

GOVERNMENT OF KARNATAKA

No. LD 124 CLC 2016

Karnataka Government Secretariat
Vikasa Soudha
Bengaluru, Dated:01/03/2019

NOTIFICATION

DISTRICT CHILD AND ADOLESCENT LABOUR REHABILITATION FUND SCHEME

Introduction: - In view of enactment of the Child and Adolescent Labour (Prohibition and Regulation) Act, 2016 by the Government of India w. e. f. 1st September 2016 and insertion of Section 14(B) in the amended Act, providing scope for Constitution of the “*Child and Adolescent Labour Rehabilitation Fund*”, it was necessary to revise the earlier *District Child Labour Rehabilitation-cum-Welfare Fund Scheme* framed by the State Government, which was notified vide Notification No.LD13LBW97(P) dated 29th September 1997. The Notification No.LD13LBW97(P) dated 29th September 1997 was formulated by the State Government keeping in view the directions of the Hon’ble Supreme Court in Writ Petition(c) No-465/1986 dated 10.12.1996. Hence the present *District Child and Adolescent Labour Rehabilitation Fund Scheme* is framed by the State Government, in supersession of the earlier Notification No-LD 13 LBW97(P) dated.29th Sept, 1997

- 1. Title of the Scheme and Commencement:-** This Scheme shall be called the *District Child and Adolescent Labour Rehabilitation Fund Scheme* and it shall come into effect from the date of its publication in official gazette by the State Government.
- 2. Objective:** The objective is to provide statutory financial assistance to the liberated child or adolescent.
- 3. Definitions:-** In this scheme, unless the context otherwise requires :-
 - (i) “**Act**” means the Child and Adolescent Labour (Prohibition and Regulation) Act 1986
 - (ii) “**Appropriate Government**” means in relation to establishment and operation of these funds the Government of Karnataka.
 - (iii) “**High Yielding**” means high profit deriving scheme of any Nationalized Bank.

All the other technical terms, which are not defined herein, carry the same meaning as given under the Child and Adolescent Labour (Prohibition and Regulation) Act, 2016.

4. Constitution of the Fund: The Fund shall comprise of the following:-

- (i) Amount of the fine imposed by the competent Court of Law and realized from the errant employer, as per Section 14(B) (1) of the Act.
- (ii) An amount of fifteen thousand rupees (Rs. 15000/-) credited by the Government of Karnataka as per Section 14(B) (2) of the Act to the fund for each child or adolescent for whom the fine has been credited under subsection (1) of section 14B of the Act.
- (iii) Amount of compensation collected at the rate of twenty thousand rupees (Rs.20,000/-) per child or adolescent from errant employer who engaged the child/adolescent as per the directions of the Hon'ble Supreme Court in Writ Petition(c) No-465/1986 dated 10.12.2017
- (iv) Any other amount permissible to be credited to this Fund by order of any Court of Law and by order of the Government of Karnataka.
- (v) The amount already existing under "Child Labour Welfare- cum Rehabilitation Fund Scheme" shall be treated as integral part of this Fund.
- (vi) The amount credited to the Fund shall be deposited in nationalized banks or as Invested per the directions of the Government of Karnataka
- (vii) The amount deposited or invested and the interest accrued on it, shall be paid to the concerned child or adolescent, in whose favour such amount is credited or invested in the nationalized bank
- (viii) In case of any doubts, in opening and operating of the account, Deputy Commissioner shall seek directions from the State Government, and in such cases the directions given by the State Government is final and binding.

5. Constitution of Advisory Committee:-

- i. In each District a District Advisory Committee shall be constituted for the purpose of managing the affairs of the Fund. The Committee shall comprise of the following officers;

(a)	Deputy Commissioner/District Magistrate	Chairman
(b)	Deputy Director of Public Instruction(DDPI)	Member
(c)	Deputy Director of Women and Child Development	Member
(d)	District Lead Bank Manager	Member
(e)	District Child Protection Officer	Member
(f)	Labour Officer	Member secretary

- ii. The Committee shall meet periodically, preferably and at least once in a quarter to discuss and decide on all issues related to the management of the fund.

