

**Website: [www.kwa.kerala.gov.in](http://www.kwa.kerala.gov.in)**  
**Mobile/ Whatsapp: +919495998258**

**Tel. 0471-2738300**  
Consumer Helpline Number  
**1916 [24X7] [Toll Free]**  
1916cckwa@gmail.com



## **KERALA WATER AUTHORITY**

**Jalabhavan**  
**Thiruvananthapuram – 695033**  
**Kerala - India**

### **PROCEEDINGS OF THE MANAGING DIRECTOR**

**PRESENT: Bhandari Swagat Ranveerchand IAS**

Sub: KWA- Providing Creche facility for children of women employees, separate toilets for women in all offices and providing incinerators - Reg

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**No KWA-JB/3448/2024-AE1**

**Date: 20-04-2024**

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Ref: 1. MATERNITY BENEFIT ACT, 1961.  
2. Section 11A of THE MATERNITY BENEFIT (AMENDMENT) ACT, 2017.  
3. National Creche Scheme for the children of working mothers.

Government have taken initiative through various laws to create women friendly workplaces. In order to make workplaces, women friendly, section 11 of the Maternity Benefit Act, 1961 was amended and section 11A of the Maternity Benefit Amendment Act, 2017 is as follows.

"Clause 11-A. (1) Every establishment having fifty or more employees shall have the facility of creche within such distance as may be prescribed, either separately or along with common facilities:

Provided that the employer shall allow four visits a day to the creche by the woman, which shall also include the interval for rest allowed to her.

(2) Every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment regarding every benefit available under the Act."

In KWA, there are women employees having children under and up to the age of 6 and some are parents of differently abled children. Therefore, workplace creche system has to be ensured in Kerala Water Authority offices also. As per the Maternity Benefit Amendment Act, 2017, every establishment having fifty or more employees shall have the facility of creche.

As per National Creche Scheme for the children of working mothers, it is important that adequate trained worker and helper are to provided for day care facilities and to supervise the functioning of the creche. In addition to creche worker, there should be one creche helper looking after children.

Own space of KWA as per availability has to be utilized for accommodating the creche. Necessary directions shall be given by administrative/establishment wing for the recruitment procedure of staffs and for meeting the administrative expenses of the creche. In Head Office, currently Jala Authority Cultural and Sports Samithi (JACSS) is running a creche. If similar models are functional in other offices, it can be thought of continuing the same provided the norms and conditions are satisfied.

Apart from this, adequate and separate toilet facilities have to be provided for women in all offices of KWA and incinerator facilities have to be provided for disposal of sanitary napkins in ladies toilets.

Expenses for the Creche facility can be met from Revenue Expenditure of KWA as per Minimum wages or Rate fixed by KWA Board. The wages of the trained worker and helper may be met from Revenue. Also, an additional Rs 150000 be provided to provide basic facilities at the creche currently in operation at Head Office, like a gate to ensure safety of kids and to allow them to play outside at particular times of the day so that they are not vitamin D deficient, the vehicles of employees in same or adjacent building be provided alternate space to park instead of outside the creche, the space outside the creche be fenced and facilities like swing or slides be provided in the compund, mosquito nets be put in all openings like windows and doors in the creche, beds and mattresses be provided if required, subject to Board approval.

The expenses for the construction of toilets and incinerators can be met from the head of account "Renovation of existing civil structures owned by KWA 2215-01-190-92 " (budget for the year 2024-25 Rs. 300.00 Lakh)

Hence, in order to make the organization women and children friendly, all Heads of offices are hereby directed to take necessary action for providing above facilities in their offices as per rules and guidelines. CE Gen and HRD to ensure that this is implemented at least in Head Office in next 3 months and in other offices in next 6 months. Review of action taken will be conducted by MD once in 3 months.

Signed by

Bhandari Swagat Ranveerchand las

Date: 20-04-2024 20:36:36

MANAGING DIRECTOR KWA

To

1. The Chief Engineers (SR/ CR/ NR/ Sewerage, PPD & WASCON)
2. The Director, SRI.
3. All the Superintending/ Executive Engineers.

Copy to: PA to (MD/JMD/TM), CA to (CE (HRD&GI)/ CE (P&O)/ FM&CAO/ Secretary) / DCE (GL) / Sr. AO.

**MATERNITY BENEFIT ACT, 1961**  
**(No. 53 of 1961)<sup>1</sup>**

**[12<sup>th</sup>. December, 1961]**

*An Act to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.*

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows: -

**1. Short title, extend and commencement.** -- (1) This Act may be called the Maternity Benefit Act, 1961.

(2) It extends to the whole of India <sup>2</sup>[\* \* \*]

(3) It shall come into force on such date as may be notified in this behalf in the Official Gazette, --

<sup>3</sup>[(a) in relation to mines and to any other establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government, and]

(b) in relation to other establishments in s State, by the State Government.

NOTES. – This Act came into force in relation to mines in the territories to which it extends on the 1<sup>st</sup>. November 1963 – *Vide* S.O. No. 2920, dated 5<sup>th</sup>. October, 1963, published in the *Gazette of India*, Part II, Sec. 3 (ii), dated 12<sup>th</sup>. October, 1963. This Act came into force in the whole of Uttar Pradesh with effect from 22<sup>nd</sup>. February 1974, *vide* notification No. 512 (V)-2/36-5-13 (V) 72, dated 22<sup>nd</sup>. February 1974.

**2. Application of Act.** -- (1) It applies in the first instance, to every establishment being a factory, mine or plantation <sup>4</sup>[including any such establishment belonging to Government and to every establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances]:

Provided that the State Government may, with the approval of the Central Government, after giving not less than two months' notice of its intention of so doing, by notification

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<sup>1</sup> Received the assent of the President on the 12<sup>th</sup>. December, 1961 and published in the Gazette of India, Extraordinary, dated 13<sup>th</sup>. December 1961. For Statement of Objects and Reasons see *Gazette of India*, Extraordinary, Part II, dated 6<sup>th</sup>. December 1960.

<sup>2</sup> Words “except the State of Jammu and Kashmir” omitted by Act 51 of 1970, Sec. 2 and Sch.

<sup>3</sup> Subs. by Act 52 of 1973, Sec. 2, w.e.f. 1-3-1975 – *Vide* notification No. S.O. 113A (E), dated 27-2-1975.

<sup>4</sup> Subs. by Act 52 of 1973, S.3.

In the official on In the official *Gazette*, declare that all or any of the provisions of this Act shall apply also to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise.

(2) <sup>5</sup>[Save as otherwise provided in <sup>6</sup>[sections 5A and 5B] nothing contained in this Act] shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 (84 of 1948), apply for the time being.

**3. Definitions.** -- In this Act, unless the context otherwise requires, --

- (a) "appropriate Government" means in relation to an establishment being a mine <sup>7</sup>[or an establishment where persons are employed for the exhibition of equestrian, acrobatic and other performances], the Central Government and in relation to any other establishment, the State Government;
- (b) "child" includes a still-born child;
- (c) "delivery" means the birth of a child;
- (d) "employer" means –
  - (i) in relation to an establishment which is under the control of the Government, a person or authority appointed by the Government for the supervision and control of employees or where no person or authority is so appointed, the head of the department;
  - (ii) in relation to an establishment which is under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed, the chief executive officer of the local authority;
  - (iii) in any other case, the person who are the authority which has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

[<sup>8</sup>(e) "establishment" means –

- (i) a factory;
- (ii) a mine;
- (iii) a plantation;
- (iv) an establishment wherein persons are employed for the exhibition of equestrian, acrobatics and other performances; or

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<sup>5</sup> Subs. by Act 21 of 1972, S.2.

<sup>6</sup> Subs. by Act 53 of 1976, sec. 2, for "section 5A". Act 53 of 1976 came into force w.e.f. 1-5-1976 – Vide notification No. S.O. 337 (E), dated 30-4-1976.

<sup>7</sup> Added by Act 52 of 1973, S. 4.

<sup>8</sup> Subs. by Act 52 of 1973, S. 4.

