



GOVERNMENT OF PUDUCHERRY

ABSTRACT

Labour Department - The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 - Puducherry Child and Adolescent Labour (Prohibition and Regulation) Rules, 1995 - Constitution of Puducherry Child and Adolescent Labour Rehabilitation Fund Scheme - Order - Issued.

LABOUR DEPARTMENT

G.O.Ms.No. 07/LAB/LO(WS)/AIL/2023

Puducherry, the 16 MAY 2023

READ: This Department's I.D.No.2552/AIL/LAB/2021 dated 13.12.2021.

ORDER:

The following Notification shall be published in the Official Gazette of Government of Puducherry:-

NOTIFICATION

In exercise of the powers conferred by section 14-B of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 read with rule 16-A of the Puducherry Child and Adolescent Labour (Prohibition and Regulation) Rules, 1995, the Lieutenant Governor, Puducherry is pleased to constitute a scheme, namely:-

1. *Short Title, Extent of application and Commencement.*- The scheme shall be called the "Puducherry Child and Adolescent Labour Rehabilitation Fund Scheme" and shall be operative for the Districts of Puducherry and Karaikal, from the date of publication of this Notification in the Official Gazette of the Government of Puducherry.
2. *Objective.*-The objective is to provide statutory financial assistance to the child or adolescent rescued in accordance with the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
3. *Definitions.*- In this Fund, unless the context otherwise requires,-

- (a) "Act" means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
- (b) "Appropriate Government" means in relation to operation of these funds, the Government of Puducherry.
- (c) "High Yielding" means high profit deriving scheme of any Nationalized Bank.

All the other terms, which are not defined herein, carry the same meaning as given under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

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

- (i) Amount of the fine realized from the employer of the child and adolescent as per Section 14-B (1) of the Act.
- (ii) An amount of Rs.15,000/- (Rupees Fifteen thousand only) credited by the Government of Puducherry in accordance with section 14-B (2) of the Act to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1) of section 14-B of the Act.
- (iii) As per the directions of the Hon'ble Supreme Court of India in Writ Petition (C) No. 465/1986, dated 10.12.1996, the amount of compensation collected at the rate of Rs.20,000/- (Rupees Twenty Thousand Only) per child or adolescent from the employer who engaged the child/adolescent and the contribution if any, made by the Government of Puducherry.
- (iv) Any other amount permissible to be credited to this Fund by order of any Court of Law or by order of the Government of Puducherry.
- (v) The amount already existing in the Canara Bank Account, Gingi Salai, Puducherry in the name of the "Puducherry Child Labour Rehabilitation Welfare Society" shall be treated as an integral part of this Fund.
- (vi) The amount credited to the Fund shall be deposited in Nationalized Banks or invested in high-yielding schemes as per the directions of the Commissioner of Labour.
- (vii) The amount deposited or invested and the interest accrued on it, shall be paid to the 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 Labour Commissioner shall seek directions from the Government of Puducherry and in such cases, the directions given by the Government of Puducherry is final and binding.

5. *Constitution of Advisory committee.* -

- (i) An Advisory Committee shall be constituted for the purpose of managing the affairs of the Fund. The Committee shall comprise of the following officers;
 - (a) Commissioner of Labour - Chairman
 - (b) Deputy Labour Commissioner - Member
 - (c) Director, Department of Women and Child Development - Member

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| (d) | Development District Lead Bank Manager | - Member |
| (e) | District Child Protection Officer | - Member |
| (f) | Labour Officer (Welfare Schemes) | - Member Secretary |

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

6. *Condition 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 rescued from the employment.
- (iii) The child or adolescent so rescued shall be admitted in appropriate school, or special training centre or any other learning system established and working as per section 4 of Right to Education Act, 2009 or any other system created under law.
- (iv) The child or adolescent admitted to school/college shall continue in school/college..
- (vi) The full details of child/adolescent including photograph, aadhaarcad, mobile number, if any, shall be collected by the concerned person/Inspector.
- (vii) The concerned person/Inspector who rescues the child/adolescent shall collect the Bank Account details of the child/adolescent so rescued or their parents/guardians compulsorily or take steps for opening of a zero-balance account in any Nationalized Bank:

Provided that the benefit given to the beneficiary child or adolescent/parent/guardian from the Fund at sub-clause (iii) of clause 4 ceases to be operative if the child would not be sent by the parent/guardian for education.

7. *Powers and functions of the Commissioner of Labour.-* The Commissioner of Labour shall control and shall be responsible for management of the affairs of the 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 such of the 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/- (Rupees fifteen thousand only) 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 to support the child/adolescent rescued.

8. *Maintenance of Registers.-*

(i) A register shall be maintained in the Office of the Labour Officer (Welfare Schemes) for Puducherry, Mahe and Yanam region and in the Office of the Labour Officer, Karaikal for Karaikal region for the purpose of keeping particulars regarding the list of beneficiaries and that of the child and adolescent labour rescued from employment in contraventions of the provisions of the Act and quantum of amount granted to the parents of the child and all other relevant factors.

(ii) The Labour Officer (Welfare Schemes), Puducherry, Labour Officer, Karaikal shall send a monthly statement of their respective District to the Secretary to Government, Labour Department, Puducherry furnishing the above particulars on or before the 5th of every month.

9. *Audit of funds.*-The annual audit of the accounts of the Fund shall be conducted by a Chartered Accountant. He shall be given access to all the books/information maintained by the Labour Officer (Welfare Schemes), Puducherry/Labour Officer, Karaikal 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 finds 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 Fund;
- (b) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person; and
- (c) the amount of any sum which ought to have been but not brought to account by any person.

// BY ORDER OF THE LIEUTENANT-GOVERNOR//

A. Muthamma
 (Dr. A. MUTHAMMA, I.A.S.,)
 SECRETARY TO GOVERNMENT (LABOUR)

To

The Director of Stationery & Printing, Puducherry, } with a request to publish the said notification in the
 } Official Gazette and to supply 20 copies thereof to this
 } Department for reference and record.

Copy to:

1. The District Collector, Puducherry / Karaikal.
2. The Labour Commissioner, Puducherry.
3. The Deputy Labour Commissioner, Puducherry.
4. The Regional Administrator, Mahe/ Yanam.
5. The Labour Officer, (Enforcement), Puducherry.
6. The Labour Officer, (Welfare Schemes), Puducherry.
7. The Inspector of Factories, Puducherry/Karaikal.
8. The Labour Officer, Karaikal.
9. The Assistant Inspector of Labour, Puducherry/Karaikal/Mahe/Yanam.
- ✓ 10. The Web Master, Labour Department, Puducherry.
11. G.O. File. 12. Spare.