6. Conditions for eligibility to receive Fund / Corpus income:-

- (i) The child or adolescent should have been employed in contravention of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- (ii) The child or adolescent so employed should have been duly withdrawn from the employment.
- (iii) The child or adolescent so withdrawn shall be admitted in appropriate school, or special training center, or any other learning system established and working as per Section 4 of RTE Act, 2009 or any other system created under law.
- (iv) The child or adolescent admitted to school/college shall continue in school/college.
- (v) The full details of child / adolescent including Photograph, Adhaar Card, Mobile Number, if any, shall be collected by the concerned person/Inspector as per the Performa prescribed by Government of India vide its Letter No-S-27013/1/2012-CL(part), dated:22.12.2016.
- (vi) The concerned person/inspector who rescues the child/ adolescent shall collect the Bank Account details of the liberated child/ adolescent or their parents/guardians compulsorily or take steps for opening of a Zero-balance account in any nationalized bank.

Provided that the benefit under this Scheme to the beneficiary child or adolescent /parent / guardian ceases to exist, once the child or adolescent is withdrawn from the school/college.

7. Powers and functions of Deputy Commissioner under the Scheme:.The Deputy Commissioner of District shall control and shall be responsible for management of the affairs of fund constituted under the scheme, including the following;

- (i) It shall be his duty to ensure fulfillment of the objectives of this Scheme including implementation of the directives of the Supreme Court Judgment and for, this purpose, he shall have all the powers to adopt and follow such procedures as he deems fit;

- (ii) He shall supervise and manage the work of the Inspectors appointed under Section 16 and section 17 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and issue such directions as are necessary for recovering all the compensation amount from the offending employers who employ child or adolescent in contravention of the provisions of the Act.
- (iii) He shall initiate all necessary steps expeditiously for getting funds from the appropriate Government, as its contribution at the rate of Rs. 15,000/- per child or adolescent employed in contravention of the provisions of the Act.
- (iv) He is also empowered to invest Corpus amount in any high yielding scheme. He is also empowered to determine the quantum of amount to be given to the beneficiary/parents of the child / adolescent labour and that quantum of amount shall be equivalent of the amount earned on Corpus Fund deposited on behalf of each child / adolescent labour.
- (v) He shall also exercise such other powers as deemed fit to prudently operate the funds support the liberated child/adolescent;

8. Maintenance of the Register under the Scheme: –

- (i) A Register shall be maintained in the office of the Deputy Commissioner of the District for the purpose of keeping particulars regarding the list of beneficiaries and that of the child and adolescent labour withdrawn from the occupations and quantum of amount granted to the parents of the child and all other relevant factors.
- (ii) The Deputy Commissioner shall send a monthly statement to the Secretary to Government, Labour Department furnishing the above particulars on or before 5th of every month.

9. Audit of Funds.- The annual audit of the accounts of the Fund shall be conducted by the Controller of the State Accounts. the Auditor or Auditors appointed shall be given access to all the books / information maintained by the Deputy Commissioner relating to accounts and vouchers thereto and shall thereafter sign the Auditor's declaration indicating separately on the form under his tour, a statement showing in what respect he find the accounts to be incorrect, unvouchered or not. The particulars given in this statement shall indicate.-

- (a) every payment which appears to be unauthorized or contrary to the provisions of the Scheme;

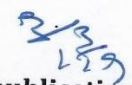
-(b) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any persons and
(c) the amount of any sum which ought to have been but not brought to account by any person.

**By order and in the name of
the Governor of Karnataka,**


(G.M Siddaraju)

Deputy Special Officer(clc)(I/c)
Labour Department.

To:


The Compiler, Karnataka Gazette for the publication in the extra-ordinary gazette of the next issue and to provide 200 copies to the Secretary to Government, Labour Department, Room No:414, 4th Floor, Vikasa Soudha, Bengaluru.

1. The Accountant General [G &SSA] Karnataka Bengaluru-01.
2. The Secretary to Government of India, Ministry of labour & Employment, Shram Shakthi Bhavan, Rafi Marg, New Delhi- 110 119 [Child Labour Section].
- ✓ 3. The Commissioner of Labour, Karmika Bhavan, Bannerughatta Road, Bengaluru - 29.
4. The Director of Factories & Boilers, Karmika Bhavan, Bannerghatta Road, Bengaluru -29.
5. The Director, Employees State Insurance Scheme Medical Services Department, Rajajinagar Bengaluru -10.
6. The President and Joint Labour Commissioner, Karnataka State Childlabour Eradication Project Society, Karmika Bhavan, Bannerughatta Road, Bengaluru -29
7. All Deputy Commissioners of Karnataka [Through Commissioner of Labour]
8. All District Labour Officers of Karnataka [Through Commissioner of Labour]

Copy to:

3

1. The PS to Hon'ble Minister of Labour, Vidhana Soudha, Bengaluru.
2. The PS to The Secretary to Government, Labour Department, Vikasa Soudha, Bengaluru.
3. Copy to Guard file. _____