- (v) an establishment to which the provisions of this Act have been declared under sub-section (4) of section 2 to be applicable;]
- (f) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);
- (g) “Inspector” means an Inspector appointed under section 14;
- (h) “maternity benefit” means the payment referred to in sub-section (1) of section 5;
- (i) “mine” means a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952)
- (j) “miscarriage” means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage the causing of which is punishable under the Indian Penal Code (45 of 1860);
- (k) “plantation” means a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “State Government” in relation to a Union territory, means the Administrator thereof;
- (n) “wages” means all remuneration paid or payable in cash to a woman, if the terms of the contract of employment, express or implied, were fulfilled and includes –
- (1) such cash allowances (including dearness allowance and house rent allowance) as a woman is for the time being entitled to;
  - (2) incentive bonus; and
  - (3) the money value of the concessional supply of foodgrains and other articles,
- but does not include –
- (i) any bonus other than incentive bonus;
  - (ii) overtime earnings and any deduction or payment made on account of fines;
  - (iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the woman under any law for the time being in force; and
  - (iv) any gratuity payable on the termination of service;
- (o) “woman” means a woman employed, whether directly or through any agency, for wages in any establishment.

NOTES. – Sec 3 (f). – A factory does not include a mine subject to the operation of the Mines Act, 1952, or a railway running-shed.

Sec. 3 (j) – The definition of miscarriage is similar to the definition as given in Sec. 2 (14-B) of the Employees’ State Insurance Act, 1948.

**4. Employment of, or work by, women prohibited during certain period.** -- (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.

(3) Without prejudice to the provisions of section 6, no pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period specified in sub-section (4) any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

(4) The period referred to in sub-section (3) shall be –

- (a) at the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;
- (b) any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 6.

**5. Right to payment of maternity benefit.** -- (1) Subject to the provisions of this Act, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six weeks immediately following that day.

**Explanation.** – For the purpose of this sub-section, the average daily wage means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, or one rupee a day, whichever is higher.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than one hundred and sixty days in the twelve months immediately preceding the date of her expected delivery:

Provided that the qualifying period of one hundred and sixty days aforesaid shall not apply to a woman who has immigrated into the State of Assam and was pregnant at the time of the immigration.

**Explanation:** - For the purpose of calculating under this sub-section the days on which a woman has actually worked in the establishment, the days for which she has been laid-off during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks up to and including the day of her delivery and six weeks immediately following that day:

Provided that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

Provided further that where a woman, having been delivered of a child dies during her delivery or during the period of six weeks immediately following the date of her delivery, leaving behind in either case the child, the employer shall be liable for the maternity benefit for the entire period of six weeks immediately following the day of her delivery but if the child also dies during the said period, then for the days up to and including the day of the death of the child.

NOTES. – The term “week” means a cycle of seven days including Sundays;  
*B. Shah V. Presiding Officer*, A.I.R. 1978 S. C. 12.

<sup>9</sup>**[5-A. Continuance of payment of maternity benefit in certain cases. --** Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees’ State Insurance Act, 1948 (34 of 1948), to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Sec. 50 of that Act.]

<sup>10</sup>**[5-B. Payment of maternity benefit in certain cases. --** Every woman –

- (a) who is employed in a factory or other establishment to which the provisions of the Employees’ State Insurance Act, 1948 (34 of 1948), apply;
- (b) whose wages (excluding remuneration for overtime work) for a month exceed the amount specified in sub-clause (b) of clause (a) of section 2 of that Act; and
- (c) who fulfils the conditions specified in sub-section (2) of section 5, shall be entitled to the payment of maternity benefit under this Act].

**6. Notice of claim for maternity benefit and payment thereof. --** (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act may give notice in writing in such form as may be prescribed, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

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<sup>9</sup> Ins. By Act 21 of 1972, S. 3.

<sup>10</sup> Ins. By Act 53 of 1976, S. 3.

(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment until the expiry of six weeks after the day of her delivery.

(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on the production of such proof as may be prescribed that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed that the woman has been delivered of a child.

(6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Act if she is otherwise entitled to such benefit or amount and in any such case an Inspector may either of his own motion or on an application made to him by the woman, order the payment of such benefit or amount within such period as may be specified in the order.

NOTES. – See also Sec. 50 of the Employees' State Insurance Act, 1948, for conditions under which a woman becomes qualified to claim maternity benefit under this Act.

**7. Payment or maternity benefit in case of death of a woman.** -- If a woman entitled to maternity benefit or any other amount under this Act, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 5, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 6 and in case there is no such nominee, to her legal representative.

**8. Payment of medical bonus.** -- Every woman entitled to maternity benefit under this Act shall also be entitled to receive from her employer a medical bonus of twenty-five rupees, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

**9. Leave for miscarriage.** -- In case of miscarriage, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit for a period of six weeks immediately following the day of her miscarriage.

**10. Leave for illness arising out of pregnancy, delivery, premature birth of child, or miscarriage.** -- A woman suffering illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of such proof as may be prescribed, be entitled in addition to the period of absence allowed to her under section 6, or, as the case may be, under section 9, to leave with wages at the rate of maternity benefit for a maximum period of one month.

**11. Nursing breaks.** -- Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course



of her daily work two breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months.

**12. Dismissal during absence or pregnancy.** -- (1) Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus referred to in section 8, shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for any prescribed gross misconduct the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both.

(b) Any woman deprived of maternity benefit or medical bonus or both may, within sixty days from the date on which the order of such deprivation is communicated to her, appeal to such authority as may be prescribed, and the decision of that authority on such appeal, whether the woman should or should not be deprived of maternity benefits or medical bonus or both, shall be final.

(c) Nothing contained in this sub-section shall affect the provisions contained in sub-section (1).

**13. No deduction of wages in certain cases.** -- No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Act shall be made by reason only of –

- (a) the nature of work assigned to her by virtue of the provisions contained in sub-section (3) of section 4 : or
- (b) breaks for nursing the child allowed to her under the provisions of section 11.

**14. Appointment of Inspectors.** – The appropriate Government may, by notification in the Official *Gazette*, appoint such officers as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits of the jurisdiction within which they shall exercise their function under this Act.

**15. Powers and duties of Inspectors.** -- An Inspector may, subject to such restrictions or conditions as may be prescribed, exercise all or any of the following powers, namely: -

- (a) enter at all reasonable times with such assistants, if any, being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where women are employed or work is given to them in an

- establishment, for the purposes of examining any registers, records and notices required to be kept or exhibited by or under this Act and require their production for inspection;
- (b) examine any person whom he finds in any premises or place and who, he has reasonable cause to believe, is employed in the establishment:

- Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself:
- (c) require the employer to give information regarding the names and addresses of women employed, payments made to them, and applications or notices received from them under this Act; and
- (d) take copies of any registers and records or notices or any portions thereof.

**16. Inspectors to be public servants.** -- Every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**17. Power of Inspector to direct payments to be made.** -- (1) Any woman claiming that maternity benefit or any other amount to which she is entitled under this Act and any person claiming that payment due under section 7 has been improperly withheld, may make a complaint to the inspector.

(2) The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section (1), make an enquiry or cause an inquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector under sub-section (2) may, within thirty days from the date on which such decision is communicated to such person, appeal to the prescribed authority.

(4) The decision of the prescribed authority where an appeal has been preferred to it under sub-section (3) or of the Inspector where no such appeal has been preferred, shall be final.

(5) Any amount payable under these sections shall be recoverable as an arrear of land revenue.

**18. Forfeiture of maternity benefit.** -- If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of section 6 for any period during such authorized absence, she shall forfeit her claim to the maternity benefit for such period.

**19. Abstracts of Act and rules thereunder to be exhibited.** -- An abstract of the provisions of this Act and the rules made thereunder in the language or languages of the

locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.

**20. Registers, etc.** – Every employer shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

**21. Penalty for contravention of Act by employers.** -- If any employer contravenes the provisions of this Act or the rules made thereunder he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and where the contravention is of any provision regarding maternity benefit or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall in addition recover such maternity benefit or amount as if it were a fine, and pay the same to the person entitled thereto.

