

Standing Committee Report Summary

The Child Labour (Prohibition and Regulation) Amendment Bill, 2012

- The Standing Committee on Labour and Employment (Chairman: Mr. Dara Singh Chauhan) presented its 40th report on the Child Labour (Prohibition and Regulation) Amendment Bill, 2012 on December 13, 2013. The Bill was introduced in the Rajya Sabha on December 4, 2012 by the Minister of Labour and Employment, Mr. Mallikarjun Kharge. It was referred to the Committee on December 12, 2012.
- The Bill seeks to amend the Child Labour (Prohibition and Regulation) Act, 1986, by banning employment of children below 14 years in all occupations, with limited exceptions. It introduces a new category “adolescent”, aged between 14 and 18 years, and prohibits their employment in hazardous processes.
- The Committee noted that while one of the objectives of the Bill is to ‘to regulate the conditions of services of adolescents’, it contains no provisions towards that purpose. The Committee suggested that regulation of working conditions of the adolescents including the criteria for their wages and settlement of disputes with regard to age of the child be included in the Bill.
- The Committee opined that adolescents should complete elementary education before being allowed to be employed in any occupation.
- The Committee was concerned that various Acts have prescribed different age to define a ‘child’. It also suggested that the proviso allowing a child to help his/her family after school hours should be deleted.
- The Committee recommended that the definition of hazardous processes be widened to include all processes that jeopardise health, safety and the morals of adolescents.
- The Bill proposes to raise the penalty for employing a child and provides that parents/guardians of such a child shall not be liable for punishment unless they allow him/her to work for commercial purposes. The punishment for employing an adolescent in hazardous occupations is also proposed to be raised. The parents and guardians of such an adolescent shall be punished if they permit him/her to work in such occupations.
- While noting the government’s initiatives to reduce parents’ compulsion of putting their children to work, the Committee felt that benefits of such initiatives have not percolated adequately. It recommended that the Bill be amended to take a lenient view of poor parents and those parents who were unable to benefit from such initiatives.
- The Committee recommended that Vigilance and Monitoring Committees headed by the local MPs be tasked with reviewing the implementation of the Child Labour (Prohibition & Regulation) Act instead of the District Magistrate (as provided in the Bill).
- The Bill proposes to empower the appropriate government to periodically inspect places where employment of children is prohibited and the hazardous processes are carried out. The Committee opined that this provision should cover any place where employment of children is suspected and employment of adolescents is prohibited.
- The Committee censured the Ministry of Labour and Employment for its casual reply on the issue of trafficking and street children. It recommended that that all concerned ministries should evolve a comprehensive strategy to solve this problem.
- The Committee noted that the Bill contains no provision for rescue and rehabilitation of children. It recommended that instead of entrusting various ministries with this task, the government should bring a New Child Labour Policy and the machinery to implement laws, policies and projects should be specified therein.

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