



# Comprehending Child Labour

Pankaj Dimri • Philip A. Nath • Helen R. Sekar



V.V. Giri National Labour Institute

# Comprehending Child Labour

**Pankaj Dimri • Philip A. Nath • Helen R. Sekar**



**V.V. Giri National Labour Institute**

**ISBN: 978-93-82902-08-9**

**Copyright © V.V. Giri National Labour Institute, NOIDA**

**No. of Copies : 800**

**Year of Publication : 2013**

**This document can be downloaded from the Institute's website at [www.vvgnli.org](http://www.vvgnli.org)**

Opinions expressed in the study are solely of the authors and do not necessarily reflect the views of the Institute.

Printed and Published by V.V. Giri National Labour Institute,  
Sector - 24, NOIDA - 201301, U.P.

Printed at: Chandu Press, D-97, Shakarpur, Delhi -110092

# Contents

1.	<b>Concepts and Definition of Child Labour</b>	<b>1</b>
2.	<b>Categories of Child Labour</b>	<b>2</b>
3.	<b>Nature, Forms and Magnitude of Child Labour</b>	<b>4</b>
4.	<b>Why Child Labour?</b>	<b>6</b>
6.	<b>Magnitude of Child Labour in India</b>	<b>7</b>
7.	<b>Dealing with Child Labour in India</b>	<b>10</b>
9.	<b>Trafficking - Exploitation of Children and the Worst Form of Child Labour</b>	<b>34</b>
10.	<b>National Resource Centre on Child Labour (NRCCL)</b>	<b>36</b>
11.	<b>ILO Conventions</b>	<b>39</b>



# Foreword

Child labour is a manifestation of various underlying socio-economic problems including widespread poverty, illiteracy, unemployment, deprivation of opportunities, denial of rights and inequality. Child labour is also a cause of many of these problems. Children are exposed to untold miseries and health hazards which are damaging to their mental, physical, psychological and moral development. Having entered the labour market at a tender age without any formal education or skills, when they grow up as adults, they continue to be employed in monotonous, laborious, unskilled, marginalized, low-paid work, without being able to rise in their economic levels or move upwards in the occupational ladder. Consequently, they get into the trap of poverty and child labour becomes inter-generational.

The challenge of preventing and eliminating child labour requires concerted and harmonized efforts of all social partners and stakeholders with commitment and dedication. It is also important to be equipped with needed information. 'Comprehending Child Labour' has been developed with this objective of making basic information on child labour available at one place so that they are used by all those who are dealing with the issue of child labour in different capacities. The aim is also to enhance the understanding on the concept, magnitude and forms of child labour, legislation and policy, judicial intervention and other initiatives aimed at prevention and elimination.

'Comprehending Child Labour' has been prepared as a part of the project 'Establishment of National Knowledge Centre on Child Labour at the V.V. Giri National Labour Institute' a component of ILO-Convergence Child Labour Project. I congratulate Dr. Helen R. Sekar and her team for their efforts to collect, update and compile useful information on various aspects of child labour in a coherent manner. I have no doubt that this document will be useful for Government Functionaries, NGOs and other Civil Society Organizations, Youth Groups, Local Government Institutions, Trade Unions, Training and Academic Institutions, Labour Activists, Students of Social work, Resident Welfare Associations and all other individuals and groups who are striving to end child labour.

V.P. Yajurvedi  
Director General



# Concepts and Definitions

## ➔ Who is a child?

- **The Constitution of India:** Article 24 - "Anyone below the age of Fourteen years"
- **The United Nations Convention on the Rights of the Child:** Article 1 - "Any one below the age of Eighteen years"
- **The Child Labour (Prohibition & Regulation ) Act, 1986:** "A person who has not completed his Fourteenth year of age"



## ➔ What is child labour?

- **Encyclopedia of Social Sciences** - "when the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour"
- **The International Labour Organization (1983)** - "Child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that would open up for them a better future."



# Categories of Child Labour

## ➔ Children in Employment

The terms “working children”, “children in economic activity”, and “children in employment” are used interchangeably. Children in employment are those engaged in any activity falling within the production boundary of the System of National Accounts (SNA)<sup>1</sup>, for at least one hour during the reference period. This refers to economic activities of children, covering all market production and certain types of non-market production<sup>2</sup>. It includes forms of work in both the formal and informal economy; inside and outside family settings; work for pay or profit (in cash or in kind, part-time or full-time), or as a domestic worker outside the child’s own household for an employer (with or without pay).

## ➔ Children in Child Labour

Children in child labour under the System of National Accounts (SNA) production boundary is a subset of children in employment. It includes those in worst forms of child labour and children in employment below the minimum age, excluding children in permissible light work, if applicable. It is therefore a narrower concept than “children in employment”, excluding all those children who are working only a few hours a week in permitted light work and those above the minimum age whose work is not classified as a worst form of child labour, “hazardous work” in particular.

## ➔ Children in Hazardous Work

Hazardous work by children is defined as any activity or occupation that, by its nature or type, has or leads to adverse effects on the child’s safety, health and moral development. In general, hazardous work may include night work and long hours of work, exposure to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipments and tools, or which involves the manual handling or transport of heavy loads; and work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging their health.



<sup>1</sup> System of National Accounts (SNA), is a conceptual framework that sets the international statistical standard for the measurement of the market economy

<sup>2</sup> principally the production of goods and services for own use

### ➔ Children working within the Family/as a part of their family

Children are engaged without pay in domestic household tasks, agricultural/pastoral work, non-farm activities like handicraft/cottage industries, etc. Children of the cultivating households work full-time during peak agricultural season. Very often, unable to catch-up with the lessons missed during the harvest period, children drop out of school and become full-time workers.



### ➔ Child Labour within the Family but Outside the Home

Children do agricultural/pastoral work, which consists of (seasonal/full-time) migrant labour, local agricultural work, domestic service, construction work, stone quarries, brick kilns and informal occupation e.g. recycling of waste - employed by others and self-employed.

### ➔ Child Labour Outside the Family/ Children working for others (employees or tied workers):

Children are employed by others in bonded work, apprenticeship, skilled traders (carpet, embroidery, brass/copper work), industrial unskilled occupation/mines, domestic work, commercial work in shops and restaurants, begging, prostitution and pornography.



# Nature, Forms and Magnitude of Child Labour

## a. Children in Employment Sectors

While agriculture continues to be a major sector of employment for children, this is followed by the service sector as a result of the expansion of informalization of the economy in the wake of globalisation. The situation of children and their working conditions in these sectors vary. While some work under parental care, others are completely uprooted from their community environment to work elsewhere under conditions of forced labour. They are found in all the three sectors of the economy i.e. the Agrarian, Manufacturing and Service sectors.

### ➔ Agriculture Sector:

A substantial proportion of child labour continue to be in Agriculture and allied activities. Though the main area of work is in agriculture, children are also employed in fishery, forestry, Animal Husbandry, and in Rubber, Banana, Coconut, Spice, Tea and Coffee Plantations. Children are involved in different agricultural operations and carry out different activities relating to agriculture hoeing, ploughing, sowing, transplantation, weeding, irrigation of the field, watching crops to protect from birds and beasts, harvesting, threshing and storage. In addition they also graze cattle, collect fuel, fodder and water. Children also do fishing in Sea, Rivers, Lakes and in other water bodies in the surroundings. Children carrying out agricultural activities are exposed to vagaries of weather such as scorching heat in summer, biting cold in winter and lashing showers accompanied by lightning and thunder storm in the rainy season.

### ➔ Manufacturing Sector:

Children are engaged in various manufacturing process of different Home based industries such as Brassware, Lock, Match and Fireworks, Diamond-Cutting, Gem-Polishing, Beedi-making, Hosiery, Leather Tanning, Shoe-making, Glass-ware, Carpet-Making, Knife Industry, Sports Goods-making, Slate etc. Very often they work in sub-human conditions and in exploitative situations.

### ➔ Service Sector

With the expansion of informalization of economy in the wake of globalisation, service sector accounts for the largest proportion of child labour next to agriculture.

## b. Different Forms of Child labour

### ➔ Bonded Child Labourers

Children become bonded child labourers when they are pledged for a loan to richer landowners. Sometimes the bondage spans for several generations. Bonded child labourers work without any regulation of their working time, wages and other working conditions. They work at the cost of their freedom are also subjected to cruel punishments and other forms of abuse. The rate of interest on loans taken is so high that the amount to be repaid accumulates every year, making repayment almost impossible and bondage becomes inter-generational.

### ➔ Casual and Contract Child Labourers

Children work in the unorganized or/and informal sectors as casual labour, most of the time on piece-rate wages or as Self-employed. In areas of intensive commercial cropping a number of activities are contracted out to a group of labourers including children. Most of these working children do not go to school, and they remain invisible for the reach of law.

