

## Child Labour Amendment Act and Rules- USPC Indian Polity & Social Issues

According to the International Labour Organisation, founded in 1919, there are more than 152 million children working in the world as child labourers. Out of this, around 10 million child workers are found in India. Despite strict legislative rules and efforts, the engagement of children in various occupations hasn't stopped.

### What is Child Labour?

Child labour can be defined or explained as a practice where children are forced to engage or employed in any sort of economically beneficial activity on a part-time or a full-time basis. Children engaged in this are generally deprived of basic childhood experiences such as schooling and are physically and mentally scarred.

The primary reasons leading to Child Labour can be traced to poverty, lack of decent schooling and education and growth of the informal economy.

Child labour results in the victimised child being deprived of a healthy and nurturing environment in which to grow. He/she also generally suffers physical and mental trauma which can be scarring for life. Apart from not getting an education, the child is also subjected to various kinds of abuse and this prevents him/her from blossoming into a happy and healthy adult.

### Child Labour and India

Child labour practice is a hindrance to the mental as well as physical development of children as it deprives them of the most important phase of their life – their childhood. Children of or below the age of 14 years are strictly prohibited from being employed in hazardous occupations, as per the **Child Labour (Prohibition and Regulation) Act of 1986**. The list of hazardous occupations is curated under the act itself.

Government initiatives include:

Sr No	Year	Government Initiatives
1	1979	The Gurupadswamy Committee was established to study and tackle the child labour issue.
2	1986	Child Labour (Prohibition and Regulation) Act was enacted.
3	2016	Child Labour (Prohibition and Regulation) Amendment Act prohibits employment of children below the age of 14 years.
4	2017	Child Labour (Prohibition and Regulation) Amendment Rules - broad framework against child labour.

There are several operations that happen in India like *Operation Smile*, *Operation Muskaan* wherein there are a lot of raids that happen in the unorganised sector, manufacturing units and other factories.

India has a very strong system of dealing with rescued children in terms of rehabilitating and repatriating

them with the family with certain support to family as well, to come out of the poverty trap.

### Child Labour (Prohibition and Regulation) Act, 1986

- The Child Labour (Prohibition and Regulation) Act of 1986 designates a child as a person who has not completed their 14th year of age. It aims to regulate the hours and the working conditions of child workers and to prohibit child workers from being employed in hazardous industries.

### Child Labour (Prohibition and Regulation) Amendment Act, 2016

- The raw act in the Constitution that was amended in the year 2016 can be stated as:
  - *“An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.”*
- According to this amendment in the Act, the Government of India will provide **stricter punishments** for employers who violate the Act.
- It will also make the employer employing any child or adolescent in contravention of the Act **cognizable**.
- The Act also allows the government to bar the employment of adolescents that are working in any hazardous conditions.

### Child Labour (Prohibition and Regulation) Amendment Rules, 2017

The Government of India decided to make further amendments in the Act after an extensive consultation with the stakeholders. Provisios under the Child Labour (Prohibition and Regulation) Amendment Rules are as follows:

- A broad and specific framework for prevention, prohibition, rescue and rehabilitation of children and as well as adolescent workers.
- Clarity on issues related to family enterprises.
- Safeguards for creative workers or artists that have been permitted to work under the Act, with respect to working hours and working conditions.
- Set of specific duties and responsibilities for law enforcement agencies to ensure effective implementation and compliance of the Act.

Click the link to read about [National Child Labour Project Scheme](#) .

S.no	Before the amendment	After the amendment	Impact
1	Children below the age of 14 years will be allowed to work in occupations except for 18 occupations and 65 processes.	Complete prohibition of employment of children below the age of 14	Complete ban that ensures all children under 14 years are in school as per the Right To Education Act.
2	No help was provided to children working after school hours who were below the age of 14 yrs.	Children allowed to work only after school hours or during vacations under the condition that the occupations were	This allows the working kids to learn their traditional skills and also helps them build life

		hazardous.	values such as a sense of discipline, decision making, responsibility, and so on.
3	Children below the age of 14 years will be permitted to work in Family Business/occupation both hazardous and non-hazardous.	Children below the age of 14 years will be allowed to work in Family Business/Enterprises only if they are non-hazardous.	This protects the health and ensures children's well being. Children could work in their family businesses only if it is safe for them.
4	Children will be able to work in family businesses even if it didn't belong to the child's family.	Children will be able to work in family businesses even if it didn't belong to the child's family only if the occupation is non-hazardous.	This allows the working children to learn their traditional skills and values of life.
5	Children above the age of 14 years didn't have any prohibitions on employment.	Children between 14-18 years are categorised as Adolescents and are not allowed to work in hazardous occupations.	Protection of adolescent's health.
6	Adolescents were not provided with any working regulations regarding working hours and conditions.	Regulated working conditions for adolescents working in non-hazardous occupations are in place.	Adolescent working in non-hazardous occupations cannot be exploited.
7	Schedule of 18 occupations and 65 processes ( called certain occupations & processes) applicable for a child; tells where a child cannot work.	A child can't work in any occupation, so the list of prohibited occupations has been made infinite as there is a complete ban on employment.	There is a complete ban on work and not just on the 18 occupations and 65 processes.
8	No schedule of hazardous occupations and processes where an adolescent cannot work.	Schedule of hazardous processes and occupations provided where an adolescent cannot work.	Protection of adolescents health.
9	No provision of providing a positive list of occupations	The government can provide a positive list of non-hazardous	Enabling provision to allow the Government to

	where an adolescent can work.	occupations where an adolescent can work and a child can assist.	restrict the employment of adolescents in occupations that are classified as non-hazardous.
10	Contravention of provisions non-cognizable offence.	It is cognizable offence.	There is no need of an approval of the DM to take action on the FIR on violation of the child labour Law.
11	No Officer responsible for the implementation of Act.	District Magistrate or a subordinate officer can be made responsible for enforcement and can be conferred with such powers.	Provision for laying specific responsibility on the designated Officer for violating the provisions of the Act - this ensures better enforcement.
12	No provision of rehabilitation fund for rescued children.	Statutory provision for a child and adolescent labour rehabilitation fund with contribution of appropriate Government also ensured for each child rescued.	The statutory provision for a rehabilitation fund will ensure that the child/adolescent is not only rescued but his/her future is secured by the amount collected in the fund. This amount can be used for education and welfare of the rescued child.

## UPSC Questions related to Child Labour (Prohibition and Regulation) Act

### What is the main objective of Child Labour Act?

The main objective of the Child Labour (Prohibition and Regulation) Act is regulate, prevent and protect underage children from being employed in hazardous occupations and working conditions.

### When was the child Labour Prevention Act amended?

The Child Labour (Prohibition and Regulation) Act,1986 was amended in the year 2016 and enacted as the Child Labour (Prohibition and Regulation) Amendment Act.