**22. Penalty for obstructing Inspector.** -- Whoever fails to produce on demand by the Inspector any register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by an Inspector, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

**23. Cognizance of offences.** -- (1) No prosecution for an offence punishable under this Act or any rule made thereunder shall be instituted after the expiry of one year from the date on which the offence is alleged to have been committed and no such prosecution shall be instituted except by, or with the previous sanction of, the Inspector;

Provided that in computing the period of one year aforesaid, the time, if any, taken for the purpose of obtaining such previous sanction shall be excluded.

(2) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any such offence.

NOTES. – Sections 21 to 23 deal with penalties under the Act and procedure to try offences committed under this Act.

**24. Protection of action taken in good faith.** -- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

**25. Power of Central Government to give directions.** -- The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution the provisions of this Act and the State Government shall comply with such directions.

**26. Power to exempt establishments.** -- If the appropriate Government is satisfied that having regard to an establishment or a class of establishments providing for the grant of benefit which are not less favourable than those provided in this Act, it is necessary so to

do, it may, by notification in the Official *Gazette*, exempt subject to such conditions and restrictions, if any, as may be specified in the notifications, the establishment or class of establishments from the operation of all or any of the provisions of this Act or of any rule made thereunder.

**27. Effect of laws and agreements inconsistent with this Act.** -- (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a woman is entitled to benefits in respect of any matter which are more favourable to her than those to which she would be entitled under this Act, the woman shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefit in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a woman from entering into an agreement with her employer for granting her rights or privileges in respect of any matter, which are more favourable to her than those to which she would be entitled under this Act.

**28. Power to make rules.** -- (1) The appropriate Government may, subject to the condition of previous publication and by notification in the Official *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –

- (a) the preparation and maintenance of registers, records and muster rolls;
- (b) the exercise of powers (including the inspection of establishments) and the performance of duties by Inspectors for the purposes of this Act;
- (c) the method of payment of maternity benefit and other benefits under this Act in so far as provision has not been made therefore in this Act;
- (d) the form of notices under section 6;
- (e) the nature of proof required under the provisions of this Act;
- (f) the duration of nursing breaks referred to in section 11;
- (g) acts which may constitute gross misconduct for purposes of section 12;
- (h) the authority to which an appeal under clause (b) of sub-section (2) of section 12 shall lie, the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;
- (i) the authority to which an appeal shall lie against the decision of the Inspector under section 17; the form and manner in which such appeal may be made and the procedure to be followed in disposal thereof;

- (j) the form and manner in which complaints be made to Inspectors under sub-section (1) of section 17 and the procedure to be followed by them when making inquiries or causing inquiries to be made under sub-section (2) of that section;
- (k) any other matter which is to be, or may be, prescribed.

(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session <sup>11</sup>[or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session, aforesaid,] both Houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**29. Amendment of Act 69 of 1951.** -- In section 32 of Plantation Labour Act, 1951, --

- (a) in sub-section (1), the letter and brackets “(a)” before the words “in the case of sickness,” the word “and” after the words “sickness allowance”, and clause (b) shall be omitted.
- (b) In sub-section (2), the words “or maternity” shall be omitted.

**30. Repeal.** -- On the application of this Act. –

(i) to mines, the Mines Maternity Benefit Act, 1941 (19 of 1941); and Maternity Benefit Act, 1929 (Bom. Act VII of 1929), as in force in that territory, shall stand repealed.

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<sup>11</sup> Subs. by Act 52 of 1973, S. 5.

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—17

REGISTERED NO. DL—(N)04/0007/2003—17



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 6]

नई दिल्ली, मंगलवार, मार्च 28, 2017/चैत्र 7, 1939 (शक)

No. 6]

NEW DELHI, TUESDAY, MARCH 28, 2017/CHAITRA 7, 1939 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th March, 2017/Chaitra 7, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 27th March, 2017, and is hereby published for general information:—

### THE MATERNITY BENEFIT (AMENDMENT) ACT, 2017

No. 6 OF 2017

[27th March, 2017.]

An Act further to amend the Maternity Benefit Act, 1961.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maternity Benefit (Amendment) Act, 2017.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint :

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

53 of 1961.

2. In the Maternity Benefit Act, 1961 (hereinafter referred to as the principal Act), in section 3, after clause (b), the following clause shall be inserted, namely:—

Amendment  
of section 3.

‘(ba) “commissioning mother” means a biological mother who uses her egg to create an embryo implanted in any other woman;’

3. In the principal Act, in section 5,—

Amendment  
of section 5.

(A) in sub-section (3)—

(i) for the words “twelve weeks of which not more than six weeks”, the

words “twenty-six weeks of which not more than eight weeks” shall be substituted;

(ii) after sub-section (3) and before the first proviso, the following proviso shall be inserted, namely:—

“Provided that the maximum period entitled to maternity benefit by a woman having two or more than two surviving children shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery;”;

(iii) in the first proviso, for the words “Provided that”, the words “Provided further that” shall be substituted;

(iv) in the second proviso, for the words “Provided further that”, the words “Provided also that” shall be substituted;

(B) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) A woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be.

(5) In case where the nature of work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree.”.

4. In the principal Act, after section 11, the following section shall be inserted, namely:—

“11A. (1) Every establishment having fifty or more employees shall have the facility of crèche within such distance as may be prescribed, either separately or along with common facilities :

Provided that the employer shall allow four visits a day to the creche by the woman, which shall also include the interval for rest allowed to her.

(2) Every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment regarding every benefit available under the Act.”.

Insertion of  
new section  
11A.

Crèche  
facility.

DR. G. NARAYANA RAJU,  
*Secretary to the Govt. of India.*



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 914]

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NEW DELHI, FRIDAY, MARCH 31, 2017/CHAITRA 10, 1939

श्रम और रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 31 मार्च, 2017

का.आ. 1026(अ).— केन्द्रीय सरकार, प्रसूति प्रसुविधा (संशोधन) अधिनियम, 2017 (2017 का 6) की धारा 1 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा --

(i) 1 अप्रैल, 2017 जिससे उक्त अधिनियम के प्रावधान, सिवाय धारा 3 की उप-धारा (5); तथा

(ii) 1 जुलाई, 2017 जिससे उक्त अधिनियम की धारा 3 की उप-धारा (5),

प्रवृत्त होंगे, ऐसी तारीख नियत करती है।

[फा. सं. एस-36012/03/2015-सा.सु.-I]

मनीष कुमार गुप्ता, संयुक्त सचिव

### MINISTRY OF LABOUR AND EMPLOYMENT NOTIFICATION

New Delhi, the 31st March, 2017

**S.O. 1026(E).**— In exercise of the powers conferred by sub-section (2) of section 1 of the Maternity Benefit (Amendment) Act, 2017 ( 6 of 2017), the Central Government hereby appoints—

(i) the 1<sup>st</sup> day of April, 2017 as the date on which the provisions of the said Act, except sub-section (5) of section 3: and

(ii) the 1<sup>st</sup> day of July, 2017, as the date on which sub-section (5) of section 3 of the said Act,

shall come into force.

[F.No.S-36012//03/2015-SS-I]

MANISH KUMAR GUPTA, Jt. Secy.

1833 GI/2017

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 934]

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No. 934]

NEW DELHI, MONDAY, APRIL 03, 2017/CHAITRA 13, 1939

श्रम और रोजगार मंत्रालय

शुद्धिपत्र

नई दिल्ली, 3 अप्रैल, 2017

का.आ. 1049(अ.).—दिनांक 31 मार्च, 2016 के का.आ. सं. 1026(अ.) के द्वारा भारत के राजपत्र, असाधारण, भाग-II, खण्ड-3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, श्रम और रोजगार मंत्रालय की दिनांक 31 मार्च, 2017 की अधिसूचना संख्या 914 में 'धारा 3 की उप-धारा (5)' शब्दों और अंकों के लिए दोनों स्थानों पर 'धारा 4 की उप-धारा (1)' शब्द और अंक पढ़े जाएं।

[फाइल सं. एस-36012/03/2015-सा.सु.-I]

मनीष कुमार गुप्ता, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

CORRIGENDUM

New Delhi, the 3rd April, 2017

**S.O. 1049(E).**—In the Government of India, Ministry of Labour and Employment notification No.914 dated 31<sup>st</sup> March,2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 1026 (E) dated the 31<sup>st</sup> March, 2016,—for the words and figures 'sub-section (5) of section 3', the words and figures 'sub-section (1) of section 4' may be read at both the places.

