

Business Standard

Child Labour Amendment Bill: Welcome move, but concerns persist

Need of the hour is to eliminate all forms of child labour up to the age of 18 years

Cherian Thomas July 24, 2016 Last Updated at 15:10 IST



The Rajya Sabha passed the Child Labour (Prohibition and Regulation) Amendment Bill, 2012 last Tuesday. The Bill has been generally well received, with the introduction of a ban on all forms of employment of children below the age of 14 years heartily welcomed. If the

legislation seeks to fully address the issues of India's 4.5 million child labourers, it still has much scope for improvement.

At present, one of the key debates around the bill is about the minimum age for employment. The Bill endeavours to harmonise both the Child Labour Act and Right to Education (RTE) Act by fixing the minimum age to enter employment at 14 years. Also, the bill seeks to harmonise the national law with ILO's Convention 182, which requires countries to prohibit employment of children in the worst forms of child labour. The amendment also prohibits employment of adolescents (children between 14-18 years) in hazardous labour (Section 3A).

The Bill prohibits employment of children (below 14 years) in all occupations and processes except where the child helps the family after school hours in various forms of work. This exception does not cover attending technical institutions where there is a subordinate relationship of labour or work which is outsourced and carried

out at home (Section 3). In this context, a few questions arise – including questions which were already raised by the Standing Committee on Labour which reviewed the Bill. How would authorities keep a check on children working in their homes? How would we differentiate between helping at home and outsourced work from bigger vendors to poor families? How do we monitor quality of education, and address the issue of token enrolment? Crucially, how is the very idea of children i.e. persons below the age of 18 years working, legitimate?

Apart from the large agriculture sector, most other instances of child labour is found in unregulated home-based enterprises and occupations like carpet-weaving, lock manufacturing, beedi making and matchbox production. The lure of cheap labour, nimble hands and an apparent blanket of legitimacy makes such outsourcing a tempting proposition for unscrupulous middlemen. This could be a potential loophole through which children over the age of 14 years are exploited.

The biggest loss due to child labour is education. The idea of children going to school and working simultaneously is unsustainable since they would be unable to balance the two as reflected in the high drop-out rates in the country (39.2% boys and 32.9% girls by Std VIII, as per U-DISE 2013-14). On any given day only 71% of enrolled children attend school in India (ASER 2014). Where are the rest? Only 74.6% of children studying in 8th grade can read a Std II level text (or higher). Around 32.5 % children in Std II cannot even recognize letters in the alphabet. Half of all children in Std V have not yet learned basic arithmetic skills that they should have learned by Std II (ASER 2014). It is unrealistic to expect children to work and study at the same time.

The need of the hour is to eliminate all forms of child labour up to the age of 18 years, failing which India's recognition of the 0-18 age group as children (according to the UNCRC) becomes technically invalid. The very demarcation of child labour as hazardous and non-hazardous in itself is ironic, as every form of child labour inhibits her development. Age-appropriate rehabilitation for children engaged in child labour, effective implementation of the RTE Act and adequate budgetary allocations for education are crucial to address this issue. Community participation in planning, implementation and monitoring of services for children, through mechanisms such as school management committees (SMCs) and child protection units (CPUs) are critical ways to prevent child labour. Middlemen may devise new ways to involve children in employment through production processes in households, so it is imperative that the sector has a close regulatory oversight through appropriate monitoring mechanisms.

In terms of Article 32 of the UNCRC, which India ratified in 1992, all children have the right “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.” Over two decades later, India's children continue to face some of these hazards and thus the call for a more comprehensive solution.

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