programme for creating awareness among PRI, Departmental officers and Tribal Community
2021-22		
1	Rajasthan	Social Awareness Activity for Sickle Cell Disease (in association with AIIMS Jodhpur)
2	Tamil Nadu	FRA Awareness for Tribal communities in 16 Tribal populated districts

7.38 When the Committee enquired about the research projects undertaken by TRIs under the Scheme of Support to TRIs, the Ministry during their oral evidence on the subject submitted as under:

State Name	Financial year	Project name	Amount (in lakh)
Goa	2020-21	Tribal Livelihood Migration in Goa-Situational Analysis, Gap Assessment and Future Direction in Two regions of Goa	60
Himachal Pradesh	2019-20	Ethnography of marginalized Tribes – Tribal Migration among Pangwala Tribe of Himachal Pradesh	15
Karnataka	2020-21	Research Study on Migration among forest based tribes in Mysore and Kodagu districts in Karnataka	5
Odisha	2021-22	Tribal Migration – Trends, Issues, factors (Push and Pull), Good Practices adopted by States or UTs to address the issues and way forward (National)	5
Odisha	2020-21	Base Line Survey of Tribal Migrant Labourers and an indicative Action Plan for Livelihood Restoration	60
Sikkim	2020-21	A study on tribal migration in the State of Sikkim. (Duration – 4 months)	15
Jharkhan	2020-21	Labour History of Jharkhand to South Pacific, Caribbean, South East Asia and within the country in various sectors.	10

Convergence and Monitoring Mechanism

7.39 On a specific query about convergence and co-ordination amongst different Ministries which are implementing various schemes run by the Ministry of Tribal Affairs, the Ministry elaborated the following convergence strategy with the concerned Ministries to deter deployment of Child labour and promote their socio-economic rehabilitation:

S. No.	Ministry/Department	Earmarking Percentage Prescribed by NITI Aayog	Total Schemes (CS+CSS) allocation	Budget Estimates 2021-22 for Welfare of STs	Percentage of allocation by Ministries/ Departments for the welfare of STs
1	Ministry of Labour & Employment	8.60	12651.00	1084.12	8.57
2	Ministry of Women and Child Development	8.60	24162.00	2077.93	8.60

"Each Central Ministry/Department will be the nodal Ministry or Department concerning its sector. Out of total STC funds (Central and State both) about 70-85% rests with the State Government, 15-25 % of with the (41) Central Ministries and Ministry of Tribal Affairs (MoTA) share 2-4 %. Majority of STC Central funds rests with line Ministries/Departments. The Ministries/ Departments should do gap analysis and based on the analysis funds may be allocated under STC to the States which are lagging behind and special focus may also be given for accelerated socio economic development of STs.

A coordinated approach is required for welfare of children among concerned line Ministries/Departments. Ministry of Women & Child Development (MoWCD), Ministry of Health & Family Welfare, Department of School Education & Literacy and Ministry of Labour & Employment (MoL&E) can play a proactive role for development from the early childhood. Nutrition is critical for healthy life and overall development of a child, wherein MoWCD, MoHFW, MoTA need to coordinate more closely for improving nutrition deficiencies amongst pregnant mothers and children under the age of 5.

Ministry of Tribal Affairs has identified 36,428 villages which have tribal population of 50 % or more and have at least 500 tribal population having infrastructure gaps. The sectoral Ministries like Department of School Education and Literacy, MoHFW, Jal Shakti, MoRD, Ministry of Power, Ministry of WCD have been requested to fill up the infrastructure gaps in these villages and have special focus in these villages while implementing the scheme. On the similar line, other concerned Ministries/Departments have been requested."

7.40 In this connection, a representative of the Ministry deposed before the Committee as under:

"As I already said, Ministry of Labour have in 2021-22 a budget of about Rs. 1000 crore and WCD had a budget of about Rs. 2000 crore which they were require to spend for the welfare of the tribals and tribal areas. The Ministry of Labour have developed eSHRAM portal which is a national data base on unorganised labour. The Secretary, Ministry of Tribal Affairs regularly monitors all the Ministries including the Ministry of Labour. Last time, when their team had come, we saw the presentation of eSHRAM portal and

State wise details also. Likewise also, NITI Aayog is also monitoring the functioning of different Schemes. Since last month, under the Chairmanship of Member, NITI Aayog all the Secretaries are presenting to NITI Aayog on how their schemes are relevant for the tribal welfare and if there is scope of changes in any Scheme, that process is under way. So, we have also developed STC MIS where we have linked the fund utilisation of each Ministry with PFMS and directly, the budget utilisation and the fund utilisation and how much that Ministry has utilised the fund in a particular scheme and other data is available in public domain. So, through stcmis.gov.in, and through the mechanism the Joint Secretary or the concerned nodal officer of that Ministry comes and Secretary takes the review. This is the mechanism through which we examine how the concerned Ministries are utilising their budget.”

7.41 The Committee were further informed during their deposition regarding convergence mechanism, as under:

“...NITI Aayog had constituted a Committee in which different members including NGOs were called. There also, we are members. We had suggested about the concerned Ministries like the Rural Development, Panchayati Raj. These are the two Ministries who can register at the panchayat level the migration of families. Regarding health and family welfare, Ayushman cards are there. There 75 lakh tribal families who now have Ayushman cards. So, the facility of Ayushman card is available at the destination place also. This is the role of health and family welfare.

Sir, you must be aware that the migrating families get one nation one ration card. National Legal Services Authority can also provide the legal facilities to the tribal migrant people.”

7.42 When the Committee asked about the monitoring mechanism set up by the Ministry for effective utilisation of funds, the Ministry replied as under:

"For effective utilization of the funds, The NGOs/VOs funded under the scheme are monitored as per the following schematic procedures:

1. Annual inspection by District Authorities
2. Scrutiny and recommendation by multi-disciplinary State Level Committee.
3. Mandatory submission of annual audited accounts and utilization certificate by NGOs/VOs.
4. Inspection by officers of the Ministry of Tribal Affairs from time to time.
5. Filing of expenditure by aided NGOs/VOs on PFMS Expenditure Advance Transfer (EAT) module.
6. Third-party monitoring by an independent agency appointed by the Ministry."

7.43 When the Committee raised the issue of creation of a special provision of admitting rescued tribal children and adolescents into the Eklavya Model Residential Schools, the Ministry stated in their deposition as under:

“Sir, you rightly said that it cannot be implemented in all the Eklavya Model Residential Schools. Our target is that after four-five years, there will be

around three lakh students in EMRS. Besides, a lot of emphasis is being laid on strengthening Ashram Schools. I believe that the children of the sixth class should also be strengthened on similar lines because when they reach 6th class under CBSE education system, if they directly go, and if they are not properly prepared in primary classes, then they will face difficulty in CBSE curriculum.

That is also one of our objectives. That is why we are asking all the states to give priority to all the Ashram Schools under the Grant Scheme. Our Eklavya Model Schools are running very successfully. I admit, there are some limitations but improvements are being done.”

7.44 To deal with the issue of reducing the instances of child workers who work with their parents, the Ministry submitted during the oral evidence that proper implementation of Forest Rights Act would lead to raise the family income which would subsequently give way to better and continuous schooling of tribal children. A representative of the Ministry admitted as under:

“A point was made about implementing the Forest Rights Act. We have implemented the Forest Rights Act through the states. We have been doing it. As I could recollect, about 19 to 20 lakh individual pattashave been given. The total land distributed is about 42 lakh acres. It roughly comes to about two acres of land which would normally be a dry land. There is less chance of getting much income from it. As you said that tribal children also participate in gathering forest produce .So we can increase the income level of the family. what we have done is this. So far, we have focused on giving the patta under the Forest Rights Act.

Now, Sir, we are trying to build up on the already given pattasso that those pattaholders can also get benefit of agriculture, seeds, inputs, credit, irrigation, and various other schemes. As we have also shown in the presentation, there are so many departments related to agriculture and horticulture which have got STC component. Now we are working to link them with our FRA database, so that livelihood is ensured.”

OBSERVATIONS/RECOMMENDATIONS

7.45 The Committee find that the Ministry of Tribal Affairs aim at elevating the socio-economic status of the tribal people by providing them better livelihood opportunities better prospects of quality education and accessible health care. The Ministry are not directly related with the implementation of National Policy on Child Labour. The Ministry have a unique funding pattern under which 41 Central Ministries apart from Ministry of Tribal Affairs earmark their funds in the range from 4.3% to 17.5% of their total Tribal Sub-Plan (TSP) Scheme allocation every year as Tribal Sub Plan/Scheduled Tribes Component (STC) also known as Development Action Plan for STs

(DAPST) for various schemes for Tribal development. These funds are spent by different Central Ministries/ Departments under their schemes for various development projects for accelerated socio-economic development of Tribal population. Besides State Governments are also supposed to earmark TSP funds in proportion to ST population in the States. Apart from this there is a statutory provision under Article 275(1) under which 100% financial assistance is provided to enable the States to meet the cost of their schemes of development for promoting welfare of Scheduled Tribes. The Committee find that the scheme of Eklavya Model Residential Schools (EMRS) receives grants under the Article 275(1) for setting up of these schools. The Ministry have identified 452 blocks under tribal areas where there is a population of 20 thousand and above and 50 percent of them are tribals where a decision have been made to establish an EMRS. The Committee also find that Ministry have set up the target of establishing of 740 EMRS out of which 685 have been sanctioned, yet only 230 have been completed, 234 are under construction and 221 are yet to start. The Committee believe that there is no dearth of funds for making these schools functional. Only the Ministry are required to take policy decision and issue directions to the concerned States to leave no stone unturned and expedite the procedure of creating proper infrastructure to enroll more and more tribal students. The Committee advise the Ministry to come up with a suitable roadmap for proper consultation with the Ministry of Education (Department of School Education and Literacy) to establish and monitor schools for tribal children. The Committee also desire that the Ministry should come up with a robust monitoring mechanism to conduct regular inspections of these EMRS sites and pursue with State Governments to make these Schools functional at the earliest. The Committee further desire that the Ministry should also explore the possibility of mandatory enrolment of those children and adolescents in these residential schools whose parents migrate to other States seasonally on the lines of setting up of 'Seasonal Homes' by State Government of Odisha.

7.46 Tribal children are the most vulnerable section of our society. Their socio-economic conditions are responsible for higher incidences of child and adolescent labour amongst the tribal population. Although the Ministry have been implementing a number of Schemes for their socio-cultural and economic development and to provide them with better employment opportunities and raise their economic conditions, the Committee are of the considered view that more concerted efforts of the Ministry are extremely imperative for genuinely bringing down the incidences of child labours. The Committee desire that the Ministry should pursue with the State Governments with majority of tribal population such as Chhatisgarh, Maharashtra, Jharkhand, etc. more vigorously to implement the tribal welfare schemes at grass root level more effectively and efficiently. The Ministry should advise State Governments to conduct periodic surprise inspections. In addition, top management of the Ministry should pursue this matter at regular intervals with the Secretaries of the State Welfare Department especially with the North-Eastern States.

7.47 The Committee are dismayed to note that there is a huge gap existing between Scheduled Tribe students and remaining all students at Upper Primary and Secondary levels in school educations. Under Primary, Upper Primary and Secondary levels of education in 2019-20, there are dropout rates of 3.85%, 6.06% and 24.18% respectively, for overall ST students (including girls and boys) in comparison to that of 1.48%, 2.60% and 16.09 respectively, for remaining All Students (including girls and boys). In 2020-21, it was 2.52%, 5.02% and 20.91% in Primary, Upper Primary and Secondary levels of education respectively, for overall ST students (including girls and boys) *vis-à-vis* 0.76%, 2.27% and 14.04% for remaining All Students (including girls and boys). The Committee find that although the dropout rates amongst the Tribal students have been showing decreasing trend over the years but still additional endeavour is imperative from the Ministry of Tribal Affairs to achieve the objective of containing the students in

schools so that our ultimate goal of 'No Child Labour' is achieved. The Committee, therefore, desire that the Ministry should dovetail their efforts with the Ministry of Education (Department of School Education & Literacy) and formulate more comprehensive schemes/programmes to achieve this goal.

7.48 The Committee find that the Ministry of Tribal Affairs do not compile any data about the number of working tribal children and depend totally on Ministry of Labour & Employment for maintaining this data and the census figures which are more than 11 years old. The Committee feel that the welfare of tribal population including children is the main objective of the Ministry around which all the major schemes and programmes of the Ministry run. The Committee taking note of the fact that the Ministry rely entirely on the data maintained by the Ministry of Labour & Employment and the Ministry of Women and Child Development which is not satisfactory, urge the Ministry to conduct district-wise surveys in atleast tribal majority States to prepare a database of tribal children/adolescents who are enrolled in school and those households where the children/adolescents are out of school/dropouts and are engaged in the child labour in any form. This may include separate columns for the children engaged who work as child workers with their parents seasonally and the children who migrate with their parents. The Committee may be apprised of the action taken in the regard.

7.49 The Committee find that there are 1,10,736 Scheduled Tribes Main Workers in 5-14 years age group in Madhya Pradesh; 1,02,430 workers in Maharashtra; 66,191 workers in Andhra Pradesh; 50,832 workers in Gujarat; 47,030 workers in Rajasthan; similarly more than 30,000 workers in Jharkhand, Karnataka and Odisha. The Ministry also admitted that these States are with larger tribal population as compared to other States and are likely to have relatively higher numbers of working children. The Committee observe that the people of the tribal society are mainly engaged in agricultural business, minor

forest produce, various other forest produce. This work is done by the entire family, therefore, alongwith the family their children have also been working as a help in these tasks. Although they are not engaged with any employer, they are marked as child workers and not as child labours. The Committee are concerned to find that even children of the age 5 years are also engaged in child labour. The Committee are not happy with the current state of affairs prevalent in the tribal majority areas and exhort the Ministry to issue proper directions to these State Governments specifically to Madhya Pradesh, Maharashtra, Andhra Pradesh and chalk out a robust strategy to deal with this problem. The Committee also desire that sensitization/ awareness programmes should be organized in the interiors of these tribal areas to sensitize the parents of the children of age group of 5-14 about hazards of bringing their small children into labour. Efforts should also be made to make them aware of the different Clauses as well as Rules and Regulations mentioned under the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986.

7.50 The Committee find that the Ministry of Tribal Affairs have taken commendable steps for reducing unemployment and generating livelihood opportunities in the tribal areas through Tribal Co-Operative Marketing Development Federation of India (TRIFED), an autonomous organization and National Scheduled Tribes Finance and Development Corporation (NSTFDC). TRIFED under the scheme of PMJVM provides Minimum Support Price (MSP) to Minor Forest Produce (MFPs) gatherers to supplement the livelihood of tribal people. All these efforts are being made by the Ministry to prevent tribal people to migrate to other places in search of better employment opportunities. The Committee note that despite taking all these measures the tribal population are still fleeing to other States and they face many problems in these destination States such as difficult working conditions, lack of documentation and identity issue, inadequate social security coverage, lack of awareness about Government Schemes, lack

of support at destination level for migrants, difficulty in communicating in language of the host State, difficulty in obtaining education and health services, etc. The Committee feel that the Ministry of Tribal Affairs should take immediate steps to pursue the destination State Governments to issue directions to the State Welfare Department for STs to frame specific guidelines to deal with the abovementioned problems faced by the tribal migrant workers.

7.51 The Committee find that the Ministry have sanctioned a pilot project to State of Goa for migrant labour support program. This program is under implementation by the State Government of Goa and it was yet to be concluded. The Committee desire that the Ministry should pursue the State Government of Goa to expeditiously conclude this pilot project and come up with the findings/recommendations so that they can be applied to other destination States also where tribal population migrate. The Committee would like to be apprised of the same.

7.52 The Committee observe that the Ministry of Tribal Affairs are one and only Ministry with the mandate of implementing Welfare Schemes for the tribal population across the Country. The Ministry are implementing a number of schemes and programmes for building education opportunities as well as creating employment prospects for the tribal population in the tribal areas of the Country. Taking note of the fact that raising of socio-economic status of the tribal population and providing them with ample employment opportunities is the only means to curb engaging small children and adolescents as workers, the Committee are of the opinion that the Ministry should also commence schemes or programmes for the skill development of the tribal adolescents and youth. For this purpose, Ministry should issue proper directions to the State Governments to formulate and initiate such schemes/programmes.

CHAPTER - EIGHT

MINISTRY OF HOUSING AND URBAN AFFAIRS

8.1 The Ministry of Housing and Urban Affairs *inter-alia* oversee the operations of two important construction entities in the country, Central Public Work Department (CPWD) and National Building Construction Corporation (NBCC). These bodies have the role of the Principal Employer in a very large scale with pan India presence. Further, the Ministry also have under their purview the Urban Local Bodies and is in charge of a host of activities of the Government in the urban areas of the country. In this backdrop, the Committee considered the Ministry to have a role in the efforts to tackle child labour.

8.2 The Building and Other Construction Workers (Regulation of Employment and Conditions of service) Act, 1996 administered by the Ministry of Labour and Employment provides for regulation of the employment and conditions of service of building and other construction workers and also provides for their safety, health and welfare measures etc.

8.3 According to the Ministry of Housing and Urban affairs, Act/rules as laid down by the Ministry of Labour and Employment are followed by all the executing agencies under the Ministry of Housing and Urban Affairs. Further, provision regarding prohibition of Child Labour already exists in Clause Nos. 19 and 19-A of CPWD's General Conditions of Contract – 2020 for Construction Works which are being followed at construction sites of CPWD through its field officers.

8.4 It was further submitted that for construction works executed by CPWD, compliance of the provisions of various acts related to the Labour is ensured through Labour Welfare Commissioners specifically posted in CPWD by the Ministry of Labour and Employment. In addition, the organisation of the Chief Labour Commissioner (Central) under the Ministry of Labour and Employment is charged with duties of enforcement of Labour Laws falling within the sphere of the Central Government.

8.5 When the Committee desired to know about the specific inputs/feedback provided by MoHUA to the Ministry of Labour and Employment after the Inter- Ministerial meeting held in January 2022, the Ministry submitted as under:-

'Urban Development is a State subject. As such all related matters fall within the domain of the respective State and Union Territory Governments. The responsibility of ensuring enforcement of various Central and State Laws on Child Labour lies with the respective State Governments/UTs. So far as MoHUA is concerned, provisions already exist in CPWD Standard Bidding document regarding prohibition of Child Labour.'

8.6 Pointing out Clause(s) 19 & 19A of CPWD's General Conditions of Contract – 2020 for construction works that make it mandatory for the contractor to abide by the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and bar them from employing any labourer below the age of 14 years, the Committee desired to know the number of instances where violations of the above mentioned provisions were noticed in the past five years and the monitoring mechanism for ensuring the scrupulous adherence to the provisions mentioned in the above Clause(s). In reply, the Ministry submitted as under:-

(i) For the construction works undertaken by CPWD, no such instances of violation have come to notice in the last five years.

(ii) Adequate monitoring mechanisms exist in CPWD for adherence to the provisions of the Child & Adolescent Labour (Prohibition & Regulation) Act, 1986. Site engineers of CPWD ensure adherence to the relevant provisions. Labour Welfare Commissioners are also posted in CPWD for the purpose by the Ministry of Labour & Employment. The Organisation of Chief Labour Commissioner (Central) under the Ministry of Labour & Employment ensures enforcement of labour laws in the industrial establishments falling within the sphere of Central Government.'

8.7 The Committee wanted to know about the steps taken by the Ministry to check the incidence of child labour in various public works. In response, the Ministry stated as under:-

'Executing agencies of the Ministry of Housing and Urban Affairs (CPWD/NBCC) strictly follow the provisions of the Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 in the public works being undertaken by them. CPWD/NBCC have necessary provisions in the General Conditions of Contract (GCC).'

8.8 During the deliberations of the Committee with representatives of the Census Department, it was informed that surveys relating to children in urban areas viz., children living under the bridges, flyovers, pipes, etc are being conducted by the Census Department while the Department of School Education and Literacy (DoSEL) conduct door- to-door surveys for identification of out of school children. In this regard, the Committee desired to know whether MoHUA proposes to involve the urban local bodies in the exercise so that homeless 'out of school children' living in urban areas can be accurately quantified and subsequently mainstreamed. In their reply, the Ministry stated as follows:-

'The Department of School Education and Literacy (DoSEL) conduct a door-to- door survey for identification of out of school children, Urban local bodies shall provide required assistance for this survey.'

8.9 The Committee desired to know whether the Ministry maintain data regarding the number of Child labourers working in brick kilns, construction sites, etc. and whether any specific instructions/guidelines have been issued to the Police authorities for regular inspection in similar areas of high incidence. In reply, the Ministry stated as under:-

‘The Subject of Labour does not fall within the domain of the Ministry of Housing & Urban Affairs. Such data is not maintained by CPWD/MoHUA’.

8.10 The Committee wanted to know the mechanism put in place to ensure that children are not deployed by the Contractors at construction sites and whether any inspection is carried out by MoHUA/CPWD in this regard and also whether any nodal Officer has been appointed for the purpose. In response, the Ministry submitted as under:-

‘Site engineers of CPWD ensure prohibition on deployment of child labour at construction sites of CPWD in accordance with provision of the Child & Adolescent Labour (Prohibition & Regulation) Act, 1986. For this, inspections are carried out by CPWD site Engineers. In the works being undertaken by CPWD, no instance of deployment of child labour have been reported in the last 5 years. The Executive Engineer concerned is the nodal officer. The Executive Engineer in-charge of the project can interact with the State government officials, if required’.

8.11 The Committee desired to know whether in view of the Ministry of Housing and Urban Affairs, there was a need for the laws to be made more stringent to fulfill the mandated requirements of Contractors with respect to the provisions for abolition of Child labour and their specific suggestions for the same. In reply, the Ministry submitted as follows:-

‘Existing laws on the subject notified by the Ministry of Labour & Employment appear to be adequate.’

8.12 Asked about the mechanism put in place to effectively implement the directions/instructions as laid down under various Acts/Rules for identification and prohibition of Child labour, the Ministry submitted as under:-

‘In CPWD works, site engineers of CPWD ensure effective implementation of the directions/instructions as laid down under various Acts/Rules issued by the Ministry of Labour & Employment. Labour Welfare Commissioners posted in CPWD by the Ministry of Labour & Employment also ensure compliance of labour laws.’

8.13 On being asked about the surprise visits undertaken by CPWD officials along with the officials of Labour Departments of States/UTs concerned to prohibit deployment of child labours at construction sites and details of such exercises undertaken in the past three years, the Ministry submitted as under:-

(i) CPWD site engineers regularly monitor compliance of Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 in CPWD works. The labour officers concerned also carry out visits to the construction sites of CPWD.

(ii) Such data is not maintained by CPWD/MoHUA.’

8.14 With regard to the provisions under the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, administered by the Ministry of Labour and Employment, which

regulates the employment and service conditions of building and construction workers, the Committee sought suggestions of MoHUA for effective implementation of these Rules so as to prohibit the engagement of Child labour in such works. In response, the Ministry stated as follows:-

‘General Conditions of Contract (GCC) of CPWD prohibit the engagement of Child labour in the CPWD works. These provisions are strictly implemented in CPWD.’

8.15 The Committee also sought information about the steps taken to ensure effective compliance of Contractors with the various labour laws and specifically with provisions of the Child Labour (Prohibition and Regulation) Act, 1986 between the commencement and completion of work undertaken by the Ministry. In reply, the Ministry submitted as under:-

‘CPWD General Conditions of Contract have provision that “The contractor shall also abide by the provisions of the Child and Adolescent labour (Prohibition and Regulation) Act, 1986”. Adequate mechanism exists in CPWD to ensure strict compliance by the contractor regarding various labour laws and specifically provisions of the Child Labour (Prohibition and Regulation) Act, 1986.’

8.16 The Committee desired to know the monitoring mechanism in place to ensure deduction of Building and Other Construction Workers’ Cess (BOCWW Cess) at notified rates to provide health and welfare measures for the workers engaged in building and other construction works and its transfer to Building and Other Construction Workers’ Welfare Boards constituted by the Government (Centre/States/UTs). In reply, the Ministry submitted as under:-

‘Required deduction and its transfer to Building and Other Construction Workers’ Welfare Boards is ensured by the Executive Engineers concerned during payment of bills to the contractors.’

8.17 The Committee also wanted to know whether the Ministry had taken any initiatives to provide crèches/facilities for small children whose parents are engaged in labour activities at the construction site, especially where the period between commencement of work and its completion is long. In response, the Ministry stated as under:-

‘General Conditions of Contract (GCC) of CPWD have provision for the contractor to provide required facilities at CPWD works sites as per Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.’

OBSERVATIONS/RECOMMENDATIONS

8.18 The Committee note that the construction industry is one of the biggest employers of migrant labourers in the country. The workers coming from rural areas are accompanied by their families that may

include small children. They work under hazardous and difficult working conditions and live in makeshift accommodations near construction sites which usually lack even basic amenities. The Committee note with concern that since these migrant labourers belong to the lower economic strata of the society and do not have adequate resources or other means to access them, there is increased probability of these children being engaged as Child Labour to support meagre family incomes. The Committee desire that the primary method through which the incidence of child labour can be brought down among the construction workers is by strengthening the efforts towards their welfare - social and economic. In this regard, the Committee recommend that the executive agencies under the Ministry of Housing & Urban affairs, CPWD and NBCC, being principal employers in the case of a large number of projects, should take robust measures to ensure that workers get the benefits that they are entitled to under various statutory schemes and laws such as the Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996. Effective steps should also be taken to check that the contractors or the project management companies ensure that the accommodation and other basic necessities required by the workers are adequately addressed. It is the considered opinion of the Committee that such activities and welfare measures should not just be considered as activities falling under the responsibility of the respective labour departments and other related agencies.

8.19 The Committee observe that the children of migrant labourers may be enrolled in village schools near the locations of projects/work, but drop out when they move with their parents to other locations. This makes migrant workers a highly vulnerable group in respect of child labour with a high probability of their children being compelled to leave education due to inherent nature of their parents' occupation. Keeping this in perspective, the Committee strongly urge the Ministry to take proactive steps to ensure that the children of the

migrant construction workers can continue their education when moving with their parents. In this regard the Ministry should coordinate with the Ministry of Education to facilitate the enrollment of these children in schools located in the proximity to the construction/project sites. An arrangement for smooth enrolment of children of migrant labourers in schools wherever their parents find work has as well as access to mid day meals and other similar encouragements be facilitated through suitable measures.

8.20 With regard to Building and Other Construction Workers, the Committee recommend that the Ministry shall devise a mechanism to provide a single social security identification to each registered worker. The card or other document(s) issued by the State Building and Other Construction Workers Welfare Board should bear this unique identity, which could be a number, and the data/information on this identity shall be made available on a shared platform accessible to all the State Building and Other Construction Workers Welfare Boards so as to allow the workers to avail all the social security benefits to which they are entitled across all the States/UTs seamlessly. The Committee also feel that the data regarding the immediate family of the worker can also be captured as part of the registration since the same would be helpful in the endeavours towards creating a data bank of one set of children vulnerable to child labour. The Committee also recommend that necessary rules should be framed that place the responsibility on the Contractor/Sub-contractors to ensure that all the workers employed are in possession of such a card and in case of non-availability, the Contractor has to provide assistance for registration and issuance of the card to the worker.

8.21 The Committee are at unease to note the lack of data concerning Child Labour in urban areas and want the Ministry to issue requisite guidelines to the urban local bodies to establish a mechanism, with the assistance from the local Labour department, to survey and enumerate the number of Child Labourers, Children living in Street conditions and

those engaged in beggary. In the opinion of the Committee, collection of data at regular intervals, even in a limited scale, will be the all important precursor to formulation of suitable policy directives at any level. Further, the Committee recommend that the Ministry should consider issuing guidelines to place responsibility upon the Urban Local Bodies to keep a check on employment of child labour in small construction works in their areas. The guidelines can also direct the ULBs to seek mandatory self certification concerning non-engagement of child labour from the builder/house owner undertaking construction activity. Surprise preventive checks can be carried out at various stages by officials of the Urban Local Bodies and provisions for penalizing the delinquent builder/contractor should also be incorporated suitably so as to provide a credible disincentive in respect of engagement of child labour.

8.22 The Committee observe that many children can be found engaged in work on roadsides and small shops. The Committee recognize that in many cases these children may not be engaged in any hazardous activity but are participating in work to contribute towards supporting the meager family income. It is important to ensure that these children do not drop out from education while helping their families with their work and later deviate towards working for non-family employers. Since they can serve as cheap labour, it needs to be ensured that these children are not being exploited and are forced to carry out any activity that can be detrimental to their physical and mental well being. In the considered view of the Committee, particular attention should be paid to street vendors who might be employing Child Labour so as to ensure that children are not exploited and assistance from the local Police Department should be taken in this regard. The Ministry had launched the PM SVANidhi Scheme to provide credit for working capital to street vendors. The Street vendors to be assisted through the Scheme were identified through Certificate of Vending/Identity Card issued by Urban Local Bodies (ULBs). The Committee recommend that the Ministry

should issue guidelines to all Urban Local Bodies to ensure that every street vendor has valid Certificate of Vending and seek an undertaking from the vendor to not employ/engage child labour in their work. Penal provisions like revocation of benefits under the PM SVANidhi Scheme can also be made applicable to secure adherence.

CHAPTER - NINE

MINISTRY OF RURAL DEVELOPMENT **(DEPARTMENT OF RURAL DEVELOPMENT)**

INTRODUCTION

9.1 As the parents migrate from rural areas to the urban areas in search of better livelihood and employment opportunities, their children also migrate with them and hence are not able to complete their primary education. Besides, children/adolescents are also engaged in certain activities with their parents to improve their socio-economic status and earn livelihood in villages/blocks. The Committee, therefore, thought it to be relevant to examine Ministry of Rural Development (Department of Rural Development) as they have a role to play in eradication of child labour.

9.2 On 7th January, 2022, the Ministry of Labour and Employment had invited several line Ministries to chalk out an action plan for eradication of child labour in the context of implementation of National policy on Child Labour. Pursuant to the directions given by the Ministry of Labour & Employment to all the Ministries concerned and the State Governments, the Ministry of Rural Development (Department of Rural Development) communicated the comments of the Department *vide* OM dated 10.3.2022 as follows:

“So far as Rural Skills Division, Ministry of Rural Development is concerned, following two welfare schemes in the field of skill development for rural poor youth are being implemented in the country:-

- i. Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY) which is a placement linked skill development program for wage employment.
- ii. Skill development through Rural Self Employment Training Institutes (RSETIs) enabling a trainee to take Bank credit and start his/her own Micro-enterprise. Some of such trainees may also seek regular salaried jobs.

DDU-GKY has unambiguous focus on rural youth from poor families in the age group of 15 to 35 years with social inclusion in its composition (SC/STs 50%, Women 33%, Minorities 15% and Persons with Disabilities 3%) along with preference to vulnerable groups.

The adolescent in the age group of 15 to 18 years rescued from hazardous occupation which otherwise belongs to target group i.e. rural poor is covered under the skill development training programmes under DDUGKY and RSETI schemes.”

9.3 In this connection, the Secretary of the Department deposed before the Committee during the oral evidence as under:

“...the Rural Development Department of the Ministry of Rural Development Ministry is tasked with the promotion of rural development, specifically

carrying out anti-poverty alleviation programmes. In our Ministry, there is no specific data maintained regarding child labour. We do maintain data about the families that are in need of support. The latest data base on the basis of which we draw upon and implement our programmes is the socio-economic caste census, which forms the basis of all the programmes of the Department of Rural Development.”

9.4 The programmes run by the Department of Rural Development were described in detail by a representative of the Department during the course of evidence as follows:

“I will take up three programmes which could be of relevance to the Committee. One is the Mahatma Gandhi National Rural Employment Guarantee Scheme. Under this scheme, households are guaranteed 100 days of wage employment for adult members who do take up and are willing to take up unskilled work. All the members are registered; only when they are adult members can they be involved in or mobilised for the works undertaken under the Mahatma Gandhi NREGS. So, here is no scope for engagement of childlabour in the Mahatma Gandhi National Rural Employment Guarantee Scheme.

We have another intervention by way of a scheme known as the National Rural Livelihood Mission; this is also taken up on a saturation basis. We had identified about 9 crore families which had been suffering from deprivation and automatically included households. In addition to that, if the Committee identifies certain households, they may also be included within the scope of this programme. In all, we aim to cover around 10 crore families, of which we have been able to cover 8.3 crore such families. This will be achieved in one and a half years.

In the NRLM programme, the scope of intervention is institution and capacity building and their financial inclusion activities, livelihood activities, social inclusion and social development activities. We work on different aspects of social issues, which include gender issues and issues arising out of disability. Child labour is another issue which is taken up by the NRLM programme but not in a very specific and focused manner but generally encourages families to send their children to schools and improve the economic conditions of the families. By these means, the families' incentive is changed; we disincentivise families to send their children for child labour.

We have a scheme called Deen Dayal Upadhyaya Grameen Kaushalya Yojana where the children of 15-35 are skilled; similarly, another scheme known as Rural Self Employment Training Institutions, where youth of 18-45 are trained in taking up self-employment schemes. These are the schemes in which we intervene.”

9.5 On the issue of devising an independent mechanism for identification of child labour working in organized as well as unorganized sector through the NGOs engaged by the Department, it was submitted before the Committee as under:

“DoRD does not directly engage NGOs. Hence it may not be possible to devise an independent mechanism for identification of child labour in

organized as well as unorganized sector. Moreover, most of the organized sectors are in Urban Areas.”

9.6 When the Committee asked about the mechanism adopted by the Department to effectively implement the directions/instructions as laid down under various works performed under the Department, it was replied by the Department of Rural Development as under:

"As per the para 3.1.1 of Programme Guidelines of DDU-GKY, the target group for DDU-GKY are poor rural youth in the age group 15-35. However, the upper-age limit for women candidates, and candidates belonging to Particularly Vulnerable Tribal Groups (PVTGs), Persons with Disabilities (PwDs), Transgender and other Special Groups like rehabilitated bonded labour, victims of trafficking, manual scavengers, trans-genders, HIV positive persons, etc shall be 45 years. Further, there is provision of verification of documents of registered candidates applying for training under both schemes.

As per PMGSY guidelines, Rural Road is a State subject and the responsibility of execution of road works and their maintenance under PMGSY lies with the State Governments, who are the implementing authorities of the scheme. Selection and construction of roads and its maintenance/repair is done by the State Government. Hence it is duty of the respective State Governments to put a robust mechanism in place to effectively implement the direction/ instructions as laid down under various Acts/ Rules for identification and prohibition of Child Labour under various works performed under the PMGSY.

Mahatma Gandhi National Rural Employment Guarantee Scheme (Mahatma Gandhi NREGS) is a demand driven wage employment Scheme which provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members (means a person who has completed his eighteenth year of age) volunteer to do unskilled manual work. There is no provision for Child Labour under the Mahatma Gandhi National Rural Employment Guarantee Act (Mahatma Gandhi NREGA)."

9.7 The Committee were informed that there are two skill development programmes for self employment *viz.* Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY) for wage employment and Rural Self Employment and Training Institutes (RSETIs) for self employment for poor rural youths. When the Committee desired to know about the steps taken by the Department for self-effective implementation of these Schemes so that rescued child labour are mainstreamed into these Schemes, the Department apprised the Committee as under:

"As per the para 3.1.1 of Programme Guidelines of DDU-GKY, the Special Groups like rehabilitated bonded labour, victims of trafficking in the age group 15-45 years may take benefit of the Scheme. All employers are employing only skilled candidates who are minimum 18 years old. Hence, child labour freed and eligible under the scheme may take benefit of this

scheme. Necessary relaxations would be arranged for accommodating such persons."

9.8 On being asked by the Committee about the monitoring mechanism and sensitization programmes for the employed adult members to ensure that no child is employed under such works such as MNREGA, the Ministry submitted as follows:

"Mahatma Gandhi National Rural Employment Guarantee Scheme (Mahatma Gandhi NREGS) is a demand driven wage employment programme. The core objective of the Scheme is to provide not less than 100 days of unskilled manual work as a guaranteed employment in a financial year to every household in rural areas as per demand, resulting in creation of productive assets of prescribed quality and durability.

The Ministry have a comprehensive system of monitoring and review mechanism for Mahatma Gandhi NREGS. Some of the important elements of the above framework are listed below:

- i. The Ministry regularly reviews the performance of the implementation of Mahatma Gandhi NREGS in States/UTs through various fora viz., Mid-Term Review, Labour Budget meetings, Labour Budget Revision meetings, Programme Review meetings. Central Employment Guarantee Council and State Employment Guarantee Councils periodically monitor implementation of the programme.
- ii. National Level Monitors, Common Review Missions and Officers of the Ministry visit States/UTs at regular interval to review implementation of the programme. After the field visits, the findings/shortcomings and recommendations are shared with the States/UTs for appropriate action at their end.
- iii. Auditing Standards for Social Audit have been issued and States/UTs have been advised to establish independent Social Audit Units, conduct Social Audit as per Audit of Scheme Rules, 2011 and training of village resource persons for conducting Social Audit etc. Internal Audit Teams of the Department also conduct regular audit.
- iv. Steps have been taken to strengthen transparency and accountability which include geo-tagging of assets, Direct Benefit Transfer (DBT), National electronic Fund Management System (NeFMS), Aadhar Based Payment System (ABPS), Software for Estimate Calculation using rural rates for Employment (SECURE) and appointment of Ombudsperson in every district of States/UTs.
- v. Steps have been taken for establishment of State Technical Cell at various level for qualitative monitoring and supervision of works under Mahatma Gandhi NREGS.
- vi. In order to ensure higher level of monitoring and oversight, National Mobile Monitoring System and Area Officer App have been introduced. In the former, attendance of workers on a particular work, where more than 20 workers are employed is taken daily along with a geo-tagged & time stamped photograph of theirs. The latter has been designed to ensure that field officials do conduct inspections in the requisite numbers and look into all the relevant aspects of the scheme.

In addition Central and State Employment Guarantee Councils, District Development Coordination and Monitoring Committees (DISHA) as also PRIs do also take up the monitoring and oversight of the Programme."

9.9 When the Department were asked about the steps taken to ensure effective compliance of contractors in charge of public works with the various labour laws and specifically with provisions of the Child Labour (Prohibition & Regulation) Act, 1986, the Department furnished the following information:

"There are two skill development programmes for rural poor youth for employment viz. Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY) for wage employment and Rural Self Employment and Training Institutes (RSETIs) for self-employment. The program as such does not involve contractors in its operations.

Every implementing agency working under PMGSY is bound to ensure the effective compliance of various labour laws. In this regard, State governments will be instructed to ensure that provision of child labour (Prohibition and Regulation) Act, 1986 are strictly complied with by the Contractors who are executing the construction of roads.

Under Mahatma Gandhi NREGS, contractor is not allowed for implementation of work."

9.10 When the Department was consulted on the matter of making the laws more stringent for effective engagement of child labour in various schemes, it was stated by the Department of Rural Development as under:

"... rural development schemes do not permit engagement of child labour in them. It may be mentioned that child labourers are mostly invisible, therefore, it is only through triangulation of data that they could be found out. Panchayats, School Management Committee, Village Organisations could from the data of children missing from schools, identify vulnerable families and thereafter, conducting verification of such Households, identify child labour and further, take up action in this regard. Maintaining of community based surveillance (GPs, CLFs, VOs, extension workers etc) through migration mapping (source and destination) for at-risk children and their families may also be employed."

9.11 When the Committee asked specifically about sensitizing of parents of the child labours, the representative of the Department submitted during the course of evidence as follows:

"You have mentioned about sensitization of parents as one of the responsibilities which this Ministry should take up. I would like to submit that we have a very strong network of women organisation starting from the SHGs to the village organisations. There are also cluster-level federations. We have a series of instructional/orientation material for them and we would include the issue of child labour also in addition to efforts that we make for working on the households that are compelled by economic necessity to send their children away for child labour."

9.12 On a pointed query of the Committee regarding policy intervention suggested to effectively prevent child labour and carry out their rescue and rehabilitation, the Department submitted as follows during the evidence:

“As we come to the issue of how we can best intervene in this manner, we should identify potentially two issues that drive families to offer their children for child labour. One is the poor economic condition. Second, the disasters like droughts, floods, etc., also potentially disempower families, encourage them or force them to send their children for child labour. In a general way, we act on the poor conditions of families. However, if the Labour Department and the NGOs who are working in this sector, who combined their efforts, we could, in high priority areas, and areas where children are more vulnerable to child labour, we could devise specific, focused projects to act upon the issues of child labour, and maybe, achieve greater success.”

9.13 On the issue assessing the number of children out of school and prepare a proper data on it, the Secretary of the Department suggested as under:

“...You can do this kind of a survey where you are able to assess the families and the households whose children are irregular in schools. You have a list of vulnerable families and those families can then be surveyed and you can find out as to which are the households from where children have been sent away for child labour. There is another possible area where we could also look at. I think, there is some degree of commonality. This is the area where the families migrate. We can have a set of data there also. Doing a triangulation of this kind of a data would provide us with some degree of better assessment of child labour. The Ministry of Rural Development is serious on the task of working in the area of child labour. In fact, we will work along with the Ministry of Labour and Employment to see if we could draw up an action plan in this regard which would not only help us but would also help the Ministry of Labour and Employment in terms of what should be done in specific situations.”

9.14 When the Committee enquired about the awareness campaigns/ programmes undertaken to raise awareness in identifying and prohibiting child labour in rural and semi-urban development sector, for sensitizing parents about non-engagement of children, the Department submitted as under:

"On the occasion of 'World Day Against Child Labour', the Department of Rural Development has executed a social media campaign on 12th June, 2022 with the key message "It's World Day Against Child Labour! Today, let's be reminded of the many children who still remain trapped in labour and modern day slavery. Child protection is our collective duty".

As part of its Gender Strategy, DAY-NRLM has been creating awareness on issue of importance of children's education. It has formed Social Action Sub-committees at Village Organisation and CLF level. The SHGs and its federations have been providing credit to SHG members for sending children to schools and investing in children's education. Also, DAY-NRLM has been providing vulnerability reduction funds to reduce vulnerabilities.

Vulnerability reduction plan is undertaken by the Village organisations to understand vulnerabilities related to food, nutrition, gender, issues of the elderly, PWD, child labour, migrants and the marginalised."

Convergence Strategy with other Ministries/Departments

9.15 When the Department were asked regarding their plan of action to interact/co-ordinate with the other line Ministries for collection of data of child labour in the sectors falling under the purview of the Department and chalking out strategy to deter deployment of child labour, the Committee were informed as under:

"This Ministry does not focus on any specific occupational group or economic activity. Rather, it focuses on the rural area as a whole, therefore, does not independently collect such data independently. It seeks data from the domain departments to arrive at the details in this regard. Further, the programs do focus on all poverty stricken and vulnerable families. However, it will work with Ministry of Labour to identify such families and work out a targeted program for those families from its ongoing programs."

9.16 On being asked about a mechanism for ensuring enrolment of children of migrant workers at Aanganwadi Centres of Ministry of Women and Child Development in respect of sectors falling under the purview of the Department, the following reply was forwarded to the Committee:

"Construction of Anganwadi Centres is permissible activity under Mahatma Gandhi NREGS. It may be taken up in convergence with Department of Women & Child Development with a maximum allocation of Rs. 5.00 lakh per AMC."

9.17 When the Department was asked about mechanisation of jobs undertaken by children in the sectors falling under the Department, it was informed to the Committee as follows:

"... Mechanisation of jobs undertaken by children would have long term consequences on availability of employment in rural areas, therefore, requires a careful thought before acting upon this as a strategy."

OBSERVATIONS/RECOMMENDATIONS

9.18 The Committee note that the Ministry of Rural Development (Department of Rural Development) are not directly related with the implementation of the National Policy on Child Labour per se. The main objective of the Department of Rural Development is to promote Rural Development specifically carrying out anti-poverty alleviation programmes. The Department, therefore, do not maintain any data regarding child labour persisting in the rural areas. The Department maintain data about the families that are in the need of support, on the

basis of the data based on the socio-economic caste census. Various schemes and programmes are drawn upon and implemented by the Department of Rural Development for the upliftment of socio-economically backward target group. The Committee understand that the Department of Rural Development are not involved directly with the eradication of the child labour but nevertheless they are of the opinion that there are potential areas where they can coordinate with the Ministry of Labour & Employment being the nodal Ministry and other line Ministries for identification and rehabilitation of child labour with the larger objective of eliminating child labour. Therefore, the Department of Rural Development should also play their role by making concerted efforts in proper coordination and consultation with the nodal Ministries and respective State Governments to devise a mechanism to identify child labour in the rural areas.

9.19 The Committee note that the Department of Rural Development runs three major programmes *viz.* Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); National Rural Livelihood Mission (NRLM); and Deen Dayal Upadhyaya Grameen Kaushalya Yojana. Under NRLM 9 crore families have been identified as suffering from deprivation out of which the Department had been able to cover 8.3 crore families. The Committee note that the target set was to cover 10 crore families under NRLM. As the issue of child labour is not taken up specifically by the Department of Rural Development, the Committee desire that the Department should explore the possibility to take this issue in a focused manner under NRLM and by improving the economic conditions of the families encourage them to send their children to schools. For this purpose, the Department may come up with the specific clause under the Scheme which can provide incentives in the form of additional benefits to those families which were previously engaged in child labour but have now started to send their children to schools.

9.20 The Committee further desire the Department of Rural Development to collect data on those villages where all the children and adolescents up to 18 years of age are enrolled in schools and they are regularly attending it too and there are no out of school children. The Department may declare those villages as ‘Child Labour Free Villages’ and provide monetary incentives to the Gram Panchayats of these villages/Blocks.

9.21 The Committee note that there is no independent mechanism for identification of child labour with the Department of Rural Development in any of their major Schemes viz. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); National Rural Livelihood Mission (NRLM); and Deen Dayal Upadhyaya Grameen Kaushalya Yojana. The Department have declared that there is no provision for child labour under any of these Schemes, however, the Committee fail to fathom that without any data being maintained regarding number of children engaged in child labour, how the Department could come up with such a declaration. The Committee are given to understand that under Pradhan Mantri Gram Sadak Yojana (PMGSY) which falls under the purview of the Department of Rural Development, the construction and maintenance of rural roads is taken up by the Department in coordination with the respective State Governments who are the implementing authorities of the Scheme. The Committee note that there is a scope for engagement of adolescent labours under this scheme. The Committee, therefore, impress upon the Department to issue proper directions to the State/UTs Governments to layout a stringent mechanism for effective implementation of the directions/instructions as laid down under various Acts/Rules for identification and prohibition of child labour and maintain a proper database for it. The Committee desire the Department to chalk out a robust action plan by taking up surveys to assess the families and the households where children are irregular in schools. In this way the households from where children are being sent

for child labour can be ascertained. The Committee urge the Department to seek the cooperation of the Ministry of Labour & Employment and the respective State Governments and explore the possibility of engaging Non-Governmental Organisations (NGOs) in this process so that the purpose may be achieved.

9.22 The Committee find that under the Scheme of Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY), the target group are poor rural youth in the age group 15-35. Under this Scheme they are given Skill Development Training by Department of Rural Development. The Department apprised the Committee that the employers are employing only those candidates who are skilled and are minimum 18 years old. The Committee are glad to find that the scope of employment of the rescued child/adolescent labour is being created in this process. Therefore, the Committee recommend that the Department should create necessary relaxations for such rescued children/adolescents who are below 18 years of age and accommodate them in the above mentioned Scheme of DDU-GKY for imparting Skill Development Training so that they can be brought under the mainstream of the society and a sustainable source of their income is created for them.

9.23 The Committee find that in order to prevent children to dropout from their schools and curb child labour, sensitization of parents is extremely imperative. According to the Department of Rural Development, there are majorly two issues that drive families to offer their children for child labour. One is the poor economic condition. Second, the disasters like droughts, floods, cyclones etc. The Committee are of the considered view that the Ministry could best intervene to deal with these two potential issues with their focused and well coordinated efforts. Recognising that there is strong network of women organizations including Self Help Groups (SHGs) in the rural areas at village/block level, the Committee are of the considered opinion that the Ministry of Rural Development should take the

initiative for organizing sensitization/ awareness programmes for families in rural and extremely remote areas at regular intervals. The Committee desire that the Ministry should include these SHGs, other village women organizations and cluster level federations and take their help and cooperation for creating awareness amongst the parents, specifically mothers of children upto 14 years, at grass root level. As admitted by the Ministry, the Committee further urge upon the Ministry to include the issue of child labour in the instructional/ orientation curriculum disseminated to create sensitization amongst the economically backward households so that they do not send their children to work despite the economic necessity. In addition to it the Committee further recommend the Department to devise specific, focused projects and actionable models to act upon the issue of child labour, in proper coordination with Labour Departments of the respective States/UTs and NGOs who are working in this sector.

9.24 The Committee find that under MGNREGS, construction of Aanganwadi Centres (AWCs) is permissible with a maximum allocation of Rs. 5.00 lakh per AWC. Under Aanganwadi Services Scheme of Ministry of Women and Child Development under which AWCs are developed, all children of the age group of six months to six years are entitled to supplementary nutrition and early childhood care and education from AWCs. The Committee urge upon the Ministry to make concerted efforts with the Ministry of Women and Child Development and set up more AWCs as promised by the Department during their deposition before the Committee and also devise a mechanism for ensuring enrolment of children of migrant workers in AWCs. The Committee further desire that surveys should be taken up with all seriousness to identify economically backward families which are vulnerable enough to migrate to other places or the families which migrate to other places seasonally. The Department may also create and maintain this data which can be further shared with the Ministry of Labour & Employment for taking further action on it at PAN-India

basis for better and effective implementation of the National Policy on Child Labour.

CHAPTER - TEN

MINISTRY OF AGRICULTURE AND FARMERS' WELFARE **(DEPARTMENT OF AGRICULTURE AND FARMERS' WELFARE)**

10.1 The Committee were informed that according to the Census 2011, the agriculture sector is one of the largest categories of employing children in crop production, livestock, forestry, fisheries, etc. in both rural and urban areas. The Committee therefore thought it to be relevant to examine the Ministry of Agriculture and Farmers' Welfare (Department of Agriculture and Farmers' Welfare) as this Department has a role to play in eradication of child labour.

10.2 According to the Department of Agriculture & Farmers Welfare, as per Schedule VII (Article 246) of Constitution of India, Agriculture being a State Subject, the State Governments take appropriate measures for development of agriculture in the State. However, Government of India supplements the efforts of States through appropriate policy measures and budgetary support and various schemes/ programmes. The mandate of the Ministry is the welfare of the farmers of the country by increasing production, remunerative returns and income support to farmers. Various concessions/ incentives are being provided to the farmers under various schemes/programmes, run by the Ministry.

10.3 The Committee were further informed on the issue of child labour that the onus of enforcement of the provisions of the Child Labour (Prohibition and Regulation) Act lies with the State Governments as envisaged in Section 2 of the Act. In the Central Government, the subject matter has been allocated to the Ministry of Labour & Employment. The Department of Agriculture & Farmers Welfare do not have any data with regard to this. However, the following employment indicators are available with the Directorate of Economics & Statistics (DES) within the Department in respect of agriculture as an occupation as per the Population Census 2011:

- i. Total number of cultivators – 118.8 million
- ii. Total number of agricultural labourers – 144.3 million
- iii. Percentage share of agricultural workers (cultivators and agricultural labourers) in total workforce – 54.6%

10.4 In this connection, the Secretary of the Department admitted before the Committee during oral evidence as under:

"... Sir, in our Ministry, data is not taken from the angle of child labour, but I have a suggestion, because this is the mandate of the Ministry of Labour. We have an institution that calculates the cost of cultivation, when the MSP is fully assessed, family labour is taken into account in the cost of cultivation. It has an exact return line, 'family labour is the imputed value of the work done by the family members in their own fields'. My suggestion would be that apart from this, there are many other censuses. We do agriculture census, NSSO also does a census and there is a population census. If the Labour Ministry wants, it should send its suggestions to the

CACP that, if children are working in family labour, and there is no exploitation, for this there are no acts and provisions in child labour, we want the ministry to examine it and that recommendation can be sent to the CACP."

10.5 The Committee desired to know whether the Department has devised any mechanism for identification of child labour working in organised as well as unorganised sector, the Department replied as under:

"The DA&FW does not have any mechanism to receive complaints on the issue of child labour in agriculture.

There is already an existing mechanism under the District Magistrates for identification of child labour under the Child Labour (Prohibition and Regulation) Act, 1986. As per Section 17A of the said Act, the District Magistrate is required to ensure proper implementation of provisions of this Act. Further, as per Section 17B of the Act, State Governments are required to ensure periodic inspection and monitoring of the places at which the employment of children is prohibited and where hazardous occupations or processes are carried out, as mentioned in the schedule to the Act.

The Department will take up the issue with the State Governments for sensitizing the officials about child labour. Focus will be where migrant labour is involved or specific areas where child labour is engaged and to coordinate with the State Labour Departments and District Administration for further action."

10.6 As there is no latest survey of child labour engaged in agricultural operations, the Committee asked the Department about the mechanism proposed or set up to check the prevalence of rampant cases of child labour in the agriculture sector, it was informed to the Committee as under:

"The last large scale survey with data on child labour was the 2011 Census survey. DA&FW will advise the State Governments to sensitize their field officials and raise awareness on child labour in agriculture, and work in coordination with the Labour Department and District Administration."

10.7 When the Committee asked about the collection of latest date on child labour, it was deposed by the representative of the Ministry during evidence as under:

"... Our ministry is currently creating an IT platform in the name of Digital AgriStack, which will not be only in the Ministry of Agriculture of the Government of India. There is talk of federated data in coordination with the state, work is going on for it.

For the data, you are talking about, which we have to source from the states and we will also consult with the Ministry of Labour, we will try to understand how to further strengthen that data collection in the digital agri-stack. ..."

10.8 When asked about the suo-motu steps taken by the Department to ensure compliance with provisions of Child Labour (Prohibition and Regulation) Act, 1986, as amended, the Department forwarded the following information to the Committee:

"The DA&FW does not have any mechanism to take suo motu action in the matter. The Child Labour (Prohibition and Regulation) Act, 1986 is administered by the MoLE at the centre and implemented in the field by the State / UT Governments. The compliance of the provisions of the Act entirely rests with the District Magistrate. DA&FW would coordinate with and support the efforts of the MoLE and the State / UT Governments in effective implementation of the Act for elimination of child labour in agriculture."

10.9 On being asked about the action plan regarding changing the traditional attitudes towards children's participation in agricultural activities, the Department informed the Committee as under:

"Since the MoLE is entrusted with overall administration of the Child Labour (Prohibition and Regulation) Act, 1986 through the mechanism of District Magistrates in the State / UT Governments as provided for in the Act. The DA&FW would support their efforts in that regard. The DA&FW would also write to the State / UT Governments to effectively sensitize the agricultural households through IEC (Information, Education and Communication) campaigns for changing the traditional attitudes towards participation of children in agricultural activities."

10.10 When the Committee asked the Department about the methodology adopted by the Department to sensitize the employed adults about not engaging their own children in child labour and send them to schools, the following reply was furnished to the Committee:

"The DA&FW would support the efforts of MoLE and the State / UT Governments to sensitize the agricultural households about the legal provisions about child labour and in creating awareness on the subject."

10.11 Regarding sensitization of the families who are engaged in child labour specially in rural areas, it was deposed by a representative of the Ministry as under:

"... Whether it is related to food, 'Right to Food' or education, wherever there are schemes of the Ministry of Agriculture, wherever the component of IEC and especially I would like to add a big scheme to it, which has now been launched. Through the ten thousand farmer groups, farmer producer organizations, I commit that we will make a complete action plan and involve the Farmer Producer Organization. Where sensitization has to be done, right to food comes under the Department of Food and Public Distribution, but we can also be involved in sensitization. As far as education is concerned, which involves the role of children and families in it, we will take forward the entire process through FPOs..."

10.12 The Department further informed the Committee regarding sensitizing parents about non-engagement of children alongwith the alternatives available to them as under:

The DA&FW would extend full cooperation to the MoLE and the State / UT Governments in respect of conduct of awareness and sensitization campaigns to make farmers aware of the legal provisions and advise them

not to engage their children in farming activities. It would also write to State / UT Governments in this regard.

10.13 When the Department was asked about any proposal to have a convergence strategy with the Ministry of Labour & Employment to address the issue of child labour, they forwarded the following information to the Committee:

Yes, Sir. Since MoLE is the administrative Ministry in respect of the Child Labour (Prohibition and Regulation) Act, 1986 the DA&FW would work together with them in respect of all activities being contemplated on the subject.

10.14 The Department further apprised the Committee that "the DA&FW does not have any mechanism of its own for collecting data in respect of prevalence of child labour. The Department is dependent on census data.

10.15 When the Department was asked to state that how the positive changes in agriculture ecosystem has had a great impact on the income of the farmers' families preempting the dependence on child labour, the following information was forwarded to the Committee:

It is a general understanding that improvement in agriculture eco-system in terms of higher incomes and better livelihoods reduces the engagement of child labour. The involvement of child labour by agricultural households may only occur in case of non-availability of labour for agricultural activities and lack of sufficient income to sustain household expenditure. Under its farmers' welfare approach, the DA&FW is implementing various schemes like PM-KISAN, KCC, PMFBY, etc for income support and improving the livelihood of farmers.

10.16 Considering the issue of prevalence of child labour amongst the migrant labours/workers, the Committee asked the Department about the mechanism to ensure enrollment of children of migrant workers at Aanganwadi Centres of the Ministry of Women and Child Development in the sectors falling under the purview of DA&FW, it was submitted by the Department as under:

The Anganwadi Centres do not fall within the purview of DA&FW. However, in areas where there are migrant workers, DA&FW will engage with the Ministry of Women and Child Development.

10.17 On being asked about a mechanism devised by the Department to categorise/segregate the children working with the family *vis-à-vis* working on hired basis, the Committee were informed as under:

"As per the Child Labour (Prohibition and Regulation) Amendment Act, 2016, prohibition of children in any occupations and processes is not applicable to children helping their family or family enterprises, other than any hazardous occupations or processes after their school hours or during vacations. It could be considered by the Ministry of Statistics & Programme Implementation (MoSPI) to include such categorization in their questionnaire for census to collect such information."

10.18 Elaborating the efforts of the Department for identifying those areas where children are deployed as family labour or otherwise, the Department submitted as under:

"Children helping their family or family enterprises, other than any hazardous occupations or processes, after their school hours or during vacations are not covered under the definition of child labour as per the provisions of the Act. DA&FW would support the efforts of the MoLE and the State / UT Governments for making farmers aware of the legal provisions and advise them not to engage their children in farming activities."

10.19 Regarding their specific suggestions for eradication/prohibition of child labour, the Department forwarded the following submission:

"MoLE would need to draw a well thought out convergence action plan at the district level involving Ministries / Departments of Rural Development, Panchayati Raj, Labour, Women and Child Development, Education, Agriculture, Animal Husbandry, Food and other allied departments. The State / UT Governments need to further strengthen their monitoring mechanism for checking child labour in agriculture. There is also need for correct data collection on the part of the RGI or NSSO so as to assess actual existence / prevalence of child labour in agriculture. Schemes / programs may be devised for providing livelihood / income support to poor farmers' families. Strict implementation of Right to Education (RTE) Act need to be enforced so that all children of school going age from 5 to 14 should be enrolled in schools and no child should be outside the schools."

OBSERVATIONS/RECOMMENDATIONS

10.20 The Committee are gravely concerned to note that the Department of Agriculture and Farmers' Welfare neither have any data regarding number of children engaged in child labour nor do they have any mechanism to receive complaints on the issue of child labour in agriculture sector. The Committee also note that the last large scale survey with data on child labour was the 2011 Census data and there is no latest survey of children engaged in child labour conducted by the Department or State Agriculture Departments. The Committee further note that the Ministry of Labour & Employment at the Centre is responsible for administering and State/UT Governments are involved at implementation stage of the Child Labour (Prohibition and Regulation) Act, 1986. Taking note of the above facts, the Committee are of the considered view that albeit the Department of Agriculture and Farmers Welfare are not directly involved in the implementation of the 'Act', the Department should not turn a blind eye towards the

problem. The Committee are dismayed to find that the latest available data with the Government is on the basis of Census 2011 which is more than ten years old and therefore, desire that the Department should at least issue directives to the State/UT Agriculture Departments to conduct survey on child labour and collect fresh data district-wise every two years for better and effective implementation of the Act. The Committee are glad to note that an IT platform is under consideration under the name of 'Digital Agri Stack' which would work in co-ordination with the State/UT Governments. The Committee desire that the Ministry should leave no stone unturned to finalise it and make it functional at the earliest.

10.21 The Committee observe that there are different issues related with different Ministries other than the Department of Agriculture and Farmers Welfare such as issue of prevalence of child labour amongst the migrant agricultural workers and the enrolment of their children in Aanganwadi Centres which pertains to the Ministry of Women and Child Development. Further, collection of latest data regarding children working with the family *vis-à-vis* working on hired basis which pertains to the Ministry of Statistics and Programme Implementation (MoSPI); proper implementation of Child Labour (Prohibition and Regulation) Act, 1986 is with the Ministry of Labour & Employment and respective State/UT Governments. The Committee, therefore, recommend the Department to set up a well designed and well researched action plan in convergence with all the related Ministries/Departments of the Central Government which are directly or indirectly involved in eradication of child labour such as Ministry of Labour & Employment, Department of Rural Development, Ministry of Women and Child Development in order to implement the Act more effectively at District and village level in every State/UT with the help of concerned State/UT Agriculture Departments, District Magistrates, Local Institutions/ Panchayats at village level to effectively execute the action plan at the very grass-root level.

10.22 The Committee note that improvement in agriculture ecosystem in terms of higher incomes and better livelihoods reduces the engagement of child labour. The involvement of the child labour by agricultural households may only result in case of non-availability of labour in agricultural activities and lack of sufficient income to sustain household expenditure. The Committee also find that for this, the Department of Agriculture have already been implementing various schemes for farmers' welfare. The Committee are constrained to find that these already existing Schemes are found to be inadequate to fulfill the above purpose of non-engagement of child labour in agriculture sector as child labour still persists in agriculture sector. The Committee, therefore, urge upon the Ministry to come up with several other new initiatives which would aid in a more positive way in achieving the goal of income support and improvement of livelihood of farmers. The Committee desire that the Ministry should design a strong mechanism in consultation with the nodal Ministry i.e. Ministry of Labour & Employment in implementing NCLP and other line Ministries for providing better employment opportunities and improved livelihood which would emerge as a base for non-engagement of child labour in agriculture sector.

CHAPTER - ELEVEN

MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING

11.1 India has a vast agriculture sector and is a predominant contributor to the economy of the country. The sector also employs the largest number of people. Animal Husbandry, Fisheries and Dairying have emerged as standalone components of the agriculture sector and employment of child labour is quite discretely prevalent in these areas. Considering this, the Committee decided to delve into these sectors also as part of its examination of the subject.

11.2 The Committee were informed that the Fisheries sector provides livelihood to about 28 million fishers and fish farmers at the primary level and almost twice the number along the value chain. The Fisheries sector of India has made notable strides and has sustained an impressive average annual growth rate of 8.81% from FY 2014-15 to FY 2019-20. The growth of this sector is higher than that of agriculture and promises higher income to the farmers and substantial generation of gainful employment in the rural areas. The sector not only helps in providing affordable animal protein to the nation, but also in fostering growth of a diverse range of subsidiary and allied industries in the area of logistics, processing and marketing.

11.3 Further, with regard to the issue of Child Labour in the Fisheries sector the Committee were informed that Provisions of Child and Adolescent Labour (Prohibition and Regulation) Act 1986 completely prohibits child labour of below 14 years of age where as children of age group above 14 years to 17 years are allowed to work with restrictions in certain occupations which fall under non-hazardous categories. In the Schedule (related to Section 3) to the Act, Part A refers to the list of hazardous occupation for children and at serial No 16 it includes Diving and in Part B, which refers to Processes, serial No.59 mentions mechanized fishing as a hazardous activity for children. The Act does not allow to engage child labour in these activities which are directly linked with fisheries and aqua culture operations.

11.4 Possibility of child labour in various supporting activities such as sorting, segregation, cleaning and packing of fish, peeling, sun drying, loading and unloading of fish, fish marketing activities, cleaning and mending of fishing nets, cleaning and repairs of fishing boats, and other service related activities etc. can not be ruled out. Enforcement, implementation and follow up of Child Labour (Prohibition and Regulation) Act-1986 is the mandate of Labour Department of the States concerned and, therefore, in general, Fisheries Departments of respective States have not set up any system to collect data in respect of prevalence of child labour in the fishing and aquaculture sector. However, as the Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying supports the State Government/UTs for development and management of fisheries through various Schemes and policies, it has taken up the matter relating to involvement of child labour in fishing and aquaculture activities. The

respective Departments of most States have confirmed that no child labour is involved in these activities.

11.5 The Secretary, Department of Fisheries submitted as under during the oral in evidence-

“Coming to the child labour part, normally this data has never been collected in the erstwhile Division and the Department. After we received the notice for the Committee meeting, we collected some figures from the States. Most of the States have said that they do not have child labour. Generally, the District Collector oversees the implementation of The Child Labour Act. I am quite sure that there would not be any child labour when they go out to the sea in boats. They go out for five or six days. But in the individual fish farms, there are possibilities that there could be child labour. In homes also, there are possibilities of engagement of children to help their parents. In supporting activities, like sorting, segregation, cleaning, packing, fish drying, marketing, mending fishing nets, there are possibilities of children being engaged by their parents, especially when it is a family business. But in the organised sector, we have not got any report of engagement of child labour.”

11.6 With regard to the Livestock and Dairy Sector, the Committee was informed that Animal Husbandry and Dairy Sector is one of the primary drivers of growth in rural incomes and Livestock Sector in our country, has been continuously growing at a Compound Annual Growth Rate (CAGR) of 7.93% (at constant prices) from 2014-15 to 2020-21. Dairying has become an important secondary source of income for millions of rural families and has assumed the most important role in providing employment and income generating opportunities particularly for women and marginal farmers.

11.7 The Committee was further informed that in India, about 46% of the milk produced is either consumed at the producer level or sold to non-producers in the rural area, the balance 54% of the milk is available for sale to organised and unorganised players. Organised sector comprises Government, Producers' Owned Institutions (Milk Cooperatives & Producer Companies) and Private players which provide a fair and transparent system of milk collection round the year at the Village level. Unorganized/informal sector involves local milkmen, dudhias, contractors, etc. Organized Dairy Industry is functioning under various regulatory legislations including Indian Factory Act, 1948 (Sec 67: No child who has not completed his fourteenth year shall be required or allowed to work in any factory) & Child Labour (Prohibition and Regulation) Act, 1986. There is no information/report on involvement of child labour in organised dairy processing industry.

11.8 With regard to Poultry production in India, the Committee were informed that it has taken a quantum leap in the last four decades, emerging from conventional farming practices to commercial production systems with state-of-the-art technological interventions.

11.9 Under the Scheme National Livestock Mission being implemented by Government of India, the main focus is on the farming of Poultry, Goat, Sheep and Pig. The majority of the population is with the rural households

and the farmers are putting their own family labour to rear their animals. In the commercial production of Poultry, child labourers are not allowed and not put into it by the producers as the production of poultry products is a highly technology based production system. Hence, there is no report on involvement of child labour in this sector.

11.10 The Committee desired to know whether the Ministry had a mechanism to estimate the number of child labourers in the fisheries sector or whether it has proposed to devise any such independent mechanism for identification of child labour working in organized as well as unorganized sectors through the NGOs engaged by the Department of Fisheries. In response, the Department of Fisheries submitted as under:-

‘As the Fisheries is a State subject under the Seventh Schedule of Constitution of India, the Department of Fisheries, Government of India does not have any mechanism presently to estimate the number of child labour engaged in the fisheries sector. The Department of Fisheries supplements the efforts of the States/UTs through implementing Central Sector/Centrally Sponsored Schemes towards the development of Fisheries sector and welfare of fishermen. The Department of Fisheries is also issuing various Guidelines/Advisories, policies for enhancement of fish production & productivity and upliftment of Livelihood status of fishermen/fish farmers. The Department of Fisheries in consultation with State Governments will assist the Ministry of Labour in formulation of rules/guidelines to address the engagement of child labour in fisheries sector as may be required.’

11.11 Responding to the Committee in the matter, the Department of Animal Husbandry and Dairying submitted as follows:-

‘Organized Dairy Industry is functioning under various regulatory legislations including Indian Factory Act 1948 (Sec 67: No child who has not completed his fourteenth year shall be required or allowed to work in any factory) & Child Labour (Prohibition and Regulation) Act, 1986. In the Poultry Commercial production, the child labour are not allowed and not put into by the producer as the production of poultry products is highly technology-based production system. Small ruminant and piggery is largely unorganized sector where the majority of the population is with the rural house hold and the farmers are putting their own family labour to rear their animals. There is no information/report on involvement of child labour in poultry and livestock sector. At present, there is no proposal of the Department to engage NGOs to collect the information on child labour engaged in this sector.’

11.12 The Committee further wanted to know how the Ministry proposed to identify those areas where children are deployed as family labour or otherwise and also to mechanise the jobs undertaken by such children. The Department of Fisheries replied as under:-

‘The Department with assistance of States/UTs will identify areas such as aquaculture farms, fish feed mills, fish markets, fish wholesale/retail shops including fish aquaria sale, fishing harbours and landing centres, fish pre-processing and fish processing centres where children are likely to be deployed as family labour. Technology infusion and mechanisation of

identified activities in fisheries wherever feasible are continuous efforts both by centre/state government and by private sector. While these efforts are in general agnostic to engagement or other wise of child labour, they do have a positive impact towards mitigation or elimination of child labour. Automatic feeders, ice crushing machines, washing, sorting and peeling machines etc. are gradually making inroads in production, processing and marketing of fish.'

11.13 The Department of Animal Husbandry and Dairying submitted as follows on the issue:-

'So far, the Department has not received any reported cases of child labour in the sector. However, the Department is promoting mechanization of all relevant animal husbandry and dairying activities which may be prone to engagement of child labour.'

11.14 The Committee wanted to know whether the Department provided any financial support to NGOs/ other organizations working towards the welfare of children of the marginalized workers in the fisheries sector. In response, the Department of Fisheries stated as under:-

'No Sir. Insofar, the Department of Fisheries has not received any proposal to provide any financial support to NGOs/ other private organizations working towards the welfare of children of the marginalized workers in the fisheries sector. As such, Fisheries Sector in India remains an important source of food, nutrition, employment and income generation sector. Recognizing the potentials of this sector, the Government of India has been taking up various initiatives, reforms, policies and schemes to unfold the fisheries potential in a sustainable manner.'

11.15 The Department of Animal Husbandry and Dairying placed the following on record in this regard:-

'The Department provides financial assistance to the States/UTs/ State implementing agencies to enhance production and productivity of the livestock sector. No financial support is given to NGOs/other organizations for welfare of children of the marginalized workers engaged in the Animal Husbandry and Dairy sector.'

11.16 When asked whether the Department of Animal Husbandry and Dairying had any mechanism to estimate the number of Child Labour in the Animal Husbandry and the Livestock Sectors, the Department submitted as under:-

'There is no data on child supporting the family to rear their animals. So, estimation of number of Child Labour in the Animal Husbandry and the Livestock Sectors is not plausible.'

11.17 The Committee observed that ILO considers fishing a potentially hazardous occupation (Fishing Convention 88). In this regard, the Committee desired to know the stand of the Department and how the Department sought to ensure prohibition of Child labour in this hazardous occupation. In reply the Department stated as follows:-

'The marine capture fishing is considered as a hazardous occupation and no fisherman below the age of 18 years is allowed to venture into sea for fishing. Fishermen ID cards and fishing license are issued to fishers only after completion of 18 years of age. They can become a member of fisheries cooperative society after attaining the age of 18.'

11.18 On being asked about the concrete measures taken to eliminate Child labour from the supply chain of fisheries sector, the Department submitted as under:-

'State Governments are taking up various measures through respective labour departments to bear with the responsibility in ensuring the promotion and protection of child rights including prohibiting the children for engagement to any occupation for children below 18 years of age and implementing Right to Education (RTE) Act to provide free and compulsory education policy for children below 14 years of age.

For execution of all schemes/programs the age criterion of above 18 years is being strictly followed by the Department of Fisheries in all the States. This includes enrolling for membership in Cooperative Societies, insurance coverage, subsidy availing etc. Fishing tokens are issued to fishing labours of above 18 years only at harbours, fish landing centres etc.'

11.19 The Committee pointed out that Child labour in the fisheries sector was reportedly most common and rampant in informal and small scale operations and desired to know the specific steps have been taken to address this issue. In reply the Department of Fisheries stated as follows:-

'Awareness and sensitisation programmes are being conducted to avoid child labour in Fishing and Fisheries related activities among fishers by the State fisheries departments as well as Federations.'

11.20 The Committee wanted to know about the mechanism available to ensure enrolment of children of migrant workers at Anganwadi Centres of Ministry of Women and Child Development in respect of sectors falling under the purview of the Departments. In reply, Department of Fisheries stated as under:-

'For enrolment of children of migrant workers, the Department of Fisheries can mobilize fishermen through organizing awareness on entrepreneurship in the fisheries sector in order to mould them for future prospects in all the States/ UTs.'

11.21 The Department of Animal Husbandry and Dairying submitted as follows in this connection:-

'There is no separate mechanism for enrollment of children of migrant animal husbandry and dairying workers at Anganwadi Centres of Ministry of Women and Child Development.'

11.22 On being asked as to how the Department identified areas where children are deployed as family labour or otherwise and also to mechanise the jobs undertaken by such children, the Department of Fisheries submitted as under:-

‘The Department with assistance of States/UTs will identify areas such as aquaculture farms, fish feed mills, fish markets, fish wholesale/retail shops including fish aquaria sale, fishing harbours and landing centres, fish pre-processing and fish processing centres where children are likely to be deployed as family labour. Technology infusion and mechanisation of identified activities in fisheries wherever feasible are continuous efforts both by centre/state government and by the private sector. While these efforts are in general agnostic to engagement or other wise of child labour, they do have a positive impact towards mitigation or elimination of child labour. Automatic feeders, ice crushing machines, washing, sorting and peeling machines etc. are gradually making inroads in production, processing and marketing of fish.’

11.23 The views of Department of Animal Husbandry and Dairying in this regard were as follows:-

‘So far, the Department has not received any reported cases of child labour in the sector. However, the Department is promoting mechanization of all relevant animal husbandry and dairying activities which may be prone to engagement of child labour.’

11.24 The Committee wanted to know the plan of action of the Ministry with to interact/coordinate with the line Ministries for collection of data relating to child labour in respect of Fisheries and Livestock sector. The Department of Fisheries responded as under:-

‘The Department will closely engage with the Ministry of Labour and the State Governments/ UT administrations to deal with the Child labour in fisheries sector issues and its data collection from the concerned States/UTs in collaboration with line Ministries/Departments such as Ministry of Labour, Ministry of Education, and Ministry of Women and Child Development.’

11.25 The Department of Animal Husbandry and Dairying submitted as follows:-

‘Taking into view the non-availability of data under the organized and unorganized sectors, the dept. may coordinate with MoSPI, Labour Bureau and other relevant line Ministries/Depts. to collect data on child labour in respect of this sector.’

11.26 When the Committee desired to know about the Department specific suggestions for prohibition/ eradication of child labour and also for increasing productivity as well as better livelihood to those households who are compelled by economic necessity to engage their children for various types of works, the Department of Fisheries stated as follows.

‘To increase productivity and provide better livelihood of poor fishers, they should educate the poor fisher families on entrepreneurship in fisheries sector and financial assistance could be provided under various government schemes. Model coastal villages will be developed to provide better facilities to improve their livelihood and provide education to their children.’

11.27 The response of Department of Animal Husbandry and Dairying was as follows:-

‘India is a rural agrarian society which witnesses household activities where children are also supporting their parents because of economic compulsion for sustenance and livelihood. Therefore, in a way forward to prohibit /eradicate child labour and to increase productivity, mechanization of all relevant activities of each sector of the economy is essentially required.’

11.28 Further, the Committee desired to know whether the Ministry had undertaken any campaigns to raise awareness for prohibition of Child labour in the Fisheries and Livestock Sector, particularly those campaigns to sensitive parents about non-engagement of children along with the alternatives available to them. In response, the Department of Fisheries submitted as under:-

‘The Department of Fisheries, Government of India has not taken any campaign/awareness programme for prohibition of child labour in the Country.

The Department of Fisheries has the same opinion to conduct more and more awareness campaigns to sensitize the parents about non-engagement of children any kind of Fisheries and allied activities in collaboration with Ministry of Labour and Ministry of Women and Child Development.’

11.29 While the Department of Animal Husbandry and Dairying submitted as follows:-

‘The Department advises the States/UTs to create awareness among public for prohibition of Child Labour in the Animal Husbandry and the Dairy Sectors.’

11.30 Thereafter, the Committee wanted to know whether in the view of the Ministry there was a need for the laws to be made more stringent to effectively prohibit engagement of Child labour under various schemes and their concrete suggestions in this regard. In reply, the Department of Fisheries submitted as under:-

‘Yes, the Department agree that there is a need for the laws to be made more stringent to effectively prohibit engagement of Child labour in various schemes. An undertaking may be obtained from the beneficiaries under various schemes that they will not engage child labour in fisheries activities, in case of violation; they are liable for punishment as per child labour act.’

11.31 The views of Department of Animal Husbandry and Dairying were as follows:-

‘Engagement of Child labour in any sector of the economy is an illegal practice. Thus, laws against child labour must be very stringent. The law enforcement agencies should take *suo-motu* action immediately on the reported cases. Field level law enforcement should be further strengthened for strict regulation the child labour laws.’

Observations/Recommendations-

11.32 The Committee note with concern that neither the Department of Fisheries nor the Department of Animal Husbandry and Dairying have any provision to extend any financial support to NGOs/ other organizations working towards the welfare of children of the marginalized workers in their respective sectors. Both the Departments have informed that in the organised sectors coming under the purview, engagement of Child Labour has not been reported. In the studied opinion of the Committee, Child labour in agriculture, particularly in the its sub sectors such as fisheries and livestock sector, can be invisible and most often goes unreported particularly in the unorganised sector, especially in family work. The Committee do recognize that all the activities and household work performed by children may not necessarily be Child Labour and that there are certain tasks that are not harmful to children and could be necessary for their social and cultural development in their community. The Committee note that in the view of the ILO, Child Labour is work that interferes with compulsory education and damages health and personal development of a child. Due to lack of data and non-reporting of instances of Child Labour, the Government finds it difficult to device suitable policy interventions.

Under the circumstances, the Committee recommend that the Ministry may identify NGOs and similar entities working for the development of women and children belonging to communities engaged in the livestock and fisheries sectors and extend the financial and other necessary support. Such organizations can work at the ground level for sensitisation of families and education of Children thereby ensuring/encouraging their non-participation in activities detrimental to their development. NGOs may collaborate with organizations of fishers, fish farmers, fish workers and employers and other groups to bring change in the attitude towards Child Labour.

11.33 The Committee find that the mechanisation of tasks in the Fisheries and Animal Husbandry and Dairying sectors can boost production leading to an increase in income of households and small scale enterprises while at the same time have an indirect positive impact on addressing the issue of Child Labour by reducing the need and cost of labour. The Department of Fisheries have informed that the Department will, with assistance of States/UTs, identify areas such as aquaculture farms, fish feed mills, fish markets, fish wholesale/retail shops including fish aquaria sale, fishing harbours and landing centres, fish pre-processing and fish processing centres where children are likely to be deployed as family labour. There is a continuous endeavour by both the Central and State Governments as well as the Private players towards technology infusion and mechanisation of identified activities in fisheries, wherever feasible. In line with the view of the Committee, the Department of Fisheries have informed that such efforts are in general agnostic to engagement or otherwise of Child Labour, but they do have a positive impact towards mitigation or elimination of Child Labour. The Department of Animal husbandry and dairying has also stated that it is promoting mechanization of all relevant animal husbandry and dairying activities which may be prone to engagement of Child Labour.

The Committee while appreciating the efforts of the Ministry in this regard recommend that the Ministry may further augment its efforts towards the mechanisation of these sectors, with particular attention paid towards development and popularisation of affordable technologies that can be adopted at scale with a focus on making it accessible for small producers and other small scale enterprises. Only then can the same simultaneously address the employment of children which such sectors are prone to.

11.34 The Committee find that both the Departments of the Ministry have not initiated any substantial awareness campaigns to sensitize parents about non-engagement of children along with the alternatives available to them. The Committee are not satisfied with the response of the Department of Animal Husbandry and the Dairying, in this regard, wherein they have submitted that the Department advises the States/UTs to create awareness among public for prohibition of Child Labour in the Animal Husbandry and the Dairy Sectors. In the view of the Committee the Ministry should take a proactive role in this regard, and this should begin with initiating measures to secure/generate data related to child labour. The lack of such data pertaining to these sub sectors of agriculture would make it difficult to design any suitable policy initiative. The Ministry may consult State departments of fisheries to ascertain areas/communities prone to Child Labour like small scale operations, family work and even in illegal activities. Institutional and financial support shall be provided to field offices in such areas for initiation of campaigns for creating awareness against Child Labour, with active participation from community leaders and other stakeholders.

11.35 The Committee appreciate the Ministry for ensuring that for execution of all schemes/programs the age criterion of above 18 years is being strictly followed in all the States including for membership in Cooperative Societies, insurance coverage, subsidy availing, etc. At the same time, in the considered opinion of the Committee, the engagement of children in family work is an undocumented reality and the Ministry also recognise the same when they inform that India is a rural agrarian society which witnesses household activities where children are also supporting their parents because of economic compulsion for sustenance and livelihood. Such a scenario implies that children are entwined in the production process in these sectors and are at risk of being engaged in hazardous, exploitative and illegal activities, perhaps not at the level of the household, but in small

scale enterprises which form the largest part of the informal economy of these sectors. Both the Departments have submitted that sectors under their purview are witnessing substantial growth rates with India being a leading exporter in both these spheres. Further, the Committee find that these sectors are dominated by unorganised, small-scale and informal work where Child Labour is engaged in the lower levels of the supply chain such as aquaculture farms, repairing equipment and processing, landing centres, etc., in the case of fisheries and herding, rearing and meat processing in the case of the livestock sector. At the same time these sectors are also characterised by the presence of a large number of Cooperatives, particularly in the Dairy industry, which procure their produce from small family units. The Committee observe that the Cooperatives play a major role in the economy of rural areas, where the fisheries and livestock sector are predominantly located, and can thus play an instrumental role in elimination of Child Labour at the grass root level.

The Committee recommend that the Ministry work in tandem with the Ministry of Agriculture and Farmers Welfare and the Ministry of Cooperation to issue specific guidelines for the Cooperatives to ensure that exploitation of children in hazardous activity does not take place in the lower levels of the supply chain and their engagement is limited to assistance in minor tasks at the level of the family. Cooperatives working at the grass root level are formed through participation of community members which also gives them the opportunity to restrict Child Labour through social coercion. The various benefits extended by Cooperatives to its members can also be made dependent on the parents certifying enrollment and attendance of children in schools. Further, assistance/facilitation extended through all the Schemes of the Government should be dovetailed with penalties for engagement of Child Labour, be it at the institutional or individual level.

