

CHANGING ASPECTS OF CHILD LABOUR AND PREVENTIVE LEGISLATION **IN INDIA**

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Abstract

This paper seeks to address the changing aspects of the field of Child labour with special reference to the Child and Adolescent Labour (Prohibition and Regulation Act) recently passed by the Lok Sabha. The objective of this study is to examine the Indian provisions on child labour, International stipulations and its enforceability. The Child Labour (Prohibition and Regulation) Act, 2016, is regressive in nature and misleads the society to believe that the provisions for protection of child labourers have been made stronger. The government under the guise of the socio-economic argument, as the cause for such a development, has left a variety of loopholes that may be systematically abused. The Author suggests ways to reform the system so as to reduce exploitation of child for labour and how inadequate education systems heighten the risk of child labour and violations of the law.

Introduction

Child labour refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school and that is mentally, physically, socially or morally dangerous and harmful.¹

Child labour involves at least one of the following characteristics:²

- Violates a nation's minimum age laws
- Threatens children's physical, mental, or emotional well-being
- Involves intolerable abuse, such as child slavery, child trafficking, debt bondage, forced labour, or illicit activities
- Prevents children from going to school
- Uses children to undermine labour standards

This practice is considered exploitative by many international organisations. Globally the incidence of child labour decreased from 25% to 10% between 1960 and 2003, according to

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¹ <http://www.ilo.org/ipec/facts/lang--en/index.htm>

² https://www.continuetolearn.uiowa.edu/laborctr/child_labor/

the World Bank.³ Nevertheless, the total number of child labourers remains high, with UNICEF and ILO acknowledging an estimated 168 million children aged 5–17 worldwide were involved in child labour in 2013.

Commercial causes

International Labour Organisation (ILO) suggests poverty is the greatest single cause behind child labour.⁴ For impoverished households, income from a child's work is usually crucial for his or her own survival or for that of the household. Income from working children, even if small, may be between 25 and 40% of the household income.

Macroeconomic causes

Macroeconomic causes encouraged widespread child labour across the world over most of human history. The causes for child labour include both the demand and the supply side. While poverty and unavailability of good schools explain the child labour supply side, they suggest that the growth of low-paying informal economy rather than higher paying formal economy is amongst the causes of the demand side. Other scholars too suggest that inflexible labour market, rise of informal economy, inability of industries to scale up and lack of modern manufacturing technologies are major macroeconomic factors affecting demand and acceptability of child labour.⁵

Indian law specifically defines 64 industries as hazardous and it is a criminal offence to employ children in such hazardous industries.⁶ In 2001, an estimated 1% of all child workers, or about 120,000 children in India were in a hazardous job. Notably, Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a Fundamental Right under Article 24.⁷ UNICEF estimates that India with its larger population, has the highest number of labourers in the world under 14 years of age, while sub-saharan African countries have the highest percentage of children who are deployed as child labour. International Labour Organisation estimates that agriculture at 60 percent is the largest employer of child labour in the world, while United Nation's Food and Agriculture Organisation estimates 70% of child labour is deployed in agriculture and related

³ <https://web.archive.org/web/20061003230539/http://www.ohchr.org/english/law/crc.htm>

⁴ <http://www.ilo.org/ipec/areas/Childdomesticlabour/iInternationalnationallegislation/lang--en/index.htm>

⁵ http://www.ilo.org/ipec/Informationresources/WCMS_181875/lang--en/index.htm

⁶ http://labour.gov.in/sites/default/files/act_3.pdf

⁷ <http://lawmin.nic.in/coi/coiason29july08.pdf>

activities.⁸ Outside of agriculture, child labour is observed in almost all informal sectors of the Indian economy.

Previous laws

India has a federal form of government and labour being a subject in the Concurrent List, both the central and state governments can and have legislated on child labour. The major national legislative developments include the following:

The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine.

*The Child and Adolescent Labour (Prohibition and Regulation) Act of 1986*⁹: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. In 2016, the Act was amended, which is the subject of this paper, to prohibit employment of child below 14 years in all occupations (except for helping in non-hazardous family business and of child artists in the entertainment industry and sports). Further, adolescent between 14-18 years will not be allowed to work in hazardous industries and processes.

The Juvenile Justice (Care and Protection) of Children Act of 2000: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage.

The Right of Children to Free and Compulsory Education Act of 2009: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour

⁸ <http://www.fao.org/newsroom/en/news/2006/1000394/index.html>

⁹ http://labour.gov.in/sites/default/files/act_3.pdf

combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. Despite these efforts, child labour remains a major challenge for India¹⁰. No child below age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment.

