

Strengthening Government's Action Against Child Labour : The Milestones

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India is against child labour. The vision of any nation is made through its children and they are the hands by which we take hold of heaven. But instead of using these hands to hold the heaven, we are engaging them to toil at hell. In the name of learning the family craft in our occupation based caste system, we are taking away their childhood, happiness, joy, play, education, affection, independence, emotion and most important is their child rights. In today's seller-buyer market system these children are now considered as a cheap article of trade. Poverty is the prime cause though different multiple factors are responsible for this evil practice. Parents are unable to realize the importance of education in their children's life. This is the reason for which they do not send their kids to schools and treat them as helping hands to supplement the family income. These 'hordes of dirty' as described by Charles Dickens in his famous book 'Oliver Twist' are now prime concern of the societies, governments and academia. Conventions were ratified, laws were enacted and institutional mechanisms were created for their welfare, protection, rehabilitation and education. Government's actions for eradication of this social evil and different milestones achieved in this direction are the prime theme of this article.

National Child Labour Project (NCLP) is a government sponsored scheme meant for such children who were living an adult like life in childhood. Special schools were opened under the scheme where working children were enrolled, provided with education, nutritive food, monthly stipend, health care facilities and marketable vocational skill and finally after three years mainstreamed into the regular schools. These special schools act like a bridge for such children which make them students from labours, give them education from exploitation and admit them in a school instead of engaging at a workplace.

Passing of the Indian Factory Act on 15th April, 1881 at Britain, by Lord Ripon (1880-1884), which banned employment of children below the age of seven in factories, is the first action of the Indian government against child labour. It is the first general law against child labour in India. Lord Ripon, the great visionary and father of Indian local self government realized the importance of primary education and appointed Education Commission under Sir William Hunter, popularly known as Hunter Commission in 1882 and on its recommendations more share of government's income was allocated for primary education. Thus Lord Ripon not only protected children from exploitation but also provided them basic education, which was only

available to sons of kings and other elite class people of that time in our *Gurukul* system of education.

Indian government on 14/07/1921 ratified Convention No-6 on Night Work of Young Persons (Industry) Convention, 1919 of International Labour Organization (ILO) which prohibits employment of children at night in public/private industrial undertaking is a landmark decision, which has laid the foundation for ratification of Convention No.15 and 16 on Minimum Age (Trimmers and Stokers) Convention, 1921 and Medical Examination of Young Persons (Sea) Convention, 1921 on 20/11/1922. In 1928, due to frequent movements of working class in India, government decided to review the condition of Indian labour and set up Royal Commission on Labour (1929-1931), well known as Whitley Commission under the chairmanship of Whitley, a renowned leader of the labour movement in the United Kingdom. Based on the recommendation of the commission, the Factory Act, 1934 was enacted which prohibited women and children to work before 6 am and after 7 pm. The commission also recommended for legal prohibition on working of children below ten years old.

24th February, 1933 seems to an auspicious day for children as this day witnessed the passing of the Children (Pleading of Labour) Act, 1933, which prohibits parent/guardians of children to pledge their children with employers. It is the first statutory enactment in the country dealing with child labour. The Employment of Children Act, 1938 divides children into three categories, i.e. below twelve years, twelve to fifteen years and fifteen to seventeen years. The Act prohibits employment of children below twelve years and allowed children in between twelve to fifteen years and fifteen to seventeen

years in specific occupations and processes, keeping in view the prevailing social and economic conditions. Further caste-based occupation system and learning of family skill by children as apprentices forced the law-makers to categorize children according to their age and allowed them to work in the prescribed work. Recommendations of Rige Committee/Labour Legislative Committee (1944) for taking away all children from industrial employment forced government to investigate the problems and conditions of child labour and thus Labour Investigation Committee (1946) was formed. The committee studied at Solapur of Bombay province and reported, as that “21 % of the total labour force was child labour in between 05-12 years of age. In certain cases girls are asked to attend workshop. In Beedi rolling industries of Madras, Vellore, Mysore and Kamrajnagar child labourers are engaged for packing and labeling of Beedi. The committee estimated 25,000-child labourers in Beedi industry”

Adoption and enactment of Constitution of India on 26/11/1947 and article 24 on prohibition of employment of children below 14 years in factory, mines and hazardous occupations: a fundamental right acts as light house for protection and welfare of child labour in India. This constitutional provision has given a new dimension to all government actions towards eradication of child labour.

On 27/02/1950, India being a founder member of ILO ratified the Convention No-90 on Night Work of Young Persons (Industry) Convention, 1948, which is the revised version of Convention No-6 of 1919. This ratification has added more teeth for protecting children from working at night. ILO's Convention No- 5 on Minimum Age (Industry) Convention, 1919 which was not ratified by India due to certain economic

and social constraints and pending since 1919. On 09/09/1955 government of India ratified this historic convention by which another milestone of child protection and welfare was achieved. A committee under the chairmanship of Ganga Saran Sinha was formed in 1968 for preparation of programmes for children, which has recommended that government should invest heavily on pre-school education. On 24/12/1966, during the post-independence period, 1st National Commission on Labour under the chairmanship of Justice Gajendra Gadkar was formed to study and review the conditions of labour since 1947, which has provided a democratic forum on labour issue. The committee recommended reducing working hours and increasing wages for child labour and non-formal education for children in factory. This committee submitted its report to Sri Jagjivan Ram, the then Union Labour Minister in 1969.