[F.No.S-36012/03/2015-SS-I]

MANISH KUMAR GUPTA, Jt. Secy.

1876 GI/2017

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NATIONAL CRECHE SCHEME  
FOR  
THE CHILDREN OF  
WORKING MOTHERS

GOVERNMENT OF INDIA  
Ministry of Women and Child Development  
New Delhi

# **NATIONAL CRECHE SCHEME FOR THE CHILDREN OF WORKING MOTHERS**

## **I. INTRODUCTION**

The Government's sustained initiative on education and employment of women has resulted in increased opportunities for their employment, and more and more women are now in gainful employment, working within or outside their homes. The growing industrialization and urban development has led to increased migration into the cities. The past few decades have shown a rapid increase in nuclear families and breaking up of the joint family system. Thus the children of these women, who were earlier getting support from relatives and friends while their mothers were at work, are now in need of day care services which provide quality care and protection for the children. Children who used to grow up in the secure and warm laps of their grandmothers and aunts are now confronted with an insecure and neglected environment; therefore women need a safe place for their children in their absence. It has become necessary to provide support to the young children in terms of quality, substitute care and other services while the mothers are at work. Effective day care for young children is essential and a cost effective investment as it provides support to both mothers and young children. Lack of proper day-care services is, often, a deterrent for women to go out and work. Hence, there is an urgent need for improved quality and reach of day care services/crèches for working women amongst all socio-economic groups both in the organized and unorganized sectors.

Women working in the organized sector can avail day care facilities for their children which their employers are obliged to provide under various legislations, (Factories Act 1948, Mines Act 1952, Plantation Act, 1951, Inter-State Migrant Workers Act, 1980 and NREGA 2005 make provision of day care mandatory). On the other hand, the need of the children of the women working in the un-organised sector still remains largely unaddressed.

There is a worldwide consensus among psychologists, educationists, paediatricians and sociologists regarding the significance of early years of life for the optimum development of child. Early childhood is a time of remarkable brain development that lays the foundation for later learning and any damage or

impoverishment suffered at this stage is likely to be irreparable. These are years of extreme vulnerability and tremendous potential during which adequate protection, care and stimulation are essential to provide the foundation for the child's well-being and development. Thus, there is a need to adequately address the developmental needs of the children in the crèches through Early Childhood Education and Development. Early Childhood Education and Development entails that young children be provided opportunities and experiences that lead to their all-round development – physical, social, emotional, language and cognitive abilities.

A lack of adequate nutrition and proper care has irreversible consequences. Poor nutrition has a negative impact on school enrollment and readiness. Undernourished children are less likely to enroll in school and would drop out, if enrolled. A severe or chronic lack of essential nutrients in childhood impairs language, motor and socio-emotional development. In addition, extending the provision of safe drinking water and proper sanitation would reduce infant and child mortality drastically. It is more cost effective to institute preventive measures and support for children early on than to compensate for disadvantage as they grow older. The need for child care services has been emphasized in the National Policy for Children, 1974, National Policy for Education, 1986, National Policy for Empowerment of Women, 2001 and the National Plan of Action for Children, 2005.

The Steering Committee on Women's Agency and Child Rights for the Twelfth Five Year Plan (2012-17) under the aegis of the Planning Commission has, in its report, stated that the National Crèche Scheme (NCS) has so far fallen short of its target of providing quality day-care services for children. Further, with the universalisation of ICDS, which aims to cater to a similar target group of children, and provides a larger gamut of services, the design of RGNCS needs a relook, to effectively reap the demographic dividend in the context of increasing needs of younger working women, patterns of migration and urbanisation, changing family support structures etc. The Committee has recommended that upgrading AWCs to AWC-cum-crèches and/or revision of norms, option of different flexible models, and procedures of RGNCS would therefore be the options that may be examined and taken forward in the next Plan period so that children can be provided community based safe and nurturing spaces for their growth and development.

In the above background and based on the experience gained/feed-back received from the implementation of the National Crèche scheme and recommendations of evaluation study conducted by National Institute of Public Co- operation and Child Development (NIPCCD), the present scheme has been revised for strengthening the existing programme components and thus making the services more effective in achieving the envisaged objectives. The revised scheme aims to make a significant impact on the Early Childhood Care Services for children up to 6 years of age in the country.

## II. DEFINITION

A crèche is a facility which enables parents to leave their children while they are at work and where children are provided stimulating environment for their holistic development. Crèches are designed to provide group care to children, usually up to 6 years of age, who need care, guidance and supervision away from their home during the day.

## III. OBJECTIVES

- (i) To provide day-care facilities for children (6 months to 6 years) of working mothers in the community.
- (ii) To improve nutrition and health status of children.
- (iii) To promote physical, cognitive, social and emotional development (Holistic Development) of children.
- (iv) To educate and empower parents /caregivers for better childcare.

## IV. SERVICES

The scheme will provide an integrated package of the following services:

- (i) Daycare Facilities including Sleeping Facilities.
- (ii) Early Stimulation for children below 3 years and Pre-school Education for 3 to 6 years old children.
- (iii) Supplementary Nutrition(to be locally sourced)**
- (iv) Growth Monitoring.
- (v) Health Check-up and Immunization.

## V. TARGET GROUP

The scheme focuses on children of 6 months to 6 years, of working women in rural and urban areas who are employed for a minimum period of 15 days in a month, or six months in a year.

## VI. COVERAGE

The Scheme has a pan India coverage. Preference would be given to poor children and children with special nutritional needs. As on January 2015, there are 23,293 functional crèches. This Scheme will continue as a Central Sector Scheme in rural and urban areas.

In the first year of implementation of the revised Scheme, the agencies will undertake an exercise to upgrade the infrastructure in the crèches to meet the requirements of the revised Scheme. In this period the agencies will also undertake intensive inspections and weed out non-functional and non-performing crèches in these areas.

## VII. NUMBER OF BENEFICIARIES AND FUNCTIONARIES

Ideally the number of children in the crèche should not be more than 25. Of these, at least 40 percent of children should, preferably, be below 3 years of age.

It is important that adequate trained worker and helper are available to provide day care facilities and to supervise the functioning of the crèche. In addition to crèche worker, there should be one crèche helper looking after children.

Accordingly, the details of number of children and requirement of staff in a crèche will be as under:-

S.No.	Age group of children	Number of children to be enrolled	Number of Crèche Worker	Number of Crèche Helper
1	6 months to 3 years.	10 (preferably)	01	01
2	3+ to 6 years	15		
	Total	25	01	01

The minimum qualification of Crèche Workers should be Class XII (intermediate) and that of the Helper, Class X (Matriculation). In case any suitable person with these qualifications is not available relaxation may be given by the State Government/District Administration. However, in any case, the qualification may not be less than Class X and VII respectively. The age limit for both the categories should be 18-35 years at the time of appointment.

To maintain the standards of care, the worker and helper should have minimum qualifications and requisite training at the time of appointment itself, so as to enable them to understand and cater to the children's individual needs and developmental capabilities. Thus, the NGO should engage only such staff in the crèches who have been trained in the last three years from approved training centres. The training will also be provided by the State Governments from their own resources.

## **VIII. PHYSICAL INFRASTRUCTURE**

### Location/Environment

The crèche should be located in a safe and secure place which is welcoming and child friendly. It is ideal to have the crèche near the homes of children or near the place of work of the mothers (at a walkable distance i.e.  $\frac{1}{2}$  - 1 km) for the following reasons:

- Mothers breastfeeding their babies can conveniently come to feed their babies.
- Parents can be contacted in case of emergencies
- It is easier to pickup, bring or send the child from home
- If a child is absent for a long period of time, the crèche worker can go herself to enquire about the child from his/her home.

As far as possible the crèche environment should be akin to the child's home atmosphere and should also reflect the life style of the community.