Demographics of child labourers

According to 2005 Government of India NSSO (National Sample Survey Org.)¹¹, child labour incidence rates in India is highest among Muslim Indians, about 40% higher than Hindu Indians. Child labour was found to be present in other minority religions of India but at significantly lower rates.¹² Across caste classification, the lowest caste Dalit children had child labour incidence rates of 2.8%, statistically similar to the nationwide average of 2.74%. Tribal populations, however, had higher child labour rates at 3.8%.

Understanding the Amendment

At a first glance, the Child Labour (Prohibition and Regulation) Amendment Act, 2016, passed last month in Parliament seems progressive. It prohibits “the engagement of children in all occupations and of adolescents in hazardous occupations and processes” wherein adolescents refer to those under 18 years and children to those under 14. The Act also imposes a fine on anyone who employs or permits adolescents to work. However, on careful reading, the new Act suffers from many problems.

On one hand, it has slashed the list of hazardous occupations for children from 83 to include just mining, explosives and occupations mentioned in the Factory Act. This means that work in chemical mixing units, cotton farms, battery recycling units and brick kilns, among others, have been dropped.¹³ Further, even the ones listed as hazardous can be removed, according to Section 4 — not by Parliament but by government authorities at their own discretion.

Also section 3 in Clause 5 allows child labour in “family or family enterprises” or allows the child to be “an artist in an audio-visual entertainment industry”. As most of India’s child labour is caste-based work with poor families trapped in intergenerational debt bondage, this

¹⁰ <http://labour.nic.in/cwl/childlabour.htm>

¹¹ <http://mail.mospi.gov.in/index.php/catalog/39>

¹² <http://blogs.timesofindia.indiatimes.com/voices/child-labour-amendment-fails-to-address-crucial-primary-education-issue/>

¹³ <http://www.thehindu.com/opinion/columns/ruchira-gupta-child-labour-prohibition-and-regulation-amendment-act-2016-a-law-that-allows-child-labour/article8964940.ece> Pg1

refers to most of the country's child labourers. The clause is also dangerous as it does not define the hours of work; it simply states that children may work after school hours or during vacations.

Reversing gains

Not only do the new amendments reverse the gains of the 1986 Act, but actually contradict the Juvenile Justice (Care and Protection) of Children Act of 2000 that makes it punishable for anyone to procure or employ a child in a hazardous occupation. They also contravene the International Labour Organisation's (ILO) Minimum Age Convention and UNICEF's Convention on the Rights of the Child to which India is a signatory. According to UNICEF, a child is involved in child labour if he or she is between 5 and 11 years, does at least one hour of economic activity or at least 28 hours of domestic work in a week. And in case of children aged between 12 and 14, 14 hours of economic activity or at least 42 hours of economic activity and domestic work per week is considered child labour.

The devastating health consequences of the new Act may be the worst blow on India's poor yet. According to UNICEF there are 33 million child labourers in India. As per the 2011 census, 80 per cent of them are Dalits, 20 per cent are from the Backward Classes. This law will restrict these children to traditional caste-based occupations for generations.¹⁴

If the amendment is intended to preserve Indian art and craft by enabling parents with traditional skills to pass them on to their children, this should be done through reform and investment in education. Slashed budgets should be restored, mid-day meals should be re-instituted and secure housing should be provided through the Sarva Shiksha Abhiyan boarding schools to homeless children. Artisans should be hired as teachers to pass on traditional knowledge and skills to the next generation.

India is known to have the largest number of child labourers in the world.¹⁵ Consequently, it has come under intense media and political scrutiny both within India and from afar. Traditional understanding of the causes of child labour have focused on the economic, social-cultural and historical milieus specific to India such as caste, class, corruption, gender, illiteracy, lack of law enforcement, political apathy, poverty, religion, etc. While these are

¹⁴ <http://www.thehindu.com/opinion/columns/ruchira-gupta-child-labour-prohibition-and-regulation-amendment-act-2016-a-law-that-allows-child-labour/article8964940.ece> Pg 2

¹⁵ <http://www.childlineindia.org.in/child-labour-india.htm>

undoubtedly useful but also problematic considerations, so are child labour and children's rights within the broader context of neoliberal globalisation and the interplay between international, national, and local discourses.¹⁶ It was the New Economic Policy (NEP) of 1991 that liberalised India's economy and opened it up to global forces associated with neoliberal globalisation. The 'liberalisation' of India continues to have profound implications for its people. It created new winners and losers in India's political economy and rather ironically, it simultaneously crystallised traditional (illiberal) relations and structures of power, notably caste, class, gender, and religion.