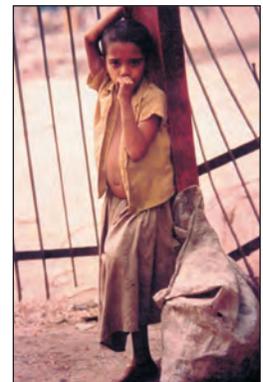
### ➔ Children on the Street

Due to flood, drought and other natural calamities, social stigma and discrimination, communal conflict etc., children migrate from the rural areas to the urban or from smaller to larger towns/cities with their families in search of some work. Though these working children may have their families but spend most of their time on the streets. They earn for themselves and may or may not contribute to the family income.



### ➔ Single Migrant Children/Children of the Streets/Abandoned/Orphaned Children

Children migrate without their family members or run away from their native place to different areas for a range of reasons such as to escape from bondage, due to death of parents, family disputes and violence, abandoned by families, or due to verbal, physical and sexual abuse. They work alone in the place of their destination. They do not have a place to live and hence spend their nights at the railway platforms, bus stations, etc. They live independently and usually spend all that they earn in the same day. They spend their lives on the streets without any kind of support and are hence the most exploited and abused of the lot.



### ➔ Distress Migration and Child Labour

Distress seasonal migration is one of the symptoms of poverty, deprivation and marginalization. One of the key characteristics of distress seasonal migration is that children migrate with their parents to work in hazardous working conditions in agricultural operations and labour-intensive occupations/industries like brick kilns, stone quarrying, construction, salt pans, fisheries, sugarcane harvesting and plantations. Agriculturally rich areas also attract a large number of migrant labourers for sowing, transplanting, weeding, threshing, harvesting, working in rice-mills, and other operations.

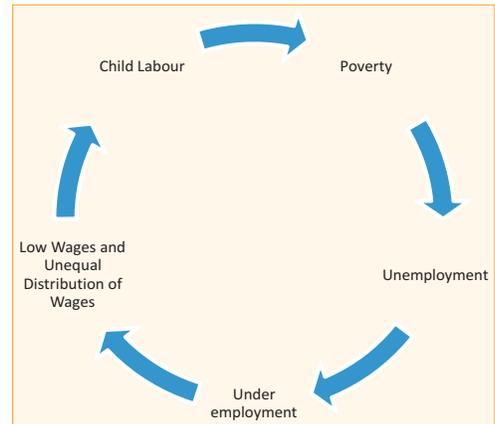
Distress seasonal migration takes place for survival, rather than with the expectation of economic improvement. In rain-fed regions, there is hardly any possibility of a second crop. In the absence of alternative livelihood options to enable their survival until the next monsoon, several families along with their children migrate from their villages every year for several months to different destinations where access to even basic amenities becomes difficult. This results in a vicious cycle of social and economic deprivation.

# Why Child Labour?

Child Labour is inherent in the cycle of Poverty, Unemployment, Under-employment and Low Wages, caused by inequitable distribution of resources, unleashed by a centralized and lopsided economy and the backward nature of agriculture.

The causes can be broadly classified into two viz., supply and demand side factors.

- ✓ Supply-side factors refer to the conditions under which families are engaging children in work.
- ✓ Demand-side factors refer to the preference of employers for employing children



## ➔ Major Causes of Child Labour

- Poverty
- Parental Illiteracy
- Tradition of making children learn family skills
- Social apathy and tolerance of child labour
- Ignorance of the parents about the adverse consequences of child labour
- Underemployment of Parents
- Adult unemployment
- Ineffective enforcement of Child labour legislation
- Non-availability of Educational Infrastructure
- Inaccessibility to schools
- Irrelevant and non-attractive school curriculum
- Lack of livelihood resources in the village and resultant migration in search of employment
- Large family size
- Lack of child-care facilities
- Social and Religious Discrimination
- Cultural factors eg. Attitude towards girl children
- Ignorance of the adverse impact on the physical, mental, moral well-being of the child and unawareness of the dire consequences of child labour on the children, family, nation and the society at large
- Employers Preference for cheap labour

# Magnitude of Child Labour in India

## ➔ Data Sources on Children and Child Labour

Most of the official estimates of child labour in India are based on Labour Force Survey of the NSSO and Decadal Census. Although these sources capture a wide range of data such as nature of work, status and sector of employment, etc. at a highly disaggregated level, many of the work areas performed by children usually do not get captured under the definition of 'work' adopted by these sources.

## ➔ Child Labour in Census of India

Census of India defines a person as 'main worker' if he/she dispenses /spends 180 days or more in a year engaged in economic activities. All those persons spending less than 180 days in a year are defined as 'marginal workers'. These two together constitute all workers in a given year. However, none of these definitions would define a child engaged in household chores or sibling care as a worker. Similarly, many other jobs performed by children do not come under the definitional purview of work adopted by the NSSO and Census for their surveys.

### Magnitude of Child Labour in India

S.No.	Name of the State/UT	1971	1981	1991	2001
1.	Andhra Pradesh	1627492	1951312	1661940	1363339
2.	Assam	239349*	**	327598	351416
3.	Bihar	1059359	1101764	942245	1117500
4.	Chhattisgarh	-	-	-	364572
5.	Gujarat	518061	616913	523585	485530
6.	Haryana	137826	194189	109691	253491
7.	Himachal Pradesh	71384	99624	56438	107774
8.	Jammu & Kashmir	70489	258437	**	175630
9.	Jharkhand	-	-	-	407200
10.	Karnataka	808719	1131530	976247	822615
11.	Kerala	111801	92854	34800	26156
12.	Madhya Pradesh	1112319	1698597	1352563	1065259
13.	Maharashtra	988357	1557756	1068418	764075
14.	Manipur	16380	20217	16493	**
15.	Meghalaya	30440	44916	34633	53940
16.	Nagaland	13726	16235	16467	**

## Magnitude of Child Labour in India

S.No.	Name of the State/UT	1971	1981	1991	2001
17.	Orissa	492477	702293	452394	377594
18.	Punjab	232774	216939	142868	177268
19.	Rajasthan	587389	819605	774199	1262570
20.	Sikkim	15661	8561	5598	16457
21.	Tamil Nadu	713305	975055	578889	418801
22.	Tripura	17490	24204	16478	21576
23.	Uttar Pradesh	1326726	1434675	1410086	1927997
24.	Uttaranchal	-	-	-	70183
25.	West Bengal	511443	605263	711691	857087
26.	Andaman & Nikobar Island	572	1309	1265	1960
27.	Arunachal Pradesh	17925	17950	12395	18482
28.	Chandigarh	1086	1986	1870	3779
29.	Dadra & Nagar Haveli	3102	3615	4416	4274
30.	Delhi	17120	25717	27351	41899
31.	Daman and Diu	7391	9378	941	729
32.	Goa			4656	4138
33.	Lakshadweep	97	56	34	27
34.	Mizoram	***	6314	16411	26265
35.	Pondicherry	3725	3606	2680	1904
	<b>Total</b>	<b>10753985</b>	<b>13640870</b>	<b>11285349</b>	<b>12591667</b>

Note: \*includes figures of Mizo district also which then formed part of Assam

\*\* census could not be conducted

\*\*\* census figures 1971 in respect of Mizoram included under Assam.

Figures for 1991 and 2001 related to workers of age group 5-14 years.

### ➔ Child Labour as per NSSO

According to the NSSO, the economic activity status of persons is captured in terms of Usual Status approach or Current Status approach. A person is included as employed in the Usual Status approach if he/she had pursued gainful economic activity for a relatively longer time span, in the period immediately preceding one year (365 days) prior to the date of the NSSO survey. This is known as Usual Principal Activity Status (UPS). And if a person had spent a relatively shorter time span in the

period preceding one year (365 days) prior to the date of the NSSO Survey, this is accounted under the head, Usual Subsidiary Activity Status (USS). Principal and Subsidiary Activity Status together constitute Usual Principal and Subsidiary Activity Status Approach (UPSS).

**Rural-Urban Work Participation Rate of Children**

	Age Group	5-9	10-14	5-14	15-18	5-18	Total
<b>Usual Principal Status (UPS)</b>							
Rural	Male	0.16	2.65	1.44	29.80	9.55	9.55
	Female	0.12	2.11	1.13	12.96	4.30	4.30
	Person	0.14	2.40	1.30	22.45	7.17	7.17
Urban	Male	0.01	2.36	1.26	20.31	7.34	7.34
	Female	0.04	0.78	0.43	5.75	2.09	2.09
	Person	0.02	1.64	0.88	13.77	4.95	4.95
<b>Usual Principal Subsidiary Status (UPSS)</b>							
Rural	Male	0.40	4.36	2.44	33.19	11.23	11.23
	Female	0.40	3.53	1.99	17.59	6.16	6.16
	Person	0.40	3.98	2.23	26.37	8.93	8.93
Urban	Male	0.07	2.76	1.5	21.1	7.77	7.77
	Female	0.07	1.19	0.66	7.41	2.77	2.77
	Person	0.07	2.05	1.11	15	5.49	5.49

Source: NSSO 66<sup>th</sup> Round 2009-10

# Dealing with Child Labour in India

## ➔ Dealing with Child Labour in India

The problem of child labour requires to be dealt through sustained efforts over a period of time. India is committed to the goal of eradication of child labour in all its forms. Considering the nature and magnitude of the problem a gradual and sequential approach has been adopted in India to withdraw and rehabilitate child labour beginning with the children working in hazardous occupations.

