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# A Social Evaluation of Child Labour Prohibition & Regulation Act 1986

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## Child Labour Introduction

Poverty is the meaning of human life, due to which the present of the family is scarce and the future becomes in darkness. The worst hit of darkness falls on children, which makes their child-friendly actions a gift of poverty. The time which should be read and write should be to improve your life, that time is lost in arranging bread and water for yourself and your family. From morning till night, these children clean up false utensils in hotels, dhabas, cleaning the glass of vehicles at intersections, repairing cycle motorcycles, sending newspapers, carrying bricks on brick kilns and pick up garbage from the streets. Seeing such condition of these children, our heart is sad from inside.

But it is a daily matter for these children to do all this work. Study of this problem is seen in all perspectives. Trade unions, government and NGOs, planning and research institutes have been trying to stop child labor for the last 25 years. In 1986, the Child Labor Prohibition and Regulation Act 1986 was passed to eliminate the problem.

## Objective of the Study

The Objective of the study of this paper entitled A Social Evaluation of Child Labour Prohibition & Regulation Act 1986 is that to provide the social impact of the same.

## Child Labour Prohibition & Regulation Act 1986

The Employment of Children Act 1938 was cancelled but schedule k, and kh of this act were also adopted in this act. The act is divided into four parts.

1-Definition is given in Part 1.

2-In the second part there is a provision for prohibiting the employment of children in harsh and dangerous industries and processes.

3-Part 3 contains provisions to regulate the work directions of child workers in industries where employment of children below 14 years of age is permitted.

4-Part 4 provides for punitive provisions in case of violation of the provisions of the Act.

Although the Act enacted before this Act prohibited the employment of children below the age of 15 to 15 years in certain occupations. But there was no system to prohibit the employment of children in any law made earlier. Which made it impossible to take action in places where child is being exploited?

## Objectives and scope of ending child labour

The use of child labor is not only inhumane but unethical and illegal. The drive to abolish child labor globally began in the 1970s under the leadership of the International Labor Organization. In 1973, the International Labor Organization's Minimum Age Agreement was accepted by 138 member countries. However, the minimum income agreement remains the cornerstone of national and international action for complete abolition of child labor. It is another matter that it is not yet universally recognized.

Elimination of child labor is one of the national priorities of every country, especially developing countries. Ending child labor is one of the goals of the International Labor Organization. It is also a powerful way to promote economic and human development.

On 16 June 1999, the International Labor Organization unanimously accepted the agreement on the worst forms of child labor, going one step further towards achieving this goal.

The agreement calls for nations that accept it, that they will identify the worst forms of child labor and make stringent punishment provisions against those who encourage it. All these efforts encouraged the development of new standards on worse forms of child labor. And which ensured that this form will become the priority of national and international activism.

#### **New Standards highlighted in the Act**

These are the most important standards prepared in the Act for child labours help and its eradication.

1-Identifying priority areas of action.

2-Prohibiting the employing of children who have not completed 14 years of their age in specified occupations and procedures.

3-Determining the procedure for making changes to the schedule of restricted businesses or the process that takes place in its.

4-To regulate the working of children where there is no restriction on their working.

5-Call for international cooperation and action.

6-To bring uniformity in the definition of child in other related laws.

After much lengthy deliberation, the definition of worse forms of child labor included all directions of misdeeds. Such as the purchase and sale of child girls and the making of child girls bonded by giving trade loans, raping children, compulsively recruiting children in military conflicts, prostituting boys, drawing nude pictures of girls and selling them in the market.

Making and selling blue films of boys and girls, trafficking of drugs from child girls and doing any such act which adversely affects the health, safety and morality of child girls. This is included initially in the standards and the countries involved in the agreement can expand this definition for themselves.

#### **Social Evaluation of the Act**

This hope was aroused by the formation of the Child Labor Prohibition and Regulation Act 1986. That fate of child labor will improve. But it did not motivate the state governments or the center to do any objective work in a limited way. We can call this apathy unfortunate. Whereas this action plan was considered by the Ministry of Labor as an essential part of the national policy of child labor. 10 projects were created under the schemes made to implement this law. The schemes were for children aged 10 to 14 who were engaged in child labor. The purpose of these schemes was to provide welfare investment in susceptible areas. This scheme was made for many types of industries like glass, carpets making, matchbox and polish on diamonds but it remained limited to the match industry.

