



GOVERNMENT OF TAMIL NADU

ABSTRACT

Child Labour – Directions of the Supreme Court of India on elimination of child labour in Writ Petition (Civil) No.465/86 – Constitution of the District Child Labour Rehabilitation-cum-Welfare Fund as to be administered by a District Child Labour Rehabilitation-cum-Welfare Society – Orders – Issued.

Labour and Employment (U2) Department

G.O.Ms.No.155

Dated 23.10.97

Read again:

1. G.O.Ms.No.23, Labour and Employment (U2) Department, dated 12.3.1997.
2. From the Secretary to Government of India, Ministry of Labour, D.O.No.S.27020/10/97-CL, dated 27.5.1997.

Order:

In order to implement the directions of the Supreme Court in its judgement in Writ Petition (Civil) No.465/86 dated 10.12.1996, the Government have ordered in the G.O. first read above constituting a 'State Child Labour Rehabilitation-cum-Welfare Fund'. It has also been ordered therein that orders pertaining to provision of fund and modalities for operation of the above fund would be issued separately. It has further been ordered in the Government Order that orders regarding formation of District Child Labour Rehabilitation-cum-Welfare Fund under the overall administrative control of the District Collectors and the modalities for operation of the fund would be issued separately based on the findings of survey to be conducted in each district in this State in pursuance of the said directions of the Supreme Court.

2. The said survey has been conducted in all industries, establishments, shops, work places in urban and semi-urban catchment areas covering both hazardous and non-hazardous occupations and full survey of hazardous establishments in rural areas in all the 29 districts in this State by the respective Collectors in April, 1997. Their survey findings revealed that Child Labour was identified to have been employed in hazardous occupations in

urban and rural areas in 20 districts as detailed in the Annexure-I to this order and Child labour was identified to have been engaged in non-hazardous occupations in urban areas in 27 districts as detailed in the Annexure II to this order.

3. The Secretary to Government of India, in his letter second read above has requested this Government to take action for constitution of Child Labour Rehabilitation-cum-Welfare Fund and collection of compensation as envisaged in the said judgement and to advise the District Collectors to register Society for operationalising the fund as per the directions of the Supreme Court adopting the model "Memorandum of Association" formulated by the Principal Secretary, Government of Uttar Pradesh as per the recommendation of the 'Working Group' of the Conference of the Labour Ministers, Secretaries and Commissioners of all States held on 22.1.1997.

4. As a follow up of the orders already issued in paragraph 5 of the Government Order first read above, the Government constitute the 'District Child Labour Rehabilitation-cum-Welfare Fund' in each of the 20 districts as enlisted in the Annexure-I to this order.

5. The following shall be the modalities for creation, management and regulation of the District Child Labour Rehabilitation-cum-Welfare Fund constituted in paragraph 4 above:-

(1) Creation of the Fund:

(a) the compensation received from the employer(s) at the rate of 20,000/- for every child employed in contravention of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986):

(b) the compensation received from the State Government at the rate of Rs.5000/- per Child Labour in lieu of the inability of the State Government to provide employment to an adult member of the family of the child employed in a factory mine or any other hazardous employment;

(c) the grants, if any, from the Government of India or the State Government for furtherance of the aims and objectives of the Society; and

(d) the contributions from sources other than those mentioned in items (a), (b) and (c) above.

(2) Management and Regulation of the Fund:-

(a) The District Child Labour Rehabilitation-cum-Welfare Fund constituted in the following 11 districts shall be administered and regulated by a Society registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) under the name 'Child Labour Rehabilitation-cum-Welfare Society' by adopting the model Memorandum of Association and bye laws" as in the Annexure III to this order:-

1. Thiruvannamalai.

2. Kanniyakumari

3. Dindigul
4. Theni
5. Karur
6. Cuddalore
7. Madurai
8. Erode
9. Namakkal
10. Chennai
11. Thiruvallur

The operations of the said Fund in the above 11 districts shall be managed by the concerned Inspector of Labour of the respective district and his Office Staff/Subordinates under the overall administrative control of the District Collector and Chairman of the said Society for education of the children withdrawn from hazardous occupations/Processes. These 11 Societies shall also look after the provision, supervision and monitoring of the education of the Child Labour in non-hazardous occupation and processes in the above 11 districts. To that effect the Collectors of these districts shall make necessary changes in the aforesaid model Memorandum of Association and Bye-laws while registering the above society.