### a. Constitutional Provisions

India follows a pro-active policy towards tackling child labour problem. The concern for children in general and child labour in particular is reflected through the articles of the Constitution of India.

#### ➔ Article-21A

##### Right to Education

The State's obligation to provide free and compulsory education to children below the age of 14 years which was hitherto a judicial law became a statutory one when the Constitution (Eighty Sixth Amendment) Act, 2002 was passed by the Parliament of India whereby Article 21A was inserted into the Constitution of India.



Article 21A provides that "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

#### ➔ Article-23

##### Prohibition of Traffic in Human Beings and Forced Labour

Traffic in human beings, beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

#### ➔ Article-24

##### Prohibition of Employment of Children in Factories etc.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.



## ➔ **Article-39 (e) and (F)**

### **Directive Principles of State Policy**

The State shall in particular, direct its policy, securing:

- (e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength.
- (f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

## ➔ **Article – 45**

### **Provision for Free and Compulsory Education for Children**

The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

## **b. Committees and Commissions on Child Labour**

Different commissions on labour have looked into the working conditions of children and made recommendations which resulted in enactment of labour laws having provisions relating to child labour.

## ➔ **1929- ROYAL COMMISSION ON LABOUR**

- Reported the prevalence of child labour in various parts of the country in the Bidi, Textile, Carpet, Match and Fireworks etc.
- Paid specific attention to child labour working in the Tea plantations and recommended that owners contribute to the establishment of facilities for ensuring their minimum education.
- It recommended the legal prohibition of children below the age of ten from work and the entry of all the names in wage books.
- Recommended for the prohibition of children working overtime and taking work home.

## ➔ **1944-Labour Legislative Committee (Rege Committee)**

- Observed increase in the number of child labour during wartime and in the small-scale industries.

- Specific observations were made on the incidence of child labour in the Match industry of Tamil Nadu, Cement Industry of Rajasthan, the Spinning industry of Kerala and the Carpet weaving in Kashmir.
- Recommended for the adoption of positive measures to wean children away from industrial employment.

### ➔ **1979-Gurupadaswamy Committee**

- Looked into various dimensions of child labour.
- Examined status and implementation of child labour legislation and recommended for strengthening of enforcement machinery.
- Recommended for the setting up of Child Labour Advisory Board and fixing the minimum age of entry into employment.
- Recommended adoption of uniform definitions of a child and adolescents while prescribing the hours of work, conditions of work etc.
- Recommended for formulation of an effective education policy with emphasis on integration of educational requirements with local crafts.

## c. **Legal Provisions relating to Child Labour in India in various laws**

### ➔ **The Factories Act, 1948**

This Act provides for the health, safety, welfare and other aspects of workers in factories. No child of less than 14 years of age is to be employed in any factory.

For securing the health and safety of young persons employed in factories, the Act provides for the following:

No child who has not completed his fourteenth year or an adolescent (below 18 years) shall not be required or allowed to work in any factory, unless he has been granted a certificate of fitness by a certifying surgeon which is to be in the custody of the factory manager and the child or adolescent carries a token which refers to such certificate (S. 68).

No child shall be employed or permitted to work, in any factory for more than four and a half hours in a day and during the night (twelve hours, including the period 10 p.m. to 6 p.m.)

Child workers would be entitled to a weekly holiday and shall not be allowed or required to work simultaneously in two factories.

No female child shall be required or allowed to work in any factory, except between 8 a.m. and 7 p.m. (S. 71).

The employer has to display notice about periods of work for children, maintain registers of child workers giving their particulars (S. 72, 73)

Every child worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed leave with wage of one day for every 15 days of work performed, excluding holidays (S. 79).

### ➔ **The Minimum Wages Act, 1948**

A 'child' means a person who has not completed his 14<sup>th</sup> year.

The Appropriate Government is empowered under the Act to fix minimum rates of wages payable to employees employed in employments specified in Part I and Part II of the Schedule of the Act.

In so fixing or revising minimum rates of wages different minimum rates of wages may be fixed for adults, adolescents, children and apprentices.

This Act provides for fixing minimum rates of wages in certain employments.

### ➔ **Plantations Labour Act, 1951**

This Act has provisions for the welfare of labour, and regulates the conditions of work in plantations.

Under the Act, a 'child' means a person who has not completed his fourteenth year.

An 'adolescent' means a person who has completed his fourteenth year but has not completed his eighteenth year.

It is incumbent upon plantation employers to provide recreational and educational facilities for children employed, besides facilities for housing and crèches.

Except with the permission of the State Government, no child labour shall be employed in any plantation between 7 p.m and 6 a.m.

Every young person has to be certified to be fit for work by the certifying surgeon and it will be valid for twelve months.

No child or adolescent shall be allowed to work in any plantation, unless his employer has a certificate of fitness pertaining to the child or adolescent.

Contravention of the provisions of the Act entails imprisonment upto three months or fine upto one thousand rupees or both.

### ➔ **The Mines Act, 1952**

This enactment regulates the working conditions of labour and safety in mines.

This Act was amended in 1983 to provide that no person below eighteen years of age shall be allowed to work in any mine or part thereof.

Apprentices or other trainees may, however, be allowed to work under proper supervision in a mine, or part thereof, provided they are not below sixteen years of age.

Trainees who are not apprentices may be allowed to work with the approval of the Inspector or Chief Inspector.

If the Inspector finds that any person employed in a mine (other than an apprentice or trainee) is not an adult or is below sixteen years of age, or is no longer fit to work, he may require the manager of the mine to have that person examined by a certifying surgeon.

No other evidence, except the certificate of the certifying surgeon will be relied upon.

No person below eighteen years of age can be allowed to be even present in any part of a mine above ground, where any operation connected with mining is carried on.

Any contravention about employing a person who is below eighteen years of age in a mine would render the owner, agent or manager punishable with fine upto one thousand rupees.

A complaint about breach of the provisions of the Act will have to be made generally within six months of the date on which the offence is alleged to have been committed.

Complaints will be triable by Judicial Magistrates of the first class or Metropolitan Magistrate.

### ➔ **Motor Transport Workers Act, 1961**

This is an Act to provide for the welfare of motor transport workers and to regulate the conditions of their work.

The penalties and procedure for violation of the provisions of the Act are similar to those provided in the Factories Act, 1948.

The Act defines a 'child' as a person who has not completed his fourteenth year.

An adolescent (a person who has completed his 14<sup>th</sup> year but has not completed his 18<sup>th</sup> year) may be employed to work as a motor transport worker if he has been granted a certificate of fitness.

### ➔ **Beedi and Cigar Workers (Conditions of Employment) Act, 1966**

This Act provides for the welfare of the workers in beedi and cigar establishments and regulates the conditions of their work and matters connected therewith.

As employment in beedi making is also prohibited under the Child Labour Act (Schedule B), prosecution can be launched either under the Beedi and Cigar Workers Act or the Child Labour Act.

- The Act defines a 'child' as a person who has not completed 14 years of age and a 'young person' as a person who has completed 14 years of age but has not completed 18 years of age.
- Section 24 of the Act states that no child shall be required or allowed to work in any industrial premises.
- Section 25 of the Act states that no woman or young person shall be required or allowed to work in any industrial premises except between 6 a.m. and 7 p.m.

Engagement of child labour, in breach of the above provisions, involves a penalty of Rs. 250 on first contravention and with imprisonment for a term from one month to six months for a second contravention.

- A complaint for contravention of the Act can be filed within three months of the commission of the offence, by an Inspector with the previous written sanction of the Chief Inspector.
- The complaint has to be made before a magistrate of the first class or a presidency magistrate. It would be the burden of the employer who is accused of such contravention by the court that the child was not a child by producing written declaration from the Civil Assistant Surgeon.

The Child Labour Act has the advantage of more severe punishment. The Beedi and Cigar Workers Act on the other hand have the advantage of placing the burden of proof on the employer.

### **The Shops and Commercial Establishments Acts**

The shops and Commercial Establishments Acts are enacted by the various state legislatures. These Acts regulate the working conditions of employees in shops and commercial establishments.

- Most of the Shops and Establishment Acts define a child to be a person who has not completed his fourteenth year.
- No child shall be allowed to work in any establishment, even if such a child is a member of the family of the employer.
- No young person (upto 18 years) shall be required to work between 9 p.m. and 7 a.m. in summer and between 8 p.m. and 8 a.m. in winter.
- Establishments have to observe weekly holidays, and provide for cleanliness, lighting, ventilation and precautions against fire and accidents.
- Employees are to be paid their wages every month in cash.
- Employees have to be given 12 paid casual leave in a year and privilege leave of 15 days for every completed year of service.