CHAPTER - TWELVE

MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES

INTRODUCTION

12.1 The Committee were informed that the Micro, Small and Medium Enterprises (MSME) sector, with more than six crore enterprises, has emerged as a highly vibrant and dynamic sector of the Indian economy. It contributes to around 30% of India's GDP, over 48% of India's exports and provides employment to over 11 crore people. The MSME sector is also important for fostering entrepreneurship and generating self-employment opportunities at comparatively lower capital cost, next only to agriculture. MSMEs are complementary to large industries as ancillary units and this sector contribute significantly in the inclusive development of the country. MSMEs are widening their domain across sectors of the economy, producing diverse range of products and services to meet demands of domestic as well as global markets.

Ministry of Micro, Small and Medium Enterprises has made a provision for the MSMEs while their registration with the Ministry's website. In the process of their registration the entrepreneurs have to mandatorily self-declare that there are no child labours engaged with them. As there is a possibility of engagement of children/adolescents in some of these MSMEs and the Ministry has not set up any infallible mechanism for checking it, the Committee considered it to be relevant to examine the Ministry of Micro, Small and Medium Enterprises as they have a role to play in eradication of child labour.

12.2 The Committee were informed during the course of evidence that following organizations come under the purview of Ministry of MSME:

- i. Office of Development Commissioner;
- ii. Khadi and Village Industries Commission;
- iii. National Small Industries Corporation;
- iv. National Institute for Micro, Small and Medium Enterprises; and
- v. Coir Board and Mahatama Gandhi Institute for Rural Industrialization.

12.3 Elaborating the oragnisational structure of the Ministry, during the course of the evidence the Committee were informed as under:

“Sir, there are also field offices under the Office of Development Commissioner, which include 32 Development and Facilitation Offices, 27 Branch Offices, 4 Testing Centers, 7 Testing Stations and 23 Technology Centers. The primary mandate of the Ministry of MSME is growth and development of MSME. On 7th January, 2022, a meeting was held under the chairmanship of the Secretary, Labour.”

Role and Responsibility of Ministry of Micro, Small & Medium Enterprises in curbing Child Labour

12.4 When the Committee asked about steps taken by the Ministry for eliminating child labour in the country, it was replied as under:

“Ministry of MSME’s primary role is growth and development of MSMEs in the country. The Ministry does not have direct role in elimination of child labour in the country. However, in order to help eradicate child labour in MSMEs, Field Offices of the Ministry spread across the country have been advised to sensitize MSMEs for following the directions/instructions as laid down under various Acts/Rules for identification and prohibition of child labour.”

12.5 The Ministry further informed as under:

"Ministry of Labour & Employment, as the nodal Ministry, has the primary responsibility for implementing schemes and initiatives for elimination of child labour in the country.

Ministry of MSME’s primary role is growth and development of MSMEs in the country. The Ministry does not have direct role in elimination of child labour in the country.

On the issue of elimination of child labour, a meeting was held under the Chairmanship of Secretary, M/o Labour & Employment on 07.01.2022, in which representative of M/o MSME was also present. Consequently, an action plan was communicated by M/o MSME vide O.M. No. 10/10(1)/2022-CDN-Min.Others dated 11.01.2022."

12.6 On being enquired about the action plan towards prohibition of child & adolescent labour in MSMEs, the Ministry forwarded the following information:

"Udyam Registration

Ministry of MSME launched a new portal – Udyam Registration Portal (<https://udyamregistration.gov.in/>), on 01.07.2020 for registration of MSMEs, which is free of cost, paperless and digital.

To ensure that MSMEs do not employ child and adolescent labour in their firms, a Mandatory self-declaration option has been provided on the Udyam Registration portal with the entrepreneur stating that “I hereby declare that I am fully aware of the provisions of Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 and no child is employed in my enterprise.”

Awareness programmes

Our Field Offices viz. MSME DIs, KVIC, NSIC, MGIRI, Coir Board, Ni-MSME have been instructed to sensitize MSMEs on prohibition of child & adolescent labour during awareness programmes conducted for MSMEs.

Displaying provisions of Child labour Act on Websites

To sensitize MSMEs, Provisions of ‘Child Labour & Adolescent (Prohibition and Regulation) Act’ have been displayed on the Websites of Ministry of MSME (<https://msme.gov.in/>) and Office of Development

Commissioner (MSME)(<http://dcmsme.gov.in/>)

Window for Complaints Redressal

Field offices have been instructed to take appropriate action on complaints received regarding employment of child/adolescent labour in MSMEs.

Celebration of UN “World Day Against Child Labour”

Field offices have been instructed to celebrate UN “World Day Against Child Labour”.

Vocational Training for rescued Adolescent Labour

Tool Rooms & Training Institutions under the Ministry have been instructed to explore the possibilities to include rescued adolescent labour in vocational training courses offered by them, in coordination with Ministry of Labour& Employment."

12.7 On a pointed query regarding data of the number of MSMEs registered with the Ministry of MSME and the employment created through them, the Committee were informed by one of the representatives of the Ministry during the course of evidence as under:

“Sir, according to the National Sample Survey, there are 6 crore 33 lakh MSMEs in our country, which provide employment to 11 crore people. Among them, the micro enterprises are largest in number and the medium enterprises are lowest in number. MSME sector contributes about 30 percent of GDP. The registration process of MSMEs has been made simplified. Earlier there were separate definitions for manufacturing sector and services sector, now there are common definitions for both. According to the new definition, if the turnover of an enterprise is Rs 250 crore and the investment is upto Rs 50 crore, then it comes under the purview of the new definition. For registering as per the new definition, 'Udyam Registration Portal' has been launched and it is fully operational from 1st July, 2020. It is very easy to register on it and there is also no need to attach any documents on it. Online registration on the portal can be done while sitting at home and online registration certificate can also be obtained at home. So far, about 1 crore registrations have been made on this portal. All the MSMEs registered on this portal have told us that they have employed 7 crore and 60 lakh people, out of which 1 crore and 70 lakh are women.”

12.8 When the Committee pointed out the discrepancy in the figures provided in the NSS data and the data provided by the Ministry during the oral evidence held on 22.08.2022, that as per National Sample Survey (NSS) 73rd round, conducted during 2015-16 by the Ministry of Statistics and Programme Implementation, there are 6.33 crore MSMEs responsible for generating 11.09 crore employment. The Ministry further informed the Committee that there were 1 crore MSMEs registered on the Udyam Portal till August, 2022 employing 7.6 crore people. When the Committee asked the Ministry about these contradictions in the statistical data, one of the officials of the Ministry deposed as under:

"Sir, the census mentioned earlier in the slide was based on a sample survey. That is done by the employees of the Ministry of Statistics. That practice existed some time back. The Udyam Portal has been launched from

1st July, 2020. In a span of about two years, one crore people have done registration. This registration is voluntary. In one of the columns for registration, they are required to give the number of people being employed by them in a unit. It comes to a figure of about seven to eight persons. They are giving this figure voluntarily. We have not checked it, but per MSME, an average of seven to eight persons per unit seems to be good. However, there is definitely a discrepancy in the figure of 6.33 crore MSMEs and 11.33 crore jobs, because our Udyam portal does not have that kind of thing."

UDYAM PORTAL

12.9 When the Ministry were enquired about the number of MSMEs that have registered on Udyam Portal and have also provided the self-declaration regarding not employing child labour, it was stated as under:

"On 20.06.2022, the Ministry of MSME made it mandatory for MSMEs to make a declaration regarding the non-employment of child labour while registering on the Udyam Registration Portal. Since then, 1,16,05,294 MSMEs registered on the Udyam Portal have provided self-declaration regarding not employing Child Labour in the enterprise concerned upto 16.11.2023. State/UT-wise data is as below:

State-wise total number of MSMEs who have given declaration regarding non-employment of Child Labour on Udyam registration as on 16.11.2023

Name of the State/UT	Number of Enterprises who have given declaration regarding non-employment of Child Labour
ANDAMAN AND NICOBAR ISLANDS	5,354
ANDHRA PRADESH	4,09,488
ARUNACHAL PRADESH	6,365
ASSAM	2,42,246
BIHAR	4,94,474
CHANDIGARH	15,940
CHHATTISGARH	1,69,691
DELHI	2,62,773
GOA	25,251
GUJARAT	7,74,764
HARYANA	3,73,115
HIMACHAL PRADESH	74,369
JAMMU AND KASHMIR	2,26,740
JHARKHAND	2,07,105
KARNATAKA	6,33,875
KERALA	2,70,819
LADAKH	5,403
LAKSHADWEEP	419
MADHYA PRADESH	5,62,752
MAHARASHTRA	17,85,293
MANIPUR	26,268
MEGHALAYA	12,048
MIZORAM	12,553
NAGALAND	13,568
ODISHA	2,65,221
PUDUCHERRY	17,140
PUNJAB	4,48,107

RAJASTHAN	8,00,212
SIKKIM	5,664
TAMIL NADU	11,27,308
TELANGANA	4,13,066
THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU	7,740
TRIPURA	31,881
UTTAR PRADESH	12,25,702
UTTARAKHAND	1,15,615
WEST BENGAL	5,36,965
TOTAL	1,16,05,294

12.10 When the Committee asked about the mechanism to check the veracity of such claims on Udyam Portal, it was submitted by the Ministry as under:

"In case of any discrepancy or complaint, the General Manager of the District Industries Centre (DIC) of the district concerned shall undertake an enquiry for verification of the details of Udyam Registration submitted by the enterprise and thereafter forward the matter with necessary remarks to the Director or Commissioner or Industry Secretary concerned of the State Government, who after issuing a notice to the enterprise and after giving an opportunity to present its case and based on the findings, may amend the details or recommend to the Ministry of MSME, Government of India, for cancellation of the Udyam Registration Certificate."

12.11 When the Committee asked about the action taken by the Ministry on receiving complaint/information regarding employment of child labour in semi-urban and rural areas in the past three years, the Ministry informed the Committee as under:

"As per the information received from Field formations of the Ministry of MSME viz., MSME - Development and Facilitation Offices (DFOs) and its Branch Offices, Testing Centres, Tool Rooms/Technology Centres, Khadi and Village Industries Commission (KVIC), National Small Industries Corporation (NSIC), Coir Board, Mahatma Gandhi Institute for Rural Industrialization (MGIRI) and National Institute for Micro, Small and Medium Enterprises (ni-msme), no complaints have been received so far.

All the field formations of the Ministry have been instructed to take appropriate action,(For example informing concerned State Government Authority to take action as per the provisions of the Act and informing the DIC for enquiry and further necessary action), when a complaint is received concerning employment of child labour at any MSME unit."

12.12 When the Committee desired to know about the MSMEs, which had been penalised by the Ministry on account of employment of child labour, the Ministry submitted as under:

"No complaint of employment of child labour by any MSME has been received in the Ministry of MSME in the past three years. Hence, no MSME has been penalized by the Ministry of MSME till 29.08.2022. Ministry of MSME made it mandatory on 20.06.2022 for MSMEs to make a declaration regarding the non-employment of child labour while registering on the

Udyam Registration Portal. Moreover, the subject matter comes under the purview of Ministry of Labour & Employment, Govt. of India and Labour Departments of States/UTs concerned."

12.13 The Committee are given to understand on the basis of a report of International Labour Office (ILO) on 'Using Small Enterprise Development to Reduce Child Labour, 2004' about one-fifth of child labour is concentrated in small, usually family-run, enterprises. A much greater proportion is engaged as unpaid family farm workers. Much of this activity occurs in the informal economy and therefore operates outside of national systems of enterprise registration and labour regulation.

12.14 On being enquired about the inspections of enterprises to check any instance of child labour in semi-urban and rural areas carried out by the Ministry in the past three years, the Ministry informed the Committee as under:

"Government has taken several measures to minimize regulatory compliance burden for businesses and citizens with a view to promote ease of doing business. Ministry introduced online registration of MSMEs through Udyam Registration portal on self-declaration basis and currently there is no such mechanism put in place for inspection of enterprises to check child labour including in the semi-urban and rural areas.

Inspection of enterprises to check child labour comes under the purview of Ministry of Labour & Employment, Govt. of India and Labour Department of the States/UTs concerned. However, Ministry of MSME will provide necessary support to Ministry of Labour & Employment in this regard, whenever required."

12.15 During evidence, the Committee raised the issue regarding veracity of data provided through Udyam Portal and conducting surprise inspections by the Ministry of such enterprises as the data provided is a "voluntary data" and therefore it would never reflect any instance of child labours in that enterprise. In this connection, an official of the Ministry admitted this before the Committee as under:

"Sir, child labour is not reflected in the details provided. They give a declaration in it, if they do not give it, then they cannot even register. This arrangement has been put in place from this January after a meeting was held in the Labour Ministry. Therefore, the registrations that were done before January will not reflect the same thing, but the registration that were made thereafter, could not be done without that declaration.

Sir, we can do some tests check."

12.16 When the Committee asked the Ministry about the details of any assessment Study undertaken by the Ministry on occurrence and prevalence of child labour in MSMEs throughout the Country, it was submitted by the Ministry that:

"So far, no such study has been undertaken by the Ministry on the occurrence and prevalence of Child Labour in MSMEs in the country. However, if any specific proposal is received from Ministry of Labour &

Employment, the Ministry of MSME will examine the proposal for necessary action."

Rescue and Rehabilitation

12.17 When the Committee desired to know about the details of initiatives taken by the Ministry for development of rescued children and adolescents, the Ministry forwarded the following information:

"All Technology Centres have been directed to explore free vocational training for rescued adolescent labour in consultation with NGOs, industries by utilizing their CSR fund etc.

Training Centers under KVIC have also been encouraged to identify courses for the benefit of rescued adolescent labour and conduct special batch for rescued adolescent labour, in coordination with local District administrative departments."

12.18 Regarding different areas or sectors in which the Ministry are providing vocational training, the Ministry furnished following information to the Committee:

"These Technology Centres are conducting training in various areas like tools, moulds, dies, precision components in General Engineering sector and other relevant sectors like Glass, Sports Goods, Electronics, Electrical, Footwear, Automotive, Electronic System Design & Manufacturing (ESDM) and Fragrances & Flavors Sector."

12.19 On being enquired about relaxation in the criteria for admission to various vocational institutes under the jurisdiction of the Ministry of Micro, Small & Medium Enterprises so as to directly admit rescued adolescents and child labours in such institutes, the Ministry stated as under:

"Technology Centres are conducting training as per the needs of industry in various areas like tools, moulds, dyes, precision components of General Engineering sector and other relevant sectors on the basis of criteria like candidate qualification etc. Designing of training programmes can be explored on the basis of capability, qualification etc. for the rescued adolescent child labour. No specific course has been designed so far for rescued adolescent labour.

Training Centers under Khadi & Village Industries Commissioner (KVIC) have been encouraged to identify courses for the benefit of adolescent labour and conduct special batch for rescued adolescent labour, in coordination with local District administrative departments.

National Small Industries Corporation (NSIC) will consider giving relaxation on case to case basis, on receipt of such proposals."

12.20 In this connection, the representative of the Ministry candidly admitted before the Committee during evidence as under:

"With regard to our vocational training, it is true that the main purpose of our tool rooms is to support the ecosystem of MSMEs. They provide tooling facilities and provide technology consultancy. Along with this, people are

trained on various technologies available in the tool rooms of the technology centers. This training is imparted for supporting MSMEs. As the hon. Member has pointed out, there are criteria for admission in it. We can definitely make this arrangement in collaboration with the Ministry of Labour. We can create some special categories for the adolescent labourers. Admission criteria can also be relaxed for them, so that they could avail its benefit.”

12.21 On being asked about the awareness programmes/campaigns concerning child labour, undertaken by the Ministry and the other institutions under their jurisdiction, in the last six months, the Ministry replied as under:

"Details of the Awareness programmes organized by the field formations of the Ministry viz., MSME - Development and Facilitation Offices (DFOs), Coir Board, Technology Centres, National Small Industries Corporation (NSIC) and National Institute for Micro, Small and Medium Enterprises (ni-msme) are given as follows:

Details of Awareness programmes organized by Field formations under the Ministry of MSME

1. MSME- Development and Facilitation Offices (DFOs)

S.No.	Name of DFO	Number of Awareness Programmes conducted
1.	Prayagraj	41
2.	Kolkata	41
3.	Karnal	33
4.	Raipur	27
5.	Ludhiana	20
6.	Agartala	20
7.	Cuttack	15
8.	Kanpur	10
9.	Patna	6
10.	Ahmedabad	6
11.	Delhi	6
12.	Gangtok	1
13.	Muzzafarpur	1
14.	Hyderabad	1
15.	Haldwani	1
16.	Jaipur	1
17.	Ranchi	1
18.	Jammu	1
Total		232

12.22 Similarly, Coir Board imparted 27 training sessions upto November, 2023; Central tool Room & Training Centre (CTTC), Kolkata has organized a workshop-cum-awareness session on 15.07.2022 and New Technology Centres under TCSP have organised 15 awareness programmes for 906 participants; National Technical Service Centre (NTSC) under NSIC, Rajpura organised an awareness programme on 22.07.2022 for 10 industry representatives; National Institute - MSME (NI-MSME) has conducted 82

programs and awareness campaigns for 2905 participants from different States and different sectors like MSMEs, clusters, NGOs, Ministry and DIC Officials.

OBSEVATIONS/RECOMMENDATIONS

12.23 The Committee note that there were one crore Micro, Small & Medium Enterprises (MSMEs) registered on the Udyam Portal of the Ministry of Micro, Small & Medium Enterprises under which 7.6 crore people are reported to have been employed. Udyam Registration Portal was launched by the Ministry of MSME on 7th July, 2020 for registration of MSMEs which is free of cost. The Committee have been given to understand that in the Udyam Registration Portal, there is an option of registering of small and medium enterprises by the entrepreneur which is solely voluntary in nature. The Committee were also informed in evidence that as per National Sample Survey (NSS) conducted during 2015-16 by the Ministry of Statistics and Programme Implementation, there are 6.33 crore MSMEs responsible for generating 11.09 crore employment. It is disquieting to find that despite accepting the fact that there is a categorical discrepancy in the data collected by Ministry of Statistics and Programme Implementation and those reported in the Registration Portal regarding total number of MSMEs and total employment generated, there is no inquiry or monitoring done by the Ministry of Micro, Small & Medium Enterprises to ensure that the declaration done by the MSMEs are absolutely correct. The Committee, therefore, recommend the Ministry to make all concerted efforts to set up a monitoring mechanism without any further lapse of time to verify the data provided by the entrepreneurs in their declaration. For this purpose, if need be, the Ministry should also conduct surprise inspections of these MSMEs in co-ordination with the State/UT Governments and at the same time issue directives to the State/UT Governments to organise periodic inspections of some of these enterprises in a given period of time, so that the data base of Udyam Portal gets corroborated by the State/UT Governments.

Moreover, it is imperative that in the absence of the authentic data, any policy intervention would have no tangible effect.

12.24 The Committee observe that pursuant to a meeting conducted by the Ministry of Labour & Employment on 7th January, 2022 on the issue of elimination of child labour, an action plan was envisaged by the Ministry of MSME. The main components of this action plan consisted of inclusion of a 'mandatory self declaration provision' on the Udyam Registration Portal that the entrepreneur is not employing child labour in his MSME which came into effect from 01.07.2022; organizing awareness programmes to sensitize MSMEs on prohibition of child and adolescent labour; displaying provisions of Child Labour Act on websites; window for complaints redressal; vocational training for rescued adolescent labour; etc. The Committee note that till November, 2023, 1,16,05,294 MSMEs have provided 'self declaration' regarding not employing child labour in the enterprise concerned, out of one crore MSMEs registered in the Udyam Portal. The Committee have been given to understand that no complaint of employment of child labour by any MSME has been received in the Ministry in the past three years. According to a Report of ILO, about one-fifth of child labour is concentrated in small, usually family run enterprises. Much of this activity occurs in informal economy and therefore operates outside of notional systems of enterprise registration and labour regulation. This vindicates the fact that self declaration by MSMEs can hardly act as a deterrent to check and curb child labour. In the given scenario, the Committee are constrained to print out that still there are no inspections or checks conducted by the Ministry to ensure that there is no child labour engaged in the registered enterprises through Udyam Portal. The Committee, therefore, exhort the Ministry to strengthen their inspection mechanism and formulate special guidelines for the State/UT Governments to deal with this problem and implement them with immediate effect.

12.25 The Committee note that if any discrepancy or complaint is found in the claims regarding mandatory declaration about the child labour in MSMEs on Udyam Portal, the General Manager of the District Industries Centre (DIC) of the concerned district undertakes an enquiry for verification of the details of Udyam Registration submitted by the enterprise and thereafter forward the matter to the Director or Commissioner or Industry Secretary concerned of the State Government. After issuing a notice to the enterprise and after giving an opportunity to present its case, the case is recommended to the Ministry of MSME for cancellation of the Udyam Registration Certificate of that enterprise. The Committee are of the opinion that in the cases where the declaration is false, children working in these MSMEs are absent from the education which can help them to acquire the knowledge and skills they need to gain productive employment in the future which in turn negatively impacts the development of civil societies, therefore, the guilty enterprises should not be left with only cancellation of registration but should be penalised according to the provisions of the Child Labour (Prohibition & Regulation) Act, 1986. The Committee desire that this action should be taken by the Ministry in collaboration with the Ministry of Labour & Employment with immediate effect. For this, if need be, co-operation from other line Ministries and State/UT Governments that are involved in eradication of child labour may also be taken. The Committee further recommend the Ministry to incentivize the enterprises where child labour are not engaged by printing disclaimers on their products like "this MSME (name) does not engage child labour in any form". This will discourage other enterprises which are engaging child labour in a clandestine way.

12.26 The Committee note that there are certain training centres under Khadi & Village Industries Commission (KVIC) and National Small Industries Corporation (NSIC) for the benefit of rescued adolescent labour. For all these courses of General Engineering Sector and other relevant sectors these are set criteria like candidate

qualification etc. As the rigid admission criteria would restrict the opportunities of vocational training for the rescued adolescent labours who have already missed their school education, the Committee exhort the Ministry to review their existing admission criteria and desire that the admission criteria for the rescued adolescent labours should be significantly relaxed on case to case basis so that they are also eligible for the number of courses and can also be benefitted by the courses run by the Ministry. As there are no specific courses designed so far for them, the Committee believe that in order to provide livelihood skills for their better future, the Ministry would explore the possibility to relax the admission criteria or create few courses specifically for them only.

12.27 The Committee are surprised to note that the Ministry of MSME have not received any complaint on employment of child labour by any MSME in the past three years i.e. from 2019 till August, 2022. As a consequence there was no MSME penalized by the Ministry of MSME till 29.08.2022. The Committee observe that the mandatory declaration regarding the non-employment of child labour on the Udyam Registration Portal was introduced from 01.07.2022. Before that there was no concrete measure to ascertain the presence of child labour in the registered MSMEs. The Committee, therefore, exhort the Ministry to make concerted efforts to prepare an action plan to ascertain the presence of child labour in those MSMEs which had registered themselves on Udyam Registration Portal before 01.07.2022 as currently there is no information on employment of child labour in these MSMEs with the Ministry.

CHAPTER - THIRTEEN

STATE GOVERNMENT OF ODISHA

INTRODUCTION

13.1 The Government of Odisha forwarded the following information regarding implementation of National Policy on Child Labour in Odisha:

“The Child Labour (Prohibition & Regulation) Amendment Act, 2016 has been passed by the Parliament to amend the Child Labour (Prohibition & Regulation) Act, 1986. After amendment, the Act is now read as Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 and has come into force from 01.09.2016. As this act has been amended in Parliament and a new Act has come into force since 01.09.2017, the changes in the State Rules formulated in the year 1994 have been modified and gazette notification is made.

During last four years (2018-2022), 6789 inspections have been conducted and 126 prosecutions have been filed.”

Implementation of NCLP in Odisha

13.2 The NCLP Scheme came into force in 1988. The scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations and processes. Under the scheme, a survey is to be conducted to identify children engaged in hazardous occupations and processes in a district or a specified area. 809 NCLP Special Schools were functioning in 24 districts of Odisha till July 2014. In these 24 districts, 173508 students have been mainstreamed since inception. However, survey of child labour was taken up in 2016-17 for running of NCLP Schools. Post-survey, 111 STCs were operational which had enrolled 2882 rescued children. Out of 111 STCs, 71 STCs were closed by 31st March, 2022.

Implementation of State Action Plan for Elimination of Child Labour

13.3 The Committee have further been informed that a State Action Plan has been approved by Govt. of Odisha and is under Implementation since 2015 in collaboration with various stakeholders. The objective of the Plan is providing universal education for all children under the Right of Children to free and Compulsory Education Act, 2009 and prohibition & regulation of child labour in different occupations and processes, as provided for under existing statutes.

13.4 The State Action Plan for Elimination of Child Labour envisages the following key components:-

- A. Prevention
- B. Enforcement
- C. Awareness Generation
- D. Education & Skill development
- E. Rescue & Rehabilitation

F. Convergence of activities of different Departments

G. Monitoring & Review Mechanism

The following initiatives under State Action Plan have been initiated:-

- Odisha State Child & Adolescent Labour Rules have been notified in 2018 after amendment of Child Labour (Prohibition & Regulation) Act, 1986.
- In view of Covid pandemic and subsequent pressure on livelihood of parents due to lockdown and closure of schools for a long time, the District Administration have been instructed for taking appropriate actions for preventing child labour.
- District Nodal Officers have been notified for coordinating activities under PENCIL (Platform for Effective Enforcement for No Child Labour) as instructed by Govt. of India.
- District Level Child and Adolescent Labour Rehabilitation Fund has been constituted in all districts under the chairmanship of District Collectors.
- Funds have been placed with District Administration for conducting IEC/ Orientation programmes for implementation of Child & Adolescent Labour (Prohibition and Regulation) Act, 1986.
- District Level Orientation-cum-IEC Training Programme on Child & Adolescent Labour (Prohibition & Regulation) Act, 1986 for enforcing officers have been conducted at district level in collaboration with Odisha State Commission for Protection of Child Rights (OSCPCR).”
- Exclusive campaign in regular intervals are conducted in association with other stakeholders in the State, for spreading awareness against child labour and promote child rights. Soft copies of leaflets, posters and wall paintings on elimination of child labour have been circulated to District Administration for IEC activities.
- Interactive Seminar with employers and Employers' Organisations was conducted on 18.11.2021 on provisions of Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 with focus on no child labour.

13.5 During the course of oral evidence of the Government of Odisha, on the subject ‘National Policy on Child Labour’, Principal Secreary, Labour and ESI Department deposed before the Committee regarding specific measures taken by the Labour, ESI Deptt, Government of Odisha for prevention, tracking, rescue, rehabilitation and reintegration of child labour in Odisha as under:

“On an average, in the last 2020-21, 2021-22, 2022-23, which were also Covid years, in term of actual rescue, it has been in the range of 100 and above children from the field. But we know that the figures are much, much more than this. We have also, in the last few years, mainstreamed about 1,73,000 children into regular schools...

...This issue is not a single Department issue; it is a multi-Department issue. Just like in other spheres, we are trying convergence. Here, a convergence mechanism has to be put in...

...“So, at the GP and Block level, we need institutional mechanism, task forces who will meet on a fixed date. So, on a fixed date, four to five people will come together to share what was found out during that time.”

13.6 Further, the Committee were informed during the evidence as under:

“Second, at the Gram Panchayat level, we have, every month, a Gram Panchayat meeting by the Gram Panchayat with all the Ward Members. There, we must keep ‘child labour’ as one compulsory agenda. Initially, we can give any three questions to them. These three questions, they would discuss, answer and put into their proceedings. So, we could get an idea.”

13.7. Further, the attention of the Committee was drawn to other peripheral issues such as availability of adequate funds connected with the proper implementation of National Child Labour Policy in the State. In order to ensure that all the children upto the age of 18 years are enrolled in the school, representative of the state Government of Odisha deposed before the Committee as under:

“One part of it is the child labour, but the other part is: are all our children in our Gram Panchayat in school? If not, where is the fund to dovetail whatever they require. That is the second thing.”

13.8 The representative also deposed as under during oral evidence:

“Lastly, we need a special budget provision. We need something for counselling. We need a counselling component in all of this. A whole Government approach is required with counselling in all of this.”

13.9 During their deposition, representative of the State Government of Odisha suggested to involve Self Help Groups in curbing child labour in rural as well as urban/semi-urban areas and deposed as under:

“The third thing is that we have a social catalyst. For instance, in Odisha, we have a very strong SHG movement. Today, we are saying that we are not able to identify the child labour, where this child labour is. We do not know how diffused and desperate they are. But if we can engage, may be in a village one SHG or in GP2 or 3 nodal SHGs and use them, it would be appreciating. We may first train them as to what the philosophy and practical things behind the child labour is, and go house to house and identify whether children are in child labour or in schools, and report back to the Gram Sabha Committee.”

13.10 Another suggestion was given by the representatives of the Odisha State Government during the course of evidence regarding spreading awareness amongst the mothers of the children up to the age of 18 years regarding child labour as under:

“It is usually mothers or to be mothers. So, at least, that awareness will come. Perhaps for those going into child labour, those families do know exactly where education will lead, because going to school does not necessarily give you a good job. The system is not so everywhere.”

13.11 It was also deposed by the representative of the State Government of Odisha that in order to bring more and more children to the school and reduce dropouts, Mid-day Meal Scheme can be extended to standard X in every school.

“It is that today we are giving Midday Meal for up to VIII standard, and that has really brought in children. Can we extend it? We are surplus in food

grains. Can we extend that, at least, to IX and X standard? Then, children will come. He had one more brilliant suggestion. Can we also perhaps think of a snack in the morning?”

13.12 Further, the representative of the Odisha State Government deposed as under bringing another suggestion:

“Sir, when we select people for benefit schemes, perhaps we can ask whether all their children are attending schools. We can also ask whether their children have attended the correct number of years that they are supposed to attend.”

Difficulties in Rescue Missions

13.13 When the Committee desired to know about the challenges faced during raids and rescue missions, the State Government of Odisha submitted as under:

“The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, prescribes that- whosoever employs any child (person not completed his 14 year of age) or permits any child to work in contravention of the provisions of Section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees or with both. The same penal provisions apply if someone employs any adolescent (15-18) or permits any adolescent to work in contravention of the provisions of Section 3A.

During raid and rescue activities, Enforcing Officers find it difficult to ascertain the age of child/adolescent and as a result the penal amount of Rs. 20000 is also not being collected from the employers”

13.14 A representative of the State Government of Odisha admitted before the Committee as follows:

“Sir, our deterrence system is so weak. What is our deterrence? If the team will find a child working in a dhaba or somewhere else, it will rescue the child and give it to CWC. What happens to the employer? You will file a prosecution against the employer and at the most, he will be fined Rs. 20,000. The employer has no fear because it is going to come much later. So, he is not bothered. You take the child, return the child to the family, and after six months, the child would again be there. So, deterrence is very weak.”

13.15 In this connection, representative of the State Government of Odisha deposed before the Committee during the course of oral evidence as follows:

“One of the difficulties the rescue missions have is about the age of the child. Here, we have certain age criteria, that are, 14 years and below, up to 15 years, and then from 15-18 years. Invariably, the age group ranging from 15 to 18 get a different compensation, and below 15 years get a different compensation ranging from Rs. 20,000 to 40,000, and above that, according to what they are doing. So, one of the things is age determination. These are very technical issues, small issues. If we go by documents, then we can determine the age but, on that spot, we have to make it simpler. Right now,

it is not simple. So, when Doctor examines, he says that the age is ranging between 12 to 14 or 12 to 15, plus or minus two years. So, that is one aspect we can look at.”

13.16 Further, it was submitted before the Committee by the representative of the State Government of Odisha that to overcome the challenges while ensuring the sustainability of these rescued children in the schools and to reduce their drop-out rates following measures can be taken:

“Then, Sir, we are bringing the children to schools through bridging courses. Some of the children will adapt to schools but many will not. He, who has tasted the air, freedom to live as he likes, and to earn a little and spend it, will just not fit into the four walls of the classroom. This is my interaction with children. Those who have been on the trains up and down, those who are in the open areas, near temples, etc. will not fit into the school system. For them, there should be customised bridging courses at least for some time to see whether they absorb the flavour of it. If they do, it is good, and they can be mainstreamed into the school. If they are up to 12 years, maybe you can still get them into school. But talking about the age groups of 13, 14, and 15, suppose we rescue them, if we restore them back to the families, there is every chance that in six months or seven months, they would be back to their work...

..That is one possibility. Second possibility is, you take them for a bridging course, give them a customised bridging course for six months, and give them a skill training. But if we see, for under matric pass, you have only about five schemes. Now, our Director is also thinking about the schemes that we can bring in. If we talk about agriculture, it is untapped. So, we can fully tap agriculture. Agriculture does not come under the Skill Development Department. So, that is one part. The other part is, everything is for the children who have passed 10th or 12th. But most of these kids who are from 15 to 18 cannot practically read or write. So, for these children, we can give some kind of a bridging course, then have a skilling course perhaps in another six months or one year, and then have some life skill course and so on until they reach at least the age of 16. The children must be given residential support till they reach a certain age. Else, if they are restored to family, then the family should be economically provided otherwise the child is going to come back.”

13.17 Another possibility is of providing placements to these adolescent children after providing them skill development courses. In this regard, representative of the State Government of Odisha candidly admitted before the Committee during the oral evidence as under:

“When we were talking to the Director, Skill Development, we were also asking for placement. But then, on the other hand, when I think of it, these children are very street-smart. So, if you give them a skill, I am sure, they will be very quick to get a space for economic development. But that tie up is missing from our side. Then, there are some civil society organisations who are passionate about this. Why can we not put a bridge curriculum in place, give it to them, get all these children to those particular CSOs and fund them a bit?”

13.18 The representative of the Ministry came up with a proposal of converging an already existing e-portal named PARESHRAM in Odisha with other departments in order to obtain up to date information regarding rescued children in the following deposition before the Committee :

“...in Odisha, we have come up with a portal called PARESHRAM in the last one and a half years over COVID. It has come out very well and received very well but this portal is for licensing and those kinds of things under labour department’s regulatory activities. Under this, we are also hoping to converge existing tracking portals of other departments. We will go a little beyond that and put one tracking portal in place so that at least we get to know about the children who are rescued. The timing of the survey matters. This again came up in our workshop. We do the survey when we happily say that there is 98 plus enrolment. But after some time, children drop out. So, our school education department says that if it is 30 days’ non-attendance, then it is out of school child. Secondly, if you do this in June-July, you will have full enrolment. But if you do it in the migration season, which is post-agriculture season, you will find that most of the children have migrated in certain areas, at least in the 14 districts of Odisha. So, the timing of the survey matters. If you time your survey in June-July, you will get different figures, and if you time it in September-October, the figures will be different. So, we need to keep that in mind and play with it. Even when our teams go to rescue, just like CRPC, here also apparently, there is a clause which says that you have to announce that you are going on a child labour rescue raid. So, I think, that also needs a little bit of tweaking.”

13.19 During the course of evidence, the representative of the State Government of Odisha presented another suggestion for better and effective implementation of NCLP in the State in her deposition before the Committee as follows:

“We should have a system for declaring villages as child labour free. In Odisha, there are some districts that have already been announced as child marriage free. The villages get a small amount of only Rs. 2000 but it is about dignity and prestige. So, here, can we do that for child labour free? More than that, all my children are in school. So, can the Sarpanch, ward members, and Government officials take responsibility of that?”

Seasonal Hostels

13.20 During the course of evidence, the Committee were apprised by the Principal Secretary, School and Mass Education Department, Odisha to the Government of Odisha of the opening up of Seasonal Hostels in Odisha under the Samagra Shiksha. The same was elaborated as under:

“Sir, under the Samagra Shiksha, we have taken several measures to deal with the child labour/ migration issues. One important intervention that we had undertaken is, the opening up of Seasonal Hostels. We take up exercise for mapping and identification of the migrant children. This is conducted through our Assistant Block Education Officer (ABEO), Cluster Resource Centre Coordinator (CRCC), the School Management Committee, the PRI members and the district officials. We know that there are certain pockets from where migration takes place in several districts like Bargarh, Balangir, Kalahandi, Mayurbhanj, Nuapada.

So, before the onset of migration, we undertake an exercise to know the names of the children who are likely to be associated with the migrant parents. We have developed a large number of IEC materials i.e., posters, hoardings, leaflets, street play, slogans, wall writings, TV spots etc. It provides education and awareness to the people. On this basis, we open several seasonal hostels in these districts. For example, in 2021-22, we opened 80 seasonal hostels and those housed about 3,511 students. In the year 2019-20, we had 176 centres and those housed about 8,000 students”

13.21 Replying to a pointed query about its period of operation, the representative of the State Government of Odisha deposed as under:

“It is operated as long as required till the return of the parents. It can be for six months or more. Normally, it starts during September-October. Depending on the need, the hostels are opened in a flexible manner.”

13.22 Clarifying why these hostels are called seasonal, it was deposed as under:

“It is because the parents move out during a particular season and then they return. Normally, the family members accompany. So, it is likely that the children would migrate out with other family members. We persuaded them and the children are retained in the villages.”

13.23 Further, the Committee were informed as under:

“They are kept in the seasonal hostels managed by the NGOs and the local people. On an average, 7,000 to 8,000 children have been staying almost every year. This year, we propose to open about 207 centres to accommodate about 9,000 children.”

13.24 On a pointed query regarding the boarding and lodging of the children in these hostels, the representatives deposed during the course of oral evidence as under:

“Yes Sir. Everything is being provided. Food and other support are provided. There is provision under the Samagra Shiksha.”

13.25 The role and functioning of these seasonal hostels during the COVID pandemic period was further elaborated as under:

“During the COVID pandemic, we witnessed a lot of issues. All over the country, the children were found to be on the move along with migrant families. We enumerated about 5,654 children and got them admitted in the schools.

In the year 2021, we took up a survey to know the out-of- school children and we identified about 30,000 children in the age group of 6-14 years, and about 91,000 children at the secondary and higher secondary level. They were in the age group of 15-18 years. These elementary-level out-of-school children were enrolled in the appropriate classes as per the RTE Act, and special training was also provided to the needy children.

We have a good convergence with the Labour Department. They provide financial support. We have the details of the coverage of the migrant

children. We have the figure from 2006-07 onwards. So, this is a kind of an established programme in Odisha. For the last 15 years or so, seasonal hostels are opened in those migration-prone areas, and people, generally, are prepared to send their children there.

Similarly, in urban areas, for the urban deprived children, we have a similar provision. For example, 834 children belonging to the category of orphan, child beggar, children without adult protection, single parents, nomadic children of sex workers, BPL, and rand ragpickers, were identified, and they were all accommodated in 21 residential schools.

One important point that Sir you raised is, what we are doing for the prevention of child labour. We have felt that the COVID pandemic for the last two years had a very disastrous effect, particularly, on school children. I believe nationwide it has the potential to generate a lot of child labour. When we opened the school in February, we found, despite our best efforts and running the Mid-Day Meal Programme, the attendance was becoming about 70 per cent.

Then, we took up drives at the village level and sent the teachers to the houses. Through several measures, our attendance is now becoming about 100 per cent.”

13.26 On a pointed query on the issue of a learning gap caused due to lack of classroom teaching, the representative of the State Government of Odisha deposed as under:

“But another issue that we have noted is that because of no classroom teaching for the school children, there has been a learning gap. For example, in areas where there was Internet, people had recourse to learning but in tribal areas, under-developed areas or the areas where there was no Internet, learning has been very badly affected. Despite no learning, we promoted the children to higher classes. For example, the children who are now studying in class 3, have not attended classes 1 and 2 in the school and they are now attending class 3. So, they have not had classes in standards I and II. So, to cope with the learning gaps, we have devised a method. We selected important topics of previous two classes (years). We have designed bridge courses and we are covering all the children with this course so that the children will catch up with the better off children and there will be less scope for them to drop out. If we do not do this kind of measure, the learning gap between the disadvantaged child and an otherwise not-so-disadvantaged child would be so much that after a year or so, the child would be forced to leave school.”

OBSERVATIONS/RECOMMENDATIONS

13.27 The Committee note that the State Government of Odisha have taken laudable initiatives under State Action Plan for proper and effective implementation of National Policy on Child Labour with the broad objective of eliminating child labour. These include issuing

notification of Odisha State Child & Adolescent Labour Rules, 2018; issuing directions to the District Administration during Covid pandemic for taking appropriate actions for preventing child labour; notifying District Nodal Officers for coordinating activities under PENCIL (Platform for Effective Enforcement for No Child Labour) as instructed by Government of India; constitution of District Level Child and Adolescent Labour Rehabilitation Fund in all districts under the chairmanship of District Collectors; exclusive campaign in regular intervals for spreading awareness, etc. Following this State Action Plan 809 NCLP Special Schools in 24 districts of Odisha were set up till July 2014. In these 24 districts, 1,73,508 students had been mainstreamed since inception. Since 2016-17, 111 Special Training Centres (STCs) were operational in Odisha which had enrolled 2882 rescued children. The Committee commend the State Government to take these steps in the right direction and desire that a robust monitoring mechanism should be put in place to achieve proper coordination between all the agencies/Departments so that objectives may be achieved effectively in a planned manner.

13.28 The Committee find that the issue of prohibition and regulation of child labour requires proper coordination and conversion between different Departments of the State and the Central Government. The Committee believe that the purpose can only be solved when there is proper conversion mechanism set up which go down to the grass root level. Therefore, for proper coordination between the agencies, conversion at the Block level, Gram Panchayat level, Education Department as well as Labour and ESI Department is required to be set up at the earliest. The Committee recommend that at the Gram Panchayat level institutional mechanism for convergence to track “out of school” children, dropout children and children engaged as labourers should be devised with the help of Panchayati Raj Institution (PRI) functionaries. For this purpose, Sarpanch and other members of the Gram Panchayat may be compulsorily trained on child

labour with a module for specific interventions, in every PRI trainings conducted by the Institutes in each State/UT. If need be, cooperation from the Ministry of Rural Development may also be sought to accomplish this task.

13.29 The Committee are given to understand that the process of rescue and rehabilitation of children engaged in child labour is very cumbersome and includes several steps involving a number of agencies. One such step is identifying the accurate age of the rescued children with the help of medical team whether they are below 14 years or above 14 to 18 years of age. Further, counseling of the children also needs to be conducted imperatively so that they don't go back to work and continue with school education. This involves appointment of doctors/ psychiatrists/ psychologists and trained counselors at Primary Health Centres (PHCs) and Urban PHCs. The Committee find that there is no provision of appointment of such medical staff specific for this purpose. Therefore, they recommend that the Government should appoint medical staff including doctors/psychologists/ psychiatrists at least at Block/ Community Health Centre (CHC) level. The Committee desire that proper funds should be allocated for this purpose.

13.30 The Committee find that in Odisha Self Help Group movement is very strong and these groups are capable of working at various fronts for social causes at village level. The Committee are of the opinion that the State Government should explore the possibility of engaging Self Help Groups/Civil Society Organisations at every Gram Panchayat level and declare them as nodal SHGs and train them to identify the children engaged in child labour practice by visiting each and every household and collecting data about children enrolled in schools and report back to Gram Sabha Committee/Gram Panchayat on a 'Mission Mode'. These SHGs can be considered as social catalysts who can also play the role of whistle blowers on child labour. The Committee also exhort that proper awareness campaigns should be

organized for the parents/mothers of the children up to 14 years of age for making them aware of hazards of child labour and not enrolling them in schools. In this way parents will come to know about the benefits of education for the future of child. The Committee believe that these social catalysts can also play a role in the urban or semi-urban areas with engagement of urban local bodies/civil society organizations.

13.31 The Committee note that availability of Midday Meals in the schools is one of the reasons for increase in enrollment of children in the school till Class VIII. The Midday Meal scheme of the Government, under the Ministry of Education, is a Centrally sponsored scheme under which cooked meals are provided to every child within the age group of 6-14 years studying in class I-VIII who enrolls and attends the school with the aim of universalisation of primary education. Taking note of the fact that the adolescent labours who had been rescued and enrolled in the Schools have the possibility of going back to work specially within the age group of 14-18, the Committee are of the strong view that if the Scheme of Midday Meal is extended for upto the class X, it may certainly help in increasing and sustaining the enrollment and attendance in schools alongwith addressing hunger and mal-nutrition amongst the children of rural areas. Therefore, the Committee recommend the Ministry of Education to work on taking a policy decision to extend the scheme of Midday Meal to the students of class IX and X as a pilot project in aspiring districts and monitor for two years also. The Committee desire the Ministry of Education should work in tandem with the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) to explore the possibility of serving meals of higher standards also.

13.32 The Committee find that in the last three years i.e. from 2020-21 to 2022-23, which were also Covid years, more than 100 children were rescued from the field. Subsequently, more than 1,73,000 children were mainstreamed into the regular schools which is

one of the main objectives of the National Policy on Child Labour apart from prevention, rescue and rehabilitation. The Committee appreciate these steps taken by the State Government of Odisha and believe that in order to ensure that the rescued children return to their parents and all of them are enrolled in schools, it is imperative that the National Policy on Child Labour is implemented effectively at the very grass root level of the civil society. For this purpose the Committee opine that the beneficiaries may be asked to sign an undertaking before availing the benefits of the various schemes of the Government that their children have completed the required number of years during their primary school education and also that their child/children are not engaged in child labour. Those parents may be given favourable points while availing the benefits of scheme.

13.33 The Committee observe that it is difficult to identify the correct age of the child when the child is rescued from its employer. When these children are referred to the doctors they can only come up with the age range i.e. between 12-14 years or 12-15 years. In the absence of correct knowledge of the age of the child, it is very difficult to prosecute the employer in cases from where child labour has been rescued. In these cases where it is difficult to ascertain the age of the child/adolescent the penal amount of Rs. 20,000 is also left uncollected from the employers. In some cases, the fine amount is not realized even after few years which does not act as a penal measure, hence the employers do not deter to employ child labours in future. The Committee, therefore, exhort the Ministry of Labour & Employment to establish a concrete deterrence mechanism for employers of children which could be 'spot penalty system' or compounding of fine amount within 7 days at the level of District Collector for quick and maximum impact. The Committee also impress upon the Ministry of Labour & Employment to raise the penalty from Rs. 20,000 to Rs. 50,000 for deterring the employers to employ child labours.

13.34 The Committee find that the State Government of Odisha have taken a unique measure to deal with the Child Labour/Migration issues i.e. opening up of seasonal hostels. These hostels are meant for the children whose parents and other family members migrate to other places in search of better livelihood. An exercise is taken up for mapping and identification of the migrant children with the help of Assistant Block Education Officer (ABEO), Cluster Resource Centre Coordinator (CRCC), the School Management Committee, the PRI members and the district officials. These hostels are opened in the areas/pockets from where maximum migration takes place in the State. These hostels are managed by the NGOs and the local people and food and other support are provided to the hostel residents during their stay according to a provision under the Samagra Siksha. The Committee appreciate this step of the School and Mass Education Department, State Government of Odisha and recommend the Ministry of Education (Department of School Education and Literacy) to explore the possibility of setting up such seasonal hostels in other States from where migration occurs.

13.35 The Committee also note that in order to maintain the attendance of the rescued children in the schools, the Education Department of State Government of Odisha took up special drives at the village level and involved the school teachers in personally sending them to the houses of the drop-out children. With the sensitization of the parents and family members of these children the students were able to come back to school. This is a novel initiative, which in the opinion of the Committee needs to be replicated in other States.

13.36 The Committee find that in Odisha, there are some villages/districts which have been declared as “Child Marriage Free” villages. The Government grant rewards to these villages which is a matter of pride for the villagers. The Committee desire that on the same lines District Administration should declare “Child Labour Free” villages/blocks and provide monetary reward to them. This would act

as an incentive for the village Sarpanch, Ward Members to keep the track of children in school.

13.37 The Committee note that the Government of Odisha have come up with a portal called PARESHRAM. This portal is meant for licensing and functions for Labour Department's regulatory activities. The Committee believe that this portal can be linked with the other portals of other Departments in the State and can be used as a tracking portal to track and register the children who are rescued and rehabilitated. As addressing child labour is a multi-stakeholder issue, an integrated real time IT Portal to cover the activities/responsibilities/deliverables of all converging Departments for concerted action will be helpful. The Committee observe that when the labour force migrate from one State to another their children also accompany them, the Committee find that the Inter-State Migrant Workmen Act, 1979 which is in force for more than 40 years can be used to ensure separation of labour and child at the destination site i.e. other State/UT. It is a big challenge to ensure education for the children who migrate with their parents to other States, the Committee believe that for children upto 10 years of age the availability of text books and the medium of education should be the mother tongue of the child so as to ensure continuity of education.

13.38 For the adolescents of the age 15-18 years, the Committee recommend that placement linked skill development training should be provided and their placements should be effectively monitored by the concerned State Governments, the opportunities in Agriculture Sector are to be properly tapped to engage trained adolescents.

13.39 The Committee note that State Government of Odisha have been undertaking exclusive campaigns in regular intervals in association with other stakeholders in the State for spreading awareness against child labour and promote child rights under their State Action Plan. To achieve this purpose soft copies of leaflets,

posters and wall paintings on elimination of child labour being circulated to District Administration for IEC activities. The Committee appreciate the State Government of Odisha for taking these steps for creating awareness amongst the common people in proper coordination with the District Administration, nevertheless the Committee desire that a stringent monitoring mechanism should be put in place to monitor conduct of these awareness programmes at village/block level and the families of the children between 8-14 years specifically their mothers should be sensitized about the hazard of pushing child into labour and benefits of school education.

CHAPTER - FOURTEEN

STATE GOVERNMENT OF PUNJAB

14.1 The Committee were apprised by the State Government about the Provisions to prohibit, track and rehabilitate child labour, including the penal provisions, being implemented by the State and the role, responsibility and accountability of different authorities such as the District Magistrate.

14.2 The Department of School Education, State Government of Punjab also informed the Committee about the steps taken for the development of education in the State including the facilities such as free uniform and free education being provided to encourage enrollment and retention.

14.3 The Committee desired to know about the working of the District Task Force (DTF) to eliminate child labour in different Districts of the state as well as the periodicity of the meetings of the DTF. In response the Government of Punjab submitted as under:

“The State Government has prepared a State Action Plan for the elimination of child labour. District Task Force (DTF) has been constituted in all the Districts with members from different Departments including Labour, Education, Women and Child Development, Police, Health and Local Government. The major objective of this task force is to hold meetings of its members and to identify and keep such areas in their respective jurisdictions where child labour is likely to be engaged under continuous active surveillance. Whenever a complaint regarding the employment of child or adolescent labourers is received, the members of the District Task Force (DTF) conduct raids as per the Punjab State Action Plan for the total abolition of child labour. Necessary action is taken as per the procedure laid down under said action plan. Apart from this, Child Labour Abolition Week is being observed twice a year with the help of the DTF. During this campaign, random inspections and raids are conducted by the task force on shops, dhabas and factories etc. to remove the curse of child labour from society. As far as repatriation and rehabilitation of rescued child and adolescent labourers is concerned, the custody of these rescued children is taken by the District Child Protection Officer (Department of Women and Child Development) who is a member of the DTF. Thereafter, the rescued child labourers are produced before the child welfare committee under the supervision of the District Child Protection Officer to further take follow-up action regarding repatriation and rehabilitation of the concerned child.

It is proposed that however, DTFs meet every month to take stock of the situation with respect to child labour but the effort is less. There has to be a concrete effort by DTFs to eradicate child labour. The DTFs must also analyse and consider the recurrence of child labour with respect to the same child. The DTFs must also emphasize on the rehabilitation part where fewer efforts are being made.”

14.4 The Committee were also apprised of the number of raids conducted by the DTF, FIRs, prosecutions and convictions made and the number of children rescued as under :

Sl. No	Year	No. of inspections conducted	No. of children rescued	No. of violations detected	No. of prosecutions launched	No. of convictions made	Fine imposed/ Fund raised	No. of convicted persons sent to jail
1	2016-17	11412	177	152	142	52	3,81,200	1
2	2017-18	16079	291	251	230	123	7,58,600	1
3	2018-19	14723	168	158	149	90	2,59,031	Nil
4	2019-20	12387	113	123	112	59	1,94,500	Nil
5	2020-21	956	148	33	22	6	29,000	Nil
6	2021-22	7842	90	71	61	22	104,000	Nil
7	2022-23	4358	98	69	39	9	Nil	Nil
	Total	67757	1085	857	755	361	17,26,331	2

As per the directions of the Hon'ble Supreme Court of India in the case of M.C. Mehta Vs State of Tamil Nadu and others, a Child Labour rehabilitation-cum-Welfare Fund has been created at the District level in the State. For every rescued child from hazardous processes and occupations, Rs. 20,000/- is recovered from the offending employer for the rehabilitation of the child. Also as per Section 14B(2) of the Child and Adolescent Labour (P & R) Act, 1986, the State Government is crediting Rs. 15,000 for each child or adolescent in the above said Fund.”

14.5 The Committee desired to know of the steps taken for addressing the issue of prevalence of child labour in MSMEs in Punjab and the repatriation of the rescued children to their native States. The State Government of Punjab in their reply submitted as follows:

“Since 2016, a total of 149 child labourers have been rescued from the factories/MSMEs. The detail of factories/MSMEs inspected during the given period and the output is as under:

Sl. No	Year	No. of Inspections Conducted in Factories/MSMEs	No. of Children Rescued	No. of Violations Detected	No. of Prosecutions Launched	No. of Convictions Made
1	2016-17	1112	21	7	8	4
2	2017-18	1454	20	8	8	4
3	2018-19	1719	5	6	6	4
4	2019-20	909	6	5	5	3
5	2020-21	103	68	9	2	Nil
6	2021-22	620	14	11	1	1
7	2022-23	445	15	Nil	Nil	Nil
	TOTAL	6362	149	46	30	16

As far as rehabilitation and repatriation of these labourers are concerned it is done according to the Punjab State Action Plan for the total abolition of child labour. The procedure of handing over the rescued child labour to their parents, shelter homes or their repatriation to the parent State is followed up by the District Child Protection Officer (Dept of Women and Child Development)”

14.6 With regard to the coordination/agreement with other States regarding the interests and rehabilitation of rescued migrant child labourers, the State Government submitted as follows:

“Coordination with other States, with respect to child labour where children have travelled from other States, is lacking even though efforts are made to coordinate with the States concerned for the rehabilitation of migrant child labourers”.

14.7 When specifically asked about the issue of drug abuse among children in the State and the steps taken to address the same, the State Government stated as under:

“The Standing Committee had pointed out that children are also falling into drug addiction and in certain cases, children are being used by smugglers as drug peddlers in Punjab. In this regard, it is submitted that no such incident has come to the notice of the Department. The Department has further got in touch with the field level officers to re-check on such occurrences, but no such occurrence has been noticed. The matter will be taken up with the SSPs of the Districts to further ensure that any such occurrence must be reported to the department.”

14.8 With regard to the issue of rehabilitation of child labourers, the Committee also sought to know the details of the number of children rescued and admitted to schools and those who received further vocational/skill development training. In response, the State Government submitted as follows:

Sr. No.	NCLP Project	Number of Schools	Total Students Admitted since its beginning.	Total number of Children passed 5 th class/ mainstreaming/ rehabilitated	No. Of rescued children given vocational training/skill development course
1	Ludhiana	32	10038	4040	9080
2	Jalandhar	27	9167	7650	7650
3	Amritsar	40	8368	9029	9029

14.9 The Committee were also concerned about the children of migrant agricultural labourers from States such as Bihar, being engaged in child labour in Punjab. The Committee desired to know whether the State Government had undertaken any survey to estimate child labour in agriculture and what steps are taken to ensure their education. In reply the State Government submitted as under:

“No survey has been conducted by the Department of Labour Punjab regarding migrant child labour in the agriculture sector although instructions have been passed to the concerned field officers to check child labour in the agriculture sector during the child labour weeks and also on the basis of complaints. However, there is not much concentration of child labour in the agriculture sector in Punjab as the agriculture sector of Punjab is highly mechanised. Even then, the Department officers and DTFs will further be sensitised on the issue to keep a vigil.”

14.10 With regard to the details of children enrolled into Govt. Schools from NCLP schools, as per reports of District Education Officers (DEO) of the respective Districts, the State Government furnished the following information:

Sr. No.	District	No. of Children which were studying in NCLP	Mainstreamed
1.	Amritsar	1774	1774
2.	Jalandhar	1300	144
3.	Ludhiana	1511	1473

14.11 The Committee desired to know the number of child labour rescued in industrial Districts of Amritsar, Jalandhar and Ludhiana and the procedure followed by the State to identify whether the rescued children have relapsed into child labour. In response, the State Government stated as follows:

2016-22								
Sr. No	District	No. of inspections Conducted	No. of Children Rescued	No of Violations Detected	No. of Prosecutions Launched	No. of Convictions Made	Fine Imposed/ Fund Raised	No of Convicted Persons send to jail
1	Amritsar	13710	65	65	65	65	15000	NIL
2	Jalandhar	3674	164	61	45	10	50000	NIL
3	Ludhiana	3228	254	113	111	66	159531	1
	TOTAL	20612	483	239	221	141	224531	1

“Even though no data is maintained with the Department of labour regarding the economic condition of the families of the rescued children, it has been observed that such families are usually the poorest of the poor. After the rescue of a child labourer and production before the CWC, the child is either handed over to their parents or sent to shelter homes, as the case may be, and parents of such children are persuaded to get their children admitted to schools. The Government at its level admits and registers such children on the e-portal of the Department of Education. The rehabilitation part has a lot of challenges. Still, the Department is aware of the issue of relapse and is working to trace search relapses/occurrences of child labour. Department is also working towards making a database of all the detected child labour cases so that relapse could be monitored in a better way.”

14.12 Asked about the education of children belonging to economically weaker families and setting up of hostels for them by the State Government, the Punjab Government replied as under:

‘Children are admitted & registered on the e-Punjab portal of the Education Department. Whenever any child leaves the school, School Leaving Certificate (SLC) is generated, which can be tracked, and it facilitates the Government to know the quantum of those relapsing into child labour. Govt. provides Free Education, Textbooks, Uniforms, Scholarship and Mid-day meals etc to the children to attract them towards education and also to assist such families in providing education to their children. As per the report of the Department of Education, 5 Residential Hostels were approved for five Districts including four border area Districts Amritsar, Ferozepur, Gurdaspur and Tarn Taran on one million plus population city Ludhiana. Apart from this, 29 KGBV Hostels are also established in the State.’

14.13 The State Government furnished the following reply when the Committee desired to be apprised of the detailed working of the District Task Force (DTF):

‘The agenda of the DTF is to identify vulnerable areas and employments in the District where child labour could be prevalent and then plan raids accordingly and take the necessary action as per the State action plan for the elimination of child labour. The complaint regarding child labour can be lodged via Platform for effective Enforcement for No Child Labour (PENCIL)Portal, Punjab Grievance Redressal System (PGRS)Portal or through a written complaint to the concerned officials. Whenever a complaint is received by any official concerned of the DTF, he/she intimates the other members of the DTF and a raid is planned accordingly as per the law. In case the number of child labourers found to be employed is high, then immediate action within 24 hours is taken after contacting the Deputy Commissioner and Police officers by carrying out a raid through the task force; and if the number of child labourers is less, then immediate action is taken to liberate them on the very day with the help of departmental officials of the Labour Department and the Police. Other than receiving and acting on the complaints received, two child labour eradication weeks are observed by the DTF every year so that complete attention of the department is given to the task of eradication of child labour.’

14.14 When the Committee wanted to know more about the challenges in identification, rescue and rehabilitation of child labourers, the State Government deposed as under during the oral evidence:

“Sir, the most challenging part of this process is rehabilitation. Identification is very easy; taking out the child is very easy. The important thing is how to monitor that child so that he makes good progress. He is rehabilitated, he does not go back to child labour, even if his family sends him there, otherwise, he is being drawn to these kinds of places for child labour. This is actually where we are lacking. It is not only in Punjab; it is everywhere. Until and unless we start tracking each and every child who is taken out of child labour, we cannot completely end this circle which is an on-going thing. Our plan is that we will track every child who is taken out of child labour. We will make a portal in which all the details come up.”

14.15 Regarding tracking children through the PENCIL portal, replying to the query of the committee, the State Government submitted the following:

“PENCIL is working well, but it is not tracking every individual child. It is only monitoring the overall progress of different Districts on different categories. What I am trying to put across is that every child should be tracked.

Of course, it would be easier at the State level. But we will have to share this data with other States also when the child actually goes out from our State or goes back to his own State from where he came with the family to start working as child labour. NCLP has not done as good as we thought it would have done. We try to take these children to regular schools and the child homes which are now being run by Women and Child Development Department. They are also doing a good job. Wherever these children cannot be taken back to their homes, they are taken to these child homes. But it is the monitoring part where we are lacking. We have to monitor these children continuously. Even if we monitor them, we are doing it for only two or three months. It should be a regular thing. We should be monitoring that child for at least two years. We should monitor whether he is going to school, and what his progress is.”

OBSERVATIONS/RECOMMENDATIONS

14.16 The Committee observe and appreciate that the State Government has prepared a State Action Plan for the elimination of child labour and that District Task Forces (DTF) have been constituted in all the Districts with members from different Departments including Labour, Education, Women and Child Development, Police, Health and Local Government. At the same time, the Committee feel that it is required to ensure that the DTFs meet at least every month to take stock of the situation with respect to child labour. Additionally, the State Government has submitted that DTFs must also analyse and consider the recurrence of child labour with respect to the same child and should also emphasise on the rehabilitation part where lesser efforts are being made currently. The Committee want the State Government to take urgent and specific measures to address these impediments that they have already identified in this connection and develop an effective mechanism to monitor the functioning of the DTF and ensure that regular meetings are held. One of the important measures would be to completely convert the data/information on the working of the DTFs to digital mode. There should be a secure Web based platform accessible to all DTFs enabling the sharing of the

data/information generated as part of the work of each DTF. Further, the Committee recommend that there should be a State level entity/agency, ideally headed by the Chief Secretary, to monitor and coordinate the implementation of the State Action Plan on Child Labour. There has to be compilation and analysis of all data related to child labour in the State to originate dependable and actionable information for the use of operational level agencies like the DTFs as well as for State Level policy makers. In the opinion of the Committee, the role of Local Self Government Institutions in generation of data on child labour, especially in the rural areas, should not be ignored. Such a mechanism would be pivotal to make the State Government effectively responsive to the varied and evolving issues relating to the fight against child labour.

14.17 Based on the data provided by the State Government about the raids conducted by the DTF and the raids conducted in the industrial belts of Amritsar, Ludhiana and Jalandhar, the Committee find that the fine(s) imposed by the Department is not commensurate with the number of violations detected and the number of prosecutions launched, and convictions made. The quantum of fine does not match with the stipulation that for every rescued child, Rs. 20,000/- is to be recovered from the offending employer for rehabilitation of the child. The Committee thus desire that the State Government need to review this aspect as well as the functioning of the DTF and ensure that the amount of fine collected from the violators and deposited in the Child Labour rehabilitation and Welfare Fund is as per the legal provisions laid out. The Fund itself should be strictly monitored to ensure that the money deposited does not stagnate in the fund and is efficiently utilized for welfare of the rescued children. Further, in the opinion of the Committee, rehabilitation of child labourers would hinge upon the knowledge and recognition of the financial/economic condition of the family of the child labourers. Hence, there has to be an institutional

arrangement to keep track of this aspect also as well as to handhold wherever required.

14.18 The Committee note that complaints regarding child labour can be lodged through PENCIL or PGRS portals or through a written complaint to the official concerned. Whenever a complaint is received by any official concerned of the DTF, he/she intimates the other members of the DTF and a raid is planned accordingly as per the law. Moreover, other than receiving and acting on the complaints received, two child labour eradication weeks are also observed by the DTF every year so that complete attention of the Department is given to the task of eradication of child labour. The Committee are of the strong opinion that there is much more the DTF should do and it is recommended that apart from the raids conducted based on complaints and during the child labour eradication week, the DTF shall also plan and undertake random raids every month. The frequency of the random raids should depend on the degree of prevalence of child labour in each District. For ascertaining this, credible data on child labour needs to be obtained and maintained. Further, the Government should step up efforts to track and maintain record of employers who are repeat offenders in case of engagement of child labour and ensure their prosecution. Also, the Committee desire that the DTFs should also be mandated with tracking the children released from child labour as well as the progression of their rehabilitation. As already indicated by the State Government itself, it is imperative that the released/rehabilitated children are tracked/ monitored for a period of at least two years to ensure that they do not relapse into child labour. In this context also the Committee would like to re-emphasise the criticality of maintaining updated data regarding all aspects of child labour so that endeavour towards eradication of child labour finds fruitful culmination.

14.19 The Committee note that as per the submission of the State Government, rehabilitation and repatriation of the rescued children is done according to the Punjab State Action Plan and the procedure of

handing over the rescued Child Labour to their parents, shelter homes, or their repatriation to the parent State is followed by the District Child Protection Officer (Department of Women and Child Development). The Committee however note with concern the submission of the State Government that coordination with other States with respect to Child Labour where children have travelled from other States is lacking. The Committee therefore stress upon the need for creation of an entity of the State Government for coordination with other States especially for planning rehabilitation for migrant children. This will be crucial to the synchronization of efforts against child labour in the country since Punjab is considered as the destination of child labourers from many States. The Committee also desire in this direction that the State Government should realise the urgent need for an inter-State repatriation policy, particularly for children and women, which could guide the proposed inter-State entity. Further, the Committee wants the State Government to draw up MoUs with such States from where substantial migrant population, which include child labourers also, arrives in Punjab. The MoUs could act as the base on which rehabilitation/mainstreaming could be built up.

CHAPTER - FIFTEEN

STATE GOVERNMENT OF JHARKHAND

15.1 The Committee were informed about the measures taken to prohibit, track and rehabilitate child labourers in accordance with the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986. Some of the steps taken include :-

“(i) All the departmental officers concerned have been directed to take necessary action to prohibit child labour in accordance with the "Child and Adolescent Labour (Prohibition & Regulation) Act 1986 (Amendment in 2016), and ensure rehabilitation, and tracking of child labourers rescued during the course of inspection in accordance with Standard Operating Procedure (SOP).

(ii) Awareness Programmes are Launched and regular inspections are conducted by the field officers to prevent the practice of child Labour. In addition a Toll Free Labour Helpline (No.-18003456526) has been established at headquarter to monitor the incidence of Child Labour.

(iii) In accordance with the provisions under Section 14 D (1) of Child and Adolescent Labour (Prohibition & Regulation) Amendment Act, 2016, provisions with regard to "Manner of Compounding offences" have been made in Rule 19 B of Jharkhand Child Labour (Prohibition & Regulation) Amendment Rules 2018. District Magistrates have been empowered with regard to Compounding of offences under Rule 19 B (2) of said Rules.”

15.2 The Committee desired to know about the experience of the State Government with regard to eradication of Child Labour, particularly among the tribal communities and the measures taken for protection of the rights of tribal children. In response, the Government of Jharkhand submitted as under:-

“State is implementing Right to Education for all children including the children of tribal areas and provides the child entitlements provisioned in the RTE Act. State has also undertaken special initiatives to impart primary education in their mother tongue in the tribal areas to enhance the learning level at the primary grade.”

15.3 The Committee further desired to know the number of Child Labourers rescued in the past five years and the educational facilities provided to them. In response, the State Government stated as under:

“599 Child Labourers have been rescued and 149 FIRs lodged against the offending employers during the period 2016-2022. Most of the cases are pending in the competent courts.

The rescued children are enrolled in the nearby Government Schools as per the provisions of Right to Education Act. They are provided with school uniforms, books, school kits, scholarship and Mid- Day Meal free of cost. In Jharkhand residential schools have been set up in almost all Districts for the education of such children.”

15.4 On being further asked about the steps taken to prevent the discontinuation of education of the rescued children and the mechanism the Government wants to establish for their continuation in school , the State responded as under:-

“Once a child is rescued, he/she is assessed regarding his needs based on his background. Accordingly, these Rescued or dropout children are admitted either in regular school in their vicinity or in a special residential school being run for such needy children. These schools are specially for these categories of children namely-Children from families affected from LWE activities and human trafficking, orphan/single parent children, run away children etc. These schools are from class I-VIII and in the present year the State has upgraded 20 schools up to class X and thus we have ensured continuation of schooling of these children.

For the continuation of education of these children special scholarships can be provided and they can be put in residential schools fully funded by the Government under SSA.”

15.5 On the issue of Child trafficking and such children being subsequently engaged in labour, the Committee wanted to know about the number of FIRs lodged against people/agencies engaged in Child Trafficking and measures taken for rehabilitation of the rescued children. In reply, the Government stated as follows:-

“From 2016 to May 2022, 706 FIRs have been lodged against the people/agencies engaged in trafficking in which 1118 children were involved. Total of 735 traffickers were arrested. Out of total FIRs lodged, charge sheet has been filed in 346 cases, final report filed in 90 cases whereas 270 cases are pending.

These children are enrolled in the nearby government schools and the enrollment of such children is being tracked by the Prabandh Portal developed by the Ministry of Education, GOI.”

15.6 Poverty being the primary reason behind children turning victim of trafficking and Child Labour, the Committee also sought to know whether the State Government took any initiative to support the economic conditions of the parents of the rescued children. The State Government submitted their reply as under:-

“SoP has been issued regarding follow up of the rescued child labour. As part of the SoP, attempt is being made to provide the benefit of various government schemes to the parents of the rescued Child Labour.”

15.7 The Committee observed that children not enrolled in School are at greater risk and have greater probability to being engaged in child labour. Thus, the Committee sought to know the estimated number of out of school children in the State. In response, the State Government submitted as under:-

“Before Covid-19, the State was conducting systematic identification surveys for out of school children including never enrolled and dropout. The number was as follows:

2018-19 : 60018 out of which enrolled and mainstreamed 60018
2019-20 : 53833 out of which enrolled and mainstreamed 51799
2020-21 : 60444 out of which enrolled and mainstreamed 55770

The Department of School & Literacy has a regular feature of conducting surveys of these children. The Department has developed DAHAR (Digital Application for Holistic Action plan & Review) App for this purpose.”

15.8 As part of the Oral evidence before the Committee, it was submitted further in this regard that as under :-

“A student’s registry is created and each child is followed. For dropouts and rescued children, there is a residential facility. Since it is away from the family, the problem of dropout is quite prevalent. So, there is a need so that the family itself is supported and the kids are taken care of. The Schools under SSA do not give any special incentive to the rescued children. The general facilities under the SSA like uniforms, stipend and mid-day meals are provided. No special incentive from the State Government is there.”

15.9 Concerned about the prevalence of Child Labourers particularly among the migrant workers, the Committee desired to be apprised about any study/ examination of the number and pattern of migrant workers. In response, the State Government submitted as under:

“During the period of Covid-19 lockdown, 4,96,202 returned to the native places in Jharkhand from different states. State has started a project called Safe and Responsible Migration (SRMI) with the help of NGO partners to conduct a detailed study about the migrant labourers in the state of Kerala and the Union Territory of Ladakh. In future the Initiative will extend to more states where the labourers from Jharkhand migrate in search of work.”

15.10 On being further asked about the steps taken for welfare of rescued child labour coming back from other states, the State Government in reply stated as follows:-

“The Government does not have any separate policy for such children”.

15.11 Asked about the coordination mechanism established with other governments/central government, the State government, in response submitted as under:-

“Department of Labour, Employment, Skill Jharkhand has set up a control room with a Toll No. - 18003456526 information regarding child labour and other issues. The control departmental officers coordinate with other central government on the matter of child Training and Development, Free Helpline to get room as well as the state government/ labour.”

15.11 When the Committee further queried about incentive schemes instituted by the government to promote and engage citizens, civil societies or NGOs to report instances of child labour trafficking etc, the State Government replied in the negative.

15.12 In response to a query of the committee regarding the steps taken to dissuade children from engaging in Mica mining, the State Government submitted as follows :

“So far as the steps taken to dissuade children from mining Mica is concerned, in this context it is to say that engagement of child labourers in Mica mining areas have not been found during the regular visit of Labour Superintendents of the concerned District.”

15.13 As part of the deliberations of the Committee with NGOs, regarding the dangers of Mica mining it has been submitted to the Committee that -

“Bachpan Bachao Andolan (BBA) works in 501 Mica villages of three Districts of Jharkhand - Koderma, Giridih and Nawada. Out of these 501 villages, 31 are in Nawada. Most of the schools were established in 2001 following the Sarva Shiksha Abhiyan programme. However, when BBA began intervention in the villages in 2005 and during that time, the schools in these villages were not fully functional.

In 2006, BBA started 9 Non-Formal Education Centres and later, 7 schools were handed over to the government. 447 schools are currently operational across 501 villages in Koderma, Giridih, and Nawada (20 schools in Nawada). Through discussions with the officials and constant follow-up, a total of 28 schools were upgraded in Koderma and Giridih. Out of these 28 schools, 18 schools were upgraded from VIII class to X class. And 8 schools were upgraded from V class to VIII class. And 4 schools were upgraded from X class to XII class.

Under the Bal Mitra Gram (Child-Friendly Villages) weekly meetings are organised at the village level with the community, Panchayats and children sensitizing them about children’s issues and different schemes and services available for children. Meetings are also organised with Village Child Protection Committees and School Management Committee every month on children’s issues. Further, once a month meeting is also held with government functionaries to share concerns and challenges and support the community in availing Government social welfare schemes.

The follow-up of rescued children involves their admission to school through the involvement of the Child Welfare Committee and District Child Protection Units. Further, under the Child-Friendly Villages, children who are out of school are identified and motivated to get enrolled in school. 5,556 children were enrolled in schools and 83,328 children were retained in school between April 2021 to March 2022.

Mica mines have resulted in the death of children as in most of the mica mines, children are forced to dig small holes and are made to enter these mines leading to choking and also cuts caused by Mica, which is a highly sharp mineral and can cut through delicate skin. As these operations are held under the supervision of local traders who ensure no case of death or injury to the child is reported.”

OBSERVATIONS/RECOMMENDATIONS

15.14 The Committee recognise that the children in Jharkhand rescued from Child Labour are enrolled in the nearby Government Schools as per the provisions of Right to Education Act. They are provided with school uniforms, books, school kits, scholarship and Mid-

Day Meal free of cost. In Jharkhand residential schools have been set up in almost all Districts for children from families affected from LWE activities and human trafficking, orphan/single parent children, run away children etc. These schools are from class I-VIII and in 2022, the State has upgraded 20 schools up to class X for ensuring continuity of schooling of these children. The Committee are appreciative of these steps taken by the State Government but observe that there is still scope for improvement in this area like optimising the proximity of residential facilities to the homes of children. Further, the Committee take note that the State government of Jharkhand are also implementing Right to Education for all children including the children of tribal areas and provide children the entitlements provisioned in the RTE Act.

The Committee would like to specifically mention that the State Government has also undertaken special initiatives to impart primary education in their mother tongue in the tribal areas to enhance the learning level at the primary grade, which is a very laudable initiative. Towards the accomplishment of effective sustenance of the efforts for rehabilitation and mainstreaming of the children rescued from child labour, trafficking, etc., the Committee recommend that the State Government should come out with more incentivising initiatives like special scholarships and graded/calibrated financial relief/assistance dovetailed with continuity of school attendance.

15.15 In the context of efforts to identify the Out of School Children in the State, the Committee note with appreciation that the State Department of School & Literacy has a regular feature of conducting surveys of these children. The Department have developed DAHAR (Digital Application for Holistic Action plan & Review) App for this purpose. As per the systematic surveys of Out of School Children including never enrolled and dropouts conducted by the State Government before the Covid-19 pandemic, the Committee find that very high percentage of such children identified were mainstreamed,

100% during 2018-19, 96% during 2019-20 and 92 % in 2020-21. The Committee observe that there is a critical need to generate and maintain data in this regard and want the State Government to ensure that the data generated through the DAHAR Application has high credibility and is also shared with other Government Departments engaged in action against Child Labour.

15.16 The Committee are concerned to note that as per the submission of the State Government, during the period 2016-2022, 599 Child Labourers were rescued and 149 FIRs lodged against the offending employers. But, most of the cases are pending in the competent courts. The Committee observe that delay in trial and judgement in such cases makes the Child Labour (Prohibition & Regulation) Act ineffective in acting as a deterrent against the practice. The Committee therefore recommend that all the pending cases be pursued on a priority basis and suitable penalties and punishments as per law be sought to bring out the seriousness of the intent of the Government, both at the Central and State levels, towards eradication of Child Labour. The Committee also desire that these cases may be taken up in Special Courts.

15.17 The Committee would further like to point out that as submitted by the State Government, during the period 2016 to May 2022, 706 FIRs were lodged against the people/agencies engaged in trafficking in which 1118 children were involved and a total of 735 traffickers were arrested. Out of total FIRs lodged, charge sheets were filed in 346 cases, final reports were filed in 90 cases whereas 270 cases are pending. In this context, the Committee would reaffirm their recommendation concerning the issue of pendency of child labour/trafficking cases and urge the State Government to take necessary steps with regard to the swift and effective prosecution under cases pertaining to Child Trafficking. The Committee observe that child trafficking and engagement of these children in labour are inalienably linked. Moreover, children trafficked under the promise of

work are also susceptible to being further exploited in other worse forms including sexual exploitation and beggary.

The Committee recommend that in addition to expediting and augmenting the prosecution timelines, the Government should also consider formulating a State specific Plan to deal with child trafficking involving all relevant Departments of the State. An entity at the State level, similar to the State Task Force created by the State Government of Bihar, may also be put in place to coordinate the endeavours of the different Departments under the Plan as well as to constantly re-assess the requirements in the fight against Child Labour according to the changing/emerging circumstances for Jharkhand.

15.18 With regard to the employment of children in abandoned Mica mines especially by unlicensed middle men, the Committee observe upfront and with utmost concern, the contradiction between Media/NGO reports that indicate that illegal Mica mines are still operational in the State, and the submission of the State Government that engagement of child labourers in Mica mining areas have not been found 'during the regular visit of Labour Superintendents of the District concerned'. The Committee recognise that since most of the illegal Mica mining operations reported in the media are small-scale operations limited to certain Districts and continue in abandoned mines, they might not have come under scrutiny by the labour department. Most of the activities are now termed Mica scavenging, rather than Mica mining. Here, the Committee would like to mention the example of 'Dhawa Dal' or 'Flying Squads' formed by the Government of Bihar as an emulative idea. Such Squads may be able to find out what couldn't be found 'during the regular visit of Labour Superintendents of the District concerned'. Further in this regard, in the considered opinion of the Committee, a special project needs to be launched in the affected Districts through an initiative of the Government by involving the Local Self Government Institutions, the District machinery, the Police, Labour and Mines Departments along

with the participation of community leaders and local NGOs/civil society organisations. Such specific project/initiative should have definite graded targets to be achieved within timeframes aimed at identification of hotspots, alleviating the impoverishment, immediate relief and sustained handholding of rescued children and their parents/family as well as enrolment in schools in order to eradicate the Child Labour from Mica mining/scavenging in the State of Jharkhand completely.

15.19 The Committee note that the State of Jharkhand is one of the more prone States to the incidence of Child Labour. To have a realistic assessment of the situation, generation of credible data on Child Labour would be a prerequisite. Accordingly, the Committee feel that the State Government should consider offering adequate and appropriate assistance to Urban and Rural Local Bodies, NGOs, Self Help Groups and other organisations of the Civil Society to help generate reliable data regarding the number of child labourers, the vulnerable geographical areas and socio-economic groups susceptible to it, work/projects/businesses that tend to employ child labour, etc. To begin with, the primary data about children has to be generated at the Village/Gram Panchayat level which would also be the ideal level to *inter-alia* identify the vulnerability of families and children due to various reasons, to child labour.

Further, the Committee cognise that during the period of Covid-19 lockdown, 4,96,202 migrant labourers returned to their native places in Jharkhand from different States. The State Government has started a project called Safe and Responsible Migration (SRMI) with the help of NGO partners to conduct a detailed study about the migrant labourers in the state of Kerala and the Union Territory of Ladakh. In this regard, the Committee recommended that the State Government should consider establishing an office of coordination at New Delhi and offices in different States where migrant workers from Jharkhand are significant in number to handhold the migrant labourers including

child labourers. Further, the Committee desire that the State Government should consider entering into MoUs with other States where children/migrant population from Jharkhand are present in substantial numbers. These documents should delineate the mutually agreed upon measures to release and rehabilitate inter-State child labourers and can as such hasten the processes involved.

CHAPTER - SIXTEEN

GOVERNMENT OF NCT OF DELHI

16.1 According to the figures provided by the Government of National Capital Territory of Delhi (GNCTD) as per census figure, 2011, Ministry of Labour & Employment estimates number of child labour between the age group of 5-14 years in India as 43 lakhs, out of which approximately 26 thousand are in Delhi. As Delhi is the centre where a number of migrant workers from other States such as Bihar, Jharkhand, Odisha, Uttar Pradesh come with their children in search of employment and better livelihood opportunities, these children also work as labours and are deprived of basic education, the Committee considered it to be relevant to examine the role of Government of NCT of Delhi in eradication of Child Labour.

16.2 The Committee desired to know about the number of child labour in Delhi and surrounding areas. The GNCTD submitted the following before the Committee during the evidence:

“A comparison of census data of 2001 and 2011 shows decrease in employment of child labour in Delhi. The number of child labour in Delhi as per census data of 2001 was 41,899 which decreased to 26,473 as per 2011 census data.”

16.3 During the course of oral evidence, the Chief Secretary, GNCTD submitted before the Committee as under:

“Government of Delhi, right from 1987, has been following the national policy on child labour, which is an outcome of the Act which has been enacted in 1986, Child & Adolescent Labour (Prohibition and Regulation) Act, and the rules made therein”.

16.4 The Committee are given to understand that there is no data maintained regarding engagement of children/adolescents in child labour and the GNCTD depends entirely on the 2011 census for this data. Regarding data on child labour, the representative of the GNCTD submitted before the Committee during the course of oral evidence as under:

“When we see the assessment of Child labour in Delhi from 2001 Census to 2011 Census, the number has gone down. In 2011 Census, the figure has gone down in comparison to 2001 Census by about 38 per cent. The basic reason for this is the intervention of the Supreme Court in Delhi. A large number of industries have been shifted in outside Delhi because our observation in Delhi is that a large chunk of child labour primarily works in unauthorised industries in various parts of Delhi.”

16.5 When the Committee desired to know about the measures adopted by the GNCTD for eradication of child labour in NCT of Delhi, it was stated that the Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 is being implemented in Delhi at the district level. For this purpose, District Task Force is constituted which is a unique feature of GNCTD. In this regard, following information was forwarded by the GNCTD.

“The District Magistrate is the chairman of the District Task Force (Child Labour). The Jt. Labour Commissioner/Dy. Labour Commissioner is the Member Secretary of the said Task Force. The DTF (Child Labour) has also having the members drawn from W&CD, MCD, Education, Health, CWC, NDMC, Delhi Police, Labour & NGO etc. The monthly meetings are convened by the DTF (Child Labour) under the chairmanship of the District Magistrate to review the Action Taken by the Stakeholders based on the information received from the Civic Society, NGO, Print Media, any citizen and other sources for eliminating the Child Labour from all the sectors where it is prohibited.”

