

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 2119
TO BE ANSWERED ON 02.12.2019**

REVIEW OF CHILD LABOUR LAWS

†2119. SHRI JYOTIRMAY SINGH MAHATO:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the details of the existing laws to prevent exploitation of child labour and to have a check on it;**
- (b) the extent to which these laws are proving effective;**
- (c) whether the Government has amended/proposes to review/reform the existing child labour laws to grant permission to the under-14 children to assist in family business; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a) & (b): The Child Labour (Prohibition & Regulation) Act, 1986 was amended vide Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force with effect from 1.9.2016.

The Amendment Act, inter-alia, provides for complete prohibition of work or employment of children below 14 years of age in any occupation and process and prohibition of adolescents in the age group of 14 to 18 years in hazardous occupations and processes. The Amendment Act also provides the stricter punishment for employers for violation of the Act and has made the offence as cognizable. As per provisions contained in the Act, whoever employs any child or permits any child to work in contravention shall be punishable with

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imprisonment for a term which shall not be less than six month but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both. Also whoever employs any adolescent or permits any adolescent to work in contravention of the provisions shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both.

As per 2011 Census, the number of main workers in the age group of 5-14 years in the country was 43.53 lakh which shows a decline from 57.79 lakh as per 2001 Census.

(c) & (d): The Child Labour (Prohibition & Regulation) Amendment Act, 2016 prohibits employment of children below 14 years of age in all occupations and processes and the employment of adolescents in hazardous occupations and processes. However, considering the social fabric and socio-economic conditions in the country, an exception has been made where the child is permitted to help his family or in family enterprises, which is other than any processes or hazardous occupations/ processes set forth in the Schedule of the Act , and only after school hours or during vacations. This “helps” doesn’t include “engagement in employment” or the situation where a relationship of “employer-employee “exists. In the Act, “family enterprises” means any work, profession, manufacture or business which is performed by the members of the family of the child with the engagement of other persons.
