

## **A Legal Study of Child Labour**

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In 1987, the national policy on child labour was formulated, projects were sanctioned to voluntary organization for the welfare of working children to provide care and earlier plans have undoubtedly nutrition, health care and skill training. The measures undertaken in the earlier plans have undoubtedly improved the situation of children. Since human development will be the main focus of the Eighth plan, policies and programmes relating to child survival and development will receive high priority.

In India, various enactments have been codified before and after the commencement of the Constitution of India prohibiting child Labour keeping in view the constitutional mandates, safety and Welfare of children being a child Human Rights. It would be desirable to mention these Acts to exemplify the point.

### **(i) Factories Act, 1948:**

The act prohibits employment of children for pressing cotton in which a cotton opener is at work. The maximum working hours for child workers are four and a half hours a day and they are not allowed to work during the night. The act requires to provide creches, in every factory wherein more than 30 woman workers are employed. It is also required that notice of periods of work for children shall be displayed and register containing prescribed particulars of child workers are to be maintained.

(1) See Preamble of the Universal Declaration of the Human Rights, 1948. The preamble also mentions that the people of the United Nations in the charter reaffirmed their faith in 'Fundamental Human Rights, in the dignity and worth of Human persons

### **(ii) Beedi and Cigar Worker (Conditions of Employment) Act, 1966:**

It has several provision dealing with child labour. No child, below the age of 14 years, shall be employed in any industrial premises subject to provisions of the act. However, young persons who have completed their 14th year but not completed 18th year may be allowed to work but shall not be allowed to work during 7.00 p.m. to 6.00 a.m. Act requires to provide creches for the use of children below the age of 6 years where more than 50 female employees are ordinarily employed.

No difference has been made regarding maximum weekly, hours of work between adult and a young person except that young persons will not be allowed overtime work,

### **(iii) Child Labour (Prohibition and regulation) Act, 1986:**

Part B of the schedule enumerates processes where employment of children is prohibited. These processes are beedi making, carpet weaving, cement manufacture, cloth printing, dyeing and weaving, manufacture of matches. Explosives and fireworks, soap manufacture, tanning, wool cleaning, buildings and construction industry, manufacture of slate pencils, manufacturing process using toxic metals and substances etc.

The act in its Part III provides that no child shall be allowed or required to work between 7.00 p.m. and 8.00 a.m. and to work overtime. The period of work shall not exceed three hours and no child shall work for more than three hours before he has had a rest interval for at least one hour. The total working hours including the rest interval and time spent in per day. It has also been provided that no child shall be required he has already been working in another establishment.

Each child workers shall get a holiday of one whole day per week which day shall be specified by occupier and

shall no be altered more than once in three months.

The act requires maintenance of register containing specified information regarding child workers such as the name, date of birth, hours of work, nature of work or other particulars as may be prescribed. The register shall be made available for inspection by an inspector under the act. The appropriate government has been empowered to make rules for health and safety of children subject to this act. The rules may provide for cleanliness, disposal of wastes, ventilation and temperature or other matters in this regard like Factories act. The authorizes the central government to constitute child Labour Technical Advisory committee to advise the Central Government for purposes of addition of occupations and processes to the Schedule. The employer is under obligation to notify the inspector in case he employs a child in his establishment within 30 days from the date of such employment.

**(iv) Shops and Establishment Acts:**

Different States have enacted their own Statutes regulating conditions of workers in shops and establishments. These Acts apply to shops, commercial establishment, restaurants .and hotels and places of amusement.

These acts prohibit the employment of a child in shops and establishments and he cannot be employed even-as the family members of the employer. The age requirement varies from 12 to 15 years in States. The working hours for children are generally from 6.00 a.m. to 7.00 p.m. The State of Uttar Pradesh has condified U.P. Dookan Aur Vanijya Adhissthan Adhinyam 1962 to regulate conditions of work, in shops and establishment of children below 14 years. The children are doc permitted to work during night. It may be submitted that now Central enactment namely child Labour (Prohibition and Regulation act, 1986 shall prevail where there in conflict between the provisions of the States Acts to extent of repugnancy.

In 1987, the national policy on child labour was formulated, projects were sanctioned to voluntary organization for the welfare of working children to provide care and earlier plans have undoubtedly nutrition, health care and skill training. The measures undertaken in the earlier plans have undoubtedly improved the situation of children. Since human development will be the main focus of the Eighth plan, policies and programmes relating to child survival and development will receive high priority.

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