### Major Legislations on Child Labour

	Acts	Minimum Age (Years)	Coverage	Penalty	
				Imprisonment	Fine (in Rupees)
1.	Children (Pledging of Labour Act), 1933	15	Forbids making of agreement to pledge the labour of a child		50; 200 <sup>®</sup>
2.	Factories Act, 1948	14	Industries using power employing 10; without power; employing 20	2 years	1 lakh
3.	Plantations Labour Act, 1951	15	All agricultural plantations	3 months 6 months <sup>®</sup>	500; 1000 <sup>®</sup>
4.	Mines Act, 1952	15 underground;	All mines underground	3 months	1000
5.	Shops & Commercial Establishment Act	Set by States: 12-14	Varies by state	Varies by State	
6.	Merchant Shipping Act, 1958	15 on Ships	All ships		
7.	Motor Transport Workers Act, 1961	15	All forms of transportation or goods.	3 months 6 months	500; 1000 <sup>®</sup>
8.	Bidi & Cigar Workers (conditions of employment) Act, 1966	14	Bidi-making enterprises	3 months 6 months <sup>®</sup>	500

<sup>®</sup>- Repeat offence  
Source: Labour.nic.in

### d. Juvenile Justice (Care and Protection) Amendment Act 2006 and its Implications for Child Labour

According to Juvenile Justice (Care and Protection) Amendment Act 2006 Child in need of care and protection means a child who is-

- Homeless
- Having incapacitated parent
- Abandoned, missing or run away
- Victim of natural calamities
- Victim of armed conflict
- Victim of civil commotion

- Victim of sexual abuse
- Mentally or physically challenged
- Mentally or physically ill
- Suffering with terminal diseases
- AIDS/HIV affected
- Drug abused or trafficked
- Child Beggars, Street & **Working Children** (included in Amended Act)

### **According to Juvenile Justice (Care and Protection) Amendment Act 2006 ‘Child Protection’ is about:**

- Protecting children from or against any perceived or real danger or risk to their life, their personhood and childhood.
- Protection of all rights of all children, especially those needing special attention and developing strategies to ensure realization of their rights
- It is about providing a protective environment that prevents children’s vulnerability to abuse and exploitation
- Special measures for all those out of the protective net and others likely to join the ranks of children in difficult circumstance
- Address the basic needs of health, nutrition, education, security and all round development
- Providing security to children against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kinds, pornography, corporal punishment, torture, exploitation, violence, labour, beggary and any other degrading treatment.

### **Space for the NGOs in Juvenile Justice (Care and Protection) Amendment Act 2006**

#### **Section 29 (1) provides constitution of Child Welfare Committee (CWC)**

- One of four members besides Chairperson to be an expert on matters concerning children (Sub Section 2)
- Child in need of care & protection to be placed in the safe custody when CWC not in session

#### **Section 34 (1) provides establishment of Children’s Home-**

- To be established & maintained by state government or in association with voluntary organizations
- Reception, care, treatment, education, vocational training, development & rehabilitation
- Management of Children’s Home about standards & nature of services to be provided by state government (Sub Section 2)

- Registration of state or VO run institutions within six months from commencement date without prejudice (Sub Section 3)

### Section 37 (1) provides setting of Shelter Home/Drop-in-centre

- Shelter Homes to function as Drop-in-centers for children in need of urgent support (Sub Section 2)
- State government to recognize reputed, capable Voluntary Organizations and assist them to set up and administer as many shelter homes for juveniles or children as may be required. (Sub-Section 3)

**Section 39** - Restoration and Protection of Children by restoration to parents, adopted parents, foster parents, guardian, fit person or fit institution

**Section 40** - Rehabilitation and Social reintegration of children

**Section 41** - Adoption of orphaned, abandoned and surrendered children

**Section 42** - Foster Care for temporary placement of children to be given for adoption

**Section 43** - Sponsorship for supplementary support for children

**Section 44** - After Care Organization for children over seventeen years and less than eighteen years

### Provisions under JJ Model Rules

- Association/transfer of Homes (Model Rules 38 (2))
- Member of the Juvenile Justice Board/Child Welfare Committee (Sections 4 & 29)
- Member of the Selection Committee (Model Rule 24 (2))
- Member of the Inspection Committee (Section 35)
- Member of the Advisory Board (Section 62(2))



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

### ➔ Objectives

- To ban the employment of children who have not completed their 14<sup>th</sup> year in specified occupations and processes
- To obtain uniformity in the definition of the word “child” by defining it under the Child Labour Act
- To lay down a procedure to decide on additions to the schedule which lists the prohibited occupations or processes
- To regulate the conditions of work of children in employments where they are prohibited from working

- To lay down enhanced penalty for employment of children in violation of the provisions of this Act and other Acts which prohibit the employment of children

### ➔ **Extent of application of CLPR Act**

- The Act extends to the whole of India
- Part 3 of the Act relating to the regulation of conditions of work of children apply to different states and different classes of establishments as per the Central Government notification in the Official Gazette on 26<sup>th</sup> May, 1993

### ➔ **Definition of a “child” under the Act**

- Section 2(ii) of the Act defines a “child “ as a person who has not completed his 14<sup>th</sup> year of age
- To bring any child within the purview of the Act, therefore, it is essential to ensure that the child is less than 14 years of age on the relevant date

### ➔ **‘Establishment’ as per CLPR Act**

- An establishment includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating houses, theatre or other places of public amusement or entertainment
- Establishment does not include a Factory or a Mine

### ➔ **Relevance of family**

- Family, in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brothers or sisters of such individual
- Section 3 of the Act prohibiting the employment of children would not apply where the aid of the family is taken to carry on any process in the Workshop

### ➔ **Who is an Occupier?**

- Section 2(vi) defines occupier, in relation to an establishment or workshop as a person who holds ultimate control of the affairs of the establishment or workshop
- Unlike the Factories Act, 1948, where it is the obligation of the factory owner to declare who is the occupier of the factory, under the Child Labour Act, it will have to be determined in particular cases who the occupier of an establishment or workshop is

### ➔ **What is the position of an establishment which is a school?**

The exemption from the Act is available to three kinds of schools:

- *Schools established by the Government*
- *Schools receiving assistance from the Government*
- *Schools recognized by the Government*

The object is to benefit the process of vocational education and training

### ➔ Inspector under the Act

- Section 17 of the Act provides that the Appropriate Government may appoint inspectors for the purpose of securing compliance with the provisions of the Act
- It is essential that inspectors have a clear idea about their role, responsibility and obligations which arise under the present Act
- They are deemed to be 'public servants' within the meaning of Section 21 of the Indian Penal Code and therefore are entitled to certain privileges, laid down in that Section
- So far as the duties under the Act are concerned, Inspectors are expected to have the appropriate attitude towards issues relating to child labour

### ➔ Extent of Prohibition of Employment of Children under the Act

- No child shall be employed or permitted to work in any of the occupations set forth in Part 'A' of the schedule or in any work wherein any of the processes set forth in Part 'B' of the schedule is carried on
- Proviso in **Section 3** of the Act:

*"Provided that nothing in this section shall apply to any work wherein process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from the Government."*

### ➔ Prohibited Occupations as per Part A of the Schedule under Child Labour (Prohibition and Regulation) Act, 1986

1. Transport of passengers, goods or mail by railway;
2. Cinder packing, cleaning of an asphalt or building operation in the railway premises;
3. Work in a catering establishment or a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;
4. Work relating to the construction of a railway station or with any other work, where such work is done in close proximity to or between the railway lines;
5. A port authority within the limits of any port;
6. Work relating to selling of Crackers and Fireworks in shops with temporary licenses;
7. Abattoirs;
8. Automobile workshops and garages;
9. Foundries;
10. Handling of toxic or inflammable substances or explosives;

11. Handloom and Powerloom Industry;
12. Mines (underground and under water) and collieries;
13. Plastic units and fiber glass workshops;
14. Employment of Children as domestic workers or servants
15. Employment of Children in debase (road-side eateries), restaurants, hotels, motels, tea-shops, resorts, spas or other recreational centres
16. Diving
17. Caring of Elephants
18. Children working in Circus

 **Prohibited Process as per Part B of the Schedule under Child Labour (Prohibition and Regulation) Act, 1986**

1. Bidi-making
2. Carpet-weaving, including preparatory and incidental process thereof
3. Cement manufacture, including bagging of cement
4. Cloth printing, dyeing and weaving including processes preparatory and incidental thereto
5. Manufacture of matches, explosives and fireworks
6. Mica-cutting and splitting
7. Shellac manufacture
8. Soap manufacture
9. Tanning
10. Wool-cleaning
11. Building and construction industry
12. Manufacture of slate pencils (including packing)
13. Manufacture of products from agate
14. Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos
15. 'Hazardous processes' as defined in Section 2cd and dangerous operations' as notified in rules made under Section 87 of the Factories Act, 1948 ( 63 of 1948)
16. Printing as defined in Section 2 (k) (iv) of the Factories Act, 1948 (63 of 1948)
17. Cashew and cashewnut descaling and processing
18. Soldering processes in electronic industries
19. 'Aggarbatti' manufacturing
20. Automobile repairs and maintenance, including processes incidental there to namely:- welding, lathe work, dent beating and painting