Assuming that the project continues in the match industry alone, It has been added to the action plan. It would be appropriate to say that the announcement of this policy has not achieved any more than the submission of responsibility from the states and the Center. This pilot scheme is benefiting only 30,000 child laborers out of two crore child laborers. Due to the narrowing of this law, we cannot hope to do welfare for the child laborers working on less wages in the unorganized sector. The scheme was made keeping in mind the areas where child labor is prevalent. Because of this the new laws and other laws related to this may affect child labor. If we start implementing these laws now, the result could be seen well. But with the failure of this project, it seems that the plan to take the anti-poverty program to the

sections of the society from where most of the child labour belong, will also not be successful.

To this extent, the enactment of the law may prove effective in not providing protection to children who make bound to earn due to increasing rural poverty and life struggles in urban areas. The law was framed on this basis because the root causes of poverty cannot be eradicated overnight. So its practical proceeds is to control the profession of child labor. Accordingly, children below 12 years of age were allowed to be employed in select areas of the organized block. And along with this, provision of their education and entertainment facilities was also made. But a major shortcoming in this law was related to the enforcement machinery, due to which Casting the owners fearlessly violated the provisions of the law.

Although the punishment for violation of the new law has been made more strict. Yet the humble and non-complaining working class generates selfishness to continue this practice and getting cheaper child labor. No one can prevent the owners from violating the legal provisions till there is a skilled and strict inspection machinery, because they are fully aware that child laborers themselves will become complicit in hiding it gladly. Another drawback to the law is that it has never defined what a job can be called a risky job. No committee has been set up for taking such decisions.

The only way to ensure compliance with the law is to make the punishment for its violation more stringent. It should include provision for surprise testing and a separate monitoring cell should be set up. Regarding the interests of workers, it should be made mandatory for all the owners that they will take steps for the welfare of the intellectual development and educational development of each child labor even if the child works at home, whether he works in the factory, as a domestic servant or in the shop.

In this context, policies that influence decision-making may not be specifically for children but alleviate poverty and inequality.

### **Conclusion**

In Article 7 of this agreement, the member states were told that on a priority basis, they would make a time-bound program for the prevention of child labor of informational trends and implement them. Elimination of worse forms of child labor is to be executed along the entire process. Implementation of the agreement encompasses appropriate methods of inspection. It will also include provisions and appropriations for penal sanctions or other appropriate sanctions.

The countries ratifying the agreement will also have to take other important measures such as preventing entry or withdrawal of children, taking them out and giving them away in a worse form of child labor. There are many sections for children in the society which are unsafe, so special attention should be paid to the girl laborers and children working in dangerous occupation. To achieve this objective, the Child Labour Prohibition & Regulation Act 1986 has been passed.

### **References**

1. Abdul, H. (2014). Problems Faced By The Street Children: A Study On Some Selected Places In Dhaka City, Bangladesh. *International Journal of Scientific & Technology Research*, 3(10), 45-56.
2. Abhay, M. G., Quazi, S. Z., Lalit, W., Sunita, S., Sanjay, Z., & Sudhakar, R. J. (2008). Substance abuse among street children in Mumbai. *Vulnerable Children and Youth Studies*, 3(1), 42-51. doi: 10.1080/17450120701843166.
3. Action Aid India (2013). Making Street Children Matter: A Census Study in Mumbai City. Consortium for Street Children, Resource Centre. Retrieved from <https://www.streetchildrenresources.org/resources/making-street-children-matter-a-census-study-in-mumbai/>
4. Adams, D. C., Gurevitch, J., & Rozenberg, M. S. (1997). Re-sampling Tests for MetaAnalysis of Ecological Data. *Ecology*, 78(4), 1277-1283.