Rescue Operations

16.6 On being asked about the efforts taken by the Government of NCT of Delhi for preparation and planning of rescue operations conducted for rescue and restoration of child labour, the Committee were informed as under:

“Rescue operations are conducted by District Task Force teams from time to time to rescue the child labour and adolescent. Defaulting Establishments are also sealed to make the effective recovery of the pending legal dues of the rescued Child Labourers. On the spot general medical check-up and the approximately age determination of rescued child labourers are done by the District Medical Officer's team present in the rescue operations. The rescued Children/Adolescents are produced before CWC (Child Welfare Committee) by the Juvenile Officer of Delhi Police to take their statements by the CWC. As per the order of the CWC, the children are sent to the child homes for the interim care and protection, in the due course the CWC ensured the restoration of the rescued child/adolescents to their parents and thereafter their rehabilitation etc.

16.7 The Committee were further informed about the procedure followed to rescue child/children from their employer and their restoration process as under:

“If the information received is regarding employment of one or two child labour, they are rescued then and there. In case, the information received is regarding employment of more number of child labour, the rescue operation is discussed in the meeting of District Task Force. In such cases, rescue operation is planned which includes constitution of a rescue team, maintaining secrecy, ensuring management of logistics of the rescue, preparing for children's interim care and facilitating coordination between stakeholders in the process.

The rescue team is, headed by a Sub-Divisional Magistrate (SDM), who is the implementing authority under the Bonded Labour System (Abolition) Act, 1976 and officers of the Labour Department, police, NGO etc. accompany him.

Every rescued migrant or trafficked child labour, including bonded child labour, is presented before the Child Welfare Committee. The Child Welfare Committee is the competent authority under the Juvenile Justice (Care and Protection of Children) Act, 2000 & amendment Act, 2006.

In case of condition of bonded labour, the child is also produced before the Sub-Divisional Magistrate for grant of certificate and other compensations. Preliminary medical examination of children is done within 24 hours.

The child is sent to shelter home after the rescue operation and restored to their parents through CWC."

16.8 The representative of the GNCTD, during their oral evidence, deposed before the Committee regarding the compensation amount provided to the rescued children/adolescents and the different Schemes run by the GNCTD for the rescued child labour as under:

"In 1996, Supreme Court also gave a direction to Delhi Government to give support to the rescued child because, at the end of the day, we have to give an ecosystem where they can be taken care of. At that time, Supreme Court fixed that Rs.20,000 have to be paid by the employer who is illegally engaging these children and Delhi Government has to give Rs.5,000. So, Rs.25,000 are being given to children who are rescued from such type of activities.

In addition to this, Delhi Government has also a scheme for those children who are actually in distress and do not get the support even from their families. We give Rs.2,000 per child per month, provided he is continuing either in anganwadi or school. We also rescue them and bring them back to their families. We have about 820 Special Training Centres. We have special training centres in schools. Those children who are not coming to the school for 45 days continuously, they are brought into the education system. In special training centres, we give them three months literacy training so that they are in a position to enter into the regular stream of education."

16.9 When asked about the figures regarding rescue operations in Delhi from 2017 to 2021, the Government of NCT of Delhi stated in the reply as under:

In the last five years (2017-2021), 197 rescue operations were undertaken and a total of 2743 child labourer were rescued, which includes 592 child labourer below the 14 years of age and 2151 child labourer above the 14 years of age. 192 premises were sealed during this period employing child labour to effect recovery of Rs. 20,000 from the employer. The details is tabulated as under:

Sl. No.	Year	Number of rescue operations	Child Labour below 14 years	Child Labour above 14 years	Total
1.	2017	45	221	422	643
2.	2018	52	110	588	698
3.	2019	45	135	609	744
4.	2020	15	40	159	199
5.	2021	40	86	373	459
Total		197	592	2151	2743

16.10 The Committee were further informed during the oral evidence by the representative of the GNCTD as under:

“...during the Covid also, we have been rescuing the children. As and when the information received either through the NGO or through our own resources, we get the industrial unit to visit it and to get the children rescued. In 2018, we rescued 53 children. They were below 14 years of age wherein we have contributed the amount of rehabilitation to them, and followed their rehabilitation aspect.

In 2019, the number 79; in 2020, it was 38; in 2021, it was 50; and this time up to June, we have already rescued 30 children; and the rehabilitation is in process.”

16.11 During the course of evidence, the representative of the GNCTD stated in their deposition about the procedure and involvement of various agencies in rescue of child and adolescent labour as under:

“Delhi Police also takes cognizance under the Child & Adolescent Labour (Prohibition and Regulation) Act, 1986. In the last ten years, about 845 cases have been registered by Delhi Police. This number is almost stagnant in the last three years. About 50 odd cases have been registered every year during 2019-20 and 2020-21.

Out of the 845 cases, which has gone to the Court, police have filed the charge-sheet in 647 cases which is almost 90 per cent. The court has also given punishment in various cases. In the last three years, the total cases were exactly 132.

Sir, these are the basic frameworks in which Delhi is working to ensure that child labour is to be reduced to the maximum possible extent. The number of children which we have rescued is like this. In 2022, in the current calendar year, we have rescued 30 children and out of these 30 children, 14 were from Delhi only. They were belonging to the families of Delhi, and remaining were from different parts of the country. Our observation is that in the last few years, the major chunk of the children who are engaged into such type of activities are from Bihar and UP.

Last year, in 2021, this figure was 50. Prior to 2021, the figure was 38. All the Departments of Government of Delhi which are steered by the Labour Department along with the Education Department, Skill Development and SCST Welfare Department. We are working in tandem so that we can reduce this menace to the bare minimum.”

16.12 Elaborating the details regarding FIR and prosecution pertaining to the cases of tracing and rescuing of child and adolescent labour, the Government of NCT of Delhi stated as under:

"For violation of the provisions of Child and Adolescent Labour Act (P&R) Act,1986 and Juvenile Justice Act,2000 the police register cases under the Act. In the last 10 years, following action against defaulting employers was taken –

(a)	Cases registered	-	845
(b)	Charge sheet filed	-	647
(c)	Fine imposed	-	61
(d)	Imprisonment	-	25

Details of cases registered under Child and Adolescent Labour (P&R) Act – 1986

Years	No. of cases reg.	No. of cases Charge Sheeted	No of cases convicted		Amount of fine realized Rs./-
			No. of cases in which fine imposed	No. of cases in which imprisonment	
2010	85	81	21	8	192500
2011	102	96	15	6	278200
2012	115	101	5	6	19500
2013	128	115	9	2	79250
2014	86	69	5	1	40500
2015	99	76	5	1	86000
2016	44	31	0	0	0
2017	54	39	1	1	5000
2018	50	17	0	0	0
2019	54	18	0	0	0
2020	28	4	0	0	0

16.13 The Committee during the course of oral evidence on the Subject raised the issue of children/adolescents being brought from the Eastern and North-Eastern States of India by the Placement Agencies established in Delhi NCR. The Committee drew the attention of the GNCTD to these children who are not registered anywhere and are placed illegally in the households for domestic chores and are exploited by their employers.

Rehabilitation of the Rescued Child Labour:

16.14 The Committee were further informed regarding rehabilitation, measures carried out by the Government of NCT of Delhi as under:

"To facilitate the family of child labour in rehabilitating the child labour and to provide some financial stability in case of child labour employed in hazardous industries Labour Department issues a notice to the defaulting employer, directing him to deposit a sum of Rs. 20,000/- in accordance with Hon'ble Supreme Court judgment in MC Mehta case.

If the defaulting employer fails to deposit the money, a recovery certificate is issued and sent to SDM concerned for recovery of the amount as arrears of land revenue under the provisions of Punjab Land Revenue Act, 1887.

A rehabilitation package of Rs. 25,000/- (Rs.20,000 recovered from the employer and Rs. 5,000/- as State Share) for child labour below 14 years is sent to District Magistrate of the concerned State of the Child.

Most of the rescued child labour (approx. 95%) belongs to States such as Bihar, U.P, W.B, Jharkhand, etc. In case of Child Labour belonging to Delhi, the amount of Rs. 25,000/- is transferred to the account of child (Fixed Deposit).

Year wise no. of children to whom rehabilitation money has been sent (Delhi and other States):

Year	No. of children
2018	53
2019	79
2020	38
2021	50
2022	30

16.15 In this connection a representative of GNCTD deposed before the Committee as follows:

“As directed by the hon. Supreme Court, we have been following up the rehabilitation package of Rs. 20,000 from the employer and Rs. 5,000 from the State. So, the Department gives Rs. 25,000. In case of Delhi, we are directly sending it to the accounts of the children through the Child Welfare Committee. When it comes to other States, when the children reach their district, this amount is being transferred to the District Magistrate of the concerned State. It is further also followed up and monitored till the time the child is rehabilitated.

About the rescued children, Delhi has a minimum number. It is 50 or 60, which is hardly 10 to 12 per cent. Rest of the States are UP, Jharkhand and Bihar. We are constantly having a State coordination.

Year-wise, as Sir has also briefed, during the Covid also, we have been rescuing the children. As and when the information received either through the NGO or through our own resources, we get the industrial unit visited and get the children rescued. In 2018, we rescued 53 children. They were below 14 years of age wherein we have contributed the amount of rehabilitation to them, and followed their rehabilitation aspect.

In 2019, the number 79; in 2020, it was 38; in 2021, it was 50; and this time up to June, we have already rescued 30 children; and the rehabilitation is in process.”

16.16 On being asked about the process of identification and enrollment of Out of School Children (OoSC) and dropouts due to child labour, the Government of NCT of Delhi informed the Committee that child labour are identified by (i) Conducting Surveys in coordination with the Directorate of Education, GNCTD the OoSC survey is conducted under Samagra Shiksha to locate the school Dropouts and ensure inclusive and equitable quality education at all levels of school education etc. which is an ongoing process; (ii) street children are also enquired about the whereabouts of children engaged in child labour; (iii) Rain Basera are also searched and the occupants there are enquired upon; (iv) Rescued child labours also provide information about the other child labours; and (v) unregulated colonies within Delhi are also surveyed and searched for child labours.

16.17 Regarding process of enrolment of rescued children in schools and bringing them into the mainstream, the Government of NCT of Delhi have furnished the following supplementary information to the Committee:

"For resolving this issue, an urgent need was felt to take appropriate action and have better coordination between the Labour Department, GNCTD and Samagra Shiksha, Delhi in order to educate these rescued child labourers by enrolling them in nearby schools in age appropriate class and after assessment, shift them to the Special Training Centre for bridge course to bring them at par with other children of their respective age group.

Delhi enrolls the rescued child labour belonging to Delhi in a neighbourhood school close to their residence so that they are not deprived of the basic right to Education, as mandated in the Right to Education Act, 2009."

Role of Special Training Centres (STCs)

16.18 The Committee were further informed regarding special drives to find out Out of School Children during the course of evidence by the representative of the GNCTD as under:

"Special drives are carried out every year to find out the out of school children which includes these rescued children also. There are special training centres in Delhi where they are identified and being enrolled. That way, the special training centres are acting as bridge between the students and the formal education aspect.

The mechanism exists under the Samagra Shiksha. We have enrolled the people to the nearest school to their residence. About Samagra Shiksha, so far, in Delhi we have 28,227 children enrolled which includes our rescued children also. The special training centres under Samagra Shiksha are 820 in numbers in Delhi. They are spread all over Delhi. Cluster wise, they are being monitored also."

16.19 Elaborating the role of Special Training Centres (STCs), the GNCTD furnished the following information to the Committee:

- i. STCs act as a bridge between a student and school to fill the gap which is created due to lack of primary education and opportunity. The whole idea is to provide special, focused training for mainstreaming the children in age-appropriate class which will act as a pull factor for Out of School Children (OoSCs) and their parents.
- ii. An Out of school child is one who has either never enrolled, or has not attended school for more than 45 days without prior information.
- iii. Usually, most OoSC are from the disadvantaged community which includes Schedule Castes, Schedule Tribes, Migrants, Economically Weaker sections, Children with Special Needs etc. Since their living conditions are challenging, they are deprived of education and related facilities.
- iv. OoSCs are identified through targeted surveys and enrolled in Special Training Centres (STC) set up for this purpose.
- v. The specialized training helps in decreasing the dropout rate, and increasing enrolment in formal education system."

16.20 The Committee were further informed as under:

“Similarly, the mechanism is also in place in reporting and monitoring for the dropout children so that they do not get into labour somewhere. So, we want to bring all these children to the formal education.”

Skill Development Training for Rescued Adolescent Labour

16.21 The Committee were further informed during the course of oral evidence as under:

“Our Training and Technical Education Department is also providing the skills for these children. They have the society for self-employment which provides the training for skill development as per the needs of their earning livelihood in a dignified manner. It is basically for the economically weaker sections who are unable to pursue higher studies. The basic qualification is 10 plus. There are simple courses like fashion designing, repair of consumer electronic gadgets, electricians, refrigeration, air-conditioning, water engineering and plumbing. So, simple courses are being run wherein the term of it mostly one year. In one course, it is six months. On completion, they are being provided the certificates/degrees.

So, Training and Skill Development Department basically is doing rehabilitation programme; and they are giving focus on the rescued child labour also.”

16.22 The Committee were further informed regarding other Schemes of Skill Development under Delhi Government as under:

“The Technical Education Community Outreach Scheme is also there, and training is being provided to under privileged sections through NGO partners. Special Skill Development Training Programme is also being conducted under the said scheme for rehabilitation of child labour through our partner NGOs. This is being run by Training and Technical Education Department.”

16.23 The representative of the GNCTD admitted before the Committee suggested few points for improvising rehabilitation and mainstreaming of the child labour as under:

“...the rehabilitation package which is going on since 1996 may be revised, and the State Government will take the steps ahead. As regards all types of other welfare schemes, we are also trying to extend the benefits to the family members of the rescued child to ensure that they are economically sound and the child never gets back to labour. So, we are doing the needful. Further, the rehabilitation aspect of the rescued children is being strictly monitored. Whatever directions would be given to us, we will follow them in letter and spirit. We are having inter-State coordination in a focussed manner so that we get to know about the children who are going to different States.”

OBSERVATIONS/RECOMMENDATIONS

16.24 The Committee are pleased to note that various programmes/ initiatives are being taken by the Government of National Capital Territory of Delhi (GNCTD) in order to search, identify, rescue, rehabilitation and restoration of child/adolescent labour in Delhi. The Committee are impressed to note that even though Delhi Police is not directly under the Delhi Administration, still there is a very good coordination and cooperation between the Administration and Police Department in NCT of Delhi. For better implementation of Child & Adolescent Labour (Prohibition and Regulation) Act, 1986, Delhi Government has constituted District Task Force (DTF) specially for rescuing the child labour from their employers. It consists of Joint Labour Commissioner/Deputy Labour Commissioner as the Member Secretary. Other Members are from Department of Women and Child Development, Municipal Corporation of Delhi (MCD), Department of Education, Department of Health, Child Welfare Committee (CWC), New Delhi Municipal Corporation (NDMC), Delhi Police, Department of Labour and NGOs etc. This Task Force convenes its meeting on monthly basis under the chairmanship of the District Magistrate to review the action taken by the Stakeholders based on the information received from the Civic Society, NGO, Print Media, any citizen and other sources for eliminating the Child Labour from all the sectors where it is prohibited. The Committee find that from 2017 to 2021, 197 rescue operations have been undertaken and total 2,743 children/adolescent labour were rescued by the Task Force. Taking into cognizance multi-level efforts by various Governmental and Non-Governmental agencies, the Committee are not satisfied with the total number of the rescued children/adolescent labour during the said period of five years. As Delhi is the centre point where workers from surrounding States such as Uttar Pradesh, Bihar, Madhya Pradesh, Jharkhand, West Bengal, etc. migrate to Delhi for better employment and livelihood opportunities with their children and there are a considerable number of children can be found as child labour which are

out of school also. The Committee, therefore, advise the GNCTD to ascertain the gaps in their implementation and improvise it. The Committee recommend that the task force under the Chairmanship of District Magistrate should act as a fulcrum in this endeavour and effectively guide and monitor the coordination and cooperation activities between the different State Departments and Police for better implementation of this Act. For this a State Action Plan can be chalked out in consultation with all the concerned Departments of the UT.

16.25 The Committee note that the number of child labour in Delhi has gone down from 2001 Census to 2011 Census by 38 percent. The reason for this lowering down of child labour cases is attributed to shifting of a large number of industries outside Delhi on the intervention of the Supreme Court. As a large chunk of child labour primarily works in unauthorized industries in various parts of Delhi, the shifting of industries is the main reason behind lowering down of the cases of child labour in Delhi. The Committee are disappointed to find that the child labour has really not gone down but as a result of shifting of a large number industries outside Delhi their figure has come down by 38 percent. The Committee, therefore, recommend to chalk out a robust mechanism to ascertain the actual number of children employed illegally in these industries which should include those industries also which have shifted outside Delhi NCR.

16.26 Under the rehabilitation measures carried out by the GNCTD a sum of Rs. 20,000 is required to be deposited by the defaulting employer in accordance with Hon'ble Supreme Court judgment in MC Mehta Vs. State of Tamil Nadu Case which was way back in 1996. The Committee observe that more than 25 years have passed since this judgment and the penal amount remains the same. The Committee, therefore, recommend the GNCTD to explore the possibility to revise the rates of this penal amount in consultation with the Ministry of Labour & Employment and raise it to such a level in

proportion with the current Consumer Price Index (CPI) where it could be considered as a constraint.

16.27 The Committee find that during the process of rescue and rehabilitation of child labour, the gap between the process of rescue and rehabilitation of the child labour in some cases, is upto the extent that the child returns to the same condition from where he was rescued. The process of prosecution which involves registration of the cases, charge sheeting and imposition of fine on the defaulting employers takes long time during which the child/adolescent has to wait and suffer. The Committee are of the considered opinion that the cases which involve child/adolescent labour should be transferred to Fast Track Courts so that the judgment can be expedited and the rehabilitation of the child/ adolescent takes place without much delay. The Committee further desire that a time limit should be fixed for prosecution of child labour cases so the child does not have to wait for his compensation money and his further rehabilitation process. The Committee also advise the GNCTD to explore the possibility of setting up of 'Child Help Desk' in Police Stations in Delhi on lines of 'Women Help Desk' which are already existing in the Police Stations.

16.28 The Committee find that there are a considerable number of Placement Agencies in NCR Delhi which are responsible for bringing children/adolescents from the States of Bihar, Jharkhand, Uttar Pradesh, West Bengal and the North Eastern States who are in search of employment opportunities and better life. These children are neither registered in their Home States from where they come nor they are registered with any Government platform/Agency after reaching NCT of Delhi. These children often go unnoticed by the Government agencies involved in identification and rescue of child labour. The Committee, therefore, urge the GNCTD to formulate proper guidelines for the procedural requirements of these Placement Agencies. Proper registration of these placement agencies with the Government should be made imperative. Proper coordination with the State Governments

should be made from where workers are brought in order to register them with their home State Governments as well with the destination States. Penal provisions should also be there in the guidelines where Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 is not followed.

16.29 The Committee note that once the child is restored with his parents and leaves the home State with his parents, there is a possibility of his return to the destination State within a year or two with his parents in search of better employment opportunities. The Committee, therefore, urge the GNCTD to put in place robust coordination and conversion mechanism with the other State Governments from where the migration of workers originate. The Committee suggest that a blockchain system on a digital platform should be developed to bring all the stakeholders into that blockchain so that all the agencies concerned whether within Delhi or outside, can update their inputs on a periodic basis. There should be a nodal officer appointed by the State Government to head and monitor this digital platform. This would enable all the Stakeholders to know the position of the child at the identification level as well as rescue/ rehabilitation level.

16.30 The Committee note that Rs. 20,000 have to be paid by the employer who is illegitimately engaging children/adolescent in child labour. The Committee appreciate the effort of the Delhi Government for taking meaningful steps for the rehabilitation of the rescued children. In addition to these Rs. 20,000 a sum of Rs. 2,000 is provided to the rescued child per month if the child is rehabilitated in Delhi NCR. If the child returns to his home State then a sum of Rs. 5,000 in addition to Rs. 20,000 is provided to the child. This is a unique feature and the Committee commend this initiative of the GNCTD for better rehabilitation opportunities of the rescued child. The Committee are of the considered opinion that such initiative of extra compensation

amount can be considered by other States also as an effective mechanism to bring a child into the mainstream.

CHAPTER – SEVENTEEN

STATE GOVERNMENT OF MADHYA PRADESH

17.1 The Committee were informed about the steps being taken by the Madhya Pradesh Government for the eradication of child labour. In this regard the State Government submitted as follows:

“Madhya Pradesh Labour Department has made Madhya Pradesh Rules, 2020 keeping in mind the effective enforcement of Child and Adolescent Labour (Abolition and Regulation) Act, 1986 and the amended Act of 2016. Under Rule 17(c), the duties and responsibilities of the District Magistrate have been mentioned for the identification, release and rehabilitation of child and adolescent labour as well as enforcement of the Act. Further, Keeping in mind the eradication and rehabilitation of child labour, District Task Force has been constituted under the chairmanship of Collector in all the 52 Districts. Meetings of District Task Force are being organized regularly. In March-April 2022, meeting of the District Task Force was organized in 42 Districts under the chairmanship of the Collector. The State Labour Commissioner has appointed one Labour Inspector in each District of the State as Nodal Officer for implementation of decisions taken by District Task Force.

Keeping in mind identification, eradication and rehabilitation of child and adolescent labour, Divisional/District level workshops were organized in Indore, Bhopal, Shahdol, Mandsaur and Ashok Nagar. Also, a public awareness campaign was launched in all the Districts of the State, in which rallies were taken out in all the District headquarters with posters and banners. Child and Adolescent Rehabilitation Fund has been constituted in all the Districts of the State. The amount of penalty recovered from the employers, is deposited in the fund.”

17.2 The Committee were also informed that the National Child Labour Project was operating in 9 Districts of the State namely Rewa, Katni, Shajapur, Damoh, Badwani, Gwalior, Mandsaur, Rajgarh, Ujjain and Jabalpur and presently the project has been closed in all Districts except Shajapur, in accordance with decision taken by Ministry of Labour.

17.3 The State Government also submitted information about the enrolled children and mainstream children studying in special training centers under the National Child Labour Project in the last 03 years is as follows and the same has been uploaded in the PENCIL Portal :

Years	No. of Special Training Centers for children	No. of children studying	Number of Mainstream Children through studying the project
2018-19	245	21484	42357
2019-20	190	10873	5568
2020-21	168	5810	1940

17.4 The details of the enforcement done under the Child and Adolescent Labour Act are posted on the PENCIL Portal by the District Nodal Officers. The action taken by the District Nodal Officers is being regularly monitored by the Child Labour Cell constituted in the Labour Commissioner's office and by the Principal Secretary at Government Level. Further, there is also a State Level Nodal Officer.

17.5 The State Government has also informed the Committee that at the State level, a Child Labour Cell has been constituted in the Labour Commissioner's Office. The Cell monitors the work of the District Offices for child labour eradication. The Labour Department is hopeful that in the coming five years, the evil practice of child labour will be eradicated from Madhya Pradesh. The State Government has also opined that, as per the data of NGOs and Child Line, child labour and bonded labour are interlinked in the State and to end child labour there is a need to remove bonded labour also from the State.

17.6 Further in this connection, the State Government has submitted that they propose to introduce a Comprehensive Action Plan which aims to rescue, rehabilitate or handover of children afflicted by child labour and child trafficking as well as to prosecute the offenders. The Action Plan also intends to have intra and inter State coordination of the Departments concerned. The objectives under the Plan include empowerment of the families of affected children to prevent relapse of child labour, enrollment of children in school, skill training programmes alongwith employment/ entrepreneurship for empowerment of rescued adolescents and reduction of insecurity of the families through National Rural Livelihood Mission and other social security schemes. The Comprehensive Action Plan is to be introduced in 16 Districts of the State and would be considered for other Districts later. The target under the Plan is to rehabilitate 15,000 child labourers 1000 bonded labourers by July, 2025.

17.7 When asked about the cooperation with NGOs and other stakeholders regarding eradication of Child Labour and creation of awareness for the same, the representative of the State Government deposed as under:

"We have had partnerships with NGO workers. We have organised various workshops and seminars in coordination with NGOs and other stakeholders, including education department, industries, commerce, trade unions, and others.

Awareness generation programme has been launched time and again in order to ensure that everyone comes to know the various provisions under the Child Labour Act. Rallies have been organised in towns. Posters and banners have also been displayed for everyone to become aware of this issue.

We recently celebrated the World Day against Child Labour System on 12th June. As per the instructions of NCPCR, a massive campaign was conducted from 12th to 20th June, 2022 across the State in all Districts by organising seminars, workshops and rallies, more so, in Bhopal, Indore, and other divisional headquarters. During the campaign we found 09

child/adolescent labourers, 34 child/adolescent labourers in Indore District.”

17.8 As regards children in street situation the representative of the State Government deposed as under:

‘This year, in addition to the regular inspections which are being carried out across the States, we also have had a survey of street children which has been done by the Ministry of Women and Child Development and close to 1438 street children were identified during the last three months and out of which, about 161 were child labourers. These children have now become students in the schools. Now, the cases have also been registered against the employers.’

17.9 The Committee were also informed about the details of the inspections carried out in the State. The data pertaining to the same was submitted as under:

Year	Inspections	No. of children & adolescent labourers released	Prosecution cases filed
2019-20	2392	501	118
2020-21	847	10878163	157
2021-22	829	581055	80
2022-23	505	57	12 (in the rest of the cases, Prosecution/recovery proceedings against the employers are being initiated)

17.10 When asked about the steps taken to ensure education of children under the Samgra Shiksha Abhiyan (SSA) the State Government submitted as under:

“I will just add to what is happening with regard to the Samagra Shiksha Abhiyan. In Madhya Pradesh, each family has a Samagra ID which is a unique identification number and every child in that family has that identification number and we use that identification number to track down the children whether they have been admitted in school or not; whether they are coming regularly to school or not; and whether they have dropped out or not. So, we have an App which has been developed by NIC and we use this App to track every single child. Based on that, we identify out-of-school children and then, we bring them back to school and also mainstream them. During COVID and the lockdown which happened after that, about 2,06,417 migrant families came back and they got themselves registered on a portal which was meant for migrant labour and out of that, 82,387 children from such families were admitted in schools. Others who were above 15 years of

age could not be admitted. We admitted children below 14 years of age. We also have an application for tracking attendance of children. We call it the Hazari App. So, we use that App to track the attendance.

In 2022-23, we have got approval from the Government of India for special training centres and migrant and seasonal hostels for approximately 6000 children. In Madhya Pradesh, we have sixty-six boys' hostels and a total of 324 girls' hostels and 408 Kasturba Gandhi Balika Vidyalaya Hostels as well.

We bring out of school children to the residential centres where we can actually take care of these children better and then, we mainstream them. We are not, as yet, monitoring child labour separately. We monitor out-of-school children but now that the NCLP has been transferred to us, we will also be monitoring that as a separate category.”

OBSERVATIONS/RECOMMENDATIONS

17.11 The Committee acclaim the fact that apart from the District Task Force (DTF) being constituted under the chairmanship of the District Collector in all 52 Districts of the State, the Labour Commissioner appoints a Labour Inspector in each of the Districts as Nodal Officer to implement the decisions of the DTF. Moreover, a Nodal Officer has been appointed at the State level for coordination with the Districts. The Committee are of the considered opinion that the District Nodal Officers can effectively coordinate with local stakeholders, identify and address child labour hotspots, and ensure that enforcement actions are carried out efficiently. The stakeholders should *inter-alia* include the Local Self Government Institutions, NGOs and other similarly placed civil society organisations who operate at the cutting edge level. The Committee consider the role of District Nodal Officers to be crucial in the effectiveness of the fight against child labour. They are that part of the State machinery which could project the grass root level reality before the decision/policy makers at the District/State level to aid them in calibrating the policy initiatives/directives accordingly. In view of this, the Committee want the State Government to equip the Nodal Officers at the District Level with enough resources to carry out such responsibilities. The Committee expect that the District Nodal Officers would also invariably act as the agency to provide credible primary data and other feedback

to the DTF. While coordinating the work of the District Nodal Officers, the Committee perceive that the State level Nodal Officer can facilitate the exchange of the best practices, identify emerging trends, and ensure that resources are allocated optimally to address child labour issues across the State.

17.12 In this regard the Committee reckon that regular/periodic meetings of the District Task Force is necessary to ensure that the stakeholders have a forum to discuss and coordinate strategies for preventing, rehabilitating, and enforcing child labour laws. Moreover, the action by the District Nodal Officers also hinge upon the directives of the DTF. It is also important to conduct periodic evaluation/review of the DTF mechanism and Nodal Officers' roles to assess their effectiveness and identify areas in need of improvement. For this, aggregation of data regarding all aspects of child labour in digital format in a web based platform enabling sharing of actionable data between all stakeholders is a precursor. Accordingly, the Committee recommend that the State Government should consider enhancing use of technology including ICT in the working of the DTFs and Nodal Officers to augment data collection, analysis and monitoring. To further supplement the data assemblage, the Committee desire that surveys of the kind undertaken to identify Out of School Children in the State be conducted to identify child labourers. The Committee want the State Government to take specific steps in this direction on priority so as to sustain and amplify the current efforts .

17.13 The Committee note that a Child Labour Cell has been constituted in the Madhya Pradesh Labour Commissioner's office and the action taken by the District Labour Officers is being regularly monitored by the Child Labour Cell and by Principal Secretary at Government level. The Committee praise the step of creating a Child Labour Cell and expect that it will enable centralized monitoring of the action taken by the District Labour Officers and help to ensure that all

Districts are taking effective and regular action to eradicate child labour, and that enforcement efforts are not limited to sporadic drives during special occasions. The involvement of the Principal Secretary at the State Government level should ensure the accountability and effectiveness of the Child Labour Cell as the said supervision would enable expedited work negating the red tape. The Committee suggest that the Cell may be further strengthened by optimising the number of officials and also by providing more funds and the status of State Level Coordination agency for convergence of the action of all Departments of the State in addition to the DTFs and Nodal Officers engaged in the action to eradicate Child Labour. The Cell's staff should be provided with regular training on the Child and Adolescent Labour Act, on the latest trends and practices in child labour eradication, data analysis and interpretation, etc and in all other necessary fields. There also has to be dedicated technical support for the Cell.

17.14 The Committee note that the number of inspections being carried out has drastically fallen from 2393 in 2019-20 to 505 in 2022-23. The State Government has not provided any reasons for the same but perhaps the decline was on account of the restrictions imposed during the Covid pandemic. Even so, the small number of inspection in 2022-23 are a cause for concern. In the opinion of the Committee, increased and periodic inspections are necessary to convey the intent of the Government to employers that child labour will not be tolerated. The Committee urge the State Government to identify tangible reasons for this decline in inspections so that the steps can be taken to address the same. The Committee, being particularly concerned about the relatively smaller number of inspections carried out in 2022-23, want the State Government to take immediate steps to increase the number of inspections and to ensure that the Act is effectively enforced. The Principal Secretary looking after the Child Labour Cell should ensure compliance in this regard and ensure that status report on this regard is timely received.

17.15 The Committee find that the State Government has prepared a State Action Plan for eradication and rehabilitation of Child Labour. In this regard the Committee suggest that the State Government should also develop a comprehensive Child Protection policy. A comprehensive child protection policy should provide a guiding framework for all institutions and officials who work with children to prevent and respond to child abuse, trafficking, exploitation, and neglect. The policy should include clear definitions of child abuse, exploitation, and neglect, as well as procedures for reporting and investigating allegations of child abuse. It should also outline the roles and responsibilities of different stakeholders such as Local Self Government Institutions, schools, hostels, ashram schools, CCIs, SJPU, and NGO-run homes, etc in protecting children. The policy should mandate regular training for all functionaries who deal with children directly. It should envisage and promote awareness-raising campaigns among children and the community to prevent child abuse and encourage reporting through appropriate incentives/rewards and other similar means. Moreover, the policy should establish mechanisms for monitoring its implementation and evaluating its effectiveness.

17.16 The Committee cognise from the submission of the State Government that they propose to introduce a Comprehensive Action Plan which aims to rescue, rehabilitate or handover of children afflicted by child labour and child trafficking as well as to prosecute the offenders. The Action Plan also intends to have intra and inter State coordination of the Departments concerned. The objectives under the Plan include empowerment of the families of affected children to prevent relapse of child labour, enrollment of children in school, skill training programmes along with employment/entrepreneurship for empowerment of rescued adolescents and reduction of insecurity of the families through National Rural Livelihood Mission and other social

security and schemes. The Comprehensive Action Plan is to be introduced in 16 Districts of the State and would be considered for other Districts later. The target under the Plan is to rehabilitate 15,000 child labourers 1000 bonded labourers by July, 2025. The Committee are pleased to note that, through the said Action Plan, the State Government has *inter-alia* realized the pressing need for inter-State coordination to effectively stamp out child labour from the country. In this connection, the Committee desire that the State Government should consider entering into MoUs with other States where children/migrant population from Madhya Pradesh are present in substantial numbers. Mutually agreed parameters can be drawn up to facilitate and quicken the release and rehabilitation of trafficked children and those compelled into child labour. Further, the Committee also note that the proposed Comprehensive Action Plan recognises the need to address the root causes of child labour like impoverishment of the family. The committee observe that this is the right line of thought as without the family of the child labourer being provided a sustainable livelihood and the rehabilitated children/adolescents being offered a path to secure future, child labour cannot be ended. Here, the Committee feel that it would be equally important that adolescents above 15 years of age, who could not be covered under SSA, are also assisted through the Action Plan by imparting them with the requisite skill sets and vocational faculties so that the rehabilitation efforts are sustained to the last stretch of handholding. The Committee hence recommend that the State Government should implement the Comprehensive Action Plan keeping all this in its ambit and on the basis of its initial results/feedback, continuously improve and tailor the same according to the emerging needs of the State. Here, the Committee feel that it would be important that adolescents above 15 years of age are also assisted through imparting them with the requisite skill sets and vocational faculties so that the rehabilitation efforts are sustained to the last stretch of handholding.

CHAPTER - EIGHTEEN

STATE GOVERNMENT OF ASSAM

Introduction

18.1 The Committee were apprised by the State Government about the measures taken by the State Government to prohibit, track and rehabilitate Child labour in accordance with the Child and adolescent Labour (Prohibition & Regulation) Act, 1986, Roles and responsibilities of the District Magistrate and operation of Special Training Centres by the District Project Societies under National Child Labour Project.

18.2 The Committee were informed that a Standard Operating Procedure (SOP) has been issued by the State Labour Welfare Department on 7th May 2021 to streamline procedures to tackle child labour with the following objectives as under:

- Development of effective action plan from the village to the national level for prevention of Child Labour and Adolescent Labour.
- Creation of mechanism for identification, rescue and rehabilitation of Child & Adolescent Labour along with other members of the task force.
- Creation of mechanism for regulation of adolescents working in non-hazardous occupations and processes.
- Ensuring coordinated and convergent action along with standardization of roles and responsibilities pertaining to stakeholders through clear definition of such roles and responsibilities.

18.3 Further, in pursuance of the SOP issued by the Government of India in 2017, various authorities in the State have been alerted, district task force and various departments have been involved, and nodal officers have been appointed.

18.4 The Committee were also informed that the Commissionerate of Labour, Assam under the Labour Welfare Department has released an amount of Rs. 2.00 lakh to all District Magistrates of Assam for creation of a Child Labour Rehabilitation Fund. As per information received at this end, all Districts have created the same at their level.

18.5 The State Government apprised the Committee that during the last financial year during April 2021 to March 2022, as per the figures furnished by the State Child Protection Society, about 437 children were rescued, 424 children were restored to their families and only 13 were referred to Child Care Institutions (CCIs) after the Child Welfare Committee (CWC) gave their views. Over the past few years, we have noticed that most of the children have been restored to their families. Neither CCIs have taken that many children nor they have been referred to CCIs.

18.6 On being asked about the measures taken for development of education, particularly in tribal areas of the State, the Chief Secretary of

Assam deposed as under:-

“There was a mention about experience about education in tribal areas. For the last 3-4 years at least, we have had two rounds of Gunotsav, which is actually the method that has been applied in Gujarat of making assessment of schools. Very recently, we had one round of Gunotsav and I have myself been to some schools where there are tribals studying in large numbers. The main problem is two things. One issue is of language. There is a problem in their own language, which is not very well developed. So, complex / complicated things cannot be taught very well. After a certain point, they also switch over to English medium. Many of these tribal schools do not have the main State language used there. So, they go to English medium and flounder as they are unable to cope with it. They may be able to read, but they do not understand the meaning of words. This has been my experience, especially in tribal areas. I have been to a Garo village and it is English medium in Classes 9 & 10, but their knowledge of English was rather sketchy and they did not know much of the local language as well, what to speak of any other languages. So, that was a problem there.”

18.7 Concerning the rationalisation of educational infrastructure the representative of the State Government, during oral evidence, deposed as follows:-

“There is also a problem of rationalisation of schools. There are many schools where I have seen having as many as 100 students or more but just one teacher, and there are schools where there are 40 students and five teachers. So, for some historical reason or some legacy issue the number of teachers is much more than the required number for a class of 30 students. So, the State Government has taken up a plan to rationalise the schools and that exercise is being done. It is going to be done in a wholesale manner. This thing is going to be implemented very seriously in the next 2-3 months. The Cabinet has already discussed this, and this is one thing that we are going to do.”

18.8 With regard to the participation of NGOs and other social organisations in the welfare activities related to children and women the Chief Secretary of Assam, during oral evidence, stated as follows:

“There was a mention about NGOs – the number of active NGOs. Bachpan Bachao and Child Line are almost ubiquitous in the State. Besides that, there are some very good local NGOs in respect of trafficking women and child labour.”

18.9 Asked about the rehabilitation of the rescued children and the institutions available for the same, the Official of the State Government, deposed as under:

“Nine of them are government-run; five are observation homes, and four are government-run CCIs. There are about 1800–1900 children in these

CCIs, which are registered as per the JJ Act, 2015. Guwahati High Court is trying to sort of popularise; all experts feel it is very important that there should be adequate emphasis on alternative care”.

18.10 Further, the Official of the State Government during the course of evidence also made the following observations concerning the rehabilitation of children particularly on the emphasis on alternative care:

“All experts feel it is very important that there should be adequate emphasis on alternative care because children who go to CCIs do not ultimately do very well, but children who actually grow in family surroundings are much better off. This is seen in a number of cases. I myself have been to SOS, and my own experience of working in the Social Welfare Department in the past; I have been to many CCIs, where I found out there is tracking of what happens to the children once they attain the age of 18, because they then disappear and melt into society. I find that most of them end up in beauty parlours, hotels, and places like that. There are no success stories to mention there. That is where we need to do something about it. We have to collect the list of success stories; CCIs should know where exactly these children have finally gone to. This is the lacuna. I personally am very committed to this idea; we need to track these children after they leave the CCIs. This I find in organisations like SOS. Their record is also not complete; they will tell you one or three children who have gone abroad, to the US or Spain, but what about the rest? Usually, the children who are in touch with the house father or mother for a while, with whom they get along and get engaged for years, but after a while, even those tenuous connections get disconnected. We need some kind of popular support for alternative care and also for care after care, that is, care after 18 years in the long run”.

18.11 On the mechanism put in place to locate school dropouts and to ensure inclusive and equitable quality education at all levels of school education, the State Government submitted that the Department of School Education conducts survey every year and enroll the children who dropped out of school in a school nearest to their habitation. To ensure inclusive quality education, the dropouts are imparted education through residential bridge course and made them fit for admission in a class they deserve.

18.12 With regard to the enrolment and retention of children in schools and measures to check school drop-outs, the State Government deposed as under:-

“As for what steps are taken to prevent dropouts, my personal experience has been that over the years, the enrolment figures have gone up. Primarily, it is not because of sensitisation, it is happening, in my opinion, due to midday meals. Most of the children who come from poor backgrounds, those whose father is a marginal farmer or a daily wager, will have only one meal a day. They have some kind of flimsy meal in the morning, then they wait for the mid-day meal; and have their mid-day meal, and when they go back in the evening, they have their meals, which are properly provided for. Midday meals are a success story, which is why we are still attracting students to schools, especially in junior classes where the enrolment figure is very high.”

18.13 With regard to identification of hotspots in relation to child trafficking and Child Labour, the State Government, during oral evidence submitted as under:-

“When it comes to the hotspots, there are two regions. One is in immigrants’ areas, who had originally come from Bengal or Bangladesh. In those areas, there is a serious problem with child labour because they move out. Children are also employed in the fields. The other area is the tribal areas of Assam, where people get into trafficking. Many young and teenage children are lured into trafficking, and they may even end up in places like Mumbai or Delhi.”

18.14 The Committee were apprised of the various Special Training Centres by District Project Societies under the National Child Labour Project as under:

“In Kamrup metro district, 35 Special Training Centres (NCLP Schools) were functioning covering FY 2019-20, and 40 Special Training Centres were functioning covering 2020-21, 2021-22. However, in the year 2019-20, 41 nos. of STCs were sanctioned by Ministry of Labour & Employment, Government of India. The total number of beneficiaries (Enrollment) in 2019-20, 2020-21 and 2021-22 were stated to be 1601, 1228 and 1265 respectively.

In Nagaon district, 93 Special Training Centres (NCLP Schools) were functioning covering FY 2021, 2021-22 & 2022-23 as per approval of Ministry of Labour & Employment, Government of India and the total number of beneficiaries (Enrollment) are stated to be 2768.”

OBSERVATIONS/RECOMMENDATIONS

18.15 The Committee note and appreciate that the Commissionerate of Labour, Assam under the Labour Welfare Department has released an amount of Rs. 2 lakh to all District Magistrates of Assam for creation of a Child Labour Rehabilitation Fund and that all the Districts have created the same at their level. In the view of the Committee, such support would enable the districts to supplement existing schemes, expand rehabilitation programmes and strengthen enforcement mechanisms to combat child labour more effectively. The Committee desire that the Labour Welfare Department should devise a mechanism for the timely monitoring and periodic review of the expenditure from the fund to ensure the effective utilization of the fund. Feedback must also be sought from the District magistrates in the near future to ascertain whether Rs. 2 Lakh is sufficient for the purpose rehabilitation of the children and if found

necessary, a proposal for upward revision may be favourably considered so that no effort on the part of the DM with respect to rehabilitation of children is derailed due to paucity of funds.

18.16 The Committee observe that, with regard to the education of tribal children, during the two rounds of 'gunotsav', which is a method for assessment of schools, one of the problems faced by them is the language of instruction in the tribal schools. As per the Ministry, the tribal languages are not developed enough for teaching of complex concepts as a result. Further, many of the tribal schools do not have the main State language used at these schools due to which, when students move to instruction in the English language in higher classes, they face difficulty in understanding leading to a negative impact on their learning outcomes. Recognizing the important role played by the language used in classrooms in influencing the learning outcomes of children, particularly at the elementary level, the Committee emphasize the use of mother tongue as medium of instruction as much as possible in line with the RTE Act. At the same time, the Committee also take cognizance of the challenges reported by the State Government to focus on a Multilingual Education Programme under which State languages, including English, are introduced at early stages to mainstream the tribal children in state-wide education system. **The Committee thus recommend that equal emphasis is required on the development of suitable curriculum, texts and capacity enhancement of teachers to ensure that retention of children in schools and that they are duly equipped to pursue higher education.**

18.17 The Committee observe that there has been a discrepancy in the number of teachers *viz a viz* students in several schools across the State. The Committee find that the State Government has undertaken an exercise to rationalize the number of teachers at the earliest in various schools so as to ensure an adequate teacher-student ratio. **In the considered opinion of the Committee, an inadequate**

teacher student ratio leads to overburdening of a small group of teachers and also adversely impacts the quality of education imparted. The Committee urge the State Government to expedite the exercise and ensure that there are sufficient number of teachers in every School in the State particularly in tribal areas.

18.18 The views of the Committee are aligned with the submission of the State Government with regard to the fact that rescued children who are rehabilitated in family surroundings are much better off and their chances of relapsing as child labour are lower than those children who stay at Child Care Institutions (CCIs). The State Government submitted that during April 2021 to March 2022, as per the figures furnished by the State Child Protection Society, about 437 children were rescued, out of which 424 children were restored to their families and only 13 were referred to Child Care Institutions (CCIs) after the Child Welfare Committee (CWC) gave their views. The Committee find that despite most of the children having been restored to their families observe that CCIs continue to remain the primary choice for most children without parental care or orphans. The Committee affirm that a family environment, one where children experience love, happiness and understanding is essential for their harmonious development and are pleased to note that CCIs are only being used a 'a measure of last resort' after due consideration by Child Welfare Committees. The shift towards de-institutionalisation is a step in the right direction and aligns with the mandate of the alternative family based Child care.

Further, the Committee find that childcare institutions in India cater for children up to 18 years old and the sudden withdrawal of support at 18 years leaves these young people, face heightened challenges and at times, adverse outcomes on leaving CCIs. The Committee are of the view that since present Aftercare services are insufficient, most of them are ill-prepared for transition from CCIs to

independent living, and thus again fall into the vicious cycle of vulnerability, homelessness, unemployment, poverty and exploitation. Thus, there is a need to explore initiatives for alternative care and transition gradually towards achieving a safe and nurturing family environment for children in vulnerable situations.

18.19 The Committee appreciate the steps taken by the Department of School Education which as per the submission of the State Government conducts survey every year and enroll the children who dropped out of school in a school nearest to their habitation so as to ensure inclusive and equitable quality education. In the aftermath of Covid-19, it is likely that number of out of school children has significantly increased owing to the economic woes brought about by the pandemic. In this regard, the Committee is pleased to note the steps taken by the State Government whereby education was imparted to drop-outs through residential bridge course in order to make them fit for admission in a class they deserve. Commending the steps taken by the State Government, the Committee further urge the State to take necessary steps to ensure the survey to ascertain drop-outs be taken up periodically so that commensurate steps can be taken for their rehabilitation and mainstream them under the ambit of education. At the same time, the adolescents who are rescued should be linked to a skill development programme run by the Government for economically empowering them.

18.20 The Committee are pleased to find that as per the submission of the State Government, the enrolment figures in schools especially in junior classes are high owing to successful intervention in the form of mid-day meals that is augmenting attendance of children and bringing out of school children back to school thereby enabling higher retention in schools. The Committee were given to understand that mid-day Meal scheme has reduced the burden of the parents for providing one time meal to their children and is great support to the

families especially those from low socio-economic status. In view of its tangible benefits, the Committee urge upon the State Government to conduct continuous inspections and periodically review the mid-day meal programme since the effective management of any programme depends on the its monitoring mechanism. Further, in the view of the Committee, the State Government may consider providing breakfast also in order to attract more children into the fold of education especially in areas of high incidence of child labour and to incentivize the children who have dropped out of school. The Committee further reckon that the mid-day meal scheme, typically covers Children between the age group 6-14. In this regard, the Committee feel that inclusion of students of classes IX and X will incentivize the children who are out of school and desire that necessary steps be taken towards extending the benefits of the scheme. The Committee wish to be apprised of developments in this regard.

18.21 The Committee are concerned to note that two major hotspots have emerged where incidence of child labour and child trafficking is prevalent. As per the submission of the State Government, two regions *viz*, immigrants area who had come from Bengal and Bangladesh where children are employed in fields among others while the other hotspot concerns the tribal areas of Assam where vulnerable children are lured into trafficking. The Committee affirm that child trafficking and engagement of these Children in labour are invariably linked. Moreover, children trafficked under the promise of work are vulnerable to being further exploited in other worse forms including sexual exploitation and beggary. The Committee urge the State Government to consider formulating a State specific plan to deal with Child trafficking integrating all concerned Departments of the State. Further, the Committee stress the need for the State Government to institute a specialized task force for this endeavour in order to coordinate the efforts of all departments under the Plan as well as periodically review the framework in the wake of

combating Child labour. The Committee also desire that anti-human trafficking units be set up in all districts in line with decision of Ministry of Home Affairs and made functional at the earliest in order to check incidence of human trafficking especially child trafficking. The Committee feel special attention need to be paid in districts situated in these hotspots viz, Inter-State border with West Bengal and the International border with Bangladesh where the incidence of child trafficking and child labour is maximum. Since, poverty and illiteracy are the root causes for child labour, it is incumbent on the State Government to take proactive interventionist steps to supplement Educational Rehabilitation of the children with economic rehabilitation of their families especially in the tribal areas of Assam to offset the economic compulsions of engaging children in labour. In so far as issues related to repatriation of children who are victims of international cross border trafficking is concerned, the Committee are of the view that a mechanism be devised with the Central Government to put in place for smooth repatriation of such children.

CHAPTER - NINETEEN

STATE GOVERNMENT OF MAHARASHTRA

19.1 The State Government of Maharashtra informed the Committee the following about the steps being taken for eradication of child labour practice:

- A) “For creating awareness among the various stake holders, the Government of Maharashtra has taken following preventive steps:
- 1) Government of Maharashtra has made budgetary provision of Rs. 1 crore for advertisement in print and social media to create social awareness in the society.
 - 2) On the eve of children's day, i.e., 14th November, various awareness meetings are conducted with employers’ associations, hotel owners’ associations, Grocery owners’ associations, etc. in the State of Maharashtra
 - 3) With the help of NGO's /NCLP rallies are organised against the Child Labour practice in each district in the month of June with respect to Anti Child Labour day.
 - 4) Also during anti-child labour drive in the month of June, the messages regarding anti-child labour practice of film celebrities are displayed digitally on social media and also advertised at the prominent places in the markets and crowded places for bringing the awareness in common people.
- B) At District level, monthly meetings are conducted by the Task Force for actions such as survey etc. to prevent child labour.”

19.2 The measures taken by the State Government for identification of Child Labour were informed to be as under:

- 1) “Through National Child Labour Project for identification of the child labourers, surveys are conducted in the NCLP District under the Chairmanship of the District Collector.
- 2) With the help of NGO's, identification of child labourers are being done in each District.
- 3) "1098"-the toll-Free telephone number for making a complaint or to extend help to the children is activated in each District through which complaints of engaging child labourers are received and immediately actions to rescue children are taken.
- 4) PENCIL Portal is also an Online platform for getting information of child labour from common people.
- 5) Task Force -To identify and rescue the child labourers from the employers and to rehabilitate such children was a big task before the Government of Maharashtra. The Labour Department could not rescue and rehabilitate children solely and hence the Government of Maharashtra decided to create a Task Force for convergence of all the concerned Departments like Police, Women and Child Welfare, Labour, Education, Public Health, Revenue as well as NGOs. This Task Force has been constituted in each District under the

chairmanship of the District Magistrate as per Government resolutions dated 25.04.2006 and 02.03.2009. As a result, since 2016, a total of 1439 raids were conducted and 1052 child labourers were rescued. During these operations, 398 FIR's were lodged against the defaulted employers.”

19.3 On being asked about the major steps taken for the eradication of child labour the representative of the state Government submitted as under:

“The four major steps that the Government takes on a regular basis for prevention of child labour, namely we have made budgetary provisions for advertisements in print and social media to create social awareness; we have the awareness meetings in and around the Children’s Day organised with the help of NGOs and NCLP where we take care in each and every District that the child labour practices are not allowed to be followed and active interventions are taken to spread this awareness of prevention of child labour. The child labour drive is constantly taken up in Maharashtra on sporadic basis and periodically because there are certain seasons when child labour tends to spike. Basically, the work at brick kilns starts after the rainy season and agricultural operations in specific areas are in full swing those are the times when the incidents seem to spark. These are the times when active intervention at the District-level is taken for prevention of child labour. We have also defined identification. In 2009, we have taken out a complete SoP and a GR whereby the District Collector and the Committee formed under him is proactively involved in identification as well as tracking of prevention of any child labour, identification of areas where its possibility exists, and finally to rescue these children if such complaint is brought to our notice through the NGOs or the local civil bodies.”

19.4 As regards the procedure for handling situations of children in distress or engaged in child labour, the Committee were informed as under:

“In 2009, we have taken out a complete SoP and a GR whereby the District Collector and the Committee formed under her/him is proactively involved in identification as well as tracking of prevention of any child labour, identification of areas where its possibility exists, and finally to rescue these children if such complaint is brought to our notice through the NGOs or the local civil bodies.”

19.5 In respect of the action taken by the Department of School Education the following was submitted to the Committee :

“As far as the education department is concerned, we have set a target that no child should be left out so far as education is concerned. For this we have made many provisions. The major provision made in this regard is the Right to Education Act, which guarantees that every child gets education up to the eighth standard and every child be brought under mainstream education. A lot of work has been done in this regard in Maharashtra, the best part of it is that some people have been appointed as Baal Rakshak who do voluntary work. It was started in the year 2017. 2600 Baal Rakshak volunteers were appointed. At that time the number of out-of-school children in Maharashtra was 44698 which has now come down to 9306. A lot of work has been done on this. The initiative of Baal Rakshak is showing very good results.

When we go into the reasons behind the drop out, we find that there are two or three major reasons for this. Perhaps they face the problem of livelihood in their family and for this reason they have to migrate from their original place to another place. Then they face some difficulty in admission in schools because that their children do not belong to those areas. For this, we have prepared a scheme that we will give them a passport like cards so that wherever their children seek admission in schools, admissions are given to them in the standards according to the age of their children. This is bearing good results. There were 44, 600 children who were among out of school children during the year 2018-19. Out of these 42,000 i.e. 95 percent children have been brought back. During the year 2019-20 a survey of 35,000 children was conducted, out of these 33, 800 children have been admitted to schools. During the year 2020-21 26,000 children were found, out of these 25,712 were admitted to the schools. During the year 2021-22 out of 23,522 children 100 percent were admitted to schools. The survey of the year 2022-23 puts the figure of out of school children at 9306, out of these 8770 have been admitted to schools and admission of the remaining ones is in the process".

19.6 The Committee were informed about the action taken by the State government to deal with the specific problems in terms of the situation in the urban areas of Maharashtra as mentioned below :

"Sir, I would like to add that, 53 percent population of Maharashtra is urban and Maharashtra has the highest urban population in the country. Thus the major problem of child labour prevailing in the state is that of abandoned children wherein either the children from different districts flee from home and come to cities like Mumbai, Pune, Nasik in trains, or in certain cases, the children from slum areas, due to their family reasons do not wish to continue living with their step parents under the same roof . Such children are often found on roads or at railway stations. We launched a pilot project in collaboration with Tata Institute of Social Sciences which was totally funded by B.M.C. We have tried to identify such children who are found on Mumbai roads or are found working in small roadside eateries or small hotels in Mumbai. We identified such children got them admitted to BMC schools so that their breakfast, mid-day- meal and lunch could be taken care of.

Besides, we have established 16 night shelters at the expense of B.M.C. These night shelters are exclusively for those children, who did not have adult supervision anywhere. We have established these 16 night shelters on experimental basis, where these children can stay safe from 6 pm to 6 am. They are served meals there and also given a hygienic environment. Mumbai has made a successful effort in its urban areas. And now we are trying to move forward with the project through urban local bodies in the urban areas of Mumbai especially in big cities like Pune, Nagpur, Aurangabad etc. having high concentration of slums. The Department of Labour and the team under the collector play a major role in the identification of these children, wherever they are working, since their identification takes place through them and they are declared child labour through the revenue department".

19.7 The State Government further Submitted that the Labour Department of Maharashtra with the vision of preventing the children doing labour with their parents working in the construction field/brick-kiln, promoted various educational, promotional monetary welfare schemes so that the parents should send their children to mainstream of education. It has also been informed in this regard that every Police Station has made compulsory to form a Juvenile Aid Police Unit for rescue and repatriation of street children and children working in vulnerable conditions.

OBSERVATIONS/RECOMMENDATIONS

19.8 The Committee welcome the efforts of the State Government to create awareness about the need for prevention of child labour. Further, the State Government, realising that it was a big task for the Labour Department alone to identify and rescue the child labourers from the employers and to rehabilitate such children, has constituted Task Forces in every District of the State. The Committee note that the Task Force converges the anti-child labour actions of all the Departments concerned like Police, Women and Child Welfare, Labour, Education, Public Health, Revenue as well as NGOs. As a result, since 2016, a total of 1439 raids were conducted and 1052 child labourers were rescued. During these operations, 398 FIR's were lodged against the defaulted employers. In the opinion of the Committee, while the formation of a multi-departmental Task Force and its district-level implementation are positive steps, the data presented about inspections and number of rescued labourers suggests that more needs to be done to identify and rescue child labourers. The Committee find in this regard that frequency of the awareness campaigns and the meetings of the Task Force is far from the desired measure. The awareness push is not supposed to be an affair happening on special occasions like Children's Day and Labour Day, it has to be a continuous and persistent affair. Further, the Committee perceive the current periodicity of only monthly meetings of the Task Force, awfully inadequate. The Committee are of the firm opinion that the Task Force should also comprise of a component like a flying squad, to effect random raids to

detect and expose deviant employers and to unfetter the incarcerated children. Accordingly, the Committee recommend that the State Government should immediately ramp up the activities of the Task Force to augment their ambit and make them the cutting edge of the action of the State against child labour. It is strongly felt that the awareness campaigns also need to be a more prolific affair. Child labour is a multifarious social evil that needs to be tackled commensurately. The Committee want the State Government to take all steps required to tackle it effectively.

Further, the State Government should analyse the data pertaining to the raids and identify the measure needed to increase effectiveness of raids and penal action. Steps should also be taken to target specific sectors with high child labour prevalence for increased inspections and surveillance. Technology solutions such as data management platforms and mobile apps can be implemented to enhance communication, coordination, and data analysis among the Task Force of districts. The Government can also consider establishing an independent oversight committee composed of experts possessing various expertise, including child rights activists, legal professionals, and representatives of civil society organizations, to monitor the Task Force's activities and provide recommendations for improvement.

19.9 **The Committee note that the Education Department of the State Government is taking proactive measures to ensure complete enrolment of children in the schooling system as a way to counter child labour. In this regard, volunteer workers called 'Bal Rakshaks' have been appointed. Starting in 2017, 2600 Bal Rakshaks have been appointed. According to the State Government, at the start of the initiative in 2017, the number of out of school children reported was 44,698 which has now come down to 9306. The Committee appreciate and congratulate the State Government for this achievement and feel that every child in school is one less on the streets. Thus, appointing 2600 "Bal Rakshak" volunteers shows the commitment to community**

engagement and tackling the issue at the grassroots level. The initiative of the State Government can be strengthened by providing Bal Rakshaks additional resources in terms of financial incentives, awards, and recognition programs to acknowledge their contributions and motivate them. Bal Rakshaks should also be trained and encouraged to gather comprehensive and dependable data regarding out of school children that will help the Government improve their strategy against child labour. Other employees of the State Government than teachers can also be tasked with the important profile of being Bal Rakshaks. The State Government should further encourage collaboration with community leaders and local authorities to enhance community awareness, address local challenges, and build trust and support for the Bal Rakshaks program. The committee are of the firm opinion that the possible role of the Local Self Government Institutions cannot be discounted here. The success of the Bal Rakshak initiative shows that involving the community through volunteer programs like the Bal Rakshaks increases the programme's reach and effectiveness. The Committee feel that this initiative can be replicated in other States but needs careful consideration of the specific cultural, socio-economic conditions of the State to tailor the program to address local needs and challenges.

19.10 The Committee find that Maharashtra is the State with the largest population residing in the urban areas. In this regard, according to the State Government, the biggest problem with respect to child labour that the authorities face is the case of abandoned children. These children end up working on the streets, on railway stations and in small shops. The Committee are relieved to note that the Government has run a pilot Project in partnership with Tata Institute of Social Sciences and BMC (Brihanmumbai Municipal Corporation (BMC) for identification and mainstreaming of these children in schools. Moreover, in order to address the issue of urban child labour, BMC has also opened 16 night shelters exclusively for

children. In the considered opinion of the Committee, Child labour in urban areas is a complex challenge that requires a multipronged approach to address its root causes and protect children from exploitation. The Committee reckon that there is an emergent need to review and analyse the effectiveness of the projects to identify and mainstream abandoned children and address any shortcomings. The State Government should replicate such initiatives in other Municipal Corporations of the State. Moreover, in mega cities like Mumbai, slums present a staunch challenge in tackling child labour because they have numerous informal and unregulated/illegal workplaces, such as small workshops, street vendors. These workplaces often escape the oversight of the authorities and are thus more prone to employing children due to weak superintendence and enforcement. The Committee want the State Government to immediately enhance child protection services specifically in these areas. Community engagement in such areas is also crucial for prevention of child labour with an effective system to secure information about delinquent employers. It's critical to ensure the confidentiality of the informants as well as to reward them. The success of such projects can be communicated to MoLE so that they can be adequately replicated in other cities across the country with adaptations required as per the local settings.

19.11 The Committee appreciate that the State Government is promoting various educational and monetary welfare schemes so that the parents working in the construction field send their children to school. Efforts are being taken with the vision of preventing the children from engaging in labour with the parents at the construction fields/ brick-kilns. The State Government has also made it mandatory that every Police Station should form a Juvenile Aid Police Unit for the rescue and repatriation of children in street situations and those working in vulnerable conditions. A lot of sensitisation of the Police personnel may also be needed in this connection. The Committee urge the State Government to take measures to ensure that

these Juvenile Aid Police Units are well-trained and sensitised for tackling child labour and protecting vulnerable children. The Community should be informed about the functioning of these Units. Raising awareness about Juvenile Aid Police Units (JAPUs) is crucial for promoting their effectiveness and encouraging community participation in combating child labour. As regards children working with their parents in construction sites and brick kilns, the Committee recommend that employers should be held accountable for violating child labour laws, including imposing stricter penalties and revoking business licenses.

19.12 The Committee further observe that the large urban infrastructure in Maharashtra creates a situation where there are a large number of migrant labourers from different parts of the country particularly from states such as Bihar, Jharkhand and West Bengal. Migrant families face challenges with living arrangements such that most families live in informal settlements where children may be left unsupervised, making them more vulnerable to exploitation and child labour. Children from migrant families are particularly vulnerable to exploitation and child labour because of various factors including poverty and lack of education. The Committee firmly recommend that the State Government should establish coordination mechanism between various Government departments, including Labour, Housing, Education, Healthcare, and Social Welfare, to ensure comprehensive support for migrant families. The State Government should also consider signing Memoranda of Understanding (MoUs) with the State Governments from where the largest number of migrants originate with the aim to share data about the movement and location of these migrant workers. MoUs can facilitate joint enforcement efforts to combat child labour and exploitation of migrant workers. The MoUs should focus on sharing of information on the rescue of child labourers, their origin, and family details and facilitating the safe and swift repatriation of child labourers to their families or appropriate

care institutions. Provisions must also be made for providing support to the families of repatriated child labourers for their reintegration and rehabilitation alongwith clear demarcation of the roles to be essayed by the respective State machineries.

CHAPTER - TWENTY

STATE GOVERNMENT OF RAJASTHAN

20.1 As part of the oral deposition before the Committee, the State Government of Rajasthan submitted as follows:

“The policy framework has three points. As for legal action, penal provision has been made in the Act to prohibit the engagement of child labour. These legal provisions provide for preventive action against families forcing child labour. The third point is taking action under the NCLP activity which was started on project mode. The action for effectively controlling child labour is beginning in Rajasthan under these three points.

Rules have been published under the amended Act in 2019. The role of every agency has been specified therein. A task force headed by the District Collector was constituted. The Superintendent of Police and officers of the Department of Child Empowerment, Department of Social Justice and Empowerment, Department of Medical and Healthcare, Department of Labour have been made its members. The Child Protection Committee was vested with first class magisterial powers in the Child Empowerment Department. They are authorised to enter any premises, conduct a survey, and rescue children. The task force has been assigned the duty to organise mainstream sittings and take feedback after rescuing children by conducting raids from time to time and bring them in the mainstream education and take action against the families.

There are two issues connected with it. The original residents of Rajasthan, their children work in other states, like they work in the Bt garden of Gujarat. Action has been taken in this regard. There is legal provision in the Act for children of Rajasthan engaged as child labour under which raids are conducted by the police. The department of Labour takes action from time to time. Action is taken on the basis of information received and also on the feedback under the complaint system.

Complaints of children engaged in BT garden fields in Banswara, Udaipur etc. districts of southern Rajasthan adjoining Gujarat are received. We have set up 30 check posts in the border districts with the help of NGOs, civil society groups in this sector, and in collaboration with government departments from the year 2008. Police patrolling is also conducted during the seasonal period. So far, 87 children have been stopped from going there.

There is data of primarily four-five states such as Bihar, Jharkhand, Uttar Pradesh, West Bengal and Odisha from which child labour is engaged in Rajasthan. The children accompanying the labour in the brick kilns are found to be working as child labour. Child labour have been rescued from the carving industry, they were also from other states. These children were entrusted to their families after rescue operations conducted in coordination with the Child Protection Committee of the district. These activities are quite regular. Chief Secretary, Government of Rajasthan has also written a letter to the Chief Secretaries of the concerned states and the correspondence is continuing. The possibility of these children coming in trains from far flung states is high whereas they mostly travel by road from the neighbouring states. The Railways was sensitised in this regard. The activity that follows their rescue is entrusting them to their parents. FIR is also registered under the provision of the Act for engaging child labour.

In case of trafficking, legal action is taken under the provisions. I am glad to make the submission before the committee that there are two cases in which life sentence was awarded in 2019 and 14 years of life sentence was awarded in another. The sentence was awarded considering it as a case of child trafficking. There are various agencies and also Railway Police to create awareness about child trafficking. There is a need to make separate provisions on child trafficking that can also help check the menace."

20.2 Further, regarding the role, responsibilities and accountability of the District Magistrates it was *inter-alia* submitted to the Committee that:

"In order to implement the provisions of the District Magistrate under Section-17(a) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, under the Rajasthan Child Labour (Prohibition and Regulation) Rules-1996, the amended rules-2018 of the State, the responsibilities of the District Magistrate have been laid down in Rule 20(c). As per the rule, Task Force should be created to meet at regular intervals, conduct raids and for rescue operations for identification of child labourers, etc. Provision has been made to undertake rehabilitation work to free child labourers under Juvenile Justice Act, Bonded Labour System (Abolition) Act, Bonded Labour Rehabilitation Sector Scheme and through child labour projects. In this sequence, instructions have been given to hold regular meetings of Child Labour Task Force in each District under the chairmanship of District Magistrate. For effective implementation of the above mentioned act and rules and eradication of child labour, the Standard operating Procedure was issued by Rajasthan Government on 12.10.2021 wherein the work to be done has been fixed for various departments, i.e., the Police Department (Anti-Human Trafficking Unit), Labour Department, Child Empowerment Department, Education Department, Medical and Health Department, District Administration and District/Block/Village Level Child Protection Unit."

20.3 The details of the prosecution proceedings against the released child labourers and employers in the State of Rajasthan in the last three years were informed to be as follows:-

Year	Released Child Labour	Total Cases Registered FIR	Challans Presented	Punishment to Accused Persons
2019	1651	801	769	126
2020	1803	726	704	90
2021	1291	648	597	18

20.4 In the direction of identification of schools for drop out children from education, the State Government has made the following provision:-

"Under the Act and Rules, a provision has been made to inform the Labour Office of the District concerned in relation to the absent children for more than 30 days. In relation to such absent children, information about being engaged in child labour is collected and if a child is found doing child labour, then an

attempt is made to make them free from child labour and connect them to the main stream of education.”

20.5 The State Government furnished the data on efforts made for eradication of child labour as follows:-

“Details of the action taken in the "intensive campaign" conducted against child labour in the State :

Duration	No. of Survey/Inspection	No. of Promissory Notes in which no child labour may engage from establishment(s)
Month June,2020 to March, 2021	8258	7550
Month April to June 2021	2085	1990
Month July	1302	1309
On 14.06.2021	978	957
From 20.12.2021 to 31 12.2021	3167	3762

OBSERVATIONS/RECOMMENDATIONS

20.6 The Committee note that in Rajasthan, children from other States are mainly trafficked from the States of Bihar, Jharkhand, Uttar Pradesh, West Bengal and Odisha. According to the Human Trafficking Cell of the State Government, these children are mostly found engaged as labour in Dhabas, Small Workshops, Auto Repair Shops and also in hazardous settings such as brick kilns which puts their health and safety at great risk. According to the State Government, these children when rescued are released in coordination with the Child Protection Committee of the District concerned and handed over to the family. In this regard a letter has been written from the Chief Secretary, Rajasthan Government to the Chief Secretaries of the State Governments concerned. Since children from far away States are more likely to come by train, the Railways officials have been sensitized in this regard. The Committee appreciate the work of the State Government towards establishing coordination mechanisms with other State Governments and stress that Inter-State coordination is crucial for effectively combating trafficking and ensuring the safe return of children to their families. The State Government should organise

regular meetings and workshops between officials from different States to share the best practices and update information on trafficking routes and hotspots. There is also a need to foster collaboration between State Governments and NGOs working on child protection to leverage their expertise and resources. In this regard, the Committee are of the considered opinion that an MoU between the Rajasthan Government and other States can help establish an institutional mechanism for addressing the issue of child trafficking and child labour. The MoU can clearly define the responsibilities of each State Government in terms of their rescue and post rescue roles. It should also provide for establishing dedicated teams, sharing of relevant data and information on child labour cases and trafficking patterns and standardized procedures for rescue and rehabilitation of trafficked children.

20.7 As submitted by the State Government, there is also cross border movement of children between Gujarat and Rajasthan for the work of cultivation of BT Cotton. The Government has established Check Posts at these borders to curb such movement. The Committee feel that in such a scenario where the issue/problem has already been identified, there is a need for targeted interventions. Other such areas also require identification and by implementing targeted interventions alongside existing measures like border control, the Government can take a more comprehensive approach to address the issue of child labour in BT cotton cultivation and ensure the protection of vulnerable children. Engaging directly with communities and other stakeholders can incubate trust and increase cooperation in tackling the issue. In this regard, the Committee are of the firm belief that the Panchayats can play a vital role by mobilizing community members to take action against child labour and trafficking and monitoring agricultural practices, and reporting suspected cases to authorities.

20.8 The Committee observe that the number of child labourers released in Rajasthan has decreased from 1651 in 2019 to 1291 in 2020. There is also a decrease in the total number of cases registered and number of challans presented from 801 and 769 in 2019 to 648 and 597 in 2021, respectively. At the same time, the Committee are concerned to note the significant drop in the figures pertaining to punishment to the accused person where the number has decreased from 126 in 2019 to 18 in 2020. The Committee want the Government to investigate whether this decline is on account of a real drop in the incidence of child labour or whether this suggests that while efforts are being made to rescue child labourers, the enforcement of laws against child labour and prosecution of offenders might not be as effective. Further, there is also the possibility of the authorities not having enough resources or manpower to effectively investigate and prosecute child labour cases or there could be corruption within the enforcement agencies. The Committee thus urge the Government to scrupulously investigate the reasons for the decline in these numbers. Data from different sources, such as Government agencies, NGOs, and research institutions must be compared to gain a comprehensive understanding of the situation. The State must also identify any gaps or weaknesses in the existing framework that may be contributing to the decline. The Committee stress upon the critical need for a robust monitoring mechanism for effectively combating child labour. The involvement of high-level officials in monitoring child labour is crucial since they can facilitate coordination and collaboration between different Government departments and it also helps in building trust and confidence among stakeholders, including victims, communities, and civil society organizations.

20.9 The Committee find that, with regard to identification of out of school children, according to the State Government, provision has been made to inform the Labour Office of the District concerned in case any child is being absent for more than 30 days. In relation to

such absent children, information about being engaged in child labour is collected and if the child is found doing child labour, then an attempt is made to make them free from child labour and connect them to the main stream of education. In the considered opinion of the Committee the current mechanism of informing the Labour Office about children absent from school is a good starting point in prevention of child labour and it is justifiable that children who are not in school and lack access to education are more vulnerable to exploitation. By identifying out-of-school children and addressing child labour, the mechanism can also help in stopping child trafficking. But there is a need to take further measures to strengthen the mechanism. The primary goal should be to ensure accurate and complete data collection on student attendance and reasons for absence. The role of teachers is of paramount importance, particularly in rural areas, and the Committee appreciate the fact that teachers participate in the survey for out of school children in the State of Rajasthan. In this regard, there is also a need to implement a digital and easy to access system for sharing data between education, labour, and social welfare departments to identify children at risk of child labour. In case of child trafficking, education and labour department officials need a mechanism to escalate the matter to the relevant law enforcement agencies. The Government should also partner with NGOs and other organisations to organize bridge courses and remedial classes to help out-of-school children bridge the gap in their knowledge and skills and reintegrate into the mainstream education system.

20.10 With regard to the conviction in cases related to child trafficking, the State Government have informed that in the year 2019, there were two cases where the punishment awarded was exemplary. In one of the cases, the sentence of life imprisonment was awarded and in the other, a sentence of 14 years. The Committee acknowledge the Government's action but emphasizes the need for deeper analysis to consider the overall trends in convictions and punishments for child

trafficking in the State. The State Government need to prepare measures to strengthen the enforcement and legal framework in this regard. The Committee recognise the difficulty in prosecution of cases where it is required to bring people from other States to court. It can be addressed through greater coordination between the States. All States need to agree to exchange information with each other and to bring accused persons to court. There should be effective coordination between law enforcement agencies, social welfare departments, and other relevant stakeholders across the States. If there is a technological solution for the same, then it can be achieved in a shorter period of time. The Committee also feel that there is an urgent need to create an institutional mechanism to address this legal challenge and it should be taken note of by the State and Central Governments. One of the solutions could be the establishment of fast track court(s) for dealing with all child related cases such as child trafficking and child Labour. According to the State Government, the creation of the fast track court is the mandate of the Law Department and the High Court and such proposal for the same is under active consideration by the Government. The Committee recommend that a concrete timeline needs to be established for generating the administrative proposal for setting up the fast track court(s) and the Government should ensure requisite allocation of resources for the same.

CHAPTER - TWENTY ONE

STATE GOVERNMENT OF KERALA

INTRODUCTION

21.1 The State Government of Kerala informed the Committee that Child and adolescent Labour (Prohibition & Regulation) Act, 1986 has been implemented in the State by the Labour Department and action is in final stage to notify the Kerala Child Labour (Prohibition and Regulation) Amendment Rules, 2022 in accordance with the Child Labour (Prohibition and Regulation) Amendment Rules, 2017. With regard to National Child Labour Project scheme, it was submitted that the scheme is implemented in 21 states across the country and the State of Kerala is not included under the scheme. The Committee were further informed that every year, June 12 is being observed as the day against Child Labour and various awareness programmes are being conducted as part of that day to create awareness among the public and various stakeholders *viz*, schools, Trade Unions, industrial institutions and employers etc.

Institutional Infrastructure to Tackle Child Labour

21.2 During their oral deposition, the Officials of the State Govt highlighted the institutional infrastructure in place to strengthen their response against Child labour as under:

“The Child and adolescent Labour Prohibition and Regulation Act of 1986 has been implemented in the State by the Labour Department of Kerala to eliminate and prevent unfair child labour practice. An Enforcement Wing under the Labour Commissioner has been conducting regular inspections and the provisions of various labour Acts and rules including Child and Adolescent labour (Prohibition and Regulation) Act are being implemented. In every district, we have got a Task Force with the District Collector as the Chairperson and the District Labour Officers as members. Child Labour Welfare Society has been constituted in all 14 districts under the chairmanship of the District Collectors for the rehabilitation of the child labourers. It also reviews all activities *viz*, repatriation, rehabilitation and education relating to child labour.”

21.3 The Committee then enquired about the number of Children identified and rescued by the State Govt. In response, the officials of the State Government furnished the data for the previous three years as under:

S. No.	Details	No. of Children
1	Total Rescue	622
2	Child labour	79
3	Child begging	42
4	Street Children	66
5	Abandoned children	7
6	Child marriage	5
7	Trafficking	4
8	POCSO	33
9	Other children with various difficulties	386

Schemes Undertaken to Rehabilitate Child Labour

21.4 On the schemes currently operational by the State Government for child protection, the officials of the State Government submitted that the following were being implemented through the Integrated Child Development Scheme (ICDS) under the Department of Women and Child Development, as under:

“(i) Sanadhabalyam

The State Government has initiated Foster care programme from the year 2015 onwards towards de-institutionalization of children.

(ii) Kinship foster care/ Vacation Foster care

It is an arrangement for full time care by relatives such as grandparents, uncles, aunts, or others who are not a child's parent but have a family relationship with the child. This project is intended for providing financial assistance to the aforesaid relatives of the children, thereby making a situation that the child can live with the relatives and thus reducing the institutionalization. Further, under vacation foster care, Children living in children's homes are placed for spending their vacation in families selected by the District Child Protection Officers after enquiry.

(iii) Vijnanadeepthi:

A sponsorship scheme to overcome the insufficiency of funds under the Central Sponsorship Scheme. Under the Scheme, the State is making all efforts to retain children in their own homes. Rs, 2000/- per month is disbursed per child and 828 children are benefited under the scheme. This scheme is initiated in addition to the scheme operated through the financial assistance extended by Government of India.

(iv) Our Responsibility to Children (ORC):

Our Responsibility to Children (ORC) is a problem-oriented, solution focused partnership initiative of Integrated Child protection Scheme (ICPS) to identify and address deviancies and other vulnerabilities of children. ORC facilitates the integration of such children to the mainstream. through Enhancing Life skills, nurturing strengths, addressing vulnerabilities, and promoting mentoring and good parenting. It also implements the School Protections Group Program (SPG) to ensure safety of children and curb tendency for juvenile delinquency as well as to protect children from becoming victims of illegal activities, by constructing an invisible wall of protection around every schools. The purpose of the initiative *inter-alia* are for Identification and management of behavioral, emotional, learning, social and mental health issues of children in a scientific manner, conducive to our settings, build capacity of teachers and parents to better deal with the problems of children to ensure care and protection of, at risk children, Ensure mentoring to children with behavioral and emotional issues especially those coming from disadvantaged social setting, Impart life skills to children , those who face various psycho-social challenges, create an invisible wall of protection around school to ensure care and protection of children especially when they spend their time around the vicinity of

the school, demonstrate a problem oriented, solution focused partnership initiative across India.

(v) Community based Rehabilitation of Children (KAVAL):

KAVAL is an Innovative Program implemented by Government of Kerala through the Department of Women and Child Development with technical support from Dept. of Psychiatric Social Work, NIMHANS, Bengaluru. A systematic and structured methodology is developed in the State to support Children in Conflict with Law there by reducing the potential danger of being labelled and isolated from society. This reduces the chances of the child being absorbed to antisocial gangs and causing potential harm to society. Identifying children at high risk at a young age and supporting them by providing holistic care through psychosocial intervention would help children to keep away from unlawful activities. A multidisciplinary inter-sectoral approach through psychosocial intervention is needed to ensure holistic care and support for children. KAVAL is a community based approach to reach out to children in bail and providing psychosocial interventions through trained social work professionals in NGOs by entering to a working partnership with them.

(vi) Saranabalyam

The Government of Kerala has made a sustained effort to address exploitation of children but serious challenges remain and we have a long way to go if these lost childhoods are to be restored and children given the safeguards they are entitled to get. In Kerala, the children engaged in child labor and begging are mostly out of states. To meet this challenge, the Kerala Government, has begun the initiation of "Saranabalyam" Project, a project to ensure that state is free from child labor, child begging, trafficking, and children in street situation. The project is organized to provide emergency services for such children at risk. Six rescue officers have been appointed under this project in four pilot districts (Kollam, Pathanamthitta, Alappuzha and Kottayam). In 2018, the project has been extended to 10 other districts(to be updated) to develop clear and consistent procedure to identify, rescue, protect, and rehabilitate/repatriate children as well as initiate investigation and prosecution against the offenders.

(vii) Sponsorship Programme

For better coordination and monitoring adoption programme in Districts, State Government restructured District Level Adoption Committee including Child Welfare Committee Chairman (Chairman of the Committee), District Child Protection Officer, District Women and Child Development officer, Government Medical Practitioner, representative of Specialised Adoption Agency (SAA) etc. Adoption is the best possible option for rehabilitating orphaned, abandoned, surrendered children. As per the Government order, Home study report of the prospective adoptive parents should be conducted by a three member team lead by the District Child Protection Officer.

(viii) Community based rehabilitation & re-integration of CNCP children through psycho-social approach (KAVAL Plus)

Community Based Rehabilitation and Reintegration of Children in Need of Care and Protection through Psycho-Social approach is an innovative programme implemented by the State Government to support children in need of care and protection. There is a need to support these children through community based supportive programs to reduce entering into conflict with law as well as ensuring mainstreaming to build up their potential and lead a purposeful life without the baggage of any sort of violence against them. Identifying children at high risk at a young age and supporting them by providing holistic care through psycho social intervention would help children to keep away from unlawful activities.

(ix) Youth leaving care, Services and Challenges

Need based financial assistance is being given for continuing education to the children who leave Child Care Institutions. The State Government is planning to prepare an aftercare programme for children who have to leave Child Care Institutions on attaining eighteen years of age by providing education, skill education and placement as well as providing them places for stay to facilitate their reintegration in to the mainstream of society. Skill assessment was conducted with the help of Hindustan Latex Family Planning Promotion Trust (HLFPPT) for selected children above 16 years from Government Child Care Institution who are weaker in formal education process and were given training in the concerned area.”

Child Care Institutions

21.5 On being asked to furnish the data regarding the number of functional Child care Institutions in the State and the modalities in place to monitor their functioning, the officials of the State Govt submitted as under:

“817 Child Care Institution in the State have been registered under Juvenile Justice Act, 2015 and around 25,484 children were residing in those homes. But as on October, 2022, there are only 404 CCI’s and 5381 children. Further, with the help of UNICEF, the Women and Child Development Department has designed a website for Child Care Institutions to report the details of children on being admitted. Details thus collected can be used as database and the same can be used for monitoring the CCIs also. In the first stage, Trainers Training was conducted for all protection officers (IC) and Data Analyst in all District Child Protection Unit in the state. Further training of the CCIs are being planned.”

Rehabilitative Measures for Street Children

21.6 The Committee were informed that the Kerala state policy for the rehabilitation of street children is currently in its final stages of development, and steps are being taken to put it into effect as quickly as possible.

Rehabilitative Initiatives for Children of Migrant Labours

21.7 Observing that the minimum wages in Kerala were much more than the Central wages, the Committee enquired the reasons for families to engage their children as labour force despite the higher wages. In response, the representatives of the State Government responded as under:

“As regards migrant labours who enjoy much better wages as compared to the rest of the country, many of them have brought their families here, and some of them have settled down in Kerala. But a small proportion of those children have gone into labour. We are trying to bring them to the school mainstream. We have been successful to a great degree but we were trying for 100 per cent enrolment of the migrant children in schools....it is basically to supplement the income of their parents. Some are going for this earning job. We have been able to persuade them to come to schools, which we are finding very much successful. They are engaged in plywood sector, industrial establishments, and casual jobs. The Education department and the Labour department together have been trying to identify them and bring back to schools.”