Caste Considerations

India remains wedded to neoliberal globalisation. This has had profound implications for all sections of Indian society regardless of whether they were willing participants or not. The fruits of globalisation have been resoundingly unequal. Despite the occasional news headlines of 'Dalit billionaires', for majority of the poor there has been little or no qualitative improvement in their lives. Many in the lower caste have found themselves pushed further to the margins of society and precariousness while the much lauded and written about middle-class and elite delight in their relatively recent newfound global status and material wealth particularly as consumers.

Importantly, Dalits have become further marginalised and violence towards them continues with impunity. Child labour as a form of structural violence is part of the broader matrices of discrimination and violence encountered by Dalits that are instantiated by the caste complex.¹⁷

The answer to overcoming many of these culturally sanctioned systemic inequalities is the implementation of meaningful education that is truly transformative in the long term.¹⁸ There may come a time when India's quest to become a global economic and political superpower may depend on a far larger educated population.¹⁹ Therefore, it may be in the long-term interest of those classes and castes that currently dominate Indian society to loosen their grip over the control of education which remains a key site of power and exclusion.

¹⁶ <http://blog.oup.com/2016/08/child-labour-india-future/>

¹⁷ Gurchathen S. Sanghera, *Child Labour in India: Globalization, Power, and the Politics of International Children's Rights*, Oxford University Press, India

¹⁸ <http://timesofindia.indiatimes.com/city/patna/Vow-to-fight-against-child-labour/articleshow/53890936.cms>

¹⁹ <http://www.thestatesman.com/news/odisha/bid-to-stop-child-labour-in-mayurbhanj/162385.html>

In the name of acknowledging the socio-economic realities of India, the amendments tweak the law in such a way that children are in some form or other available for employment. The only concession to their educational rights is that they are permitted to work in family enterprises only outside school hours and during vacations.

It should not be forgotten that with the passage of the Right of Children to Free and Compulsory Education Act 2009, a statutory obligation to ensure that every child completes elementary education is already in place²⁰. The exemption to family enterprises effectively retains conditions under which children are made to contribute economically while studying. Working outside of school hours and earning valuable income for the family will surely have a deleterious effect on children's health as well as their aptitude for learning.

Regulation is going to be a big challenge as it will be difficult to determine whether a particular family is running an enterprise or whether some faceless owner has employed a single family to circumvent the law.²¹ The NDA government, like its predecessor that proposed the amendments, seems to be satisfied with mere compliance with International Labour Organisation Conventions 138 and 182. The former mandates compulsory schooling till the age of 15 but permits countries with inadequate education facilities to reduce it to 14. Convention 182 prohibits employment of children "in the worst forms of labour". Bare compliance with international norms is not enough.

Ignoring Recommendations

In this regard it needs to be pointed out that the Ministry of Labour and Employment and the union government have ignored the recommendations of the Parliamentary Standing Committee on Labour (PSCL 2013–14) made in its 40th report in December 2013. Responding to Section 5 of the CLPRA Amendment Bill 2012²², which had provided that the child can help his/her family after school hours or help in fields, home-based work, forest gathering or attend technical institutions during vacations, the parliamentary committee expressed its amazement and said that it was not able to understand as to how the Labour Ministry proposed to keep a check on children working in their homes. It pointed out that the

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<http://indiacode.nic.in/amendmentacts2012/The%20Right%20to%20Free%20and%20Compulsory%20Education%20Act.pdf>

²¹ <http://www.thehindu.com/opinion/editorial/child-labour-by-other-means/article8929306.ece>

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<http://www.prsindia.org/uploads/media/Child%20Labour/2015%20Amendments%20to%20the%20Child%20Labour%20Bill.pdf>

ministry was providing loopholes with this proviso since it would be very difficult to make out whether children were merely helping their parents or working to supplement the family income.

It went further and stated that allowing children to work after school was detrimental to their health as rest and recreation was important for the fullest physical and mental development in the formative years besides adversely affecting their studies. The committee felt that the schools where these children studied should conduct sessions for their parents and tell them about the needs of children. It was of the view that “there was no need to insert a provision to expressly allow some obvious things, in the Indian context, such as children helping their parents in domestic chores” (PSCL 2013–14)²³.

It needs to be pointed out that according to Article 31 of the UNCRC, children have a right to “rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts” (UNCRC 1989)²⁴.