On 20/03/1975 India ratified ILO's Convention No- 123 on Minimum Age (Underground Work) Convention, 1965, which is the sixth ILO Convention on child labour ratified by India. ILO Convention-182 on worst form of child labour prohibits engagement/use of all persons below 18 years in (a) Slavery or similar practices, (b) Prostitution and Pornography, (c) Use of children in illicit activities, particularly in production and trafficking of drugs and (d) works likely to harm health, safety and morals of children. The first three categories are banned in India through (a) The Bonded Labour System (Abolition) Act, 1976, (b) Indian Penal Code and The Immoral Trafficking (Prevention) Act, 1956, (c) The Narcotic Drugs and Psychotropic Substances Act, 1985. To fulfill the 4th condition, India had to amend the Child Labour (Prohibition and Regulation) Act, 1986, where age of the child is kept 14 years. It must be made 18 years;

otherwise we will be not in a position to ratify the Convention-182 on worst form of child labour.

Government of India constitutes Gurupadaswamy Committee to study the issue of child labour on 07/02/1979 which submitted its report on 29/12/1979. The committee observed that as long as poverty continued, it would be difficult to totally eliminate child labour and any attempt to abolish it through legal recourse would not be a practical proposition. So the committee bans child labour in hazardous areas and regulates and ameliorates the conditions of work in other areas. The committee recommended fixed and minimum age for entry into any occupations to be 15 years and more study to different occupations where children are employed.

In March, 1981, Central Advisory Board on Child Labour (CABCL) was constituted, which was successively reconstituted on different occasions to review the implementation of the existing legislations on child labour, suggest and review legislative and welfare measures for them and recommend industries/areas for elimination of child labour. In this year committee on child labour in Indian industries was formed, which reported that children are engaged in Beedi industry in '*kharkhana*' system for closing Beedi and bundle making. In the 10 units where study was conducted, approximately 33% of the total labour force was child labour. They were appointed on piece rated basis. Daily they work from 10 to 12 hours in a very unhygienic, dirty, crowd and dark environment and living in small and congested houses in slums area. They were poor, hard pressed and had to work for long working hours. Poverty in the area was responsible for children forced to work in their homes on whole time basis and were deprived of their fundamental right to primary education.

Government in 1984 formed a committee to study the issue of child labour under the chairmanship of Sri Sanat Mehta, Ex-Labour Minister of Gujarat. The Child Labour (Prohibition and Regulation) Act, 1986 passed on 23/12/1986 Acts as a catalyst on child labour movements in India, which was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour, mainly National Commission on Labour (1966-69), Gurupadaswamy Committee (1979) and Sanat Mehta Committee (1984).

On 14/08/1987, Union Cabinet approved National Child Labour Policy (NCLP), which contains an action plan based on legislations and convergence of welfare and development programmes meant for children. Subsequently on 10/08/1988 Government passed the Child Labour (Prohibition and Regulation) Rule, 1988. As per the Child Labour Policy, in 1989 the National Child Labour Project (NCLP) was launched in nine districts of high child labour endemicity in the country, which further extended to twelve districts. These districts are *Jaggampet* and *Markapur* (Slate Industry) of Andhra Pradesh, *Garhwa* of Bihar, *Mandsaur* (Slate Industry) of Madhya Pradesh, *Thane* of Maharashtra, *Sambalpur* (Beedi Industry) of Odisha, *Jaipur* (Precious Stone Polishing Industry) of Rajasthan, *Sivakasi* (Match Industry) of Tamilnadu, *Varanasi-Mirzapur-Bhadoi* (Carpet Industry), *Moradabad* (Brassware Industry), *Aligarh* (Lock-Making Industry), *Firozabad* (Glass Industry) of Uttar Pradesh. The schemes envisage running of special schools for child labour withdrawn from work.

A task force on child labours under the chairmanship of Dr. **Laxmi Mall Singhvi**, an eminent jurist and leading constitutional expert was formed in December, 1989. He recommended

for amending child labour laws and policy. In July, 1991, National Commission on Rural Labour recommended that all the states must enact laws for compulsory primary education. V.V. Giri National Labour Institute, which acts as a premier national institution in research, training, education, publication and consultancy on labour related issues, established a National Resource Center on Child Labour (NRCCL) in its premises at Noida. Government on 26/05/1993 through a notification regulated the working conditions of children not prohibited under the Child Labour (Prohibition and Regulation) Act, 1986. On 12.08.1994, NCLP scheme is extended for first time to more 65 districts, excluding old 12 districts.

