



CHILD LABOUR ACTS AND POLICIES IN INDIA

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INTRODUCTION

In the latter part of the 20th century, child labour remains a serious problem in many parts of the world. Many of these children live in underdeveloped countries in Latin America, Africa, and Asia. Their living conditions are crude and their chances for education minimal. The income they bring in is, however, necessary for the survival of their families. In other cases, children are bonded, working to pay off an initial cash advance from the employer with escalating interest which leaves them effectively slaves.

India has also been participating in the International Programme on Elimination of Child Labour (IPEC) of the International Labour Organisation (ILO). But the problem remains vast, and finding resources for rehabilitation schemes, given the magnitude of the problem, is a continuing challenge.

OBJECTIVES OF THE STUDY

The main objectives of the present study are:

- To know and understand the term child labour.
- To reveal causes of children coming in labourship.
- To study child labour pertaining Acts of India.
- To highlight policies framed by Government of India for eradication of child labour.

DATA BASE

The present study is of descriptive type. The entire study is based on secondary sources of data. The secondary data has been collected from reputed journal and websites. In order to fulfill designed objectives of the present study the secondary data has been assembled.

CHILD LABOUR

The term *child labour* suggests ILO, is best defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school or experience a healthy childhood.

Child labour is the practices of having children engage in economic activity, on part or full-time basis. The practice deprives children of their childhood, and is harmful to their physical and mental development.

There is no universally accepted definition of "child Labour". Varying definitions of the term are used by International Organizations, Non-Governmental Organisations (NGOs), Trade Unions and Other Interest |Groups.

The child labour programme in India is national in character and involves the Government of India,, the Governments of the States and the Union Territories of India, as well as such tripartite for as the Indian Labour Conference and the Standing Labour Committee. A massive national and regional media campaign has been launched to sensitize society against child labour. Funds have been allocated to districts identified as child-labour endemic for surveys to identify child labour, and for awareness generation programmes among employers, parents and the working children themselves.



WHAT CAUSES CHILD LABOUR TODAY?

- Poverty is widely considered the top reason why children work at inappropriate jobs for their ages.
- Family expectations and traditions.
- Abuse of the child.
- Lack of good schools and day care.
- Lack of other services, such as health care.
- Public opinion that downplays the risk of early work for children.
- Uncaring attitudes of employers.
- Limited choices for women.
- Growth of informal economy.

Child Labour Pertaining Acts of India

India's policy on child labour has evolved over the years against this backdrop and its present regime of laws relating to child labour has a pragmatic foundation, consistent with the International Labour Conference resolution of 1979. This ILO resolution calls for a combination of prohibitory measures and measures for humanizing child labour, wherever such labour cannot be eliminated altogether in the short turn. There are various Acts in India about child labour protection.

The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on whom, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine.

The Child Labour (Prohibition and Regulation) Act of 1986: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.

The Juvenile Justice (Care and Protection) of Children Act of 2000: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage.

The Right of Children to Free and Compulsory Education Act of 2009: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

Policies Framed by Government of India for Eradication of Child Labour: Policies for eradication of child labour are framed by the Government of India and of which some policies are highlighted here-

Central Advisory Board on Child Labour: The Central Advisory Board on Child Labour was constituted on 4th March, 1981. The following are the terms of reference of the Board:

- Review the implementation of the existing legislation administered by the Central Government.
- Suggest legislative measures as well as welfare measures for the welfare of working children.
- Review the progress of welfare measures for working children.
- Recommend the industries and areas where there must be a progressive elimination of child labour.

The Board was *reconstituted* last on November 2, 1994. The Union Labour Minister is the Chairman of the Board. The other Members of the Board include representatives from the various sister ministries, Members of Parliament, NGOs, representatives of major Trade Unions and Employers' Organizations.



Status of Free and Compulsory Education: India's National Policy on Education, 1986 gives the highest priority to the programme of universal elementary education, and recommends that free and compulsory education of sufficient quality be provided to all children up to the age of 14 years. The present thrust is on three aspects, namely, universal access and enrollment, universal retention of children up to 14 years of age, and substantial improvement in the quality of education to enable all children to achieve essential levels of learning. All these aspects have been incorporated in the various initiatives taken up by the Ministry of Human Resource Development.