21.8 In this regard, the officials of the State Government submitted that ‘Roshni’ project was launched for extending education to children of migrant children under which they were assisted to overcome language and cultural barriers and identify their strength and weakness while retaining their own language and culture in order to create a better society

21.9 The representatives of the State Government further highlighted the major milestones under the 'Roshni' scheme as under:

“Roshni Project is an Innovative Educational Project initiated by the District Administration and funded by BPCL, Kochi. Phase I of the Project was launched in October 2017 and covered 110 students from four schools in the district. During Phase II for the academic year 2018-2019, the project ran in 20 schools, both aided and government, across the district among 620 migrant students majorly from Nepal, Lakshadweep and states like West Bengal, Tamil Nadu, Orissa, UP, Bihar, Karnataka and Assam. In Phase III, Roshni was up scaled to 38 schools covering 1,235 students. Utilizing the service of Education Volunteers, these multilingual and multi-graded students are given an extra class of about One hour that begins with a nutritious breakfast every morning before the regular classes. The thematic, activity-oriented, multi-graded, modules designed for the program have been proven effective in improving the academic standards of the students. Five years back, the majority of the school-going migrant children were not regular in classes and many dropped out in the middle of the academic year. An impact study conducted among the migrant children has proved that the Roshini project was successful in reducing the drop-out rate, and developing the educational standard of these children. School dropouts across 20 schools reduced by nearly half (49%) to 65 in 2018-2019, when compared to 2017-2018 as per the data given by schools.”

21.10 The Committee were further apprised that under the ‘Roshni’ project, the linguistic barrier is overcome by adopting discourse oriented pedagogy,

whereby language exists not as discrete sounds, words and sentences but as connected speech and that is the only way to acquire language

“At present, the Roshni project is in its 5th phase having 40 schools with around 1050 students, and would be implemented from November 2021 to March 2022 (to be updated), mainly due to the crisis that emerged from post Covid situations and the delay in submission of the proposal to BPCL, Kochi. The activities of the project are being carried out by 27 trained educational volunteers and they are using a unique strategy of Code-Switching which is already identified as an effective tool for multi-lingual learning.”

21.11 Elaborating on the challenges faced in continuing the Scheme, during Covid and its aftermath, the Committee were informed as under:

“The pandemic created many troubles in the way of the ‘Roshni’ Project also but despite the massive exodus of migrants to their home state, most of the families of Roshni students prefer to stay back/ came back here mostly for the sake of education.

After the Covid period, there has been a new issue which has come in. Many families have migrated and many children are unable to continue their studies. Basically, child labour as is prevalent is being focussed upon migrant children as such. These children were brought to schools as much as possible and they went back to their respective States in the aftermath of Covid. Now, Samagra Siksha Kerala has evolved possible schemes to trace and collect details of the students to the block resource centres. 2258 children who come under this category were identified and provided with a bridge course so that the gap which has been created as a result of the Covid pandemic is addressed to a great degree.”

21.12 The officials of the State Government further stated the major highlights under Phase 6 of the Roshni Project, as under:

“(i) A comprehensive learner profile intended to track the student's movements from one place to another with the help of State Education Department using the portals "SahithamAnd Kite".

(ii) Theme based adaptive modules viz, Vocation Oriented Package for Migrant Children to identify and nurture the talents of migrant children through the vocation oriented package in tune with curriculum objectives.

(iii) A Health Awareness tracking system for migrant children for maintaining standard parameters of general health which includes periodical checkups and awareness programs. An updated Health Card may be generated for each student so as to monitor the changes in their health condition. As these targeted groups are the most vulnerable ones in the society, each step in this regard shall be monitored properly and ethically through committee with trusted professional.”

21.13 The Committee were further apprised that the State Government of Kerala acknowledged ‘Roshini’ Project as one of the best inclusive model and SCERT, Kerala is going to upscale into other districts in the year 2022-

2023. As a result of this project the migrant worker's children are able to involve with the mainstream education system in the present society. They will be able to speak, read and write Malayalam, the instructional language, and as second languages English, Hindi and their native tongue. "Roshini" was recognized as best pilot project and got prestigious SKOCH award and was short listed for Prime Minister's Award in innovation category, the only one from the state.

Measures to Tackle Drop-outs Among Children

21.14 On the data pertaining to number of children who had dropped out of school, the Committee were informed that the State Government have identified 2588 children in 2022-23 who had dropped out of school, were tracked and enrolled in schools and are currently given education.

21.15 The State Government apprised the Committee that District Child Protection Officers have been appointed as Nodal officers from Women and Child Development Department. Further, a Deputy Director of Education of each district has been appointed as nodal officers of respective districts to address the dropouts.

21.16 The Committee were apprised by the State Government that all efforts were being made by the State Govt to mainstream drop-outs by providing access to educational institutions and improve retention of students to address the incidence of dropouts from schools. Elaborating on the same, the representatives of State Government apprised as under:

“As per the Right to Education Act, 2011, the State provides primary schools within a walkable distance of every three kilometres and secondary schools within a distance of five kilometers almost in every area. Academic interventions are supplemented to keep the students in track. By understanding the challenges faced by the students, considering poverty and illiteracy as the root cause for child labour, education of the children is supplemented with mid-day meal, free uniform and free textbooks. Kerala has the distinction of having the lowest dropout rate among the Indian States today in terms of the primary and secondary education.

Further, school drop outs are also given training and identified in Special Training Centres (STC) run by Samagra Siksha. Right now, we have got 108 such centres across the State. The major activities include providing teaching, learning materials including reading cards for children of migrant labourers in languages like Bengali, Tamil, Assamese, etc. Tribal language handbook for teachers in ten tribal languages has also been developed. This is how we have been trying to deal with the question of dropouts of migrant labourers and child labour as well.”

21.17 Elaborating on a specific scheme initiated by the State to address the issue of drop-outs among Children hailing from remote Scheduled tribal settlements, the State Govt apprised the Committee as under:

“The 'Gothrasarathi Project' is intended to provide Transportation Facilities to children living in distant and remote Schedule Tribe settlements to schools. This is being implemented for those children studying in classes 1 to 10 of Government/ Aided schools from the year 2013-14. As per this scheme, the distance between the residence and school of a child studying at primary level should be more than 0.5 km and in the case of a high school student it should be more than 2 km. Considering the regional features of each place, Schools Heads have been given restrictive power to provide facilities pursuant to the objectives of the scheme subject to the sanctioning by the Project Officer/ Tribal Development Officer. The supervision of the scheme is entrusted to the concerned Tribal Extension Officers. Schedule Tribe Promoter/Committed Social Workers visit the schools and collect the attendance details of the Tribal students and make arrangements for bringing the students from the schools who do not attend the schools even though they have vehicle facility and this will be intimated to the Tribal Extension Officers. In the State 25,328 Tribal students of 563 schools in 150 Panchayats get the benefits of the scheme through 1068 vehicles. Thus, dropout in this regard is brought under control.”

Convergence/Collaborative Mechanism

21.18 When asked about the collaborative mechanism established with other States to check the incidence of the Child Labour, the State Government stated as under:

At present the State Labour Department has no collaborative mechanism with other State Governments regarding Child Labour. Moreover, Efforts are being taken to rehabilitate the other State children found in vulnerable situations either in the State owned Children's homes or they are sent to their own houses, if details are available, with the help of Police Departments and District Collectors of those States.

Inspections

21.19 Specifically asked by the Committee about the incidence of Children in Hotel/Restaurant sector in the State, the officials of the State Government informed that continuous inspections were being conducted in the Hotels and Restaurants by Department of Labour and others and it has been categorically stated that 'no Child have been engaged in the Hotel and Tourism sectors'

OBSERVATIONS/RECOMMENDATIONS:

21.20 The Committee note that the NCLP scheme is implemented in 21 States across the country and the State of Kerala is not included in the National Child Labour Project Scheme. The justification possibly is due to the low incidence of Child labour in the State. It has been further stated that action is in the final stage to notify the Kerala Child

Labour (Prohibition and Regulation) Amendment Rules, 2022 in accordance with the Child and adolescent Labour (Prohibition and Regulation) Amendment Rules, 2017 as notified by the Central Government. The Committee find that District task force and Child Welfare Societies under the Chairmanship of the District Collector have been set up in all districts to review all exercises relating to Child Labour. The Committee note that a total of 622 children were identified and rescued from the perils of child exploitation during the last three years by the State Enforcement wing under the Labour Commissioner. The Committee were given to understand that periodic inspections by the Enforcement wing have led to timely identification and rescue of children in the State leading to low prevalence of Child labour in the State. Appreciating the progress made by the State machinery in checking the prevalence of child labour, the Committee would like to lay emphasis on further strengthening of District Task Force and Child Welfare Societies through regular orientation/periodic review meetings and provision of adequate funds to bolster their effectiveness and help them work in a coordinated manner with other agencies for timely rescue and rehabilitation of child labour. At the same time, the Committee also feel that the District Collector already has a wide range of responsibilities and may be constrained to perform all designated duties effectively and urge that they be provided with the necessary support and resources by the State Government to do their job well. The Committee also desire that the State Government must contemplate carrying out wide consultations with other Non-Governmental stakeholders especially the Civil Society Organizations (CSOs) who may have the domain expertise on the subject of child labour to further supplement the existing robust institutional framework in order to comprehensively combat Child labour.

21.21 The Committee note that as per the submission made by the State Government, it has been mentioned that the children who are engaged in Child labour/ begging in the State can be traced from other

States. The Committee observe that, regardless of their place of origin, most of these children fall prey to poverty and subsequent exploitation. In order to tackle the challenge of identification, rescue and rehabilitation of such children, the Committee take note of the various rehabilitative initiatives/partnerships viz, Sanadhabalyam (Foster Care programme), Kinship/Vacation Foster Care, Vijnanadeepthi scheme, Our Responsibility to Children Scheme and KAVAL/KAVAL PLUS Community based projects for children in conflict with law, which are all at the forefront of the States efforts to mainstream vulnerable Children. The various outcomes achieved by these schemes *inter-alia* include monetary support to retain children in their own homes, curb tendencies for juvenile delinquency, build capacity of teachers and parents to ensure care and protection of at risk children, impart life skills, holistic care through psycho-social intervention, need based financial assistance for continuing education to children leaving Child care institutions, shift towards de-institutionalization etc. The Committee specifically commend the role of the State Government in initiating the 'Saranabalyam' project, which was launched to ensure that the State is free from the clutches of child labour, child begging, trafficking and children in street situations and provide emergency services for such Children at risk. Statedly, the project has been extended to 10 districts of the State and clear cut guidelines have been put in place to identify, rescue, repatriation as well as investigation and prosecution against the offenders prescribed under it. The Committee desire that efforts of the State Government be directed towards effective monitoring/ inspection protocols and implementation of these schemes in order to fully justify the idea behind these Community based rehabilitative partnership initiatives and bolster the anti-Child labour framework of the State Government. Further, under the Saranabalyam project, steps may be taken to integrate a child helpline for all child emergency cases so that emergency help can be provided to vulnerable children in distress condition. At the same time, the Committee emphasize on the need for

collection and analysis of data on the number of children benefitted from such schemes in order to streamline policy decisions and resource allocation and expand the ambit of such schemes if need be, to offer coverage to more beneficiaries.

21.22 The Committee note that out of 817 Child Care Institutions(CCI)s registered under Juvenile Justice Act, 2015 across the State , around 25,484 Children were residing in these homes, however, as of October 2022, only 404 CCI)s are operational and house 5381 children at these homes. The Committee find that this is indicative of a positive trend that the care of vulnerable children has been gradually transitioning from institutionalized care to community/family based care. Despite the shift towards de-institutionalisation, the Committee note that the CCI)s are a vital component of the Juvenile Justice System for providing rehabilitative care and protection to vulnerable Children. The Committee therefore urge the State Government to accord due importance to the infrastructural/residential facilities to ensure improvement in the condition of children residing in CCI)s/ Homes with respect to their continuous health assessment, regular check-ups, educational facilities based on the age and needs of the child etc. The Committee further desire that regular inspection audits of the CCI)s need to be carried out by the Child Welfare Committees for periodic monitoring and assessment of their performance. The Committee are of the opinion that every child has a right to grow up with his / her family and commend the efforts of the State Government towards restoration of institutionalized children with their family as a step in the right direction. The Committee, however caution the State Government on exercising due diligence in evaluating whether the risks faced by the child have been adequately resolved before taking a decision to de-institutionalise the child so as to offset any adverse outcomes for the child, contrary to the envisaged objective of restoration. Further, de-institutionalization of the child must be conditional to the provision of

financial support and if the follow-up indicates poor indicators, the child should be brought back to the Child Care institution.

The Committee were further informed that with the help of UNICEF, the Women and Child Development Department of the State Government has designed a portal for Child Care Institutions to function as a database on the details of children being admitted at CCIs and steps taken to impart training to the staff deployed in these institutions. The Committee feel that these steps will help in empowering the CCIs and bolster their capacity to deliver.

21.23 The Committee note that the Kerala State policy for the rehabilitation of street children is currently in its final stages of development and steps are being taken to put it into effect as quickly as possible. The Committee hope that the policy once implemented would aid in the effective identification, tracking, rescue and rehabilitation of children in street situations. Further, the Committee are of the opinion that necessary steps need to be put in place to explore the possibility of extending access to rehabilitative services as part of the policy by engaging private professionals and organizations who volunteer to extend help in the form of shelters, counselling services, medical services, sponsorships, de-addiction services, education services, legal/paralegal services, identification of street children hotspots or any other assistance that can be rendered to street children in need. Further, the Committee urge upon the State Government to analyse the factors/socio-economic compulsions for forcing children onto street situations and prepare an effective Standard Operating Procedure for Care and Protection of Children in Street Situations so as to wean them away from neglect, emotional abuse, sexual abuse, and exploitation.

21.24 The Committee appreciate the efforts made the State Government in providing higher wages for migrant workers in comparison to the rest of the country and find that to be one of the

significant reasons for rise in labour migration into the State. The Committee are of the opinion that in light of the economic woes brought about by the crisis caused by COVID-19, there is a strong possibility that a number of migrant children in the informal sector would have increased across all sectors in the State to supplement the income of their parents. The Committee were given to understand that several steps have been taken to mainstream these migrant children by the Education and Labour Departments of the State Government. In this regard, the attention of the Committee was drawn to 'Roshni' project that has been run by the State Government since 2017. As a result, children of migrant labours are mainstreamed under the Education system of the State through adaptive modules through a education cum vocation oriented curriculum by trained Volunteers. Under phase 1, 110 students from four schools were covered under the scheme. During the phase 2, the project ran in 20 schools and 620 migrant children from Nepal, Lakshwadeep, West Bengal, Tamil Nadu, Orissa, UP, Bihar, Karnataka and Assam have benefitted under the Scheme. The project was scaled up to 38 schools covering 1235 students in phase 3. Further, the Committee find that the thematic, activity oriented, multi-graded modules designed under the programme have proven effective in improving the academic standards of the students. The Committee note that the Project is currently in its 5th phase having 40 schools with 1050 students. While taking due cognizance of the challenges posed by the pandemic, the Committee are pleased to note that despite the pandemic induced lockdown and the massive exodus of migrants back to their home State, the fact that most families whose children were enrolled under the Scheme, preferred to stay back/come back for the sake of education is testimony to the popularity of this Scheme. Further, in the case of such Children who have gone back to their respective States and unable to continue their studies, the Committee appreciate to note that the Samagra Shiksha scheme has evolved schemes to trace and collect the details of 2258 such students and provided them with a

bridge course in order to compensate for the gap due to Covid. Further, attention of the Committee was drawn to the latest components under phase 6 of the Roshni project which include *inter-alia* formulation of a comprehensive learner profile to track the students movements from one place to another using the portal 'Sahitham and Kite', Vocation oriented package for migrant children and a tracking system for Health of children of migrant labours. The Committee appreciate that the efforts of the State Government under 'Roshni' project have been acknowledged as one of the best inclusive model and shortlisted for the Prime Ministers Award in innovation category. Further, the impact study/social audit conducted among migrant children revealed the significant decline in the drop-out rate and in raising the educational standard of these children. The Committee find that school dropouts across 20 schools reduced by nearly half (49 %) to 65 in 2018-19 as compared to 2017-18 as per data furnished by schools. The Committee feel that these are praiseworthy initiatives and augur well for the children of migrant labour in future. Further, with the threat of the pandemic eased to a considerable extent, the Committee urge the concerned Departments viz, Education and Labour Departments under the State Government to scale up their efforts to ensure cent percent enrollment of migrant children under the Scheme and ensure that there will be no let up in sustaining and upholding the spirit of the Roshni project.

21.25 The Committee appreciate the fact that Kerala has the distinction of having the lowest dropout rate among the Indian States currently in terms of the primary and secondary education. The Committee feel that this can be attributed to the timely social interventions undertaken by the Government to tackle poverty and illiteracy which has in turn helped in mainstreaming Child labour. The Committee find that the State Government have identified 2588 children in 2022-23 who had dropped out of the schools but were gradually tracked, enrolled back in schools and are currently being

given education through 108 Special Training Centres run by Samagra Shiksha scheme in various languages like Bengali, Tamil, Assamese etc. A tribal language handbook has also been developed for this purpose. Further, as a result of schemes like 'Gothrasarathi', intended to provide transportation facilities to children living in distant and remote Schedule Tribe settlements to schools, the Committee find that drop-out rates among children is being checked to a considerable extent owing primarily to effective monitoring of the Scheme by Tribal Extension Officers. The Committee while appreciating the steps taken in this direction urge the State Government to tie up with Anganwadi workers and ICDS in utilising their services to identify Child drop outs and ensure they return to the educational fold. Further, the State Government may take up Information, Education & Communication (IEC) campaigns to create awareness and disseminate information regarding the benefits of retention of Children in School and apprise parents/children of the benefits available under various schemes/programmes so as to continue to keep the low dropout rates under check.

21.26 The Committee are concerned to note that there is no specific convergence/collaborative mechanism with other State Governments to address issues of Child labour. As per the submission of the State Government, efforts are being taken to rehabilitate children found in vulnerable situations from other States, either in the State owned Children's homes or they are sent to their own houses, if details are available, with the help of Police Departments and District Collectors of those States. The Committee have been informed that in the State of Kerala, the children engaged in child labour and begging activities are mostly from other States. Despite the best efforts of the State Government in their rehabilitation, in the considered opinion of the Committee, a robust inter-State convergence framework should be contemplated and operationalised at the earliest in the interest of Child welfare in order to help in devising a coordinated response and

ensure sustained engagement between various States towards rehabilitation for children rescued from vulnerable situations. The Committee therefore urge the State Government to establish linkages with other States especially where there is a high prevalence of Child labour/migration of Child labour to supplement their efforts against child labour/trafficking considering the inflow of migrant labour into the State. In this regard, the Committee stress to operationalise an Inter-State coordination department/Inter-State repatriation policy to cater to rehabilitation for migrant children.

21.27 The Committee note the submission made by the State Government that ‘no Child has been seen to be engaged in the Hotel and Restaurant sectors’ across the State. The Committee express their appreciation for non-engagement of child labour in the aforementioned sector and feel it is indicative of the significant progress made by the State with respect to eliminating child labour by providing protective legislation and effectively enforcing both labour and education-related regulations. The Committee however, also caution the State Government, in view of the influx of migrant labour from other States to Kerala coupled with their economic vulnerability and legal restrictions barring their employment in the formal sector, it is quite likely that the migrant labour including their children find economic refuge in various low-key jobs of the informal/unorganized sectors. The Committee emphasise the pivotal role of labour inspectors on the ground in timely detection of child labour, monitoring and enforcing penal regulations. The Committee find it imperative that the State machinery conducts continuous inspections and awareness exercises to check any incidence of child labour and sensitise employers and workers against the deployment of child labour at their workplaces.

CHAPTER - TWENTY TWO

STATE GOVERNMENT OF TAMIL NADU

Introduction

22.1 The Committee were apprised by the State Government about the provisions to prohibit, track and rehabilitate Child labour including the penal provisions being implemented by the State and the role, responsibility and accountability of various authorities in the State.

22.2 The Ministry informed the Committee that Tamil Nadu was among the first States to draw a very comprehensive State Action Plan to combat Child labour (Proceeding Pg 1). A Standard Operating Procedure has been drawn wherein various Departments have been assigned various tasks. The vision of the State Action Plan was to achieve a 'State free of Child labour in all Occupations and Adolescent Labour in Hazardous Occupations and Processes' by the end of 2025.

22.3 Pursuant thereto, at the State level, the State Child Labour Rehabilitation cum Welfare Society under the Chairmanship of the Commissioner of Labour will be responsible for monitoring the implementation of the State Action Plan for Eradication of Child/Adolescent Labour and the monitoring cell which has already been constituted in the Office of the Commissioner of Labour shall continue to monitor the activities relating to elimination of Child labour as per the directions of the Hon'ble Supreme Court. At the District Level, in all the 15 NCLP districts viz, viz., Chennai, Coimbatore, Dindigul, Dharmapuri, Erode, Krishnagiri, Kancheepuram, Namakkal, Tuticorin, Thirunelveli, Trichy, Thiruvannamalai, Salem, Vellore and Virudhunagar; National Child Labour Project Societies have been formed comprising of concerned departmental officers under the Chairmanship of the District Collector and these Societies are responsible for implementing the Action Plan for Elimination of Child/Adolescent Labour at the District level. In other districts, Child/Adolescent Labour Rehabilitation cum Welfare Societies headed by the District Collector have been constituted for identifying children/adolescent employed in hazardous and non-hazardous establishments. These Societies are responsible for implementing the Action Plan for Elimination of Child Labour at the District level. All District Collectors are to take steps to achieve the stated objective of declaring their respective districts as "Child/Adolescent Labour Free" by 2025.

22.4 The State Government informed the Committee that they had always taken a holistic approach on Child labour where the main focus has been not only to identify and rescue child labour but also to rehabilitate not only the individual child but rehabilitate the family so that they do not go back to the same problem.

22.5 Elaborating further on the issue, during the course of evidence, the Officials deposed as under:

“Wherever we get a complaint through any source, and we have number of NGO viz, Child line working with a dedicated 1098 number, the whole local team goes there and rescues the child. Not only the child, the family is rehabilitated. In some cases, we have also provided for rehabilitation, which means we have given preference to such families under different Government welfare schemes. In fact, they get ration cards on priority; they get patta on priority; in housing schemes, they get a priority. So, the State is acutely aware of the responsibility it has towards such families. We have been able to extend this kind of welfare measures to these families.”

22.6 The Committee were apprised broadly of the measures taken up by the State Government to prohibit and track and Child Labouras under:

- “The Prohibitory provisions under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 are implemented in the State by the Assistant Inspectors of Labour, Deputy Inspectors of Labour, Assistant Commissioners of Labour (Enforcement) in the Labour Department and enforcement officers of Directorate of Industrial Safety and Health.
- Planned Inspections / Surprise Inspections and raids in all the establishments including factories are vigorously undertaken by Labour Department and Directorate of Industrial Safety and Health in co-ordination with line departments and the same is being reviewed periodically.
- The District Task Forceis undertaking regular raids to rescue, rehabilitate the Child and Adolescent Labour employed in domestic and hospitality sector and other hazardous /non- hazardous occupations /processes apart from initiating legal action against the erring employers.
- The Police officials are exercising the powers vested in them under Section 16 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and book cases against erring employers.
- The outcome of inspection and ideas are shared about the rescued children adolescents to the District Educational Officers and Social Welfare Department for rehabilitation of children / adolescents.
- If a Child Labour in any Occupation and Adolescent Labour in Hazardous Occupation and Processes is identified, Child Line-1098 and the District Child Protection Units are informed for rescue and rehabilitation.
- If a Child / adolescent labour is identified during the survey / inspections / raids in the establishments and factories, they are withdrawn from the employment immediately and the errant employer is prosecuted under the Child and Adolescent Labour (Prohibition and Regulation) Act,1986.
- In respect of trafficked / bonded children, the legal action is being initiated under the Bonded Labour System (Abolition) Act, 1976 as well as under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 by the Revenue and Labour Department respectively.
- If a child / adolescent labour identified is a destitute or orphan then the child / adolescent be produced before the Child Welfare Committee I District Child Protection Units. Follow up action is being taken based on the provisions in the Juvenile Justice (Care and Protection of Child)Act,

2015, Physical examination of the rescued child / adolescent are carried out by Appropriate Medical Authority. The age certificate issued by the Appropriate Medical Authority in the format prescribed under the State Rules.

- If the rescued child labour / adolescent labour is a migrant, they will be handed over to the District Child Welfare Committee / District Child Protection Unit for handing over the child to the parent / guardian as per the procedure laid down in the Juvenile Justice (Care and Protection of Child) Act, 2015.”

22.7 The Officials of the State Government further apprised about the steps taken by the State Government for the social rehabilitation of Child Labour, as under:

- “If the child is between 5-8 years she / he will be directly linked to the Samagara Shiksha Abhiyan to access their Right to Education.
- A child between 9-14 years will attend two year bridge education course in the NCLP Special Training Centers and then will be mainstreamed to the Schools under Samagara Shiksha Abhiyan Programme.
- To ensure quality of educational rehabilitation, the index card prepared under PENCIL portal of Ministry of Labour and Employment would be updated regularly by the District Project Society under NCLP
- An adolescent between 14-18 years will be linked to a skill development program run by the Government of India or the State Government.
- The data of rescued adolescents are shared to the Ministry of Skill Development through Pencil Portal”

22.8 The Officials of the State Government further apprised about the specific measures to economically rehabilitate Child Labour, as under:

- “It is ensured that all rescued child labourer and adolescent labourers in hazardous employment are paid back wages at a rate not less than minimum wages for their period of employment.
- Immediate financial assistance of Rs.20,000/- under the Central Sector Schemes for Rehabilitation of Bonded Labourer 2016 is available. If the child /adolescent is a bonded labour, additional compensation up to Rs.20,000/- is payable after proof of bondage in the Court of Law.
- The amount of Fine Rs.20,000/- and additional amount of Rs,15,000/- is to be credited by the Government for each child or adolescent.
- Focusing of development schemes in the Child /Adolescent labour intensive districts /blocks identified through SSA Survey to benefit the rescued child labour.
- Child / Adolescent Labour families will be covered under the Social Security net. The parents of the child/adolescent labour are being registered in the relevant unorganized workers welfare boards. Parents of rescued child Labour / Adolescent Labour being given priority in the existing poverty alleviation and self-employment schemes. To supplement income loss, mothers of rescued

child/adolescent labour are being given appropriate skill training and encouraged to become members of self-help groups.”

22.9 As per the laid down Standard Operating Procedure (SOP), the role, responsibility and accountability of the District Magistrates, to check the incidence of Child labour were stated to be as under:

“Prevention: Ensure formation and monthly meeting of the District Task Force co-ordinate with the District Nodal Officer for the same and develop a plan for prevention activities in the district and track its progress in monthly District Task Force meeting.

Identification: Ensure coordination with various agencies through District Task Force for survey and identification of child labourers and adolescent labour in hazardous employments in the district and based on the identification ensure that the District Task Force develops an action plan for elimination of child labour.

Preparation before rescue and after rescue: Ensure that the during the rescue, protection is given to the victims and no victim is left behind.

Post Rescue: Monitor registration of FIR for all cases of child labour or adolescent labour in hazardous employments under all relevant child protection laws. Conduct timely summary trial as well as issue release certificate to access other forms of compensation under the Bonded Labour System (Abolition) Act, 1976; Monitor the progress of the investigation of all cases of child and adolescent labour in hazardous employment through District Task Force and ensure coordination with enforcement officers of Labour & Director of Industrial Safety and Health.

Rehabilitation: Facilitate repatriation of the child or adolescent victim as per the order of the CWC in coordination with the District Task Force wherever required and monitor receipt of rehabilitation service with respect to social, educational and economic compensation for the victim including those elaborated.”

22.10 The Committee desired to be apprised on the estimated number of child labour in the State. In response, the representatives deposed as under:

“We do not have very reliable data, we have not had any comprehensive survey done as Committee may be aware, the last comprehensive data that is available with us is 2011 census as per which approximately 1,50,000 child labour were found to be there in Tamil Nadu. We have been conducting some piecemeal surveys in some Districts or some specific related issues surveys. All the indications are that the incidence has been coming down as a result of various measures taken by the Government, not only in terms of enforcing the legal provisions under the Act but also various socio-economic welfare measures for retaining them in school for a longer period. All those things do indicate that there has been a declining trend everywhere.”

22.11 The Committee were apprised of the functioning of Special Training Centres by the District Project Societies as mandated under NCLP, as under:

“In Tamil Nadu, the National Child Labour Project (NCLP) funded by the Government of India is implemented in 15 Districts. Special Training Centres (STCs) are functioning in these 15 Districts where rescued child labourers are studying. The children are provided bridge education, vocational training, mid-day meal, stipend, health care and recreation etc. with the ultimate objective of preparing them to be mainstreamed in the formal system of education.”

22.12 It was further informed that Union Government vide Communication dated 14.03.2022 subsumed the National Child Labour Project under Samagra Shiksha of Ministry of Education and that no Special Training Centres of NCLP will be functional after 31.03.2021. It was also informed that the children enrolled in Special Training Centres of NCLP as on 31.03.2021 should be mainstreamed and those enrolled after 31.03.2021 should be immediately transferred to STCs (Special Training Centres) run under Samagra Shiksha or to be mainstreamed. In this regard, the State Project Director, Samagra Shiksha, Chennai has been addressed to admit the children of NCLP Special Training Centres in the Special Training Centres run under Samagra Shiksha to enable NCLP children to continue their education. In the meanwhile, the Union Government allowed NCLP Districts of Dharmapuri, Krishnagiri and Vellore to continue operations during the Financial Year 2022-23.

22.13 The State Government furnished the following details of the aforementioned three running NCLP Districts as under:

S. No.	Districts	No. of Special Training Centre	No. of Children studying
1	Dharmapuri	14	247
2	Krishnagiri	9	135
3	Vellore	30	519
	TOTAL	63	901

22.14 Prior to the receipt of Union Government instructions, as on 14.03.2022, 203 Special Training Centers were functioning in the 15 NCLP project districts in which 3428 rescued child labourers were studying. The State Government is providing a monthly cash assistance of Rs.500/- from Rs 250/- to the children who have been in NCLP schools and who have now been admitted in regular schools to pursue higher education. During the academic year 2020-2021, 474 Students have been benefited to the tune Rs.28.44 lath under this scheme.

22.15 The officials of the State Government informed the Committee that the Right of Children to Free and Compulsory Education Act, 2009 and

Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 is being implemented in both letter and spirit. Under Section 12 (1)(c) of the RTE Act, 2009 clear guidelines were issued for the admission of children belonging to 56 disadvantaged groups and weaker sections in all private non-minority self-financing schools at the entry level class. The Director of Matriculation Schools is the State Chief Nodal Officer and Chief Educational Officers at the District level are District Nodal Officers for the implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009. To ensure transparency in the process of admission, 56,687 children were admitted under this provision during the academic year 2011-22. Rs. 314.64 crore has been reimbursed to the schools which have admitted children under this category for the year 2020-21.

22.16 Asked whether any tracking mechanism is available to continuously tracking of Children in School, the State Government during the course of evidence, deposed as under:

“It is called Education Management Information System (EMIS) which tracks a child from first standard. The moment a child enters into class one, all details of the child are being tracked. After class eight, if the child is not appearing in the Education Management Information System, it is being shared with the Labour Department which is managing ITI and polytechnic courses and also with the Higher Education Department because some special vocational course institutions are being run by the Higher Education Department. Indeed, the database is being collectively maintained by all these departments whether Higher Education or Labour.”

22.17 Asked to state the mechanism in place to locate/prevent school drop-outs and ensure inclusive and equitable quality education by increasing enrollment at all levels of School, the Officials of the State Government submitted as under:

“As per provisional data, the Gross Enrolment Ratio (GER) for 2021 is 99.44% at the primary level. In order to prevent dropouts, the Government of Tamil Nadu undertakes surveys round the year April, May and September to identify out of School Children and main stream them back. Considering the Covid Pandemic, the Government had undertaken a special mass drive between 10.08.2021 to 15.10.2021 using anewgeo tagged mobile application designed for this exercise and integrated with the School Education Department’s EMIS portal by involving Block Resource Teacher Educators (BRTES), Head Master, School teachers, Educational Volunteers, Special Educators, Anganwadi Workers, Self-help Group members and NGOs etc. During the survey. Special focus was given to enroll the Girls/ Children with Special needs /Transgender children who lost their parents due to Covid-19 and children displaced due to the pandemic. This massive survey has resulted in the identification of 190593 children between Classes 1 to12, who dropped out of school. Immediately after identification, these children were enrolled in age appropriate classes in near by formal schools and provided welfare items viz., textbooks, uniform, schoolbag, footwear, notebooks, etc. These children will be tracked till they complete higher secondary education. A sum of Rs.869.63 lakhs has been spent for carrying

out this activity in 2021-22. It is also submitted that Mid-Day Meals are also provided to all children going to government schools....mid-day meal is provided to all the school children up to 12th standard.”

22.18 Elaborating further on the issue, the State Government deposed as under:

“This is a great achievement of the Tamil Nadu Government. Indeed, we are the only one State which has identified such a high number of out-of-school children.... We could not find out if these children were regularly attending online classes. Many of them may not have mobile phones. Along with the online classes, we also provided offline support, but the children did not attend. We realized there was some issue and we identified that these many children were not attending online or offline classes. There are different categories among these children. Some of these children might have left school because of migration. In some cases, children may have been affected by the pandemic..... The Government of India has appreciated us for bringing these children into the mainstream. We are consistently making efforts that even after this drive, no child is left out. That is why in all our records, we ensure more than 95 per cent enrolment up to higher secondary level.... We also discovered something very interesting. Many of these identified out-of-school students had ended up enrolling themselves with ITIs. There are many ITI courses for 8th standard pass outs.... From 1st to 10th standard, there are about 48 lakh students. Out of these, 1.09 lakh students have been brought into the mainstream... after 14 years, there is a declining percentage for the enrolment ratio, we found that even the dropout ratio after eighth standard is not that child is out of schooling, but that most of the children are being shifted to the vocational type of stream because of the employment opportunity either in the form of ITI or polytechnic.”

22.19 On the role of the Public Distribution System in alleviating food and nutritional insecurity among children, the officials of the State Govt stated as under:

“One of the reasons is the very farsighted policy that the State adopted long ago which was Universal PDS wherein not a single person, not a single family is left out of the safety net of the PDS. Everybody is covered. In fact, NFSA covers only around 48 per cent of our population, the rest are all covered under our Universal PDS. It is funded 100 per cent from the State Budget. Not only that, Sir, we also have a special PDS wherein not only the issue of hunger is tackled but also nutrition is also taken care of. The State Government provides additional nutrition by way of oil, pulses at a huge cost. This has ensured that no family, no individual actually is going hungry in Tamil Nadu. This has been a great help to all of us in ensuring that the child is not forced to work to fill his stomach. In fact, even during Covid period, which was very tough for the whole country, we took some very specific measures. In fact, the Government last year gave a special package to each family at the rate of Rs.2000 in two instalments. So, Rs.4,000 were given out of the State fund to all the families which has been very helpful to the poorest of the poor. Tamil Nadu also has a very unique position that it employs a large number of inter-State migrant workers. There we have our own challenges. Sometimes they do come with family and children are there who need to be educated, who need to be taken care of. During the pandemic when we are faced with the problem, Tamil Nadu was the only

State which provided dry ration kits to around 4.6 lakh families. Each family was provided a dry ration kit up to 15 kg. In fact, they were given twice. This also ensured that nobody was going hungry there.”

Inter-District Migration

22.20 Asked about Inter-District migration within Tamil Nadu from rural areas to Industrial hubs like Chennai, Trichy, Coimbatore and Erode which have been identified a pockets of child labour, the State Government submitted that necessary instructions have been issued to the enforcement Officers of Chennai, Trichy, Coimbatore and Erode to conduct inspections with the District task force along with the Railway Department officials to identify the children in Railway Stations and to take necessary follow-up action for their rehabilitation.

22.21 The Committee were informed that (b/n pg 5) as per the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, whoever employs any child /adolescent or permits any child I adolescent to work in contravention of the provisions of section 3 and section 3 (A) shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees or with both.

22.22 The Committee desired to know the number of cases registered against the principal employer. In response, the representatives of the State Govt furnished as under

Under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, penal action is taken against the employer who employs the Child Labour. As per Sec 14-A of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 the offence committed by an employer is punishable under sec 3 or 3A and shall be cognizable. The facts available show that the contract Labour Act, 1976 and Inter State Migrant Workers Act, 1979 does not attract to this issues. In the case of children brought from other states for employment through an agent, joint liability is vested with several persons. In these cases it becomes difficult to book cases under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, since the details of the employers are not known. The Police Department is to identify such persons and initiate action on the principal employer. As per there ports received from the ADGP (Crime against women & children wing), the total number of cases registered are as under for the period 01.04.2010 to 30.06.2022:

Total No of Cases (FIR) registered in Child Labour and Bonded Labour	307
Total no of Children rescued	M-706 F-466
Total No of Accused arrested	M—436 F-121

Conviction	7
Total No of trafficking reported cases	566
Total No of Child/Bonded Labourers rescued	M—732 F-485
Total No of traffickers arrested	M—303 F-116

22.23 The Officials of the State Govt further informed the Committee that during the period from 1.01.2021 to 31.12.2021, 353 children were rescued from various Industries/establishments. 121 cases were filed and 65 cases have resulted in conviction. Further, between 1.02.2022 to 31.06.2022, about 61 children have been rescued, 52 cases have been filed and 33 have been convicted, while the rest are all under progress.

“The Committee were informed that a Central Monitoring Committee has been constituted for the overall supervision, monitoring and evaluation of the NCLP. Accordingly a State Level Monitoring Committee was set up under the Chairmanship of Secretary to Government, Labour and Employment Department on the lines of the Central Monitoring Committee for monitoring the National Child Labour Projects in the State. The Secretary to Government, Labour & Employment is the Chairman and the Commissioner of Labour is the Secretary to this Committee. This Monitoring Committee would undertake the work of monitoring the implementation of the State Action Plan.”

22.24 The State Government furnished data of inspections conducted at Virudhanagar district, specifically with regard to Sivakasi (famous for firecrackers) as under:

“Our Directorate of Industrial Safety, the department which is concerned with the fireworks industry for regular monitoring, have conducted 2128 inspections. We have found 34 cases of various contraventions and 30 adolescent labour and five child labour were rescued. So, out of 2,128 inspections conducted, this is the number of incidences of child labour, which as compared to the previous years is very small in number, nonetheless it is there. We need to make it zero.”

22.25 On the periodicity of inspections/monitoring taken up by the State Government, the officials of the State Govt responded as under:

“Necessary instructions have been given to the Directorate of Industrial Safety, and Health to conduct regular inspections to ensure that these Industries are not employing Child Labour. Besides this, District Collectors have been requested to convene meetings with the Industrial bodies and ensure ‘no child labour’ sticker on their products.”

22.26 The Committee were informed that several awareness exercises were being undertaken in line with the State Action Plan, as under:

“(i) Widespread awareness generation by all departments individually or collectively or in co-operation with UNICEF, ILO, civil society organizations, employers’ associations and trade unions will be

undertaken by all departments so as to create a positive climate for sending the children to school and not to work. Awareness among children and adolescents can be under taken at the school level or through folk activities.

- (ii) Effective use of folk, print, electronic and social media in the awareness campaign.
- (iii) Organising rallies, human chains, signature campaigns, wall paintings, etc will form part of awareness activities.
- (iv) The 'Anti Child Labour Day' on 12th June shall be observed at the State and District level to create awareness among public.
- (v) To take a pledge against Child Labour on 12th June of every year in all Schools, Offices, Factories, other establishments and also in all Government Offices, throughout the State to focus public attention."

22.27 On the measures taken to dissuade Industries especially across the State to engage Child labour and popularize the use of 'Child-labour free' labels on products, the representatives of the State Govt submitted as under:

"In the meeting held before the Chief Secretary to Government on 25.7.2022 the subject regarding declaring "Child Labour Free" stickers on mass products was discussed and it was agreed to. Accordingly, necessary instructions were issued in this regard to the Collectors of Virudhunagar and Tirunelveli Districts."

OBSERVATIONS/RECOMMENDATIONS

22.28 The Committee observe and appreciate that the State Government of Tamil Nadu has prepared a State Action Plan to combat Child Labour. Pursuant thereto, a Standard Operating Procedure has been drawn wherein various agencies, departments of the State have been assigned various tasks in order to achieve the stated objective of achieving a "State free of Child Labour in all occupations and Adolescent Labour in Hazardous occupations and Processes by end of 2025. Under the Action plan, at the District level, in the 15 NCLP districts, NCLP Societies have been formed comprising of concerned departmental officers under the Chairmanship of the District Collector and are responsible for elimination of Child/Adolescent Labour, while the Child/Adolescent Labour Rehabilitation cum Welfare Societies have been constituted for identifying children/adolescent employed in hazardous/non-hazardous establishments and are responsible for elimination of Child labour in non-NCLP districts. The Committee find

that the District Collector has been made the authority under which all work pertaining to implementation of provisions for child labour are supervised and will play a vital role in achieving convergence of all services. The Committee further find that the District Collector is also responsible for formation and holding monthly meetings of the District Task Force (DTF) to develop and plan for prevention activities in the district and track its progress along with survey and identification of Child/Adolescent Labour through the District task force and to coordinate with various agencies in this regard. The Committee while lauding the institutional initiative of the State feel that it is required to ensure that the DTF meet every month in order to take stock of measures to check Child/Adolescent Labour. The Committee further note that since the District Task force has been made the fulcrum of all efforts to ultimately eradicate Child labour, it is imperative that it is commensurately strengthened and equipped to deal with the challenges arising out of tackling the menace. The Committee also feel that the DTF should analyse and consider the recurrence of child labour with the same child and necessary steps in this regard need to be taken to rehabilitate them on priority. Further, the Committee stress on the role of local panchayats in generation of data in child labour at the rural level and a statement to this effect may be furnished to the State Government for use by District Task Force for effective and actionable intervention against Child Labour. The Committee thus hope that the coordination of all work of the different departments, inclusion of Local Self Government Institution, Community based organisation will guide the DTF in effectively tackling the range of child labour and achieve the objective envisioned under the State Action Plan.

22.29 The Committee note that, as per the submission made by the State Government, the exact estimate of the total child labour in the State is not available. As per Census 2011 data, around 1,50,000 Child Labour were identified in Tamil Nadu. As per the State

Government, piecemeal surveys have been carried out in some districts which point that the incidence of Child Labour has reduced owing to strict enforcement of legal provisions and implementation of various socio-economic welfare measures for retaining them in school. The Committee note that despite the interventionist measures taken by the State Government in tackling the incidence of Child Labour, in the absence of exact data about the prevalence of Child Labour, it may be difficult to envisage an effective response for their rehabilitation. As a matter of fact, 2011 census serves the only authentic source of information and the data available is more than a decade old and is of limited utility in so far as implementation of specific schemes and their targeted beneficiaries in the current scenario is concerned. In the wake of delay in containing Census 2021, it becomes imperative on part of the State Government to devise internal mechanism to independently conduct household surveys/data collection exercises so that adequate allocation of resources may be directed towards timely rescue and rehabilitation of Child Labour.

22.30 The Committee note that, NCLP is implemented in 15 districts in Tamil Nadu and Special Training Centres (STCs) are functioning in order to rehabilitate Child Labours. The Committee find that, in these STCs, the children *inter-alia* provided bridge education, vocational training, mid-day meal, stipend, healthcare, recreation etc, with an objective of preparing them to be mainstreamed in the formal fold of education. The Committee were given to understand that pursuant to the order of Union Government dated 14.03.2022, NCLP was subsumed under Samagra Shiksha of Ministry of Education and that no STCs would be functional after 31.03.2021. Subsequently, as part of the order, the children enrolled in STC's of NCLP as on 31.03.2021 would be mainstreamed and those enrolled after 31.03.2021 would be immediately transferred to STC's run by Samagra Shiksha. Furthermore, the Union Government allowed NCLP districts of Dharmapuri, Krishngiri and Vellore to continue operation during

Financial Year 2022-23. The Committee were further apprised that prior to the receipt of Union Government Instructions, as on 14.03.2022, 203 STC's were functioning in the 15 NCLP districts and a total of 3428 rescued Child Labours were studying and a total of 474 students had benefitted in year 2020-21, from the monthly cash assistance of Rs. 500 (revised from Rs. 250) given to children in NCLP schools who have been admitted to regular schools to pursue higher educations. The Committee, observe that henceforth the rescued child labours will be mainstreamed into formal education system through Special training centres under Samagra Shiksha Abhiyan and no more STC's would be functional under NCLP Scheme. While emphasising the role and necessity of the STC's in the rehabilitation of child labours into the formal fold of Education in a holistic of manner, the Committee stress the need to accord priority on maintenance of STCs and consider increasing the number of such centres in areas with high incidence of child labour. Despite the onus of supervision of STCs being shifted to Samagra Shiksha from NCLP, the Committee feel that proper monitoring for fund disbursal and utilisation will be the key to effective functioning of Special Training Centres.

22.31 The Committee find that the State Government had set up a tracking system called 'Education Management Information System (EMIS) to impart quality education to children in school which *inter-alia* also updates the status of School students who fail to rejoin classes. The Committee observe that, in the event of the child's details not appearing on the EMIS portal, the status is immediately shared with the Department of Labour which runs ITI and polytechnic courses and Department of Higher Education since some vocational courses are also run by them. Commending the digital database put in place by the State Government, the Committee are of the view that the EMIS ensures effective tracking of the child as he/she moves up the education ladder and help in detecting drop-outs among children. Further, in order to address drop-outs, the Committee find the State

Government undertakes survey round the year viz. April, May and September to identify out of school children and mainstream them. Further, during the Covid period, a special mass drive was undertaken between 10.08.2021 to 15.10.2021 using a geo-tagged mobile application and integrated it with Department of School Education EMIS portal by involving Block Resource Teacher Education, head master, school teacher, volunteers, Anganwadi workers and NGO's etc., in order to identify children between class I to 12 who dropped out of school. The Committee were informed that the special focus was given to Girls/Children with Special needs /Transgender children who lost their parents in Covid-19 and other children displaced due to pandemic. The Committee find that the survey resulted in identification of 1,90,593 children between Class I to 12. The Committee were informed that each of the aforementioned children were enrolled in age appropriate classes in nearby formal schools and provided books, uniforms, school bags, notebooks etc. The children were to be tracked using the EMIS portal till they complete higher secondary education. Appreciating the steps taken by the State Government, to identify out of school children and mainstream them, the Committee find that this to be main reason for high enrolment ratio of over 99 percent at primary level and more than 95 percent at secondary level. Further, the Committee also find that even in instances of drop-outs, it was noticed that the Children had enrolled in other vocational courses especially such courses for Class 8 passouts. Commending the steps taken by the State Government, the Committee further urge the State to take necessary steps to ensure that periodic survey be undertaken to ascertain drop-outs be taken up so that commensurate steps can be taken for their timely rehabilitation and mainstreaming under the ambit of education. At the same time, with regard to other drop-outs especially, those who opted for vocational courses/skill development programmes after completion of class 8th, commensurate placement help must be provided to such adolescents

by the State Government for long term economic empowerment/ sustenance.

22.32 The Committee note that there has been a regular influx of migrants from rural areas in Tamil Nadu towards industrial hubs like Chennai, Trichy, Coimbatore and Erode as a result of which these pockets have been attracting child labour. According to the submission made by the State Government, necessary instructions have been issued to the Enforcement Officers of the aforementioned districts to conduct inspections with the District task force along with the Railway Department Officials to identify Children employed as child labour in Railway Stations and to take necessary follow up action for their rehabilitation. The Committee find that migration usually is a result of regional disparity in development and influx of migrants into districts like Chennai, Trichy, Coimbatore and Erode has been exacerbated in the aftermath of the Covid-19 pandemic. The Committee are of the view that there is a need for an Inter-State migration protection policy to look into the welfare of such migrants.

22.33 The Committee note that under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, penal action is taken against the employer who employs the Child Labour. Further, as per Sec 14-A of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the offence committed by an employer is punishable under Section 3/ 3A and shall be cognizable. However, as per the submission of the State Government, contract Labour Act, 1976 and Inter State Migrant Workers Act, 1979 does not mention anything to this effect. Furthermore, in the case of children brought from other States for employment through an agent, the Committee noted that joint liability is vested with several persons. In the view of the Committee, it becomes difficult to book cases under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, since the details of the employers are not known. The Committee feel that the ambit of the Child and Adolescent Labour (Prohibition and Regulation)

Act, 1986 be suitably amended/ambit widened to incorporate penal provisions in order to be able to take action against such employers for employing children from other States as labour. The Committee also emphasize the role of the Police department in identifying such persons and initiate action on the principal employer.

22.34 The Committee note that the State Government has issued necessary instructions to the Directorate of Industrial Safety and Health to conduct regular inspections at Industries across the State where there is a likely prevalence of child labour, to check its incidence. The Committee further note that District Collectors across the State have been requested to convene meetings with the Industrial bodies and ensure use of 'no Child labour' sticker on their products. The Committee while commending the use of 'Child Labour Free' stickers as a novel initiative taken by the State Government to check incidence of Child labour and stress the need for pursuing Information, Education & Communication (IEC) campaigns to create awareness and disseminate information regarding the benefits for Children in School and apprise parents/children of the benefits available under various schemes/programmes of the State Government so as to wean them from economic compulsion of being employed as Child labour.

CHAPTER – TWENTY THREE
STATE GOVERNMENT OF BIHAR

23.1 According to the 2011 Census, there were 10.88 lakh Child Labourers in the State of Bihar in the age group of 05-14. In the year 2009, the State Action Plan for Elimination, Release and Rehabilitation of Child Labour was formulated. The purpose of the State Action Plan was to establish cooperation and coordination between various departments and other stakeholders so that the objective of "Child Labour Free Bihar" could be achieved.

23.2 After 2017, many statutory and policy changes took place, the major one being the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 and the National Policy for Children, 2013 etc. Due to these changes, amendments were brought to the State Action Plan and a new State Action Plan 2017 for the purpose of Elimination of Child Labour and Prohibition and Regulation Adolescent Labour was notified. The responsibilities of various Departments have been mentioned in the State Action Plan for the rehabilitation of the rescued child labour. A State Task Force is constituted as per the provision of the State Action Plan under the chairmanship of the Chief Secretary, Bihar.

23.3 The Committee were informed that in the State of Bihar, Dhawa Dal(s) have been formed under the convenorship of Labour Superintendents in all the districts to rescue child labourers from workplaces. The operation of the raid team is done regularly, and its monitoring is done at the headquarters level. Rs.3000/- is provided to child labourers as financial assistance for immediate needs like ration, clothes, medicine etc., after rescue. The details of the rescued child labour are interred in Child Labour Tracking System. This software-based tracking system has been working since 2016 and through this system, the economic and educational rehabilitation of released child labour is monitored. On the occasion of World Day against Child Labour on June 12, 2022, an improved version of child labour tracking system 2.0 has been unveiled. An amount of Rs 25,000/- is given to the rescued child labour when registered in the Child Labour Tracking System in the form of a fixed deposit scheme from the Chief Minister's Relief Fund. This principal amount along with interest is provided to the rescued child labour after attaining the age of 18 years.

23.4 The Committee were informed that there were 10.88 lakh child labourers in the State of Bihar in the age group of 05-14 which was 3.8 percent of the total child population of the State and 10 percent of the total number of child labourers in the country. The Committee wanted to know the robust efforts taken to reduce the number of child labourers in the State. In response, the State Government of Bihar submitted as under:-

“Considering the fact that child labour is just one manifestation of the level of socio-economic development of the State and society, the Government of Bihar is working on multiple fronts to achieve socio-economic upliftment of

the masses. Broadly speaking, the efforts of the Government can be divided into five categories:

- a. Programmes aimed at direct employment generation like MNREGA and rapid development of physical infrastructure;
- b. Programmes aimed at entrepreneurship development, generating self employment as well as jobs, like Mukhyamantri Navpravartan Yojana, Mukhyamantri Cluster Yojana, Mukhyamantri Mahila Udhmi Yojana, Mukhyamantri Anusuchit Jati/ Janjati Yojana, Mukhyamantri Yuva Udhmi Yojana, PMEGP, PMFME, etc. ;
- c. Programmes of social security like PDS, pension schemes, scholarship schemes , ICDS etc; and
- d. Programme aimed at promoting rural livelihood through organization and empowerment of women. For this purpose a registered society named as "Bihar Rural Livelihood Promotion Society" also called JEEVIKA is formed. The objective of JEEVIKA is to improve the livelihoods of rural poor households through developing institutions of the women, like Self-Help Groups (SHGs) and their federations to enable them to access better services and obtain credit for creating self-employment opportunities. In Bihar more than 1 million such groups have been formed involving more than 10 million women.
- e. Programmes directly aimed at social security of unorganized workers like, Bihar Unorganised Sector Workers and Artisans Social Security Scheme, 2011, Bihar State Migrant Labour Accidental Grant Scheme, 2008 etc.

The purpose of all these schemes are to develop socio-economic parameters of the people of Bihar, and to strike at the root cause of poverty which manifests itself, inter-alia, in the form of child labour”

23.5 The Committee were further informed that the Government of Bihar have made specific Scheme named "Rehabilitation of Child Labour" and has made budgetary provision for addressing the issue of child labour. Apart from immediate assistance of Rs. 3000 to the rescued child labourer, a grant of Rs. 25000/- is released from Chief Minister Relief Fund for every child rescued. From the year 2016 to 2022, the grant of Rs. 25000/- has been disbursed for 2,084 rescued child labourers from Chief Minister Relief Fund. Also under the Bonded Labour Rehabilitation Scheme, an amount of Rs.20,000/- is provided to the rescued child bonded labourers as immediate financial assistance.

23.6 With regard to the Dhawa Dal formed in the State to rescue child labourers, the Committee wanted to know about the method of operation of these 'Flying Squads'. In reply, the State Government stated as follows:-

“The Dhawa Dal (Flying Squad) has been constituted in all the districts of Bihar. The main purpose of this Squad is to randomly inspect likely places where child labour may be employed as well as to act on specific complaints and to rescue child labourers, found if any, from the work site.

During the raids of Dhawa Dal, Pledge is also taken from the place where raids are conducted regarding non employment of child labour in any form of work.”

23.7 Also, with regard to the frequency of operations of Dhawa Dal the Committee were informed that ‘ Direction has been given to field officers to ensure at least two rounds of movement of Dhawa Dal in a week, in their respective districts.’

23.8 When asked to provide the data regarding the work done by the Dhawa Dal(s), the State Government submitted as follows:-

“(i) In the current year from 01st Jan 2022 to 03rd Nov 2022, total 1113 Dhawa Dal movements have been reported from all 38 districts of Bihar.

(ii) The movement of Dhawa Dal is throughout the year. Also, special drives are occasionally conducted in the Districts, on the direction of District Magistrates or State headquarters.

In the current year, till 03-11-2022, a total of 333 child labourers are rescued from different districts through Dhawa Dal.”

23.9 With regard to the functioning of the Dhawa Dals the Principal Secretary, Labour deposed as under:

“There is a flying squad in every district under the Labour Superintendent. So, we continuously do it. Sometimes we do it as a drive for months together and sometimes it goes on a regular basis. We have a specific WhatsApp number on which we can receive complaints, and each and every complaint is taken care of. We have also developed an App which is about to be launched. As soon as the rescue teams/Dhawa Dals have taken action, they will just update it on the App and we will immediately come to know about it. Apart from the officers of the Labour Department, now the District Magistrate, Superintendent of Police, DDC, SDO, DSP, Circle Officer, BDO, Executive Officer, all have been declared as Inspectors under this Act.”

23.10 The Committee pointed out that the involvement at Block level and Panchayat level functionaries was essential for eradicating child labour from rural areas. On being asked about the view of the State Government in this regard, the reply was submitted as follows:-

“The State Government completely agrees with the view of the Committee of involving Block level and Panchayat level functionaries.

The State Action Plan for Elimination of Child Labour and Prohibition and Regulation of Adolescent Labour, currently operational in the state, since 2017 provides for the constitution of a task force at Block Level and Gram Panchayat Level. The Task Force of the Block is headed by Pramukh of the Panchayat Samiti. Block Development Officer is the Member Secretary. Similarly, the Task Force formed at Gram Panchayat is headed by Mukhiya as Chairman and Panchayat Secretary as the Member Secretary.

Hence, the State Government has already provided for important role to the grass root level authorities and Panchayati Raj representatives for the control and Elimination of Child Labour.”

23.11 The Committee desired to know the procedure for regular review of the functioning of the District Task force and whether any officer had been appointed for the purpose. In reply, the State Government stated as follows:-

“The Task Force constituted at the District level meets regularly. Some of the proceeding of the meeting is included in the report which was presented before the Hon'ble committee. The meetings are reported to the State level.

The Task Force constituted at the District level is chaired by District Magistrate with Superintendent of Police, Deputy Development Commissioner, Chief Medical Officer, Executive Officer of Nagar Parishad, Sub-Divisional Officer, District Superintendent of Education, District Welfare Officer, District Panchayati Raj Officer, Assistant Director Child Protection, Representative of Child Welfare Committee etc. as its members. The Labour Superintendent of the District functions as the member secretary of the task force.

The meetings at the Panchayat and Block level are monitored from the District level. These meetings are not taking place at the desired frequency. However, we are constantly monitoring and making effort to make them more effective as well as pursuing them to hold regular meetings of the taskforce.”

23.12 As regards the frequency of the meetings at the level of the District Magistrate, the State Government stated as follows:-

“The State Action Plan provides for at least one meeting in a month at the place, venue and time decided by the chairperson. Some of the proceedings of the meeting are included in the report which was presented before the Hon'ble committee.”

23.13 It was submitted to the Committee that the State of Bihar has also established Bihar State Child Labour Commission in 1997. The Committee desired to be apprised of the steps taken for monitoring and facilitating the release and rehabilitation of rescued child labourers outside Bihar. In response, the State Government apprised as under:-

“There has been an office of Joint Labour Commissioner at Bihar Bhawan, New Delhi since 2007 for monitoring and facilitating release and rehabilitation of rescued child labourers outside Bihar. The office of Joint Labour Commissioner also looks into the matters related to Migrant Labour. The Government of Bihar shall earnestly consider the suggestion of Hon'ble member for establishing offices in those States where migrant population is in considerable number.”

23.14 As regards the high incidence of child trafficking in districts such as Saharsa, the State Government submitted as under:-

“It is true that Saharsa is one of the major hubs of child trafficking as many trains originate from Saharsa. The districts surrounding Saharsa like Madhepura, Supaul, Madhubani have high percentage of child labour. The trafficker takes children from the surrounding areas and boards the train from Saharsa. That is why, in many instances child laborers are rescued from Saharsa.”

23.15 In this regard the Principal Secretary Labour stated as follows:

“If we look at the geographical expanse, there are certain districts which are more endemic in terms of child workers. Gaya, Bhojpur, Patna, Shivpura, Nawada, Jamui, Banka, Madhubani, Supaul, Araria, and West Champaran are the districts which are more prone in this regard.”

23.16 When asked whether the State Government received any specific assistance from the Central Government for addressing the issue of Child Labour, the State Government responded as under:-

“There is no specific assistance from the Central Government for child labour issues to the State Government.”

23.17 When asked about the occupations where Child Labour is mostly engaged in the State, the State Government stated as follows:-

“Inside Bihar, child labourers are found to be mostly engaged in road side eateries, motor garages, brick kilns, small shops etc.”

23.18 Highlighting the efforts of the State Government for ensuring retention and preventing drop-out of children from schools, the State Government furnished the following details:-

“As already mentioned, a special programme called "Muhim" is running in the State to ensure retention and to prevent drop-out of children from school. This programme has been operational since 2013.

Also for identifying the Out of School children and children never enrolled between the ages of 6 -14 years, house-hold survey is done by the teachers in its catchment areas to track such children and enroll them in nearby schools in the age appropriate class. The school management committee and community also play an important role in identifying out of school children.

The data of the survey is uploaded on the "Prabandh" Portal of Government of India. It is noteworthy to mention that the number of Out of School children has significantly come down from about 20 Lakh in 2005-06 to 1.34 Lakh in 2021-22.”

23.19 When asked about the steps taken for vocational rehabilitation of children and the assistance provided to NGOs working towards eradication of child labour, the State Government submitted as follows:

“There were four Special Training Centers operational in the state for educational and vocational rehabilitation of rescued child labour before Covid pandemic. These centers were run by the Non Governmental Organization with the financial support of the Government of Bihar. However, currently the centres are non-operational.”

OBSERVATIONS/RECOMMENDATIONS

23.20 The Committee are highly pleased to note that the State Government of Bihar, considering the fact that child labour is just one manifestation of the level of socio-economic development of the State

and society, is working on multiple fronts to achieve socio-economic upliftment of the masses. Programmes aimed at direct employment generation, entrepreneurship development, social security including that of people in the unorganised sectors, promoting rural livelihood through organization and empowerment of women, etc are part of the strategy of the State Government in this direction. It is also impressive to see that more than 1 million groups akin to Self Help Groups have been formed in Bihar involving more than 10 million women. Further, the Bihar State Action Plan for Elimination, Release and Rehabilitation of Child Labour was formulated in 2009. The purpose of the State Action Plan was to establish cooperation and coordination between various departments and other stakeholders so that the objective of "Child Labour Free Bihar" could be achieved. The State Plan was modified in 2017 in the wake of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 and the National Policy for Children, 2013, etc and a State Task Force has been constituted as per the provision of the State Action Plan under the chairmanship of the Chief Secretary, Bihar. The Committee observe that the institutional initiatives of the State Government of Bihar are in the right direction, aimed ultimately at eradicating child labour and recommend that the Task Force should act as the fulcrum in this endeavour. Coordination of the work of the different Departments, inclusion of Local Self Government Institutions, NGOs and other Civil Society organisations can be effectively guided and monitored under the umbrella of the State Task Force.

23.21 The Committee find that Bihar had set up a Child Labour Tracking System as early as in 2016 and appreciate the efforts and work of the State Government in using technology to tackle public policy issues. The Committee are informed that the upgraded version of CLTS 2.0 has been launched on the occasion of World Day against Child Labour in 2022. The Committee recommend that the Central Government consider setting up a national level child tracking system

for which the basic framework can be adopted from the system operational in Bihar. The Tracking system should provide information pertaining to every child rescued across all the States on a single platform. Such a facility would be of immense importance particularly if the child is rescued in a State different from his/her home State. The system should allow all the participating authorities and stakeholders to access information pertaining to the rescue and rehabilitation status of child labourers.

23.22 The Committee are pleased to take into cognisance the formation of the Dhawa Dal by the State Government of Bihar that act as flying squads for rescue of child labourers from workplaces in the State. It is an important initiative towards the prevention and elimination of child labour as the Dhawa Dal, formed in each 38 Districts, are slated to conduct twice a week inspections at suspected child labour sites. The Committee note with appreciation that during 2022, from 01st January to 03rd November, a total of 1113 Dhawa Dal movements have been reported from all districts of Bihar. Further, 333 child labourers were rescued from different districts through Dhawa Dal during the said period. The Committee hope that the mobile application reported to be under development for Dhawa Dal has come into being as it can lend more effectiveness in gathering information about the incidence of Child labour and the same can be acted upon by the Dal. However, it would be of high importance to ensure that the identity of the persons passing on the information shall be kept strictly confidential. Further, the possibility of the Dhawa Dal being deployed against trafficking as well should also need to be explored. The Committee are of the considered opinion that the formation of such flying squads can be considered by other States also as an effective step to combat child labour.

23.23 The Committee greatly appreciate the efforts of the State Government in developing a mechanism to locate school dropouts and ensure inclusive and equitable quality education at all levels of school

education including the special program under "Muhim" aimed at preventing/tackling drop out and ensuring retention of children in school. It is noteworthy to mention that the number of Out of School Children has significantly come down from about 20 lakh in 2005-2006 to 1.34 lakh by 2021 - 2022. In the considered opinion of the Committee, the tracking of out of School Children in villages and rural areas is more effective while there is a need to strengthen the mechanism in urban areas considering the large number of migrant workers, who live under flyovers or shanties near railway stations, and do not have a residence, which makes it difficult to track such families and their children. The Committee urge the State Government to take urgent and specific steps to identify such out of school children living in street conditions and ensure that they return to the educational system. Also, the adolescents who are rescued should be linked to a skill development program run by the Government that should have a mechanism to ensure their placement.

23.24 The Committee find that there is an office of Joint Labour Commissioner at Bihar Bhawan, New Delhi for monitoring and facilitating the release and rehabilitation of rescued child labour who have gone outside from Bihar. This is a proactive welcome step from the State Government towards setting up an effective counter front to tackle child labour. The Committee recommend that the State Government should also consider opening similar offices in all States with substantial migrant population from Bihar since such a step can ensure that rescued children receive the necessary support expeditiously and are rehabilitated in the shortest possible time. Additionally, the Government should collaborate with the respective State Governments to ensure seamless coordination and effective implementation of rehabilitation programs. The Committee are of the firm opinion in this regard that entering into Memoranda of Understanding (MoU) with States that have considerable presence of migrant labourers from Bihar would go a long way in the release and

rehabilitation of child labourers. The victims of child trafficking should also be covered by such MoUs and emancipated in a sustainable manner. The Committee recommend that an umbrella mechanism from the Union Government also needs to be initiated in this direction bringing all the States/UTs into its fold. The Committee also suggest that all bodies of the Governments set up to eradicate child labour can be strengthened by allocating additional personnel with expertise in child labor issues which may involve roping in the help of credible NGOs. Providing adequate financial resources to support the their operations, including data collection, monitoring, and outreach activities would be the prerequisite.

23.25 The Committee are concerned to note that there is no specific assistance from the Central Government for child labour issues to the State Government. In the considered opinion of the Committee, additional resources and targeted support from the Central Government are pivotal to effectively address the scourge of child labour in States such as Bihar that report the largest number of child labourers in the country. They should be provided with special grants and other logistical and infrastructural support specifically to aid the schemes for eradication of child labour. These grants/support would enable these States to supplement existing schemes, expand rehabilitation programs, and strengthen enforcement mechanisms to combat child labor more effectively. The Committee therefore urge the Ministry of Labour and Employment to make the necessary provisions in the budget to provide the States prone to child labour such as Bihar with additional resources, to bolster their efforts against child trafficking, eradication of child labour and for the overall development of children. Meanwhile, transparency and accountability in the utilisation of funds would be crucial to ensure that funds actually benefit the children in distress on the ground. States should also, on their part, establish lucid reporting mechanisms to inform the Central

Government and the public about the utilization of funds and the progress of efforts to stamp out child labour.

23.26 The Committee are concerned to note that as per the submission of the State Government, the only four Special Training Centers in the State run by Non Governmental Organizations with financial support of the Government of Bihar for educational and vocational rehabilitation of rescued child labourers before Covid pandemic are currently non-operational. **The Committee desire to highlight the role and necessity of such centres in the rehabilitation of child labourers in a holistic manner and urge the State Government to take immediate steps for re-opening of these centres.** The Committee also want the Government to consider increasing the number of such centres in areas with high incidence of child labour. The State Government may also consider enhancing the financial support being provided to the NGOs for their operation while ensuring proper monitoring for fund disbursal and utilisation.

OVERVIEW

- **To sum up, the National Policy on Child Labour, though rolled out in the year 1987, its implementation gained momentum after the amendment to the Act came in the year 2016, when for the first time the term ‘adolescent’ was included in the Act and complete ban was imposed on employment of children below 14 years. Major follow up action commenced from the year 2017 onwards, when standard operating procedure was launched on 26 September, 2017 providing for legal provisions pursuant to issuance of Child Labour (Prohibition and Regulation) Amendment Rules 2017 which came into effect from 2nd June, 2017. These rules broadly provide for prevention, rescue and rehabilitation of child and adolescent labour. The Committee took up the subject ‘National Policy on Child Labour—An Assessment’ for comprehensive examination in November, 2021. It is significant to mention that after deliberation with the Ministry of Labour & Employment, it came to light that there is very little data being collected relating to child labour, annually. Whatever information and data is there it comes from Census, which is done in every 10 years. Therefore, it was felt necessary to collate upto date data biannually, if not annually through a dedicated method by the Government. The nodal ministry for implementation of this policy agreed with the view of the Committee that any effective plan against child labour has to be centred round ‘whole-of-government approach’ so as to make this policy a success story. In pursuance thereof, an inter-ministerial meeting was held to discuss the child labour related issues under the chairmanship of Secretary, Ministry of Labour and Employment on 7 January, 2022 and the line ministries were advised to draw plan of action to combat scourge of child labour.**
- **There is no denying the fact that child labour is a multi-dimensional phenomenon requiring a multitude of solutions to be planned and delivered in harmony and coherence by a range of stakeholders from the policy makers to the families and children at the grass-root level. Recognizing the inextricable link between the abolition of child labour**

and the right to education, mainstreaming should be the key strategy for ensuring that child labour issues and concerns are included in policies, plans and budgets, appraisals, feasibility studies, evaluations, economic-development targets/goals, etc. at the national, sub-national, sectorial levels and with regional bodies.

- **In the context of implementation of the national programme, it is observed that despite the economic and social gains in the country, ending child labour, together with addressing other forms of child rights issues, has remained a challenge. Indications are that the majority of these working children are coping with numerous contextual challenges, including household poverty, extensive informal economies, unregulated agriculture sector, vulnerabilities caused by conflicts and natural disasters, movement of persons in the form of migration/trafficking from rural and agricultural areas to cities and cross borders as well as internal displacement of persons, bonded labour and exclusion, insufficient reach of social protection measures, youth unemployment, inadequate capabilities for enforcement, uninformed public, and coordination and delivery bottlenecks.**
- **Among the key Ministries being the major stakeholders, are the Ministry of Labour and Employment, Ministry of Women and Child Development, Ministry of Social Justice & Empowerment, Ministry of Education and a host of Ministries focusing on sectors which are confronted with the problem—agriculture, mining, tourism, and urban development, as well as agencies dealing with internal and external migration and trafficking.**
- **The Ministry of Labour and Employment shall be the nodal Ministry for implementing the programme in coordination with other line ministries, state governments/UTs and other stakeholders.**
- **With a view to conduct performance review of all the stakeholders on regular basis, an accountability framework should be developed for each stakeholder involved in the entire convergence process of the rescued children.**

- **All requisite and foolproof measures should be taken by the Government entities to promote and secure the socio-economic and physical well being of the children and their families in all spaces within the informal sector so as to prevent exploitation of the child.**
- **As the meaningful realization of the policies of the Government for securing the rights of the children could only be achieved through rigorous monitoring and evaluation compliance, the Committee exhort the Government entities to embark upon seamless collaboration and coordination strategies with the help of IT-enabled tools and robust tracking system for every rescued child so as to ensure that no child is re-victimized.**
- **The Committee are of the firm opinion that the quality implementation of the Child Labour Policy should be ensured through timely and transparent allocation and release of adequate financial material and human resources to the implementing agencies.**
- **In its endeavour to exhibit zero tolerance to child labour, the Government should ensure that supply chains in the Government procurement are free from child labour or any form of violation of child rights.**
- **The Government besides integrating 'Child Budgeting' into all the budgets and programmes of the Central and State Governments and their Undertakings, should also ensure optimum utilization of budget allocated for children while periodically increasing the allocation keeping in mind the evolving needs.**
- **The primary focus of the Government must be on the prevention of any form of violation of the rights of children as well as to create and preserve a robust safety net around every child. The primary objective of the Government should be to ensure access to quality healthcare, education and social security to the child and his/her families. Developing technological strategies that involve active monitoring of cluster areas that are prone to child labour will go a long way in the rescue and rehabilitation of children in a planned and comprehensive manner.**

- **The Government should ensure that all out of school children such as child labourers, trafficked and street children, orphans, children with disability, children in areas of civil unrest, children of migrant labours, prisoners and manual scavengers etc. are tracked, rescued, rehabilitated and have access to their right to education.**
- **It is imperative to ensure consistent coordination among various agencies at the District Level such as District Child Protection Unit (DCPU), Special Juvenile Police Unit (SJPU), District Magistrate, Child Welfare Committee, Village Level Child Protection Committee under ICPS, District level Vigilance Committee under ITPA Act, 1986, Schools and Panchayats through the District Task Force (DTF), etc.**
- **One of the most critical prerequisites to prevent child labour and adolescent labour in hazardous employment is to put in place prescribed institutional mechanisms and build capacity of institutions to carry out designated tasks assigned to each of them.**
- **Analyzing information collected from the database of the missing children and previously rescued survivors as well as forming a strong network with all the stakeholders and law enforcement agencies engaged in the transit points and destination areas will go a long way in ensuring accurate data collection and effective child labour prevention.**
- **Victim Protection mechanisms including logistic and medical supports and access to legal aid are very crucial to rehabilitate the rescued children.**
- **Counseling must be provided to the victims by trained and certified counselors, community social workers, NGOs so as to assess the mental trauma caused to the victims and determine the required support to them.**
- **It is absolutely essential to strengthen the whole process of investigation and prosecution and conducting the trial in a time bound and victim friendly manner.**

- **Social, educational and economic rehabilitation of the child and adolescent labourers who have been rescued must be done through coordinated and convergent efforts by a series of stakeholders.**
- **Convergence mechanism must be developed between NDMA and NCPCR to protect children in times of natural and manmade disaster and other humanitarian crisis. Similarly, focus must be on interdepartmental coordination at State and District levels and their SOP so that effective monitoring is done for prevention, rescue and rehabilitation of child labours.**
- **In line with the aim of the Sustainable Development Goals (SDGs) 8.7, the Government should take immediate and effective measures to eradicate forced labour and modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and by 2025 end child labour in all its forms. With the ratification of International Labour Organisation (ILO) Conventions 138 and 182 in 2017, the successful implementation of National Policy on Child Labour would be critical in enhancing the image of the country in global scenario and positioning its status with pride among developed countries.**

**New Delhi;
18th December, 2023
27 Agrahayana, 1945 (Saka)**

**BHARTRUHARI MAHTAB
CHAIRPERSON,
STANDING COMMITTEE ON LABOUR,
TEXTILES AND SKILL DEVELOPMENT**

THE SCHEDULE

PART A

HAZARDOUS OCCUPATIONS AND PROCESSES IN WHICH ADOLESCENTS ARE PROHIBITED TO WORK AND CHILDREN ARE PROHIBITED TO HELP

1. Mines and Collieries (underground and underwater) and related work in:-

- (i) Stone quarries;
- (ii) Brick kilns;
- (iii) Preparatory and incidental processes thereof including extraction, grinding, cutting, splitting, polishing, collection, cobbling of stones or lime or slate or silica or mica or any other such element or mineral extracted from the earth; or
- (iv) Open pit mines.

2. Inflammable substances and explosives such as:-

- (i) Production, storage or sale of fire crackers;
- (ii) For manufacture, storage, sale, loading, unloading or transport of explosives as defined under the Explosives Act, 1884 (4 of 1884);
- (iii) Work relating to manufacturing, handling, grinding, glazing, cutting, polishing, welding, molding, electro-plating, or any other process involving inflammable substances;
- (iv) Waste management of inflammable substances, explosives and their by-products; or
- (v) Natural gas and other related products.

Hazardous processes (serial numbers (3) to (31) below are as specified in the First Schedule of the Factories Act, 1948 (63 of 1948))

3. Ferrous Metallurgical Industries

- (i) Integrated Iron and Steel;
- (ii) Ferro-alloys;
- (iii) Special Steels.

4. Non-ferrous Metallurgical Industries: Primary Metallurgical Industries, namely zinc, lead, copper, manganese and aluminium.

5. Foundries (ferrous and non-ferrous): Castings and forgings including cleaning or smoothening or roughening by sand and shot blasting.
6. Coal (including coke) Industries:-
 - (i) Coal, Lignite, Coke, similar other substance;
 - (ii) Fuel Gases (including Coal Gas, Producer Gas, and Water Gas).
7. Power Generating Industries.
8. Pulp and paper (including paper products) Industries.
9. Fertilizer Industries:-
 - (i) Nitrogenous;
 - (ii) Phosphatic;
 - (iii) Mixed.
10. Cement Industries: portland cement (including slag cement, puzzolona cement and their products).
11. Petroleum Industries:-
 - (i) Oil Refining;
 - (ii) Lubricating Oils and Greases.
12. Petro-chemical Industries.
13. Drugs and Pharmaceutical Industries: Narcotics, Drugs and Pharmaceuticals.
14. Fermentation Industries (Distilleries and Breweries).
15. Rubber (Synthetic Industries).
16. Paints and Pigment Industries.
17. Leather Tanning Industries.
18. Electro-plating Industries.
19. Chemical Industries:
 - (i) Coke Oven By-products and Coaltar Distillation products;
 - (ii) Industrial Gases (nitrogen, oxygen, acetylene, argon, carbon dioxide, hydrogen, sulphurdioxide, nitrous oxide, halogenated hydrocarbon, ozone, similar other gas);
 - (iii) Industrial Carbon;
 - (iv) Alkalies and Acids;
 - (v) Chromates and dichromate;
 - (vi) Lead and its compounds;

- (vii) Electro chemicals (metallic sodium, potassium and magnesium, chlorates, per chlorates and peroxides);
 - (viii) Electro thermal produces (artificial abrasive, calcium carbide);
 - (ix) Nitrogenous compounds (cyanides, Cyanamid's, and other nitrogenous compounds);
 - (x) Phosphorus and its compounds;
 - (xi) Halogens and Halogenated compounds (chlorine, fluorine, bromine and iodine);
 - (xii) Explosives (including industrial explosives and detonators and fuses).
20. Insecticides, Fungicides, Herbicides and other pesticides industries.
 21. Synthetic Resin and Plastics.
 22. Man-made Fiber (Cellulosic and non-cellulosic) industry.
 23. Manufacture and repair of electrical accumulators.
 24. Glass and Ceramics.
 25. Grinding or glazing of metals.
 26. Manufacture, handling and processing of asbestos and its products.
 27. Extraction of oils and fats from vegetable and animal sources.
 28. Manufacture, handling and use of benzene and substances containing benzene.
 29. Manufacturing processes and operations involving carbon disulphide.
 30. Dyes and dyestuff including their intermediates.
 31. Highly flammable liquids and gases.
 32. Process involving handling and processing of hazardous and toxic chemicals as specified in Part-II of the Schedule I to the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
 33. Work in slaughter houses and including work with guillotines.
 34. Work involving exposure to radioactive substances including electronic waste and incidental processes therein.
 35. Ship breaking.
 36. Salt Mining or Salt Pan Work.
 37. Hazardous processes as specified in Schedule IX to the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules, 1998.
 38. Work in beedi-making or processing of tobacco including manufacturing, pasting and handling tobacco or any drugs or psychotropic substance or

alcohol in any form in food processing and beverage industry and at bars, pubs, parties or other similar occasions that serve alcoholic substances.

PART B

LIST OF OCCUPATIONS AND PROCESSES WHERE CHILDREN ARE PROHIBITED TO HELP IN FAMILY OR FAMILY ENTERPRISES (IN ADDITION TO PART A)

Occupations

Any occupation concerned with —

1. Transport of passengers, goods or mails by railways;
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 tracks;
5. a port authority within the limits of any port;
6. automobile workshops and garages;
7. handloom and powerloom industry;
8. plastic units and fiberglass workshops;
9. domestic workers or servants;
10. dhabas (roadside eateries), restaurants, hotels, motels, resorts;
11. diving;
12. circus;
13. caring of Elephant;
14. power driven bakery machine;
15. shoe making.

Processes

1. Carpet-weaving including preparatory and incidental process thereof;
2. Cement manufacture, including bagging of cement;
3. Cloth printing, dyeing and weaving including processes, preparatory and incidental thereto;
4. Shellac manufacture;

5. Soap manufacture;
6. Wool-cleaning;
7. Building and construction industry including processing and polishing of granite stones; hauling and stacking materials; carpentry; masonry;
8. Manufacture of slate pencils (including packing);
9. Manufacture of products from agate;
10. Cashew and cashew nut descaling and processing;
11. Metal cleaning, photo engraving and soldering processes in electronic industries;
12. Aggarbatti manufacturing;
13. Automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting;
14. Roof tiles units;
15. Cotton ginning and processing and production of hosiery goods;
16. Detergent manufacturing;
17. Fabrication workshops (ferrous and non-ferrous);
18. Gem cutting and polishing;
19. Handling of chromite and manganese ores;
20. Jute textile manufacture and coir making;
21. Lime kilns and manufacture of lime;
22. Lock making;
23. Manufacturing processes 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 scraping of lead paint, burning of lead in enameling workshops, lead mining, plumbing, cable making, wire patenting, lead casting, type founding in printing shops. shot making and lead glass blowing;
24. Manufacture of cement pipes, cement products and other related work;
25. Manufacture of glass, glass ware including bangles, florescent tubes, bulbs and other similar glass products;
26. Manufacturing or handling of pesticides and insecticides;
27. Manufacturing or processing and handling of corrosive and toxic substances;
28. Manufacturing of burning coal and coal briquettes;
29. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;

30. Oil expelling and refinery;
31. Paper making;
32. Potteries and ceramic industry;
33. Polishing, moulding, cutting, welding and manufacturing of brass goods in all forms;
34. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting;
35. Saw mill – all processes;
36. Sericulture processing;
37. Skinning, dyeing and processes for manufacturing of leather and leather products;
38. Tyre making, repairing, re-treading and graphite beneficiation;
39. Utensils making, polishing and metal buffing;
40. 'Zari' making and processes involving the use of zari (all processes);
41. Graphite powdering and incidental processing;
42. Grinding or glazing of metals;
43. Diamond cutting and polishing;
44. Rag picking and scavenging;
45. Mechanized fishing;
46. Food processing;
47. Beverage industry;
48. Cultivating, sorting, drying and packaging in spice industry;
49. Timber handling and loading;
50. Mechanical lumbering;
51. Warehousing;
52. Massage parlours, gymnasiums, or other recreational centres, or in medical facilities;
53. Operations involving the following dangerous machines:-
 - (a) hoists and lifts;
 - (b) lifting machines, chains, ropes and lifting tackles;
 - (c) revolving machinery;
 - (d) power presses;

(e) machine tools used in the metal trades;

54. Composing types for printing, printing by letter press, lithography, photogravure or other similar process or book-binding, as specified in sub-clause (iv) of clause (k) of section 2 of the Factories Act, 1948.”

APPENDIX-I

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Second Sitting of the Committee

The Committee sat on Monday, the 01st November, 2021 from 1100 hrs. to 1315 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Dr. Umesh G. Jadhav
5. Shri Naba Kumar Sarania
6. Shri Bhola Singh
7. Shri Nayab Singh

RAJYA SABHA

8. Shri Naresh Bansal
9. Shri Dushyant Gautam
10. Shri Elamaram Kareem
11. Dr. Banda Prakash
12. Ms. Dola Sen
13. Shri M. Shanmugam
14. Shri Vivek Thakur
15. Shri Vijay Pal Singh Tomar

SECRETARIAT

- | | | | |
|----|------------------------------|---|---------------------|
| 1. | Shri T.G. Chandrasekhar | - | Joint Secretary |
| 2. | Shri D.R. Mohanty | - | Director |
| 3. | Shri Sanjay Sethi | - | Additional Director |
| 4. | Shri Sidhartha Gautam Kamidi | - | Deputy Secretary |

Witnesses

REPRESENTATIVES OF THE MINISTRY OF LABOUR & EMPLOYMENT

- | | | |
|----|------------------------|------------------|
| 1. | Shri Sunil Barthwal | Secretary, (L&E) |
| 2. | Ms. Kalpana Rajsinghot | Joint Secretary |
| 3. | Shri Ajay Tewari | Joint Secretary |
| 4. | Shri R.K. Gupta | Joint Secretary |

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Labour & Employment to the sitting of the Committee, convened to have a briefing on the Subject 'National Policy on Child Labour – An Assessment'. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings during deposition before the Parliamentary Committees, the Chairperson asked the Secretary, Ministry of Labour & Employment to brief the Committee on various initiatives taken and challenges faced to identify the cause and number of child labour in the Country, steps taken to formulate appropriate programmes/policies to eliminate all forms of child labour, impact of COVID-19 on child labour, etc.