The logic that working in family enterprises at an early age helps children to learn skills early in their life runs against the process of social mobility through education to occupations outside the traditional ones. This is a normal process in any modernising society. The move to give written legal sanction in the form of the proposed amendment in order to facilitate the employment of children in family occupations will lead to reinforcing adherence to caste based occupations.

Emphasising the need to provide a choice in occupation, beyond the caste ordained ones, B R Ambedkar had observed:²⁵

Social and individual efficiency requires us to develop the capacity of an individual to the point of competency to choose and to make his own career. This principle is violated in the Caste System in so far as it involves an attempt to appoint tasks to individuals in advance...(Ambedkar 2011).

²³ Parliamentary Standing Committee on Labour on Child Labour Prohibition and Regulation Act Amendment Bill 2012 (PSCL) (2013–14): 40th Report, pp 38–39

http://164.100.47.134/lssccommittee/Labour/15_Labour_40.pdf

²⁴ United Nations Convention on the Rights of the Child (UNCRC) (1989): pp 2 and 9,

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

²⁵ Ambedkar, B R (2011): Annihilation of Caste, Pradeep Gaikwad, Nagpur: Samata Prakashan, Reprint (Based on the third edition, 1944)

He also argues for the need to choose one's occupation in different times in order to make a livelihood. He says:

Industry is never static. It undergoes rapid and abrupt changes. With such changes an individual must be free to change his occupation. Without such freedom... it would be impossible for him to gain his livelihood (Ambedkar 2011).

It is clear therefore that both from the perspective of individual choice in occupations and to adjust to the livelihood needs arising from technological changes, it is imperative that children are provided the fullest opportunity to choose their occupation rather than training them in their parents' occupations during non-school hours and vacations.

The bogey that parents would be penalised does not hold because the second part of Section 5 of the proposed amendment clearly mentions that labour involving a "subordinate relationship" is prohibited. As labour in a family does not involve a subordinate relationship, the first part of Section 5, which expands the scope of family-based children's work from "workshops" in the principal 1986 Act (GoI 1986)²⁶ to specifically "fields, home-based work, forest gathering and attending technical institutions" as in the CLPRA amendment bill 2012 or "agriculture and artisanship" as stated in the present amendment (GoI, ML&E 2015)²⁷ is not really required. Retaining this clause will amount to employing children under the guise of family labour by employers, particularly in agriculture which has emerged as the largest category of child labour in the analysis of census data, in forest produce collection and also in the household industry. Seen against the context of the labour law amendment to exempt factories employing less than 40 employees from the purview of monitoring and regulation under an array of labour laws, it appears that these factories would be deemed as family enterprises which will open the doors to employing child labour using approval for child labour in family enterprises.

As the government is committed according to the national policy on children to consider persons aged less than 18 years as children, it is expected that it will draw up a road map towards a complete ban on child labour (up to 18 years).

²⁶ Government of India (1986): "The Child Labour (Prohibition and Regulation) Act," <http://clc.gov.in/Acts/shtm/chla.php>

²⁷ Government of India, Ministry of Labour and Employment (ML&E) (2015): Press Release 13 May, "Approval to Move Official Amendment to CLPRA Amendment Bill 2012," http://164.100.47.134/lsscommittee/Labour/15_Labour_40.pdf

In some agricultural industries, the line between “family-based” and industrial work is perilously blurry. India Committee of the Netherlands (ICN) recently reported that in cottonseed cultivation²⁸:

Children below 14—of which two-thirds are girls—are employed in the seed fields on a long-term contract basis through loans extended to their parents by local seed producers who have agreements with the large national and multinational seed companies. Children are made to work 8 to 12 hours a day and are exposed to poisonous pesticides.... Most of the children working in cottonseed farms belong to poor Dalit (‘outcaste’), Adivasi (tribal) or Backward Castes families. Around 70 percent of the children are hired or even trafficked from other states while 30 percent is ‘family labour’. Most are school-dropouts.

Enforcement on the international level has largely centred around corporate ethical sourcing and social responsibility codes that are not legally binding. There has been some industry response to anti-child labour campaigns—for example, last August, NGOs convened a summit with corporate seed growers on programs to eradicate child labour in the seed harvesting industry.²⁹

Labour advocates in India are frustrated that the law, even on paper, fails to address the root causes of child labour including inequality and caste-based discrimination.³⁰

Although the law has firmly “established a link between children’s right to education in a full time formal school and the program for abolition of child labour,” it falls well short of ensuring they grow up in conditions at home that channel them into school in the long term.

