



THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, (1986)

The main reason why child labour occurs is poverty. The worst forms of child labour involve children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age.

Child Labour (Prohibition and Regulation) Act, 1986 was enacted to prohibit the engagement of children in certain employments and for regulation of the working conditions for children in employment and prohibition of employing children in certain kinds of roles



PROHIBITION OF CHILD LABOUR

This Act completely prohibits/bans the employment of any person under 14 years of age whether hazardous or not. Through this Act child labour is made a compoundable & cognizable offence i.e. offence in which the police can take suo motu cognizance of crime and also does not need the approval of the court.

REGULATION OF EMPLOYMENT

This Act also works on regulation of working conditions where children are permitted to work. An adolescent child has been defined as a person between the ages of 14-18 years. The Acts permits employment of adolescent labour except in hazardous processes or occupation.

KEY PROVISIONS

MANAGING EMPLOYED CHILDREN

This Act puts an obligation on the employer to furnish a notice within 30 days to the police inspector within whose jurisdiction the establishment employing a child is situated. It is mandatory for the employer to maintain a register containing information of children who are employed or permitted to work in their establishment.

FIXING NUMBER OF HOURS

As per provisions of the Act, the number of hours a child is required to work shall be fixed (6 hours a day) including their half hour break. No children are to be permitted to work between 7PM to 8AM.

A child is permitted to work only to help family, in their family enterprise or as child artist after school hours or during vacations

WEEKLY HOLIDAYS

It also lays down provision for ensuring that every child who is employed in an establishment is mandatorily allowed a holiday each week. The holiday must be for a whole day. The notice for such holiday should be of a permanent nature and should not be altered more than once in three months.

STRINGENT PUNISHMENT

The Act lays down stringent penalties for employment of children in violation of the Act. The act lays down the following punishments:-

- Any person who employs a child below 14 or any adolescent in a hazardous occupation or process can be punished with jail time of between six months and two years and/or fine between Rs. 20,000 and Rs. 50,000 or both.
- If a person convicted of offence as per the Act, commits like offences afterwards then they shall be punished with jail time between one to three years.

- A person can be punished for all other violations (for example, with respect to maintenance of register, work hours, health and safety conditions) with jail time of up to one month and/ or a fine of up to Rs. 10,000.
- There shall not be any punishment in case of a first offence by parents/guardians. In case of a second and subsequent offence, the penalty prescribed is a maximum fine of Rs. 10,000

REHABILITATION OF CHILDREN

The Act provides for setting up of the Child and Adolescent Labour Rehabilitation Fund in which all the amounts of penalty have to be realised for victims under provisions of this Act.

STEPWISE PLAN AFTER DISCOVERING A CHILD IN HAZARDOUS EMPLOYMENT

STEP 1: RISK IDENTIFICATION

Look out for something that could inflict harm to the children employed in the workplace. The risks may be related to tasks (e.g., machinery or substances) or operating and environmental environments (e.g., attentiveness of supervisors, noise, hours).



STEP 2: RISK'S ASSESSMENT AND PRIORITISATION

Analyze the possible negative impact of potential risks on the health and safety of a child who is exposed to them. If there are children under the age of 14, take immediate action to remove them from the establishment. In the case of adolescents, assess the likelihood of injury.





STEP 3. REDUCTION OR REMOVAL OF HAZARD

Taking into account the child's age, see to what extent exposure to the established threats may be avoided by removal of risks or if the hazards can be reduced to a safe and healthy level. Identify if it is possible to reduce the chance of exposure to risks to the point that it would become extremely unlikely.



STEP 4. TAKE ACTION

Intervene to either remove the child or incorporate precautionary and safeguard measures. The priority can be based on what is most likely to occur, what might cause the greatest harm. Ensure training or inform the child employed about the risks and how to stop them. Review the risk and safety assessment regularly to ensure it is up to date.

ACTION POINTS

As per reports by UNICEF, despite several laws that are enforced in India prohibiting child labour, there are still many children employed in homes, restaurants and factories across the country. These children may be subjected to sexual, mental and various other types of exploitation.

Another point of concern raised is regarding the safety of children. The list of hazardous industries as per the act has been drastically decreased. This may allow the employers in industries like chemical mixing units, cotton farms, battery recycling units, and brick kilns etc. (which are actually hazardous) to employ adolescent labour at a much cheaper price

Researchers have also pointed out that even though the new amendments to the Act appear to be progressive in nature, they also have a downside. The Act puts a complete prohibition on the employment of children, but at the same time, it allows them to be employed in family enterprises/businesses.

Researches have pointed out that the majority of child labour activities happen in economically weaker section of the society which is highly unregulated and no proper mechanism has been provided to keep the same in check with the new amendments.

