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Analysis of Child Labour Act

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Small hands, heavy burdens: The hidden cost of child labour

Child labor remains one of the most persistent forms of injustice in modern India. It refers to the work that deprives a kid from all those things that make him/her a kid in the first place. These involve playing, studying, living life to its fullest with no care of the world. It stops them from even exploring their potential. The mental, social, psychological, and physical well being of a child gets gravely affected by it and it even hinders growth in all those aspects and others too. When children are pushed into child labour, they experience harsh working conditions which are sometimes even dangerous, long working hours which leave no space for any other activity and their creativity dies. Understanding why it persists is essential to find that may protect the children and rescue them from this vicious cycle. To solve this problem in India we have the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. It was amended in 2016 to fit the country's principle legal framework.

Understanding the problem

Child labor is not a single phenomenon. It includes work ranging from agriculture activities to working in factories, mines, construction, and informal businesses. The highest percentage of child labour is seen in the agriculture sector in India. Small children are pushed into long working hours in heat and extreme climates. Mostly their family is responsible for such a thing as they believe that it is better to have more hands-on work rather than sending their children to school. The key distinction lies between acceptable work and exploitative labour. A teenager helping in the household or in the family business after school is acceptable and is even good for

them, but a child or a teen leaving school to work in a mine or a factory is very harmful for them. When the work hinders the growth of a child, this is when it is considered child labour.

What the Act prohibits

The 2016 amendment made the law more strict. It completely prohibits the employment of children below 14 years of age in all occupations and processes. This Act was linked to the constitutional right of Right to Education Act, 2009. The Act defines that the adolescents in this act are teenagers between 14-18 years of age. It specifies how it is prohibited for adolescents and children to work in dangerous mines and industrial work. Exceptions in the Act include children helping family enterprises or as child artists.

Penalties and enforcement

The amended law increased the punishment for employers. If an individual employs a child below 14 years of age, or an adolescent then he/she can be subjected to imprisonment from 6 months to two years, a fine of 20,000 rupees to 50,000 rupees, or both. It is a cognizable offence and the law offers rehabilitation for children rescued. The removal from work alone is not enough and the state must apply welfare laws and schemes to those children. One important thing to note here is that the law does not punish the parents or guardians for the first time offence. What we can see from this is that the law primarily targets exploitative employers. It treats the impoverished families as beneficiaries of support not criminals.

Limitations and challenges

While the Act has its strengths it faces many limitations too. One of the most challenging one is identification of child labour which occurs in homes, small workshops, farms and informal businesses. When confronted with child labor the employers say that the child is merely “helping” in the family enterprise. This is the reason why the exception of a child working in a home or small business in the Act is highly debated. While it respects the cultural values or the economic realities of the household, it also takes away the childhood of a child forever away from them.

Conclusion

The Child and Adolescent Labour (Prohibition and Regulation) Act is a crucial legal safeguard, it is not a complete solution on its own for a problem as big as child labour. To completely get rid

of the problem from the grassroot level, first we must get rid of poverty. It is the leading reason responsible for child labor. While the Act is a great initiative, it must be implemented along with welfare schemes to help eradicate the root cause of child labour. When the economic security, quality education, and social commitment is promised to every individual of this country these problems will fade away on their own.