21. Brick Kilns and Roof tiles units
22. Cotton ginning and processing and production of hosiery goods
23. Detergent manufacturing
24. Fabrication workshops (ferrous and non ferrous)
25. Gem cutting and polishing
26. Handling of chromite and manganese ores
27. Jute textile manufacture and coir making
28. Lime kilns and manufacture of lime
29. Lock making
30. Manufacturing processes having exposure to lead such as primary and secondary of zinc silicate, polyvinyl chloride mixing (by hand) of crystal glass mass, sanding or scrapping of burning of lead in enameling workshops, plumbing, cable making, wire patenting, lead casting, type founding in printing shops, store type-setting, assembling of cars, shot making and lead glass blowing
31. Manufacture of cement pipes, cement products and other related work
32. Manufacturing of glass, glassware including bangles, florescent tubes, bulbs and other similar glass products
33. Manufacture of dyes and dye stuff
34. Manufacture or handling of pesticides and insecticides
35. Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photo engraving an soldering processes in electronic industry
36. Manufacturing of burning coal and coal briquettes
37. Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather
38. Moulding and processing of fiberglass and plastic
39. Oil expelling and refinery
40. Paper-making
41. Potteries and ceramic industry
42. Polishing, moulding, cutting, welding and manufacture of brass goods in all forms
43. Processes in agriculture where tractors, threshing and harvesting machines are used and chaff-cutting
44. Saw mill-all processes
45. Sericulture processing
46. Skinning, dyeing and processes for manufacturing of leather and leather products

47. Stone breaking and stone crushing
48. Tobacco processing, including manufacturing of tobacco, tobacco paste and handling of tobacco in any form
49. Tyre-making, repairing, re-treading and graphite benefaction
50. Utensils making, polishing and metal buffing
51. 'Zari' making (all processes)"
52. Electroplating
53. Graphite powdering and incidental processing
54. Grinding and glazing of metals
55. Diamond cutting and polishing
56. Extraction of slate from mines
57. Ragpicking and scavenging
58. Processes involving exposure to excessive heat (eg. Working near furnace) and cold
59. Mechanized fishing
60. Food processing
61. Beverage Industry
62. Timber handling and loading
63. Mechanical lumbering
64. Warehousing
65. Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone, quarries, agate industry

### **Regulating hours and period of work of children under the Act**

- One of the objectives of the Act is to regulate the conditions of work of children in certain employment in which children may be employed to work
- These conditions of work relate to hours and period of work, weekly holidays, obligations of the employers, conditions to be observed for securing the health and safety of the children at work

### **Hours can a child be made to work in any establishment?**

- The total period for which the child is made to work cannot exceed six hours including the interval for rest of one hour at least and the time spent in waiting for the work on any day
- It is not open to an Employer to make a child work for a period exceeding three hours at a stretch

- After every three hours the child has to be given a rest for at least one hour
- No child shall be permitted or required to work between **7PM** and **8 AM**
- No child shall be required or permitted to work over time
- Over time will have meaning in relation to the establishment's standing orders which provides for over time
- The prohibition regarding not engaging children on over time is total
- No employer can say that he is willing to pay over time allowance and so may be permitted to employ a child on over time

### ➔ **Is a child entitled to a Weekly Holiday?**

- *Yes, For each week the employer shall allow a child a holiday of one whole day*
- Such weekly holiday shall be specified in a notice permanently exhibited in a conspicuous place in the establishment
- The employer does not have the choice to keep changing the weekly holiday more than once in three months

### ➔ **Provisions have the State Governments to make by way of rules for the health and safety of the Child Labour**

- It is incumbent upon State Governments to make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments
- Such rules may provide that the employer must make certain arrangements.

### ➔ **Obligations of the 'Employer' under the Act**

- Not to Employ a child for more than three hours a day at a stretch
- To provide for an interval for at least one hour after a period of work extending to three hours
- Not to Employ a child for six hours in a day at a stretch including interval and time for waiting for work on any day
- Not to make a child work between 7 PM and 8 AM
- Not to make a child labour work in another establishment on any day on which he has already been working in that establishment
- To observe a weekly holiday and display the same in a notice permanently exhibited in a conspicuous place in the establishment
- To send to the inspector within 30 days of the employment of a child:
  - ❖ a written notice containing the name and the situation of the establishment

- ❖ the name of the person in actual management of the establishment
- ❖ the address to which communications relating to the establishment should be sent and
- ❖ the nature of the occupation or processes carried out for the establishment

The period of 30 days has to be contended from the date when the Act is made applicable to the establishment

- To maintain a register containing:
  - ❖ the name and the date of birth of every child employed or permitted to work
  - ❖ hours and periods of work of such child
  - ❖ intervals of rest of which he is entitled to
  - ❖ nature of work of child and
  - ❖ other such particulars
- To make available such register for inspection to the inspector at all times during working hours or when work is being carried out in the establishment
- To display an abstract of Section 3 (Prohibition of employment of children in certain occupations and processes) and Section 14 (penalties) both in the English language and in a local language in a conspicuous place in the establishment
- Every Railway Administration, Port Authority shall display the said abstract of Section 3 and 14 at every Station on its Railway or within the limits of a Port in an accessible place
- To ensure that a certificate of age of every child from the prescribed Medical Authority is obtained before engaging such child

### **Offences under the Act**

- Employing any child or permitting any child to work in violation of the provisions of Section 3 (Prohibition of Employment of Children in certain Occupations and Processes)
- Not sending Notice to the Inspector as to the particulars of the Establishment as required by Section 9 other than those in which processes are carried with the aid of a family or any school established, assisted or recognized by the Government
- Not maintaining a Register containing particulars of child labour employed in an establishment as required by Section 11 or not making it available for inspection by the Inspector
- Not displaying a Notice containing an abstract of Section 3 and 14 as required by Section 12
- Failing to comply with or contravening any other provision of this Act or Rules made thereunder

- Breach of Section 67 (Prohibition of Employment of Children below 14 years) of the Factories Act, 1948
- Contravening Section 40 (Prohibition of employing children below 18 years) of the Mines Act, 1952
- Contravening Section 109 (Prohibition of employment of children below 15 years) of Merchant Shipping Act, 1959; and
- Contravening Section 21 (Prohibition of employing children below 14 years) of the Motor Transport Workers Act, 1961

### ➔ Punishment provided under the Act

- The punishment provided is simple imprisonment for a minimum period of three months where Section 3 of the Act has been contravened and may extend to one year or fine of Rs. 10,000/- which may extend to Rs. 20,000/- or both
- In respect of other offences, punishment shall be simple imprisonment up to one month or fine up to Rs. 10,000/- or both
- Repeating the offence under Section 3 after having been convicted of an offence under Section 3, punishment only by way of imprisonment for a term not less than 6 months which may be extended to two years

### ➔ Who can take action for an offence under the act?

- Any person
- A police officer
- Inspector appointed under the Act

### ➔ In which court can an offender under this Act be prosecuted?

- A complaint about commission of an offence under this Act may be filed in any Court of competent jurisdiction but no Court less than that of a Metropolitan Magistrate or First Class Magistrate shall try an offence under this Act
- For violation of Section 3, as the penalty is a minimum fine of Rs. 10,000/-, prosecutions have to be filed in the Court of the Chief Judicial Magistrate

### ➔ Rules have been made under this Act

- Constitution of the Child Labour Technical Advisory Committee
- Number of hours for which a child may be required or permitted to work in establishments or class of establishments under Section 7(1)
- Particulars which have to be contained in the Register to be maintained under Section 11 of the Act

- The Rules and Notifications issued under Section 4 have also to be placed before the Parliament as required by Section 19
- Where rules have been made by the State Governments under this Act, the same shall be laid before the legislature of that State

### ➔ Establishments covered under the act

- A shop
- A commercial establishment
- A Workshop where any industrial process is carried on except a factory to which Section 67 of the Factories Act, 1948 applies
- A farm
- An eating house (for e.g. *Dhaba*)
- A theatre
- A restaurant
- A place for public amusement
- A place of public entertainment
- A residential hotel

It is not possible to add to the above list of establishments unless the Act is amended by Parliament.

### f. National Policy on Child Labour

- The National Policy on Child Labour, August 1987 contains the action plan for tackling the problem of child labour. It envisages:
- A legislative action plan
- Focussing and convergence of general development programmes for benefiting children wherever possible, and

Project-based action plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour.

In pursuance of National Child Labour Policy, the NCLP Scheme was started in 1988 to rehabilitate child labour. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance. Under the Scheme, after a survey of child labour engaged in hazardous occupations & processes has been conducted, children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.

### ➔ Strategy for elimination of child labour in Xth Plan

Keeping in view the policy of the Government as laid down in the National Agenda and Prime Minister's directions in the National Conference on Child Labour, the evaluation studies carried out by the

VGNLI and the approach defined in the working paper for the Tenth Plan, the strategy adopted during this Plan period aims at bringing qualitative changes in the scheme for elimination of child labour. The details are as follows:

- Policy and programmes for elimination of child labour would be continued in a more focused, integrated and convergent manner.
- Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the Plan period.
- Expansion of the NCLPs to additional 150 districts during the Plan.
- Ensuring that the NCLPs have a focused time frame of 5 years with clearly defined targets.
- Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan of the MHRD an attempt to ensure that small children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centres. Increased efforts to provide vocational training to the older children.
- Strengthening of the formal school mechanism in the endemic child labour areas in the country both in terms of quality and numbers in such a manner as to provide an attractive schooling system to the child labour force and its parents so that motivational levels of both the parents and such children are high and sending these children to school becomes an attractive proposition.
- Convergence with the ongoing schemes of the Dept. of Education, Rural Development, Health and Women & Child Development would be critical for the ultimate attainment of the objective of elimination of child labour in a time bound manner.
- Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools. The attempt during this Plan would be to encourage the running of the rehabilitation schools only through accepted and committed NGOs so that the Government machinery is not burdened with running of such schools.