5. Ahmed S. M., Hossain S., Khan A. M., Islam Q.S., Kamruzzaman (2011). Lives and Livelihoods on the Streets of Dhaka City: Findings from a Population-based Exploratory Survey. Retrieved from [http://research.brac.net/workingpapers/rd\\_wp19\\_new.pdf](http://research.brac.net/workingpapers/rd_wp19_new.pdf)
6. Ahmed, K. S., Uddin, M. M., Islam, S., Haq, M. N., Nihar, S., & Nessa, Z. (2003). A baseline survey of street children in Bangladesh. The Bangladesh Bureau of Statistics, National Child-Labor Survey. Retrieved from file:///C:/Users/Admin/Downloads/2003\_streetchildren\_bangladesh.pdf 22
7. Aitchison, J., & Silvey, S. (1957). The Generalization of Probit Analysis to the Case of Multiple Responses. *Biometrika*, 44(1-2), 131-140.
8. Alinovi, L., D'Enico, M., Mane, E., & Romano, D. (2010). Livelihoods Strategies and Household Resilience to Food Insecurity: An Empirical Analysis to Kenya. Retrieved from
9. Arnett, J.J., 2014. Adolescence and emerging adulthood. Boston, MA: Pearson.
10. Bal, B., Mitra, R., Mallick, A.H., Chakraborti, S. and Sarkar, K., 2010. Nontobacco substance use, sexual abuse, HIV, and sexually transmitted infection among street children in Kolkata, India. *Substance use & misuse*, 45(10), pp.1668-1682.
11. Britto, P.R., Engle, P.L. and Super, C.M. eds., 2013. Handbook of early childhood development research and its impact on global policy Oxford University Press.
12. Campbell, C., 2014. Community mobilisation in the 21st century: Updating our theory of social change? *Journal of Health Psychology*, 19(1), pp.46-59.
13. Cleghorn, A. and Prochner, L.W., 2010. Shades of globalization in three early childhood settings: Views from India, South Africa, and Canada. Rotterdam: Sense Publishers.
14. Darder, A., 2018. The Student Guide to Freire's 'Pedagogy of the Oppressed'. Bloomsbury Publishing.
15. deBenítez, S.T., 2007. State of the world's street children: violence. London: Consortium for street children.
16. Emberton, L., Mwangi, A., Vreeman, R., Ayuku, D. and Braitstein, P., 2013. The epidemiology of substance use among street children in resource-constrained settings: a systematic review and meta-analysis. *Addiction*, 108(10), pp.1722-1733.
17. Gaidhane, A.M., Syed Zahiruddin, Q., Waghmare, L., Saanbhag, S., Zodpey, S. and Johanspurkar, S.R., 2008. Substance abuse among street children in Mumbai. *Vulnerable Children and Youth Studies*, 3(1), pp.42-51.
18. Hart, R.A., 2013. Children's participation: The theory and practice of involving young citizens in community development and environmental care. Routledge.
19. Hedges, H. and Cullen, J., 2005. Subject knowledge in early childhood curriculum and pedagogy: Beliefs and practices. *Contemporary issues in early childhood*, 6(1), pp.66-79.
20. <https://pdfs.semanticscholar.org/b664/b77a2a206668c0245edcd283189f5e81390.pdf> 23
21. Irvine, J.D., Holve, S., Krol, D. and Schroth, R., 2011. Early childhood caries in Indigenous communities: A joint statement with the American Academy of Pediatrics. *Paediatrics & child health*, 16(6), pp.351-357.
22. Jambunathan, S. and Caulfield, M., 2008. Developmentally appropriate practices in Asian Indian early childhood classrooms. *Early Child Development and Care*, 178(3), pp.251- 258.
23. Khwairakpam, S. and Sukhminder, K., 2013. Street children in India. *Asian Journal of Home Science*, 8(1), pp.300-304.
24. Mac Naughton, G. and Davis, K. eds., 2009. Race and early childhood education: An international approach to identity, politics, and pedagogy. Springer.
25. Mathur, M., 2009. Socialisation of street children in India: A socio-economic profile. *Psychology and Developing Societies*, 21(2), pp.299-325.
26. Mathur, M., Rathore, P. and Mathur, M., 2009. Incidence, type and intensity of abuse in street children in India. *Child abuse & neglect*, 33(12), pp.907-913.
27. Mevawalla, Z., 2013. The Crucible: adding complexity to the question of social justice in early childhood development. *Contemporary Issues in Early Childhood*, 14(4), pp.290- 299.
28. Moss, H., Cruz, L., Ellem, J., Ford, G. and White, B.J., 2009. Recognition and Reward: SOTL and the Tenure Process at a Regional Comprehensive University. *MountainRise*, 5(3).
29. Narayan, S., 2013. Preventing substance abuse among street children in India: a literature review. *Health Science Journal*, 7(2).
30. Percy-Smith, B. and Thomas, N. eds., 2009. A handbook of children and young people's participation: Perspectives from theory and practice. Routledge.

An Introduction of  
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