### **Crèche Building / Space Specifications**

***The crèche should not function from the crèche worker's/helper's home.***

The crèche should be preferably on the ground floor. Physical environment should be reasonably suitable for children with special needs. A crèche must have a minimum space of 6-8 sq. ft. per child (total 150-200 sq ft) to ensure that they can play,

rest, and learn without any hindrance and to ensure a safe and protective environment for children especially for those under 3 years. Care should be taken that there is sufficient space both indoors and outdoors (preferably of equal size) at the crèche. The space in the centre may be utilized in a multi-purpose manner, for example, playing area can be converted into a make-shift sleeping place for children by spreading out some durries and mats. This will facilitate organizing activities for the children to promote their development. In summers, the space outdoors should have a shaded area which is clean and safe.

In an ideal centre, the kitchen should be 25% of the covered area and toilet should be 5% of the covered area. The centre should have at least two rooms/a large hall with a roof of at least 10 ft. height for children to rest and sleep, and a playing area. The rooms should have well plastered walls having enough space for display of pictorial material in each room of the centre. There should be at least two windows placed at a height of not more than 3 ft above the ground with an area which is  $\frac{1}{5}$ <sup>th</sup> of the floor area. Doors and windows combined should have  $\frac{2}{5}$ th the floor area. The doors and gates should be constructed appropriately to ensure safety of children and also of material/equipments.

Whereas the State Government should make efforts to provide space for crèches through the local bodies, in case such space is not available, the crèche may be housed/located in a hired building.

### **Light and Ventilation Arrangements**

The Centre should be clean, well lighted with adequate ventilation. A fan should also be installed in crèches where electricity supply is available. In case there is irregular/no electricity supply; provision of installing an inverter may be made by the organization.



## **IX. OTHER FACILITIES**

### **Drinking water and Sanitary Facilities**

The centre must have safe and regular drinking water facility. For this, centre should install a water filter/purifier which should be cleaned regularly. In places where there is shortage of water, adequate arrangements for storage of water may be done. At least one tank of 300 liters capacity may be installed.

Child friendly toilets including for children with special needs should be available keeping in view the safety and security of children at the centre. A clean, Indian type child-friendly toilet with water facilities, soap, clean cloth/towel, garbage bin, wash basin/sink at low level and an exhaust fan should be part of the centre. The water tap should be placed at a height that can be used independently by children. The crèche should have a regular supply of cleaning material such as phenyl, disinfectants, brooms and swabs, dustbins, garbage bins etc. Regular supervision may be done for improving the services and maintaining hygienic conditions in crèche.

### **Food and Cooking Facilities**

Food provided to the children must have adequate nutritional value. As the Child stays for 7<sup>1/2</sup> hours in the crèche, three meals i.e. one morning snack/breakfast, one noon meal (hot cooked) and one afternoon snack may be provided. Small children may be provided milk, if required. There should be variety in the food that is given to the children every day. The food should be acceptable to both babies and children. For this, the worker should know what are the nutritious preparations suitable for children below 6 years, and they must cook them with due care and cleanliness.

The centre must have adequate cooking facilities, cooking utensils, utensils to feed the children – which should be cleaned regularly before and after use. The cooking area must be located at the place which is away from the activity area of the children to avoid accidents. Basic cooking equipment like stove, gas cylinder or

traditional chullhas; feeding equipment; storage bins and boxes must be available and safely placed.

### **Growth Monitoring**

Assessment of nutritional status of children using new WHO child growth standards is recognized as an important tool. The growth of children should be regularly monitored and recorded in separate growth charts for boys and girls, which should be maintained by the worker as per the new WHO child growth standards. Children in the age group 6 months to 3 years may be weighed on a monthly basis and children in the age-group 3 to 6 years may be weighed once in a quarter. For this, the State Government/NGO may tie-up with the nearest Anganwadi centre.

### **Health Check-up, Medicine & First Aid Kit**

The health check-up of all children registered in the crèche should be done at least once per quarter by a registered medical practitioner/doctors from Government Hospitals. The centre must at all times be equipped with basic First Aid & Medicine Kit containing paediatric medicines for common ailments like fever, body ache, vomiting, cough and cold, diarrhea, ear-ache, eye infection, stomach ache, worm infestation etc. and band-aids/ bandages, cotton wool and disinfectants for minor injuries. ORS packets, scissors, thermometer and antiseptic ointment should also be part of the medicine kit.

The crèche should also have a tie-up with the nearby Anganwadi centre/Public Health Centre and its workers for other health care inputs like immunization, polio drops etc. Further, in case of serious illness, children may be taken to private hospital.

### **Equipment and Play Material**

Within the centre, there should be sleeping facilities for children. Essential play material and teaching/ learning material which can be directly manipulated by children must be made available to meet the needs of pre-school children. Equipment, furniture

and toys should be available which are age appropriate and help to create an accessible and stimulating environment. The facilities shall include –

Type of Facility	Material/Equipment
Sleeping & Rest*	Durries, bed sheets, cradles/ cots, pillows, mats and mosquito nets and basic furniture to meet the requirement of the children
Play / Pre-school activities	Out-door equipment and material like swings, slides, material for balancing activities seesaw, sandpit etc. Pre School Education (PSE) Kit including games and toys for play activities – doll, ball, ring, picture books, puppets and material for painting & colouring
Cooking and Feeding	Gas stove, cooking utensils like pressure cooker, frying pans, feeding utensils like plates, bowls, spoons, tumblers etc.
Audio-Visual	Micro-processor based equipment which can also be used for interactive learning.
Storage	Plastic/aluminum drums/bins/boxes for storing food material and pre-school material

\* The cradles and cots should be made of washable material to maintain cleanliness.

## X. Community Participation

The local Mahila Mandals, SHGs, members of local bodies etc. may be encouraged to participate actively in the activities of the crèche. They may also be closely involved in the selection of Crèche Workers and helpers as also in the selection of beneficiaries.

## XI. CRECHE TIMINGS

The crèche timings need to be flexible. Crèches shall be open for 26 days in a month and for seven and half (7-1/2) hours per day as per the work schedule of majority of the mothers in the area, which may be from 7.00 a.m. to 2.30 p.m., 8.00 a.m. to 3..30 p.m or 9.00 a.m. to 4.30 p.m. If required, arrangements may be made for mothers who have longer working hours with extra payment for additional time at reasonable rates and on mutually agreed basis. .

## **XII. USER CHARGES**

User charges are necessary to bring in an element of community ownership and may be collected as under:

- BPL families - Rs 20/- per child per month.
- Families with Income (Both Parents) of upto Rs. 12,000/- per month - Rs 100/- per child per month
- Families with Income (Both Parents) of above Rs. 12,000/- per month - Rs 200/- per child per month

The collection of user charges will ensure better participation of the community and also increase the resources of the centre. The user charges so collected may be placed in a revolving fund with the State Government which, in consultation with local bodies, may be used for welfare of children and upgradation of facilities of the creches.

## **XIII. RECORDS AND REGISTERS**

The enrolment forms of children duly filled in by the parents should be available with the worker/helper after the child is registered at the crèche. In addition, the crèche worker and helper are required to maintain the following basic records and registers, which should be available for inspection at any time during the working hours of the crèche centres :-

- (i) Admission/ Enrolment register for recording profile of children and their parents including profession/income of both parents.
- (ii) Attendance register of children
- (iii) Attendance registers of functionaries.
- (iv) Health checkups records including immunization of the child
- (v) Register for consumable and non-consumable items
- (vi) Supplementary nutrition register for recording the food provided to the children.
- (vii) The medical record of children to be shared with doctor.
- (viii) Mother's meeting register
- (ix) Visitors register
- (x) Register for User fee

**All records and registers should have specific entry for severely underweight children.**

#### **XIV. TRAINING OF FUNCTIONARIES**

(a) The crèches should not only provide custodial care to children but also contribute to the overall development of the child. It needs to be fully recognized that running of a crèche is not an unskilled job but requires proper and appropriate training. It is therefore imperative that all crèche worker and helper be specially trained in child care before the crèche is functional. Thus, trained crèche worker and helper are a pre-requisite for opening a crèche. The training should have preferably been done within the last three years prior to their appointment. The training will also be provided by State Governments from their own resources. A certificate of training of crèche worker and helper may be furnished by the organization. Training of Trainers (TOT) may be conducted by NIPCCD on request from State Government.