### **Certain important and enhanced parameters that have been introduced in the scheme *now* are as under:**

**STIPEND:** In the existing arrangement, the stipend of Rs. 100/- per child per month was being disbursed every month. As per the revised scheme, the monthly stipend of Rs. 100/- per month per child will be disbursed only after the child is successfully mainstreamed into formal system of schooling. Till that period, the amount of stipend will be regularly deposited in the Bank Account of the child. The accumulated stipend amount could be handed over to the child at the time of her/his getting mainstreamed.

**NUTRITION:** The amount for provision of nutrition to the children in the special schools has been doubled from Rs. 2.50/- per child per day to Rs. 5/- per child per day.

**HEALTH COMPONENT:** In the existing scheme, there was no separate budgetary provision for any health component to take care of the health-related aspects of the children. In the revised scheme an amount of honorarium (Rs. 5,000/- per month for one doctor for every 20 schools) has been provided to put in place an institutionalised mechanism for regular and periodical effective health care of the children by a doctor. A health card in respect of every child also needs to be maintained with all the necessary entries.

**VOCATIONAL TRAINING:** In the existing scheme, there was no separate budgetary provision for the services of any Master Trainer for imparting training to the children/teachers. In the revised scheme, budgetary provision (Rs. 5,000/- for one Master Trainer for each NCLP) has been provided to hire the services of a Master for each NCLP.

**TRAINING FOR EDUCATIONAL TEACHERS:** In the existing scheme, there was no separate budgetary provision for providing training to the educational teachers. In the revised scheme, budgetary provision has been provided to impart training to the teachers twice during the 10<sup>th</sup> Plan period.

**SURVEY:** In the revised Scheme, provision (Rs. 2.75 lakh per survey) has been made to conduct surveys of working children two times during the 10<sup>th</sup> Plan period.

By following the strategy enunciated above and combining this with the existing established mechanisms of enforcement, it is expected that a drastic reduction in child labour would result by the end of Plan period.

The problem of child labour requires to be dealt through sustained efforts over a period of time. Government is committed to the goal of eradication of child labour in all its forms. Considering the nature and magnitude of the problem a gradual and sequential approach has been adopted to withdraw and rehabilitate child labour beginning with the children working in hazardous occupations.

### ➔ National Child Labour Projects

In pursuance of National Child Labour Policy, the National Child Labour Projects Scheme was started in 1988 to rehabilitate child labour. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance. National Child Labour Projects aim to focus on different developmental and welfare programmes for the benefit of child labour in the project area. Effective convergence and an integrated approach of the relevant schemes of the social sectors are being carried out to achieve the project goals.



### ➔ Project Based Plan of Action

The National Child Labour Projects (NCLP) were launched for the first time in 1988 in areas of high concentration of child labour. The NCLPs are area-specific, time bound where priority is given to the withdrawal and rehabilitation of children engaged in hazardous employment.

The Strategy of the National Child Labour Projects is to implement model programmes consisting of key elements such as:

- Stepping up the enforcement of the prohibition of child labour
- Providing employment to parents of child labour
- Expanding formal and non-formal education
- Promoting school enrollment through various incentives, such as payment of stipend
- Raising public awareness
- Survey and evaluation

### ➔ Special Schools (Child Labour Rehabilitation-cum-Welfare Centres)

Rehabilitation of working children is an important activity and under this, child labour special schools (Rehabilitation-cum-Welfare Centres) have been set up by encouraging voluntary efforts for imparting formal/non-formal education and pre-vocational/craft training. For the ultimate attainment of the objective of elimination of child labour in a time bound manner, convergence with on-going schemes of other departments such as Health, Women and Child Development, Social Welfare, Tribal welfare, Labour etc., is considered essential. In view of the crucial role of education in prevention and elimination of child labour, a component of education is provided in the project. Apart from education, children are also provided with a package of welfare inputs such as supplementary nutrition and health care through special schools to meet their special needs.

#### 271 Child Labour Projects in 21 States of India

S.No	Name of the State	No. of Districts	Name of the Districts
1	Andhra Pradesh	(23 Districts)	Mahbubnagar, Guntur, Karimnagar, Kurnool, Ananthapur, East Godavari, Warangal, Nalgonda, Chittoor, Prakasam, Viskhapatnam, Srikakulam, Nizaamabad, Medak, Khammam, Adilabad, Cuddapah, Vizinagaram, Rangareddy, Nellore, Hyderabad, West Godavari, Krishna

S.No	Name of the State	No. of Districts	Name of the Districts
2	Assam	(3 Districts)	Nagaon, Kokrajhar, Lakhimpur
3	Bihar	(24 Districts)	Nalanda, Saharsa, Jamui, Katihar, Araria, Gaya, East Champaran, West Champaran, Madhepura, Patna, Supaul, Samastipur, Madhubani, Darbhanga, Muzaffarpur, Nawada, Khagaria, Sitamarhi, Kishanganj, Begusarai, Banka, Saran, Purnia and Bhagalpur
4	Chattisgarh	(8 Districts)	Bilaspur, Rajnandgaon, Surguja, Raigarh, Durg, Dantewada, Raipur, Korba
5	Gujarat	(9 Districts)	Surat, Panchmahal, Bhuj, Banaskantha, Dahod, Vadodara, Bhavanagar, Ahmadabad, Rajkot
6	Haryana	(3 Districts)	Gurgaon, Faridabad, Panipat
7	Jammu & Kashmir	(3 Districts)	Jammu, Srinagar, Udhampur
8	Jharkhand	(9 Districts)	Sahibganj, Dumka, Pakur, West Singhbhum (Chaibasa), Garhwa, Gumia, Palamau, Ranchi, Hazaribagh
9	Karnataka	(17 Districts)	Bijapur, Raichur, Dharwad, Bangalore (Urban), Bangalore (Rural), Belgaum, Koppal, Tumkur, Davangere, Haveri, Mysore, Bagalkot, Chitradurga, Gulbarga, Bellary, Kolar, Mandya
10	Madhya Pradesh	(22 Districts)	Gwalior, Mandsaur, Ujjain, Barwani, Rewa, Dhar, East Nimar (Khandwa), Rajgarh, Chhindwara, Shivpuri, Sidhi, Guna, Betul, Shajapur, Ratlam, West Nimar (Khargon), Jhabua, Damoh, Sagar, Jalna, Satna, Katni
11	Maharashtra	(18 Districts)	Solapur, Thane, Pune, Ahmadnagar, Sangli, Kolhapur, Jalgaon, Nandurbar, Nanded, Nasik, Yavatmal, Dhule, Beed, Amravati, Jalna, Aurangabad, Gondia, Mumbai Suburban
12	Mizoram	(1 District)	Aizwal
13	Nagaland	(1 District)	Dimapur

## Dealing with Child Labour in India

S.No	Name of the State	No. of Districts	Name of the Districts
14	Orissa	(18 Districts)	Koraput, Ganjam, Kalahandi, Sambalpur, Mayurbhanj, Bolangir, Malkangiri, Nabarangpur, Rayagada, Nuapada, Gajapathi, Bargarh, Deogarh, Jharsuguda, Angul, Cuttack, Balasore, Soneput.
15	Punjab	(3 Districts)	Jalandhar, Amritsar, Ludhiana
16	Rajasthan	(23 Districts)	Jaipur, Udaipur, Tonk, Jodhpur, Ajmer, Alwar, Jalor, Chhuru, Nagaur, Chittorgarh, Banswada, Dhaulpur, Sikar, Dungarpur, Bharatpur, Bikaner, Jhunjhunu, Bundi, Jhalawar, Pali, Bhilwara, Ganganagar, Barmer
17	Tamil Nadu	(18 Districts)	Coimbatore, Dharmapuri, Salem, Tiruchirapalli, Tuticorin, Krishnagiri, Chennai, Erode, Dindigul, Theni, Pudukkottai, Vellore, Tirunelveli, Kanchipuram, Thiruvanamallai, Tiruvallur, Namakkal, Virudhnagar
18	Uttar Pradesh	(47 Districts)	Varanasi, Mirzapur, Bhadohi, Bulandshahar, Saharanpur, Azamgarh, Muzaffarnagar, Kaushambi, Gonda, Kheri, Bahraich, Balrampur, Hardoi, Barabanki, Sitapur, Faizabad, Badaun, Gorakhpur, Kushinagar, Shajahanpur, Kannauj, Rae Bareli, Unnao, Sultanpur, Fatehpur, Shravasti, Pratapgarh, Basti, Sonebhadra, Mau, Bijnor, Banda, Ghaziabad, Jaunpur, Rampur, Bareilly, Lucknow, Meerut, Etawah, Agra, Ghazipur, Mathura, Etah, Moradabad, Allahabad, Kanpur Nagar, Aligarh, Ferozabad
19	Uttaranchal	(1 District)	Dehradun
20	West Bengal	(19 Districts)	Burdwan, North Dinajpur, South Dinajpur, North 24-Parganas, South 24-Parganas, Kolkata, Murshidabad, Midnapore, Maldah, Bankura, Purulia, Birbhum, Nadia, Hugli, Howrah, Jalpaiguri, Cooch Bihar, East Midnapore and Darjeeling
21	Delhi	1	Delhi
<b>Total</b>	<b>21 States</b>	<b>271 Districts</b>	

## ➔ Approaches for elimination of child labour through NCLPs

- Realization of Policy objectives and Implementation of programmes for elimination of child labour in a more focused, integrated and convergent manner.
- Focused and reinforced action to eliminate child labour in the hazardous occupations.
- Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan (SSA) of the Ministry of Human Resource Development, an attempt to ensure that small children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centres.
- Increased efforts to provide vocational training to the older children.
- Strengthening of the formal school mechanism in the endemic child labour areas in the country both in terms of quality and numbers.
- Providing attractive schooling.
- Convergence with the ongoing schemes of the Department of Education, Rural Development, Health and Women & Child Development.
- Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools.



