

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

**LOK SABHA**

**STARRED QUESTION NO. 1**

**TO BE ANSWERED ON 18.07.2016**

**REVAMPING OF CHILD LABOUR LAWS**

**\*1. SHRI S.P. MUDDAHANUME GOWDA:**

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

- (a) the details of laws in force to curb and prevent exploitation of child labour in the country and the extent to which these laws have been effective in containing the exploitation of child labour;**
- (b) whether the Government proposes to amend child labour laws and if so, the details thereof;**
- (c) whether the Government has received objections from various organisations/experts on the proposed amendments; and**
- (d) if so, the details thereof and the response of the Government thereto?**

**ANSWER**

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT  
(SHRI BANDARU DATTATREYA)**

**(a) to (d): A Statement is laid on the Table of the House.**

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**STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO. 1 RAISED BY SHRI S.P. MUDDAHANUME GOWDA FOR ANSWER ON 18.07.2016 REGARDING REVAMPING OF CHILD LABOUR LAWS:**

(a) Government is implementing the Child Labour (Prohibition & Regulation) Act, 1986 which prohibits the employment of children below 14 years of age in certain occupations and processes and regulates the working conditions of children in employment where they are not prohibited. Under the Child Labour (Prohibition & Regulation) Act, 1986, Central Government is the appropriate Government for enforcement in respect of Central Government establishments, railways, major ports, mines or oil fields and in all other cases, State Government is the appropriate Government for enforcement of the Act. The number of main workers in the age group of 5-14 years in the country is 43.53 lakh as per 2011 Census which shows a decline from 2001 Census.

(b) A Bill to amend the Child Labour (Prohibition & Regulation) Act, 1986 has been introduced in Rajya Sabha in 2012. The Government has also decided to move Official Amendments to this Bill. The Amendment Bill along with Official Amendments, inter-alia, proposes complete prohibition on employment of children below 14 years, linking the age of prohibition with the age under Right of Children to Free and Compulsory Education Act, 2009, making the punishment for employers more stringent and the offence of employing any child or adolescent in contravention of the Act, made cognizable.

(c) The views of various organizations/experts/different stakeholders have been considered and given due weightage in the proposed amendments. The Report of Parliamentary Standing Committee on the Amendment Bill introduced in 2012, was also examined in the Ministry. A public consultation was also carried out by seeking the comments of the public after placing the Report of the Parliamentary Standing Committee on the proposed amendments and the comments of the Ministry on the Report, on the website.

(d) Some organizations have raised concern about the following:

- (i) proposed exemption allowing child to help his family or family enterprises and
- (ii) difference in the proposed Schedule of hazardous occupations and processes from the existing Schedule of certain occupations and processes.

Contd..

The proposed amendment prohibits children to work in their family/family enterprise. However, considering the social fabric and socio-economic conditions in the country where children acquire and imbibe basic skill sets while helping their parents, such help is permissible under proposed amendments. Additionally, the proposed amendments provide the following safeguards also:

- The proposed amendment only permits ‘help’ and not ‘employment’ in family/family enterprise.
- The family enterprise should be carried on by the members of the child’s family only.
- The help given by the child to his family/family enterprise will not be allowed, if it involves hazardous process.
- The school education of the child should not be affected due to this help.

The existing Schedule of occupations and processes in the present Child Labour (Prohibition & Regulation) Act, 1986 is applicable to children below 14 years. The proposed Schedule is of hazardous occupations and processes unsuitable for adolescents. Hence both Schedules should not be compared. The proposed Schedule is dynamic in nature and can be modified by the Government from time to time through notification.

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