(b) A training module prepared by NIPCCD shall be used for providing training to every crèche worker and helper after their appointment to orient them to provide better day care services and to build up child friendly environment in the Crèche Centre. The training module focuses on practical experiences in general hygiene, health and nutrition and specifically emphasizes the development and use of innovative teaching methods for pre-school children. Regular refresher training once in every two years is mandatory for both worker and helper which the State Government will undertake from its own resources.

(c) The training would enable crèche worker/helper to:

- Develop better understanding of critical issues of child survival, growth and development with special reference to children below three years and to orient them to integrated approach to child development.
- Emphasize on areas such as childcare, health care including first-aid.
- Inculcate basic personal hygienic habits in children
- Coordinate with AWWs/ASHA/ANM for immunization, health related services.

- Develop skills for monitoring growth of children.
- Develop basic understanding of nutritional needs of children and methods of cooking healthy, tasty and nutritious food.
- Develop basic understanding among the crèche workers/helpers about the need and importance of day care for children.
- Develop skills for organizing various activities to promote all-round development of children with adequate teaching/learning material.
- Develop skills in addressing the psycho-social care of young infants and toddlers.
- Develop an appreciation about the need of parent's participation and community involvement in the crèche programme and skills to work with parent and community

(d) After training the Crèche worker/helper will be expected to perform following functions:-

- Organize stimulation activities for children below 3 years.
- Organize pre-school education activities for children between 3 to 6 years of age.
- Prepare low cost teaching, learning material for children.
- Monitor growth of children and accordingly provide counseling to parents.
- Teach personal hygienic habits to the children.
- Prepare nutritious food for children attending the crèche centre.
- Keep the centre and its surroundings neat and clean.
- Motivate parents for immunization and coordinate with AWWs/ASHA/ANM for health related activities
- Provide proper arrangements for sleep and rest of children.
- Create awareness about better child care in the community through mothers' meetings
- Maintain records and registers
- Ensure visits by doctors/health workers

## **XV. IMPLEMENTATION OF SCHEME**

The NCS will be implemented as a Centrally Sponsored Scheme (CSS) where pattern of assistance for all components of the scheme will be in the cost sharing basis

of 60:30:10 amongst Centre, State Governments & NGOs running the crèches, 80:10:10 amongst the Centre, State Governments & NGOs running the crèches for the 8 North Eastern States and 3 Himalayan States and 90:10 between the Central Government and the NGOs running the crèches for the Union Territories. The State Government shall ensure the 10% contribution from the NGOs actually running the crèches and will provide documentary evidence/proof of 10% share.

### **A. Implementing Agencies**

Implementation shall be effected through the respective State Governments. These State Governments in turn could implement the Scheme through other suitable voluntary/ non-governmental organizations, if required. The State Government will run the crèches as per the Standard Operating Procedure (SOP).

### **B. Identification of Location**

The first step of project implementation exercise by the State Government would be to take over the crèche centers from the implementing agencies i.e. CSWB & ICCW in their respective States on “as is where is basis”. Thereafter, the next step would be to undertake an analysis of the requirement of crèche services at the district level based on a survey and a proper mapping of the existing crèches so as to assess the demand of crèches in the State. A meticulously conducted benchmark survey can generate valuable information on the early childhood care services in the State besides also helping in identification of beneficiaries for the crèche.

As part of the project formulation exercise, the State Government will have to ensure the inputs relating to recruitment and training of staff, health and nutrition services, awareness generation, pre-school education activities and linkages with Government Departments. The site of the crèche may be reviewed in consultation with local bodies.

### **XVI. LINKAGES/COORDINATION WITH GOVT. DEPTTS.**

State Government must ensure linkages with the local Primary Health Centre

(PHC)/Govt. Hospitals or Sub-centre in the area. The creche should also have a tie-up with the nearby Anganwadi centre and its workers for health care inputs like immunization, polio drops, basic health monitoring. Community support from local bodies is also envisaged in the scheme to ensure their participation.

## **XVII. MONITORING OF CRECHES**

Regular and strict monitoring may be conducted at different levels to ensure effective running of the scheme and also to ensure that the beneficiaries are delivered services as envisaged in the scheme. Monitoring of crèches being run under the scheme may be conducted at following levels.

- i. Local level monitoring.
- ii. District level monitoring by District Monitoring Committee to be headed by the District Magistrate and assisted by the District Child Protection Unit set up under the Integrated Child Protection Scheme.
- iii. Monitoring by Independent monitoring agencies.
- iv. Mobile/web based monitoring.
- v. Central Monitoring Cell

### **(a) Monitoring at Local Level**

Community support is also envisaged in the scheme to ensure their participation and to supplement the efforts of the Government. At the local level, a local crèche committee will be formulated in the area for close supervision and monitoring. The Local Crèche Committee may be constituted by the State Government through a notification/order and shall include members from Block level like Tehsildar/Block Development Officer, local Child Development Project Officer under the Integrated Child Development Scheme (ICDS) of the Ministry, a representative from the local Health Department and a Social Welfare Officer of the area. The local crèche committee would visit the crèche once in a month. The Committee would also look into the grievances of the beneficiaries/parents for redressal. The names of the Committee members with their contact numbers should be displayed at the crèche centre.

### **(b) Monitoring at District Level**



The monitoring committee at the District level should be headed by the Distt. Magistrate (assisted by District Child Protection Units set up under the Integrated Child Protection Scheme) and should also include Members of the Parliament in the District and the Members of the Legislative Assembly of that District. The Committee should carry out monitoring of the crèches every six months which may be conducted jointly with the Anganwadi Centres under ICDS Scheme.

**(c) Monitoring by Independent Agencies**

To ensure meaningful and effective assessment, the crèches should be monitored by independent organizations, selected by the Ministry of Women & Child Development which are not part of the implementation process.

Independent monitoring agencies must inspect every unit once in a year and submit their report to the Ministry. During monitoring, the independent agencies will inspect and verify the records of monitoring done at Local Level, and at District Level. Schools of Social Work, Home Science Colleges, Women's Studies centres and other reputed agencies may be engaged to monitor crèche units. They may be regularly provided list of sanctioned units in their respective areas with complete address and details of the NGOs/other agencies.

A lump sum one time grant of Rs.10,000/- would be given to each Identified agency and Rs.1000/- per crèche visit.

A uniform format may be prepared for the Monitoring Agencies. This will enable to ascertain that the basic minimum requirements are being met with in each crèche centre. The Monitoring Agency must review the centres in all their aspects, referring to the guidelines in particular.

**(d) Mobile/web based Monitoring**

In addition to the above monitoring, State Governments will make provision for Mobile/web based Monitoring by which the activity at the individual crèche can be monitored in real time. State Governments will submit an action plan and budget to

implement this on a pilot basis during the 12<sup>th</sup> Five Year Plan. For this purpose, an allocation of Rs 05.00 crores has been proposed. Based on the learnings and experience gained from the pilot, necessary changes will be incorporated prior to its implementation. Subsequently the coverage of web based monitoring will be increased to cover all the crèches under the scheme during next plan.

**(e) Central Monitoring Cell**

There would be Central Monitoring Cell in the Ministry for effective monitoring of creches all over the country to ensure that children are getting proper care, food and basic amenities in the crèche as per provisions of the Scheme. There would be one Project Manager at a remuneration of Rs. 40,000/- per month and two Project Officers at a remuneration of Rs. 30,000/- per month each.