3. The Secretary, accordingly, gave an overview on aspects like legislative intervention, convergence of schemes and National Child Labour Project etc. Thereafter, the Joint Secretary, Ministry of Labour and Employment made a Power Point Presentation highlighting *inter-alia* constitutional provisions on child labour viz. fundamental rights (Art. 24) and Directive Principles of State Policy (Art. 39); Child Labour (Prohibition and Regulation) Act, 1986, National Policy on Child Labour (NCLP), 1987 and Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Rules made thereunder; penalties under the Act; ratification of ILO Conventions by the Government, census data on child labour; and components and performance of Platform for effective enforcement for No Child Labour (PENCL) Portal etc.

4. The Members then raised certain specific queries on various issues, which *inter-alia* included engagement of children of age group of 14 to 17 years in hazardous Industries; need to re-visit such Industries; fall in attendance of children of the age group of 14-17 years in schools; engagement of large number of children in age group of 5-14 years in rural areas; clarity in definition of "hazardous process" under OSHWC Code; regulation of conditions of work of adolescents; state-wise information regarding functioning of District level Committees including periodicity of meetings held, issues raised and action taken; action plan to eradicate child labour/street children and budgetary provisions thereof; timeline prescribed to extend the coverage of NCLP in all Districts and the extent to which its objectives were achieved; periodicity of conducting surveys under NCLP; number of persons penalized and the details of penalties imposed;

need to have provision for registration on PENCIL Portal by child himself/herself; need to conduct survey to have updated data on child labour; plan for revival of special schools; necessity to carry out inspections at the Factories/Establishments; organizing awareness campaigns on regular basis; strengthening monitoring and implementation mechanism etc. The representatives of the Ministry responded to some of the queries/ points raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Secretary to furnish written replies thereon within 15 days. The Secretary assured to comply.

6. The Chairperson thanked the Secretary and other representatives of the Ministry for appearing before the Committee and furnishing valuable information on the subject matter as well as responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned.

APPENDIX-II

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Tenth Sitting of the Committee

The Committee sat on Friday, the 29th April, 2022 from 1130 hrs. to 1230 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Satish Kumar Gautam
3. Dr. Umesh G. Jadhav
4. Shri Dharmendra Kashyap
5. Shri Naba Kumar Sarania
6. Shri Bhola Singh
7. Shri Nayab Singh

RAJYA SABHA

8. Shri Naresh Bansal
9. Shri Dushyant Gautam
10. Ms. Dola Sen
11. Shri Vivek Thakur
12. Shri Vijay Pal Singh Tomar

SECRETARIAT

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri Sanjay Sethi - Additional Director
3. Shri K.G. Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF THE MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
1.	Shri Sunil Barthwal	Secretary
2.	Dr. Shashank Goel	Additional Secretary
3.	Shri S.C. Joshi	Chief Labour Commissioner (C)
4.	Ms. Kalpana Rajsinghot	Joint Secretary
5.	Shri Ajay Tewari	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Labour & Employment (MoLE) to the sitting of the Committee, convened for taking further oral evidence of the Ministry on the subject 'National Policy on Child Labour (NCLP) - An Assessment'. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the Secretary, MoLE, to apprise the Committee of the status of proposals for taking up new projects and completion of pending projects under NCLP, level of preparedness in implementation of the Scheme, amendments that may be required in the Child Labour (Prohibition and Regulation) Act, further steps taken to check prevalence of Child Labour across the country and additional measures taken by the Ministry to alleviate the menace of Child labour.

3. The Secretary, Ministry of Labour & Employment briefed the Committee about the discussions held with Fourteen Ministries/ Departments linked to the child labour issue. Thereafter, the Joint Secretary, MoLE made a Power Point Presentation *inter-alia* highlighting the provisions contained in Right to Education Act, 2009 and Child and Adolescent Labour (Prohibition and Regulation) Act, 2016, ratification of ILO conventions, major components of NCLP, release of funds under NCLP, merger of NCLP with Samagra Shiksha Abhiyan (SSA) Scheme, etc.

4. The Secretary and other representatives of the Ministry also responded to various queries raised by the Members which *inter-alia* included details of fourteen Ministries/Departments with whom the Ministry of Labour and Employment held discussions on issues related to child labour and their sector specific responsibility; details of sectors and establishments having higher incidence of child labour; NGOs working for elimination of child labour and the criteria being followed by the Ministry for their involvement; number of children rescued, rehabilitated and mainstreamed from working in hazardous Industries; number of meetings held by Central Monitoring Committee, State Monitoring Committee and District Level Monitoring and Vigilance Committee; plan of action to cover

the Districts where NCLP has not been sanctioned; coordination with those State Governments where cases of violation of child labour laws are registered/reported; effectiveness of PENCIL Portal; mechanism put in place to ensure proper rehabilitation of the rescued children; tracking mechanism in the case of school drop outs; assistance provided to the family members of the rescued children; gender-wise percentage of Child labour and marginalised sections rescued and rehabilitated; status of 'State Action Plan' for abolition of child labour in various States; functioning of the State Resource Centres.

5. As some points required detailed and statistical reply, the Chairperson asked the Secretary, Ministry of Labour & Employment to furnish written replies thereon within ten days. The Secretary assured to comply.

6. The Chairperson, then, thanked the Secretary and other representatives of the Ministry for furnishing valuable information on the subject and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The Committee, then, decided to have oral evidence of the representatives of the fourteen Ministries/Departments identified by the MoLE and involved in the subject matter besides obtaining detailed write ups from them. The Committee also decided to call some State Governments and Non-Governmental Organisations to tender evidence before them on issues relating to child labour.

The Committee then adjourned.

APPENDIX-III

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Eleventh Sitting of the Committee

The Committee sat on Friday, the 6th May, 2022 from 1100 hrs. to 1220 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Kunwar Pushpendra Singh Chandel
3. Shri Feroze Varun Gandhi
4. Shri Khalilur Rahaman
5. Shri Bhola Singh
6. Shri Ganesh Singh
7. Shri Nayab Singh

RAJYA SABHA

8. Shri Naresh Bansal
9. Shri Neeraj Dangi
10. Shri Dushyant Gautam
11. Shri Vivek Thakur

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director

Witnesses

REPRESENTATIVES OF THE MINISTRY OF EDUCATION (DEPARTMENT OF SCHOOL EDUCATION & LITERACY)

Sl. No.	Name	Designation
1.	Ms. Anita Karwal	Secretary
2.	Shri Maneesh Garg	Joint Secretary
3.	Ms. Rashmi Sharma	Director

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Education (Department of School Education & Literacy) to the sitting of the Committee, convened to have a briefing on the Subject 'National Policy on Child Labour – An Assessment' in the light of the merger of National Child Labour Project (NCLP) with Samagra Shiksha Abhiyan (SSA) Scheme. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings during deposition before the Parliamentary Committees, the Chairperson asked the Secretary, DoSEL to apprise the Committee on the action plan on Child Labour after merger of NCLP with SSA, outcome of the discussions held with MoLE; measures taken by DoSEL to alleviate and rehabilitate Child Labour and provisions of the Right of Children to Free and Compulsory Education, etc.

3. The Secretary, DoSEL accordingly, gave an overview of the discussion held with the Ministry of Labour & Employment on the merger of NCLP with SSA and thereafter the Joint Secretary, DoSEL made a Power-Point Presentation, high-lighting *inter-alia* concerns of DoSEL shared with the Ministry of Labour & Employment and their response; provisions of RTE Act and SSA for Out of School Children (OoS); fund sharing pattern between Centre and States; preparation of annual plans by States and UTs; norms for provisioning of Special Training Centres (STCs); various child centric interventions; stipend for non-residential and residential courses, PRABANDH Portal, etc.

4. The Members then raised certain specific queries on various issues which *inter-alia* included level of preparedness of the Department in carrying forward NCLP Scheme following its merger with SSA; budget allocation for the Scheme during FY 2022-2023; State-wise data regarding school drop-outs; quantum of financial assistance sought by various States for 'out of school' children; effectiveness of the tracking mechanism for rescued children and need to appoint Nodal Officer by DoSEL; steps taken to extend coverage to 'out of school' children of nomadic tribes; efforts made to identify skilling needs of rescued children; periodicity of conducting surveys under SSA by the teachers and training imparted to them; organizing awareness

campaigns on regular basis on provisions of RTE Act and SSA; need to involve public representatives at District level under SSA; maintenance of State-wise 'Student Registry'; need to integrate PRABANDH Portal of DoSEL with PENCIL Portal of MoLE; number of STCs functional under SSA and having hostel facilities; distinction between 'working children' and 'main working children'; strengthening the monitoring and implementation mechanism, etc. The representatives of the Department responded to the queries/points raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Secretary, Ministry of Education to furnish written replies thereon within two weeks. The Secretary assured to comply.

6. The Chairperson, then, thanked the Secretary and other representatives of the Ministry for furnishing valuable information on the subject and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-IV

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Twelfth Sitting of the Committee

The Committee sat on Tuesday, the 31st May, 2022 from 1100 hrs. to 1240 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Pasunoori Dayakar
5. Shri Satish Kumar Gautam
6. Shri Dharmendra Kashyap
7. Shri Pakauri Lal Kol
8. Shri Sanjay Sadashiv Rao Mandlik
9. Shri Nayab Singh

RAJYA SABHA

10. Shri Dushyant Gautam
11. Shri Elamaram Kareem

SECRETARIAT

- | | | | |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri A.K. Shah | - | Joint Secretary |
| 3. | Shri D.R. Mohanty | - | Director |
| 4. | Shri Sanjay Sethi | - | Additional Director |
| 5. | Shri KG Sidhartha | - | Deputy Secretary |

Witnesses

REPRESENTATIVES OF THE MINISTRY OF HOME AFFAIRS

Sl. No.	Name	Designation
1.	Dr. Vivek Joshi	RGI and Secretary (Coordination), MHA
2.	Shri Vivek Gogia	Director, National Crime Records Bureau (NCRB)
3.	Shri Shyamal Misra	Joint Secretary, MHA
4.	Shri Ashish Batra	IG, National Investigating Agency (NIA)

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND EMPLOYMENT

Sl. No.	Name	Designation
1.	Ms. Vibha Bhalla	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of Home Affairs (MHA) to the sitting of the Committee convened to have briefing by the Ministry on the subject 'National Policy on Child Labour - An Assessment'. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the RGI and Secretary (Coordination), MHA, to apprise the Committee of sector specific responsibility and action plan of the Ministry subsequent to the meeting convened by MoLE in January, 2022 and the measures taken to curb human/child trafficking, identification of child labour in the Census, the role of NCRB in documenting the incidence of crimes against children etc.

3. Accordingly, the RGI and Secretary (Coordination), Ministry of Home Affairs briefed the Committee about Criminal Law (Amendment) Act, 2013; compilation and publication of crime statistics by NCRB as reported by States/UTs; establishment of Anti Trafficking Cell in 2006; release of funds to States/UTs for Setting up Anti Human Trafficking Units (AHTUs); issue of advisories/SOPs to States and UTs to address human trafficking, enforce legislations relating to crime against children including Child Labour (Prohibition and Regulation) Act, 1986, set up exclusive 'Crime against Women/Children Desks' in each Police Station, thoroughly investigate crime against Children and Conduct speedy investigation; advisory to Ministry of

Railways to involve Railway Protection Force (RPF) and Government Railway Police (GRP) personnel deployed at Railway Stations in detecting the trafficking incidents & apprehending the traffickers; advisory to MoLE to sensitize officers of Labour Departments to keep watch over placement agencies; advisory to Ministry of Women & Child Development (MWCD) for rehabilitation of victims of trafficking; amendment of National Investigation Agencies Act, 2008 in 2019 authorizing NIA to investigate the offence of human trafficking by bringing Section 370 and 370A of IPC in its ambit; establishment of Crime Multi Agency Centre (Cri-MAC) in 2020 for online sharing of information on crime and criminals on 24X7 bases between various Law Enforcement Agencies and seamless flow of information between them, etc.

4. The Members then raised various related queries which *inter-alia* included collection of data regarding child labour, adolescents in the age group of 15 to 17 and 'houseless' children in the next census, number of individuals prosecuted under the Child Labour (Regulation and Prohibition) Act, 1986; progress made to curtail or eradicate trafficking after amendment of NIA Act, 2008; mandate of NIA to coordinate with other Countries, effectiveness of Anti Trafficking Cell; mechanism available to monitor the functioning of AHTUs; employers penalised for violation of Child trafficking provisions under IPC 370/370A; mechanism available for rehabilitation of children rescued from trafficking; measures taken to create awareness among police personnel and sensitise them to detect and apprehend child traffickers; effectiveness of Crime Multi Agency Centre (Cri-Mac); mechanism available to deal with cases of forced child labour in domestic work, begging, theft, etc. The representatives of the Ministry responded to some of the points/queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the representatives of the Ministry of Home Affairs to furnish written replies thereon within two weeks. They assured to comply.

6. The Chairperson, then, thanked the RGI and Secretary (Coordination) and other representatives of the Ministry for furnishing valuable information on the subject matter and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The Committee decided to have their next sitting on 7th June, 2022.

The Committee then adjourned.

APPENDIX-V

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Thirteenth Sitting of the Committee

The Committee sat on Tuesday, the 7th June, 2022 from 1130 hrs. to 1245 hrs. in Committee Room No. 1, Parliament House Annexe Extension Building, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Satish Kumar Gautam
5. Dr. Umesh G. Jadhav
6. Shri Dharmendra Kashyap
7. Adv. Dean Kuriakose
8. Shri Khalilur Rahaman
9. Shri Bhola Singh
10. Shri Nayab Singh
11. Shri Giridhari Yadav

RAJYA SABHA

12. Shri Naresh Bansal
13. Shri Dushyant Gautam
14. Shri Elamaram Kareem
15. Ms. Dola Sen
16. Shri M. Shanmugam
17. Shri Vivek Thakur

SECRETARIAT

- | | | | |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri A.K. Shah | - | Joint Secretary |
| 3. | Shri D.R. Mohanty | - | Director |
| 4. | Shri Sanjay Sethi | - | Additional Director |
| 5. | Shri KG Sidhartha | - | Deputy Secretary |

Witnesses

**REPRESENTATIVES OF THE MINISTRY OF HOUSING AND
URBAN AFFAIRS**

Sl. No.	Name	Designation
1.	Shri Ved Prakash	Joint Secretary
2.	Shri Dharmesh Chandra Goel	Additional Director General (Tech.), CPWD
3.	Shri Vinayak Rai	Chief Engineer (CSQ-Civil), CPWD

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND EMPLOYMENT

Name	Designation
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Ms. Kalpana Rajsinghot	Joint Secretary
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2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and apprised them that upon a request received from the Ministry of Agriculture & Farmers Welfare, he had granted exemption to the representatives of the Ministry of Agriculture and Farmers Welfare (Department of Agriculture & Farmers' Welfare) to depose before the Committee as they had to appear before the Standing Committee on Agriculture, Animal Husbandry and Food Processing that day at 1100 hours. However, he had not agreed to another request of the Ministry to altogether exempt them from deposing before the Committee since a large number of adolescents and children are engaged in Agriculture Sector like cultivation, livestock, fisheries etc.

3. XX XX XX XX.

4. Thereafter, the representatives of the Ministry of Housing and Urban Affairs were called in. The Chairperson welcomed them to the sitting of the Committee convened to have briefing by the Ministry on the subject 'National Policy on Child Labour - An Assessment'. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the Joint Secretary to apprise the Committee of sector specific responsibility and action plan of the Ministry subsequent to the meeting convened by MoLE in January, 2022 and the measures taken to ensure non-deployment of children in the public works related with offices/departments under the purview of the Ministry; imposition of penal

provisions for non-compliance of various labour laws especially Child Labour (Prohibition and Regulation) Act, 1986; directions issued to prevent the engagement of adolescents and children in the works carried out by the departments under the administrative control of Ministry, etc.

5. The Joint Secretary, Ministry of Housing and Urban Affairs (MoHUA) accordingly briefed the Committee about compliance of the provisions contained in the Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service Act, 1996) by all executing agencies under the Ministry; specific provisions regarding non-deployment of labour below the age of 14 years in Clause 19 and 19A of CPWD's General Conditions of Contract – 2020 for construction works and their compliance at construction sites of CPWD through its field officers; ensuring compliance of various Acts related to labour through Labour Welfare Commissioners; payment of fair wages to labourers employed by Contractors either directly or through sub-contractors as per CPWD Contractor's Labour Regulations or as per the provisions of Contract Labour (Regulation and Abolition) Act, 1970 and the Contract Labour (Regulation and Abolition) Central Rules, 1971, etc.

6. The Members then raised various related queries which *inter alia* included inputs/feedback provided by MoHUA to the Ministry of Labour and Employment at the meeting held in January, 2022 and the outcome thereof; number of instances where violation of the provisions of Clause(s) 19 & 19A of CPWD's General Conditions of Contract – 2020 were noticed and the action taken thereupon by the CPWD, as the principal employer; engagement of adolescents by CPWD & NBCC and precautionary measures taken to ensure their safety at construction sites; steps taken to check the incidence of child labour in various public works; criteria for determination of fair wages and monitoring mechanism available to ensure payment of fair wages; need to involve urban local bodies to conduct survey of homeless children living under the bridges, flyovers, etc. in urban areas; cases of accidents at construction sites involving labours especially adolescent/child labour resulting in death/grievous injury; action taken against the contractors and the quantum of compensation awarded; details of surprise visits undertaken by CPWD officials along with the officials of Labour Departments of States/UTs concerned to prohibit deployment of child labours at construction site; measures taken to rehabilitate the child labour especially in the provision of housing facilities in the urban areas/pockets; etc. The Joint Secretary, MoHUA responded to some of the points/queries raised by the Members.

7. As some points required detailed and statistical data, the Chairperson asked the Joint Secretary, Ministry of Housing and Urban Affairs to furnish written replies thereon within two weeks. He assured to comply.

8. The Chairperson, then, thanked the Joint Secretary and other representatives of the Ministry for furnishing valuable information on the subject and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

9. The Committee decided to have their next sitting on 15th June, 2022
The Committee then adjourned.

XX Does not pertain to this Report.

APPENDIX-VI

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Fourteenth Sitting of the Committee

The Committee sat on Wednesday, the 15th June, 2022 from 1130 hrs. to 1330 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Satish Kumar Gautam
5. Dr. Umesh G. Jadhav
6. Shri Dharmendra Kashyap
7. Shri Khalilur Rahaman
8. Shri Naba Kumar Sarania
9. Shri Ganesh Singh
10. Shri K. Subbarayan

RAJYA SABHA

11. Shri Naresh Bansal
12. Shri Neeraj Dangi
13. Shri Dushyant Gautam
14. Shri Elamaram Kareem
15. Shri M. Shanmugam
16. Shri Vivek Thakur
17. Shri Vijay Pal Singh Tomar

SECRETARIAT

1. Shri D.R. Mohanty - Director
2. Shri Sanjay Sethi - Additional Director
3. Shri KG Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF THE DEPARTMENT OF ANIMAL HUSBANDRY
AND DAIRYING

Sl. No.	Name	Designation
1.	Shri Atul Chaturvedi	Secretary
2.	Dr. O.P. Chaudhary	Joint Secretary (NLM/PC)
3.	Dr. Sujit Dutta	Joint Commissioner (NLM)

REPRESENTATIVES OF THE DEPARTMENT OF FISHERIES

Sl. No.	Name	Designation
1.	Shri Jatindra Nath Swain	Secretary
2.	Shri Sagar Mehra	Joint Secretary
3.	Shri Shankar L.	Joint Commissioner

REPRESENTATIVES OF THE DEPARTMENT OF RURAL DEVELOPMENT

Sl. No.	Name	Designation
1.	Shri Nagendra Nath Sinha	Secretary
2.	Shri Amit Kataria	Joint Secretary
3.	Smt. Nita Kejriwal	Joint Secretary

REPRESENTATIVES OF THE DEPARTMENT OF AGRICULTURE AND
FARMERS WELFARE

Sl. No.	Name	Designation
1.	Shri Abhilaksh Likhi	Additional Secretary
2.	Shri Lalsanglur	Sr. ESA, DES
3.	Ms. Chhavi Jha	Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Departments of Animal Husbandry & Dairying; Fisheries; Rural Development; and Agriculture & Farmers Welfare to the sitting of the Committee convened to have briefing by the Departments on the Subject 'National Policy on Child Labour-An Assessment'. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the representatives to apprise the Committee of sector specific responsibilities of the Departments one by one *inter-alia* highlighting engagement of adolescents and child labour in livestock, forestry, fisheries, crop production, cultivation, etc. in rural/urban areas; awareness campaigns undertaken for prohibition of child labour in the Schemes implemented by the Departments; measures taken for sensitization about 'No Child Labour' etc.

4. Thereafter, the Joint Secretary, Department of Animal Husbandry and Dairying made a Power Point Presentation *inter-alia* highlighting livestock sector growth since 2014, cattle and dairy development schemes; National Livestock Mission, livestock health and disease control programme; Animal Husbandry Infrastructure Development Fund; non-availability of any information/report/data on involvement of child labour in organised/unorganised sectors; engagement of children as family labour in dairy, poultry and to rear animals, etc.

5. The Secretary, Department of Fisheries then briefed the Committee about non-availability of data on child labour in fisheries sector; confirmation from most of the States/UTs regarding non-prevalence of child labour in fisheries; possibility of having child labour in individual fish farms; engagement of children by parents in family business; non-engagement of child labour in organised sector; etc.

6. Thereafter, the Secretary, Department of Rural Development briefed the Committee about non-availability/non-maintenance of data on child labour in the sectors falling under the jurisdiction of the Department; factors responsible for child labour viz. poor economic condition and natural disasters like droughts, floods etc.; role of Labour Departments and NGOs in deterring child labour; etc.

7. The Chairperson, then, asked Additional Secretary, Department of Agriculture and Farmers Welfare to explain the reasons for their reluctance through a written communication to appear before the Committee on the plea that the subject matter did not relate to them. The Additional Secretary apologised for the communication sent by them and requested that the said communication be treated as withdrawn. Thereafter, he made a Power Point Presentation *inter alia* highlighting the number of cultivators and agricultural labours, as per 2011 census; non-maintenance of data of child labour by the Department; etc.

8. The Members then raised various queries which *inter alia* included financial support provided to NGOs/other organizations working towards the welfare of children of the marginalized workers; need to devise an independent mechanism for identification of child labour working in organized as well as unorganized sector through the NGOs engaged by the Departments; mechanism available to categorise/segregate the children working with the family vis-à-vis working on hired basis; need to launch awareness campaigns to sensitize parents about non-engagement of children along with the alternatives available to them; mechanism available to ensure availability of foodgrain under National Food Security Act, 2013 (Right to Food Act) for the labourers involved in the sectors; mechanism established to ensure enrolment of children of migrant workers at Anganwadi Centres of Ministry of Women and Child Development; suggestions for prohibition/eradication of child labour and also for increasing productivity as well as better livelihood; plan of action of Departments to interact/coordinate with the line Ministries for collection of data on child labour; steps taken to ensure compliance with provisions of Child Labour (Prohibition and Regulation) Act, 1986, as amended; the need for making the laws more stringent to effectively prohibit engagement of Child Labour in various schemes, etc. The representatives of the Departments responded to the queries raised by the Members.

9. As some points required detailed and statistical data, the Chairperson asked the representatives of the Departments of Animal Husbandry & Dairying; Fisheries; Rural Development; and Agriculture & Farmers Welfare to furnish written replies thereon within two weeks. They assured to comply.

10. The Chairperson, then, thanked the representatives of the Departments for furnishing valuable information on the subject and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

11. The Committee decided to have their next sitting on 22nd June, 2022
The Committee then adjourned.

APPENDIX-VII

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Fifteenth Sitting of the Committee

The Committee sat on Wednesday, the 22nd June, 2022 from 1130 hrs. to 1415 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Satish Kumar Gautam
5. Dr. Umesh G. Jadhav
6. Shri Pakauri Lal Kol
7. Adv. Dean Kuriakose
8. Shri Naba Kumar Sarania
9. Shri Bhola Singh
10. Shri Nayab Singh
11. Shri K. Subbarayan
12. Shri Giridhari Yadav

RAJYA SABHA

13. Shri Naresh Bansal
14. Shri Neeraj Dangi
15. Ms. Dola Sen
16. Shri M. Shanmugam
17. Shri Vivek Thakur

SECRETARIAT

- | | | | |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri A.K. Shah | - | Joint Secretary |
| 3. | Shri D.R. Mohanty | - | Director |

Witnesses

REPRESENTATIVES OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT

Sl. No.	Name	Designation
1.	Shri Indevar Pandey	Secretary
2.	Ms Pallavi Agarwal	Joint Secretary
3.	Shri Drijesh Kumar Tiwari	Statistical Advisor

REPRESENTATIVE OF THE MINISTRY OF LABOUR AND EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and representatives of the Ministry of Women and Child Development to the sitting of the Committee convened to have briefing on the subject 'National Policy on Child Labour - An Assessment'. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the representatives to apprise the Committee of sector specific responsibility and action plan of the Ministry of Women and Child Development subsequent to their meeting convened by the Ministry of Labour and Employment in January, 2022; areas of concern; scope for convergence and improvement; measures to ensure food and shelter to the children withdrawn from work through the schemes of shelter homes; functioning of the National Commission for Protection of Child Rights; awareness campaigns for sensitization and prohibition of child labour in the various schemes implemented by the Ministry, etc.

3. The Secretary, Ministry and Women and Child Development accordingly briefed the Committee about compliance of the provisions contained in the various schemes *viz.* Juvenile Justice (Care and Protection of Children) Act, 2015, National Commission for Protection of Child Rights (NCPCR), Integrated Child Development Services, Beti Bachao Beti Padhao, Ujjawala Scheme, Working Women Hostel Scheme, Immoral Traffic (Prevention) Act, 1956 by all executive agencies under the Ministry and the coverage of various categories of Children therein; Rehabilitation measures including institutional and non-institutional care for Children by providing shelter, food, vocational training, medical and legal aid; Procedure for identification of Children in need of care and protection; Prevention through

social mobilisation, communities and awareness generation programmes; Performance of online complaint management system *viz.* POSCO e-box; Reintegration of the victims into family and society, etc.

4. The Members then raised certain specific queries on various issues, which *inter-alia* included inputs/feedback provided by Ministry of Women and Child Development at the meeting held in January, 2022 and the outcome thereof; steps taken to check the incidence of child labour; need to increase the honorarium for Anganwadi workers; steps taken to enroll children in schools; the need for making the laws/inspections more stringent to effectively prohibit engagement of Child labour in various occupations; steps taken to ensure compliance with provisions of The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986; mechanism established to ensure enrollment of children of migrant workers at Anganwadi Centres of Ministry of Women and Child Development; Working of Child Welfare Committees; suggestions for prohibition/eradication of Child labour and also for increasing productivity as well as better livelihoods; need to launch awareness campaigns to sensitise parents about non-engagement of children along with alternatives available to them, etc. The representatives of the Ministry responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Secretary, Ministry of Women and Child Development to furnish written replies thereon within two weeks. He assured to comply.

6. The Chairperson, then, thanked the representatives of the Ministry for appearing before the Committee as well as for furnishing valuable information on the subject and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The Committee decided to have their next sitting on 29th June, 2022.

The Committee then adjourned.

APPENDIX-VIII

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Sixteenth Sitting of the Committee

The Committee sat on Wednesday, the 29th June, 2022 from 1100 hrs. to 1215 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Kunwar Pushpendra Singh Chandel
3. Shri Satish Kumar Gautam
4. Dr. Umesh G. Jadhav
5. Shri Pakauri Lal Koli
6. Shri Khalilur Rahaman
7. Shri Bhola Singh
8. Shri Nayab Singh
9. Shri Giridhari Yadav

RAJYA SABHA

10. Shri M. Shanmugam
11. Shri Vivek Thakur

SECRETARIAT

- | | | | |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri A.K. Shah | - | Joint Secretary |
| 3. | Shri D.R. Mohanty | - | Director |
| 4. | Shri Sanjay Sethi | - | Additional Director |
| 5. | Shri K.G. Sidhartha | - | Deputy Secretary |

Witnesses

REPRESENTATIVES OF THE DEPARTMENT OF SOCIAL JUSTICE AND EMPOWERMENT (DoSJE)

Sl. No.	Name	Designation
1.	Shri R. Subrahmanyam	Secretary
2.	Shri Parveen Kumar Thind	Director

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Department of Social Justice and Empowerment to the sitting of the Committee convened to have a briefing by the Department on the Subject 'National Policy on Child Labour-An Assessment'. The Chairperson sought explanation from the Secretary, DoSJE for not furnishing any background note/write up on the plea that no scheme on child labour was being implemented by the Department. The Secretary apologized for the unintended lapse and assured to remain vigilant in future. Thereafter, drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the representatives to apprise the Committee of the sector specific responsibility and action plan of the Department, *inter alia*, highlighting the areas of concern; scope for convergence and improvement; the Protection of Civil Rights Act, 1955; assistance extended to NGOs for welfare of SCs and their children including various educational and scholarship schemes; awareness campaigns about prohibition of child labour in the Schemes implemented by the Ministry; measures taken for sensitization about 'No Child Labour', etc.

3. The Secretary, Department of Social Justice and Empowerment accordingly briefed the Committee about scholarship being provided to the students belonging to SCs and OBCs in the field of education; Protection of Civil Rights and Prevention of Atrocities Act; launch of national helpline against atrocities; economic empowerment of SCs and OBCs; connection between child labour and bonded labour; Support for Marginalized Individuals for Livelihood and Enterprise (SMILE) scheme; setting up of de-addiction centres funded by the Department; National Action for Mechanized Sanitization Ecosystem (NAMASTE); Swachhta Udyami Yojana (SUY), etc.

4. The Members then raised various queries which *inter alia* included exploitation of children for begging especially at traffic intersections and need to place them in shelter homes; need to have coordination mechanism between Department of Social Justice and Empowerment and Ministry of

Labour to eradicate begging/child labour; mechanism available to identify deprived sections of the society and providing them support; measures taken for the eradication of beggary and rehabilitation of persons engaged in begging; measures taken for the welfare of Children engaged in hazardous occupations; mechanism put in place for mapping of adolescent labours rescued from hazardous occupation; measures taken for the welfare of Manual Scavengers, particularly those affecting their children; role and responsibility of the National Commission for Safai Karamcharis and National Safai Karamcharis Finance and Development Corporation; campaigns undertaken to raise awareness about the welfare measures for the Scheduled Castes, Socially and Educationally Backward Classes; etc. The Secretary responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Secretary to furnish written replies thereon within two weeks. He assured to comply. He also assured to submit a draft policy containing suggestions and plan of action for prohibition, rescue and rehabilitation of child labour.

6. The Chairperson thanked the representatives of the Department for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The Committee decided to have their next sittings on 12th and 13th July, 2022

The Committee then adjourned.

APPENDIX-IX

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Seventeenth Sitting of the Committee

The Committee sat on Tuesday, the 12th July, 2022 from 1100 hrs. to 1300 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Satish Kumar Gautam
4. Shri Dharmendra Kashyap
5. Shri Sanjay Sadashiv Rao Mandlik
6. Shri Naba Kumar Sarania
7. Shri Bhola Singh
8. Shri Ganesh Singh
9. Shri Nayab Singh
10. Shri Giridhari Yadav

RAJYA SABHA

11. Shri Naresh Bansal
12. Shri Dushyant Gautam
13. Shri Elamaram Kareem
14. Shri M. Shanmugam
15. Shri Vijay Pal Singh Tomar

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director
4. Shri KG Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF CHILDLINE INDIA FOUNDATION, MUMBAI

Sl. No.	Name	Designation
1.	Dr. Anjaiah Pandiri	Executive Director
2.	Ms Anuradha Vidyasankar	Regional Head, Regional Resource Centre, South Region

REPRESENTATIVES OF BACHPAN BACHAO ANDOLAN, NEW DELHI

Sl. No.	Name	Designation
1.	Ms. Rajni Sekhri Sibal	CEO
2.	Ms Jyoti Mathur	Executive Director - Policy & Research Department
3.	Mr. Bhuwan Ribhu	Child Rights Activist

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of Childline India Foundation to the sitting of the Committee convened to hear their views on the Subject 'National Policy on Child Labour – An Assessment'. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked them to present their views/suggestions on the subject.

3. Thereafter, the representatives of Childline India Foundation briefed the Committee about their organisation, which is supported by the Ministry of Women & Child Development, their presence in 602 districts; procedure followed on receipt of complaints on helpline number 1098 relating to children deployed in begging, industries, dhabas, restaurants, domestic work, family units, etc. and the interventions made by the organisation to rescue/rehabilitate the child labours. Their suggestions for prevention/elimination of child labour *inter alia* included need to create database of children at Panchayat level; need to ensure regular school attendance of children and treating 'out of school children' as child labour; appointment of District Nodal Officers to track the cases of child labour at PENCIL Portal and also to attach complaints received from other sources to the Portal; mandatory registration of FIRs; ensuring compliance of Directions of Supreme Court in MC Mehta v/s State of Tamil Nadu case regarding contribution of Rs. 20,000 per child by offending employers; employment of one adult member of family of rescued child or contribution

of Rs. 5,000 to the Welfare Fund by State Government and need to formulate guidelines for the utilization of the Fund; skill training of rescued child as per aptitude; zero tolerance for engaging adolescents in hazardous work; need to obtain permission of State Government for mass movement of children from one State to another; formulation of detailed guidelines/SOPs for inter-department coordination of Labour, Health, Social Justice, Panchayati Raj, Women & Child Education, Police, etc. and their execution; need to launch awareness campaigns to report cases of child labour to Childline helpline number, etc.

4. The Members then raised various queries which *inter alia* included working of PENCIL portal of MoLE; conduct of District Level Committee meetings at regular intervals; mechanism available to help 'out school children' to go back to school especially in urban areas; treating child labour as bonded labour; survey conducted by organisation to identify 'out of school children' and working at places other than their homes, etc. The representatives of the NGO responded to the queries raised by the Members.

5. The Chairperson thanked the witnesses for appearing before the Committee and furnishing their views/suggestions on the subject matter. The Chairperson also asked the representatives to furnish their written submission / additional information within a week. They assured to comply.

(The witnesses then withdrew)

6. The representatives of Bachpan Bachao Andolan were then called in and the Chairperson welcomed them to the sitting. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked them to present their views/suggestions on the subject.

7. The representatives of Bachpan Bachao Andolan briefed the Committee about the number of children rescued by them with the help of police and other agencies; causes of child labour, etc. Their suggestion for prevention/elimination of child labour, *inter alia*, included need to consider 'out of school children' as children at risk or vulnerable to child labour; need to take up the issue in mission mode to meet international commitment to eliminate child labour by 2025; need to look child labour as an organized crime and take action against traffickers; need to have individual care plan of rescued child; need to include a Chapter on elimination of child labour in school curriculum; need to fix timeline for filing the chargesheet and completion of trial; imposition of fine, registration of FIRs, fixing time limit for repatriation; creation of Child Protection Fund of Rs. 100 crore by every State; spreading awareness about the ill effects of employment of children; all 'out of school children' to be tracked, rescued, rehabilitated and have access to right to education; every School to have its own child protection and safety policy; need to make mandatory provisions for 'Child Labour Free' tag/label in the supply chain in the contracts executed by Government for procurement of various items/products; reporting of cases of child labour by

the Residential Welfare Associations; Panchayati Raj Institutions (PRIs) to include child labour and trafficking as part of their monitoring activity; implementation of Supreme Court guidelines in MC Mehta vs Union of India case and need to increase the amount of fine fixed in 1996 from Rs. 20,000/- to Rs.1 lakh per child and also substantially increase financial assistance from Rs. 5000 to an appropriate amount keeping in view inflation, etc.

8. The Members then raised various queries which *inter alia* included difficulties being faced while rescuing children and expectations from the Government; contribution made by organization in mica mining and changes effected after their intervention; adverse effect on health of children involved in mica mining; details of Central Government Ministries/State Governments, which cooperate well in rescue operation; source of information from which the NGO gets details regarding child/bonded labour; survey conducted to identify hotspots and facilities provided by Central/State Governments at such places; coordination with Education Departments to find out the drop outs; steps taken to track progress of children after their repatriation, difficulties faced and assistance/support required from Central/State Government; etc. The representatives of the NGO responded to the queries raised by the Members.

9. The Chairperson thanked the witnesses for appearing before the Committee and furnishing their views/suggestions on the subject matter. The Chairperson also asked the representatives to furnish their written submission/ additional information within a week. They assured to comply.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-X

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Eighteenth Sitting of the Committee

The Committee sat on Tuesday, the 12th July, 2022 from 1400 hrs. to 1545 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Satish Kumar Gautam
4. Shri Dharmendra Kashyap
5. Shri Sanjay Sadashiv Rao Mandlik
6. Shri Naba Kumar Sarania
7. Shri Bhola Singh
8. Shri Ganesh Singh
9. Shri Nayab Singh
10. Shri Giridhari Yadav

RAJYA SABHA

11. Shri Naresh Bansal
12. Shri Dushyant Gautam
13. Shri Elamaram Kareem
14. Shri M. Shanmugam
15. Shri Vijay Pal Singh Tomar

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director
4. Shri KG Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF PRAYAS JUVENILE AID CENTER, NEW DELHI

Sl. No.	Name	Designation
1.	Shri Amod K Kanth	General Secretary
2.	Ms Indu Rani Singh	Executive Director
3.	Mr Ashish Kumar	Director

REPRESENTATIVES OF SAVE THE CHILDREN INDIA, NEW DELHI

Sl. No.	Name	Designation
1.	Dr. Namrata Jaitli	Director - Policy & Programme Impact
2.	Ms. Shivani Bhaskar	Manager Policy & Advocacy

REPRESENTATIVES OF SOS CHILDREN'S VILLAGES INDIA, NEW DELHI

Name	Designation
Mr. Sumanta Kar	Secretary General

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of Prayas Juvenile Aid Center to the sitting of the Committee convened to hear their views on the Subject 'National Policy on Child Labour – An Assessment'. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked them to present their views/suggestions on the subject.

3. Thereafter, the representative of Prayas Juvenile Aid Center briefed the Committee about the role of the NGO in tracking and rehabilitating child labour. Their suggestions for prevention/ elimination of child labour *inter alia* included need to amend Child and Adolescent Labour (Prohibition & Regulation) Act 1986/2016 to define child as a person of 18 years of age so as to make the definition in agreement with Juvenile Justice Act, 2015, other laws and ILO Convention 182 & 138; need to amend part B of Schedule to CALPRA, 1986 to exclude occupation & processes, which are hazardous in nature; need to enforce compliance of working hours for children & adolescents, as defined in Act/Rules by establishments/industries; to conduct survey to have data regarding hotspots/endemic areas and number of child labours in the country; to

involve NGOs/voluntary organizations while formulating national policy on children; to devise systematic action plan based national policy to meet the objective of Sustainable Development Goal (SDG) 8.7 to eliminate child labour in all its forms by 2025; to activate Central Advisory Board & have representation of NGOs/voluntary organizations in Technical Advisory Committee; to have separate/exclusive scheme for child labour as merger of NCLP with Samagra Shiksha Abhiyan (SSA) may have serious repercussions; to bring in fundamental changes in criminal justice system & align it with social legislations; need for convergence of various Schemes run by various Ministries/ Departments & also convert to action plan; to have Inter-State Repatriation Policy or SOPs for the rescued children; to make Task Force as integral part of law/policy; need to enhance amount of compensation fixed by Hon'ble Supreme Court in M. C. Mehta v/s State of Tamil Nadu case, etc.

4. The Members then raised various queries which *inter alia* included launch of awareness campaign in rural & urban areas by NGOs; utilization of CSR Fund; steps taken by organisation to identify any District/Block with no child labour; follow up action taken by organisation after rescue of children; number of shelter homes run by NGOs & the capacity of each shelter home *vis-à-vis* the number of children rescued; steps ought to be taken to meet the objective of child labour free country by 2025; assistance provided by District administration; etc. The representatives responded to the queries raised by the Members.

5. The Chairperson thanked the witnesses for appearing before the Committee and furnishing their views/suggestions on the subject matter. The Chairperson also asked the representatives to furnish their written submission/ additional information within a week. They assured to comply.

(The witnesses then withdrew)

6. The representatives of Save the Children and SOS Children's Villages were then called in and the Chairperson welcomed them to the sitting. Impressing upon the witnesses to keep the proceedings of the Committee 'Confidential', the Chairperson asked them to present their views/suggestions on the subject matter.

7. The representative of Save the Children India made a Power Point Presentation *inter-alia* highlighting prevalence of child labour in the organized & unorganized sectors particularly in sectors like garment industry, brick kilns, agriculture, fire works; increase in child labour due to COVID-19 pandemic; studies undertaken to identify prevalence of child labour in Government organisations. Their suggestions for prevention/ elimination of child labour *inter alia* included need to strengthen District Task Force; need for convergence of Child Welfare Committees, District Child Protection Units, District Legal Service Authorities at District level with District Labour Officer as District Nodal Officer; need to conduct district level periodic survey and census for child labour; mandatory

registration of home based units; mandatory declaration of 'No Child Labour' as per CALPRA 1986 by industries/business houses as a pre-requisite for receiving labour cards; convergence between CALPRA, 1986 & National Education Policy (NEP), 2020; to include information regarding child labour in school curriculum; to address the economic crisis of families; to share information regarding children absent from schools for thirty or more days with Department of Labour; to amend Juvenile Justice Act, 2015 so as to make serious offences against children as cognizable; MoLE to constitute a high-level advisory Committee comprising Ministries/Departments concerned, Commissions for Child Rights, law enforcement agencies & representatives of Civil Society Organisations (CSOs), etc.

8. The Members then raised various queries which *inter alia* included cognizable & non-cognizable offences under Juvenile Justice Act, 2015; role of various Ministries/Departments while effecting convergence of services; constitution of high-level advisory Committee; appointment of district nodal officer; conducting periodic survey annually; etc. The representatives responded to the queries raised by the Members.

9. The representative of SOS Children's Villages then briefed the Committee about factors responsible for child labour including family circumstances, viz. family not being economically empowered; earning member suffering from life threatening illness; marital dispute; man made or natural calamities; loss of livelihood due to COVID-19 pandemic; etc. Their suggestions for prevention/ elimination of child labour *inter alia* included need to identify areas/clusters having high incidents of child labour; to allocate resources for identification of family having higher incidents of child labour followed by Family Strengthening Measures viz. livelihood support, provision of education material, nutrition supplement, legal & psycho social support for a period of 5 years, etc.

10. The Members then raised various queries which *inter alia* included the number of care centers operated by the organisation & the number of children covered; sources of financial support to the organisation; duration for which the organisation provides support to the families; etc. The representative responded to the queries raised by the Members.

11. The Chairperson thanked the witnesses for appearing before the Committee and furnishing their views/suggestions on the subject matter. The Chairperson also asked the representatives to furnish their written submission/ additional information within a week. They assured to comply.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-XI

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)**

Minutes of the Nineteenth Sitting of the Committee

The Committee sat on Wednesday, the 13th July, 2022 from 1100 hrs. to 1330 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Satish Kumar Gautam
3. Shri Dharmendra Kashyap
4. Adv. Dean Kuriakose
5. Shri Sanjay Sadashiv Rao Mandlik
6. Shri Naba Kumar Sarania
7. Shri Bhola Singh
8. Shri Ganesh Singh
9. Shri Nayab Singh

RAJYA SABHA

10. Shri Naresh Bansal
11. Shri Dushyant Gautam
12. Shri Elamaram Kareem
13. Shri M. Shanmugam
14. Shri Vivek Thakur
15. Shri Vijay Pal Singh Tomar

SECRETARIAT

- | | | | |
|----|-------------------------|---|----------------------|
| 1. | Shri T.G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri D.R. Mohanty | - | Director |
| 3. | Shri Sanjay Sethi | - | Additional Director |
| 4. | Shri K.G. Sidhartha | - | Deputy Secretary |

Witnesses

REPRESENTATIVES OF GOVERNMENT OF NCT OF DELHI

Sl. No.	Name	Designation
1.	Sh. Naresh Kumar	Chief Secretary, GNCTD
2.	Sh. K.R Meena	Pr. Secretary Labour
3.	Sh. Ashok Kumar	Secretary Education
4.	Smt. R Alice Vaz	Secretary Technical Education/Higher Education
5.	Sh. Virender Kumar	Secretary SC/ST Department
6.	Sh. R.N Sharma	Commissioner (Labour)

REPRESENTATIVES OF STATE GOVERNMENT OF RAJASTHAN

Sl. No.	Name	Designation
1.	Shri P.K. Goyal	Additional Chief Secretary, Education Deptt.
2.	Shri Bhanu Prakash Yeturu	Secretary, Labour Deptt.

REPRESENTATIVES OF STATE GOVERNMENT OF PUNJAB

Sl. No.	Name	Designation
1.	Sh. Manvesh Singh Sidhu	Secretary Labour
2.	Sh. Pradeep Kumar Agrawal	Special Secretary, School Education
3.	Sh. Baljit Singh	Assistant Labour Commissioner, Moga
4.	Sh. Harpreet Singh	Assistant Labour Commissioner, Headquarter
5.	Sh. Jagpreet Singh	Labour-cum-Conciliation Officer

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of Government of NCT of Delhi to the sitting of the Committee convened to take their oral evidence on the Subject 'National Policy on Child Labour – An Assessment'. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on prevention, tracing, tracking, rescue, rehabilitation and reintegration of child labour; enforcement and strengthening of the legal provisions; coordination with other stakeholders to ensure no child labour; fixing accountability and responsibility at all levels etc.

3. The Chief Secretary, Government of NCT of Delhi gave a brief account of the initiatives taken to trace, rescue and rehabilitate child labour. Thereafter, the Commissioner (Labour) made a Power Point Presentation *inter-alia* highlighting constitution of District Task Force (DTF) in all the Districts; restoration of rescued children to their parents through CWC; rehabilitation package of Rs 25,000 (Rs. 20000 recovered from employer & Rs. 5,000 as State share) through District Magistrate of States concerned and transfer to account of child (Fixed Deposit) belonging to Delhi; number of cases registered, charge sheets filed, fine imposed & imprisonment during the last 10 years; carrying out annual special drives for identifying out of school children & their enrolment in Special Training Centres; mechanism established for reporting and monitoring drop out children; training courses offered by Society for Self Employment (SSE), etc. Their suggestion for prevention/elimination of child labour *inter alia* included need to revise rehabilitation package; to extend benefits of other welfare schemes to the family members of rescued children; skill training to rescued child; strict monitoring and main streaming of 'out of school' children & drop out children; to have proper and focused Inter-State coordination; to develop a block-chain system on a digital platform by bringing all stakeholders in the block-chain with a nodal officer at District level having responsibility of updating the status of rescued children, etc.

4. The Members then raised various queries which *inter alia* included status of financial proposal and plans for the year 2022-23 prepared in response to guidelines issued by the Ministry of Women & Child Development under 'Mission Vatsalaya' for welfare and rehabilitation of children in difficult circumstances; constitution of 'Child Desk' on the lines of 'Women Desk' in Police Stations; details of Scheme to provide additional financial assistance to the Delhi based rescued children, etc. The Chief

Secretary and other representatives responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Chief Secretary to furnish written replies thereon within one week. He assured to comply.

6. The Chairperson thanked the representatives of the Government of NCT of Delhi for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The representatives of the State Government of Rajasthan were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on the subject matter.

8. The representatives of State Government of Rajasthan accordingly briefed the Committee of the provisions contained in the Rajasthan Child Labour (Prohibition & Regulation) Act, 1996 & the Rules made thereunder regarding constitution of Task Force under District Magistrate; holding meetings at regular intervals; conducting raids & rescue operations for identification of child labours; details regarding children released, cases registered, prosecution proceedings made during last three years; operation of Special Training Centres; merger of NCLP with SSA; efforts made for eradication of child labour; appointment of nodal officers in each District; conducting periodic survey to identify out of school children, etc.

9. The Members then raised various queries which *inter alia* included constitution of fast track courts for speedy conviction; need to restore National Child Labour Project (NCLP); conducting survey on annual basis to identify out of school children; mechanism available to include the children residing in slums/under flyovers while undertaking survey; providing information regarding children absent from schools for more than 30 days to CWC; action taken against the traffickers of children; experience with regard to working of PENCIL portal; coordination with NGOs; need to hold meetings of District Level Task Force on a specified date of a month; efforts made to provide education to the local residents who migrate from the State, etc. The representatives of State Government of Rajasthan responded to the queries raised by the Members.

10. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within one week. They assured to comply.

11. The Chairperson thanked the representatives for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

12. The representatives of the State Government of Punjab were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on the subject matter.

13. Accordingly, the representatives of the State Government of Punjab briefed the Committee of the mechanism available for identification of child labour, prosecution of violators of laws, rehabilitation of rescued children; existence of child labour in organized sectors; constitution of Task force in every District since 2010; number of establishments inspected, violations detected, prosecutions effected, compounding fee recovered during the last three years; digitally monitoring of progress of every child studying in Government School; proposal to track every rescued child through a dedicated Portal at State level in line of the PENCIL Portal, etc.

14. The Members then raised various queries which *inter alia* included number of meetings of Task Force held in every District, raids conducted & the outcome thereof; medium of imparting education to the rescued children; employment of migrant labours in MSMEs; mechanism available for coordination with other State Governments; survey conducted to identify child labour in agriculture sector; number of children transferred to Government Schools after merger of NCLP with SSA; status of financial proposal and plans for the year 2022-23 prepared in response to guidelines issued by the Ministry of Women & Child Development under 'Mission Vatsalaya' for welfare and rehabilitation of children in difficult circumstances, etc. The representatives of State Government of Punjab responded to the queries raised by the Members.

15. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within one week. They assured to comply.

16. The Chairperson thanked the representatives for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-XII

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Twentieth Sitting of the Committee

The Committee sat on Wednesday, the 13th July, 2022 from 1400 hrs. to 1730 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Satish Kumar Gautam
3. Shri Dharmendra Kashyap
4. Adv. Dean Kuriakose
5. Shri Sanjay Sadashiv Rao Mandlik
6. Shri Naba Kumar Sarania
7. Shri Bhola Singh
8. Shri Ganesh Singh
9. Shri Nayab Singh

RAJYA SABHA

10. Shri Naresh Bansal
11. Shri Dushyant Gautam
12. Shri Elamaram Kareem
13. Shri M. Shanmugam
14. Shri Vivek Thakur
15. Shri Vijay Pal Singh Tomar

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director
4. Shri KG Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF STATE GOVERNMENT OF MADHYA PRADESH

Sl. No.	Name	Designation
1.	Smt. Rashmi Arun Shami	Principal Secretary, School Education Department
2.	Shri Sachin Sinha	Principal Secretary, Labour Department
3.	Dr. Virendra Singh Rawat	Labour Commissioner
4.	Shri S.S. Dikshit	Deputy Labour Commissioner

REPRESENTATIVES OF STATE GOVERNMENT OF ODISHA

Sl. No.	Name	Designation
1.	Shri Bishnupada Sethi	Principal Secretary, School & Mass Education Department
2.	Ms. Chithra Arumugam	Principal Secretary, Labour and ESI Department

REPRESENTATIVES OF STATE GOVERNMENT OF ASSAM

Sl. No.	Name	Designation
1.	Shri Jishnu Baruah	Chief Secretary
2.	Shri Ashish Kumar Bhutani	Addl. Chief Secretary, Agriculture Department and APC
3.	Shri B. Kalyan Chakravarthi	Principal Secretary, Labour
4.	Smt. Roshni Aparanji Korati	MD, SSA, Elementary and Secondary Education Department
5.	Smt. Anusuiya Dutta Baruah	Secretary, Food & Civil Supplies
6.	Smt. Anamika Tewari	Labour Commissioner

REPRESENTATIVES OF STATE GOVERNMENT OF JHARKHAND

Sl. No.	Name	Designation
1.	Shri Arun Kumar Singh	Chief Secretary
2.	Shri Prawin Kumar Toppo	Secretary, Labour, Employment and Skill Development Department
3.	Smt. Kiran Pasi	State Project Director, Jharkhand Education Project, Council, Ranchi

REPRESENTATIVES OF STATE GOVERNMENT OF TAMIL NADU

Sl. No.	Name	Designation
1.	Thiru Md. Nasimuddin	Addl. Chief Secretary to Govt., Labour Welfare and Skill Department
2.	Dr. D. Manikandan	Joint Secretary to Govt., School Education Department

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Name	Designation
Ms. Kalpana Rajsinghot	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of State Government of Madhya Pradesh to the sitting of the Committee convened to take their oral evidence on the Subject 'National Policy on Child Labour – An Assessment'. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on prevention, tracing, tracking, rescue, rehabilitation and reintegration of child labour; enforcement and strengthening of the legal provisions; coordination with other stakeholders to ensure no child labour; fixing accountability and responsibility at all levels etc.

3. Thereafter, the Principal Secretary, Labour Department, State Government of Madhya Pradesh made a Power Point Presentation which *inter-alia* included the work done with regard to regulation & rehabilitation of child & adolescent labour in the State; constitution of the District Task Force under the Chairmanship of Collector in all 52 Districts; appointment of Labour Inspector in each district as Nodal Officer; appointment of Nodal Officer at State level to coordinate with Districts; preparation of State Action Plan; organisation of awareness campaigns/workshops at District level; action against establishments employing child labour; details of number of inspections conducted, children released & prosecution cases filed during the last three years; recovery of penalty of Rs. 20,000 per child from employers; uploading of information related to children studying in Special Training Centres on PENCIL portal; training of Labour Officers & Labour Inspectors by NGO Experts, etc. Thereafter, the Principal Secretary, School Education Department briefed the Committee about the Samagra Shiksha Abhiyan which *inter-alia* included allocation of unique identification (Samagra ID) to every family to track children through Mobile App.; monitoring of child labour separately consequent upon transfer of NCLP to SSA, etc.

4. The Members then raised various queries which *inter alia* included status of financial proposal and plans for the year 2022-23 prepared in

response to guidelines issued by the Ministry of Women & Child Development under 'Mission Vatsalaya' for welfare and rehabilitation of children in difficult circumstances; survey undertaken to track child labour; achievements under State Action Plan; amount of penalty deposited in Child & Adolescent Rehabilitation Fund during last the three years; constitution of Fast Track courts; categorisation of Child labour cases as criminal cases as in the case of bonded labour & trafficking; representation of public representatives in District task force; outcome of awareness campaigns launched; opinion on increasing penalty amount of Rs. 20000/- fixed approximate 30 years back; need to provide financial support to families of rescued children, etc. The representatives of State Government of Madhya Pradesh responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within one week. They assured to comply.

6. The Chairperson thanked the representatives for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The representatives of the State Government of Odisha were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on the subject matter.

8. Thereafter, the Principal Secretary, Labour & ESI Department, State Government of Odisha briefed the Committee about implementation of State Action Plan for elimination of child labour and the initiatives taken thereunder including notification of Odisha State Child & Adolescent Labour Rules, 2018, notification of District Nodal Officers for coordinating activities under PENCIL, constitution of District Level Child and Adolescent Labour Rehabilitation Fund in all Districts. Their suggestions for prevention/elimination of child labour *inter alia* included need to have convergence of various Departments at Gram Panchayat and Block level; keeping 'Child Labour' as compulsory agenda at Gram Panchayat meetings held monthly; need to provide residential support to the rescued children till a specified age or providing financial support to the family of restored children; provisions for on-the-spot fine on employer; payment of fine within 7 days of rescue; provisions for portability of benefits to migrant workers; need to have a portal covering activities and responsibilities of all the Departments, etc. The Principal Secretary, School & Mass Education then briefed the Committee about measures taken under Samagra Shiksha Abhiyan to deal with child labour migration issue and opening of seasonal

hostels for the purpose; impact of COVID-19 on education especially in tribal/under developed areas where internet facility is not available and measure taken to overcome the issue, etc.

9. The Members then raised certain queries which *inter alia* included periodicity of operation of seasonal hostels, the agency responsible for taking care of children and the facilities provided therein; disbursement made during the last three years from District Level Child & Adolescent Labour Rehabilitation Fund; support provided to single parent; number of FIRs registered during the last three years; proposal to provide monthly financial support to families of rescued children; outcome of training provided during rehabilitation; experience of State Government regarding PENCIL portal; involvement of NGOs, etc. The representatives of the State Government of Odisha responded to the queries raised by the Members.

10. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within one week. They assured to comply.

11. The Chairperson thanked the representatives for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

12. The representatives of State Governments of Assam and Jharkhand were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on the subject matter.

13. Thereafter, the Chief Secretary, State Government of Assam briefed the Committee about release of Rs. 2 lakh to all District Magistrates for creation of Child Labour Rehabilitation Fund, publication of SoPs on child labour, role & responsibilities of Departmental Nodal Officer (Labour Welfare Department) and District Magistrate; operation of Special Training Centres by the District Project Societies under NCLP; conduct of annual survey to identify school dropout children and their enrolment in school nearest to their habitation; etc. Their suggestions for prevention/elimination of child labour *inter alia* included MoLE to compile the best practices & circulate to all States; provision of Mid-day meals to construction worker at various sites; mid-day meals in Schools to include breakfast also to attract more children especially at areas having high concentration of child labours; introduction of mid-day meals for students of Class IX & X; mobile school to take care of children of construction workers; need to redesign census format to collect data of children at work; need to pay focused attention to agriculture sector especially paddy cultivation in which children are engaged, etc.

14. Thereafter, the Chief Secretary, Government of Jharkhand briefed the Committee about notification of Standing Order for tracking and rehabilitation of rescued child labour; launch of awareness programmes; conduct of inspections on regular basis; establishment of a toll-free labour helpline number to monitor the incidences of child labour; details regarding number of child labour rescued, violations detected, prosecutions launched & amount of fine collected during the last 6 years; notification of Jharkhand Child Labour (Prohibition and Regulation) Amendment Rules, 2018 empowering Deputy Commissioner to monitor and track child labour cases; recovery of Rs.20,000/- per child from defaulting employer, etc. Their suggestions for prevention/elimination of child labour *inter alia* included need to provide vocational education for proper rehabilitation of rescued children; to improve economic status of society and families, etc.

15. The Members then raised various queries which *inter alia* included coordination with NGOs; views on constitution of Fast Track Courts; involvement of Gram Panchayats during survey; working of Special Task Force and scope for improvement; need to include public representatives in Task Force; study conducted to identify the number of migrant workers; child rights to tribals; identification of traffickers of children & registration of FIRs against them; tracking of rescued children; steps taken to engage citizens, civil societies/NGOs to report incidences of child labour, trafficking etc; steps taken for coordination with Central Government and other State Governments; etc. The Chief Secretaries of the State Governments of Assam and Jharkhand responded to the queries raised by the Members.

16. As some points required detailed and statistical data, the Chairperson asked the Chief Secretaries to furnish written replies thereon within one week. They assured to comply.

17. The Chairperson thanked the Chief Secretaries for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

18. The representatives of State Government of Tamil Nadu were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their views/suggestions on the subject matter.

19. The, Additional Chief Secretary, Labour Welfare & Skill Development, State Government of Tamil Nadu accordingly briefed the Committee about the measures taken to prohibit, track and rehabilitate child labours in accordance with the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986; role, responsibility and accountability of District Magistrates; comprehensive State Action Plan and Standard Operating Procedure drawn by the State Government; constitution of District level Task Force under District Collector comprising representatives of Education, Labour, Revenue,

Police and NGOs; decline in incidences of Child Labour due to strict enforcement of legal provision and various socio economic welfare measures taken by the State Government for retaining children in school for a longer period; universal PDS policy funded by State Government covering all families; special package of Rs. 4000 per family out of State Fund, etc. Their suggestions for prevention/elimination of child labour *inter alia* included need to increase penalty of Rs. 20,000/- to Rs. 2,00,000/- and utilisation of fund for rescued child, etc. Thereafter, the Joint Secretary, School Education Department, Government of Tamil Nadu briefed the Committee about conducting survey under SSA by Block Resource Teachers and regular teachers in April, May and September to identify 'out of school' children; existence of Education Management Information System(EMIS) to track students from first standard; stipend of Rs. 1000 per month to all girl students, who join college, etc.

20. The Members then raised various queries which *inter alia* included remuneration paid to Block Resource Teachers; views on providing 'Child Labour Free' label to products having no involvement of child labour; initiation of criminal case as in the case of bonded labour against defaulters of child labour Act; identification and apprehending primary employer (trafficker) who brings children to State, etc. The representatives of State Government of Tamil Nadu responded to the queries raised by the Members.

21. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within one week. They assured to comply.

22. The Chairperson thanked the representatives for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-XIII

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2021-22)

Minutes of the Twenty- Fourth Sitting of the Committee

The Committee sat on Monday, the 22nd August, 2022 from 1100 hrs. to 1330 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - CHAIRPERSON

MEMBERS

LOK SABHA

2. Shri Satish Kumar Gautam
3. Dr. Umesh G Jadhav
4. Shri Pakauri Lal Kol
5. Shri Khalilur Rahaman
6. Shri Naba Kumar Sarania
7. Shri Bhola Singh
8. Shri Nayab Singh

RAJYA SABHA

9. Shri Naresh Bansal
10. Ms. Dola Sen
11. Shri Vivek Thakur

SECRETARIAT

- | | | | |
|----|--------------------------|---|----------------------|
| 1. | Shri T. G. Chandrasekhar | - | Additional Secretary |
| 2. | Shri D.R. Mohanty | - | Director |
| 3. | Shri Sanjay Sethi | - | Additional Director |
| 4. | Shri K.G. Sidhartha | - | Deputy Secretary |

Witnesses

REPRESENTATIVES OF THE MINISTRY OF MICRO, SMALL & MEDIUM
ENTERPRISES

Sl. No.	Name	Designation
1.	Shri Shailesh Kumar Singh	Additional Secretary & Development Commissioner (MSME)
2.	Shri D. P. Srivastava	Dy Director General
3.	Shri Ateesh Kumar Singh	Joint Secretary
4.	Smt Ishita Ganguli Tripathy	Additional Development Commissioner

REPRESENTATIVES OF THE MINISTRY TRIBAL AFFAIRS

Sl. No.	Name	Designation
1.	Shri Anil Kumar Jha	Secretary
2.	Shri Naval Jit Kapoor	Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
	Shri Shiv Kant	Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened XXXXX for taking oral evidence of the Ministry of Micro, Small & Medium Enterprises and the Ministry of Tribal Affairs on the subject 'National Policy on Child Labour-An Assessment'

3. XX XX XX XX.

4. The representatives of the Ministry of Micro, Small & Medium Enterprises were then called in and the Chairperson welcomed them. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the representatives to apprise the Committee of various aspects of National Policy on Child Labour highlighting *inter-alia*, action taken by the Ministry towards prohibition of child labour in MSMEs; mechanism put in place to effectively implement the directions/instructions laid down under various Acts and Rules for identification and prohibition of child labour; awareness campaigns; advisories and guidelines laid down for prohibition of child labour; initiatives taken to check the employment of

children in small scale industries; rehabilitation of the child/adolescent labour rescued from the MSME units etc.

5. The Additional Secretary, Ministry of Micro, Small & Medium Enterprises accordingly, briefed the Committee and thereafter the Deputy Director General, Ministry of MSME made a power point presentation *inter-alia* highlighting the role and responsibility of the Ministry in elimination of child labour, self-declaration on Udyam Registration Portal; awareness programmes to sensitize MSMEs to prohibit child and adolescent labour; publicity through websites; vocational training for rescued adolescent labour, etc.

6. The Members then raised various queries which *inter-alia* included information on state-wise set up of MSME units; monitoring mechanism to ensure elimination and prevention of child and adolescent labour; rehabilitation methodology and numbers of children rescued and rehabilitated; concrete measures adopted to curb child labour, etc. The representatives of the Ministry responded to the queries raised by the Members.

7. As some points required detailed and statistical data, the Chairperson asked the Additional Secretary, MSME to furnish written replies thereon within three weeks. The Additional Secretary assured to comply.

8. The Chairperson thanked the representatives of the Ministry for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim proceedings was kept on record]

9. Thereafter, the representatives of the Ministry of Tribal Affairs were called in and the Chairperson welcomed them to the Sitting of the Committee. Drawing their attention to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked the representatives to apprise the Committee of the various aspects of the National Policy on Child Labour highlighting *inter-alia* policy measures for the Welfare of the children in tribal areas; the practice of child labour among tribal population; educational policies and schemes for tribal children; action plan of the Ministry to address the problem of child labour, etc.

10. The Secretary, Ministry of Tribal Affairs accordingly briefed the Committee on the subject matter and thereafter the Joint Secretary made a PowerPoint Presentation highlighting measures taken by the Ministry for the welfare of the children in tribal areas; provision of employment and better livelihood through various schemes and programmes run by the Ministry; socio-economic rehabilitation of the rescued tribal children and adolescents; awareness campaigns to identify and prohibit child labour, etc.

11. The Members then raised various queries which *inter-alia* included identification and prevention of adolescent labour amongst tribal people; proper implementation of schemes for the welfare of tribal children specially in very remote areas; district-wise data of the tribal children and adolescent workers; role of Eklavya Model Residential Schools (EMRS) in preventing migration and better employment opportunities for tribal children; online issuance of certificates to Tribal children throughout the country; socio-cultural causes contributing to a higher incidence of child labour; utilization of funds under Tribal Sub Plan; school drop-out rate of tribal children; vocational training for tribal children aged 15 to 18 years; functioning of tribal children welfare committee at district level; convergence with other Ministries to deal with the issue of child labour etc. The Secretary, Tribal Affairs responded to the queries raised by the Members.

12. As some points required detailed and statistical data, the Chairperson asked the Secretary to furnish written replies thereon by within three weeks. The Secretary assured to comply.

(The witnesses then withdrew)

[A copy of the verbatim proceedings was kept on record]

The Committee then adjourned

XX Does not pertain to this Report.

APPENDIX-XIV

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2022-23)

Minutes of the Third Sitting of the Committee

The Committee sat on Thursday, the 27th October, 2022 from 1100 hrs. to 1430 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Pallab Lochan Das
4. Shri Satish Kumar Gautam
5. Dr. Umesh G. Jadhav
6. Shri Dharmendra Kumar Kashyap
7. Adv. Dean Kuriakose
8. Shri Khalilur Rahaman
9. Shri Bhola Singh
10. Shri Ganesh Singh
11. Shri Giridhari Yadav

RAJYA SABHA

12. Shri Naresh Bansal
13. Prof. Manoj Kumar Jha
14. Shri Elamaram Kareem
15. Shri Vijay Pal Singh Tomar
16. Shri Binoy Viswam

SECRETARIAT

1. Shri D.R. Mohanty - Director
2. Shri Sanjay Sethi - Additional Director
3. Shri K.G. Sidhartha - Deputy Secretary

Witnesses

REPRESENTATIVES OF GOVERNMENT OF BIHAR

Sl. No.	Name	Designation
1.	Shri Dipak Kumar Singh	Additional Chief Secretary, Department of Education
2.	Shri Arvind Kumar Choudhary	Principal Secretary, Department of Labour Resources
3.	Shri Rohit Raj Singh	ALC, Department of Labour Resources

REPRESENTATIVES OF GOVERNMENT OF MAHARASHTRA

Sl. No.	Name	Designation
1.	Smt. Vinita Vaid Singal	Principal Secretary, Labour
2.	Smt. I.A. Kundan	Principal Secretary, Women and Child Development
3.	Shri Suraj D. Mandhare	Commissioner, School Education
4.	Smt. R. Vimla	Commissioner, Women and Child Development

REPRESENTATIVES OF GOVERNMENT OF KERALA

Sl. No.	Name	Designation
1.	Shri S. P. M. Mohammed Hanish	Principal Secretary, General Education Department
2.	Smt. Mini Antony	Secretary, Labour and Skills Department

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
	Ms. Nandita Gupta	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of State Government of Bihar to the sitting of the Committee convened to take their oral evidence on the Subject 'National Policy on Child Labour – An Assessment'. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to apprise the Committee of the specific measures taken by the State Government to prohibit, identify, trace, track, rescue and rehabilitate Child

Labour in accordance with the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 (Amended in 2016); Role, Responsibility and Accountability of the District Magistrates; Penal Provisions implemented; Operation of Special Training Centres by the District Project Societies under National Child Labour Project; Free Education to the Children under Right to Education (RTE) Act, 2009; Mechanism put in place to locate school dropouts and ensure inclusive and equitable quality education at all levels of school education, etc.

3. The Principal Secretary, Department of Labour accordingly made a Power Point Presentation *inter-alia* highlighting the number of child labour in Bihar as per 2011 census, operationalisation of Dhawa Dal (Flying Squad) in all Districts; registration of child labour related complaints through WhatsApp; development of App to monitor movement of Dhawa Dal & rescue of child labour, nomination of Nodal Officer as per Child and Adolescent (Prohibition and Regulation) Central Rules 2017; setting up of Child Friendly Desk and appointment of Child Welfare Police Officer in all Police Stations; constitution of Special Juvenile Police Unit and Anti Human Trafficking unit in every District; existence of Child Labour Tracking System (CLTS) since 2016 & launch of new version of CLTS 2.0 in June, 2022; constitution of Bihar State Child Labour Commission; monitoring of State Action Plan (SAP) for elimination of Child Labour and Prohibition and Regulation of Adolescents by State Task Force (STF); operationalisation of UDAAN in 22 Districts with the aim to enroll rescued child labour in school and ensure linkages of families of rescued child labour to existing government schemes and services; formation of Child Prohibition Committees at District, Block, Gram Panchayat & Ward levels since 2015. The suggestions of the State Government of Bihar for prevention/elimination of child labour *inter alia* included need to have an umbrella MOU by the Central Government with States on the issue of rescue, repatriation and rehabilitation of migrant child labour; to have National Level Child Labour Tracking System for coordination between different States; to make the offences under the Act compoundable, etc.

4. The Members then raised certain specific queries which *inter-alia* included composition of Child Protection Committee and periodicity of its meetings; steps taken to bring down the number of child labour; role of Dhawa Dal and number of movements made by them; details of Special Training provided to school dropouts; steps taken to provide education to all and alleviate poverty; need to involve Block level and Panchayat level functionaries; periodicity of meetings of District Task Force and mechanism available to monitor Block Level Committees; study undertaken to analyse the reasons for certain districts being more prone to child labour; number of children home registered in the State; details of assistance provided by Central Government for child labour related issues; assistance provided by State Government to NGOs; need to make changes in CrPC, etc. The Additional Chief Secretary, Department of Education responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the Additional Chief Secretary to furnish written replies thereon within two weeks. He assured to comply.

6. The Chairperson thanked the representatives of the Government of Bihar for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

7. The representatives of State Government of Maharashtra were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their performance/views/suggestions on elimination and rehabilitation of child labour.

8. Thereafter, the representatives of the State Government of Maharashtra briefed the Committee of the steps taken for identification and eradication of child labour; physical, educational and economic rehabilitation of the rescued children; responsibility and accountability of the District Magistrate; implementation of penal provisions; operation of Special Training Centres (STC) by the District Project Societies; free education to the children under Right to Education (RTE) Act, 2009; mechanism put in place to locate school dropouts and ensure inclusive and equitable quality education at all levels of school education, etc.

9. The Members then raised various pointed queries which *inter alia* included mechanism available to count children living under flyover, shanties; engagement of NGOs to address the issue of child labour; inter-Departmental mechanism available to address the issue; number of children admitted in residential schools; facilities provided to the children in addition to education; skill development programme for drop out children; operative framework available for Ghumantu community; outcome of study conducted by Tata Institute of Social Sciences (TISS) to identify children at roadside/streets/hotels, etc. The representatives of State Government of Maharashtra responded to the queries raised by the Members.

10. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within two weeks. They assured to comply.

11. The Chairperson thanked the representatives of the Government of Maharashtra for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

12. The representatives of the State Government of Kerala were then called in and the Chairperson welcomed them to the sitting. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to present their performance/views/suggestions on tracing, rescuing and rehabilitating child labour.

13. Thereafter, the representatives of the State Government of Kerala briefed the Committee about the implementation of Child Labour (Prohibition & Regulation) Act, 1986 in the State; conduct of regular inspections by Enforcement Wing under Labour Commissioner; constitution of District Task Force and Child Labour Rehabilitation *cum* Welfare Societies in all Districts under the chairmanship of District Collectors; appointment of Nodal Officer under Rule 2 B(2) of Child Labour Rules, 2017; implementation of 'Saranabalyam' programme to ensure child labour free State; provision of primary schools within a distance of every three kilometers and secondary schools within a distance of five kilometers in every area; provision of mid-day meal, free uniform and free text books; introduction of 'Roshni' project for migrant labourers' children; establishment of six boys hostels and two girls hostels and provision of Transportation Allowance @ Rs. 600 per head; constitution of Child Labour Rehabilitation *cum* Welfare Societies in all 14 Districts to deal with repatriation, rehabilitation and education of children, etc.

14. The Members then raised certain queries which *inter alia* included discrepancy in number of child labour identified during the last three years; details of Saranabalyam and Gothrasarathi Projects; collaborative mechanism in place or proposed to be introduced with other State Governments from where child labour is supplied; details of children engaged in the hospitality Sectors, etc. The representatives of State Government of Kerala responded to the queries raised by the Members.

15. As some points required detailed and statistical data, the Chairperson asked the Principal Secretary to furnish written replies thereon within two weeks. He assured to comply.

16. The Chairperson thanked the representatives of the Government of Kerala for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

The Committee then adjourned.

APPENDIX-XV

**STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2022-23)**

Minutes of the Fifth Sitting of the Committee

The Committee sat on Thursday, the 10th November, 2022 from 1130 hrs. to 1400 hrs. in Committee Room No. 2, Parliament House Annexe Extension Building, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Kunwar Pushpendra Singh Chandel
4. Shri Pallab Lochan Das
5. Dr. Umesh G. Jadhav
6. Dr. D. Ravikumar
7. Shri Naba (Hira) Kumar Sarania
8. Shri Bhola Singh
9. Shri Nayab Singh
10. Shri Giridhari Yadav

RAJYA SABHA

11. Shri Naresh Bansal
12. Prof. Manoj Kumar Jha
13. Shri M. Shanmugam
14. Shri Binoy Viswam

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director

Witnesses

REPRESENTATIVE OF UNICEF, INDIA

Sl. No.	Name	Designation
1.	Ms. Vandhana Kandhari	Child Protection Specialist UNICEF, India

REPRESENTATIVES OF THE MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
1.	Dr. Shashank Goel	Additional Secretary
2.	Ms. Nandita Gupta	Joint Secretary

2. At the outset, the Chairperson welcomed the Members of the Committee and the representative of United Nations International Children's Emergency Fund (UNICEF), India to the sitting of the Committee convened to hear her views on the Subject 'National Policy on Child Labour – An Assessment'. Impressing upon the witness to keep the proceedings of the Committee 'Confidential', the Chairperson asked her to present her views/suggestions/feedback on the significant role played by UNICEF in extending various support to the Government in their endeavour to prevent, trace, track, rescue, rehabilitate and reintegrate child labour; enforcement and strengthening of the legal provisions; inter-department convergence for ensuring total eradication of child labour, etc.

3. Thereafter, the representative of UNICEF, India made a Power Point Presentation on existing legislations on child labour and Right to Education; ILO Conventions; merger of NCLP Scheme with Samagra Shiksha Abhiyan; Mission Vatsalya; convergence between different line Ministries/Departments, etc. The suggestions made for prevention/elimination of child labour *inter alia* included capacity building of law enforcement, labour department officials, child protection functionaries and stakeholders; monitoring of supply chain and hot spots and mapping of vulnerable families and children at risk of child labour; development of National, State and District action plans; targeted intervention for child migrants/children of migrant labourers and those belonging to socially disadvantaged groups; mainstreaming of 'out of school' children and drop out children and those rescued from child labour; conduct of periodic national surveys to have child labour data; development of state-based child tracking systems for each rescued/at risk child; strengthening of PENCIL portal; conducting studies/research to understand nature and pattern of child labour; etc.

4. Members, thereafter, raised various queries which *inter alia* included support provided by UNICEF to supplement the efforts of Government of India towards the elimination of Child labour; views/suggestions for strengthening the system of identification, rescue and rehabilitation of Child Labour at the State and District level in India; suggestions for other social security programmes to specifically target Child Labour and the possible design of such an intervention; inputs for making the Platform for Effective Enforcement for No Child Labour (PENCIL) portal more effective; key findings of UNICEF in other countries facing the problem of child labour; suggestions to reduce the school dropouts rate; suggestion for conducting research and study, etc. The representative of the UNICEF, India responded to the queries raised by the Members.

5. The Chairperson thanked the witness for appearing before the Committee and furnishing the views/suggestions of UNICEF, India on the subject. The Chairperson also asked the representative to furnish written submissions/ additional information in 10 days.

(The witness then withdrew)

6. The representatives of the Ministry of Labour and Employment were then called in. The Chairperson welcomed the representatives to the sitting. Drawing the attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee and also to the meetings held by the Committee with various Ministries/Departments concerned, NGOs and State Governments on the Subject, the Chairperson asked the representatives to apprise the Committee of additional information of relevance, including updated facts and figures on matters considered previously on the subject; the amendments that may be required in the Child Labour (Prohibition and Regulation) Act; further steps taken to check prevalence of child labour across the country and other additional measures that might have been taken by the Ministry to address various issues on child labour, etc.

7. Thereafter, the Additional Secretary, Ministry of Labour and Employment sought permission for making a Power Point Presentation on the Subject. The Joint Secretary then made a Power Point Presentation on the provisions contained in the Child and Adolescent Labour (Prohibition and Regulation) Act, 2016 regarding ban on employment of children below 14 years, linking of age with RTE Act, 2009, prohibition of adolescents (14-18 years) to work in hazardous occupations and processes, responsibility of Task Force headed by District Magistrate, enhanced penal provisions; ratification of ILO Conventions (138 & 182) in June, 2017; objectives and coverage of NCLP during 1988 to 2021 and merger of NCLP with Samagra Shiksha Abhiyan w.e.f. 01.04.2021; number of children rehabilitated/mainstreamed since 2017-18; existence of Platform for Effective Enforcement for No Child Labour (PENCIL) portal since 26.09.2017; proposals regarding (i) revising the Schedule of occupations/processes under hazardous list of the Act through Technical

Advisory Committee; (ii) National Level Child Labour Tracking System for coordination between different States; (iii) umbrella MOU for States on the issue of release, repatriation and rehabilitation of rescued child by the Central Government and (iv) Conference with States and Stakeholders to obtain inputs on strengthening of implementation of Act, etc.

8. Members, thereafter, raised various queries which *inter alia* included inputs/feedback provided by the Ministries with whom the Ministry of Labour and Employment had held discussions and follow up action taken; suggestions for the laws to be made more stringent to effectively prohibit engagement of Child Labour; plan of action of the Ministry to interact/coordinate with the line Ministries for collection of data on child labour as well as its elimination; mechanism put in place for effective coordination with the Department of School Education and Literacy (DoSEL) and with the State Governments consequent upon merger of NCLP Scheme with Samagra Shiksha Abhiyan; suggestions to further strengthen the monitoring mechanism; integration of PRABANDH Portal of the DoSEL with the PENCIL portal of Ministry; role and responsibility of the Ministry to meet the international commitment of the Government after ratification of ILO Conventions (Convention 138 and 182); need for amendment to the Right to Education Act, 2009 & the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, as amended; mechanism put in place for mapping of adolescent labour rescued from hazardous occupations in the Schemes implemented by the Ministry; steps taken for the rescue and rehabilitation of children engaged in beggary, particularly, those found at traffic lights in urban areas; steps taken by the Ministry to extend assistance in accurately quantifying homeless 'out of school' children living in urban areas; guidance and support provided by the Ministry to the NGOs and other organizations working for the benefit of the children; vocational training imparted to rescued adolescent child labour; role and responsibilities of enforcing agencies, etc The Additional Secretary responded to some of the queries posed by the Members.

9. As some points required detailed information including statistical data, the Chairperson asked the Additional Secretary to furnish written replies thereon within 10 days.

10. The Chairperson thanked the representatives of the Ministry for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

[A copy of the verbatim record of proceedings was kept on record]

11. The Committee decided to have their next sitting on 24th November, 2022.

The Committee then adjourned.

APPENDIX-XVI

STANDING COMMITTEE ON LABOUR, TEXTILES AND
SKILL DEVELOPMENT (2022-23)

Minutes of the Sixth Sitting of the Committee

The Committee sat on Thursday, the 24th November, 2022 from 1100 hrs. to 1330 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Bhartruhari Mahtab - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Pallab Lochan Das
4. Shri Satish Kumar Gautam
5. Dr. Umesh G. Jadhav
6. Shri Dharmendra Kumar Kashyap
7. Shri Naba (Hira) Kumar Sarania
8. Shri Bhola Singh

RAJYA SABHA

9. Shri Naresh Bansal
10. Shri R. Dharmar
11. Prof. Manoj Kumar Jha
12. Shri Elamaram Kareem
13. Ms. Dola Sen

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri Sanjay Sethi - Additional Director
3. Shri K.G. Sidhartha - Deputy Secretary

Witnesses

**REPRESENTATIVES OF NATIONAL COMMISSION FOR PROTECTION
OF CHILD RIGHTS (NCPCR)**

Sl. No.	Name	Designation
1.	Shri Priyank Kanoongo	Chairperson, NCPCR
2.	Smt. Rupali Banerjee Singh	Member Secretary, NCPCR

REPRESENTATIVE OF THE MINISTRY OF WOMEN AND CHILD
DEVELOPMENT

Sl. No.	Name	Designation
1.	Ms. Indra Mallo	Joint Secretary

REPRESENTATIVE OF THE MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
1.	Ms. Vibha Bhalla	Joint Secretary

EXPERT

Sl. No.	Name	Designation
1.	Shri G. Asok Kumar	Director General, National Mission for Clean Ganga

2. At the outset, the Chairperson welcomed the Members of the Committee, the representatives of National Commission for Protection of Child Rights (NCPCR) and the Ministry of Women and Child Development to the sitting of the Committee convened to take their oral evidence on the Subject 'National Policy on Child Labour – An Assessment'. Drawing the attention of the witnesses to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked them to express their views and suggestions on the subject matter *inter-alia* highlighting the performance of NCPCR in protecting child rights as a whole and eliminating child labour in particular; prevalence of child labour in various organised/ unorganised sectors; and possible scope of convergence among various Ministries/ Departments of Government of India as well as the State Governments to prohibit child labour and secure their appropriate rehabilitation, etc.

