

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

EXTRAORDINARY
प्राधिकार से प्रकाशित
Published by Authority

सं. 86 पोर्ट ब्लेयर, सोमवार, 05 अगस्त, 2024
No. 86, Port Blair, Monday, August 05, 2024

P-1850927/1/2023-Lab.Ins-I-LAB_AN/747
श्रम आयुक्त एवं डी ई टी का कार्यालय
OFFICE OF THE LABOUR COMMISSIONER & DET
अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सप्लाई लाईन, पोर्ट ब्लेयर
SUPPLY LINE, PORT BLAIR- 744101

NOTIFICATION

Port Blair, dated the 5th August, 2024.

No.81/2024/F.No.P-1850927/1/2023-Lab.Ins-I-LAB_AN/747.—In exercise of the powers conferred by Section 14-B of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 read with Government of India, Ministry of Home Affairs Notification No. SO 1081(E) dated 24/11/1988 and in pursuance of Rule 2 (da) of the A & N Islands Child and Adolescent Labour (Prohibition and Regulation) Rules, 1997, the Lieutenant Governor (Administrator), A & N Islands is pleased to constitute a scheme namely—

- Short Title, Extent of Application and Commencement :-** The scheme shall be called the "A & N Islands Child and Adolescent Labour Rehabilitation Fund Scheme" and shall be operative within the Jurisdiction of the Union Territory of A & N Islands from the date of publication of this Notification in the Official Gazette.
- Objective :-** The objective is to provide statutory financial assistance to the child or adolescent rescued in accordance with the provision of the Child and Adolescent Labour (Prohibitions and Regulation) Act, 1986.
- Definitions:-** in this Fund, unless the context otherwise requires:-
 - "Act" means the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.
 - "Appropriate Government" means in relation to operation of these Funds, the Lt. Governor (Administrator), A & N Islands.
 - "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.
- Constitution of Fund :-** The fund shall comprise of the following :-
 - Amount of the fine released 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 Secretary (Labour & Employment), A & N Administration in accordance with Section 14-B (2) 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 appropriate Government.
- iv. Any other amount permissible to be credited to this fund by order of any Court of Law or by order of the Appropriate Government.
- v. The amount credited to the Fund shall be deposited in Nationalized Banks or invested in high-yielding schemes as per the directions of the Secretary (Labour & Employment).
- vi. 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 Banks.
- vii. In case of any doubts, in opening and operation of the account, Labour Commissioner, A & N Administration shall seek directions from the Secretary (Labour & Employment) and in such cases, the directions given by the Secretary (Labour & Employment), 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. Labour Commissioner	• Chairman
b. Assistant Labour Commissioners (Port Blair / Rangat / Hut Bay)	• Members
c. Assistant Commissioners (South Andaman / North & Middle Andaman / Nicobar)	• Members
d. Director, Department of Social Welfare	• Member
e. Development District Lead Bank Manager (South Andaman / N & M Andaman / Nicobar)	• Members
f. District Child Protection Officer (South Andaman / N & M Andaman / Nicobar)	• Members
g. Labour Inspector, Port Blair	• 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 center 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.
 - v. The full details of Child / Adolescent including photographs, Aadhaar card, Mobile number, if any, shall be collected by the concerned person / Inspector.
 - vi. 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 compulsory 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 Labour Commissioner :—** The Labour Commissioner, A & N Administration 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 objective of this scheme including implementation of the directives of the Supreme Court Judgement and for this purpose, he shall have all 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 directives as are necessary for recovering all the compensation amount from such of the employees 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 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 by the Assistant Labour Commissioner, in the Office of the Labour Commissioner, for South Andaman District and the Assistant Labour Commissioner, Rangat and Hut Bay for North & Middle Andaman and Nicobar District respectively 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 Assistant Labour Commissioner of Port Blair, Rangat and Hut Bay shall send a monthly statement of their respective District to the Secretary (Labour & Employment), A & N Administration 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 ALC (Port Blair), ALC (Rangat) and ALC (Hut Bay) relating to accounts and vouchers thereto and shall thereafter sign the Auditor's declaration indication separately on the form under his tour, a statement showing in what respect he finds the accounts to be incorrect, un- vouchered 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 and in the name of the Lieutenant Governor
of A & N Islands

Sd./-
(K. SRINIVASA)
Additional Secretary (Labour)