**XVIII. Schematic Pattern**

The present scheme will provide grants to the State Governments/UTs for running crèches for children (6 months to 6 years) for various components as tabulate below:

**Financial Assistance/Recurring Grant:****A. Recurring Grant (For a crèche of 25 children)**

<b>S.No</b>	<b>Item</b>	<b>Ceiling of expenditure (Rs. per month)</b>	<b>Expendiure per annum (Rs.)</b>
<b>1.</b>	<b>Honorarium</b>		
(a)	Crèche worker	Rs. 3000/- per month	Rs.36000/-
(b)	Creche helper	Rs. 1500/- per month	Rs. 18000/-
(c)	Doctor	Rs.250/ - per visit per quarter	Rs.1000/-
<b>2.</b>	<b>Supplementary nutrition for 26 days in a month</b>		
	Rs. 12.00 per child per day for 25 children	Rs 7800/- per month	Rs.93600/-
<b>3.</b>	<b>Other Items</b>		
(a)	Medicine Kit	Rs. 500/- six monthly	Rs.1000/-
(b)	PSE Kit	Rs. 2000/- per year	Rs.2000/-
(c)	Monitoring by independent agencies (once in a year)	Rs.1000/- per crèche per visit	Rs.1000/-
<b>4.</b>	<b>Total Expenditure</b>		<b>Rs.152600/-</b>

The grants will be shared between Centre, States & NGOs on the following basis:

- (i) 60:30:10 amongst Centre, State Governments and NGOs running the crèches.
- (ii) 80:10:10 between Centre, Himalayan & North Eastern States and NGOs running the crèches.
- (iii) 90:10 between Centre and NGOs running the crèches for Union Territories.

**Non-recurring Grant**

The provision of non-recurring grant has been made in the scheme to enable NGOs to provide the basic minimum facilities to ensure that children in the crèche have a hygienic and healthy child friendly environment for their proper growth and development.

**A.Non-Recurring Grant (For a crèche of 25 children)**

S.No.	Item	Ceiling of Expenditure	Expenditure
1.	Non-recurring grant for a period of five years	Rs 10,000/- once in the beginning of every new crèche and a subsequent grant of Rs. 5000/- at an interval of five years towards replacement/purchase of equipment/ furniture, water filter, etc.	(i) Rs.10,000/- (ii)Rs.5,000/-
2.	One time grant for Monitoring Agencies	Rs.10,000/- once	Rs.10,000/- (100% Central Share)
3.	One time grant for Mobile/web based monitoring	Rs 5.00 crore (For implementation on pilot basis)	Rs.5.00 crore (100% Central Share)

The grants will be shared between Centre, States & NGOs on the following basis:

- (i) 60:30:10 amongst Centre, State Governments and NGOs running the crèches.
- (ii) 80:10:10 between Centre, Himalayan & North Eastern States and NGOs running the crèches.
- (iii) 90:10 between Centre and NGOs running the crèches for Union Territories.

## **XIX. Role & Responsibilities of NGOs Running Crèches**

### **(A) Infrastructural facilities:**

- Crèche should not be located in crèche worker's/helper's home.
- The crèche must be clean, well-lighted with adequate ventilation. It should have at least two rooms as per the specifications laid in the scheme. Also adequate safe play area outside the centre should be ensured.
- Provision of at least one fan and tube light/CFL in each room. Provision of an inverter is to be made if there is frequent electricity cut down in the area.
- Conduct field level surveys for assessment of needs of community, identifying location of the crèches and also eligible children.
- Coordinate with village/local leaders/PRI's and stakeholders for identifying/reviewing site for the crèche.
- Observance of certain minimum standards in provision of absolutely essential crèche services - sleeping space, child friendly toilets, safe drinking water facilities, supplementary nutrition (3 times), health check-ups etc.
- Ensuring availability and replenishment of the consumable items like cots, mattresses, walkers, towels, buckets, cooking, serving utensils etc.
- Recruitment of crèche workers/helpers as per the guidelines laid down in the scheme.
- All crèche workers/helpers to be provided short term training. The training institutions of ICDS functionaries i.e. Anganwadi Workers Training Centres (AWTCs) & Middle Level Training Centres (MLTCs) may be utilized in addition to the institutions identified by State Government. A certificate to this effect should be attached with application while applying for new creches.

### **(B) Service Delivery**

- Concerted efforts must be made to enroll more children below 3 years of age. Close monitoring during enrolment is required by the voluntary organizations so that intended target group is not left out. The voluntary organizations should

make efforts to enroll children of working mothers of the area.

- Adherence to timings of the crèche for 7<sup>1</sup>/<sub>2</sub> hours for 26 days in a month. The timings for opening of the crèche can be fixed in accordance with the requirements of local community.
- It is imperative on the part of the organization actually running the creche to arrange indoor and outdoor play material for children in sufficient quantity in order to provide conducive environment for learning through play way method.
- Since the scheme has the provision of supplementary nutrition (**to be locally sourced**), the kitchen and storage facility for food grain is imperative. Storage facility like a separate small room, storage drum and covered tins etc. should be provided by the organization.
- Involvement of SHGs / women groups in supply of supplementary nutrition can be ascertained which is to be locally sourced.
- Ensuring availability of First-aid and Medicine kit at all times.
- Organization of Mothers' meeting on issues pertaining to nutrition such as growth monitoring, feeding of children and health related information.
- Ensuring continuous participation of people to support the programme. The approach of organization should be educative to gear up community for active participation in the programme.
- Display of information on number of crèche, name of the village/location, name of crèche workers and helpers, name of NGO with contact numbers contact number of the chief of organization, name of doctor visiting the crèche, names of local committee members and menu of Supplementary Nutrition, etc. at the crèche site.
- Mobilize community support for the programme by conducting community meetings and home visits and to create awareness among community to utilize the services of crèches so that women are confident to leave infants at the crèche.

**(C) Financial Management**

- Maintenance of Record of assets acquired wholly or substantially out of the grant

received from Government of India.

- Timely submission of Statement of expenditure (SOE) supported by utilization certificate & audited accounts.
- Collection of user charges and its utilization for welfare of the children – celebrating birthdays/festivals etc., maintenance of crèche building etc.
- Regular payment of honorarium to worker by NGOs may be ensured.
- Establishing reward system for appreciation of work.

**(D) Coordination and Convergence**

- Ensure linkages with the local PHC/sub centre/Govt. Hospital in the area for immunization and basic health check up of children.
- Ensure convergence with other schemes and programmes like ICDS, SSA, and MGNREGS etc within the vicinity.
- Arrangements for doctor's visit for medical check-up of children should be ensured. Unwillingness of qualified doctors to visit far flung crèche centres in rural areas needs to be adequately compensated.

**(E) Supervision of Crèches**

The State Government will ensure proper supervision of the functioning of crèches so that services of the prescribed standard are provided to the children. This will be ensured by way of regular periodic visits (both, planned as well as surprise visits).

**(F) Pre-conditions for Applicability of revised norms to existing crèches**

- The minimum space requirement of 6-8 Sq ft. per child may be adhered to. It is mandatory that crèche should not run from crèche worker's/helper's house.
- Proper environment like proper ventilation, lighting facilities and hygienic conditions.
- All crèche workers and helpers need to be trained. No funds would be released to NGOs who have untrained crèche workers/helpers.
- It is mandatory for the Non Governmental Organisations(NGOs)/ Voluntary Organisations(VOs) to run crèches for 7<sup>1</sup>/<sub>2</sub> hrs. duration.

- A baseline survey will be conducted by State Government in the month of March every year to ascertain the requirement/willingness of children to attend the crèches.
- All children attending crèches to be provided with identity cards.
- NGOs/VO should give undertakings regarding fulfillment of the above conditions to the State Government/ UT before the funds are released to them.



**XX. Evaluation of the Scheme**

To assess and ensure success of the scheme, evaluation of the scheme will be done, by an independent, impartial and reputed agency, particularly to assess the impact of the scheme on the intended beneficiaries, possible changes, modifications and improvements in the delivery of services to the beneficiaries as also to identify the gaps in the implementation of the scheme and to suggest remedies, thereof. An amount of Rs.1.00 crore has been provided for evaluation of the scheme during the XII Plan period.

**XXI. In case of default**

(a) In the event of any violation or breach of any provision of the scheme or the NGO/Crèche ceasing to exist at any time, all assets created out of Government grant shall revert to the Government of India/State Government or the amount involved would be recovered as under the Indian Penal Code, as may be applicable.

(b) In addition to this, in the case of any misappropriation of funds by NGO/VO, the State Government would initiate criminal proceedings by lodging an FIR against the defaulting NGO/VO, and taking strict legal action in order to recover the grant with a penal rate of interest as agreed in the bond to be furnished before the release of next grant.