3. The Chairperson, NCPCR made a Power Point Presentation *inter-alia* highlighting the interventions initiated by NCPCR for effective monitoring of the children related Acts; non-registration of FIRs in Child Labour cases; reporting of less number of child labour as compared to the actual number; less number of children being produced before Child Welfare Committee (CWC); rescue of 1025 children by NCPCR in June 2022; non-appointment of nodal officer under Rule 2B(2) of Child Labour (Regulation & Prohibition) Rules, 2017 by 16 States/UTs; prevalence of child labour in unorganised sector and automobile industry; deployment of children in e-waste management sector, road side dhabas and stalls; role of placement agencies in trafficking of children especially in Metro cities; non-existence of many Special Training Centres under NCLP, etc. The suggestions *inter alia* included, need to ensure that servicing of vehicles is undertaken through organized sector only; fixing accountability of Fast Moving Consumer Goods (FMCG) Companies in cases where road side dhabas & stalls are engaging children as labour; need to regulate Placement agencies; need to organise

recycling of plastic; need to sensitize labour officers & police officers about the provisions of Juvenile Justice Act, 2015; need to issue migration card to 'out of school' children of migrant workers & sharing of information with States/UTs by establishment of a Portal, etc.

4. The Members then raised various queries which *inter-alia* included, need for making the laws more stringent to effectively prohibit engagement of Child Labour in various sectors falling under the purview of different Ministries; views on merger of NCLP with Samagra Shiksha Abhiyan; study undertaken by NCPCR to evaluate the magnitude and prevalence of Child Labour; estimate of the number of children found to be in distress and without family support due to COVID-19 Pandemic; estimates of the total child population engaged as labour; steps to be taken to provide security to children of migrant workers; measures to be initiated to ensure appointment of Nodal Officer by all States/UTs under Rule 2(B) of the Child Labour (Regulation and Prohibition) Rules, 2017; measures to be taken for preventing child labour in unorganized sector particularly when the sector could be transformed as part of the organized sector; status/ response of State Governments/UTs with regard to the guidelines issued by the Ministry of Women and Child Development under "Mission Vatsalya" for the welfare and rehabilitation of children in difficult circumstances; status of consultation process with the Ministry of Statistics and Programme Implementation regarding conducting survey of children, etc. The representative of NCPCR responded to the queries raised by the Members.

5. As some points required detailed and statistical data, the Chairperson asked the representatives to furnish written replies thereon within 10 days. They assured to comply.

6. The Chairperson thanked the representatives of the NCPCR and the Ministry of Women & Child Development for appearing before the Committee and responding to the queries of the Members.

(The witnesses then withdrew)

7. Shri G. Asok Kumar, Director General, National Mission for Clean Ganga (NMCG) was then called in as an expert on the subject. The Chairperson welcomed Shri G. Asok Kumar to the Sitting. Drawing the attention of the expert to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee, the Chairperson asked him to present his views/suggestions *inter-alia* highlighting the prevalence of child labour in various organized and unorganised sectors; possible scope of convergence among various Ministries/Departments of Government of India as well as the State Governments to prohibit child labour and secure their appropriate rehabilitation and efforts made for declaration of Veilpur Mandal of Nizamabad District as 'Child Labour Free Mandal' on 02nd October, 2001 when he was serving as the District Collector.

8. Thereafter, Shri G. Asok Kumar made a Power Point Presentation on efforts made, strategies worked out, timelines fixed, awareness campaigns

launched, difficulties faced, contribution made by the community, involvement of teachers, periodic reviews undertaken, support from Government, NGOs, etc. resulting in relieving of approximately 800 child labourers and declaration of Veilpur Mandal in Nizamabad District as Child Labour Free Mandal on 02.10.2001 after achieving 100% enrolment of the children in the age group of 5-14 years; and 100% retention even after 21 years of declaring Veilpur Mandal as 'Child Labour Free Mandal'.

9. Members then raised various queries which *inter-alia* included methodology adopted for carrying out surveys for assessing the number of children engaged as labour; factors that necessitated the State Government of Andhra Pradesh to broaden the definition of child labour to include all out of school children; main features of the MoU signed between the Sarpanch of Gram Panchayat and the District Collector under the AP Compulsory Education Act, 1985; challenges faced while coordinating with other departments; the role played by the society/community in achieving the target of Child Labour Free Mandal; strategy/mechanism worked out in organizing motivational camps; suggestions for better coordination among the authorities; inputs with regard to bringing about behavioral change in the people; approach to be adopted to engage people including Self Help Groups, NGOs and other organisations to eradicate child labour; inputs to be incorporated in national surveys to gauge the magnitude and prevalence of Child Labour, particularly in areas of agriculture and domestic work; suggestions for combating Child Labour in Urban areas, particularly in large metropolitan cities; views on merger of NCLP with Samagra Shiksha Abhiyan, etc. The expert responded to the queries raised by the Members.

10. As some points required detailed and statistical data, the Chairperson asked the expert to furnish written replies thereon within 10 days. He assured to comply.

11. The Chairperson thanked the expert for appearing before the Committee and responding to the queries of the Members.

(The witness then withdrew)

[A copy of the verbatim proceedings was kept on record]

12. The Committee decided to have their next sitting on 2nd December, 2022.

The Committee then adjourned.

APPENDIX-XVII

OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE AND THE MINISTRIES/ DEPARTMENTS/ STATE GOVERNMENTS RESPONSIBLE FOR TAKING ACTION

S. No.	Rec. Para No.	Text of Observation/Recommendation	Ministry/ Department/ State Government Responsible
1.	2.165	<p>In the light of provisions contained in the Fundamental Rights pertaining to right against exploitation prohibiting employment of children below fourteen years of age and the Directive Principles of State Policy, the Government in the year 1986 enacted the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. The National Policy on Child Labour framed in 1987 is the outcome of the Act made in the year 1986. A major amendment to the Act was made in the year 2016, when for the first time, ‘adolescent’ was defined as a person who has completed fourteenth year of age but has not completed eighteenth year. With a view to implementing the amendments made in the year 2016, the Child and Adolescent Labour (Prohibition & Regulation) Rules, 2017 were formulated and simultaneously, the Standard Operating Procedure (SOP) for enforcement of the Act were also issued by the Ministry of Labour and Employment in September, 2017 for enforcing agencies and other stakeholders, which provides step by step SOP for effective enforcement and implementation. The Committee took up examination of the Subject in November, 2021. Thereafter, the Ministry of Labour & Employment started consultation with the line Ministries and formed an Inter-Ministerial Committee under the Chairmanship of Secretary (L&E) comprising representatives of fourteen Ministries/Departments to discuss the effective implementation of the Act and also to formulate strategy for sector-wise eradication of child labour. After comprehensive examination of the Subject in all its ramifications and taking into consideration that Labour is under concurrent list and State Governments are the important stakeholders for implementation of the Act, <u>the Committee find that the implementation of the Policy has to go a long way for achieving the objective of elimination of child labour as per commitments made by the county after ratification of ILO conventions and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025.</u> The Ministry/State-wise recommendations of the Committee are contained in different Chapters and are brought out in the succeeding paragraphs.</p>	Ministry of Labour & Employment
2.	2.166	<p>i) <u>Ambiguity in definition of child under various Acts</u> The Committee note that under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, ‘child’ means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more. The amendment made to the Act in 2016 defines the child falling in</p>	-do-

		<p>the age group of (14-18) years. Under the Right of Children to Free and Compulsory Education Act, 2009, 'child' means a male or female child of the age of six to fourteen years. Under the Minimum Wages Act, 1948 vide its amendment in 1986 defined "child" as a person who has not completed his fourteenth year of age. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, 'child' means a person who has not completed eighteen years of age. The term 'adolescent' is not defined in JJ Act, 2015. The Committee have also been given to understand that the Rashtriya Kishore Swasthya Karyakaram under the Ministry of Health & Family Welfare defines an adolescent as a person between 10-19 years. The Committee further note that the employment of children in contravention of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is a cognizable offence, whereas under the Juvenile Justice (Care and Protection of Children) Act, 2015, it is a non-cognizable offence. <u>The Committee desire that the discrepancies in the criteria for determination of age of child in the aforesaid Acts and other related Acts as well as the provisions of offence being cognizable/non-cognizable under CALPRA Act/JJ Act be examined with a view to ensuring that these do not lead to any ambiguity as well as delay in justice to the aggrieved children.</u></p>	
3.	2.167	<p>(ii) <u>Schedule of Hazardous Occupations and Processes</u></p> <p>The Committee note that the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 prohibits employment of children below 14 years of age in all occupations and processes and the employment of adolescents in hazardous occupations and processes. The Schedule of hazardous occupations and processes of the Act is divided in two parts namely 'Part A' covering a list of 38 hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help in family or family enterprises and 'Part B' covering an additional list of 15 occupations and 54 processes where children are prohibited to help in family or family enterprises (in addition to 'Part A'). However, the child is permitted to help his family or in family enterprises, which is other than any processes or hazardous occupations/ processes set forth in the Schedule of the Act, and only after school hours or during vacations. This "help" does not include "engagement in employment" or the situation where a relationship of "employer-employee" exists. In the Act, "family enterprises" means any work, profession, manufacture or business which is performed by the members of the family. In this context, the Committee in their 4th Report (2019-20), 16th Lok Sabha on the Occupational Safety, Health and Working Conditions Code, 2019 had inter alia recommended that steps be taken to revise the list of hazardous industries in line with developed countries.</p>	-do-
4.	2.168	<p>The Committee note that as per the provisions of the Act, the Government have constituted a Technical Advisory Committee (which is a body of experts) to advise the Central Government on inclusion of additional occupations and processes to the Schedule of the Act. In this context, the representatives of the Ministry during oral evidence informed that based on the deliberations of the Committee, the Ministry were in the process of revising the list of occupations and processes under the Act</p>	-do-

		<p>through Technical Advisory Committee. Subsequently, the Ministry also stated that if required, the Government may also specify the nature of non-hazardous work where an adolescent may be permitted to work. The Committee note that 'processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting' has been included in Part B of the Schedule. The Committee have been apprised that the agriculture sector has been transforming rapidly into extensive use of chemical fertilizers and use of heavy machineries which makes some component of agriculture sector hazardous. <u>While appreciating the efforts being made by the Ministry to have a positive list of occupations and processes where adolescent can work, the Committee desire that while undertaking the exercise of revising the list, it may also be ensured that such occupations and processes as included in Part B of the Schedule, which may be hazardous in nature, in the present context be excluded. The Committee further desire that depending upon their expertise, the representatives of NGOs/voluntary organizations be invited to Technical Advisory Committee so as to have feedback from all possible sources engaged in the work relating to elimination of child labour in the country.</u></p>	
5.	2.169	<p>(iii) <u>Penalty/Economic Rehabilitation of the rescued child/adolescent</u> The Committee note that amendment to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which came into force w.e.f. 01.09.2016 <i>inter alia</i> provided for stricter punishment for employers through enhancement of penalty for contravention of the provisions of the Act. As per the amended Act, the amount of penalty for first offence for employment of children below 14 years and adolescents ranges from Rs. 20,000 to Rs. 50,000 with imprisonment for a period of 06 months to 2 years and for second or subsequent offence it is for a period of one year to three years. In the case of parents/ guardians, there is no punishment for the first offence and in case of second and subsequent offence, the penalty is in the form of a fine upto Rs. 10,000. The offence under the Act is a cognizable offence for the employers but for parents/ guardians, it is non-cognizable. For violations of any other section of the Act, penalty is in the form of imprisonment for a month or fine of Rs. 10000 or both. A provision was also made in the Act for constitution of "Child and Adolescent Labour Rehabilitation Fund" for one or more districts to which the amount of the fine realized from the employer of the child and adolescent is credited. In addition, an amount of Rs. fifteen thousand is credited by the appropriate Government for each of the child and adolescents rescued from the work. The amount credited to the Fund is deposited in banks or invested and the interest accrued on is paid to the child or adolescent in whose favour such amount is credited.</p>	-do-
6.	2.170	<p>As per SOPs issued by the Ministry of Labour and Employment, all rescued child labourer and adolescent labourers in hazardous employment are to be paid back wages at a rate not less than minimum wages for their period of employment. Further, immediate financial assistance of Rs 30,000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2017 is required to be provided if the child/ adolescent is a bonded labour. In addition, as per the judgment of Hon'ble Supreme Court in the case of MC Mehta vs. State of Tamil Nadu and Ors. [AIR 1997 SC 699], a sum of Rs 20,000 per child is to be paid by the employer to "Child Labour Rehabilitation-cum-</p>	-do-

		Welfare Fund”, which is to be used only for the benefit of that child. In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund. The Committee, thus, find that two types of funds are in existence for economic rehabilitation of the rescued child/adolescent viz. “Child and Adolescent Labour Rehabilitation Fund”, as per amended Act and “Child Labour Rehabilitation-cum-Welfare Fund”, as per judgment of Hon’ble Supreme Court. The Committee have been apprised that, at present, specific guidelines for the utilization of the Fund do not exist. The Committee also note that the Central Sector Scheme for Rehabilitation of Bonded Labourer, 2017 has a provision of creating a district corpus fund of Rs. 10 lakhs for meeting immediate relief of rehabilitation of legally released bonded labourers. The Committee have also received suggestion to increase the amount of fine of Rs. 20,000 fixed by Hon’ble Supreme Court in 1996 under “Child Labour Rehabilitation-cum-Welfare Fund” as well as contribution of Rs. 5000 by the Government under “Child and Adolescent Labour Rehabilitation Fund”, as per the amended Act.	
7.	2.171	<u>The Committee, therefore, urge the Ministry of Labour and Employment to formulate suitable guidelines for the utilization of the fund and also take immediate steps to increase the amount of fine of Rs. 20,000/contribution of Rs.5000 keeping in view the inflation and ensure timely deposit of the amount in the account of the rescued child/adolescent so as to have their secure future. The Committee also urge the Ministry to take steps for creating a district corpus fund of appropriate amount for child labourers on the lines of the provisions contained in the Central Sector Plan for rehabilitation of bonded labourer for meeting the immediate relief and rehabilitation of child labourers. The Committee feel that the corpus fund so created may also be used for the rehabilitation of trafficked and migrant child labourers repatriated from other States.</u>	-do-
8.	2.172	The Committee further note that employment of children as domestic workers/servants, in dhabas (roadside eateries), restaurants, hotels, motels, automobile workshops, garages, etc. is prohibited under the Act. However, children are deployed in these places. The Committee find that despite revision of penalties there is no deterrence on the employer and as informed by NGOs, the children after being rescued are again employed in the same occupation. The Committee, therefore, feel that there is a desperate need to make the laws more stringent for the employers/violators in particular. <u>The Committee, therefore, recommend that in addition to the three/four times increase in the amount of fine, some stricter punishment in the form of cancellation of license, attachment of property, etc. also need to be incorporated so as to protect and safeguard the interest of the children. This may require amendment in the Act, which the Ministry of Labour & Employment should pursue in order to have zero tolerance on child labour.</u>	-do-
9.	2.173	The Committee note that a large number of establishments outsource their work to contractors, who hire the contract workers through manpower suppliers. The Committee further note that while the Act has provision for punishment for employer, there are no provisions for penalty on principal employer and traffickers. <u>The Committee, therefore, desire that in the case of deployment of child labour, in addition to the employer, the accountability of principal employer and</u>	-do-

		traffickers be also fixed.	
10.	2.174	<p>(iv) <u>District Project Societies</u></p> <p>The Committee were apprised that under the NCLP, grants in aid are released to District Project Societies (DPSs) to operate the Special Training Centres (STCs). Further, stipend @ Rs. 400 per month is also released to the eligible child enrolled at STC through Direct Benefit Transfer (DBT) mode. The Committee were also apprised that after the closure of STCs in the District, the DPS would cease to exist after a period of 6 months. With regard to the fate of District Project Societies after merger of NCLP with SSA, while DOSEL have stated that DOSEL/Samagra Shiksha will not absorb/take over DPS or any liabilities of NCLP Scheme, the Ministry of Labour & Employment have stated that new STCs under NCLP will not start and as such the functions of DPS will no longer be required. The Committee, however, find that the activities undertaken by DPS on PENCIL Portal, <i>inter-alia</i>, include creating the Index Cards, validating the daily attendance, uploading bank account details of the rescued child etc. The Committee also note that awareness generation at the district level about the menace of child labour is done by the DPS, which is responsible for operationalising the social mobilization component of NCLP. The Committee further note that the District Project Societies act as a linking agency for facilitating vocational training through existing Schemes of the Ministry of Skill Development & Entrepreneurship of the Government of India & Skill Development Departments of respective State Governments. In addition, DPSs are also required to conduct the baseline surveys to identify child labour. <u>The Committee are deeply concerned to note that the functions of DPS with regard to uploading information of the rescued child on PENCIL Portal, awareness generation, facilitating vocational training, conducting baseline survey, etc. have not been assigned to anyone. The Committee, therefore, recommend that an appropriate mechanism in this regard be put in place in a time bound manner so that there is no discontinuity with regard to mandate assigned to DPS through Standard Operating Procedure.</u></p>	-do-
11.	2.175	<p>(v) <u>Children Rescued, Rehabilitated and Mainstreamed</u></p> <p>The Committee note that 14.3 lakh children were rescued/withdrawn from work, rehabilitated and mainstreamed under NCLP Scheme since its inception <i>viz.</i> since 1988 up to 31.03.2023. The Scheme, which was sanctioned in 324 Districts in 21 States, was operational in 59 Districts of 11 States, as on 31.03.2021. The Committee further note that during the last five years, 1,95,365 children were rescued and mainstreamed and majority of them were from the six States <i>viz.</i> West Bengal (46164), Madhya Pradesh (39539), Maharashtra (22364), Uttar Pradesh (29946), Assam (14828) and Tamil Nadu (12729), which is indicative of existence of large number of child labour in these States in particular. The Committee are deeply concerned to note that despite existence of stringent measures in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and the Rules made thereunder, the scourge of child labour still exists in a big way. It has also been brought to the notice of the Committees that FIRs in child labour cases are not being lodged as it should be. During calendar year 2019, 2020 and 2021, the number of cases registered under the Act were 772, 476 and 613 respectively implying that the implementation of the existing</p>	-do-

		<p>laws are not strictly enforced. The Committee are of the considered view that strict action needs to be taken against the violators. <u>The Committee also note that there are inherent provisions in Protection of Children from Sexual Offences Act, 2012 for action against police for not registering FIRs. The Committee desire that similar provisions need to be made in CALPRA Act, 1986. The Committee also desire that the responsibility of reporting children selling goods or begging at traffic lights be assigned to the Traffic Police and they may also be held accountable for not reporting such instances. In addition, there needs to be a better coordination between various law enforcing agencies. Training needs to be provided to the officials of NGOs, Child Welfare Committee (CWC), Anti-Human Trafficking Unit (AHTU), District Child Protection Unit (DCPU), District Legal Service Authority (DLSA), Railway Protection Force (RPF)/ Ground Railway Police, Labour Inspector, Factories inspector, RDO/ deputy collector, Child Welfare Police Officer and central armed forces and they need to be sensitized about the gravity of the crime and also about the international commitment made to eliminate child labour by 2025 and its relevance for economic development of the country. The Committee also desire that at the local level, various Market Associations/Resident Welfare Associations be sensitized about consequences of deployment of child labours at commercial/residential places through launch of massive awareness campaigns through all possible means viz. Print, Electronic and social media platforms and be encouraged to report such cases. Further, the Government/PSU employees be asked to mandatorily furnish an undertaking annually regarding non-deployment of children below 14 years of age as domestic workers/ servants at their residence(s). The Committee would like to be apprised of the measures taken in this regard.</u></p>	
12.	2.176	<p>(vi) <u>Sector-Wise eradication of Child Labour</u></p> <p>The Committee note that as per 2001 census, the number of main workers in the age group of 5 to 14 years in various industries was 57.54 lakh. Out of them, 39.73 lakh were in Agriculture, Hunting & Forestry & Fishing; 7.90 lakh in Manufacturing & 2.99 lakh in Wholesale and Retail Trade. The Committee note that in the year 2021, after the Committee started examination of the Subject, the Ministry of Labour & Employment constituted an Inter-Ministerial Committee under the Chairmanship of Secretary (L&E) to discuss the effective implementation of the Child and Adolescent Labour (Prohibition and Regulation), Act 1986 and strategy of sector-wise eradication of child labour comprising representatives of various Ministries/Departments viz. Department of School Education and Literacy, Ministry of Home Affairs, Ministry of Women and Child Development, Ministry of Agriculture and Farmers' Welfare, Ministry of Rural Development, Department of Commerce, Ministry of Skill Development & Entrepreneurship, Ministry of Textiles, etc. <u>While appreciating the step taken by the Ministry in the right direction, the Committee desire that it is imperative on the part of the Ministries/Departments/State Governments to chalk out a Sector-wise focused strategy for effective enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 so as to ensure elimination of child labour. Further, as assured by the representative of the Ministry during evidence, the Committee desire that these inter-</u></p>	-do-

		<u>Ministerial meetings with the line Ministries be conducted at least once in six months so that a comprehensive approach for tackling the issue of child labour in various sectors could be evolved. The Committee further desire that a special campaign and appeal be made to industries, factories and employers to be sensitive about child labour and to make their premises 'No Child Labour Zone'.</u>	
13.	2.177	(vii) <u>Census & Survey</u> The Committee note that the number of working children has decreased from 1.26 crore (as per 2001 census) to 1.01 crore (as per 2011 census) and the number of main working children in the age group of 5-14 years have also decreased from 57.79 lakh (as per 2001 census) to 43.53 lakh (as per 2011 census). The Committee further note that the Ministry of Labour & Employment do not conduct any survey to ascertain the number of child labours across the country and consider this data as child labour data. The Ministry have also categorically stated that no proposal is under their consideration to develop a mechanism to maintain child labour data except depending on census data. The Committee further note that the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 was amended in 2016 and for the first time, 'adolescent' has been defined as a person who has completed fourteenth year of age but has not completed eighteenth year. The amendment has been made after census 2011, wherein data of working children up to 14 years of age was captured & notified. <u>The Committee, therefore, urge the Ministry of Labour & Employment to take up the matter regarding capturing data of children between 14 to 18 years during next census exercise with the Ministry of Home Affairs so as to have reliable data of children and adolescents, which would not only help in formulating policies but also devising action plan for eliminating child labour. Since census exercise is conducted after a period of ten years and for 2021, it is yet to commence, the Committee impress upon the Ministry of Labour & Employment to conduct periodic survey particularly in urban areas to identify child labours, as assured by the representatives of the Ministry during oral evidence.</u>	Ministry of Labour & Employment and Ministry of Home Affairs
14.	2.178	<u>The Committee also impress upon the Ministry to continue issuing directives/advisories to States/UTs on regular intervals to conduct survey to identify the child labour, collect and furnish enforcement data alongwith their views/suggestions on difficulties being faced and measures to be taken for further improvement, framing of State Action Plan, functioning of State Resource Centres and other related actions on their part for enforcement of the Child & Adolescent Labour (Prevention and Regulation) Act, 1986.</u>	Ministry of Labour & Employment
15.	2.179	(viii) <u>Standard Operating Procedures</u> The Committee note that the Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 issued by the Ministry of Labour and Employment in September, 2017 is a comprehensive document containing detailed guidelines on (i) understanding legal framework; (ii) prevention, identification and reporting of child and adolescent labour in hazardous employment; (iii) pre-rescue; (iv) rescue; (iv) post-rescue; (v) rehabilitation; (vi) monitoring mechanism and (vii) role and responsibilities of enforcing agencies and other stakeholders at different stages. The document acts as a ready reckoner for enforcing agencies	-do-

		<p>and other stakeholders and provides step by step SOP for effective enforcement and implementation of the provisions of the various legislations, convergence of resources of Government both horizontally and vertically, coordination between various stakeholders and active involvement of the community. The Committee have been apprised that multiple Departments have issued advisories and SOPs which are in conflict with each other and to avoid confusion and conflicts, a single document needs to be prepared after consultation with the Ministries concerned so as to maintain uniformity. The Committee desire that the document so prepared should <i>inter-alia</i> contain Inter-State Repatriation Policy highlighting clear cut demarcation of duties and responsibilities and coordination between various Ministries and Department concerned, State Governments, stakeholders, Police, Anti-Human Trafficking Unit (AHTU), Child Welfare Committee, District Child Protection Unit, etc. <i>inter-alia</i> containing provisions for grant of permission from State Governments for mass movement of children from one State to another and targeted interventions for child migrants/ children of migrant labours and those belonging to socially disadvantaged group. The Committee note that in this context, Department of School Education and Literacy have also stated that with the convergence of the two schemes <i>viz.</i> NCLP and SSA, detailed Standard Operating Procedure with regard to mainstreaming of children to schools is required to be prepared in consultation with all the Stakeholders and implementing agencies including all States & UTs and all concerned departments.</p> <p><u>The Committee, therefore, strongly recommend that a detailed Standard Operating Procedure be worked out by the Ministry of Labour & Employment in consultation with all concerned in a time bound manner so as to avoid any confusion amongst all stakeholders.</u></p>	
16.	2.180	<p>(ix) <u>Child Budgeting</u></p> <p>The Committee note that the 'budgetary allocation to Ministry of Labour & Employment under NCLP Scheme during 2017-18 to 2022-23 was Rs. 352.16 crore and out of which Rs. 337.06 crore (95%) was utilized. For 2023-24, Rs. 10 crore has been allocated. The Committee during deliberations with various Ministries/Departments noted with concern that some of the Ministries <i>viz.</i> Ministry of Agriculture and Ministry of Social Justice and Empowerment had expressed reservations with regard to their jurisdiction on child labour related issues. Though both the Ministries later extended full support and responded well to the points raised during deliberations, the Committee feel that although the overall responsibility for eliminating child labour vests with the Ministry of Labour & Employment, the other Ministries/Departments as well as State Governments have also an equally important role to play and this social evil can be eliminated only with the coordinated efforts of Central & State Governments. The Committee are of the considered view that all Ministries/Departments should have budgetary allocations in their Demands for Grants exclusively for the child labour related activities. <u>The Committee, therefore, recommend that the Government besides integrating 'Child Budgeting' into all the budgets and programmes of the Central and State Governments and their Undertakings, should also ensure optimum utilization of budget allocated for children</u></p>	-do-

		<u>while periodically increasing the allocation keeping in mind the evolving needs.</u>	
17.	2.181	(x) <u>ILO Conventions</u> The Committee note that consequent upon strengthening the legislative framework for complete prohibition of employment of children below 14 years through amendment in the Child Labour and Adolescent (Prohibition and Regulation) Act, 1986 in 2016, ILO Convention No. 138 of 01.06.1973 concerning minimum age for employment and No. 182 of 01.06.1999 concerning prohibition and elimination of worst forms of child labour viz. slavery, trafficking, bonded labour, child soldiers, etc. were subsequently ratified in June, 2017. The Committee further note that with the ratification of these two ILO conventions, the country has re-affirmed its commitment towards elimination of child labour and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025. The Committee feel that various factors like economic insecurity, lack of social protection, inadequate household income, etc. has increased the risk of exposure to exploitative work. <u>Considering the prevalence of child labour at present, it is practically not possible to meet the international commitment to eliminate child labour by 2025. As action taken today will determine the future of children of tomorrow, the Committee impress upon the Ministry to take up the issue in a mission mode and devise a systematic action plan based policy to meet international commitments, which are not only relevant for economic development of the country but will also brighten the image of the country in international forum. The Committee, therefore, desire that in line with the aim of the Sustainable Development Goals (SDGs) 8.7, the Government should take immediate and effective measures to eradicate forced labour and modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers and by 2025 end child labour in all its forms.</u>	-do-
18.	2.182	(xi) <u>PENCIL Portal</u> The Committee note that to ensure the effective enforcement of the provisions of the Child and Adolescent (Prohibition & Regulation) Act, 1986 and smooth implementation of the National Child Labour Project (NCLP) Scheme, an online portal PENCIL (Platform for Effective Enforcement for No Child Labour) was launched w.e.f. 26 September, 2017. The Portal connects Central Government to State Government(s), District(s), all Project Societies and the General public. Further, online complaints regarding child labour can also be filed by anybody on the Portal. The complaints received on the Portal are resolved by the District Nodal Officers (DNOs) which are appointed by the State Governments under the Child and Adolescent Labour (Prohibition & Regulation) Rules, 2017.	-do-
19.	2.183	Further, as per Standard Operating Procedure (SOP) for enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 issued by the Ministry in September, 2017, the role and responsibilities of the District Nodal Officer includes prevention, identification, preparation before rescue, rescue, post rescue, rehabilitation and follow up including uploading Information on the Portal. The Committee were apprised by National Commission for Protection of Child Rights (NCPCR) that the District Nodal Officer has not been appointed	-do-

		by many States/UTs. Considering the fact that the District Nodal Officer has a very important role to play, <u>the Committee impress upon the Ministry to ensure that District Nodal Officers are appointed by all States/UTs within two months of the presentation of this Report to the Parliament. The Committee also recommend that the District Labour Officer be appointed ex-officio District Nodal Officer under the Child and Adolescent Labour (Prohibition and Regulation) Rules, 2017. The Committee further note that since its launch in September, 2017, 4290 complaints were registered on Portal and out of them, 3312 complaints have been resolved and 978 complaints (22%) are yet to be resolved. The Committee impress upon the Ministry to issue appropriate instructions to the concerned to resolve these complaints on priority. The Committee further desire that a mechanism be put in place to resolve the complaints in a time bound manner.</u>	
20.	2.184	<u>The Committee appreciate that an NGO has been on-boarded on PENCIL Portal on pilot basis to have access to the complaints registered and take up the matter with District Nodal Officer for redressal of the same. The Committee desire that other NGOs be on-boarded on the portal for speedy redressal of complaints.</u>	-do-
21.	2.185	The Committee find that PENCIL Portal has provision to register complaints for which details of child labour/adolescent child, address where child is found & details of reporting persons are required to be filled in. <u>There is, however, no provisions for a child labour to register himself/herself. The Committee desire that a provision to this effect be made on the Portal for effective implementation of the Act.</u>	-do-
22.	2.186	The Committee were apprised that <u>the Ministry of Labour & Employment are considering the integration of PENCIL Portal with women/child help line no. 1098 being administered by the Ministry of Women and Child Development. The Committee desire that the exercise may be completed in a time bound manner. The Committee also desire that consequent upon merger of NCLP with Samagra Shiksha Abhiyan, the integration of PENCIL Portal with PRABANDH Portal of Department of School Education & Literacy also needs to be undertaken. The Committee wish to be apprised of the action taken in this regard.</u>	Ministry of Labour & Employment, Ministry of Women and Child Development and Department of School Education and Literacy
23.	2.187	<u>(xii) Deployment of Children at Construction Sites/Beedi-making/firecrackers Industries</u> The Committee note that construction work; beedi making; and production, storage or sale of fire crackers, etc. are included in Part A of the Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 containing hazardous occupations and processes in which adolescents are prohibited to work and children are prohibited to help. However, the instances of deployment of children in these hazardous occupations are often reported from time to time. In the case of construction work, the Ministry have stated that no surprise visits are being undertaken due to launch of Shram Suvidha Portal w.e.f. 16.10.2014. The Committee feel that deployment of children in hazardous occupations can be prevented only through physical/on-site inspections and through massive awareness campaigns. <u>The Committee, therefore, urge the Ministry to undertake surprise physical inspections at construction sites/beedi making/fire cracker industries and other hazardous occupations included in Schedule 'A' and also</u>	Ministry of Labour & Employment

		<u>launch mass media campaign by involving State Governments, NGOs, Trade Unions and other stakeholders so as to prevent the engagement of adolescents/ children in such work.</u>	
24.	2.188	(xiii) <u>Participation of Public Representatives</u> The Committee were apprised that the State Government(s) ensure the participation of local representatives in the meetings conducted by the respective district authorities in connection with various aspects of Child Labour. The Committee were also apprised that as per revised NCLP Guidelines, a District Vigilance & Monitoring Committee (VMC) which functions in an advisory capacity, and monitors the National Child Labour Project under the Chairmanship of local Member of Parliament. The Committee, however, find that despite existence of laid down guidelines, the participation of local MPs, MLAs and other public representatives in District Level Committees is not ensured. <u>The Committee, therefore, exhort the Ministry to issue advisories to State Governments to adhere to the guidelines & ensure that such meeting are held at regular intervals so that the feedback and suggestions of public representatives with regard to the aspects related to child labour could be gainfully utilized.</u>	-do-
25.	2.189	(xiv) <u>Vocational Training to Adolescents</u> The Committee were apprised that under the Ministry of Skill Development & Entrepreneurship, there are no vocational training programme/schemes exclusively for the training of rescued adolescent children. As admitted by the representative of the Ministry during oral evidence, the rescued adolescent children from hazardous industry need to be re-skilled for utilizing their services in non-hazardous industries. <u>The Committee, therefore, impress upon the Ministry to take up the matter regarding skilling/re-skilling of rescued adolescent children with the Ministry of Skill Development & Entrepreneurship and devise customized/need based training programmes keeping in view the interest, aptitude and skill of the rescued adolescent. The Committee also call upon the Ministry of Labour & Employment to coordinate with School Education Departments and Skill Development Departments of States and UTs to provide skill training to the rescued adolescents.</u>	Ministry of Labour & Employment and Ministry of Skill Development & Entrepreneurship
26.	2.190	(xv) <u>Child Friendly Police Stations</u> <u>The Committee agree with the views of the NGOs that there is a need to bridge the gap between the police and children by making all police stations child-friendly including a dedicated corner for children besides introducing child friendly approach to investigations. In addition, legal aid and counseling to the parents and the victim be provided at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/SLSA and NGOs, as laid down in Standard Operating Procedures. The Committee desire the Ministry of Labour & Employment to take up the matter with the Ministry of Home Affairs/others concerned on priority.</u>	Ministry of Labour & Employment and Ministry of Home Affairs
27.	2.191	(xvi) <u>Child Friendly Courts</u> The Committee also agree with the views of NGOs that <u>there is a need to have all courts as child friendly in terms of infrastructure and processes including exclusive or dedicated children's courts for crimes against children, child friendly spaces and rooms in the courts, victim/ witness protection to the child and his family, etc. The Committee desire that the</u>	Ministry of Labour & Employment

		<u>matter be taken up with the concerned authorities by the Ministry of Labour & Employment.</u>	
28.	2.192	(xvii) <u>Financial assistance to the family of rescued child</u> The Committee were apprised that some of the factors responsible for child labour include family circumstances viz. family not being economically empowered, earning member suffering from life threatening illness, marital dispute, occurrence of manmade or natural calamities, etc. The Committee feel that under such circumstances, the family needs to be supported through livelihood support especially in the case of rescued child. <u>The Committee desire that the issue of economic crisis of the family needs to be addressed to prevent the recurrence of incidents of child labour and for the purpose, a special scheme for providing financial assistance to the family of rescued child be formulated to provide interim financial assistance until such time the child receives access to economic benefits under laws, schemes and court orders.</u>	-do-
29.	2.193	(xviii) <u>Monitoring and Coordination Mechanism</u> The Committee note that Labour is under concurrent list and State Governments are the important stakeholders for implementation of the Act in an effective manner. There is no denying the fact that despite existence of monitoring and coordination mechanism, the menace of child labour still exists. <u>The Committee were apprised that the Ministry of Labour & Employment propose to hold Conference with States and Stakeholders to obtain inputs on strengthening of implementation of the Child and Adolescent Labour (Prohibition and Regulation) Act,1986. The Committee were also apprised that the Ministry propose to have umbrella MoU for States on the issue of release, repatriation and rehabilitation of rescued child by Central Government. The Committee wish to be apprised of the developments made in this regard.</u>	-do-
30.	2.194	<u>The Committee also desire that steps be taken to establish a National Level Child Tracking Mechanism to facilitate coordination among the States/Centre in such a way that the monitoring at District level is reported to States and from there to Centre by digital mode through coordinated efforts of all concerned so as to facilitate prevention, tracing, tracking, rescue, rehabilitation and reintegration of the rescued children.</u>	-do-
31.	3.45	(i) <u>Merger of National Child Labour Project (NCLP) with Samagra Shiksha Abhiyan (SSA)</u> 3.45 The Committee note that under the National Child Labour Project (NCLP) Scheme, which was sanctioned in 324 Districts and operational in 59 Districts as on 31.03.2021, the District Project Society (DPS) at District level is required to conduct the baseline survey to identify child labour and based on the number of child labours identified and rescued from the survey, Special Training Centres (STCs) are opened for rehabilitation of the child labour in the age group of 9-14 years, who are enrolled in these Centres for a maximum period of 2 years. These Centres are operated by NGOs, Civil Society Organisations, etc. or by the District Project Society directly themselves. Further, the onus of selection/identification of implementing agencies to operate the STC lies with District Project Society. These STCs provide bridge education to children before they mainstreamed into formal education system. As stated by the Ministry of Labour and Employment, after mainstreaming of the children enrolled in the STCs under NCLP, the NCLP STC will cease to be operational but District Project	Ministry of Education (Department of School Education & Literacy)

		<p>Society will continue to be functional for a period of six months after closure of STCs. The Committee further note that no new permission after 31.03.2021 has been given by the Ministry of Labour and Employment for opening STCs under NCLP after its merger with Samagra Shiksha Abhiyan Scheme. The children enrolled at the STCs of NCLP as on 31.03.2021 will be mainstreamed in accordance with NCLP guidelines. If any child has been enrolled after 31.03.2021 in any STC functional under NCLP, he/she be mainstreamed or shifted to STCs functional under SSA.</p> <p>The Committee also note that during 2022-23, 282 STCs under NCLP were operational in 11 Districts of 5 States viz. Madhya Pradesh, Odisha, Assam, West Bengal and Tamil Nadu. The Committee further note that under Samagra Shiksha, 83,979 STCs are functional in 32 States/UTs and out of them, 228 STCs in 12 States/UTs have hostel facilities. <u>The Committee feel that access to hostels will increase retention rate of children in schools, as many children engaged in child labour belong to migrant families/Nomadic Tribes having no permanent home. The Committee, therefore, impress upon DoSEL to increase the number and capacity of their Special Training Centres across the country in a time bound manner especially at places where the concentration of child labour is very large.</u></p>	
32.	3.46	<p>The Committee further note that the DoSEL has categorically stated that Samagra Shiksha will not be absorbing/taking over the District Project Society or any liability of NCLP Scheme as convergence of NCLP with Samagra Shiksha is only to the extent of providing special training and mainstreaming of students. <u>The Committee also take cognizance of the issues flagged by DoSEL with regard to closure of STCs under NCLP, utilization of human resources deployed and taking over/running STCs under NCLP, etc. with the Ministry of Labour and Employment and feel that comprehensive guidelines on running the STCs and mainstreaming the Out of School Children and other related issues need to be framed jointly by the Ministry of Labour and Employment and DoSEL so as to amicably resolve the issues.</u></p>	<p>Ministry of Education (Department of School Education & Literacy) and Ministry of Labour & Employment</p>
33.	3.47	<p>Considering the fact that the Ministry of Finance (Department of Expenditure) had granted no objection to the proposal of the Ministry of Labour and Employment for merger of NCLP with SSA on the ground that both Ministry of Labour and Employment and DoSEL had come to an agreement for merger of NCLP with SSA, <u>the Committee desire that detailed guidelines/modalities/procedures to be observed by States/UTs/Stakeholders implementing agencies following the merger of two Schemes be worked out by both the Ministries on priority.</u></p>	<p>Ministry of Education (Department of School Education & Literacy)</p>
34.	3.48	<p>Further, <u>the Committee while acknowledging the fact that the Ministry of Labour and Employment do not have an independent mechanism to identify the child labour, impress upon the Ministry that prevention, identification, rescue, rehabilitation and reintegration of the rescued child is their overall responsibility assigned by an Act of Parliament and the Rules made thereunder. Simultaneously after merger of NCLP with SSA, DoSEL has now a very important role as far as rehabilitation of the rescued child is concerned. During the course of extensive examination of the subject for a period exceeding two years, the Committee have attempted to sensitize some of the line Ministries, State Governments and Stakeholders about their direct/indirect role and further efforts to be made for elimination the social evil of child labour. It is</u></p>	<p>Ministry of Labour & Employment</p>

		<u>now for the Ministry of Labour and Employment in particular and other Ministries and State/UT Governments to ensure that observations/recommendations made by the Committee are implemented in letter and spirit.</u>	
35.	3.49	(ii) <u>Financial support to States/ UTs for providing Special Training to Out of School Children.</u> The Committee note that DoSEL, under the Samagra Shiksha Scheme, provides financial support to States and UTs for providing Special Training to Out of School Children. The Committee were apprised that the amount of Rs. 6000 per child per annum and Rs. 20,000 per child per annum for non-residential and residential courses (class 1 st to 8 th) respectively, which was available under the erstwhile centrally sponsored scheme of Sarva Shiksha Abhiyan, has been continued for non-residential and residential (upto class XIIth) under the Samagra Shiksha also. The Committee were apprised during oral evidence that when RTE Act, 2009 came into existence, Sarva Shiksha Abhiyan (SSA) Scheme was in operation implying that the amount of financial assistance was fixed prior to 2009. <u>Considering the fact that the amount of financial assistance being provided to States/ UTs for providing Special Training to Out of School Children, viz. Rs. 500 per child per month for non-residential and Rs. 1667 per child per month for residential courses has not been increased for more than 14 years, the Committee desire that this amount be suitably increased keeping in view the inflation as well as the interest of beneficiaries.</u>	Ministry of Education (Department of School Education & Literacy)
36.	3.50	(iii) <u>Out of School Children</u> The Committee note that the target group in Out of School Children (OOSC) is the 'never enrolled' and 'drop out' children. The National Education Policy, 2020, <i>inter alia</i> , lays emphasis on identification of OOSC, their mainstreaming and tracking. In this context, the Committee further note that DoSEL has developed an online module for compiling the data of Out of School Children identified by each State/UT and their mapping with Special Training Centres (STC) on the PRABANDH Portal (http://samagrashiksha.in). The concerned State/UT validates the child-wise information of the identified OOSC uploaded by the concerned Block Resource Centre of the State for monitoring the progress of mainstreaming of OOSC. The Committee note that at present District-wise data of OOSC is not being maintained. <u>The Committee desire that in addition to child-wise/school-wise data, the District-wise details of OOSC be maintained and shared with the Ministry of Labour and Employment, as OOSC are the children at risk or vulnerable to child labour.</u>	-do-
37.	3.51	<u>The Committee were apprised by an NGO that one of the major causes of dropout of children especially girls in rural areas is that the schools are upto 8th class whereas in urban areas, the schools are upto 12th class. The Committee desire the DoSEL to examine this aspect with a view to maintaining the uniformity and also to ensure that the children in rural areas in particular do not have to travel long distance for getting secondary and senior secondary level of education.</u>	-do-
38.	3.52	(iv) <u>Dropout Rate</u> The Committee note that the annual average drop out rate at the elementary level for 2019-20, 2020-21 and 2021-2022 was 1.9%, 1.3% and 2.0% respectively, whereas at the secondary level, it was 16.1%, 14.0% and 12.6% during the corresponding	-do-

		<p>period implying that the number of children who dropped out at the secondary level were 8,11 & 6 times more than those dropped out at the elementary level during 2019-20, 2020-21 and 2021-22 respectively. The Committee also note that the Right of Children to Free and Compulsory Education (RTE) Act, 2009 mandates the Government to provide free and compulsory elementary education to every child of the age 6 to 14 years in a neighbourhood school. The Committee feel that one of the reasons for dropping out of a large number of children is that the provisions of RTE Act, 2009 do not cover the adolescent group of children due to which these children are not mobilized to attend school. In this context, the Committee further note that under 'Pradhan Mantri Poshan Shakti Nirman' (PM POSHAN), one hot cooked meal in Government and Government aided schools is provided to students at the elementary level of education under Samagra Shiksha Abhiyan. <u>The Committee desire that with a view to reducing drop out rate at secondary level, the adolescents be covered under the RTE, Act, 2009 and the facility of providing hot cooked meal be extended from elementary level of education to secondary/ senior secondary level so as to minimize drop out rate at secondary level.</u></p>	
39.	3.53	<p>(v) <u>'Working Children' and 'Main Working Children'</u> The Committee note that the <u>survey of 'Out of School Children (OOSC) does not capture the data of 'working children' and 'main working children'. The DoSEL have, however, stated that they propose to improvise the survey format of out of school children, in consultation with Ministry of Labour and Employment, to add new entries for identification of child labour as also to identify if the child is a 'working child' only or is the 'main working child' i.e. the sole earner. The Committee desire that the consultation process be expedited and the format for out of school children be revised so as to include these two categories of children, as committed by the representative of the Ministry during evidence. The Committee also impress upon the DoSEL to ensure that the data, as per revised format, is captured during next 'OOSC' survey.</u></p>	-do-
40.	3.54	<p>(vi) <u>Data of migrant children/Nomadic Tribes</u> The Committee note that as per Section 4 of the RTE Act, 2009, special training is provided to Out of School Children (OOSC) in the age group of six to fourteen years so that they can be mainstreamed into the age-appropriate classes. The Committee further note that during the period 2018-19 to 30.09.2023, 25.04 lakh OOSC were provided special training at elementary level. The data, however, does not include the data of migrant children/Nomadic Tribes. As informed by the DoSEL, the residential facilities are also provided to child labour rescued, migrant children who belong to poor landless families, etc. <u>The Committee desire that the data of migrant children/Nomadic Tribes provided special training be maintained as the possibility of such children being pushed to child labour is always very high.</u></p>	-do-
41.	3.55	<p>(vii) <u>Door-to-Door Surveys</u> The Committee note that teachers conduct door-to-door survey in rural as well as urban areas to identify Out of School Children (OOSC). The Committee feel that while it is comparatively easier to conduct door-to-door surveys in rural areas, there are many places in the urban areas where homeless/migrant families alongwith their children including Nomadic Tribes live viz. under the flyovers, on roadside/slum</p>	-do-

		<p>areas or outskirts of the city, etc. <u>The Committee, thus find that there is gap in identification of OOSC, especially in urban areas, which needs to be filled in. The Committee, therefore, desire the DoSEL to devise suitable mechanism to cover such homeless children, who reside in urban areas, so as to have correct data of OOSC.</u></p>	
42.	3.56	<p>(viii) <u>Special Training to Teachers</u> The Committee note that 25.69 lakh, 7.73 lakh and 4.87 lakh teachers were trained during 2020-21, 2021-22 and upto 30.09.2023 respectively. The Committee further note that under Samagra Shiksha Abhiyan, door-to-door survey to identify the Out of School Children(OOSC) is conducted by the respective States/UTs Government through the teachers. The Committee were apprised that the teachers have neither the expertise nor mandate to identify the child labour. <u>The Committee are of the considered view that though identification of child labour is the mandate of Ministry of Labour and Employment/ State Governments, considering the fact that the teachers conduct door-to-door survey annually to identify OOSC, and are the only source of direct interaction with parents/guardians throughout the country, it is imperative on the part of DoSEL to sensitize teachers through Special Training about the international commitment of the country towards elimination of child labour and to achieve the target stipulated in Sustainable Development Goal 8.7 to end all forms of child labour by 2025. As the services of teachers are also utilized at the time of preparation of electoral list and, for the purpose, training is also being imparted to them, the Committee desire that on the similar lines, DoSEL may devise an appropriate mechanism to include child labour related component in the training module of teachers so that the exposure so gained is gainfully utilized by them while interacting with parents/guardians at the time of conducting OOSC surveys. The Committee wish to be apprised of the developments made in this regard.</u></p>	-do-
43.	3.57	<p>(ix) <u>Student Registry</u> The Committee note that to curtail dropout rate and ensuring universal access to education at all levels, National Education Policy, 2020 (NEP) recommends achieving universal participation in school by carefully tracking students, as well as their learning levels, Student Registry by the States. The Committee were apprised that child tracking at national level is yet to be rolled out, however, around 20 States/ UTs have prepared Student Registry with all relevant details and around 20 crore children are being tracked at State level. <u>The Committee urge the DoSEL to issue appropriate instructions to the remaining 16 States/UTs to prepare Student Registry and start tracking them. The Committee are happy to note that w.e.f. 2022-23, DoSEL have started collecting child-wise information under UDISE+ Portal in order to track students to reduce dropouts and to track their Learning Outcomes and the number of enrolments of students from pre-primary to higher secondary level in 2022-23 is 25.17 crore across all States/UTs. The Committee call upon the DoSEL to leave no stone unturned to ensure that child tracking at National level is undertaken as per norms so as to achieve the objectives of NEP, 2020.</u></p>	-do-
44.	3.58	<p>(x) <u>Integration with Department of Women and Child Development</u> The Committee were apprised that the Department of Women and Child Development had observed that some of the</p>	-do-

		<u>adolescent girls visiting Anganwadi Centres were 'out of school'. The Committee were also apprised that the Department of School Education and Literacy(DoSEL) and Women and Child Development had issued joint instructions to all the States with regard to mainstreaming of such children. The Committee appreciate the joint efforts made in this direction and desire that the process of integration with Department of Child Development be expedited and completed in a time bound manner.</u>	
45.	3.59	(xi) <u>Role of Elected Representatives</u> The Committee note that as per Section 21 of the RTE Act, 2009, the School Management Committee/School Management Development Committee consists of the elected representatives of the local authority, parents or guardians of children admitted and teachers. The Committee further note that under the Samagra Shiksha Abhiyan, provisions exist for Governing Council/Body at National level; single Implementation Society at State level to facilitate better decision making; and District Project office at District Level headed by District Collector/Magistrate/Chief Executive Officer of the Zila Parishad. <u>The Committee feel that the experience gained by MPs and MLAs through interactions with stakeholders at ground level and also through various other means can be gainfully utilized by sharing their views and feedback. The Committee, therefore, desire that the local MPs and MLAs be also invited at the meetings held at State/District level so as to strengthen the monitoring mechanism.</u>	-do-
46.	3.60	(xii) <u>Awareness Campaigns</u> The Committee appreciate the efforts made by the Department of School Education and Literacy(DoSEL) for generating awareness on RTE Act, 2009; Samagra Shiksha Abhiyan; and NEP, 2020, etc. through print, electronic and social media platforms, road shows, Shikshak Parv, publication of NEP 2020 Implementation Booklet, launch of Nation wide reading campaign, organizing Akhil Bhartiya Shiksha Samagam, Bhartiya Bhasha Utsav, Swachhata Pakhwada, etc. <u>As teachers have a very important role in eliminating the social evil of child labour from the country, the Committee desire the DoSEL to include this aspect also in the awareness campaigns to be launched in future.</u>	-do-
47.	3.61	(xiii) <u>Educating children about child labour and child protection issues</u> The Committee note that the Samagra Shiksha Scheme aims to ensure inclusive and equitable quality education at all levels of school education. The Scheme has also been aligned with the recommendations of the National Education Policy, 2020. The Committee further note that the scheme being an integrated scheme for school education also aims to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse background, multilingual needs and different academic abilities, thereby making them active participants in the learning process. <u>The Committee have been apprised by NGOs that there is a need to include a Chapter on elimination of child labour in school curriculum and also to educate the children in understanding, recognizing and reporting any crimes against children and other child protection issues through academic curriculum and in non-academic spaces. The Committee call upon the DoSEL to accord priority to these measures in the overall interest of the country and also in the interest of children</u>	-do-

		<u>in particular.</u>	
48.	4.71	The Committee note that the Mission Vatsalya (erstwhile Child Protection Services-CPS) aims to pursue convergence of schemes to ensure desired outcomes in terms of child development while optimising investment, for care, protection, rehabilitation and reintegration of children in difficult circumstances. As per the Ministry, under the Scheme, financial assistance is provided to State Governments/UT Administrations, for providing various rehabilitative services through institutional and non-institutional care under the JJ Act, 2015. In this regard, the Committee while lauding the efforts made under the Mission, are of the opinion that the efforts towards convergence should be taken at the three levels namely, District, State and National level, so as to effectively forge convergence between States and services. In this regard, <u>the Committee feel that synergy particularly with the Ministry of Labour and Employment and Departments of Labour in States is critical for prevention, identification, rescue and rehabilitation of Child labours and urge upon the Ministry to consistently coordinate and work with other agencies at the District level such as District Child Protection Unit, District Magistrate, Child Welfare Committee and Village level Child Protection Committees under Mission Vatsalaya in order to successfully mitigate incidence of Child labour.</u>	Ministry of Woman and Child Development
49.	4.72	The Committee note that under the JJ Act, 2015, a 'Child' is defined as a person who has not completed eighteen years of age. Further, all cases related to child labour are dealt solely under the Act, which provides for prosecution of those involved in child labour and rehabilitation of child labours. The Committee, however, find that the term 'adolescent' is not defined under the JJ Act, 2015. The Committee have also been given to understand that the Rashtriya Kishore Swasthya Karyakaram under the Ministry of Health of Family Welfare defines an adolescent as a person between 10-19 years. Further, as per the Child Labour (Prohibition and Regulation) Act, 1986, children between age group 14-18 years are defined as adolescents. The Committee feel that, in the absence of any definition of 'adolescent' category of children, in cases related to adolescents, prosecuting someone under JJ Act will become difficult. <u>In the considered opinion of the Committee, there is a lack of consistency in the definition of adolescents and there is a need for inclusion of a sub-category of children under JJ Act to cater to Adolescents. Moreover, the Committee feel that the lack of clarity in definition of Child/adolescents in Government policies is also bound to adversely affect laws governing their employability and prosecution. There is thus an urgent need to harmonize the various laws on the definition of Child/adolescents so as to effectively regulate and rehabilitate them.</u>	-do-
50.	4.73	The Committee find that under the JJ Act, 2015, the State/UT Government is mandated to constitute one or more Child Welfare Committees (CWCs) in each District for the purpose of reporting of children in need of care and protection for exercising the powers and to discharge the duties in relation to Children. In this regard, it was informed that continuous efforts were made to ensure that the CWCs are set up and functional in all districts. <u>The Committee find that as on 31.03.2022, 753 CWCs have been set up across the country and urge the Ministry to immediately intervene in such States/districts where</u>	-do-

		<u>CWCs are yet to be set up or are dysfunctional owing to staff shortage, lack of adequate monitoring and lack of timely review.</u> The Committee are of the opinion that unless timely interventions are undertaken to address any shortcomings, a robust welfare system will continue to be out of reach for vulnerable Children and they will have to bear the brunt of it.	
51.	4.74	The Committee were informed that, as per procedure laid down under the Act, a child in need of care and protection is to be produced before Child Welfare Committee(CWC) and CWC declares that child, as a child in need of care and protection on consideration of Social Investigation Report of the child and by taking into account the child's wishes in case the child is sufficiently mature to take that view. The Committee have been given to understand that the procedure of Social Investigation Report was being revised to address the different categories of children in need of care and protection. The Committee are conscious of the fact that the Social investigation report is an important procedure regarding the antecedents of the child and is a vital link for assessing the requirements of the Child in need of care and protection and helps in taking a clear decision regarding rehabilitation and their social re-integration. <u>The Committee urge upon the Ministry to expedite revision of Social Investigation Report so as to enable the implementing authorities to better understand the needs and requirement of the child including provisions for welfare and rehabilitation of children who are found working in contravention of provisions of JJ Act or Labour laws.</u> The Committee may be updated regarding the progress in this regard.	-do-
52.	4.75	The Committee note the laudable initiatives taken by the Ministry of Women and Child Development (MWCD) to strengthen the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). In this regard, the Ministry having felt the need for constant supervision at a senior level in the Districts for strict adherence of the Act, has notified the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 which has made the District Magistrate (DM) as the focal point for implementation of the JJ Act at the district level. The Committee find that now the DM will be responsible for conducting quarterly reviews of the functioning of the Child Welfare Committees (CWCs) and for passing adoption orders, which was previously being exercised by the Judiciary. However, the enabling rules need to be notified at the earliest for swift implementation of revision in the Act. Moreover, the DM will also head the District Child Protection Units (DCPUs), which are responsible for coordinating all child protection, welfare, and development activities in the district. The Committee emphasize that the existing coordination mechanism among different stakeholders viz. Juvenile Justice Board, Child Welfare Committee and District Child Protection Units need to be monitored and reviewed by the DM at regular intervals for seamless implementation of JJ Act. The Committee view this as a significant step as it will provide constant supervision and leadership for child protection efforts in the district and these stakeholders play a critical role in the implementation of the JJ Act, the DM's oversight will help to ensure that they are functioning effectively. At the same time the Committee feel that the DM already has a wide range of responsibilities and adding the JJ Act to this could strain the DM's resources and time. To address this concern, <u>the</u>	-do-

		<u>Committee recommend that the Ministry of Women and Child Development (MWCD) should provide the DMs with the necessary support to effectively carry out their new responsibilities. The Ministry should also work closely with the State Governments to ensure that the DMs are given the authority and resources they need to do their job effectively.</u>	
53.	4.76	The Committee find that there are 241 Open shelters (as on 31.03.2022) that are assisted under the Mission Vatsalya Scheme across the country which has benefitted only 5048 children across the country, which in the estimation of the Committee is inadequate. Moreover, it is also observed that the open shelters in some of the more populous states such as UP (13), MP(9), Bihar(0) and Maharashtra(13) is a serious cause of concern for the Committee. According to the Ministry, the JJ Act, 2015 provides that the State Government may establish and maintain, by itself or through voluntary or non-governmental organisations, as many open shelters as may be required, which shall be registered under the Act. These shelters are to function as a community based facility for children in need of residential support, on short term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. The Committee note with concern that the lack of adequate open shelters can have serious consequences for children, including through increased vulnerability to abuse and exploitation and also exposure to criminal activity. <u>The Committee thus recommend that the Ministry urge the State Governments and their concerned departments to increase their partnerships with non-governmental organizations (NGOs) in order to establish and operate larger number of such open shelters.</u> The Ministry might devise suitable incentives to encourage the States towards this end. Efforts are also required for regular monitoring and evaluation of open shelters to ensure that they are meeting the needs of children. <u>At the same time the Committee emphasize on the need for collection and analysis of data on the number of children utilizing open shelters, their backgrounds, and their outcomes to help policy decisions and resource allocation.</u>	-do-
54.	4.77	The Committee note the provision of Specialised Adoption Agency (SSA) to house orphans, abandoned and surrendered Children, for the children under age group upto 5 years for the purpose of placing them under adoption and non-institutional care. The Committee have been informed that a total of 390 SSAs have been set up and 4105 children have been benefitted from these SSAs. The Committee find that necessary monitoring/inspection procedure is also laid down under the Act which postulate conducting visits to all facilities by the Inspection Committees and submit their findings to the District Magistrate for necessary action within a month. Additionally under the Act, it is mandatory for the Child Welfare Committees to conduct inspections and recommend action for improvement in quality of services to the District Child Protection Unit/State Government. The Committee are of the opinion that the SAA's are an essential refuge/link till a suitable means of rehabilitation is available for the Child. Further, in addition to according importance to timely inspection protocols, <u>the Committee would like to impress upon the Child Welfare Committees to prioritise infrastructural upgradation and extending essential services to the Children to ensure their wellbeing and to improve overall capacity of the institution for</u>	-do-

		<u>housing orphans, abandoned and surrendered Children in order to aid in their effective rehabilitation. The Committee recommend that more number of SAAs need to be set up expanding the scope of larger beneficiaries.</u>	
55.	4.78	The Committee were informed about the Childline services which is a 24 hour emergency outreach service for children in crisis, linking them to long term care and rehabilitation service. As per the Ministry, in line with the Mission Vatsalya guidelines, the Child helpline shall be run in coordination with State and District functionaries and is to be integrated with the Emergency Response Support System 112 (ER-112) helpline of Ministry of Home Affairs. The Committee commend the steps taken to integrate the child helpline with ERSS-112 for all child emergency cases so that immediate help can be provided to vulnerable children in distress conditions without any hassle. Moreover, the Committee further desire that a mechanism to ensure interoperability with other services like police, fire and ambulance may be devised which may be of help in distress situations. <u>The Committee desire that the Ministry work in tandem with the Ministry of Home Affairs in expediting the process of integration of the emergency outreach service and activating the service in all the States/UTs along with a detailed SOP in this regard.</u> Further, the Committee were informed that for the purpose of real time monitoring of children in the Juvenile Justice System, the Mission Vatsalya portal is under development. <u>The Committee hope that the portal, when functional, will avoid duplication of work, ensure better monitoring through Management Information System (MIS) dashboard, better citizen participation, effective decision making and provide an evidence based roadmap for implementation of provisions under JJ Act and specifically in tackling Child labour and their rehabilitation.</u>	-do-
56.	4.79	The Committee note that necessary penal provisions have been incorporated under the JJ Act for offences committed against children, which include employment of child for begging, using of child for vending, peddling, carrying supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance and exploitation of a child employee. According to the Ministry, the Act also acknowledges several new forms of offences committed against children, which were not adequately covered under any other existing law, such as, sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children etc. Taking note of the penal interventions in place under the Act, the Committee believe that only stringent conviction rates under these provisions can serve as a barometer to gauge the extent of effectiveness of the laws under the Act. Moreover, it is particularly important that those who violate the law are convicted and appropriately punished or else such a situation would pave way for perpetuation of the practice of exploitation of children and shield the perpetrators who are found working in contravention of the provisions of the labour laws. Further, <u>the Committee would also urge upon the Ministry to take a relook at the classification of serious offences against children so that there are no legal loopholes/let up available for employers to exploit which will serve as one of the significant steps towards ending child labour.</u>	-do-

57.	4.80	<p>The Committee note the efforts taken by the National Institute of Public Cooperation and Child Development (NIPCCD) under the Ministry of Women and Child Development in regularly conducting training programmes for sensitization of the stakeholders, including the District Magistrates. As per the Ministry, during the year 2021-22, 115 training programmes were conducted by NIPCCD on Child Rights and Protection including on JJ Act, 2015. Keeping in view, the multi-dimensional challenges posed by the scourge of Child labour, the Committee urge the Ministry to further work in coordination with the State Governments to hold multi-city/zone awareness camps to emphasize on the effective implementation of the provisions under the JJ Act along with amplifying the frequency and coverage of sensitization/training programs for Child Labour related issues. <u>The Committee also impress upon the Ministry to further expand the ambit of training programs so as to reach a wider range of officials, including police officers, labour inspectors and officials of the CWCs and CCIs. The Ministry may also consider identifying all the relevant institutions whose professionals play a role in addressing child labour and customize training modules on child labour to provide the officials practical hands-on training to prepare them for working in a sensitive manner with the affected children.</u> At the same time support for research on child labour issues is crucial for quantifying the prevalence, forms, and demographics of child labour. The Committee desire that adequate funds be allocated for these endeavours.</p>	-do-
58.	4.81	<p>The Committee note that the mandate of the National Commission for Protection of Child Rights (NCPCR) to ensure better protection of the rights of the child through monitoring of constitutional and legal rights of children, review of safeguards, reviews of existing laws, look into violations of the constitutional and legal rights of children, and monitor programmes relating to the survival, protection, participation and development of children. Further, NCPCR is also mandated for monitoring the implementation of the Protection of Children from Sexual Offences Act (POCSO Act), Juvenile Justice (Care & Protection of Children) Act and Right of Children to Free & Compulsory Education (RTE) Act, 2009. It consists of a Chairperson and six members. It is a matter of deep concern that since December, 2021, six posts for members are lying vacant. As per the Ministry, procedure is laid down by the Supreme Court insofar as procedure for filing up of vacancies is concerned. <u>The Committee are of the opinion that if the Commission is functioning below its mandated administrative capacity, it would be detrimental to the welfare and well-being of children and exhort the Ministry to expedite the exercise to call for applications for filling up all the vacancies in NCPCR at the earliest in order to justify its mandate as India's apex body for safeguarding children's rights.</u></p>	-do-
59.	4.82	<p>As per census 2011, of the total population of 259.6 million in the age group of 5-14 years, 10.1 million representing 3.9% of the total child population are working either as main workers or as marginal workers. However, according to NCPCR, the exact estimate of the total child labourers is not available. The Committee are constrained to point out that in the absence of exact data about presence of child labours, it may be difficult to envisage an effective response for their rehabilitation. As a matter of fact, the 2011 census serves the only authentic source</p>	-do-

		of information and the data available is more than a decade old and is of limited utility and relevance insofar as implementation of specific schemes and their targeted beneficiaries in the present scenario is concerned. <u>In the wake of delay in Census 2021, it becomes imperative on the part of the Ministry to devise an internal mechanism to independently conduct household survey/data collection exercises so that adequate allocation of resources may be directed towards effective rescue/repatriation and rehabilitation of child victims.</u>	
60.	4.83	The Committee note that under Section 31 of the JJ Act, 2015, it is mandated to produce a Child in need of care and protection before the Child Welfare Committees (CWC). However, the Committee find that without the presence of District task force headed by the S.D.M, child rescue operations are not being undertaken. The Committee are given to understand that such a scenario is creating a hurdle for NCPCR during their child rescue operations as no other authorities of the District would be willing to partake in such an exercise in the absence of SDM/District task force. Further, as illustrated by NCPCR to the Committee, it was noted that NCRB data has reported only 613 cases whereas Rajasthan Government had informed NCPCR that more than 700 cases were registered by them against Child labour. In this regard, the Committee are of the view that the remaining 87 cases have not been acted upon owing to the absence of the SDM/District task force during the Child rescue operations as mandated under Section 31 of the JJ Act. <u>The Committee thus recommend for streamlining the procedures of Child labour rescue under the JJ Act so that all the cases are registered with NCPCR and follow up action taken for effectively tackling incidence of Child labour.</u>	-do-
61.	4.84	The Committee note that most of the industries/sector have a distinct feature of having two facets, i.e., 'organised sector' which is well-regulated and the 'unorganised sector' which is unregulated, uninspected and not monitored. Children are found working in these unorganized sectors. Sharing its experience, NCPCR pointed out that when an industry or sector involves or depends upon unorganized activities in its entire supply chain, that attracts child labour. The majority of the industries and sectors in India which attract child labour relate to automobile industry, e-waste management, Fast Moving Consumer Goods (FMCGs), placement agencies in the metro cities especially in Delhi etc. In this regard, the Committee find that whenever any Industry/Company involves/depends upon unorganized activities, its supply chain attracts child labour. The Committee feel that it is imperative to identify the real reasons behind the influx of Child labour in certain Industries. The Committee feel that any erring Industry which employs child labour in the unorganized supply chain of products cannot be held accountable as it is discrete and unregulated. Further, accountability may be difficult to fix as it may be possible that several Industries outsource part of their responsibilities to the unorganized sector which are again unregulated. <u>In the opinion of the Committee, a mechanism/principle of accountability of such Industries ought to be fixed and only when they take responsibility for a supply chain free of unethical practices including Child labour, incidence of unregulated child labour in the unorganized sector will be difficult to tackle.</u>	-do-
62.	4.85	In this regard, the Committee observe that the Automobile Industry has a distinct feature of having two facets i.e.	-do-

		<p>“organized sector” which is well regulated and the “unorganized sector” which is unregulated, uninspected and not monitored. The Committee while recognizing the significance of the sector and its potential to increase the share of manufacturing in gross domestic product (GDP), exports and employment feel it is important to delve into the inherent reasons of attracting child labour. The Committee observe that there are cases of Automobile manufacturers regularly outsourcing the services/repairing work and these repairing and servicing of automobiles are carried out in unorganized sector without any monitoring. Further, the availability of spare parts in the grey market are also a cause of concern. The Committee find it interesting that despite the manufacturing and repairing process of any automobile is a confidential process of any automobile company, the spare parts of such automobiles and the labour mechanics having the skill and knowledge about such automobiles are available readily. The Committee feel that, it is time to ensure that the companies must take the responsibility of the repairing and servicing and not just outsource to any third party. Additionally, there is a need for a system of controlling/monitoring the supply chain of automobile spare parts in the market. <u>Moreover, the Committee would like to impress upon the Ministry to standardize road side repairing shops and list of vendors involved in repairing work must be approved and registered with the Road Transport Authority.</u> Once registered with the RTO and the respective automobile company, these small road side auto shops would come under regulation thereby ensuring that such activities are free of child labour and the accountability of the automobile company can thus be fixed.</p>	
63.	4.86	<p>The Committee are deeply concerned over the precarious manner in which Children are employed as labour at e-waste sites. The process of electronic waste management process can become dangerous if necessary precautionary measures are not taken. The Committee find that e-waste contains heavy metals and many components that can be re-used by grey market even after its disposal. The Committee feel that such exercises exposes children to toxic gases and adversely impacts their health, growth and development. <u>The Committee recommend that a third party monitoring mechanism for assessing the implementation of EWM Rules, 2015 should be established for end-to-end monitoring of the entire process beginning from e-waste generation to its disposal so as to ensure that children are not being used for such hazardous occupation.</u> Further, <u>strict penal provisions need to be enforced and stringently against violators of the EVM, Rules 2015.</u> The Committee also call upon <u>all concerned stakeholder Ministries/Departments including Ministry of Environment, Ministry of Labour, Ministry of Health and Family Welfare, Ministry of Education for devising an action plan for eradicating child labour in this sector.</u></p>	-do-
64.	4.87	<p>In respect of FMCGs sector, the Committee find that that in cases where the roadside dhabas and stalls are engaging children as labour, it may be easier to ensure inspections if companies while publishing banners/hoardings maintain a list of such shops and dhabas. <u>The Committee urge upon the Ministry to intensify efforts to ensure that Children should not be engaged or involved in entire supply chain as well as selling of these products.</u> Further, <u>the Committee are of the view that FMCG companies need to take the social, ethical and legal</u></p>	-do-

		<u>responsibility to prohibit child labour in this segment of business.</u> Such a step in the opinion of the Committee will help in addressing child labour in this sector.	
65.	4.88	The Committee observe that one of the common issues prevalent in child labour is the unregulated placement agencies working in Metropolitan Cities. The real reason behind trafficking of children is that traffickers use tools of enticement and allurements. The Committee find that these placement agencies then bring these children to metro cities like Delhi from various parts of India like Bihar, Jharkhand, West Bengal, Odisha, North-East. The agencies not only place these children as domestic help but also sell these children to other parts of India making them vulnerable to abuse, exploitation and cruelty. While acknowledging that there are unregulated multiple placement agencies working in many parts of Delhi that are contributing in trafficking of children, it is vital that regulation of such placement agencies is done by the Delhi Government so as to stop child trafficking by these agencies. <u>Furthermore, as Delhi is an strategic destination as well as transit point for whole of north India, regulation and timely inspections of these agencies would make the functioning of these agencies transparent.</u> The Committee desire that all other States across <u>the Country should also make regulations binding for placement agencies operating under their jurisdiction.</u>	-do-
66.	4.89	The Committee are dismayed to note the anomalies which have come to the fore through the information uploaded in the MIS Portal (as provided by the Police and Labour Department of various States/UTs). The Committee observe that there is a gross mismatch between the number of child labour rescued and the number of child labour produced before Child Welfare Committees (CWC). The Committee find that this is in direct contravention of the JJ Act, 2015 which provides (under Section 31) that every child in need of care and protection should be produced before a CWC. Secondly, it was stated by NCPCR that 1025 children who were employed as child labour were rescued as part of 'Azadi ka Amrit Mahotsav' drive against Child labour in June 2022. However, it has been noticed that this is in variance with the number provided (no. of Child labours rescued is 339 between 01.04.2022 – 22.11.2022) in the portal. The Committee thus urge upon the NCPCR to ascertain the credibility and authenticity of the data uploaded in the portal by matching the information pertaining to their own data relating to rescue of child labours and issue necessary directions to the concerned labour/police departments in case of discrepancies. Thirdly, the Committee feel that it may be possible that in many cases, the Police and the Labour Department may not have filed FIRs in child labour cases which may be the reason for less number of child labour being reported than the actual number on the ground. Further, in this regard, the Committee were apprised that on 07th July 2022, NCPCR had organized a meeting with Department of WCD, Social Welfare, Labour and Education of all States/UTs and it was impressed upon that all child labour cases reported under the Child Labour Act are cognizable offences and that States/UTs should register the FIRs in such cases immediately and promptly. Moreover, filing of FIR and strong implementation of the law is bound to create deterrence in society. <u>The Committee are of the considered opinion that such inaccuracies in data /lapses on the part of the authorities lead to flawed outcomes potentially hampering the</u>	-do-

		<u>tangible benefits of the Policy in ensuring care and protection as envisioned under the JJ Act. Further, emphasis may be placed on conducting training of Labour officers and police officers on the issue of Child Labour including a capsule training specifically on the various provisions of JJ Act, 2015.</u>	
67.	4.90	The Committee expressed their concern on the submission made by NCPCR that the proper and timely updation of data, that is to be uploaded by the Labour Department and Police Department, is not being done on the NCPCR's portal. The Committee observe that the States/UTs are not prompt in uploading the information on the MIS portal and that only 12 States/1UT viz, Andaman & Nicobar Islands, Assam, Chhattisgarh, Haryana, Jammu & Kashmir, Jharkhand, Karnataka, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Uttar Pradesh have submitted information on the portal. In the view of the Committee, if all States/UTs would provide data to the Commission in a timely manner, the monitoring by the Commission would be more effective and the Commission would be able to identify issues where interventions can be made. Comprehensive data also provides a strong foundation for evidence-based policy decisions at the national and state levels. The Committee would therefore urge the Ministry of Women and Child Development as well as the Ministry of Home Affairs to ask the State Governments and their respective Labour and Police Departments to take serious note of the issue highlighted by NCPCR and take urgent action to rectify the situation. <u>The Ministry should ensure that necessary technical assistance is provided to the States/UTs on how to use the MIS portal and any difficulties being reported in this regard be resolved expeditiously.</u> There is also a need to develop clear and concise reporting guidelines to ensure consistency and accuracy.	-do-
68.	4.91	The Committee note that NCPCR, while dealing with the cases of complaints relating to child labour, observed that there arose procedural delays in the process of rescue and rehabilitation of children due to lack of convergence in the implementation of various legislations and multiple authorities under the Child labour Act 1986 and Juvenile Justice Act, 2015. As a result of which delays and lapses were observed by authorities in initiating investigation in matters leading to difficulty in identification and prosecution of offenders. In order to effectively strengthen the process of rescue and rehabilitation of children involved in child labour, necessary steps were taken by the Commission in preparing a Draft SOP for Child Labour. It has been stated that the Draft SOP has been sent to district officials for pilot testing as well. <u>The Committee are of the opinion that the endeavour of the Draft SOP for the rescue and post rescue of child labour is to streamline the understanding of the process laid down for inquiry and rehabilitation of children who are victims of child labour. The Committee also hope that if the SOP is complied to, in letter and spirit by all States/UTs, it will aid in better integration with the various Child welfare legislations and effectively facilitate a concerted framework to tackle the scourge of Child labour.</u>	-do-
69.	4.92	The Committee note that in a <i>suo motu</i> writ petition (SMWP)(c) No. 6 of 2021, Hon'ble Supreme Court had taken cognizance on the issue of Children in street situations and to which NCPCR is party. The Committee find that while developing SOP 2.0 regarding rescue of children in street situation NCPCR had been informed by Save the Children-NGO that they had mapped	-do-

		<p>about 2 lakh in 04 States/UTs namely Delhi, Maharashtra, Uttar Pradesh and West Bengal. The Hon'ble Supreme Court was also informed about this data in affidavit of NCPCR dated 12.11.2021 and the Hon'ble Court directed the State Governments to take necessary action for these children. At the same time, according to the Ministry, as on 31.03.2022, 2245 CCIs are funded under Mission Vatsalya Scheme (erstwhile Child Protection Services) housing 76118 Children/beneficiaries including children who have been rehabilitated from begging by concerned Child Welfare Committees. Thus the number of children in street situation being reported by Save the Children, for just four states, is more than double the total number of children being housed by the CCIs. Evidently, the obtaining situation calls for greater efforts on the part of the Government to consolidate the coordination mechanism to accumulate accurate data regarding children in street situation so that effective policy interventions can be made. <u>The Committee thus urge the Ministry to conduct a comprehensive nationwide survey in collaboration with various stakeholders, including NGOs, social workers, and community representatives to ensure a thorough and inclusive assessment so as to accurately determine the number of children in street situation. At the same time, there is a need to establish a robust data management system to track the number and characteristics of children in street situations and strengthen coordination and collaboration among various government agencies and non-governmental organizations working on child protection issues.</u></p>	
70.	4.93	<p>The Committee note that the Hon'ble Supreme Court in January 2022 expressed its concern regarding having a set policy for dealing with children in street situations and asked NCPCR to provide some suggestions which can help in framing a policy. NCPCR in its affidavit dated 17.02.2022 submitted suggestions for developing a policy for rehabilitation of children in street situations. The Hon'ble Supreme Court <i>vide</i> its order dated 09.05.2022 has asked all States/UTs to implement the policy made by NCPCR till they don't frame their own policy for children in street situations. The Committee appreciate that National Commission for Protection of Child Rights (NCPCR) has taken the initiative to develop a policy for the rehabilitation of children in street situations. The Committee believe that the NCPCR policy is a comprehensive document that can provide a valuable framework for States/UTs to develop their own policies and programmes to address the issue of children in street situations. <u>The Committee urge the Ministry to ensure that all States/UTs to give the NCPCR policy careful consideration and that they implement it effectively until they are able to formulate their own policies as per the directions of the Hon'ble Supreme Court. The Ministry can provide the necessary technical assistance to the State Governments so that they expedite framing of their own policies based on the specific conditions prevalent in their States.</u></p>	-do-
71.	4.94	<p>The Committee note that the NCPCR through its affidavits has been informing the Hon'ble Court about the steps taken by it to address the issues concerning street children and submitting its data uploaded by the States/UTs on Baal Swaraj Portal-CiSS from time to time. The Committee hope that the Children in Street Situations(CiSS) platform is effectively used, as envisioned, for receiving data of children in street situations from all the States and Union territories, to aid in their effective</p>	-do-

		<p>identification, tracking, rescue and rehabilitation process. Further, the Committee are of the opinion that necessary steps may be put in place to explore the possibility of engaging/providing access through the application to private professionals and organizations who volunteer to provide help in the form of open shelters, counselling services, medical services, sponsorships, de-addiction services, education services, legal/paralegal services, identification of street children hotspots or any other assistance that can be rendered to street children in need. <u>Further, the Committee urge upon the Ministry to analyse the factors/socio-economic compulsions for forcing children onto street situations and prepare an effective Standard Operating Procedure for Care and Protection of Children in Street Situations so as to wean them away from neglect, emotional abuse, sexual abuse, and exploitation.</u></p>	
72.	4.95	<p>The Committee are deeply concerned to note the observation of NCPCR that nodal officers to be appointed under Rule 2B(2) of the Child Labour (Prohibition & Regulation) Rules, 2017 have not been appointed at the district level in the majority of States/UTs (13 States and 3 UTs are yet to appoint nodal officers, according to the information furnished by the NCPCR in light of the review meeting by NCPCR on 16.07.2022). The Committee feel that the appointment of nodal officers under Rule 2B(2) of the Child Labour (Regulation & Prohibition Rules 2017) is crucial for the effective implementation of the Act and the protection of children from exploitation. The absence of nodal officers in these states hinders the coordination and monitoring of child labor-related activities, potentially leading to gaps in enforcement and protection. <u>The Committee thus urge the Ministry and NCPCR to work with the State Governments to ensure that they expeditiously appoint nodal officers under Rule 2B(2) of the Child Labour (Regulation & Prohibition Rules 2017). Moreover, there is an urgent need to establish a mechanism for regular monitoring and evaluation of the performance of nodal officers through periodic meetings and performance reviews. Efforts must also be taken for capacity-building and training for nodal officers to enhance their knowledge and skills in dealing with child labor issues and promote inter-state collaboration and knowledge sharing among nodal officers to encourage the exchange of best practices and effective strategies in this regard.</u></p>	-do-
73.	4.96	<p>The Committee were informed that under the Mission Vatsalaya Scheme, directives have been issued in July 2022 to notify Child welfare and Protection Committees in every Panchayat and Municipal Urban/local bodies under clause 2.12 of the Scheme. The Committee find that the mandate of the Committee would be to deliberate on issues pertaining to women and Child welfare along with ascertaining the number of school going children, out of school children, etc. along with commensurate budgeting under the 15th Finance Commission. Further, under the Scheme, the Committee are given to understand that proposal to conduct Child survey and a National child index is under active consideration with the Ministry of Statistics and Programme Implementation. <u>The Committee appreciate the efforts made by the Ministry to engage Panchayats/Municipal bodies for conducting a National Child Survey and development of Child Index in convergence with the Ministry of Statistics and Programme Implementation (MoSPI) to map the needs of children through a periodic child survey, so as to envisage a suitable response in terms of an effective policy to eliminate</u></p>	-do-

		<u>Child labour. The Committee desire that the Ministry of Women and Child Development to expedite the process in coordination with the Ministry of Statistics and Programme Implementation.</u>	
74.	4.97	The Committee note that the Saksham Anganwadi and Poshan 2.0 scheme is an Integrated Nutrition Support Programme that seeks to address the challenges of malnutrition in children, adolescent girls, pregnant women and lactating mothers through a shift in nutrition content and its delivery by creation of a convergent eco-system to develop and promote practices that nurture health, wellness and immunity. The Committee observe that with a view to address various gaps and shortcomings in the ongoing nutrition programme and to improve implementation as well as to accelerate improvement in nutrition and child development outcomes, the existing scheme components have been re-organized under Poshan 2.0 into the three primary verticals viz, Nutrition Support for POSHAN and for Adolescent Girls (14-18), Early Childhood Care and Education [3-6 years], Anganwadi Infrastructure including modern, upgraded Saksham Anganwadis. The Committee note that any child of age group 6 months to 6 years is entitled to a set of six services under the scheme viz, (i) Supplementary Nutrition (SNP), (ii) Pre-school Non-formal Education, (iii) Nutrition & Health Education, (iv) Immunization, (v) Health Check-up, and (vi) Referral Services. Immunization, Health check-up and Referral Services are provided through NHM & Public Health Infrastructure. The Committee were informed that the total number of beneficiaries up to December, 2021 are 9,50,18,684 comprising of 7.5 lakh children and 2 lakh women. <u>The Committee urge that necessary awareness be created among public to avail the nutritional and health services provided to fulfill the commitment of ensuring holistic development of all children under the age of 6 years, adolescent girls and pregnant/lactating mothers.</u>	-do-
75.	4.98	The Committee find that Anganwadi Centres have been sanctioned to all States/UTs as of 31.12.2021 (to be updated). However it has been observed that in a few States like Bihar, Rajasthan, Uttar Pradesh and Jammu and Kashmir, there appears to be a variance between the numbers of sanctioned and operational Anganwadi centres. The Committee urge upon the Ministry to issue necessary instructions to address the deficit so as to ensure that the Anganwadi centres that have not been operationalised as yet be expeditiously functional. <u>The Committee further also exhort the Ministry to direct the State Governments to re-visit the issue of availability of Anganwadi Centres (AWCs) at the habitation level and determine the actual requirement of AWCs vis-a-vis the population of the area, number of children actually attending the AWCs and the number of AWCs available.</u> Further, the Committee feel that the recent initiative to provide 2 lakh AWCs Rs 40,000 per year towards their upgradation by the respective Panchayat Raj departments/Poshan Panchayats, is a step in the right direction. <u>The Committee feel that modernization/ upgradation is a continuous process and the Ministry issue directions to various States/UTs to intensify their efforts through the Poshan Panchayats in rejuvenating the Anganwadi Centres under their jurisdiction in order to effectively function towards achieving the goal of a malnutrition free India.</u>	-do-
76.	4.99	Anganwadi Services Scheme is a symbol of the country's commitment to its children and nourishing mothers, as a	-do-