All the State Governments have abolished tuition fees in Government schools up to the upper primary level education. In schools run by local bodies and private-aided institutions is almost free. However, unaided institutions (3 to 7%) do charge fees. Compulsory Education Acts have been enacted.

The National Child Labour Policy: Increasing attention is now being paid to strengthening the enforcement machinery related to child labour. The Government of India adopted a National Child Labour Policy in 1987, in accordance with the constitutional provisions and various legislation on child labour. The idea of adopting a separate policy on child labour was not only to place the issue on the nation's agenda, but also to formulate a specific program of action to initiate the process of progressive elimination of child labour. The policy consists of three complementary measures:

- **Legal Action Plan:** This policy envisages strict enforcement of the provisions of the Child Labour (Prohibition & Regulation) Act, 1986 and other child-related legislation.
- **Focus On General Development Programmes Benefiting Children Wherever Possible:** The policy envisages the development of an extensive system of non-formal education for working children withdrawn from work and increasing the provision for employment and income generating schemes meant for their parents. A special cell - *Child Labour Cell* - was constituted to encourage voluntary organizations to take up activities like non-formal education, vocational training, provisions of health care, and nutrition.
- **Area Specific Projects:** To focus on areas known to have high concentration of child labour and to adopt a project approach for identification, withdrawal and rehabilitation of working children.

India has announced a National Policy of Child Labour as early as 1987, and was probably the first among the developing countries to have such a progressive policy. Under the action plan of the National Policy on Child Labour, there has been *National Child Labour Projects (NCLP)* set up in different areas to rehabilitate child labour. A major activity undertaken under the *NCLP* is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition etc. to children withdrawn from employment. Under the project based action plan of the policy, 12 NCLPs were started in the States of Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi) and Uttar Pradesh (Varanasi-Mirzapur- Bhadohi, Moradabad, Aligarh and Ferozabad).

Through a notification dated 26th May, 1993, the working conditions of children have been regulated in all employment not prohibited under the Child Labour (Prohibition and Regulation) Act. Further, following up on a preliminary notification issued on 5th October 1993, the Government has also prohibited employment of children in occupations such as abattoirs/slaughter houses, printing, cashew de-scaling and processing, and soldering.

Rehabilitation of Children Working in Hazardous Occupations: A major programme was launched on 15th August, 1994 for withdrawing child labour working in hazardous



occupations and for rehabilitating them through special schools. Under the programme a total of two million children are sought to be brought out of work and put in special schools where they will be provided with education, vocational training, monthly stipends, nutrition and health checks. As a follow-up, a high powered body, the *National Authority for the Elimination of Child Labour (NAECL)* was constituted on 26th September, 1994 under the Chairmanship of the Minister for Labour, Government of India. The functions of *NAECL* are:

- To lay down policies and programmes for the elimination of child labour, particularly in hazardous employment.
- To monitor the progress of the implementation of programmes, projects and schemes for the elimination of child labour.
- To coordinate the implementation of child labour related projects of the various sister Ministries of the Government of India (to ensure convergence of services for the benefit of the families of child labour).

SUPREME COURT DIRECTIONS ON CHILD LABOUR

The Supreme Court of India, in its judgment dated 10th December, 1996 in Writ Petition (Civil), has given certain directions regarding the manner in which children working in the hazardous occupations are to be withdrawn from work and rehabilitated, and the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved.

CONCLUSION

The problem of child labour must be seen in perspective. Typically, it is first and foremost a function of poverty, under-development and the employment market, rather than a willful violation of the human rights of the child though this distinction blurs as we move towards the more extreme forms of child labour such as forced or bonded child labour, child prostitution etc. where the element of abuse becomes more pronounced. Priority needs to be given to the more extreme, exploitative and hazardous forms of child labour. The scale of the problem also requires a corresponding time dimension for its solution. Its elimination requires comprehensive approaches that address the conditions of poverty that spawn and perpetuate the practice, rehabilitation, alternative and remunerative employment for the parents, and enforcement of legislative and administrative measures, education and vocational training. An enforcement approach that does not address the root causes of poverty will not succeed and can result in the aggravation of the situation of the child. The Governments of the developing countries alone cannot accomplish the challenge of eliminating child labour. If they enter into active cooperation with the *NGOs* that would certainly expedite the pace of change.

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