(c) In case of any minor default (like keeping less children in crèche and reporting higher number, badly treating the children, making wrong entry in the book of records and keeping such children who are not covered under the scheme by the NGOs/VOs), the Ministry on its own or on recommendation of the State Govt. shall be empowered to deduct up to 10% of the sanctioned amount as penalty. For a major default (like siphoning of funds for some other purpose and submission of forged documents), besides the action proposed in the preceding paras, the name of the organization will be listed as a blacklisted organization in the Ministry's website. Ministry shall also refuse grants/assistance to an organization in which the person, who is in the Board of Management of the blacklisted organization, is also a trustee/member of the Board of Management.

## **XXII. Transitional Provisions**

The State Government will undertake a comprehensive review of all the existing crèches with in a time-bound manner through a well defined mechanism and criteria. The criteria for furnishing the report by State Government would include but not be limited to:

- Location of the crèche and need assessment;
- Condition of the building where it is situated and the size of the crèche;
- The number of existing children and the number which could be accommodated within the crèche in future;
- Strength of the staff and the manner in which the crèche is being managed;
- Facilities available to the children of the crèche;
- Adequate number of children enrolled during last five years or since the inception of the crèche.

## **XXIII. Conditions for Release of Grants**

NGOs/Organisations will get themselves registered with the respective State Governments from whom they are seeking grants-in-aid for running the crèches. NGOs/Organisations already running the crèches under the scheme will also get themselves registered with the State Government before seeking further grant-in-aid. While registering NGOs/Voluntary Organisation, State Government will ensure that the NGO/Voluntary Organisations have sufficient facilities for safety & security of children in the crèche and they should also have the Aadhar Number of Key Functionaries of the Crèche and beneficiaries ie children. NGOs applying for grants should be registered with the NGO Partnership System (NGO PS) and should have the Unique ID. Accordingly, while applying for any grants, the NGOs/VOs should:

- (a) Quote the Unique Id generated from the NGO-PS portal;
- (b) Furnish the details regarding Unique ID, PAN, Aadhar numbers, Email ID and Mobile No. of each of its Office bearers/ Board of Directors/ Members.”

Grants will be released on quarterly basis to the State Government on receipt of consolidated proposal alongwith requisite documents as per GFR. The grants will be released on the basis of actual number of children being provided facilities on a monthly basis under the scheme. No grants will be released, in case, the number of children in a

particular month falls below 10. In cases where number of children for a particular month is less than 25 but more than 9, cost towards Supplementary Nutrition will be provided on pro- rata basis.

Application for the release of grants shall be accompanied by a statement of accounts by State Government and a Utilization Certificate, signed by Govt. Auditors/Secretary or Director of the State Government. However, final installment (ie fourth quarter) shall be released only after audited statement of accounts and a Utilization Certificate signed by Govt. Auditors/Secretary or Director of the State Government for the previous year is also received and found in order. The utilization certificate should be provided as per proforma given in the GFRs as at Annexure-B. In addition State Government will obtain from each NGO/VO an undertaking/certificate to the effect that crèches are functional and running as per stipulated norms along with details of functional crèches for which grant has been requested (Proforma at Annexure C). On the basis of said undertaking/certificate, the State Government will furnish consolidated list of functional crèches alongwith proposal for release of grants.

#### **XXIV. Procedure for submission of application for Opening/Closure of Crèche**

NGO/VO will forward application for a crèche through the State Government. State Government will forward the application for opening of a crèche to the Ministry after duly recommending the same. No crèche will be opened/relocated without the approval of the Ministry. However, new crèche may be opened/relocated with the approval of the Ministry only in lieu of closed crèches, where Anganwadi Centre-cum-Creche under ICDS does not exist or is not proposed to be established.

Application should be made in the prescribed form given at Annexure-A. Each application should be accompanied by the Documents mentioned in para 7 of the application form.

In case State Government decides to close any of its crèches due to mal-functioning or otherwise, a report of the same shall be sent to the Ministry.

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**Annexure-A**

**NATIONAL CRECHE SCHEME FOR THE CHILDREN OF WORKING  
MOTHERS  
APPLICATION FORM**

Note (Application received in an incomplete form will not be entertained.)

1. Name of the Institution/organization & names of owner and Board of management members alongwith details of PAN, Aadhar numbers, Unique ID generated from NGO PS Portal, email id and mobile number.
2. Brief history of the Institution/Organization including the details of its All India Character, if any, and its objects and activities:
3. Whether recognized by the State Government:
4. Whether registered under Indian Societies Registration Act, 1860 (ACT XXI of 1860)
5. Does the institution/organization work for profit to any individual or body of individuals?
6. Whether organization is/was running any crèches. If so, details of number of beneficiaries (ie children of 6 months- 6 years of age) and the number of crèches run by the organization.
7. Details of the crèches, number of beneficiaries (i.e. children in the age group of 6 months to 3 years and 3-6 years) and likely dates of commencement of the crèche project for which grant is applied alongwith justification for the project indicating its important features which entitle it to central assistance
8. Names, postal address and qualification of crèche worker and helper .
9. Amount of grant requested for one year and source of funding for the organizational share of 10% (minimum):

Item	GOI Share	State Government Share	<b><u>10% organization share(i.e. NGO actually running the crèche)</u></b>	Total	<b><u>Source of funding for NGOs (10%)</u></b>
Non-Recurring (Item wise)					
Recurring(Item wise)					

Total					
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10. Is accommodation available for running the crèches to or temporary shelter is proposed to be improvised? (Own/Rented Building)

11. List of papers/statements to be attached (as per appendix).

**Signature of Secretary/President.**

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**Appendix**

**List of papers/statements to be attached with Application**

1. Audited accounts for last 3 years along with a copy of their certified balance sheet for the previous year:
2. A statement giving details (year, purpose, amount etc.) of assistance received during the last 3 years from the Central/State Government, Central Social Welfare Board, local bodies or any other quasi-Government institutions including requests made thereof to any one of these or any other organization for the project under consideration or for any other project:
3. Qualification of Crèche Worker and helper.
4. Certificate of Training of Crèche Worker and helper.

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**Annexure-B**

**Utilization Certificate**

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Sl.No.	Letter No. and date	Amount

Certified that out of Rs..... of grants-in-aid sanctioned during the year.....in favour of.....under this Ministry/Department Letter No. given in the margin and Rs. .... on account of unspent balance of the previous year, a sum of Rs. ....has been utilized for the purpose of.....for which it was sanctioned and that the balance of Rs.....remaining unutilized at the end of the year has been surrendered to Government (vide No....., dated.....)/will be adjusted towards the grant-in-aid payable during the next year.....

2. Certified that I have satisfied myself that the conditions on which the grants-in-aid was sanctioned have been duly fulfilled/are being fulfilled and that I have exercised the following checks to see that the money was actually utilized for the purpose for which it was sanctioned.

Kinds of checks exercised

- 1.
- 2.
- 3.
- 4.
- 5.

Signature.....  
 Designation.....  
 Date.....

**ANNEXURE-C****Certificate**

It is certified that \_\_\_\_\_ (Number) creches are functional and running as on \_\_\_\_\_, 2017 as per stipulated norms and \_\_\_\_\_(number) of children are benefited under the RGNCS. Details are as attached.

2. It is also certified that a sum of Rs. \_\_\_\_\_ has been received from organizations(towards 10% organizational share) actually running the creches at ground level during the previous 1st/ 2<sup>nd</sup>/3<sup>rd</sup>/4<sup>th</sup> quarter from \_\_\_\_\_ to \_\_\_\_\_. These amount has been deposited in the Bank. (A/c \_\_\_\_\_).

3. An amount of Rs. \_\_\_\_\_ received on account of user charges during the quarter was received by the State/UT Government & the same has been utilized to provide following facilities:-

- (i)
- (ii)
- (iii)

Signature-----  
Designation-----  
Date :-----

**List of Crèches under National Creche Scheme(NCS)**

S.No	Name of the States/UTs	No. of approved crèches	No. of functional crèches	No. of Children Enrolled	Remarks
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	
				6months-3 yrs - 3-6 yrs -	