# Trafficking-Exploitation of Children & The Worst Forms of Child Labour

## ➔ Definitions

- According to United Nations General Assembly Resolution on Trafficking in Women and Girls 1994:

**Trafficking is defined as** “Illicit and clandestine movement of persons across national and international border slavery from developing countries and some countries with economies in transition, with the end goal of forcing women and children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and crime syndicates, as well as other illegal activities related to trafficking, such as forced domestic labour, false marriages, clandestine employment and false adoption.”

- According to Article 3a of the Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime, 2000:

- **Exploitation** shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, **forced labour or services, slavery or practices similar to slavery, servitude** or the removal of organs.”

- “**Child**” shall mean any person under eighteen years of age.

- **Core Elements of Trafficking** are :

(a) Acts (what is done)

(b) Means (how it is done)

(c) For the Purpose of Exploitation-End Result

(a) Acts (what is done)

(i) Recruitment; (ii) Transportation; (iii) Transfer, (iv) Harboring, (v) Receipt of persons

(b) Means (how it is done)

(i) Use of force; (ii) Threat of the use of force; (iii) Other forms of coercion; (iv) Abduction (v) Fraud; (vi) Deception; (vii) Abuse of power or of a position of vulnerability; (viii) Giving or receiving payments or benefits to achieve the consent of a person having control over another

(c) **For the Purpose of Exploitation - (End Result)**

**Trafficking, Exploitation of children and the Worst forms of child labour Exploitation includes:**

- a) all forms of slavery or practices similar to slavery, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (ILO Convention 182, Art. 3(a));
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (ILO Convention No. 182, Art. 3(b));
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Convention No. 182, Art. 3(c));
- d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children (Convention No. 182, Art. 3(d) and Convention No. 138, Art 3);
- e) work done by children below the minimum age for admission to employment (Convention No. 138, Art. 2 & 7).



# National Resource Centre on Child Labour (NRCCL)

Child Labour occupies a very high place in the agenda of Research, Training and related activities of the V.V. Giri National Labour Institute. National Resource Centre on Child Labour (NRCCL) was set up in 1990 (known as Child Labour Cell in the initial years) with the support of Ministry of Labour and UNICEF with the objectives of prevention and progressive elimination of child labour in the country through Research, Training, Technical Support, Advocacy, Documentation, Publication and Dissemination.

## ➔ Research

The research activities of the NRCCL have endeavoured to bridge the existing knowledge gaps and to explore the unexplored issues on various aspects of child labour. The focus of research includes creating benchmark information on employment of children in hazardous occupations and processes; conducting research for locating definitional aspects, demand and supply-side Factors, health, rehabilitation and nutritional aspects of child labour, documenting successful experiences and conducting impact assessment studies of state and non-state interventions.

## ➔ Training

Imparting training is one of the objectives of NRCCL with the view to develop capabilities of various target groups towards progressive elimination of child labour in India. Ever since its inception the NRCCL has been conducting a number of Awareness Generation Programmes, Orientation Programmes, Sensitization Programmes, Capacity Building Programmes, Training of Trainers Programmes, etc. These training programmes form a part of the endeavor to create a large group of trainees for a wide geographical coverage. The uniqueness of these programmes is that every programme is meticulously designed to meet the training needs of different target groups. A common feature of all these programmes is that a special emphasis is placed on the sensitization of trainees on the issue of child labour so as to induce in them attitudinal changes, thus enabling them to play a role of change agents. Participants for these programmes are drawn from different departments of the Government including Central Board of Workers' Education, Rural Development, Social Welfare, Women and Child Development, Social Justice and Empowerment, Education, Labour, Health, etc. The other target groups are the representatives of Media, Employers' Organisations, Trade Unions, Panchayati Raj Institutions, Academic and Training Institutions, NSS and NYK, Teachers' Associations, etc.

## ➔ Action Programmes Undertaken by NRCCL as a part of ILO-IPEC

NRCCL has implemented a number of action programmes for the ILO as a part of its International Programme on Elimination of Child Labour (IPEC). These programmes aimed at building capacities of key government agencies and civil society partners and changing attitudes on child labour through a series of well-designed training and sensitisation programmes. The sensitisation and capacity building strategy followed a 'cascade' model by creating a cadre of Trainers and resource persons starting at state level and extended downwards to District, Municipal, Tehsil and village level. Trainers were developed from key target groups and were equipped to conduct capacity building and sensitisation programmes for their peers at district, municipal and Tehsil level.

## ➔ Legal Studies Cell (ILO–IPEC)

As a part of the ILO -IPEC Action programme a Legal Studies Cell was set up for a specific period in the NRCCL with the following objectives:

- providing legal support services on Child Labour to National and State Governments, Policy Makers, Legislators and Social Groups during the period of of the implementation of the Action Programme
- Review of existing Laws on Child Labour
- Conducting Training on Legal Aspects of Child Labour
- Examining Structured of Enforcement system on Child Labour
- Collection, Analysis and dissemination of information on judgments, orders and laws relating to Child Labour
  - ❖ Provision of Legal support to prosecute
  - ❖ to carry out review of laws and jurisprudence relating to child labour from existing literature and prepare a draft review document with suggestions for changes to the existing child labour laws with draft amendments.

## ➔ Workshops/Seminars

Special efforts are made by NRCCL for holding seminars and workshops with the objective of sharing knowledge and information and deciding the modalities and course of action on specific issues. The NRCCL has organised various in-house, state-level and national seminars on various themes. The outcomes of these seminars have resulted in bringing about in evolving innovative strategies, programmes and actions in different parts of the country.

## ➔ Publication

The publication activity of the NRCCL can be viewed as a tool of dissemination of information on different aspects of child labour. Publication work has occupied a special place among the activities of centre, especially in the context of information on the issue of child labour growing exponentially. The various components of this activity include:

- Systematic Collection of Relevant Literature
- Classification of Collated Information
- Periodical Dissemination
- Collection & Documentation of Audio-Visuals
- Developing Audio-Visuals

## ➔ **Technical Support**

In order to multiply its efforts towards prevention and elimination of child labour technical support has been provided to various organisations and Institutions in designing curriculum on child labour, conducting research projects, action programmes and workshops.

## ➔ **Networking**

Besides collaborating with different social partners, the Centre has also established networking with NGOs, Academicians, Individual Activists, Employers' Organisations, State Labour Institutions, State Administrative Training Institutes, University Departments, UN and other International Agencies towards accelerating of the process of progressive elimination of Child Labour.



# ILO Conventions

## ILO Convention 138

### ➔ Minimum Age Convention, 1973

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

#### Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

#### Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement--
  - (a) that its reason for doing so subsists; or
  - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

### Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

### Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in

subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

#### **Article 5**

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.
2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article--
  - (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
  - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

#### **Article 6**

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-

- (a) a course of education or training for which a school or training institution is primarily responsible;
- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

### **Article 7**

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--
  - (a) not likely to be harmful to their health or development; and
  - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.
3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

### **Article 8**

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.
2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

### **Article 9**

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified

wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

#### Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.
3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted--
  - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
  - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that

Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
- (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention--

- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
- (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
- (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

## Final

### Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

**Article 13**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 14**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 15**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 16**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 17**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
  - a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

- b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ILO Convention 182

### ➔ **Worst Forms of Child Labour Convention, 1999**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

#### **Article 1**

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

#### **Article 2**

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

#### **Article 3**

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

#### **Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

### Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

### Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

### Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - (a) prevent the engagement of children in the worst forms of child labour;
  - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - (d) identify and reach out to children at special risk; and
  - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

### Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

### FINAL Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

#### Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

#### Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

#### Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ILO Convention 77

### ➔ **Medical Examination of Young Persons (Industry) Convention, 1946**

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in industry of children and young persons, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Industry) Convention, 1946:

### Article 1

1. This Convention applies to children and young persons employed or working in, or in connection with, industrial undertakings, whether public or private.
2. For the purpose of this Convention, the term industrial undertaking includes particularly:
  - (a) mines, quarries, and other works for the extraction of minerals from the earth;
  - (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;

- (c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
  - (d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods at docks, quays, wharves, warehouses or airports.
3. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

### Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment by an industrial undertaking unless they have been found fit for the work on which they are to be employed by a thorough medical examination.
2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.
3. The document certifying fitness for employment may be issued--
  - (a) subject to specified conditions of employment;
  - (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.
4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

### Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.
2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.
3. National laws or regulations shall--
  - (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations; or

- (b) empower the competent authority to require medical re-examinations in exceptional cases.

### Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.
2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

### Article 5

The medical examination required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

### Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.
2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.
3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined--
  - (a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;
  - (b) of permits or certificates requiring special conditions of employment.

### Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.
2. National laws or regulations shall determine the other methods of supervision to be adopted for ensuring the strict enforcement of this Convention.

**Article 8**

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.
3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

**Article 9**

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment in industry of children and young persons may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.
2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.
3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

**Article 10**

1. The provisions of part I of this Convention shall apply to India subject to the modifications set forth in this Article:
  - (a) the said provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them;
  - (b) the term industrial undertaking shall include -
    - (i) factories as defined in the Indian Factories Act;
    - (ii) mines as defined in the Indian Mines Act;

- (iii) railways
  - (iv) all employments covered by the Employment of Children Act, 1938;
  - (c) Articles 2 and 3 shall apply to children and young persons under sixteen years of age;
  - (d) in Article 4 nineteen years shall be substituted for twenty-one years;
  - (e) paragraphs 1 and 2 of Article 6 shall not apply to India.
2. The provisions of paragraph 1 of this Article shall be subject to amendment by the following procedure:
- (a) the International Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to paragraph 1 of this Article;
  - (b) any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
  - (c) India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration;
  - (d) any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

### **Article 11**

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

### **Article 12**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### **Article 13**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

**Article 14**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 15**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 16**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

**Article 17**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 18**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### Article 19

The English and French versions of the text of this Convention are equally authoritative.

## ILO Convention 78

### ➔ **Medical Examination of Young Persons (Non-Industry Occupations) Convention, 1946**

The General Conference of the International Labour Organisation,

Having been convened at Montreal by the Governing Body of the International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946, and

Having decided upon the adoption of certain proposals with regard to medical examination for fitness for employment in non-industrial occupations of children and young persons, which is included in the third item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention, adopts this ninth day of October of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946:

#### Article 1

1. This Convention applies to children and young persons employed for wages, or working directly or indirectly for gain, in non-industrial occupations.
2. For the purpose of this Convention, the term non-industrial occupations includes all occupations other than those recognised by the competent authority as industrial, agricultural and maritime occupations.
3. The competent authority shall define the line of division which separates non-industrial occupations from industrial, agricultural and maritime occupations.
4. National laws or regulations may exempt from the application of this Convention employment, on work which is recognised as not being dangerous to the health of children or young persons, in family undertakings in which only parents and their children or wards are employed.

#### Article 2

1. Children and young persons under eighteen years of age shall not be admitted to employment or work in non-industrial occupations unless they have been found fit for the work in question by a thorough medical examination.

2. The medical examination for fitness for employment shall be carried out by a qualified physician approved by the competent authority and shall be certified either by a medical certificate or by an endorsement on the work permit or in the workbook.
3. The document certifying fitness for employment may be issued--
  - (a) subject to specified conditions of employment;
  - (b) for a specified job or for a group of jobs or occupations involving similar health risks which have been classified as a group by the authority responsible for the enforcement of the laws and regulations concerning medical examinations for fitness for employment.
4. National laws or regulations shall specify the authority competent to issue the document certifying fitness for employment and shall define the conditions to be observed in drawing up and issuing the document.

### Article 3

1. The fitness of a child or young person for the employment in which he is engaged shall be subject to medical supervision until he has attained the age of eighteen years.
2. The continued employment of a child or young person under eighteen years of age shall be subject to the repetition of medical examinations at intervals of not more than one year.
3. National laws or regulations shall--
  - (a) make provision for the special circumstances in which a medical re-examination shall be required in addition to the annual examination or at more frequent intervals in order to ensure effective supervision in respect of the risks involved in the occupation and of the state of health of the child or young person as shown by previous examinations; or
  - (b) empower the competent authority to require medical re-examinations in exceptional cases.

### Article 4

1. In occupations which involve high health risks medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.
2. National laws or regulations shall either specify, or empower an appropriate authority to specify, the occupations or categories of occupations in which medical examination and re-examinations for fitness for employment shall be required until at least the age of twenty-one years.

### Article 5

The medical examinations required by the preceding articles shall not involve the child or young person, or his parents, in any expense.

### Article 6

1. Appropriate measures shall be taken by the competent authority for vocational guidance and physical and vocational rehabilitation of children and young persons found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations.
2. The nature and extent of such measures shall be determined by the competent authority; for this purpose co-operation shall be established between the labour, health, educational and social services concerned, and effective liaison shall be maintained between these services in order to carry out such measures.
3. National laws or regulations may provide for the issue to children and young persons whose fitness for employment is not clearly determined--
  - (a) of temporary work permits or medical certificates valid for a limited period at the expiration of which the young worker will be required to undergo re-examination;
  - (b) of permits or certificates requiring special conditions of employment.

### Article 7

1. The employer shall be required to file and keep available to labour inspectors either the medical certificate for fitness for employment or the work permit or workbook showing that there are no medical objections to the employment as may be prescribed by national laws or regulations.
2. National laws or regulations shall determine--
  - (a) the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access; and
  - (b) the other methods of supervision to be adopted for ensuring the strict enforcement of the Convention.

### Article 8

1. In the case of a Member the territory of which includes large areas where, by reason of the sparseness of the population or the stage of development of the area, the competent authority considers it impracticable to enforce the provisions of this Convention, the authority may exempt such areas from the application of the Convention either generally or with such exceptions in respect of particular undertakings or occupations as it thinks fit.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of the present Article and no Member shall, after the date of its first annual report, have recourse to the provisions of the present Article except in respect of areas so indicated.

3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of the present Article.

#### **Article 9**

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had no laws or regulations concerning medical examination for fitness for employment of young persons in non-industrial occupations may, by a declaration accompanying its ratification, substitute an age lower than eighteen years, but in no case lower than sixteen years, for the age of eighteen years prescribed in Articles 2 and 3 and an age lower than twenty-one years, but in no case lower than nineteen years, for the age of twenty-one years prescribed in Article 4.
2. Any Member which has made such a declaration may at any time cancel the declaration by a subsequent declaration.
3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

#### **Article 10**

Nothing in this Convention shall affect any law, award, custom or agreement between employers and workers which ensures more favourable conditions than those provided by this Convention.

#### **Article 11**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### **Article 12**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### **Article 13**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration.

Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### **Article 14**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### **Article 15**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

### **Article 16**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### **Article 17**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### **Article 18**

The English and French versions of the text of this Convention are equally authoritative.

**Sources:**

1. A Future without a Child Labour, ILO, 2002
2. Campaign against Child Labour, Supreme Court Judgment: A Dossier, 1997
3. Census of India (1991), Office of Registrar General and Census Commissioner of India, Ministry of Home Affairs, Government of India
4. Census of India (2001), Office of Registrar General and Census Commissioner of India, Ministry of Home Affairs, Government of India
5. Diallo, Y.; Hagemann, F.; Etienne, A.; Gurbuzer, Y. and Mehran, F. (2010), "Global child labour developments: Measuring trends from 2004 to 2008", Statistical Information and Monitoring Programme on Child Labour (SIMPOC). International Programme on the Elimination of Child Labour (IPEC)
6. Ghosh, A. and Sekar, Helen R. 2000. Child Labour in Moradabad Home -Based Industries in the Wake of Legislation, VV Giri National Labour Institute, NOIDA.
7. <http://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index.htm>
8. <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipecc/responses/india/other.htm>
9. NSSO (2011), Employment and Unemployment Situation in India, NSSO 66th Round, July 2009-June 2010, National Sample Survey Organization, Ministry of Statistics and Programme Implementation, Government of India
10. Sekar, Helen, R. 1997, Child Labour Legislation in India: A Study in Retrospect and Prospect, V.V. Giri National Labour Institute, Noida
11. Sekar, Helen, R. 2001, Ensuring Children Their Childhood, NRCCL, V.V. Giri National Labour Institute, Noida
12. Sekar, Helen, R. 2001. Child Labour in Home-based Industry Lock Industry of Aligarh. VV Giri National Labour Institute, NOIDA.
13. Sekar, Helen, R. 2002. Child labour in Slaughterhouse and Allied Activities. VV Giri National Labour Institute, NOIDA

“The child is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow into their maturity, into a fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual and spiritual being; otherwise there cannot be a healthy growth of the nation”.

Justice P.N. Bhagwati  
(Former Chief Justice of India)



ISBN: 978-93-82902-08-9



**V.V. Giri National Labour Institute**