(b) The District Collectors of (1) Thoothukudi, (2) Tirunelveli, (3) Virudhunagar, (4) Pudukottai, (5) Tiruchirappalli, (6) Coimbatore, (7) Salem, (8) Vellore and (9) Dharmapuri Districts, where National Child Labour Project is in operation and where Project Societies to run the Project have already been registered as Societies under the Tamil Nadu societies Registration Act, 1975, are directed to open separate accounts under the name "District Child Labour Rehabilitation-cum-Welfare Fund" so as to be operated, managed and controlled by the existing respective National Child Labour Project Societies by effecting changes in the existing Memorandum of Association and Bye-laws of the existing Societies, wherever needed, adopting the model Memorandum of Association and bye laws given in Annexure-III to this order in consonance with the Tamilnadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975). Similar change may have to be effected in the existing Memorandum of Association and Bye-Laws of the existing National Child Labour Project Societies, wherever needed to provided for supervision and monitoring of education of Child Labour in non-hazardous establishments, by adopting the model Memorandum of Association and Bye-laws given in Annexure III to this order in concurrence with the Tamil nadu Societies Registration Act, 1975 (Tamil Nadu Act, 27 of 1975). There shall be no change in the composition of the National Child Labour Project Societies in the above 9 Districts. The existing National Child

Labour Project Societies in the above 9 district shall manage the affairs of the district Child Labour Rehabilitation-cum Welfare Fund constituted in their Districts.

(c) The said Fund shall judiciously be deposited in high yielding scheme of any Nationalised Bank or other Public Sector Undertaking Preferably in the Transport Development Finance Corporation or Tamil Nadu Power Finance Corporation approved by the Chairman of the Society by drawing the amount from the Deposit Account:

(d) The interest earning of the corpus of Rs.25,000/- per Child Labour to be deposited in the Child Labour Rehabilitation-cum-Welfare Fund shall be paid every month to the parents/guardian of every working child withdrawn from the hazardous occupations and processes and put into a school for receiving education in terms of orders dated 10.12.1996 of the Supreme Court of India in Writ Petition (Civil) No.465/86.

(e) The District Collectors and Chairman of the District Child Labour Rehabilitation –cum- Welfare Society referred to in paras 5(2)(a) and 5(2) (b) shall arrange (1) for withdrawal of the children identified to have been engaged in hazardous occupations in their jurisdiction as per the survey conducted during April, 1997 from their hazardous employment (2) for collection of Rs.20,000/- per child from the offending employers who employed these children in hazardous employment in contravention of the provisions of the Child Labour (Prohibition and Regulation Act, 1985 and deposit into the said Fund through the inspectors concerned notified under Section 17 of the Child Labour (Prohibition and Regulation) Act, 1986 and appointed in the Labour Commissionerate and Factories Inspectorate and

(3) for provision of either formal or non-formal education to these children in coordination with the concerned District Level Officers of Labour, Factories and Education Department.

(f) If any of these children withdrawn from hazardous occupation and put into school happen to drop out from education, the payment made to their parent/guardian as mentioned in para 5(2) (d) above shall forthwith be stopped.

6. The District Collectors of (1) Thiruvavur, (2) Villupuram (3) Thanjavur (4) Nilgiris (5) Sivaganga (6) Perambalur and (7) Ramanathapuram Districts, where Child Labour is prevailing only in non-hazardous occupations and processes in urban areas are directed to form the District Child Labour Rehabilitation-cum-Welfare Societies in their respective Districts adopting the model Memorandum of Association and bye-laws given in the Annexure-III to this order in consonance with the provisions of the Tamil Nadu Societies Registration Act, 1975 so as to provide, supervise and monitor the education of Child Labour in non-hazardous occupations and processes in Urban areas in their districts.