A highly powerful body, the National Authority for the Elimination of Child Labour (NAECL) was created on 26/09/1994 to (a) lay down the policies and programs for the elimination of child labour, especially in the hazardous industries, (b) monitoring the progress and grassroots level implementation of programs, projects and schemes for the elimination of child labour and (c) coordinating various child labour related projects among different government departments and ministries. On 16/01/1995, NAECL decided to converge NCLP scheme with different welfare and development schemes being implemented by other ministries/departments. NCLP scheme in 1997 is again extended to 100 districts in 13 states. In the National Agenda for Governance, Government's commitment to address the child labour issue was announced in 1998. Central Monitoring Committee (CMC) as the apex executive body for monitoring and reviewing the child labour programmes in the country, constituted on 30/12/1998. All these actions of Government directed for a child labour-free India helped different stakeholders associated with the issue of child labour.

On 11 January 1999, the then Union Labour Minister, Satya Narayan Jatia, announced the decision of the government to set up the Second National Commission on Labour. Out of six studies groups constituted by the commission, the group on 'women and child labour' was headed by noted activist, Ms. Renana Jhabvala of SEWA, Ahmedabad. This group is first to submit its report to commission's chairman Dr. Ravindra Verma. The group defined child labour as 'work done by a child outside their home/family for a minimal wage and the conditions in which they work are detrimental to their well being and safety'. The commission recommended for linking of child labour with education by enactment of Child Labour (Prevention and Education) Act. A unanimous resolution to eliminate child labour was taken in the 1st National Conference on Child Labour on 22/01/2001. In 2002 NCLP scheme is further extended to 250 districts and on 14/01/2004 Ministry of Labour launched 50 new NCLP at a function at Vigyan Bhawan, New Delhi. It has extended the benefits of NCLP to more number of working children and their parents.

U.S. Department of Labour (US-DOL) and Government of India have signed a joint statement on 'Enhanced Indo-US (INDUS) cooperation on Elimination of Child Labour' in August, 2000. Accordingly, INDUS project was launched in 25 districts of five states on 16.02.2004. The objective of the project is to provide a comprehensive child labour elimination model, worthy of replication elsewhere in the country.

On 10/10/2006, Government of India banned employment of children as domestic servants or in dhabas (road side eateries) restaurants, hotel, motel etc, by adding these occupations to the hazardous list of the Child Labour (Prohibition and Regulation) Act, 1986.

On 03/01/2007, His excellence the President of India, Dr. A. P. J. Kalam, called for fixing periodic target for reducing the number of working children from the country. From 12th five year plan (2007) the NCLP scheme is extended to whole country. Thus all the working children and their families are now covered under the umbrella of NCLP, which is historic point on the path of rehabilitation of working children.

On 14/11/2007 government launched a nationwide enforcement drives against child labour for a fortnight. From 25/09/2008, government banned employment of children in additional one occupation and eight processes by including it to, schedule-A and B of the Child Labour (Prohibition and Regulation) Act, 1986, as per the recommendation of Technical Advisory Committee, constituted under the chairmanship of Director General, Indian Council of Medical Research (ICMR), New Delhi. Further on 08/10/2010, engagement of children in two more occupations, circus and caring of elephants are added in hazardous list of the Child Labour (Prohibition and Regulation) Act -1986.

Reference :

1. Business Line (Internet Edition) Hindu Group of Publication, Saturday, 27, January, 2001.
2. Dickens, Charles, 1838, 'Oliver Twist', Richard Bentley, New Burlington Street, London.
3. Government of India, 1931, 'Report of the Royal Commission on Labour in India', Calcutta, Central Publication Branch.
4. Government of India, 1946, 'Labour Investigation Committee: Main Report', Delhi: Manager of Publication.
5. Ministry of Labour and Employment, Annual Report, 2001-2002, 2001-2002, 2004-2005, 2007-2008, 2008-2009, 2009-2010, 2010-2011, New Delhi, Government of India.

6. Ministry of Labour and Employment, 1979, 'Report of the Committee on Child Labour', New Delhi: Government of India.
7. Mishra, L.D., 2009, 'Abolition of Child Labour and Right to Education', National Human Rights Commission, New Delhi, Government of India.
8. Molankal, Gangabhusan M., (2008), 'Child Labour in India: An Overview' Faculty, Department of Social Work, Assam University, Silchar.
9. Mourya, O.P., (2002), 'To Eradicate an Evil', Frontline, Volume-19, Issue-09, April 27-May-12.
10. National Labour Institute, 2003, 'National Child Labour Projects: An Evaluation', Noida: VVGNNLI.
11. National Human Rights Commission (NHRC), 1996, Annual Report 1995-96, New Delhi.
12. Report of the Sub Group on Early Childhood Education, Working Group on Development of Children for the 11th five year plan, Planning Commission, New Delhi, Government of India.
13. Report of the Working Group on Labour Laws and other Labour Regulations for the 11th five year plan, 2006, Planning Commission, New Delhi, Government of India.
14. Report on Working Group on Child Labour for the 11th five year plan, 2006, Planning Commission, New Delhi, Government of India.

Website :

1. www.civilserviceindia.blogspot.com
2. www.labourfile.org
3. www.indiacode.nic.in
4. www.indialabourarchives.org
5. www.indg.in
6. www.childjustice.org
7. www.planningcommission.nic.in
8. www.thehindubusinessline.in
9. www.ncpcr.gov.in
10. www.labour.nic.in
11. www.childrensrightsindia.org

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