		<p>response to the challenge of providing pre-school non-formal education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality on the other. The Committee appreciate the recent initiatives taken by the Ministry to achieve the enshrined objective. The major initiatives, <i>inter-alia</i>, include issuance of guidelines on January, 2021 to ensure transparency, efficiency and accountability in delivery of nutrition delivery support systems. In keeping with the announcement made by the Prime Minister on 15 August, 2021, 100% fortified rice to all State/UTs are allocated to address the issue of malnutrition faced by women and children. States have been advised to incorporate millets to enhance quality of supplementary nutrition. Further, introduction of diet diversity and consumption of wholesome local produce through 4.35 lakh Poshan vaticas, improving digital infrastructure support for last-mile tracking and monitoring of nutrition delivery through 'Poshan Tracker' for transparency, efficiency and accountability in delivery of Supplementary Nutrition, providing Anganwadi workers with 11.13 lakh smartphones and 11.94 lakh growth monitoring services, 40 crore activities under Poshan Maah and Poshan Pakhwada, Community outreach services, Media advocacy are all steps in the right direction. All these measures provide the necessary direction towards improving the nutritional norms and standards of children, women and lactating mothers. <u>For all these schemes to effectively synergise, the Committee urge upon the Ministry to issue directions to all States/UTs to ensure Aadhar seeding of all beneficiaries so as to ensure good governance through last-mile delivery of services including Supplementary Nutrition under Poshan 2.0.</u></p>	
77.	4.100	<p>The Committee observe that, in response to a rapidly deteriorating child sex ratio and related issues of empowerment of girls and women over a life cycle continuum, the 'Beti Bachao, Beti Padhao' programme was launched in 2014, aiming to provide survival, safety and education to the girl child. This Scheme has a multi-sectoral intervention at district level. It was initially being run in 405 districts and through multi-media advocacy, it was expanded to 640 districts of the country. The Committee were given to understand that there has been a increase in 19 points in Sex ratio at birth at National level from 918 (2014-15) to 937 (2020-21). Also, enrolment of girls in Secondary education at National level has increased from 75.51% in 2014-15 to 78.83% in 2019-20. Appreciating the efforts taken in this regard, <u>the Committee feel that continuing convergence with partner Ministries viz, Ministry of Education, Health and Family Welfare, Skill Development and Entrepreneurship and Youth Affairs and Sports at all levels will ensure holistic empowerment of the girl child. Further, the Committee urge upon the Ministry to devise a mechanism to evaluate the performance of various States/districts to create an environment of healthy competition.</u></p>	-do-
78.	4.101	<p>The Committee note that Ujjawala scheme was launched for the prevention of illicit trafficking, with five specific components viz. prevention, rescue, rehabilitation, re-integration and repatriation of victims who were trafficked for commercial sexual exploitation. The Committee were apprised of the difference between Swadhar Greh which caters to the primary needs of women in difficult circumstances and Ujjawala homes which is a scheme for prevention of trafficking and rescue and</p>	-do-

		<p>rehabilitation of survivors. As per the Ministry, during the 15th Financial year cycle, both these schemes are being integrated under the name 'Shakti Sadan' so as to effectively run them.</p> <p>Further, the Committee were also apprised of the Immoral Traffic (Prevention) Act (ITPA), 1956 which was also enacted with the objective to prevent trafficking for commercial sexual exploitation. Further, the Committee were informed that, if Children are involved in these situations, they are covered under JJ Act/POCSO Act, whereas women above 18 years, are rehabilitated and taken to Ujjawala homes, under provisions of ITPA. Commending the Ministry for the initiatives taken by them under Ujjawala and Immoral Traffic (Prevention) Act, 1956 to effectively aid in checking trafficking in women and children, the Committee desire that endeavour of the Ministry to effectively provide shelter and rehabilitate the victims and lead a life of dignity would be effectively served if the three pillars of anti-trafficking efforts —prevention, protection and prosecution are enforced. <u>The Committee urge upon the Ministry to intensify their efforts towards raising awareness, shelters for protection and rehabilitation of victims, law enforcement and prosecution in order to bolster the effectiveness of these legislations.</u></p>	
79.	5.43	<p>The Committee are concerned to note that during the Census exercise, no specific data on child labour is documented. However, data on workers (main and marginal) and non-workers are collected and published. The Committee were informed that Main Workers were workers who worked for more than 6months during the year and Marginal Workers were workers who worked for 0-6 months. Further, the Committee find that traditionally the enumeration of the houseless population is carried out on the last night of the population Census and the Census department has a well established protocol to ensure the complete coverage of the houseless population. According to the last Census conducted in 2011, out of the total population of houseless persons, 270605 are children aged between 0-6 years, which, in the opinion of the Committee, is a cause of great concern. The Committee observe that the houseless population comprise of the most underprivileged and disadvantaged sections of the society and thus there is a dire need to target the welfare efforts of the Government towards them. The Committee observe that the Census exercise provides an opportunity to map the areas where the homeless populations are concentrated particularly in metropolitan areas where such groups tend to settle down in certain parts over the years. <u>The Committee further recommend that the publication of the data pertaining to the houseless population be expedited after the next Census so that urgent interventionist measures can be undertaken by departments such as the Ministry of Housing and Urban Affairs, Ministry of Labour and Ministry of Women and Child Development for the welfare of the houseless population.</u></p>	Ministry of Home Affairs
80.	5.44	<p>The Committee while acknowledging the link between human trafficking and the engagement of trafficked children as child labour, appreciate the efforts of the Government in bringing the offence of human trafficking, as envisaged under section 370 and 370 A of IPC, under the mandate of National Investigation Agency (NIA). The Committee also laud the work done by NIA under its new mandate where out of the 12 cases of Human trafficking entrusted to NIA, it has submitted charge sheet in 7 cases against 53 accused. The Committee also find that in order to strengthen the efforts of NIA against traffickers, the Ministry</p>	-do-

		<p>have sanctioned 6 new Branch offices (18 total) while a separate vertical of Anti - Human Trafficking is under consideration of the Government. <u>The Committee observe that NIA, being a National level investigative agency which has the mandate and the expertise to take up cases having inter-State and International ramifications, the steps taken by the Government to strengthen the agency are in the right direction and may be earnestly pursued. In this regard, the Committee recommend that the process of creation of a separate vertical of Anti- Human Trafficking in NIA be expedited.</u></p>	
81.	5.45	<p>The Committee note that in order to address the law enforcement response to human trafficking, the Anti-Trafficking Cell(ATCs) was established in 2006. An amount of Rs. 25.16 crore was released to the states during the period 2010 to 2019 for setting up Anti-Human Trafficking Units (AHTUs) in 332 districts of States besides AHTUs being set up by some states on their own. These ATCs act as an interface with Ministry of Women and Child Development, Ministry of External Affairs, Ministry of Labour & Employment and State/UT authorities by issuing guidelines, Standard Operating Procedure(SOP) and advisories from time to time. Moreover, the Committee were given to understand that in order to address transnational/cross border issues of human trafficking, the ATC has also assisted in signing of Bilateral Memorandums of Understanding with Bangladesh, UAE, Cambodia and Myanmar and other Multilateral treaties on human trafficking. The Committee are of the view that Inter-State/ Inter-Ministerial/International cooperation is a prerequisite for envisaging any response against human trafficking and without a collective framework, feel that human trafficking cannot be addressed comprehensively. <u>Specifically with regard to the bilateral and multilateral agreements, the Committee urge the Ministry to periodically review the progress in anti-human trafficking efforts in order to hold Member States/Countries accountable and embark on interventionist measures, if need be.</u></p>	-do-
82.	5.46	<p>The Committee note that Anti-Human Trafficking Units(AHTUs) are integrated task forces to prevent and combat trafficking in persons and comprise of a group of trained sensitive officials of Police, Women and Child Welfare Department and other relevant Departments of the State. The Committee were given to understand that AHTUs function as coherent units to prevent and combat trafficking and attend to all three aspects of trafficking viz. prevention, protection and assistance in prosecution and are thus the field level functional units to address human trafficking in a holistic manner. The Committee were given to understand that pursuant to the decision of the Ministry of Home Affairs (MHA) to set up Anti-Human Trafficking Units(AHTUs) in all the districts, 696 AHTUs have been established across various States and Union Territories. While the MHA have also issued advisories to all States and UTs, <i>inter-alia</i> advising them to immediately set up new AHTUs and upgrade the infrastructure of the existing AHTUs with the financial assistance provided to them and make the AHTUs functional on urgent basis. The Committee find that there are still districts where AHTUs have not been established and urge the Ministry to ensure that the remaining districts are covered at the earliest. <u>The Committee also desire that the AHTUs established in States with greater prevalence of trafficking</u></p>	-do-

		<u>related activities be provided additional funds for strengthening infrastructure and other capabilities. The Committee feel that special attention, in this regard, needs to be paid towards states sharing border with Bangladesh, Nepal and Myanmar from where cross border trafficking takes place.</u>	
83.	5.47	The Committee laud the steps taken by the Ministry to periodically engage with the States and UTs in the matter of human trafficking from time to time. The Committee find that the progress of implementation of various Women Safety projects, including the scheme of setting up/strengthening Anti-Human Trafficking Units (AHTUs) through virtual meetings with State/UT functionaries are reviewed regularly by the Ministry. In this regard, the Committee were informed that an online monitoring portal for the States and UTs to update the progress of AHTUs and for sharing their best practices and success stories has been established by the Ministry. <u>The Committee hope that the web portal would serve as a vital IT tool for dissemination of information across all stakeholders, States/UTs and civil society organizations for effective implementation of Anti Human Trafficking measures and would serve as a repository on issues relating to trafficking including details of Anti-Human Trafficking Units (AHTUs), their locations, contact details of Anti-Human Trafficking Nodal Officers so as to supplement the efforts of the Ministry in tackling human trafficking.</u>	-do-
84.	5.48	The Committee were given to understand that an Institutional mechanism to counter human trafficking in a focussed and effective manner at the level of State Governments was devised and shared with all States and UTs in December, 2020. Subsequently, the States had been asked to establish appropriate Bureau/Units at State-Headquarter level, District level and Police Station level to address the issues of trafficking in a comprehensive manner. In this regard, the Committee note that as a way of strengthening the Anti Human Trafficking efforts, States were asked to notify a State-Headquarter level Anti-Human Trafficking Bureau. However, the Committee were informed that the details of the Officer heading such Anti-Human Trafficking Bureaus were not maintained Centrally by the Ministry. <u>The Committee, in this regard, urge the Ministry to ensure that all the States setup the Anti-Human Trafficking Bureaus at State-Headquarter level and made functional in every State along with maintaining the details of the Officer heading such a unit. The Committee also urge upon the Ministry to devise a mechanism for effective coordination between the different AHTBs and the nodal Ministry for timely dissemination of intelligence.</u>	-do-
85.	5.49	The Committee are concerned to note that human trafficking especially, of women and children for various purposes such as commercial sexual exploitation (CSE), forced labour, domestic servitude etc. is a crime that gravely violates basic human rights. In this regard, the Committee appreciate the steps taken by the Ministry towards issuance of a SOP/Advisory to handle trafficking in Children for Child labour and penal action against employers/traffickers. Additionally, advisories have been issued to the States/UTs to set up exclusive 'Crime against Women/Children Desks and that there should not be any delay in registration in FIRs in all cases of crime against Children and has released 100 crores under Nirbhaya Fund in 2020 for establishing Women Help Desks in Police Stations. While	-do-

		<p>lauding the initiatives taken by the Ministry of Home Affairs to check the incidence of human trafficking especially among women and children, <u>the Committee urge the Ministry to issue and reiterate directions to the States/UTs to place utmost priority to cases of child trafficking/registration of FIRs in cases of crime against Children in order to preempt instances of according low priority to cases of trafficking due to the preoccupation of police with other crimes. The Committee thus recommend further strengthening the institutional response for the law enforcement officers viz, police and prosecutors, against trafficking through training and capacity building to better investigate and prosecute offenders perpetrating this crime.</u></p>	
86.	5.50	<p>The Committee find that measures were taken to create awareness among police personnel on the perils of trafficking and the need to sensitise them in order to facilitate early detection and apprehension of child traffickers. In this regard, Ministry of Home Affairs (MHA) provide financial assistance to States and UTs for holding ‘State level conferences’ on periodic basis for police officials and to make available to them, updated information on latest provisions of law relating to trafficking. The Committee were also informed that Bureau of Police Research and Development (BPRD) has been regularly conducting training courses pertaining to Anti-Human Trafficking. MHA has also issued an Advisory dated 6.7.2020 to all States and UTs <i>inter-alia</i> advising them that Police Officers should be advised to undertake preventive steps such as identification of children in distress, watching out for suspicious persons, keeping special vigil at transit points and identify vulnerable population and susceptible pockets in the State. The Committee appreciate the various steps taken for tackling the issue of trafficking and urge the Ministry to continue with its efforts and at the same time seek inputs from the States with regard to the impediments being faced and the ways and means to remove them. In the above context, <u>the Committee also recommend that all the measures that are being taken by the Ministry for the sensitization of police departments regarding the issue of trafficking, may suitably be replicated for addressing the issue of child labour. The Committee thus recommend that the Ministry of Home Affairs collaborate with the Ministry of Labour and Employment and take similar measures, including organising training short courses of training and sensitising police personnel to keep vigil on identified areas such as eateries and small shops, so as to strengthen the awareness of police personnel with regard to the issue of child labour.</u></p>	-do-
87.	5.51	<p>The Committee were informed that the Ministry of Railways have been advised to involve Railway Protection Force (RPF) and Government Railway Police (GRP) personnel deployed at Railway Stations in detecting trafficking incidents and apprehending the traffickers in coordination with the local police. Further, it was brought to the notice of the Committee that the Ministry of Railways in collaboration with the Ministry of Women and Child Development and National Commission for Protection of Child Rights has issued a Standard operating procedure (SOP) for ensuring care and protection of children in contact with Railways, which also includes a protocol for rescue for children found abandoned at rail stations or trafficked through trains. Appreciating the multi-sectoral efforts taken by the Ministry in collaboration with other Ministries/agencies, the Committee feel that, in addition to discharging its responsibility as mandated by</p>	-do-

		the Standard operating procedure(SOP) for the rescue of children issued by the Ministry of Railways, <u>the Committee in their considered opinion feel that active involvement and engagement of other stakeholders like NGOs/Voluntary associations with domain expertise in field of action of child trafficking will enhance the scale, reach and efforts of the Ministry in addressing trafficking.</u>	
88.	5.52	The Committee's attention was drawn to reported incidence of child labourers brought by middlemen or placement agencies with the promise of better future but are subject to exploitation and have to endure violence, sexual abuse, harassment, threat and coercion. The Committee feel that it is important to keep a check on the various placement agencies that might traffick children for the purpose of employing them in domestic labour, particularly in metropolitan cities. However, the Ministry of Home Affairs in this regard, have stated that it is the sole responsibility of the Ministry of Labour to address these concerns. In this regard, the Committee observe that, in 2017, Ministry of Home Affairs had also requested the Ministry of Labour & Employment to sensitize officers of the Labour Department in all States and UTs to keep a close vigil and watch on the activities of placement agencies in States with a view to addressing the crime of human trafficking and render all necessary assistance to the law enforcement agencies to check the crime. Further, in this context, the Committee are of the opinion that, given the multi-dimensional complexity in addressing the problem of child labour, unless various departments recognize the magnitude of the problem, accept collective responsibility and devise internal mechanism to address the incidence of child labour, child labour will continue to persist unabated. Therefore, <u>the Committee recommend that since such placement agencies and other similar establishments have an interface with the police authorities, the Ministry should take robust steps to ensure that the police departments keep a periodic check on the functioning of these placement agencies.</u>	-do-
89.	5.53	The Committee find that the prevalence of child labour is high in establishments such as brick kilns and construction sites. However, the Committee were dismayed with the response of the Ministry when enquired whether guidelines had been issued to the local police authorities in the States for regular inspection of such establishments with high incidence of child labour. The Ministry had evaded responsibility by stating that the issue concerned the Ministry of Labour and Employment. <u>Although the Committee while recognising the differing mandate of both the Ministries, however urge the Ministry of Home Affairs, that even though law and order might be a State subject and the inspections of work sites may qualify to be the primary responsibility of the Ministry of Labour, the Ministry of Home Affairs may still issue certain instructions/guidelines to the police departments to devise a mechanism of coordination with the labour departments and ensure that even the police authorities keep a vigil/check on establishments that are prone to employ children/adolescents, particularly in districts identified as hotspots of child labour.</u>	-do-
90.	5.54	The Committee appreciate the steps taken by the Ministry of Home Affairs towards establishing a National level communication platform- Crime Multi Agency Centre (Cri-MAC) which facilitates dissemination of information about significant crimes including human trafficking cases across the country on	-do-

		real time basis. The Committee observe that by effectively leveraging technology for real-time information sharing between States, the platform can help various law enforcement agencies with seamless flow of information in prevention, detection and investigation of crime. <u>The Committee while recognizing that trafficking is a grave crime, urge the Ministry to issue directives to all the States/UTs to actively participate in uploading of information about incidence of crime and criminals and continue to accord highest priority to the efforts directed at preventing and countering the scourge of trafficking.</u>	
91.	6.47	The Ministry of Social Justice and Empowerment recognized their role in prohibition of child labour as late as in June, 2022 when the Committee decided to examine the Ministry and took evidence of their representatives. The Committee are of the considered view that the Ministry have a greater role to play not only in the prohibition of child labour but also in their rescue and rehabilitation. In evidence, the Secretary conceded that the Ministry needed to come out with a clear-cut action plan and a policy on child labour, which hitherto had not been one of the focus areas. The Committee undertook a comprehensive review of the schemes run by the Ministry for marginalized and disadvantaged sections of the society aimed at educational empowerment on the one side, protection on the other and overall economic empowerment. <u>The Committee firmly believe that efficacy in successful implementation of these schemes would ultimately ensure economic upliftment of households thereby preventing child labour. In the succeeding paragraphs, the Committee have reviewed implementation of individual schemes and identified areas where the Ministry need to focus for prevention, rescue, rehabilitation and mainstreaming of vulnerable children.</u>	Ministry of Social Justice & Empowerment (Department of Social Justice and Empowerment)
92.	6.48	The Committee note that in order to identify and frame policies for the targeted beneficiaries viz, marginalized and disadvantaged sections of the society under the various schemes run by the Ministry of Social Justice and Empowerment, the data relating in Census 2011 has been used and as per the Ministry, no mechanism for internal/independent survey/collection of data to ascertain the latest data is available. The Committee are constrained to point out that in the absence of up to date data on vulnerable children, beyond Census 2011, envisaging a targeted welfare protection programme for their rehabilitation will be adversely impacted. Further, as a matter of fact, the 2011 census serves the only authentic source of information and the data available is more than a decade old and is of limited utility and relevance insofar as implementation of specific schemes and their targeted beneficiaries in the present scenario is concerned. <u>In the wake of delay in Census 2021, it becomes imperative on the part of the Ministry to devise an internal mechanism to independently conduct household survey/data collection exercises in order to gauge the latest data and trends, so that targeted allocation of resources may be directed towards Policies aimed at effective rescue/repatriation and rehabilitation of vulnerable/marginalized sections.</u>	-do-
93.	6.49	The Ministry had launched a scheme 'SMILE' – Support for Marginalised Individuals for Livelihood and Enterprise on 12.02.2022 which includes two sub-schemes, out of which one pertains to Central Sector Scheme for Comprehensive Rehabilitation of persons engaged in begging. The Committee were given to understand that the scheme was aimed at making	-do-

		<p>places begging free and cover identification, rehabilitation, provision of medical facilities, counselling, education, skill development with the support of State Governments/UTs/Local Urban bodies and Voluntary Organisations etc. Further, the budget allocation under the Scheme for the financial year 2021-22 to 2025-26 is Rs.100 crore and expenditure, as on March 2022 was Rs.1.94 crore. According to the Ministry, several pilot projects in this regard, are being implemented in major cities of New Delhi, Mumbai, Chennai, Bangalore, Lucknow, Indore and Patna. One of the significant developments in the implementation of this scheme has been the interest evinced by about 1300 NGOs in taking up the responsibility of beggary rehabilitation. The Committee appreciate the Ministry's efforts in roping in NGO's/Community based Organisations (CBO's) for pilot projects on beggary rehabilitation under the SMILE sub-scheme and consider it to be a step in the right direction. More importantly, these NGO's would be required to be working in close coordination with the respective Municipal Corporations of various Cities in identifying, monitoring, rehabilitating, skilling and sustainable settlement of persons engaged in beggary. <u>The Committee therefore desire that the CBO's/NGO's need to be strengthened and equipped to perform the role of local pressure groups to check and combat beggary and also act as catalysts in effective formulation and implementation of anti-beggary framework. The Committee also desire that in the course of rehabilitation, necessary skills training may be imparted to Adolescent Children rescued from Beggary under the SMILE scheme by mapping them for age appropriate works/occupation in coordination with Ministry of Skill development and Entrepreneurship. The Committee desire to be apprised of concrete measures taken in this direction.</u></p>	
94.	6.50	<p>The Committee appreciate the welfare measures for Transgender persons under the SMILE supported sub-scheme on 'Central Sector Scheme for Comprehensive Rehabilitation for Welfare of Transgender Persons' which focuses extensively on providing them identity, provision of medical facilities, education, skill development, access to cashless medical facilities and livelihood. The Committee were also given to understand that the Ministry have set up housing facilities namely, 'Garima Greh' for transgender persons. As of June 2022, eight 'Garima Grihas' have already been set up across the country, five more have been sanctioned recently and about 13 States would be covered gradually. The Ministry have further assured the Committee that the housing facilities will be set up in each State. The Committee, in this regard are of the opinion that a huge section of the transgender community do not have access to safe housing facilities and consider the setting up of safe shelters to the needy and homeless transgenders as a step in the right direction towards mainstreaming them. The Committee urge upon the Ministry to expedite setting up of the shelters at the earliest as they constitute the basic step in empowering the transgender community and desire that adequate finances be allocated for operationalizing these shelters and their upkeep. The Committee further feel that subsequent steps may be taken under the scheme for empowering the transgenders by providing access to interest subvention, sanction of loans in order to improve their socio-economic conditions and capacity development /skilling with a view to upgrade their skills to enable them to start income generating activities on their own or</p>	-do-

		get gainfully employed in due course. <u>The Committee are of the view that adequate efforts be channelized towards generating awareness of the various schemes aimed at rehabilitating the transgender community so as to help them in leading a life of dignity by prohibiting discrimination and ensuring equitable access to social and public places and benefits at par with the other genders.</u>	
95.	6.51	The Committee laud the steps taken by the Ministry towards providing free competitive exam coaching, health insurance, housing assistance, and livelihood initiatives to the De-notified, Nomadic and Semi Nomadic (DNT) communities in the country by empowering them through the Scheme for Economic Empowerment of DNTs (SEED) launched in February 2022 with a total outlay of Rs.200 crores for five years. The Committee further observe that in order to implement the scheme components, National Informatics Centre (NIC) has developed the online portal with the help of a technical Study group which is open for seeking benefit under the scheme components. According to the data provided by the Ministry, Rs 28 Crores had been allocated under the Scheme for FY 2022-23 and as on June 2022, a total of 36 beneficiaries had applied for seeking benefits. In the view of the Committee, the De-notified, Nomadic and Semi-Nomadic Tribes are among the most neglected and economically/socially deprived communities and feel there is an urgent need to take steps to mainstream them. While appreciating the initiatives undertaken under the SEED Scheme, the Committee would further urge the Ministry to assess and identify/review gaps in accessing the effectiveness of existing schemes for the DNT Communities and to collaborate with various Ministries/Implementing agencies in order to identify the locations/areas where these communities are densely populated so that the DNT Communities can be comprehensively rehabilitated and mainstreamed. In the opinion of the Committee, successful implementation of SEED would largely help in mitigating the incidence of child labour among vulnerable De-notified, nomadic and semi-nomadic communities.	-do-
96.	6.52	The Committee note that the Central Sector Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was revised in November, 2013, in consonance with the provisions of the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (MS Act, 2013). The scheme has been thereafter provided in 2017-18, 2020-21 and 2021-22 to provide more benefits to the identified manual scavengers and their dependants. It was brought to the notice of the Committee that the main provisions <i>inter-alia</i> under the Scheme include (i) One Time Cash Assistance of Rs. 40,000/- to identified manual scavengers (one per family); (ii) Skill Development Training up to two years with stipend @ Rs. 3,000/- per month; (iii) Capital Subsidy up to Rs. 5.00 lakh for Self-Employment Projects up to Rs. 15.00 lakh; (iv) Sanitation Workers and their dependents are provided capital subsidy up to Rs. 5.00 lakh and interest subsidy for sanitation related projects; (v) Coverage of Manual Scavengers for Health Insurance under Ayushman Bharat (PM-JAY) Yojana. Further, the Committee were given to understand that two surveys were conducted by the Ministry in the year 2013 and 2018 for identification of manual scavengers during which 58,098 manual scavengers were identified. The Committee in this regard laud the Ministry that all eligible	-do-

		<p>manual scavengers had been timely provided with a One Time Cash Assistance of 40,000 rupees as stipulated under the provisions of the scheme. Also, 18,880 manual scavengers and their dependants were covered under various skill development training programmes with stipend of @ Rs.300/- per month. The Ministry also provided capital subsidy up to Rs.5.0 lakh for self-employment projects covering 2095 beneficiaries. Further, it was brought to the notice of the Committee that the National Safai Karamcharis Finance and Development Corporation (NSKFDC) is the nodal agency for implementation of SRMS for the rehabilitation of manual scavengers under which a National Survey of Manual Scavengers was started in 2018 and 44,217 manual scavengers were identified and no adolescent was identified as manual scavenger. <u>Appreciating the fact that no adolescent was identified as a manual scavenger as a testimony to effective policy intervention, the Committee exhort the Ministry to further elicit information/confirmation from the concerned Chief Secretaries/Administrators to ascertain whether their States/UTs are free from the scourge of manual scavenging and whether any Child labour/Adolescent labour are engaged as manual scavenger currently. The Committee wish to be apprised of the developments in this regard.</u></p>	
97.	6.53	<p>The Committee observe that in addition to the steps taken to eliminate and rehabilitate identified manual scavengers, a lot needs to be done for full mechanization of cleaning of sewers and septic tanks and rehabilitation of the sanitation workers engaged therein. The Committee are concerned to find that despite the provisions of Manual Scavenging Act, 2013, persons are still being engaged for manual cleaning of sewers, drains containing sewage and septic tanks without proper gear and safety precautions which is a sort of hazardous occupation. In this regard, the Committee were informed that the Ministry of Social Justice and Empowerment and Ministry of Housing and Urban Affairs have proposed the 'National Action for Mechanised Sanitation Ecosystem (NAMASTE)' scheme to make sanitation work safer. Under this scheme, a programme called Swachhta Udyami Yogna (SUYY) is being run in which the Ministry provide up to 50 per cent subsidy to purchase vehicles which can clean the sewers. The Committee have been given to understand that hundreds of vehicles have been purchased benefiting number of municipal corporations. Considering the huge requirement of such vehicles in the country, the Committee feel that the Ministry have to go a long way for successful implementation of these schemes. <u>The Committee also recommend that the Ministry should coordinate with the Ministry of Housing and Urban Affairs and Niti Ayog in order to fund those startups which come up with new technology for cleaning sewers and septic tanks without any manual intervention. The Committee also desire that National Karmachari and Finance Development Corporation should provide loans to households of scavenging community to take alternate occupations and skill development training programmes. The Committee recommend the ministry to institute a robust monitoring mechanism for successful implementation of schemes in operation, in order to break the intergenerationality in sanitation work and thus prohibit incidence of child labour in their families.</u></p>	-do-
98.	6.54	<p>The Committee note that insofar as the drug victims and de-addiction efforts are concerned, the Ministry run a National programme, Nasha Mukta Bharat Abhiyan (NMBA) for drug</p>	-do-

		<p>demand reduction under which 600 de-addiction centres are currently operational, which are fully funded by them. The Committee were given to understand that these centres are run by the NGOs wherein around seven lakh people were getting de-addicted every year. According to the Ministry, 2,86,402 beneficiaries in 2021-22 had been treated in aforesaid Centres across the country. The Committee find that the total capacity of these centres are about seven lakhs and so far, only victims over 18 years are currently enrolled at these centres. The Ministry further submitted that they are considering a proposal to work together with the Ministry of Women and Child Development towards bringing in a de-addiction medication and other modalities in the Child Care institutions (CCIs) in order to extend this de-addiction campaign to children and women. Additionally, as per the Ministry, the revised guidelines of National Action Plan for Drug Demand Reduction (NAPDDR) provides for establishing and assisting counseling/de-addiction centres or facilities in closed settings such as Juvenile Homes, for special groups such as women and children in need for care and protection/conflict with law or any other special group etc. by them or in convergence with other Central Ministries and implemented through various organizations/Government Departments. <u>The Committee recommend that the initiatives taken by the ministry should be taken to its logical conclusion to curb drug menace among children.</u></p>	
99.	6.55	<p>The Committee note that the ministry are presently supporting various NGOs for running 514 centers including 350 Integrated Rehabilitation Centre for Addicts (IRCA), 73 outreach and Drop in Centres (ODICs), 53 Community based Peer Lead Intervention (CPLIs) and 38 Addiction Treatment Facilities (ATFs) under NAPDDR throughout the country. These centres provide counseling, de-addiction, treatment, after care, and rehabilitation of affected persons. The Committee have been informed that during the last three years, 93,364 beneficiaries in 2019-20, 2,08,415 beneficiaries in 2020-21 and 2,86,402 beneficiaries in 2021-22 have taken treatment in aforesaid centres in the country. Considering that nearly six crore people are found to be substance abuse victims, in the absence of adequate capacity to treat such a huge population, it seems to be a daunting task to tackle and rehabilitate drug/substance abuse victims. In this regard, the Committee find that NGOs are provided with financial assistance up to 90 percent of the approved expenditure and State Governments are provide 100 per cent for setting up of IRCA. Despite this, the Committee lament the lack of adequate de-addiction facilities to treat victims of drug abuse and recommend more pro-active participation on the part of the Ministry and call upon Voluntary organization/NGOs intervention, including participation of State Governments. <u>The focus needs to be on preventive education, awareness generation, counseling, treatment and rehabilitation of individuals with substance abuse along with training and capacity building of the service providers through collaborative efforts of Central/State Governments, NGOs and Civil Society to create awareness about the ill-effects of substance dependence, reduce stigmatization and integrate individuals with substance abuse, back into society.</u></p>	-do-
100.	6.56	<p>The Committee note that the Pre-matric Scholarship Scheme for SC Students & Others' is an Umbrella scheme that has two sub schemes, one of which is a Centrally sponsored scheme and</p>	-do-

		<p>implemented through States/UTs to support parents of SC Children for education of their wards studying in classes IX and X. In this regard, the Committee are pleased to take note of the efforts made by the Ministry to ensure the continued increase of coverage in targeted Scheduled Caste beneficiaries studying in classes IX and X under the pre-matric Scholarship scheme (Component 1) viz, 3479969 beneficiaries during 2021-22 as against 3068876 beneficiaries in 2020-21 and 2809542 in 2019-20 respectively. The Committee feel this is indicative of a healthy trend and is of the view that such scholarship schemes help tackle the incidence of drop out especially in the transition from the elementary to the Secondary stage and to improve their participation and facilitate in enabling them to progress to the post-matric stage of education. Further, the Committee feel that the measures like scholarship/fee waiver serve as an incentive for parents to enroll their children in Schools. <u>The Committee thus recommend that adequate policy measures should be directed at providing financial incentives to families which would continue to encourage retention of their wards in schools so as to incentivize them and aid in providing families with avenues for supplementary income so that the vicious trap of poverty which often compel families to send their children/adolescent to work can be offset.</u></p>	
101.	6.57	<p>The Committee note the steps envisaged by the Ministry for the welfare of children of those engaged in hazardous occupations viz, 'Component 2: Pre-Matric Scholarship for children of parents/guardians engaged in Unclean and hazardous Occupation' under the "Pre-Matric Scholarships Scheme for Scheduled Castes and Others". Under the Scholarship Scheme, children/wards studying classes I to X of parents/guardians engaged in Unclean and hazardous Occupation are eligible to pursue pre-matric education provided they belong to one of the following categories namely, Persons who are Manual Scavengers as defined under section 2(I) (g) of Manual Scavengers Act 2013; Tanners & Flayers; Waste pickers; and Persons engaged in hazardous cleaning as defined in Section 2(I) (d) of Manual Scavengers Act 2013. The Committee were given to understand that, in order to strengthen the implementation of the Scheme, several steps have been taken viz., Online end to end processing, verification of eligibility credentials through online transaction to ensure greater transparency, control duplicity and wrongful claims by institutions, automated verification process of the students using the digital process; a performance module to monitor the progress of student as well as performance of the institution; focus on coverage of poorest households; ensuring quality education to the target group etc. <u>Appreciating the steps taken by the Ministry to further the endeavour of providing access to vulnerable children whose parents/guardians are employed in hazardous occupations, the Committee urge the Ministry to periodically review the functioning of the scheme and strengthen the institutional mechanism so that more Children are provided a platform to pursue literacy and uninterrupted pre-matric education, lower the incidence of drop-out and have a better chance of progressing to the Post-matric stage of education. Further, the Committee recommend that necessary public awareness drives shall be undertaken by the State Governments/UTs about the scheme at the local level through the Municipalities/Gram Panchayats in order to extend its coverage by encouraging</u></p>	-do-

		<u>pupils who have dropped out to bring them back into the fold of education.</u>	
102.	6.58	<p>The Committee note that the Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi (PM-DAKSH) had been launched as a Central sector scheme during 2020-21 for five years (2021-22 to 2025-26) for the marginalized persons of SC/OBC/EBC/DNT/Safai Karamchari including waste-pickers in the age group of 18-45 years with a budget outlay of Rs. 450.25 crores to enhance the skills available that could aid in economic upliftment of these marginalized sections. The Committee have been given to understand that the scheme is implemented through three apex corporations, i.e., National Scheduled Caste Finance and Development Corporation (NSFDC), National Backward Classes Finance and Development Corporation (NBCFDC) and National Safai Karamcharis Finance and Development Corporation (NSKFDC) for their respective target groups with an objective to make them employable both in self-employment and wage employment for their respective socio-economic development. The Committee find that, under the Scheme, a multipronged approach to improve all-round competency by focusing on revenue generation capacities of artisans, self-employment of women and long-term training and specialization in employable vocations among youth. According to the Ministry, a PM-DAKSH portal and Mobile App were launched to make end-to-end digitization of the programme starting from registration of candidates to their placements. The Committee also observe that the scheme has been made trainee centric providing facilities for online registration, selection of course, training institutes and place of training as per the convenience of the candidate. Further, AI based biometric system has been integrated with PM DAKSH portal to monitor the attendance of candidates with facial recognition.</p> <p>The Ministry further stated that the four core interventions under the Scheme viz., Up-skilling/Re-skilling, Short term training, Long term training and Entrepreneurship Development Programmes (EDP) have been introduced under the Scheme to enhance the skill of candidates. The Committee find that the key benefits under the scheme are inter-alia free cost of training, stipend of Rs1500 per month for SC and Safai Karamcharis and Rs.1000 per month for OBC/EBC/DNT candidates, Certification, Placement facilitation and assistance in starting own enterprise and convergence with loan scheme of Corporation and assistance for beneficiaries in starting own work/self employment. The Committee appreciate the various steps taken by the Ministry in order to meet the deadline of skilling the target beneficiaries viz., 71,000 SC/OBC/EBC/DNT persons/ Safai Karamcharis including waste pickers by 2025-26. Further, in the view of the Committee, the process of registration has been hastened due to the presence of a dedicated portal and mobile application for candidates to choose the training course and the training institute/centre as per their requirement/interest. The Committee would urge the Ministry to look into areas which may limit the effectiveness of the PM-DAKSH scheme, viz., lack of infrastructure, especially in rural areas which may not have adequate training facilities and need for robust industry/placement partnerships to provide job opportunities to the trained individuals, particularly in sectors where there is limited demand for skilled labor. <u>The Committee are of the opinion that the success of the scheme is directly</u></p>	-do-

		<u>proportional to the number of candidate registrations on the PM-DAKSH portal and hence urge the Ministry to popularize and create awareness about the tangible benefits under the scheme among the potential candidates through electronic and print/social media. Public information campaigns in this regard in regional dialects would help in reaching out to candidates who are not well versed in English or Hindi. The Committee desire that adequate finances be allocated towards this endeavour.</u>	
103.	6.59	The Committee appreciate the initiatives of the Ministry under the Atal Vayo Abhyuday Yojana (AVYAY) for the maintenance of senior citizens. As part of the Yojana, at least one old age home must be set up in every district, fully funded by the Government. In accordance to the guidelines, the Committee were informed that about 600 old age homes were being run by the NGOs in various parts of the Country. However around 250 districts do not yet have any old age home. The Ministry assured the Committee that within the next two years, the target of coverage of all the 250 districts is likely to be achieved so as to facilitate any destitute/elderly person in finding accommodation in these old age homes in every district. The Committee desire that the deadline be adhered to scrupulously. Further, the Committee are of the view that ensuring that senior citizens lead a secure, dignified and productive life is a major challenge and urge the Ministry to formulate proposals to re-skill them if they want to seek re-employment. The Committee also exhort the Ministry to set up a national helpline for the welfare of senior citizens and sensitise youth and other sections of the society towards issues of the elderly. The Committee also desire that steps be taken to encourage senior citizens to form Self-help Groups in order to provide them with productive occupation and share time constructively with each other.	-do-
104.	6.60	The Committee observe that the eradication of Child labour is a multidimensional problem and addressing it in its entirety would require a holistic inter-Ministerial legislative convergence involving a range of stakeholders to effectively formulate and collaborate on targeted policies and review measures for identification, rescue and socio-economic rehabilitation of child labour. However, the Committee are deeply perturbed at the admission on the part of the Ministry on the absence of any convergence strategy either with the Ministry of Labour or other Ministries of the Government of India on a critical issue of Child labour. The Committee feel that inadequate synergy and lack of coordination at grass-root levels and Ministerial level between Child labour policies and interventions between various agencies of the Ministries of the GoI has hampered the anti-Child labour framework. The Committee are of the view that the Ministry of Social Justice have an important role not only in prohibition of Child labour but also in its rescue and rehabilitation. <u>The Committee therefore exhort the Ministry to devise a coherent convergence strategy wherever possible among various stakeholders involved in standardizing SOPs on identification, rescue, trafficking, repatriation, reintegration and rehabilitation for Children or those found vulnerable to child labour in order to address them effectively and the benefits of convergence can be targeted towards areas of high incidence of child labour by leveraging the strengths of different Ministries to achieve the desired outcomes so as to effectively tackle Child labour in all its manifestation.</u>	-do-

105.	7.45	<p>The Committee find that the Ministry of Tribal Affairs aim at elevating the socio-economic status of the tribal people by providing them better livelihood opportunities better prospects of quality education and accessible health care. The Ministry are not directly related with the implementation of National Policy on Child Labour. The Ministry have a unique funding pattern under which 41 Central Ministries apart from Ministry of Tribal Affairs earmark their funds in the range from 4.3% to 17.5% of their total Tribal Sub-Plan (TSP) Scheme allocation every year as Tribal Sub Plan/Scheduled Tribes Component (STC) also known as Development Action Plan for STs (DAPST) for various schemes for Tribal development. These funds are spent by different Central Ministries/ Departments under their schemes for various development projects for accelerated socio-economic development of Tribal population. Besides State Governments are also supposed to earmark TSP funds in proportion to ST population in the States. Apart from this there is a statutory provision under Article 275(1) under which 100% financial assistance is provided to enable the States to meet the cost of their schemes of development for promoting welfare of Scheduled Tribes. The Committee find that the scheme of Eklavya Model Residential Schools (EMRS) receives grants under the Article 275(1) for setting up of these schools. The Ministry have identified 452 blocks under tribal areas where there is a population of 20 thousand and above and 50 percent of them are tribals where a decision have been made to establish an EMRS. The Committee also find that Ministry have set up the target of establishing of 740 EMRS out of which 685 have been sanctioned, yet only 230 have been completed, 234 are under construction and 221 are yet to start. The Committee believe that there is no dearth of funds for making these schools functional. <u>Only the Ministry are required to take policy decision and issue directions to the concerned States to leave no stone unturned and expedite the procedure of creating proper infrastructure to enroll more and more tribal students. The Committee advise the Ministry to come up with a suitable roadmap for proper consultation with the Ministry of Education (Department of School Education and Literacy) to establish and monitor schools for tribal children. The Committee also desire that the Ministry should come up with a robust monitoring mechanism to conduct regular inspections of these EMRS sites and pursue with State Governments to make these Schools functional at the earliest. The Committee further desire that the Ministry should also explore the possibility of mandatory enrolment of those children and adolescents in these residential schools whose parents migrate to other States seasonally on the lines of setting up of 'Seasonal Homes' by State Government of Odisha.</u></p>	Ministry of Tribal Affairs
106.	7.46	<p>Tribal children are the most vulnerable section of our society. Their socio-economic conditions are responsible for higher incidences of child and adolescent labour amongst the tribal population. Although the Ministry have been implementing a number of Schemes for their socio-cultural and economic development and to provide them with better employment opportunities and raise their economic conditions, the Committee are of the considered view that more concerted efforts of the Ministry are extremely imperative for genuinely bringing down the incidences of child labours. The Committee desire that <u>the Ministry should pursue with the State</u></p>	-do-

		<u>Governments with majority of tribal population such as Chhatisgarh, Maharashtra, Jharkhand, etc. more vigorously to implement the tribal welfare schemes at grass root level more effectively and efficiently. The Ministry should advise State Governments to conduct periodic surprise inspections.</u> In addition, top management of the Ministry should pursue this matter at regular intervals with the Secretaries of the State Welfare Department especially with the North-Eastern States.	
107.	7.47	The Committee are dismayed to note that there is a huge gap existing between Scheduled Tribe students and remaining all students at Upper Primary and Secondary levels in school educations. Under Primary, Upper Primary and Secondary levels of education in 2019-20, there are dropout rates of 3.85%, 6.06% and 24.18% respectively, for overall ST students (including girls and boys) in comparison to that of 1.48%, 2.60% and 16.09 respectively, for remaining All Students (including girls and boys). In 2020-21, it was 2.52%, 5.02% and 20.91% in Primary, Upper Primary and Secondary levels of education respectively, for overall ST students (including girls and boys) <i>vis-à-vis</i> 0.76%, 2.27% and 14.04% for remaining All Students (including girls and boys). The Committee find that although the dropout rates amongst the Tribal students have been showing decreasing trend over the years but still <u>additional endeavour is imperative from the Ministry of Tribal Affairs to achieve the objective of containing the students in schools so that our ultimate goal of 'No Child Labour' is achieved.</u> The Committee, therefore, desire that <u>the Ministry should dovetail their efforts with the Ministry of Education (Department of School Education & Literacy) and formulate more comprehensive schemes/programmes to achieve this goal.</u>	-do-
108.	7.48	The Committee find that the Ministry of Tribal Affairs do not compile any data about the number of working tribal children and depend totally on Ministry of Labour & Employment for maintaining this data and the census figures which are more than 11 years old. The Committee feel that the welfare of tribal population including children is the main objective of the Ministry around which all the major schemes and programmes of the Ministry run. The Committee taking note of the fact that the Ministry rely entirely on the data maintained by the Ministry of Labour & Employment and the Ministry of Women and Child Development which is not satisfactory, <u>urge the Ministry to conduct district-wise surveys in atleast tribal majority States to prepare a database of tribal children/adolescents who are enrolled in school and those households where the children/adolescents are out of school/dropouts and are engaged in the child labour in any form.</u> This may include separate columns for the children engaged who work as child workers with their parents seasonally and the children who migrate with their parents. The Committee may be apprised of the action taken in the regard.	-do-
109.	7.49	The Committee find that there are 1,10,736 Scheduled Tribes Main Workers in 5-14 years age group in Madhya Pradesh; 1,02,430 workers in Maharashtra; 66,191 workers in Andhra Pradesh; 50,832 workers in Gujarat; 47,030 workers in Rajasthan; similarly more than 30,000 workers in Jharkhand, Karnataka and Odisha. The Ministry also admitted that these States are with larger tribal population as compared to other States and are likely to have relatively higher numbers of working children. The Committee observe that the people of the	-do-

		tribal society are mainly engaged in agricultural business, minor forest produce, various other forest produce. This work is done by the entire family, therefore, alongwith the family their children have also been working as a help in these tasks. Although they are not engaged with any employer, they are marked as child workers and not as child labours. The Committee are concerned to find that even children of the age 5 years are also engaged in child labour. The Committee are not happy with the current state of affairs prevalent in the tribal majority areas and <u>exhort the Ministry to issue proper directions to these State Governments specifically to Madhya Pradesh, Maharashtra, Andhra Pradesh and chalk out a robust strategy to deal with this problem.</u> The Committee also desire that <u>sensitization/ awareness programmes should be organized in the interiors of these tribal areas to sensitize the parents of the children of age group of 5-14 about hazards of bringing their small children into labour.</u> Efforts should also be made to make them aware of the different Clauses as well as Rules and Regulations mentioned under the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986.	
110.	7.50	The Committee find that the Ministry of Tribal Affairs have taken commendable steps for reducing unemployment and generating livelihood opportunities in the tribal areas through Tribal Co-Operative Marketing Development Federation of India (TRIFED), an autonomous organization and National Scheduled Tribes Finance and Development Corporation (NSTFDC). TRIFED under the scheme of PMJVM provides Minimum Support Price (MSP) to Minor Forest Produce (MFPs) gatherers to supplement the livelihood of tribal people. All these efforts are being made by the Ministry to prevent tribal people to migrate to other places in search of better employment opportunities. The Committee note that despite taking all these measures the tribal population are still fleeing to other States and they face many problems in these destination States such as difficult working conditions, lack of documentation and identity issue, inadequate social security coverage, lack of awareness about Government Schemes, lack of support at destination level for migrants, difficulty in communicating in language of the host State, difficulty in obtaining education and health services, etc. The Committee feel that the <u>Ministry of Tribal Affairs should take immediate steps to pursue the destination State Governments to issue directions to the State Welfare Department for STs to frame specific guidelines to deal with the abovementioned problems faced by the tribal migrant workers.</u>	-do-
111.	7.51	The Committee find that the Ministry have sanctioned a pilot project to State of Goa for migrant labour support program. This program is under implementation by the State Government of Goa and it was yet to be concluded. <u>The Committee desire that the Ministry should pursue the State Government of Goa to expeditiously conclude this pilot project and come up with the findings/recommendations so that they can be applied to other destination States also where tribal population migrate.</u> The Committee would like to be apprised of the same.	-do-
112.	7.52	The Committee observe that the Ministry of Tribal Affairs are one and only Ministry with the mandate of implementing Welfare Schemes for the tribal population across the Country. The Ministry are implementing a number of schemes and programmes for building education opportunities as well as	-do-

		creating employment prospects for the tribal population in the tribal areas of the Country. Taking note of the fact that raising of socio-economic status of the tribal population and providing them with ample employment opportunities is the only means to curb engaging small children and adolescents as workers, the Committee are of the opinion that <u>the Ministry should also commence schemes or programmes for the skill development of the tribal adolescents and youth.</u> For this purpose, Ministry should issue proper directions to the State Governments to formulate and initiate such schemes/programmes.	
113.	8.18	The Committee note that the construction industry is one of the biggest employers of migrant labourers in the country. The workers coming from rural areas are accompanied by their families that may include small children. They work under hazardous and difficult working conditions and live in makeshift accommodations near construction sites which usually lack even basic amenities. The Committee note with concern that since these migrant labourers belong to the lower economic strata of the society and do not have adequate resources or other means to access them, there is increased probability of these children being engaged as Child Labour to support meagre family incomes. The Committee desire that the primary method through which the incidence of child labour can be brought down among the construction workers is by strengthening the efforts towards their welfare - social and economic. <u>In this regard, the Committee recommend that the executive agencies under the Ministry of Housing & Urban affairs, CPWD and NBCC, being principal employers in the case of a large number of projects, should take robust measures to ensure that workers get the benefits that they are entitled to under various statutory schemes and laws such as the Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996.</u> Effective steps should also be taken to check that the contractors or the project management companies ensure that the accommodation and other basic necessities required by the workers are adequately addressed. <u>It is the considered opinion of the Committee that such activities and welfare measures should not just be considered as activities falling under the responsibility of the respective labour departments and other related agencies.</u>	Ministry of Housing and Urban Affairs
114.	8.19	The Committee observe that the children of migrant labourers may be enrolled in village schools near the locations of projects/work, but drop out when they move with their parents to other locations. This makes migrant workers a highly vulnerable group in respect of child labour with a high probability of their children being compelled to leave education due to inherent nature of their parents' occupation. Keeping this in perspective, <u>the Committee strongly urge the Ministry to take proactive steps to ensure that the children of the migrant construction workers can continue their education when moving with their parents.</u> In this regard the Ministry should coordinate with the Ministry of Education to facilitate the enrollment of these children in schools located in the proximity to the construction/project sites. An arrangement for smooth enrolment of children of migrant labourers in schools wherever their parents find work has as well as access to mid day meals and other similar encouragements be facilitated through suitable measures.	-do-
115.	8.20	With regard to Building and Other Construction Workers, <u>the</u>	-do-

		<p><u>Committee recommend that the Ministry shall devise a mechanism to provide a single social security identification to each registered worker.</u> The card or other document(s) issued by the State Building and Other Construction Workers Welfare Board should bear this unique identity, which could be a number, and the data/information on this identity shall be made available on a shared platform accessible to all the State Building and Other Construction Workers Welfare Boards so as to allow the workers to avail all the social security benefits to which they are entitled across all the States/UTs seamlessly. <u>The Committee also feel that the data regarding the immediate family of the worker can also be captured as part of the registration since the same would be helpful in the endeavours towards creating a data bank of one set of children vulnerable to child labour.</u> <u>The Committee also recommend that necessary rules should be framed that place the responsibility on the Contractor/Sub-contractors to ensure that all the workers employed are in possession of such a card and in case of non-availability, the Contractor has to provide assistance for registration and issuance of the card to the worker.</u></p>	
116.	8.21	<p><u>The Committee are at unease to note the lack of data concerning Child Labour in urban areas and want the Ministry to issue requisite guidelines to the urban local bodies to establish a mechanism, with the assistance from the local Labour department, to survey and enumerate the number of Child Labourers, Children living in Street conditions and those engaged in beggary.</u> In the opinion of the Committee, collection of data at regular intervals, even in a limited scale, will be the all important precursor to formulation of suitable policy directives at any level. Further, <u>the Committee recommend that the Ministry should consider issuing guidelines to place responsibility upon the Urban Local Bodies to keep a check on employment of child labour in small construction works in their areas.</u> <u>The guidelines can also direct the ULBs to seek mandatory self certification concerning non-engagement of child labour from the builder/house owner undertaking construction activity.</u> Surprise preventive checks can be carried out at various stages by officials of the Urban Local Bodies and provisions for penalizing the delinquent builder/contractor should also be incorporated suitably so as to provide a credible disincentive in respect of engagement of child labour.</p>	-do-
117.	8.22	<p>The Committee observe that many children can be found engaged in work on roadsides and small shops. The Committee recognize that in many cases these children may not be engaged in any hazardous activity but are participating in work to contribute towards supporting the meager family income. It is important to ensure that these children do not drop out from education while helping their families with their work and later deviate towards working for non-family employers. Since they can serve as cheap labour, it needs to be ensured that these children are not being exploited and are forced to carry out any activity that can be detrimental to their physical and mental well being. <u>In the considered view of the Committee, particular attention should be paid to street vendors who might be employing Child Labour so as to ensure that children are not exploited and assistance from the local Police Department should be taken in this regard.</u> The Ministry had launched the PM SVANidhi Scheme to provide credit for working capital to street vendors. The Street vendors to be assisted</p>	-do-

		through the Scheme were identified through Certificate of Vending/Identity Card issued by Urban Local Bodies (ULBs). <u>The Committee recommend that the Ministry should issue guidelines to all Urban Local Bodies to ensure that every street vendor has valid Certificate of Vending and seek an undertaking from the vendor to not employ/engage child labour in their work. Penal provisions like revocation of benefits under the PM SVANidhi Scheme can also be made applicable to secure adherence.</u>	
118.	9.18	The Committee note that the Ministry of Rural Development (Department of Rural Development) are not directly related with the implementation of the National Policy on Child Labour per se. The main objective of the Department of Rural Development is to promote Rural Development specifically carrying out anti-poverty alleviation programmes. The Department, therefore, do not maintain any data regarding child labour persisting in the rural areas. The Department maintain data about the families that are in the need of support, on the basis of the data based on the socio-economic caste census. Various schemes and programmes are drawn upon and implemented by the Department of Rural Development for the upliftment of socio-economically backward target group. The Committee understand that the Department of Rural Development are not involved directly with the eradication of the child labour but nevertheless they are of the opinion that <u>there are potential areas where they can coordinate with the Ministry of Labour & Employment being the nodal Ministry and other line Ministries for identification and rehabilitation of child labour with the larger objective of eliminating child labour. Therefore, the Department of Rural Development should also play their role by making concerted efforts in proper coordination and consultation with the nodal Ministries and respective State Governments to devise a mechanism to identify child labour in the rural areas.</u>	Ministry of Rural Development (Department of Rural Development)
119.	9.19	The Committee note that the Department of Rural Development runs three major programmes viz. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); National Rural Livelihood Mission (NRLM); and Deen Dayal Upadhyaya Grameen Kaushalya Yojana. Under NRLM 9 crore families have been identified as suffering from deprivation out of which the Department had been able to cover 8.3 crore families. The Committee note that the target set was to cover 10 crore families under NRLM. As the issue of child labour is not taken up specifically by the Department of Rural Development, the Committee desire that the Department should explore the possibility to take this issue in a focused manner under NRLM and by improving the economic conditions of the families encourage them to send their children to schools. <u>For this purpose, the Department may come up with the specific clause under the Scheme which can provide incentives in the form of additional benefits to those families which were previously engaged in child labour but have now started to send their children to schools.</u>	-do-
120.	9.20	The Committee further desire the Department of Rural Development <u>to collect data on those villages where all the children and adolescents up to 18 years of age are enrolled in schools and they are regularly attending it too and there are no out of school children. The Department may declare those villages as 'Child Labour Free Villages' and provide monetary incentives to the Gram Panchayats of these villages/Blocks.</u>	-do-

121.	9.21	<p>The Committee note that there is no independent mechanism for identification of child labour with the Department of Rural Development in any of their major Schemes viz. Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); National Rural Livelihood Mission (NRLM); and Deen Dayal Upadhyaya Grameen Kaushalya Yojana. The Department have declared that there is no provision for child labour under any of these Schemes, however, the Committee fail to fathom that without any data being maintained regarding number of children engaged in child labour, how the Department could come up with such a declaration. The Committee are given to understand that under Pradhan Mantri Gram Sadak Yojana (PMGSY) which falls under the purview of the Department of Rural Development, the construction and maintenance of rural roads is taken up by the Department in coordination with the respective State Governments who are the implementing authorities of the Scheme. The Committee note that there is a scope for engagement of adolescent labours under this scheme. <u>The Committee, therefore, impress upon the Department to issue proper directions to the State/UTs Governments to layout a stringent mechanism for effective implementation of the directions/instructions as laid down under various Acts/Rules for identification and prohibition of child labour and maintain a proper database for it. The Committee desire the Department to chalk out a robust action plan by taking up surveys to assess the families and the households where children are irregular in schools. In this way the households from where children are being sent for child labour can be ascertained. The Committee urge the Department to seek the cooperation of the Ministry of Labour & Employment and the respective State Governments and explore the possibility of engaging Non-Governmental Organisations (NGOs) in this process so that the purpose may be achieved.</u></p>	-do-
122.	9.22	<p>The Committee find that under the Scheme of Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY), the target group are poor rural youth in the age group 15-35. Under this Scheme they are given Skill Development Training by Department of Rural Development. The Department apprised the Committee that the employers are employing only those candidates who are skilled and are minimum 18 years old. The Committee are glad to find that the scope of employment of the rescued child/adolescent labour is being created in this process. Therefore, <u>the Committee recommend that the Department should create necessary relaxations for such rescued children/adolescents who are below 18 years of age and accommodate them in the above mentioned Scheme of DDU-GKY for imparting Skill Development Training so that they can be brought under the mainstream of the society and a sustainable source of their income is created for them.</u></p>	-do-
123.	9.23	<p>The Committee find that in order to prevent children to dropout from their schools and curb child labour, sensitization of parents is extremely imperative. According to the Department of Rural Development, there are majorly two issues that drive families to offer their children for child labour. One is the poor economic condition. Second, the disasters like droughts, floods, cyclones etc. <u>The Committee are of the considered view that the Ministry could best intervene to deal with these two potential issues with their focused and well coordinated efforts. Recognising that there is strong network of women organizations</u></p>	-do-

		including Self Help Groups (SHGs) in the rural areas at village/block level, <u>the Committee are of the considered opinion that the Ministry of Rural Development should take the initiative for organizing sensitization/ awareness programmes for families in rural and extremely remote areas at regular intervals. The Committee desire that the Ministry should include these SHGs, other village women organizations and cluster level federations and take their help and cooperation for creating awareness amongst the parents, specifically mothers of children upto 14 years, at grass root level. As admitted by the Ministry, the Committee further urge upon the Ministry to include the issue of child labour in the instructional/ orientation curriculum disseminated to create sensitization amongst the economically backward households so that they do not send their children to work despite the economic necessity. In addition to it the Committee further recommend the Department to devise specific, focused projects and actionable models to act upon the issue of child labour, in proper coordination with Labour Departments of the respective States/UTs and NGOs who are working in this sector.</u>	
124.	9.24	The Committee find that under MGNREGS, construction of Aanganwadi Centres (AWCs) is permissible with a maximum allocation of Rs. 5.00 lakh per AWC. Under Aanganwadi Services Scheme of Ministry of Women and Child Development under which AWCs are developed, all children of the age group of six months to six years are entitled to supplementary nutrition and early childhood care and education from AWCs. <u>The Committee urge upon the Ministry to make concerted efforts with the Ministry of Women and Child Development and set up more AWCs as promised by the Department during their deposition before the Committee and also devise a mechanism for ensuring enrolment of children of migrant workers in AWCs. The Committee further desire that surveys should be taken up with all seriousness to identify economically backward families which are vulnerable enough to migrate to other places or the families which migrate to other places seasonally.</u> The Department may also create and maintain this data which can be further shared with the Ministry of Labour & Employment for taking further action on it at PAN-India basis for better and effective implementation of the National Policy on Child Labour.	-do-
125.	10.20	The Committee are gravely concerned to note that the Department of Agriculture and Farmers' Welfare neither have any data regarding number of children engaged in child labour nor do they have any mechanism to receive complaints on the issue of child labour in agriculture sector. The Committee also note that the last large scale survey with data on child labour was the 2011 Census data and there is no latest survey of children engaged in child labour conducted by the Department or State Agriculture Departments. The Committee further note that the Ministry of Labour & Employment at the Centre is responsible for administering and State/UT Governments are involved at implementation stage of the Child Labour (Prohibition and Regulation) Act, 1986. Taking note of the above facts, the Committee are of the considered view that albeit the Department of Agriculture and Farmers Welfare are not directly involved in the implementation of the 'Act', the Department should not turn a blind eye towards the problem. The Committee are dismayed to find that the latest available data with the Government is on the basis of Census 2011 which is	Ministry of Agriculture and Farmers Welfare (Department of Agriculture and Farmers Welfare)

		more than ten years old and therefore, <u>desire that the Department should at least issue directives to the State/UT Agriculture Departments to conduct survey on child labour and collect fresh data district-wise every two years for better and effective implementation of the Act.</u> The Committee are glad to note that an IT platform is under consideration under the name of 'Digital Agri Stack' which would work in co-ordination with the State/UT Governments. <u>The Committee desire that the Ministry should leave no stone unturned to finalise it and make it functional at the earliest.</u>	
126.	10.21	The Committee observe that there are different issues related with different Ministries other than the Department of Agriculture and Farmers Welfare such as issue of prevalence of child labour amongst the migrant agricultural workers and the enrolment of their children in Aanganwadi Centres which pertains to the Ministry of Women and Child Development. Further, collection of latest data regarding children working with the family <i>vis-à-vis</i> working on hired basis which pertains to the Ministry of Statistics and Programme Implementation (MoSPI); proper implementation of Child Labour (Prohibition and Regulation) Act, 1986 is with the Ministry of Labour & Employment and respective State/UT Governments. <u>The Committee, therefore, recommend the Department to set up a well designed and well researched action plan in convergence with all the related Ministries/Departments of the Central Government</u> which are directly or indirectly involved in eradication of child labour such as Ministry of Labour & Employment, Department of Rural Development, Ministry of Women and Child Development in order to implement the Act more effectively at District and village level in every State/UT with the help of concerned State/UT Agriculture Departments, District Magistrates, Local Institutions/ Panchayats at village level to effectively execute the action plan at the very grass-root level.	-do-
127.	10.22	The Committee note that improvement in agriculture eco-system in terms of higher incomes and better livelihoods reduces the engagement of child labour. The involvement of the child labour by agricultural households may only result in case of non-availability of labour in agricultural activities and lack of sufficient income to sustain household expenditure. The Committee also find that for this, the Department of Agriculture have already been implementing various schemes for farmers' welfare. The Committee are constrained to find that these already existing Schemes are found to be inadequate to fulfill the above purpose of non-engagement of child labour in agriculture sector as child labour still persists in agriculture sector. <u>The Committee, therefore, urge upon the Ministry to come up with several other new initiatives which would aid in a more positive way in achieving the goal of income support and improvement of livelihood of farmers.</u> The Committee desire that <u>the Ministry should design a strong mechanism in consultation with the nodal Ministry i.e. Ministry of Labour & Employment in implementing NCLP and other line Ministries</u> for providing better employment opportunities and improved livelihood which would emerge as a base for non-engagement of child labour in agriculture sector.	-do-
128.	11.32	The Committee note with concern that neither the Department of Fisheries nor the Department of Animal Husbandry and Dairying have any provision to extend any financial support to	Ministry of Fisheries, Animal

		<p>NGOs/ other organizations working towards the welfare of children of the marginalized workers in their respective sectors. Both the Departments have informed that in the organised sectors coming under the purview, engagement of Child Labour has not been reported. In the studied opinion of the Committee, Child labour in agriculture, particularly in the its sub sectors such as fisheries and livestock sector, can be invisible and most often goes unreported particularly in the unorganised sector, especially in family work. The Committee do recognize that all the activities and household work performed by children may not necessarily be Child Labour and that there are certain tasks that are not harmful to children and could be necessary for their social and cultural development in their community. The Committee note that in the view of the ILO, Child Labour is work that interferes with compulsory education and damages health and personal development of a child. Due to lack of data and non-reporting of instances of Child Labour, the Government finds it difficult to device suitable policy interventions.</p> <p>Under the circumstances, <u>the Committee recommend that the Ministry may identify NGOs and similar entities working for the development of women and children belonging to communities engaged in the livestock and fisheries sectors and extend the financial and other necessary support. Such organizations can work at the ground level for sensitisation of families and education of Children thereby ensuring/encouraging their non-participation in activities detrimental to their development.</u> NGOs may collaborate with organizations of fishers, fish farmers, fish workers and employers and other groups to bring change in the attitude towards Child Labour.</p>	Husbandry & Dairying (Department of Fisheries); and Ministry of Fisheries, Animal Husbandry & Dairying (Department of Animal Husbandry & Dairying)
129.	11.33	<p>The Committee find that the mechanisation of tasks in the Fisheries and Animal Husbandry and Dairying sectors can boost production leading to an increase in income of households and small scale enterprises while at the same time have an indirect positive impact on addressing the issue of Child Labour by reducing the need and cost of labour. The Department of Fisheries have informed that the Department will, with assistance of States/UTs, identify areas such as aquaculture farms, fish feed mills, fish markets, fish wholesale/retail shops including fish aquaria sale, fishing harbours and landing centres, fish pre-processing and fish processing centres where children are likely to be deployed as family labour. There is a continuous endeavour by both the Central and State Governments as well as the Private players towards technology infusion and mechanisation of identified activities in fisheries, wherever feasible. In line with the view of the Committee, the Department of Fisheries have informed that such efforts are in general agnostic to engagement or other wise of Child Labour, but they do have a positive impact towards mitigation or elimination of Child Labour. The Department of Animal husbandry and dairying has also stated that it is promoting mechanization of all relevant animal husbandry and dairying activities which may be prone to engagement of Child Labour.</p> <p><u>The Committee while appreciating the efforts of the Ministry in this regard recommend that the Ministry may further augment its efforts towards the mechanisation of these sectors, with particular attention paid towards development and popularisation of affordable technologies that can be adopted at scale with a focus on making it accessible for small producers</u></p>	-do-

		<u>and other small scale enterprises. Only then can the same simultaneously address the employment of children which such sectors are prone to.</u>	
130.	11.34	The Committee find that both the Departments of the Ministry have not initiated any substantial awareness campaigns to sensitize parents about non-engagement of children along with the alternatives available to them. The Committee are not satisfied with the response of the Department of Animal Husbandry and the Dairying, in this regard, wherein they have submitted that the Department advises the States/UTs to create awareness among public for prohibition of Child Labour in the Animal Husbandry and the Dairy Sectors. <u>In the view of the Committee the Ministry should take a proactive role in this regard, and this should begin with initiating measures to secure/generate data related to child labour. The lack of such data pertaining to these sub sectors of agriculture would make it difficult to design any suitable policy initiative.</u> The Ministry may consult State departments of fisheries to ascertain areas/communities prone to Child Labour like small scale operations, family work and even in illegal activities. <u>Institutional and financial support shall be provided to field offices in such areas for initiation of campaigns for creating awareness against Child Labour, with active participation from community leaders and other stakeholders.</u>	-do-
131.	11.35	The Committee appreciate the Ministry for ensuring that for execution of all schemes/programs the age criterion of above 18 years is being strictly followed in all the States including for membership in Cooperative Societies, insurance coverage, subsidy availing, etc. At the same time, in the considered opinion of the Committee, the engagement of children in family work is an undocumented reality and the Ministry also recognise the same when they inform that India is a rural agrarian society which witnesses household activities where children are also supporting their parents because of economic compulsion for sustenance and livelihood. Such a scenario implies that children are entwined in the production process in these sectors and are at risk of being engaged in hazardous, exploitative and illegal activities, perhaps not at the level of the household, but in small scale enterprises which form the largest part of the informal economy of these sectors. Both the Departments have submitted that sectors under their purview are witnessing substantial growth rates with India being a leading exporter in both these spheres. Further, the Committee find that these sectors are dominated by unorganised, small-scale and informal work where Child Labour is engaged in the lower levels of the supply chain such as aquaculture farms, repairing equipment and processing, landing centres, etc., in the case of fisheries and herding, rearing and meat processing in the case of the livestock sector. At the same time these sectors are also characterised by the presence of a large number of Cooperatives, particularly in the Dairy industry, which procure their produce from small family units. <u>The Committee observe that the Cooperatives play a major role in the economy of rural areas, where the fisheries and livestock sector are predominantly located, and can thus play an instrumental role in elimination of Child Labour at the grass root level.</u> <u>The Committee recommend that the Ministry work in tandem with the Ministry of Agriculture and Farmers Welfare and the Ministry of Cooperation to issue specific guidelines for the</u>	-do-

		<p><u>Cooperatives to ensure that exploitation of children in hazardous activity does not take place in the lower levels of the supply chain and their engagement is limited to assistance in minor tasks at the level of the family.</u> Cooperatives working at the grass root level are formed through participation of community members which also gives them the opportunity to restrict Child Labour through social coercion. The various benefits extended by Cooperatives to its members can also be made dependent on the parents certifying enrollment and attendance of children in schools. Further, assistance/facilitation extended through all the Schemes of the Government should be dovetailed with penalties for engagement of Child Labour, be it at the institutional or individual level.</p>	
132.	12.23	<p>The Committee note that there were one crore Micro, Small & Medium Enterprises (MSMEs) registered on the Udyam Portal of the Ministry of Micro, Small & Medium Enterprises under which 7.6 crore people are reported to have been employed. Udyam Registration Portal was launched by the Ministry of MSME on 7th July, 2020 for registration of MSMEs which is free of cost. The Committee have been given to understand that in the Udyam Registration Portal, there is an option of registering of small and medium enterprises by the entrepreneur which is solely voluntary in nature. The Committee were also informed in evidence that as per National Sample Survey (NSS) conducted during 2015-16 by the Ministry of Statistics and Programme Implementation, there are 6.33 crore MSMEs responsible for generating 11.09 crore employment. It is disquieting to find that despite accepting the fact that there is a categorical discrepancy in the data collected by Ministry of Statistics and Programme Implementation and those reported in the Registration Portal regarding total number of MSMEs and total employment generated, there is no inquiry or monitoring done by the Ministry of Micro, Small & Medium Enterprises to ensure that the declaration done by the MSMEs are absolutely correct. <u>The Committee, therefore, recommend the Ministry to make all concerted efforts to set up a monitoring mechanism without any further lapse of time to verify the data provided by the entrepreneurs in their declaration.</u> For this purpose, if need be, the Ministry should also conduct surprise inspections of these <u>MSMEs in co-ordination with the State/UT Governments and at the same time issue directives to the State/UT Governments to organise periodic inspections of some of these enterprises in a given period of time,</u> so that the data base of Udyam Portal gets corroborated by the State/UT Governments. Moreover, it is imperative that in the absence of the authentic data, any policy intervention would have no tangible effect.</p>	Ministry of Micro, Small and Medium Enterprises
133.	12.24	<p>The Committee observe that pursuant to a meeting conducted by the Ministry of Labour & Employment on 7th January, 2022 on the issue of elimination of child labour, an action plan was envisaged by the Ministry of MSME. The main components of this action plan consisted of inclusion of a 'mandatory self declaration provision' on the Udyam Registration Portal that the entrepreneur is not employing child labour in his MSME which came into effect from 01.07.2022; organizing awareness programmes to sensitize MSMEs on prohibition of child and adolescent labour; displaying provisions of Child Labour Act on websites; window for complaints redressal; vocational training for rescued adolescent labour; etc. The Committee note that till November, 2023, 1,16,05,294 MSMEs have provided 'self</p>	-do-

		<p>declaration' regarding not employing child labour in the enterprise concerned, out of one crore MSMEs registered in the Udyam Portal. The Committee have been given to understand that no complaint of employment of child labour by any MSME has been received in the Ministry in the past three years. According to a Report of ILO, about one-fifth of child labour is concentrated in small, usually family run enterprises. Much of this activity occurs in informal economy and therefore operates outside of notional systems of enterprise registration and labour regulation. This vindicates the fact that self declaration by MSMEs can hardly act as a deterrent to check and curb child labour. In the given scenario, the Committee are constrained to print out that still there are no inspections or checks conducted by the Ministry to ensure that there is no child labour engaged in the registered enterprises through Udyam Portal. <u>The Committee, therefore, exhort the Ministry to strengthen their inspection mechanism and formulate special guidelines for the State/UT Governments to deal with this problem and implement them with immediate effect.</u></p>	
134.	12.25	<p>The Committee note that if any discrepancy or complaint is found in the claims regarding mandatory declaration about the child labour in MSMEs on Udyam Portal, the General Manager of the District Industries Centre (DIC) of the concerned district undertakes an enquiry for verification of the details of Udyam Registration submitted by the enterprise and thereafter forward the matter to the Director or Commissioner or Industry Secretary concerned of the State Government. After issuing a notice to the enterprise and after giving an opportunity to present its case, the case is recommended to the Ministry of MSME for cancellation of the Udyam Registration Certificate of that enterprise. The Committee are of the opinion that in the cases where the declaration is false, children working in these MSMEs are absent from the education which can help them to acquire the knowledge and skills they need to gain productive employment in the future which in turn negatively impacts the development of civil societies, therefore, <u>the guilty enterprises should not be left with only cancellation of registration but should be penalised according to the provisions of the Child Labour (Prohibition & Regulation) Act, 1986. The Committee desire that this action should be taken by the Ministry in collaboration with the Ministry of Labour & Employment with immediate effect.</u> For this, if need be, co-operation from other line Ministries and State/UT Governments that are involved in eradication of child labour may also be taken. The Committee further recommend the Ministry to incentivize the enterprises where child labour are not engaged by printing disclaimers on their products like "this MSME (name) does not engage child labour in any form". This will discourage other enterprises which are engaging child labour in a clandestine way.</p>	-do-
135.	12.26	<p>The Committee note that there are certain training centres under Khadi & Village Industries Commission (KVIC) and National Small Industries Corporation (NSIC) for the benefit of rescued adolescent labour. For all these courses of General Engineering Sector and other relevant sectors these are set criteria like candidate qualification etc. As the rigid admission criteria would restrict the opportunities of vocational training for the rescued adolescent labours who have already missed their school education, the Committee exhort the Ministry to review their existing admission criteria and desire that the admission</p>	-do-

		criteria for the rescued adolescent labours should be significantly relaxed on case to case basis so that they are also eligible for the number of courses and can also be benefitted by the courses run by the Ministry. As there are no specific courses designed so far for them, <u>the Committee believe that in order to provide livelihood skills for their better future, the Ministry would explore the possibility to relax the admission criteria or create few courses specifically for them only.</u>	
136.	12.27	The Committee are surprised to note that the Ministry of MSME have not received any complaint on employment of child labour by any MSME in the past three years i.e. from 2019 till August, 2022. As a consequence there was no MSME penalized by the Ministry of MSME till 29.08.2022. The Committee observe that the mandatory declaration regarding the non-employment of child labour on the Udyam Registration Portal was introduced from 01.07.2022. Before that there was no concrete measure to ascertain the presence of child labour in the registered MSMEs. <u>The Committee, therefore, exhort the Ministry to make concerted efforts to prepare an action plan to ascertain the presence of child labour in those MSMEs which had registered themselves on Udyam Registration Portal before 01.07.2022 as currently there is no information on employment of child labour in these MSMEs with the Ministry.</u>	-do-
137.	13.27	The Committee note that the State Government of Odisha have taken laudable initiatives under State Action Plan for proper and effective implementation of National Policy on Child Labour with the broad objective of eliminating child labour. These include issuing notification of Odisha State Child & Adolescent Labour Rules, 2018; issuing directions to the District Administration during Covid pandemic for taking appropriate actions for preventing child labour; notifying District Nodal Officers for coordinating activities under PENCIL (Platform for Effective Enforcement for No Child Labour) as instructed by Government of India; constitution of District Level Child and Adolescent Labour Rehabilitation Fund in all districts under the chairmanship of District Collectors; exclusive campaign in regular intervals for spreading awareness, etc. Following this State Action Plan 809 NCLP Special Schools in 24 districts of Odisha were set up till July 2014. In these 24 districts, 1,73,508 students had been mainstreamed since inception. Since 2016-17, 111 Special Training Centres (STCs) were operational in Odisha which had enrolled 2882 rescued children. <u>The Committee commend the State Government to take these steps in the right direction and desire that a robust monitoring mechanism should be put in place to achieve proper coordination between all the agencies/Departments so that objectives may be achieved effectively in a planned manner.</u>	State Government of Odisha
138.	13.28	The Committee find that the issue of prohibition and regulation of child labour requires proper coordination and conversion between different Departments of the State and the Central Government. The Committee believe that the purpose can only be solved when there is proper conversion mechanism set up which go down to the grass root level. Therefore, for proper coordination between the agencies, conversion at the Block level, Gram Panchayat level, Education Department as well as Labour and ESI Department is required to be set up at the earliest. <u>The Committee recommend that at the Gram Panchayat level institutional mechanism for convergence to track "out of school" children, dropout children and children engaged as labourers</u>	-do-

		<u>should be devised with the help of Panchayati Raj Institution (PRI) functionaries. For this purpose, Sarpanch and other members of the Gram Panchayat may be compulsorily trained on child labour with a module for specific interventions, in every PRI trainings conducted by the Institutes in each State/UT. If need be, cooperation from the Ministry of Rural Development may also be sought to accomplish this task.</u>	
139.	13.29	The Committee are given to understand that the process of rescue and rehabilitation of children engaged in child labour is very cumbersome and includes several steps involving a number of agencies. One such step is identifying the accurate age of the rescued children with the help of medical team whether they are below 14 years or above 14 to 18 years of age. Further, counseling of the children also needs to be conducted imperatively so that they don't go back to work and continue with school education. This involves appointment of doctors/ psychiatrists/ psychologists and trained counselors at Primary Health Centres (PHCs) and Urban PHCs. The Committee find that there is no provision of appointment of such medical staff specific for this purpose. <u>Therefore, they recommend that the Government should appoint medical staff including doctors/psychologists/ psychiatrists at least at Block/Community Health Centre (CHC) level. The Committee desire that proper funds should be allocated for this purpose.</u>	-do-
140.	13.30	The Committee find that in Odisha Self Help Group movement is very strong and these groups are capable of working at various fronts for social causes at village level. <u>The Committee are of the opinion that the State Government should explore the possibility of engaging Self Help Groups/Civil Society Organisations at every Gram Panchayat level and declare them as nodal SHGs and train them to identify the children engaged in child labour practice by visiting each and every household and collecting data about children enrolled in schools and report back to Gram Sabha Committee/Gram Panchayat on a 'Mission Mode'.</u> These SHGs can be considered as social catalysts who can also play the role of whistle blowers on child labour. <u>The Committee also exhort that proper awareness campaigns should be organized for the parents/mothers of the children up to 14 years of age for making them aware of hazards of child labour and not enrolling them in schools.</u> In this way parents will come to know about the benefits of education for the future of child. The Committee believe that these social catalysts can also play a role in the urban or semi-urban areas with engagement of urban local bodies/civil society organizations.	-do-
141.	13.31	The Committee note that availability of Midday Meals in the schools is one of the reasons for increase in enrollment of children in the school till Class VIII. The Midday Meal scheme of the Government, under the Ministry of Education, is a Centrally sponsored scheme under which cooked meals are provided to every child within the age group of 6-14 years studying in class I-VIII who enrolls and attends the school with the aim of universalisation of primary education. Taking note of the fact that the adolescent labours who had been rescued and enrolled in the Schools have the possibility of going back to work specially within the age group of 14-18, the Committee are of the strong view that if the Scheme of Midday Meal is extended for upto the class X, it may certainly help in increasing and sustaining the enrollment and attendance in schools alongwith addressing hunger and mal-nutrition amongst the children of	-do-

		<u>rural areas. Therefore, the Committee recommend the Ministry of Education to work on taking a policy decision to extend the scheme of Midday Meal to the students of class IX and X as a pilot project in aspiring districts and monitor for two years also. The Committee desire the Ministry of Education should work in tandem with the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution) to explore the possibility of serving meals of higher standards also.</u>	
142.	13.32	The Committee find that in the last three years i.e. from 2020-21 to 2022-23, which were also Covid years, more than 100 children were rescued from the field. Subsequently, more than 1,73,000 children were mainstreamed into the regular schools which is one of the main objectives of the National Policy on Child Labour apart from prevention, rescue and rehabilitation. The Committee appreciate these steps taken by the State Government of Odisha and believe that in order to ensure that the rescued children return to their parents and all of them are enrolled in schools, it is imperative that the National Policy on Child Labour is implemented effectively at the very grass root level of the civil society. <u>For this purpose the Committee opine that the beneficiaries may be asked to sign an undertaking before availing the benefits of the various schemes of the Government that their children have completed the required number of years during their primary school education and also that their child/children are not engaged in child labour.</u> Those parents may be given favourable points while availing the benefits of scheme.	-do-
143.	13.33	The Committee observe that it is difficult to identify the correct age of the child when the child is rescued from its employer. When these children are referred to the doctors they can only come up with the age range i.e. between 12-14 years or 12-15 years. In the absence of correct knowledge of the age of the child, it is very difficult to prosecute the employer in cases from where child labour has been rescued. In these cases where it is difficult to ascertain the age of the child/adolescent the penal amount of Rs. 20,000 is also left uncollected from the employers. In some cases, the fine amount is not realized even after few years which does not act as a penal measure, hence the employers do not deter to employ child labours in future. <u>The Committee, therefore, exhort the Ministry of Labour & Employment to establish a concrete deterrence mechanism for employers of children which could be 'spot penalty system' or compounding of fine amount within 7 days at the level of District Collector for quick and maximum impact. The Committee also impress upon the Ministry of Labour & Employment to raise the penalty from Rs. 20,000 to Rs. 50,000 for deterring the employers to employ child labours.</u>	-do-
144.	13.34	The Committee find that the State Government of Odisha have taken a unique measure to deal with the Child Labour/Migration issues i.e. opening up of seasonal hostels. These hostels are meant for the children whose parents and other family members migrate to other places in search of better livelihood. An exercise is taken up for mapping and identification of the migrant children with the help of Assistant Block Education Officer (ABEO), Cluster Resource Centre Coordinator (CRCC), the School Management Committee, the PRI members and the district officials. These hostels are opened in the areas/pockets from where maximum migration takes place in the State. These hostels are managed by the NGOs and	-do-

		the local people and food and other support are provided to the hostel residents during their stay according to a provision under the Samagra Siksha. <u>The Committee appreciate this step of the School and Mass Education Department, State Government of Odisha and recommend the Ministry of Education (Department of School Education and Literacy) to explore the possibility of setting up such seasonal hostels in other States from where migration occurs.</u>	
145.	13.35	The Committee also note that in order to maintain the attendance of the rescued children in the schools, <u>the Education Department of State Government of Odisha took up special drives at the village level and involved the school teachers in personally sending them to the houses of the drop-out children.</u> With the sensitization of the parents and family members of these children the students were able to come back to school. <u>This is a novel initiative, which in the opinion of the Committee needs to be replicated in other States.</u>	-do-
146.	13.36	The Committee find that in Odisha, there are some villages/districts which have been declared as “Child Marriage Free” villages. The Government grant rewards to these villages which is a matter of pride for the villagers. <u>The Committee desire that on the same lines District Administration should declare “Child Labour Free” villages/blocks and provide monetary reward to them.</u> This would act as an incentive for the village Sarpanch, Ward Members to keep the track of children in school.	-do-
147.	13.37	The Committee note that the Government of Odisha have come up with a portal called PARESHRAM. This portal is meant for licensing and functions for Labour Department’s regulatory activities. The Committee believe that this portal can be linked with the other portals of other Departments in the State and can be used as a tracking portal to track and register the children who are rescued and rehabilitated. As addressing child labour is a multi-stakeholder issue, an integrated real time IT Portal to cover the activities/responsibilities/deliverables of all converging Departments for concerted action will be helpful. The Committee observe that when the labour force migrate from one State to another their children also accompany them, the Committee find that the Inter-State Migrant Workmen Act, 1979 which is in force for more than 40 years can be used to ensure separation of labour and child at the destination site i.e. other State/UT. It is a big challenge to ensure education for the children who migrate with their parents to other States, <u>the Committee believe that for children upto 10 years of age the availability of text books and the medium of education should be the mother tongue of the child so as to ensure continuity of education.</u>	-do-
148.	13.38	For the adolescents of the age 15-18 years, <u>the Committee recommend that placement linked skill development training should be provided and their placements should be effectively monitored by the concerned State Governments,</u> the opportunities in Agriculture Sector are to be properly tapped to engage trained adolescents.	-do-
149.	13.39	The Committee note that State Government of Odisha have been undertaking exclusive campaigns in regular intervals in association with other stakeholders in the State for spreading awareness against child labour and promote child rights under their State Action Plan. To achieve this purpose soft copies of leaflets, posters and wall paintings on elimination of child labour being circulated to District Administration for IEC activities. The	-do-

		Committee appreciate the State Government of Odisha for taking these steps for creating awareness amongst the common people in proper coordination with the District Administration, nevertheless the <u>Committee desire that a stringent monitoring mechanism should be put in place to monitor conduct of these awareness programmes at village/block level and the families of the children between 8-14 years specifically their mothers should be sensitized about the hazard of pushing child into labour and benefits of school education.</u>	
150.	14.16	The Committee observe and appreciate that the State Government has prepared a State Action Plan for the elimination of child labour and that District Task Forces (DTF) have been constituted in all the Districts with members from different Departments including Labour, Education, Women and Child Development, Police, Health and Local Government. At the same time, the Committee feel that it is required to ensure that the DTFs meet at least every month to take stock of the situation with respect to child labour. Additionally, the State Government has submitted that DTFs must also analyse and consider the recurrence of child labour with respect to the same child and should also emphasise on the rehabilitation part where lesser efforts are being made currently. <u>The Committee want the State Government to take urgent and specific measures to address these impediments that they have already identified in this connection and develop an effective mechanism to monitor the functioning of the DTF and ensure that regular meetings are held.</u> One of the important measures would be to completely convert the data/information on the working of the DTFs to digital mode. <u>There should be a secure Web based platform accessible to all DTFs enabling the sharing of the data/information generated as part of the work of each DTF.</u> Further, the Committee recommend that there should be a State level entity/agency, ideally headed by the Chief Secretary, to monitor and coordinate the implementation of the State Action Plan on Child Labour. There has to be compilation and analysis of all data related to child labour in the State to originate dependable and actionable information for the use of operational level agencies like the DTFs as well as for State Level policy makers. In the opinion of the Committee, the role of Local Self Government Institutions in generation of data on child labour, especially in the rural areas, should not be ignored. Such a mechanism would be pivotal to make the State Government effectively responsive to the varied and evolving issues relating to the fight against child labour.	State Government of Punjab
151.	14.17	Based on the data provided by the State Government about the raids conducted by the DTF and the raids conducted in the industrial belts of Amritsar, Ludhiana and Jalandhar, the Committee find that the fine(s) imposed by the Department is not commensurate with the number of violations detected and the number of prosecutions launched, and convictions made. The quantum of fine does not match with the stipulation that for every rescued child, Rs. 20,000/- is to be recovered from the offending employer for rehabilitation of the child. <u>The Committee thus desire that the State Government need to review this aspect as well as the functioning of the DTF and ensure that the amount of fine collected from the violators and deposited in the Child Labour rehabilitation and Welfare Fund is as per the legal provisions laid out. The Fund itself should be strictly monitored to ensure that the money deposited does not stagnate in the</u>	-do-

		<u>fund and is efficiently utilized for welfare of the rescued children. Further, in the opinion of the Committee, rehabilitation of child labourers would hinge upon the knowledge and recognition of the financial/economic condition of the family of the child labourers. Hence, there has to be an institutional arrangement to keep track of this aspect also as well as to handhold wherever required.</u>	
152.	14.18	The Committee note that complaints regarding child labour can be lodged through PENCIL or PGRS portals or through a written complaint to the official concerned. Whenever a complaint is received by any official concerned of the DTF, he/she intimates the other members of the DTF and a raid is planned accordingly as per the law. Moreover, other than receiving and acting on the complaints received, two child labour eradication weeks are also observed by the DTF every year so that complete attention of the Department is given to the task of eradication of child labour. <u>The Committee are of the strong opinion that there is much more the DTF should do and it is recommended that apart from the raids conducted based on complaints and during the child labour eradication week, the DTF shall also plan and undertake random raids every month.</u> The frequency of the random raids should depend on the degree of prevalence of child labour in each District. For ascertaining this, credible data on child labour needs to be obtained and maintained. <u>Further, the Government should step up efforts to track and maintain record of employers who are repeat offenders in case of engagement of child labour and ensure their prosecution. Also, the Committee desire that the DTFs should also be mandated with tracking the children released from child labour as well as the progression of their rehabilitation.</u> As already indicated by the State Government itself, it is imperative that the released/rehabilitated children are tracked/ monitored for a period of at least two years to ensure that they do not relapse into child labour. In this context also the Committee would like to re-emphasise the criticality of maintaining updated data regarding all aspects of child labour so that endeavour towards eradication of child labour finds fruitful culmination.	-do-
153.	14.19	The Committee note that as per the submission of the State Government, rehabilitation and repatriation of the rescued children is done according to the Punjab State Action Plan and the procedure of handing over the rescued Child Labour to their parents, shelter homes, or their repatriation to the parent State is followed by the District Child Protection Officer (Department of Women and Child Development). The Committee however note with concern the submission of the State Government that coordination with other States with respect to Child Labour where children have travelled from other States is lacking. <u>The Committee therefore stress upon the need for creation of an entity of the State Government for coordination with other States especially for planning rehabilitation for migrant children.</u> This will be crucial to the synchronization of efforts against child labour in the country since Punjab is considered as the destination of child labourers from many States. <u>The Committee also desire in this direction that the State Government should realise the urgent need for an inter-State repatriation policy, particularly for children and women, which could guide the proposed inter-State entity. Further, the Committee wants the State Government to draw up MoUs with such States from where substantial migrant population, which include child</u>	-do-

		<u>labourers also, arrives in Punjab. The MoUs could act as the base on which rehabilitation/mainstreaming could be built up.</u>	
154.	15.14	<p>The Committee recognise that the children in Jharkhand rescued from Child Labour are enrolled in the nearby Government Schools as per the provisions of Right to Education Act. They are provided with school uniforms, books, school kits, scholarship and Mid-Day Meal free of cost. In Jharkhand residential schools have been set up in almost all Districts for children from families affected from LWE activities and human trafficking, orphan/single parent children, run away children etc. These schools are from class I-VIII and in 2022, the State has upgraded 20 schools up to class X for ensuring continuity of schooling of these children. <u>The Committee are appreciative of these steps taken by the State Government but observe that there is still scope for improvement in this area like optimising the proximity of residential facilities to the homes of children.</u></p> <p>Further, the Committee take note that the State government of Jharkhand are also implementing Right to Education for all children including the children of tribal areas and provide children the entitlements provisioned in the RTE Act.</p> <p>The Committee would like to specifically mention that the State Government has also undertaken special initiatives to impart primary education in their mother tongue in the tribal areas to enhance the learning level at the primary grade, which is a very laudable initiative. Towards the accomplishment of effective sustenance of the efforts for rehabilitation and mainstreaming of the children rescued from child labour, trafficking, etc., <u>the Committee recommend that the State Government should come out with more incentivising initiatives like special scholarships and graded/calibrated financial relief/assistance dovetailed with continuity of school attendance.</u></p>	State Government of Jharkhand
155.	15.15	<p>In the context of efforts to identify the Out of School Children in the State, the Committee note with appreciation that the State Department of School & Literacy has a regular feature of conducting surveys of these children. The Department have developed DAHAR (Digital Application for Holistic Action plan & Review) App for this purpose. As per the systematic surveys of Out of School Children including never enrolled and dropouts conducted by the State Government before the Covid-19 pandemic, the Committee find that very high percentage of such children identified were mainstreamed, 100% during 2018-19, 96% during 2019-20 and 92 % in 2020-21. <u>The Committee observe that there is a critical need to generate and maintain data in this regard and want the State Government to ensure that the data generated through the DAHAR Application has high credibility and is also shared with other Government Departments engaged in action against Child Labour.</u></p>	-do-
156.	15.16	<p>The Committee are concerned to note that as per the submission of the State Government, during the period 2016-2022, 599 Child Labourers were rescued and 149 FIRs lodged against the offending employers. But, most of the cases are pending in the competent courts. The Committee observe that delay in trial and judgement in such cases makes the Child Labour (Prohibition & Regulation) Act ineffective in acting as a deterrent against the practice. <u>The Committee therefore recommend that all the pending cases be pursued on a priority basis and suitable penalties and punishments as per law be sought to bring out the seriousness of the intent of the Government, both at the Central</u></p>	-do-

		<u>and State levels, towards eradication of Child Labour. The Committee also desire that these cases may be taken up in Special Courts.</u>	
157.	15.17	<p>The Committee would further like to point out that as submitted by the State Government, during the period 2016 to May 2022, 706 FIRs were lodged against the people/agencies engaged in trafficking in which 1118 children were involved and a total of 735 traffickers were arrested. Out of total FIRs lodged, charge sheets were filed in 346 cases, final reports were filed in 90 cases whereas 270 cases are pending. In this context, the Committee would reaffirm their recommendation concerning the issue of pendency of child labour/trafficking cases and urge the State Government to take necessary steps with regard to the swift and effective prosecution under cases pertaining to Child Trafficking. The Committee observe that child trafficking and engagement of these children in labour are inalienably linked. Moreover, children trafficked under the promise of work are also susceptible to being further exploited in other worse forms including sexual exploitation and beggary.</p> <p><u>The Committee recommend that in addition to expediting and augmenting the prosecution timelines, the Government should also consider formulating a State specific Plan to deal with child trafficking involving all relevant Departments of the State. An entity at the State level, similar to the State Task Force created by the State Government of Bihar, may also be put in place to coordinate the endeavours of the different Departments under the Plan as well as to constantly re-assess the requirements in the fight against Child Labour according to the changing/emerging circumstances for Jharkhand.</u></p>	-do-
158.	15.18	<p>With regard to the employment of children in abandoned Mica mines especially by unlicensed middle men, the Committee observe upfront and with utmost concern, the contradiction between Media/NGO reports that indicate that illegal Mica mines are still operational in the State, and the submission of the State Government that engagement of child labourers in Mica mining areas have not been found 'during the regular visit of Labour Superintendents of the District concerned'. The Committee recognise that since most of the illegal Mica mining operations reported in the media are small-scale operations limited to certain Districts and continue in abandoned mines, they might not have come under scrutiny by the labour department. Most of the activities are now termed Mica scavenging, rather than Mica mining. <u>Here, the Committee would like to mention the example of 'Dhawa Dal' or 'Flying Squads' formed by the Government of Bihar as an emulative idea. Such Squads may be able to find out what couldn't be found 'during the regular visit of Labour Superintendents of the District concerned'. Further in this regard, in the considered opinion of the Committee, a special project needs to be launched in the affected Districts through an initiative of the Government by involving the Local Self Government Institutions, the District machinery, the Police, Labour and Mines Departments along with the participation of community leaders and local NGOs/civil society organisations.</u> Such specific project/initiative should have definite graded targets to be achieved within timeframes aimed at identification of hotspots, alleviating the impoverishment, immediate relief and sustained handholding of rescued children and their parents/family as well as enrolment in schools in order to eradicate the Child Labour from Mica</p>	-do-

		mining/scavenging in the State of Jharkhand completely.	
159.	15.19	<p>The Committee note that the State of Jharkhand is one of the more prone States to the incidence of Child Labour. To have a realistic assessment of the situation, generation of credible data on Child Labour would be a prerequisite. <u>Accordingly, the Committee feel that the State Government should consider offering adequate and appropriate assistance to Urban and Rural Local Bodies, NGOs, Self Help Groups and other organisations of the Civil Society to help generate reliable data regarding the number of child labourers, the vulnerable geographical areas and socio-economic groups susceptible to it, work/projects/businesses that tend to employ child labour, etc.</u> To begin with, the primary data about children has to be generated at the Village/Gram Panchayat level which would also be the ideal level to <i>inter-alia</i> identify the vulnerability of families and children due to various reasons, to child labour.</p> <p>Further, the Committee cognise that during the period of Covid-19 lockdown, 4,96,202 migrant labourers returned to their native places in Jharkhand from different States. The State Government has started a project called Safe and Responsible Migration (SRMI) with the help of NGO partners to conduct a detailed study about the migrant labourers in the state of Kerala and the Union Territory of Ladakh. In this regard, <u>the Committee recommended that the State Government should consider establishing an office of coordination at New Delhi and offices in different States where migrant workers from Jharkhand are significant in number to handhold the migrant labourers including child labourers. Further, the Committee desire that the State Government should consider entering into MoUs with other States where children/migrant population from Jharkhand are present in substantial numbers.</u> These documents should delineate the mutually agreed upon measures to release and rehabilitate inter-State child labourers and can as such hasten the processes involved.</p>	-do-
160.	16.24	<p>The Committee are pleased to note that various programmes/initiatives are being taken by the Government of National Capital Territory of Delhi (GNCTD) in order to search, identify, rescue, rehabilitation and restoration of child/adolescent labour in Delhi. The Committee are impressed to note that even though Delhi Police is not directly under the Delhi Administration, still there is a very good coordination and cooperation between the Administration and Police Department in NCT of Delhi. For better implementation of Child & Adolescent Labour (Prohibition and Regulation) Act, 1986, Delhi Government has constituted District Task Force (DTF) specially for rescuing the child labour from their employers. It consists of Joint Labour Commissioner/Deputy Labour Commissioner as the Member Secretary. Other Members are from Department of Women and Child Development, Municipal Corporation of Delhi (MCD), Department of Education, Department of Health, Child Welfare Committee (CWC), New Delhi Municipal Corporation (NDMC), Delhi Police, Department of Labour and NGOs etc. This Task Force convenes its meeting on monthly basis under the chairmanship of the District Magistrate to review the action taken by the Stakeholders based on the information received from the Civic Society, NGO, Print Media, any citizen and other sources for eliminating the Child Labour from all the sectors where it is prohibited. The Committee find that from 2017 to 2021, 197 rescue operations have been undertaken and total</p>	Government of NCT of Delhi

		2,743 children/adolescent labour were rescued by the Task Force. Taking into cognizance multi-level efforts by various Governmental and Non-Governmental agencies, the Committee are not satisfied with the total number of the rescued children/adolescent labour during the said period of five years. As Delhi is the centre point where workers from surrounding States such as Uttar Pradesh, Bihar, Madhya Pradesh, Jharkhand, West Bengal, etc. migrate to Delhi for better employment and livelihood opportunities with their children and there are a considerable number of children can be found as child labour which are out of school also. The Committee, therefore, advise the GNCTD to ascertain the gaps in their implementation and improvise it. <u>The Committee recommend that the task force under the Chairmanship of District Magistrate should act as a fulcrum in this endeavour and effectively guide and monitor the coordination and cooperation activities between the different State Departments and Police for better implementation of this Act. For this a State Action Plan can be chalked out in consultation with all the concerned Departments of the UT.</u>	
161.	16.25	The Committee note that the number of child labour in Delhi has gone down from 2001 Census to 2011 Census by 38 percent. The reason for this lowering down of child labour cases is attributed to shifting of a large number of industries outside Delhi on the intervention of the Supreme Court. As a large chunk of child labour primarily works in unauthorized industries in various parts of Delhi, the shifting of industries is the main reason behind lowering down of the cases of child labour in Delhi. The Committee are disappointed to find that the child labour has really not gone down but as a result of shifting of a large number industries outside Delhi their figure has come down by 38 percent. The Committee, therefore, recommend to chalk out a robust mechanism to ascertain the actual number of children employed illegally in these industries which should include those industries also which have shifted outside Delhi NCR.	-do-
162.	16.26	Under the rehabilitation measures carried out by the GNCTD a sum of Rs. 20,000 is required to be deposited by the defaulting employer in accordance with Hon'ble Supreme Court judgment in MC Mehta Vs. State of Tamil Nadu Case which was way back in 1996. The Committee observe that more than 25 years have passed since this judgment and the penal amount remains the same. The Committee, therefore, recommend the GNCTD to explore the possibility to revise the rates of this penal amount in consultation with the Ministry of Labour & Employment and raise it to such a level in proportion with the current Consumer Price Index (CPI) where it could be considered as a constraint.	-do-
163.	16.27	The Committee find that during the process of rescue and rehabilitation of child labour, the gap between the process of rescue and rehabilitation of the child labour in some cases, is upto the extent that the child returns to the same condition from where he was rescued. The process of prosecution which involves registration of the cases, charge sheeting and imposition of fine on the defaulting employers takes long time during which the child/adolescent has to wait and suffer. <u>The Committee are of the considered opinion that the cases which involve child/adolescent labour should be transferred to Fast Track Courts so that the judgment can be expedited and the rehabilitation of the child/ adolescent takes place without much</u>	-do-

		<u>delay. The Committee further desire that a time limit should be fixed for prosecution of child labour cases so the child does not have to wait for his compensation money and his further rehabilitation process. The Committee also advise the GNCTD to explore the possibility of setting up of 'Child Help Desk' in Police Stations in Delhi on lines of 'Women Help Desk' which are already existing in the Police Stations.</u>	
164.	16.28	The Committee find that there are a considerable number of Placement Agencies in NCR Delhi which are responsible for bringing children/adolescents from the States of Bihar, Jharkhand, Uttar Pradesh, West Bengal and the North Eastern States who are in search of employment opportunities and better life. These children are neither registered in their Home States from where they come nor they are registered with any Government platform/Agency after reaching NCT of Delhi. These children often go unnoticed by the Government agencies involved in identification and rescue of child labour. <u>The Committee, therefore, urge the GNCTD to formulate proper guidelines for the procedural requirements of these Placement Agencies. Proper registration of these placement agencies with the Government should be made imperative.</u> Proper coordination with the State Governments should be made from where workers are brought in order to register them with their home State Governments as well with the destination States. Penal provisions should also be there in the guidelines where Child & Adolescent Labour (Prohibition and Regulation) Act, 1986 is not followed.	-do-
165.	16.29	The Committee note that once the child is restored with his parents and leaves the home State with his parents, there is a possibility of his return to the destination State within a year or two with his parents in search of better employment opportunities. The Committee, therefore, urge the GNCTD to put in place robust coordination and conversion mechanism with the other State Governments from where the migration of workers originate. <u>The Committee suggest that a blockchain system on a digital platform should be developed to bring all the stakeholders into that blockchain so that all the agencies concerned whether within Delhi or outside, can update their inputs on a periodic basis.</u> There should be a nodal officer appointed by the State Government to head and monitor this digital platform. This would enable all the Stakeholders to know the position of the child at the identification level as well as rescue/ rehabilitation level.	-do-
166.	16.30	The Committee note that Rs. 20,000 have to be paid by the employer who is illegitimately engaging children/adolescent in child labour. The Committee appreciate the effort of the Delhi Government for taking meaningful steps for the rehabilitation of the rescued children. In addition to these Rs. 20,000 a sum of Rs. 2,000 is provided to the rescued child per month if the child is rehabilitated in Delhi NCR. If the child returns to his home State then a sum of Rs. 5,000 in addition to Rs. 20,000 is provided to the child. This is a unique feature and the Committee commend this initiative of the GNCTD for better rehabilitation opportunities of the rescued child. <u>The Committee are of the considered opinion that such initiative of extra compensation amount can be considered by other States also as an effective mechanism to bring a child into the mainstream.</u>	-do-
167.	17.11	The Committee acclaim the fact that apart from the District Task Force (DTF) being constituted under the chairmanship of	State Government

		<p>the District Collector in all 52 Districts of the State, the Labour Commissioner appoints a Labour Inspector in each of the Districts as Nodal Officer to implement the decisions of the DTF. Moreover, a Nodal Officer has been appointed at the State level for coordination with the Districts. The Committee are of the considered opinion that the District Nodal Officers can effectively coordinate with local stakeholders, identify and address child labour hotspots, and ensure that enforcement actions are carried out efficiently. The stakeholders should <i>inter-alia</i> include the Local Self Government Institutions, NGOs and other similarly placed civil society organisations who operate at the cutting edge level. <u>The Committee consider the role of District Nodal Officers to be crucial in the effectiveness of the fight against child labour.</u> They are that part of the State machinery which could project the grass root level reality before the decision/policy makers at the District/State level to aid them in calibrating the policy initiatives/directives accordingly. <u>In view of this, the Committee want the State Government to equip the Nodal Officers at the District Level with enough resources to carry out such responsibilities.</u> <u>The Committee expect that the District Nodal Officers would also invariably act as the agency to provide credible primary data and other feedback to the DTF.</u> <u>While coordinating the work of the District Nodal Officers, the Committee perceive that the State level Nodal Officer can facilitate the exchange of the best practices, identify emerging trends, and ensure that resources are allocated optimally to address child labour issues across the State.</u></p>	of Madhya Pradesh
168.	17.12	<p><u>In this regard the Committee reckon that regular/periodic meetings of the District Task Force is necessary to ensure that the stakeholders have a forum to discuss and coordinate strategies for preventing, rehabilitating, and enforcing child labour laws.</u> Moreover, the action by the District Nodal Officers also hinge upon the directives of the DTF. It is also important to conduct periodic evaluation/review of the DTF mechanism and Nodal Officers' roles to assess their effectiveness and identify areas in need of improvement. For this, aggregation of data regarding all aspects of child labour in digital format in a web based platform enabling sharing of actionable data between all stakeholders is a precursor. <u>Accordingly, the Committee recommend that the State Government should consider enhancing use of technology including ICT in the working of the DTFs and Nodal Officers to augment data collection, analysis and monitoring.</u> To further supplement the data assemblage, the <u>Committee desire that surveys of the kind undertaken to identify Out of School Children in the State be conducted to identify child labourers.</u> <u>The Committee want the State Government to take specific steps in this direction on priority so as to sustain and amplify the current efforts .</u></p>	-do-
169.	17.13	<p>The Committee note that a Child Labour Cell has been constituted in the Madhya Pradesh Labour Commissioner's office and the action taken by the District Labour Officers is being regularly monitored by the Child Labour Cell and by Principal Secretary at Government level. The Committee praise the step of creating a Child Labour Cell and expect that it will enable centralized monitoring of the action taken by the District Labour Officers and help to ensure that all Districts are taking effective and regular action to eradicate child labour, and that enforcement efforts are not limited to sporadic drives during special occasions. <u>The involvement of the Principal Secretary at</u></p>	-do-

		<u>the State Government level should ensure the accountability and effectiveness of the Child Labour Cell as the said supervision would enable expedited work negating the red tape. The Committee suggest that the Cell may be further strengthened by optimising the number of officials and also by providing more funds and the status of State Level Coordination agency for convergence of the action of all Departments of the State in addition to the DTFs and Nodal Officers engaged in the action to eradicate Child Labour. The Cell's staff should be provided with regular training on the Child and Adolescent Labour Act, on the latest trends and practices in child labour eradication, data analysis and interpretation, etc and in all other necessary fields. There also has to be dedicated technical support for the Cell.</u>	
170.	17.14	The Committee note that the number of inspections being carried out has drastically fallen from 2393 in 2019-20 to 505 in 2022-23. The State Government has not provided any reasons for the same but perhaps the decline was on account of the restrictions imposed during the Covid pandemic. Even so, the small number of inspection in 2022-23 are a cause for concern. <u>In the opinion of the Committee, increased and periodic inspections are necessary to convey the intent of the Government to employers that child labour will not be tolerated.</u> The Committee urge the State Government to identify tangible reasons for this decline in inspections so that the steps can be taken to address the same. <u>The Committee, being particularly concerned about the relatively smaller number of inspections carried out in 2022-23, want the State Government to take immediate steps to increase the number of inspections and to ensure that the Act is effectively enforced.</u> The Principal Secretary looking after the Child Labour Cell should ensure compliance in this regard and ensure that status report on this regard is timely received.	-do-
171.	17.15	The Committee find that the State Government has prepared a State Action Plan for eradication and rehabilitation of Child Labour. <u>In this regard the Committee suggest that the State Government should also develop a comprehensive Child Protection policy. A comprehensive child protection policy should provide a guiding framework for all institutions and officials who work with children to prevent and respond to child abuse, trafficking, exploitation, and neglect.</u> The policy should include clear definitions of child abuse, exploitation, and neglect, as well as procedures for reporting and investigating allegations of child abuse. It should also outline the roles and responsibilities of different stakeholders such as Local Self Government Institutions, schools, hostels, ashram schools, CCIs, SJPU, and NGO-run homes, etc in protecting children. The policy should mandate regular training for all functionaries who deal with children directly. It should envisage and promote awareness-raising campaigns among children and the community to prevent child abuse and encourage reporting through appropriate incentives/rewards and other similar means. Moreover, the policy should establish mechanisms for monitoring its implementation and evaluating its effectiveness.	-do-
172.	17.16	The Committee cognise from the submission of the State Government that they propose to introduce a Comprehensive Action Plan which aims to rescue, rehabilitate or handover of children afflicted by child labour and child trafficking as well as to prosecute the offenders. The Action Plan also intends to have	-do-

	<p>intra and inter State coordination of the Departments concerned. The objectives under the Plan include empowerment of the families of affected children to prevent relapse of child labour, enrollment of children in school, skill training programmes along with employment/entrepreneurship for empowerment of rescued adolescents and reduction of insecurity of the families through National Rural Livelihood Mission and other social security and schemes. The Comprehensive Action Plan is to be introduced in 16 Districts of the State and would be considered for other Districts later. The target under the Plan is to rehabilitate 15,000 child labourers 1000 bonded labourers by July, 2025. <u>The Committee are pleased to note that, through the said Action Plan, the State Government has <i>inter-alia</i> realized the pressing need for inter-State coordination to effectively stamp out child labour from the country. In this connection, the Committee desire that the State Government should consider entering into MoUs with other States where children/migrant population from Madhya Pradesh are present in substantial numbers. Mutually agreed parameters can be drawn up to facilitate and quicken the release and rehabilitation of trafficked children and those compelled into child labour. Further, the Committee also note that the proposed Comprehensive Action Plan recognises the need to address the root causes of child labour like impoverishment of the family. The committee observe that this is the right line of thought as without the family of the child labourer being provided a sustainable livelihood and the rehabilitated children/adolescents being offered a path to secure future, child labour cannot be ended. Here, the Committee feel that it would be equally important that adolescents above 15 years of age, who could not be covered under SSA, are also assisted through the Action Plan by imparting them with the requisite skill sets and vocational faculties so that the rehabilitation efforts are sustained to the last stretch of handholding. The Committee hence recommend that the State Government should implement the Comprehensive Action Plan keeping all this in its ambit and on the basis of its initial results/feedback, continuously improve and tailor the same according to the emerging needs of the State. Here, the Committee feel that it would be important that adolescents above 15 years of age are also assisted through imparting them with the requisite skill sets and vocational faculties so that the rehabilitation efforts are sustained to the last stretch of handholding.</u></p>	
173.	18.15 <p>The Committee note and appreciate that the Commissionerate of Labour, Assam under the Labour Welfare Department has released an amount of Rs. 2 lakh to all District Magistrates of Assam for creation of a Child Labour Rehabilitation Fund and that all the Districts have created the same at their level. In the view of the Committee, such support would enable the districts to supplement existing schemes, expand rehabilitation programmes and strengthen enforcement mechanisms to combat child labour more effectively. <u>The Committee desire that the Labour Welfare Department should devise a mechanism for the timely monitoring and periodic review of the expenditure from the fund to ensure the effective utilization of the fund. Feedback must also be sought from the District magistrates in the near future to ascertain whether Rs. 2 Lakh is sufficient for the purpose rehabilitation of the children and if found</u></p>	State Government of Assam

		<u>necessary, a proposal for upward revision may be favourably considered so that no effort on the part of the DM with respect to rehabilitation of children is derailed due to paucity of funds.</u>	
174.	18.16	The Committee observe that, with regard to the education of tribal children, during the two rounds of 'gunotsav', which is a method for assessment of schools, one of the problems faced by them is the language of instruction in the tribal schools. As per the Ministry, the tribal languages are not developed enough for teaching of complex concepts as a result. Further, many of the tribal schools do not have the main State language used at these schools due to which, when students move to instruction in the English language in higher classes, they face difficulty in understanding leading to a negative impact on their learning outcomes. Recognizing the important role played by the language used in classrooms in influencing the learning outcomes of children, particularly at the elementary level, the Committee emphasize the use of mother tongue as medium of instruction as much as possible in line with the RTE Act. At the same time, the Committee also take cognizance of the challenges reported by the State Government to focus on a Multilingual Education Programme under which State languages, including English, are introduced at early stages to mainstream the tribal children in state-wide education system. <u>The Committee thus recommend that equal emphasis is required on the development of suitable curriculum, texts and capacity enhancement of teachers to ensure that retention of children in schools and that they are duly equipped to pursue higher education.</u>	-do-
175.	18.17	The Committee observe that there has been a discrepancy in the number of teachers <i>viz a viz</i> students in several schools across the State. The Committee find that the State Government has undertaken an exercise to rationalize the number of teachers at the earliest in various schools so as to ensure an adequate teacher-student ratio. <u>In the considered opinion of the Committee, an inadequate teacher student ratio leads to overburdening of a small group of teachers and also adversely impacts the quality of education imparted. The Committee urge the State Government to expedite the exercise and ensure that there are sufficient number of teachers in every School in the State particularly in tribal areas.</u>	-do-
176.	18.18	The views of the Committee are aligned with the submission of the State Government with regard to the fact that rescued children who are rehabilitated in family surroundings are much better off and their chances of relapsing as child labour are lower than those children who stay at Child Care Institutions (CCIs).The State Government submitted that during April 2021 to March 2022, as per the figures furnished by the State Child Protection Society, about 437 children were rescued, out of which 424 children were restored to their families and only 13 were referred to Child Care Institutions (CCIs) after the Child Welfare Committee (CWC) gave their views. The Committee find that despite most of the children having been restored to their families observe that CCIs continue to remain the primary choice for most children without parental care or orphans.The Committee affirm that a family environment, one where children experience love, happiness and understanding is essential for their harmonious development and are pleased to note that CCIs are only being used a 'a measure of last resort' after due consideration by Child Welfare Committees. The shift towards de-institutionalisation is a step in the right direction and aligns	-do-

		<p>with the mandate of the alternative family based Child care.</p> <p>Further, the Committee find that childcare institutions in India cater for children up to 18 years old and the sudden withdrawal of support at 18 years leaves these young people, face heightened challenges and at times, adverse outcomes on leaving CCIs. <u>The Committee are of the view that since present Aftercare services are insufficient, most of them are ill-prepared for transition from CCIs to independent living, and thus again fall into the vicious cycle of vulnerability, homelessness, unemployment, poverty and exploitation. Thus, there is a need to explore initiatives for alternative care and transition gradually towards achieving a safe and nurturing family environment for children in vulnerable situations.</u></p>	
177.	18.19	<p>The Committee appreciate the steps taken by the Department of School Education which as per the submission of the State Government conducts survey every year and enroll the children who dropped out of school in a school nearest to their habitation so as to ensure inclusive and equitable quality education. In the aftermath of Covid-19, it is likely that number of out of school children has significantly increased owing to the economic woes brought about by the pandemic. In this regard, the Committee is pleased to note the steps taken by the State Government whereby education was imparted to drop-outs through residential bridge course in order to make them fit for admission in a class they deserve. Commending the steps taken by the State Government, <u>the Committee further urge the State to take necessary steps to ensure the survey to ascertain drop-outs be taken up periodically so that commensurate steps can be taken for their rehabilitation and mainstream them under the ambit of education. At the same time, the adolescents who are rescued should be linked to a skill development programme run by the Government for economically empowering them.</u></p>	-do-
178.	18.20	<p>The Committee are pleased to find that as per the submission of the State Government, the enrolment figures in schools especially in junior classes are high owing to successful intervention in the form of mid-day meals that is augmenting attendance of children and bringing out of school children back to school thereby enabling higher retention in schools. The Committee were given to understand that mid-day Meal scheme has reduced the burden of the parents for providing one time meal to their children and is great support to the families especially those from low socio-economic status. In view of its tangible benefits, the Committee urge upon the State Government to conduct continuous inspections and periodically review the mid-day meal programme since the effective management of any programme depends on the its monitoring mechanism. Further, <u>in the view of the Committee, the State Government may consider providing breakfast also in order to attract more children into the fold of education especially in areas of high incidence of child labour and to incentivize the children who have dropped out of school. The Committee further reckon that the mid-day meal scheme, typically covers Children between the age group 6-14. In this regard, the Committee feel that inclusion of students of classes IX and X will incentivize the children who are out of school and desire that necessary steps be taken towards extending the benefits of the scheme. The Committee wish to be apprised of developments in this regard.</u></p>	-do-

179.	18.21	<p>The Committee are concerned to note that two major hotspots have emerged where incidence of child labour and child trafficking is prevalent. As per the submission of the State Government, two regions <i>viz</i>, immigrants area who had come from Bengal and Bangladesh where children are employed in fields among others while the other hotspot concerns the tribal areas of Assam where vulnerable children are lured into trafficking. The Committee affirm that child trafficking and engagement of these Children in labour are invariably linked. Moreover, children trafficked under the promise of work are vulnerable to being further exploited in other worse forms including sexual exploitation and beggary. The Committee urge the State Government to consider formulating a State specific plan to deal with Child trafficking integrating all concerned Departments of the State. Further, the Committee stress the need for the State Government to institute a specialized task force for this endeavour in order to coordinate the efforts of all departments under the Plan as well as periodically review the framework in the wake of combating Child labour. The Committee also desire that anti-human trafficking units be set up in all districts in line with decision of Ministry of Home Affairs and made functional at the earliest in order to check incidence of human trafficking especially child trafficking. The Committee feel special attention need to be paid in districts situated in these hotspots <i>viz</i>, Inter-State border with West Bengal and the International border with Bangladesh where the incidence of child trafficking and child labour is maximum. Since, poverty and illiteracy are the root causes for child labour, it is incumbent on the State Government to take proactive interventionist steps to supplement Educational Rehabilitation of the children with economic rehabilitation of their families especially in the tribal areas of Assam to offset the economic compulsions of engaging children in labour. <u>In so far as issues related to repatriation of children who are victims of international cross border trafficking is concerned, the Committee are of the view that a mechanism be devised with the Central Government to put in place for smooth repatriation of such children.</u></p>	-do-
180.	19.8	<p>The Committee welcome the efforts of the State Government to create awareness about the need for prevention of child labour. Further, the State Government, realising that it was a big task for the Labour Department alone to identify and rescue the child labourers from the employers and to rehabilitate such children, has constituted Task Forces in every District of the State. The Committee note that the Task Force converges the anti-child labour actions of all t h e Departments concerned like Police, Women and Child Welfare, Labour, Education, Public Health, Revenue as well as NGOs. As a result, since 2016, a total of 1439 raids were conducted and 1052 child labourers were rescued. During these operations, 398 FIR's were lodged against the defaulted employers. In the opinion of the Committee, while the formation of a multi-departmental Task Force and its district-level implementation are positive steps, the data presented about inspections and number of rescued labourers suggests that more needs to be done to identify and rescue child labourers. <u>The Committee find in this regard that frequency of the awareness campaigns and the meetings of the Task Force is far from the desired measure.</u> The awareness push is not supposed to be an affair happening on</p>	State Government of Maharashtra

		<p>special occasions like Children’s Day and Labour Day, it has to be a continuous and persistent affair. <u>Further, the Committee perceive the current periodicity of only monthly meetings of the Task Force, awfully inadequate. The Committee are of the firm opinion that the Task Force should also comprise of a component like a flying squad, to effect random raids to detect and expose deviant employers and to unfetter the incarcerated children. Accordingly, the Committee recommend that the State Government should immediately ramp up the activities of the Task Force to augment their ambit and make them the cutting edge of the action of the State against child labour. It is strongly felt that the awareness campaigns also need to be a more prolific affair. Child labour is a multifarious social evil that needs to be tackled commensurately. The Committee want the State Government to take all steps required to tackle it effectively.</u></p> <p><u>Further, the State Government should analyse the data pertaining to the raids and identify the measure needed to increase effectiveness of raids and penal action. Steps should also be taken to target specific sectors with high child labour prevalence for increased inspections and surveillance. Technology solutions such as data management platforms and mobile apps can be implemented to enhance communication, coordination, and data analysis among the Task Force of districts. The Government can also consider establishing an independent oversight committee composed of experts possessing various expertise, including child rights activists, legal professionals, and representatives of civil society organizations, to monitor the Task Force's activities and provide recommendations for improvement.</u></p>	
181.	19.9	<p>The Committee note that the Education Department of the State Government is taking proactive measures to ensure complete enrolment of children in the schooling system as a way to counter child labour. In this regard, volunteer workers called ‘Bal Rakshaks’ have been appointed. Starting in 2017, 2600 Bal Rakshaks have been appointed. According to the State Government, at the start of the initiative in 2017, the number of out of school children reported was 44,698 which has now come down to 9306. <u>The Committee appreciate and congratulate the State Government for this achievement and feel that every child in school is one less on the streets. Thus, appointing 2600 "Bal Rakshak" volunteers shows the commitment to community engagement and tackling the issue at the grassroots level. The initiative of the State Government can be strengthened by providing Bal Rakshaks additional resources in terms of financial incentives, awards, and recognition programs to acknowledge their contributions and motivate them. Bal Rakshaks should also be trained and encouraged to gather comprehensive and dependable data regarding out of school children that will help the Government improve their strategy against child labour. Other employees of the State Government than teachers can also be tasked with the important profile of being Bal Rakshaks. The State Government should further encourage collaboration with community leaders and local authorities to enhance community awareness, address local challenges, and build trust and support for the Bal Rakshaks program. The committee ae of the firm opinion that the possible role of the Local Self Government Institutions cannot be discounted here.</u> The success of the Bal Rakshak initiative shows that involving the community through volunteer</p>	-do-

		<p>programs like the Bal Rakshaks increases the programme's reach and effectiveness. <u>The Committee feel that this initiative can be replicated in other States but needs careful consideration of the specific cultural, socio-economic conditions of the State to tailor the program to address local needs and challenges.</u></p>	
182.	19.10	<p>The Committee find that Maharashtra is the State with the largest population residing in the urban areas. In this regard, according to the State Government, the biggest problem with respect to child labour that the authorities face is the case of abandoned children. These children end up working on the streets, on railway stations and in small shops. The Committee are relieved to note that the Government has run a pilot Project in partnership with Tata Institute of Social Sciences and BMC (Brihanmumbai Municipal Corporation (BMC) for identification and mainstreaming of these children in schools. Moreover, in order to address the issue of urban child labour, BMC has also opened 16 night shelters exclusively for children. In the considered opinion of the Committee, Child labour in urban areas is a complex challenge that requires a multipronged approach to address its root causes and protect children from exploitation. <u>The Committee reckon that there is an emergent need to review and analyse the effectiveness of the projects to identify and mainstream abandoned children and address any shortcomings. The State Government should replicate such initiatives in other Municipal Corporations of the State.</u> Moreover, in mega cities like Mumbai, slums present a staunch challenge in tackling child labour because they have numerous informal and unregulated/illegal workplaces, such as small workshops, street vendors. These workplaces often escape the oversight of the authorities and are thus more prone to employing children due to weak superintendence and enforcement. <u>The Committee want the State Government to immediately enhance child protection services specifically in these areas.</u> Community engagement in such areas is also crucial for prevention of child labour with an effective system to secure information about delinquent employers. <u>It's critical to ensure the confidentiality of the informants as well as to reward them.</u> The success of such projects can be communicated to MoLE so that they can be adequately replicated in other cities across the country with adaptations required as per the local settings.</p>	-do-
183.	19.11	<p>The Committee appreciate that the State Government is promoting various educational and monetary welfare schemes so that the parents working in the construction field send their children to school. Efforts are being taken with the vision of preventing the children from engaging in labour with the parents at the construction fields/ brick-kilns. <u>The State Government has also made it mandatory that every Police Station should form a Juvenile Aid Police Unit for the rescue and repatriation of children in street situations and those working in vulnerable conditions.</u> A lot of sensitisation of the Police personnel may also be needed in this connection. <u>The Committee urge the State Government to take measures to ensure that these Juvenile Aid Police Units are well-trained and sensitised for tackling child labour and protecting vulnerable children.</u> The Community should be informed about the functioning of these Units. Raising awareness about Juvenile Aid Police Units (JAPUs) is crucial for promoting their effectiveness and encouraging community</p>	-do-

		participation in combating child labour. As regards children working with their parents in construction sites and brick kilns, <u>the Committee recommend that employers should be held accountable for violating child labour laws, including imposing stricter penalties and revoking business licenses.</u>	
184.	19.12	The Committee further observe that the large urban infrastructure in Maharashtra creates a situation where there are a large number of migrant labourers from different parts of the country particularly from states such as Bihar, Jharkhand and West Bengal. Migrant families face challenges with living arrangements such that most families live in informal settlements where children may be left unsupervised, making them more vulnerable to exploitation and child labour. Children from migrant families are particularly vulnerable to exploitation and child labour because of various factors including poverty and lack of education. <u>The Committee firmly recommend that the State Government should establish coordination mechanism between various Government departments, including Labour, Housing, Education, Healthcare, and Social Welfare, to ensure comprehensive support for migrant families. The State Government should also consider signing Memoranda of Understanding (MoUs) with the State Governments from where the largest number of migrants originate with the aim to share data about the movement and location of these migrant workers.</u> MoUs can facilitate joint enforcement efforts to combat child labour and exploitation of migrant workers. The MoUs should focus on sharing of information on the rescue of child labourers, their origin, and family details and facilitating the safe and swift repatriation of child labourers to their families or appropriate care institutions. Provisions must also be made for providing support to the families of repatriated child labourers for their reintegration and rehabilitation alongwith clear demarcation of the roles to be essayed by the respective State machineries.	-do-
185.	20.6	The Committee note that in Rajasthan, children from other States are mainly trafficked from the States of Bihar, Jharkhand, Uttar Pradesh, West Bengal and Odisha. According to the Human Trafficking Cell of the State Government, these children are mostly found engaged as labour in Dhabas, Small Workshops, Auto Repair Shops and also in hazardous settings such as brick kilns which puts their health and safety at great risk. According to the State Government, these children when rescued are released in coordination with the Child Protection Committee of the District concerned and handed over to the family. In this regard a letter has been written from the Chief Secretary, Rajasthan Government to the Chief Secretaries of the State Governments concerned. Since children from far away States are more likely to come by train, the Railways officials have been sensitized in this regard. The Committee appreciate the work of the State Government towards establishing coordination mechanisms with other State Governments and stress that Inter-State coordination is crucial for effectively combating trafficking and ensuring the safe return of children to their families. The State Government should organise regular meetings and workshops between officials from different States to share the best practices and update information on trafficking routes and hotspots. There is also a need to foster collabouration between State Governments and NGOs working on child protection to leverage their expertise and resources. <u>In</u>	State Government of Rajasthan

		<u>this regard, the Committee are of the considered opinion that an MoU between the Rajasthan Government and other States can help establish an institutional mechanism for addressing the issue of child trafficking and child labour. The MoU can clearly define the responsibilities of each State Government in terms of their rescue and post rescue roles. It should also provide for establishing dedicated teams, sharing of relevant data and information on child labour cases and trafficking patterns and standardized procedures for rescue and rehabilitation of trafficked children.</u>	
186.	20.7	As submitted by the State Government, there is also cross border movement of children between Gujarat and Rajasthan for the work of cultivation of BT Cotton. The Government has established Check Posts at these borders to curb such movement. The Committee feel that in such a scenario where the issue/problem has already been identified, there is a need for targeted interventions. Other such areas also require identification and by implementing targeted interventions alongside existing measures like border control, the Government can take a more comprehensive approach to address the issue of child labour in BT cotton cultivation and ensure the protection of vulnerable children. Engaging directly with communities and other stakeholders can incubate trust and increase cooperation in tackling the issue. In this regard, <u>the Committee are of the firm belief that the Panchayats can play a vital role by mobilizing community members to take action against child labour and trafficking and monitoring agricultural practices, and reporting suspected cases to authorities.</u>	-do-
187.	20.8	The Committee observe that the number of child labourers released in Rajasthan has decreased from 1651 in 2019 to 1291 in 2020. There is also a decrease in the total number of cases registered and number of challans presented from 801 and 769 in 2019 to 648 and 597 in 2021, respectively. At the same time, the Committee are concerned to note the significant drop in the figures pertaining to punishment to the accused person where the number has decreased from 126 in 2019 to 18 in 2020. <u>The Committee want the Government to investigate whether this decline is on account of a real drop in the incidence of child labour or whether this suggests that while efforts are being made to rescue child labourers, the enforcement of laws against child labour and prosecution of offenders might not be as effective.</u> Further, there is also the possibility of the authorities not having enough resources or manpower to effectively investigate and prosecute child labour cases or there could be corruption within the enforcement agencies. The Committee thus urge the Government to scrupulously investigate the reasons for the decline in these numbers. Data from different sources, such as Government agencies, NGOs, and research institutions must be compared to gain a comprehensive understanding of the situation. The State must also identify any gaps or weaknesses in the existing framework that may be contributing to the decline. <u>The Committee stress upon the critical need for a robust monitoring mechanism for effectively combating child labour. The involvement of high-level officials in monitoring child labour is crucial since they can facilitate coordination and collaboration between different Government departments and it also helps in building trust and confidence among stakeholders, including victims, communities, and civil society organizations.</u>	-do-

188.	20.9	<p>The Committee find that, with regard to identification of out of school children, according to the State Government, provision has been made to inform the Labour Office of the District concerned in case any child is being absent for more than 30 days. In relation to such absent children, information about being engaged in child labour is collected and if the child is found doing child labour, then an attempt is made to make them free from child labour and connect them to the main stream of education. In the considered opinion of the Committee the current mechanism of informing the Labour Office about children absent from school is a good starting point in prevention of child labour and it is justifiable that children who are not in school and lack access to education are more vulnerable to exploitation. By identifying out-of-school children and addressing child labour, the mechanism can also help in stopping child trafficking. But there is a need to take further measures to strengthen the mechanism. <u>The primary goal should be to ensure accurate and complete data collection on student attendance and reasons for absence. The role of teachers is of paramount importance, particularly in rural areas, and the Committee appreciate the fact that teachers participate in the survey for out of school children in the State of Rajasthan. In this regard, there is also a need to implement a digital and easy to access system for sharing data between education, labour, and social welfare departments to identify children at risk of child labour.</u> In case of child trafficking, education and labour department officials need a mechanism to escalate the matter to the relevant law enforcement agencies. The Government should also partner with NGOs and other organisations to organize bridge courses and remedial classes to help out-of-school children bridge the gap in their knowledge and skills and reintegrate into the mainstream education system.</p>	-do-
189.	20.10	<p>With regard to the conviction in cases related to child trafficking, the State Government have informed that in the year 2019, there were two cases where the punishment awarded was exemplary. In one of the cases, the sentence of life imprisonment was awarded and in the other, a sentence of 14 years. <u>The Committee acknowledge the Government's action but emphasizes the need for deeper analysis to consider the overall trends in convictions and punishments for child trafficking in the State. The State Government need to prepare measures to strengthen the enforcement and legal framework in this regard.</u> The Committee recognise the difficulty in prosecution of cases where it is required to bring people from other States to court. It can be addressed through greater coordination between the States. All States need to agree to exchange information with each other and to bring accused persons to court. There should be effective coordination between law enforcement agencies, social welfare departments, and other relevant stakeholders across the States. If there is a technological solution for the same, then it can be achieved in a shorter period of time. The Committee also feel that there is an urgent need to create an institutional mechanism to address this legal challenge and it should be taken note of by the State and Central Governments. <u>One of the solutions could be the establishment of fast track court(s) for dealing with all child related cases such as child trafficking and child Labour.</u> According to the State Government, the creation of the fast track court is the mandate</p>	-do-

		of the Law Department and the High Court and such proposal for the same is under active consideration by the Government. <u>The Committee recommend that a concrete timeline needs to be established for generating the administrative proposal for setting up the fast track court(s) and the Government should ensure requisite allocation of resources for the same.</u>	
190.	21.20	The Committee note that the NCLP scheme is implemented in 21 States across the country and the State of Kerala is not included in the National Child Labour Project Scheme. The justification possibly is due to the low incidence of Child labour in the State. It has been further stated that action is in the final stage to notify the Kerala Child Labour (Prohibition and Regulation) Amendment Rules, 2022 in accordance with the Child and adolescent Labour (Prohibition and Regulation) Amendment Rules, 2017 as notified by the Central Government. The Committee find that District task force and Child Welfare Societies under the Chairmanship of the District Collector have been set up in all districts to review all exercises relating to Child Labour. The Committee note that a total of 622 children were identified and rescued from the perils of child exploitation during the last three years by the State Enforcement wing under the Labour Commissioner. The Committee were given to understand that periodic inspections by the Enforcement wing have led to timely identification and rescue of children in the State leading to low prevalence of Child labour in the State. Appreciating the progress made by the State machinery in checking the prevalence of child labour, the Committee would like to lay emphasis on further strengthening of District Task Force and Child Welfare Societies through regular orientation/periodic review meetings and provision of adequate funds to bolster their effectiveness and help them work in a coordinated manner with other agencies for timely rescue and rehabilitation of child labour. At the same time, the Committee also feel that the District Collector already has a wide range of responsibilities and may be constrained to perform all designated duties effectively and urge that they be provided with the necessary support and resources by the State Government to do their job well. <u>The Committee also desire that the State Government must contemplate carrying out wide consultations with other Non-Governmental stakeholders especially the Civil Society Organizations (CSOs) who may have the domain expertise on the subject of child labour to further supplement the existing robust institutional framework in order to comprehensively combat Child labour.</u>	State Government of Kerala
191.	21.21	The Committee note that as per the submission made by the State Government, it has been mentioned that the children who are engaged in Child labour/ begging in the State can be traced from other States. The Committee observe that, regardless of their place of origin, most of these children fall prey to poverty and subsequent exploitation. In order to tackle the challenge of identification, rescue and rehabilitation of such children, the Committee take note of the various rehabilitative initiatives/partnerships viz, Sanadhabalyam (Foster Care programme), Kinship/Vacation Foster Care, Vijnanadeepthi scheme, Our Responsibility to Children Scheme and KAVAL/KAVAL PLUS Community based projects for children in conflict with law, which are all at the forefront of the States efforts to mainstream vulnerable Children. The various outcomes achieved by these schemes <i>inter-alia</i> include monetary	-do-

		<p>support to retain children in their own homes, curb tendencies for juvenile delinquency, build capacity of teachers and parents to ensure care and protection of at risk children, impart life skills, holistic care through psycho-social intervention, need based financial assistance for continuing education to children leaving Child care institutions, shift towards de-institutionalization etc. The Committee specifically commend the role of the State Government in initiating the ‘Saranabalyam’ project, which was launched to ensure that the State is free from the clutches of child labour, child begging, trafficking and children in street situations and provide emergency services for such Children at risk. Statedly, the project has been extended to 10 districts of the State and clear cut guidelines have been put in place to identify, rescue, repatriation as well as investigation and prosecution against the offenders prescribed under it. <u>The Committee desire that efforts of the State Government be directed towards effective monitoring/ inspection protocols and implementation of these schemes in order to fully justify the idea behind these Community based rehabilitative partnership initiatives and bolster the anti-Child labour framework of the State Government. Further, under the Saranabalyam project, steps may be taken to integrate a child helpline for all child emergency cases so that emergency help can be provided to vulnerable children in distress condition. At the same time, the Committee emphasize on the need for collection and analysis of data on the number of children benefitted from such schemes in order to streamline policy decisions and resource allocation and expand the ambit of such schemes if need be, to offer coverage to more beneficiaries.</u></p>	
192.	21.22	<p>The Committee note that out of 817 Child Care Institutions(CCI) registered under Juvenile Justice Act, 2015 across the State , around 25,484 Children were residing in these homes, however, as of October 2022, only 404 CCIs are operational and house 5381 children at these homes. The Committee find that this is indicative of a positive trend that the care of vulnerable children has been gradually transitioning from institutionalized care to community/family based care. Despite the shift towards de-institutionalisation, the Committee note that the CCIs are a vital component of the Juvenile Justice System for providing rehabilitative care and protection to vulnerable Children. The Committee therefore urge the State Government to accord due importance to the infrastructural/residential facilities to ensure improvement in the condition of children residing in CCIs/ Homes with respect to their continuous health assessment, regular check-ups, educational facilities based on the age and needs of the child etc. The Committee further desire that regular inspection audits of the CCIs need to be carried out by the Child Welfare Committees for periodic monitoring and assessment of their performance. The Committee are of the opinion that every child has a right to grow up with his / her family and commend the efforts of the State Government towards restoration of institutionalized children with their family as a step in the right direction. <u>The Committee, however caution the State Government on exercising due diligence in evaluating whether the risks faced by the child have been adequately resolved before taking a decision to de-institutionalise the child so as to offset any adverse outcomes for the child, contrary to the envisaged objective of restoration. Further, de-</u></p>	-do-

		<p><u>institutionalization of the child must be conditional to the provision of financial support and if the follow-up indicates poor indicators, the child should be brought back to the Child Care institution.</u></p> <p>The Committee were further informed that with the help of UNICEF, the Women and Child Development Department of the State Government has designed a portal for Child Care Institutions to function as a database on the details of children being admitted at CCIs and steps taken to impart training to the staff deployed in these institutions. The Committee feel that these steps will help in empowering the CCIs and bolster their capacity to deliver.</p>	
193.	21.23	<p>The Committee note that the Kerala State policy for the rehabilitation of street children is currently in its final stages of development and steps are being taken to put it into effect as quickly as possible. The Committee hope that the policy once implemented would aid in the effective identification, tracking, rescue and rehabilitation of children in street situations. Further, the Committee are of the opinion that necessary steps need to be put in place to explore the possibility of extending access to rehabilitative services as part of the policy by engaging private professionals and organizations who volunteer to extend help in the form of shelters, counselling services, medical services, sponsorships, de-addiction services, education services, legal/paralegal services, identification of street children hotspots or any other assistance that can be rendered to street children in need. Further, <u>the Committee urge upon the State Government to analyse the factors/socio-economic compulsions for forcing children onto street situations and prepare an effective Standard Operating Procedure for Care and Protection of Children in Street Situations so as to wean them away from neglect, emotional abuse, sexual abuse, and exploitation.</u></p>	-do-
194.	21.24	<p>The Committee appreciate the efforts made the State Government in providing higher wages for migrant workers in comparison to the rest of the country and find that to be one of the significant reasons for rise in labour migration into the State. The Committee are of the opinion that in light of the economic woes brought about by the crisis caused by COVID-19, there is a strong possibility that a number of migrant children in the informal sector would have increased across all sectors in the State to supplement the income of their parents. The Committee were given to understand that several steps have been taken to mainstream these migrant children by the Education and Labour Departments of the State Government. In this regard, the attention of the Committee was drawn to 'Roshni' project that has been run by the State Government since 2017. As a result, children of migrant labours are mainstreamed under the Education system of the State through adaptive modules through a education cum vocation oriented curriculum by trained Volunteers. Under phase 1, 110 students from four schools were covered under the scheme. During the phase 2, the project ran in 20 schools and 620 migrant children from Nepal, Lakshwadeep, West Bengal, Tamil Nadu, Orissa, UP, Bihar, Karnataka and Assam have benefitted under the Scheme. The project was scaled up to 38 schools covering 1235 students in phase 3. Further, the Committee find that the thematic, activity oriented, multi-graded modules designed under the programme have proven effective in improving the academic standards of the students. The Committee note that the Project</p>	-do-

		<p>is currently in its 5th phase having 40 schools with 1050 students. While taking due cognizance of the challenges posed by the pandemic, the Committee are pleased to note that despite the pandemic induced lockdown and the massive exodus of migrants back to their home State, the fact that most families whose children were enrolled under the Scheme, preferred to stay back/come back for the sake of education is testimony to the popularity of this Scheme. Further, in the case of such Children who have gone back to their respective States and unable to continue their studies, the Committee appreciate to note that the Samagra Shiksha scheme has evolved schemes to trace and collect the details of 2258 such students and provided them with a bridge course in order to compensate for the gap due to Covid. Further, attention of the Committee was drawn to the latest components under phase 6 of the Roshni project which include <i>inter-alia</i> formulation of a comprehensive learner profile to track the students movements from one place to another using the portal 'Sahitham and Kite', Vocation oriented package for migrant children and a tracking system for Health of children of migrant labours. The Committee appreciate that the efforts of the State Government under 'Roshni' project have been acknowledged as one of the best inclusive model and shortlisted for the Prime Ministers Award in innovation category. Further, the impact study/social audit conducted among migrant children revealed the significant decline in the drop-out rate and in raising the educational standard of these children. The Committee find that school dropouts across 20 schools reduced by nearly half (49 %) to 65 in 2018-19 as compared to 2017-18 as per data furnished by schools. The Committee feel that these are praiseworthy initiatives and augur well for the children of migrant labour in future. <u>Further, with the threat of the pandemic eased to a considerable extent, the Committee urge the concerned Departments viz, Education and Labour Departments under the State Government to scale up their efforts to ensure cent percent enrollment of migrant children under the Scheme and ensure that there will be no let up in sustaining and upholding the spirit of the Roshni project.</u></p>	
195.	21.25	<p>The Committee appreciate the fact that Kerala has the distinction of having the lowest dropout rate among the Indian States currently in terms of the primary and secondary education. The Committee feel that this can be attributed to the timely social interventions undertaken by the Government to tackle poverty and illiteracy which has in turn helped in mainstreaming Child labour. The Committee find that the State Government have identified 2588 children in 2022-23 who had dropped out of the schools but were gradually tracked, enrolled back in schools and are currently being given education through 108 Special Training Centres run by Samagra Shiksha scheme in various languages like Bengali, Tamil, Assamese etc. A tribal language handbook has also been developed for this purpose. Further, as a result of schemes like 'Gothrasarathi', intended to provide transportation facilities to children living in distant and remote Schedule Tribe settlements to schools, the Committee find that drop-out rates among children is being checked to a considerable extent owing primarily to effective monitoring of the Scheme by Tribal Extension Officers. The Committee while appreciating the steps taken in this direction urge the State Government to tie up with Anganwadi workers and ICDS in utilising their services to identify Child drop outs and ensure</p>	-do-

		they return to the educational fold. Further, <u>the State Government may take up Information, Education & Communication (IEC) campaigns to create awareness and disseminate information regarding the benefits of retention of Children in School and apprise parents/children of the benefits available under various schemes/programmes so as to continue to keep the low dropout rates under check.</u>	
196.	21.26	The Committee are concerned to note that there is no specific convergence/collaborative mechanism with other State Governments to address issues of Child labour. As per the submission of the State Government, efforts are being taken to rehabilitate children found in vulnerable situations from other States, either in the State owned Children's homes or they are sent to their own houses, if details are available, with the help of Police Departments and District Collectors of those States. The Committee have been informed that in the State of Kerala, the children engaged in child labour and begging activities are mostly from other States. <u>Despite the best efforts of the State Government in their rehabilitation, in the considered opinion of the Committee, a robust inter-State convergence framework should be contemplated and operationalised at the earliest in the interest of Child welfare in order to help in devising a coordinated response and ensure sustained engagement between various States towards rehabilitation for children rescued from vulnerable situations. The Committee therefore urge the State Government to establish linkages with other States especially where there is a high prevalence of Child labour/migration of Child labour to supplement their efforts against child labour/trafficking considering the inflow of migrant labour into the State. In this regard, the Committee stress to operationalise an Inter-State coordination department/Inter-State repatriation policy to cater to rehabilitation for migrant children.</u>	-do-
197.	21.27	The Committee note the submission made by the State Government that 'no Child has been seen to be engaged in the Hotel and Restaurant sectors' across the State. The Committee express their appreciation for non-engagement of child labour in the aforementioned sector and feel it is indicative of the significant progress made by the State with respect to eliminating child labour by providing protective legislation and effectively enforcing both labour and education-related regulations. The Committee however, also caution the State Government, in view of the influx of migrant labour from other States to Kerala coupled with their economic vulnerability and legal restrictions barring their employment in the formal sector, it is quite likely that the migrant labour including their children find economic refuge in various low-key jobs of the informal/unorganized sectors. <u>The Committee emphasise the pivotal role of labour inspectors on the ground in timely detection of child labour, monitoring and enforcing penal regulations. The Committee find it imperative that the State machinery conducts continuous inspections and awareness exercises to check any incidence of child labour and sensitise employers and workers against the deployment of child labour at their workplaces.</u>	-do-
198.	22.28	The Committee observe and appreciate that the State Government of Tamil Nadu has prepared a State Action Plan to combat Child Labour. Pursuant thereto, a Standard Operating Procedure has been drawn wherein various agencies,	State Government of Tamil Nadu

		<p>departments of the State have been assigned various tasks in order to achieve the stated objective of achieving a “State free of Child Labour in all occupations and Adolescent Labour in Hazardous occupations and Processes by end of 2025. Under the Action plan, at the District level, in the 15 NCLP districts, NCLP Societies have been formed comprising of concerned departmental officers under the Chairmanship of the District Collector and are responsible for elimination of Child/Adolescent Labour, while the Child/Adolescent Labour Rehabilitation cum Welfare Societies have been constituted for identifying children/adolescent employed in hazardous/non-hazardous establishments and are responsible for elimination of Child labour in non-NCLP districts. The Committee find that the District Collector has been made the authority under which all work pertaining to implementation of provisions for child labour are supervised and will play a vital role in achieving convergence of all services. The Committee further find that the District Collector is also responsible for formation and holding monthly meetings of the District Task Force (DTF) to develop and plan for prevention activities in the district and track its progress along with survey and identification of Child/Adolescent Labour through the District task force and to coordinate with various agencies in this regard. The Committee while lauding the institutional initiative of the State feel that it is required to ensure that the DTF meet every month in order to take stock of measures to check Child/Adolescent Labour. The Committee further note that since the District Task force has been made the fulcrum of all efforts to ultimately eradicate Child labour, it is imperative that it is commensurately strengthened and equipped to deal with the challenges arising out of tackling the menace. The Committee also feel that the DTF should analyse and consider the recurrence of child labour with the same child and necessary steps in this regard need to be taken to rehabilitate them on priority. Further, <u>the Committee stress on the role of local panchayats in generation of data in child labour at the rural level and a statement to this effect may be furnished to the State Government for use by District Task Force for effective and actionable intervention against Child Labour. The Committee thus hope that the coordination of all work of the different departments, inclusion of Local Self Government Institution, Community based organisation will guide the DTF in effectively tackling the range of child labour and achieve the objective envisioned under the State Action Plan.</u></p>	
199.	22.29	<p>The Committee note that, as per the submission made by the State Government, the exact estimate of the total child labour in the State is not available. As per Census 2011 data, around 1,50,000 Child Labour were identified in Tamil Nadu. As per the State Government, piecemeal surveys have been carried out in some districts which point that the incidence of Child Labour has reduced owing to strict enforcement of legal provisions and implementation of various socio-economic welfare measures for retaining them in school. The Committee note that despite the interventionist measures taken by the State Government in tackling the incidence of Child Labour, in the absence of exact data about the prevalence of Child Labour, it may be difficult to envisage an effective response for their rehabilitation. As a matter of fact, 2011 census serves the only authentic source of information and the data available is more than a decade old and is of limited utility in so far as implementation of specific</p>	-do-

		schemes and their targeted beneficiaries in the current scenario is concerned. <u>In the wake of delay in containing Census 2021, it becomes imperative on part of the State Government to devise internal mechanism to independently conduct household surveys/data collection exercises so that adequate allocation of resources may be directed towards timely rescue and rehabilitation of Child Labour.</u>	
200.	22.30	The Committee note that, NCLP is implemented in 15 districts in Tamil Nadu and Special Training Centres (STCs) are functioning in order to rehabilitate Child Labours. The Committee find that, in these STCs, the children <i>inter-alia</i> provided bridge education, vocational training, mid-day meal, stipend, healthcare, recreation etc, with an objective of preparing them to be mainstreamed in the formal fold of education. The Committee were given to understand that pursuant to the order of Union Government dated 14.03.2022, NCLP was subsumed under Samagra Shiksha of Ministry of Education and that no STCs would be functional after 31.03.2021. Subsequently, as part of the order, the children enrolled in STC's of NCLP as on 31.03.2021 would be mainstreamed and those enrolled after 31.03.2021 would be immediately transferred to STC's run by Samagra Shiksha. Furthermore, the Union Government allowed NCLP districts of Dharmapuri, Krishngiri and Vellore to continue operation during Financial Year 2022-23. The Committee were further apprised that prior to the receipt of Union Government Instructions, as on 14.03.2022, 203 STC's were functioning in the 15 NCLP districts and a total of 3428 rescued Child Labours were studying and a total of 474 students had benefitted in year 2020-21, from the monthly cash assistance of Rs. 500 (revised from Rs. 250) given to children in NCLP schools who have been admitted to regular schools to pursue higher educations. The Committee, observe that henceforth the rescued child labours will be mainstreamed into formal education system through Special training centres under Samagra Shiksha Abhiyan and no more STC's would be functional under NCLP Scheme. <u>While emphasising the role and necessity of the STC's in the rehabilitation of child labours into the formal fold of Education in a holistic of manner, the Committee stress the need to accord priority on maintenance of STCs and consider increasing the number of such centres in areas with high incidence of child labour. Despite the onus of supervision of STCs being shifted to Samagra Shiksha from NCLP, the Committee feel that proper monitoring for fund disbursal and utilisation will be the key to effective functioning of Special Training Centres.</u>	-do-
201.	22.31	The Committee find that the State Government had set up a tracking system called 'Education Management Information System (EMIS) to impart quality education to children in school which <i>inter-alia</i> also updates the status of School students who fail to rejoin classes. The Committee observe that, in the event of the childs details not appearing on the EMIS portal, the status is immediately shared with the Department of Labour which runs ITI and polytechnic courses and Department of Higher Education since some vocational courses are also run by them. Commending the digital database put in place by the State Government, the Committee are of the view that the EMIS ensures effective tracking of the child as he/she moves up the education ladder and help in detecting drop-outs among children. Further, in order to address drop-outs, the Committee	-do-

		<p>find the State Government undertakes survey round the year viz. April, May and September to identify out of school children and mainstream them. Further, during the Covid period, a special mass drive was undertaken between 10.08.2021 to 15.10.2021 using a geo-tagged mobile application and integrated it with Department of School Education EMIS portal by involving Block Resource Teacher Education, head master, school teacher, volunteers, Anganwadi workers and NGO's etc., in order to identify children between class I to 12 who dropped out of school. The Committee were informed that the special focus was given to Girls/Children with Special needs /Transgender children who lost their parents in Covid-19 and other children displaced due to pandemic. The Committee find that the survey resulted in identification of 1,90,593 children between Class I to 12. The Committee were informed that each of the aforementioned children were enrolled in age appropriate classes in nearby formal schools and provided books, uniforms, school bags, notebooks etc. The children were to be tracked using the EMIS portal till they complete higher secondary education. Appreciating the steps taken by the State Government, to identify out of school children and mainstream them, the Committee find that this to be main reason for high enrolment ratio of over 99 percent at primary level and more than 95 percent at secondary level. Further, the Committee also find that even in instances of drop-outs, it was noticed that the Children had enrolled in other vocational courses especially such courses for Class 8 passouts. Commending the steps taken by the State Government, <u>the Committee further urge the State to take necessary steps to ensure that periodic survey be undertaken to ascertain drop-outs be taken up so that commensurate steps can be taken for their timely rehabilitation and mainstreaming under the ambit of education.</u> At the same time, with regard to other drop-outs especially, those who opted for vocational courses/skill development programmes after completion of class 8th, <u>commensurate placement help must be provided to such adolescents by the State Government for long term economic empowerment/sustenance.</u></p>	
202.	22.32	<p>The Committee note that there has been a regular influx of migrants from rural areas in Tamil Nadu towards industrial hubs like Chennai, Trichy, Coimbatore and Erode as a result of which these pockets have been attracting child labour. According to the submission made by the State Government, necessary instructions have been issued to the Enforcement Officers of the aforementioned districts to conduct inspections with the District task force along with the Railway Department Officials to identify Children employed as child labour in Railway Stations and to take necessary follow up action for their rehabilitation. The Committee find that migration usually is a result of regional disparity in development and influx of migrants into districts like Chennai, Trichy, Coimbatore and Erode has been exacerbated in the aftermath of the Covid-19 pandemic. <u>The Committee are of the view that there is a need for an Inter-State migration protection policy to look into the welfare of such migrants.</u></p>	-do-
203.	22.33	<p>The Committee note that under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, penal action is taken against the employer who employs the Child Labour. Further, as per Sec 14-A of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, the offence committed by</p>	-do-

		<p>an employer is punishable under Section 3/ 3A and shall be cognizable. However, as per the submission of the State Government, contract Labour Act, 1976 and Inter State Migrant Workers Act, 1979 does not mention anything to this effect. Furthermore, in the case of children brought from other States for employment through an agent, the Committee noted that joint liability is vested with several persons. In the view of the Committee, it becomes difficult to book cases under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, since the details of the employers are not known. <u>The Committee feel that the ambit of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 be suitably amended/ambit widened to incorporate penal provisions in order to be able to take action against such employers for employing children from other States as labour. The Committee also emphasize the role of the Police department in identifying such persons and initiate action on the principal employer.</u></p>	
204.	22.34	<p>The Committee note that the State Government has issued necessary instructions to the Directorate of Industrial Safety and Health to conduct regular inspections at Industries across the State where there is a likely prevalence of child labour, to check its incidence. The Committee further note that District Collectors across the State have been requested to convene meetings with the Industrial bodies and ensure use of 'no Child labour' sticker on their products. The Committee while commending the use of 'Child Labour Free' stickers as a novel initiative taken by the State Government to check incidence of Child labour and <u>stress the need for pursuing Information, Education & Communication (IEC) campaigns to create awareness and disseminate information regarding the benefits for Children in School and apprise parents/children of the benefits available under various schemes/programmes of the State Government so as to wean them from economic compulsion of being employed as Child labour.</u></p>	-do-
205.	23.20	<p>The Committee are highly pleased to note that the State Government of Bihar, considering the fact that child labour is just one manifestation of the level of socio-economic development of the State and society, is working on multiple fronts to achieve socio-economic upliftment of the masses. Programmes aimed at direct employment generation, entrepreneurship development, social security including that of people in the unorganised sectors, promoting rural livelihood through organization and empowerment of women, etc are part of the strategy of the State Government in this direction. It is also impressive to see that more than 1 million groups akin to Self Help Groups have been formed in Bihar involving more than 10 million women. Further, the Bihar State Action Plan for Elimination, Release and Rehabilitation of Child Labour was formulated in 2009. The purpose of the State Action Plan was to establish cooperation and coordination between various departments and other stakeholders so that the objective of "Child Labour Free Bihar" could be achieved. The State Plan was modified in 2017 in the wake of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 and the National Policy for Children, 2013, etc and a State Task Force has been constituted as per the provision of the State Action Plan under the chairmanship of the Chief Secretary, Bihar. <u>The Committee observe that the institutional initiatives of the State Government of Bihar are in the right direction, aimed</u></p>	State Government of Bihar

		<u>ultimately at eradicating child labour and recommend that the Task Force should act as the fulcrum in this endeavour. Coordination of the work of the different Departments, inclusion of Local Self Government Institutions, NGOs and other Civil Society organisations can be effectively guided and monitored under the umbrella of the State Task Force.</u>	
206.	23.21	The Committee find that Bihar had set up a Child Labour Tracking System as early as in 2016 and appreciate the efforts and work of the State Government in using technology to tackle public policy issues. The Committee are informed that the upgraded version of CLTS 2.0 has been launched on the occasion of World Day against Child Labour in 2022. <u>The Committee recommend that the Central Government consider setting up a national level child tracking system for which the basic framework can be adopted from the system operational in Bihar.</u> The Tracking system should provide information pertaining to every child rescued across all the States on a single platform. Such a facility would be of immense importance particularly if the child is rescued in a State different from his/her home State. The system should allow all the participating authorities and stakeholders to access information pertaining to the rescue and rehabilitation status of child labourers.	-do-
207.	23.22	The Committee are pleased to take into cognisance the formation of the Dhawa Dal by the State Government of Bihar that act as flying squads for rescue of child labourers from workplaces in the State. It is an important initiative towards the prevention and elimination of child labour as the Dhawa Dal, formed in each 38 Districts, are slated to conduct twice a week inspections at suspected child labour sites. The Committee note with appreciation that during 2022, from 01st January to 03rd November, a total of 1113 Dhawa Dal movements have been reported from all districts of Bihar. Further, 333 child labourers were rescued from different districts through Dhawa Dal during the said period. <u>The Committee hope that the mobile application reported to be under development for Dhawa Dal has come into being as it can lend more effectiveness in gathering information about the incidence of Child labour and the same can be acted upon by the Dal. However, it would be of high importance to ensure that the identity of the persons passing on the information shall be kept strictly confidential.</u> Further, the possibility of the Dhawa Dal being deployed against trafficking as well should also need to be explored. <u>The Committee are of the considered opinion that the formation of such flying squads can be considered by other States also as an effective step to combat child labour.</u>	-do-
208.	23.23	The Committee greatly appreciate the efforts of the State Government in developing a mechanism to locate school dropouts and ensure inclusive and equitable quality education at all levels of school education including the special program under "Muhim" aimed at preventing/tackling drop out and ensuring retention of children in school. It is noteworthy to mention that the number of Out of School Children has significantly come down from about 20 lakh in 2005-2006 to 1.34 lakh by 2021 - 2022. In the considered opinion of the Committee, the tracking of out of School Children in villages and rural areas is more effective while there is a need to strengthen the mechanism in urban areas considering the large number of migrant workers, who live under flyovers or shanties near	-do-

		<p>railway stations, and do not have a residence, which makes it difficult to track such families and their children. <u>The Committee urge the State Government to take urgent and specific steps to identify such out of school children living in street conditions and ensure that they return to the educational system. Also, the adolescents who are rescued should be linked to a skill development program run by the Government that should have a mechanism to ensure their placement.</u></p>	
209.	23.24	<p>The Committee find that there is an office of Joint Labour Commissioner at Bihar Bhawan, New Delhi for monitoring and facilitating the release and rehabilitation of rescued child labour who have gone outside from Bihar. This is a proactive welcome step from the State Government towards setting up an effective counter front to tackle child labour. <u>The Committee recommend that the State Government should also consider opening similar offices in all States with substantial migrant population from Bihar since such a step can ensure that rescued children receive the necessary support expeditiously and are rehabilitated in the shortest possible time.</u> Additionally, the Government should collaborate with the respective State Governments to ensure seamless coordination and effective implementation of rehabilitation programs. <u>The Committee are of the firm opinion in this regard that entering into Memoranda of Understanding (MoU) with States that have considerable presence of migrant labourers from Bihar would go a long way in the release and rehabilitation of child labourers.</u> The victims of child trafficking should also be covered by such MoUs and emancipated in a sustainable manner. <u>The Committee recommend that an umbrella mechanism from the Union Government also needs to be initiated in this direction bringing all the States/UTs into its fold.</u> The Committee also suggest that all bodies of the Governments set up to eradicate child labour can be strengthened by allocating additional personnel with expertise in child labor issues which may involve roping in the help of credible NGOs. Providing adequate financial resources to support the their operations, including data collection, monitoring, and outreach activities would be the prerequisite.</p>	-do-
210.	23.25	<p>The Committee are concerned to note that there is no specific assistance from the Central Government for child labour issues to the State Government. <u>In the considered opinion of the Committee, additional resources and targeted support from the Central Government are pivotal to effectively address the scourge of child labour in States such as Bihar that report the largest number of child labourers in the country. They should be provided with special grants and other logistical and infrastructural support specifically to aid the schemes for eradication of child labour.</u> These grants/support would enable these States to supplement existing schemes, expand rehabilitation programs, and strengthen enforcement mechanisms to combat child labor more effectively. <u>The Committee therefore urge the Ministry of Labour and Employment to make the necessary provisions in the budget to provide the States prone to child labour such as Bihar with additional resources, to bolster their efforts against child trafficking, eradication of child labour and for the overall development of children.</u> Meanwhile, transparency and accountability in the utilisation of funds would be crucial to</p>	-do-

		ensure that funds actually benefit the children in distress on the ground. <u>States should also, on their part, establish lucid reporting mechanisms to inform the Central Government and the public about the utilization of funds and the progress of efforts to stamp out child labour.</u>	
211.	23.26	The Committee are concerned to note that as per the submission of the State Government, the only four Special Training Centers in the State run by Non Governmental Organizations with financial support of the Government of Bihar for educational and vocational rehabilitation of rescued child labourers before Covid pandemic are currently non-operational. <u>The Committee desire to highlight the role and necessity of such centres in the rehabilitation of child labourers in a holistic manner and urge the State Government to take immediate steps for re-opening of these centres.</u> The Committee also want the Government to consider increasing the number of such centres in areas with high incidence of child labour. The State Government may also consider enhancing the financial support being provided to the NGOs for their operation while ensuring proper monitoring for fund disbursal and utilisation.	-do-
212.	Overview	<p style="text-align: center;"><u>OVERVIEW</u></p> <ul style="list-style-type: none"> To sum up, the National Policy on Child Labour, though rolled out in the year 1987, its implementation gained momentum after the amendment to the Act came in the year 2016, when for the first time the term ‘adolescent’ was included in the Act and complete ban was imposed on employment of children below 14 years. Major follow up action commenced from the year 2017 onwards, when standard operating procedure was launched on 26 September, 2017 providing for legal provisions pursuant to issuance of Child Labour (Prohibition and Regulation) Amendment Rules 2017 which came into effect from 2nd June, 2017. These rules broadly provide for prevention, rescue and rehabilitation of child and adolescent labour. The Committee took up the subject ‘National Policy on Child Labour—An Assessment’ for comprehensive examination in November, 2021. It is significant to mention that after deliberation with the Ministry of Labour & Employment, it came to light that there is very little data being collected relating to child labour, annually. Whatever information and data is there it comes from Census, which is done in every 10 years. Therefore, it was felt necessary to collate upto date data biannually, if not annually through a dedicated method by the Government. The nodal ministry for implementation of this policy agreed with the view of the Committee that any effective plan against child labour has to be centred round ‘whole-of-government approach’ so as to make this policy a success story. In pursuance thereof, an inter-ministerial meeting was held to discuss the child labour related issues under the chairmanship of Secretary, Ministry of Labour and Employment on 7 January, 2022 and the line ministries were advised to draw plan of action to combat scourge of child labour. There is no denying the fact that child labour is a multi-dimensional phenomenon requiring a multitude of solutions to be planned and delivered in harmony and coherence by a range of stakeholders from the policy makers to the families and children at the grass-root level. Recognizing the inextricable link between the abolition of child labour and 	Ministry of Labour & Employment

		<p>the right to education, mainstreaming should be the key strategy for ensuring that child labour issues and concerns are included in policies, plans and budgets, appraisals, feasibility studies, evaluations, economic-development targets/goals, etc. at the national, sub-national, sectorial levels and with regional bodies.</p> <ul style="list-style-type: none"> • In the context of implementation of the national programme, it is observed that despite the economic and social gains in the country, ending child labour, together with addressing other forms of child rights issues, has remained a challenge. Indications are that the majority of these working children are coping with numerous contextual challenges, including household poverty, extensive informal economies, unregulated agriculture sector, vulnerabilities caused by conflicts and natural disasters, movement of persons in the form of migration/trafficking from rural and agricultural areas to cities and cross borders as well as internal displacement of persons, bonded labour and exclusion, insufficient reach of social protection measures, youth unemployment, inadequate capabilities for enforcement, uninformed public, and coordination and delivery bottlenecks. • Among the key Ministries being the major stakeholders, are the Ministry of Labour and Employment, Ministry of Women and Child Development, Ministry of Social Justice & Empowerment, Ministry of Education and a host of Ministries focusing on sectors which are confronted with the problem—agriculture, mining, tourism, and urban development, as well as agencies dealing with internal and external migration and trafficking. • The Ministry of Labour and Employment shall be the nodal Ministry for implementing the programme in coordination with other line ministries, state governments/UTs and other stakeholders. • With a view to conduct performance review of all the stakeholders on regular basis, an accountability framework should be developed for each stakeholder involved in the entire convergence process of the rescued children. • All requisite and foolproof measures should be taken by the Government entities to promote and secure the socio-economic and physical well being of the children and their families in all spaces within the informal sector so as to prevent exploitation of the child. • As the meaningful realization of the policies of the Government for securing the rights of the children could only be achieved through rigorous monitoring and evaluation compliance, the Committee exhort the Government entities to embark upon seamless collaboration and coordination strategies with the help of IT-enabled tools and robust tracking system for every rescued child so as to ensure that no child is re-victimized. • The Committee are of the firm opinion that the quality implementation of the Child Labour Policy should be ensured through timely and transparent allocation and release of adequate financial material and human resources to the implementing agencies. • In its endeavour to exhibit zero tolerance to child labour, the Government should ensure that supply chains in the 	
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		<p>Government procurement are free from child labour or any form of violation of child rights.</p> <ul style="list-style-type: none"> • The Government besides integrating 'Child Budgeting' into all the budgets and programmes of the Central and State Governments and their Undertakings, should also ensure optimum utilization of budget allocated for children while periodically increasing the allocation keeping in mind the evolving needs. • The primary focus of the Government must be on the prevention of any form of violation of the rights of children as well as to create and preserve a robust safety net around every child. The primary objective of the Government should be to ensure access to quality healthcare, education and social security to the child and his/her families. Developing technological strategies that involve active monitoring of cluster areas that are prone to child labour will go a long way in the rescue and rehabilitation of children in a planned and comprehensive manner. • The Government should ensure that all out of school children such as child labourers, trafficked and street children, orphans, children with disability, children in areas of civil unrest, children of migrant labours, prisoners and manual scavengers etc. are tracked, rescued, rehabilitated and have access to their right to education. • It is imperative to ensure consistent coordination among various agencies at the District Level such as District Child Protection Unit (DCPU), Special Juvenile Police Unit (SJPU), District Magistrate, Child Welfare Committee, Village Level Child Protection Committee under ICPS, District level Vigilance Committee under ITPA Act, 1986, Schools and Panchayats through the District Task Force (DTF), etc. • One of the most critical prerequisites to prevent child labour and adolescent labour in hazardous employment is to put in place prescribed institutional mechanisms and build capacity of institutions to carry out designated tasks assigned to each of them. • Analyzing information collected from the database of the missing children and previously rescued survivors as well as forming a strong network with all the stakeholders and law enforcement agencies engaged in the transit points and destination areas will go a long way in ensuring accurate data collection and effective child labour prevention. • Victim Protection mechanisms including logistic and medical supports and access to legal aid are very crucial to rehabilitate the rescued children. • Counseling must be provided to the victims by trained and certified counselors, community social workers, NGOs so as to assess the mental trauma caused to the victims and determine the required support to them. • It is absolutely essential to strengthen the whole process of investigation and prosecution and conducting the trial in a time bound and victim friendly manner. • Social, educational and economic rehabilitation of the child and adolescent labourers who have been rescued must be done through coordinated and convergent efforts by a series of stakeholders. • Convergence mechanism must be developed between NDMA and NCPCR to protect children in times of natural and 	
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