By allowing children aged 6 to 14 to work before and after school hours in family enterprises it dilutes the intent of the law that is meant to enable children to enjoy their right to education. Children are forced to work for long hours under oppressive conditions at the cost of health and well-being within their homes. They will never be able to participate in schools and as they lag behind, they will drop out sooner than later.³¹

Older children may remain tethered to the workforce in some form, despite the reforms, by both economic pressures on their families and ancestral tradition. For example, lineage-based

²⁸ <http://www.indianet.nl/pdf/CottonsForgottenChildren.pdf>

²⁹ <https://www.thenation.com/article/india-goes-soft-on-child-labor/>

³⁰ Economic and Political Weekly, Vol. 51, Issue No. 31, 30 Jul, 2016 *Failing Child Labourers*

³¹ Economic and Political Weekly, Vol. 51, Issue No. 35, 27 Aug, 2016, *Education in Disarray*

vocations like weaving once served as a form of social stability across generations but today serve as economic shackles.

The child-labour law edges India a little closer to a certain ideal of economic modernity without confronting the reality of caste, inequality and neo liberalism across the Global South. The government claims to be a model for “emerging nations” with its burgeoning tech sector and outward-facing trade policy, but that facade of capitalist advancement hides an increasingly uneven social landscape. Child labourers bear the brunt of a predatory labour system but their suffering represents a crisis afflicting the whole economy.

More than mandates are needed to keep children in school and to overturn the economic structure that tethers parents and children to a form of exploitation that is simultaneously ancient and alarmingly contemporary.

The lost opportunity of the Child Labour Act isn't just that it fails to comprehensively ban the worst forms of child exploitation but that it assumes growth alone will lead India to overcome child labour. The real cost of pursuing growth above all else may be paid with the wasted potential of the next generation.

To reinstate the above complex, we should closely observe the socio-economic difference in India of 1986 with that of India today. Our GDP is about \$2.4 trillion. Back in 1986 it was \$336 billion, an increase of eight times. We are suffering from disparate concentration of wealth. The world is changing rapidly and we need to innovate and implement policies which will provide equal benefits to all and most importantly, create opportunities for the poor to participate in and to gain benefit from the national economic growth that would occur.

The lacunae in this law present large obstacles to this goal. The definition of family and family enterprises is flawed. The law uses Indian family values to justify economic exploitation of children. It blurs the lines between learning in a family and working in a family enterprise. Between January 2010 and December 2014, 5,254 children were rescued from situations of exploitative labour and 21% of those below 14 years were employed with ‘family’ members.³² These children are first trafficked then enslaved and forced into labour. Of these, 83% of the children were rescued from home-based units proposed under the new amendment. They will now be outside the protection of the law. About 28%, roughly 1,400

³² <http://www.deccanherald.com/content/562739/legitimising-child-labour.html>

children, were found marked present in schools in their villages in Bihar and Uttar Pradesh. On the same day, they were rescued from sari-making and carpet stitching units in New Delhi. The lack of monitoring agencies to check this gross misdemeanour adds to the crises.

Children of any age under the garb of family enterprises can now legally be employed in slaughter houses, beedi making, glass furnaces and other hazardous labour. They are permitted to work after school hours or during vacations. The reduction in the hazardous list of occupations from 83 to three limits the protection that can be provided to these children. This amendment is also in contradiction to the Cigarettes and Other Tobacco Products Act, 2003³³ which was brought into force by Parliament. According to the new law, any person selling tobacco or tobacco products to a child can be imprisoned for or up to five years. On the other hand, a child as young as six can now be employed to manufacture beedi under the provision of the child labour law. These loopholes ruin the purpose of the ban.

A study by the Ministry of Human Resource Development shows a 36.3% dropout rate in secondary schools. This clearly shows the lack of monitoring bodies and poor quality of education being provided in schools. Another factor which comes into existence due to the revised amendments is the vulnerability of supply chains. The prevalence of child labour in manufacturing units and primary or secondary supply chains will cause inconsistencies with international labour laws and agreements. Multinationals and big brands might not be willing to experiment with such discrepancies because of the rising consumer awareness about the issue.³⁴

The foundation of a strong nation is laid in its children, not by looking at them through a commercial lens, but through a more humanitarian and compassionate one. Being insensitive to the challenges faced by the most deprived castes and communities, the amendment defeats its very purpose – enabling children to enjoy their right to education.

By justifying in law the participation of children in work before and after school hours, the Bill denies them time and space to develop and grow as citizens with similar choices and opportunities that children from affluent families enjoy. Such a proviso would only contribute towards fostering existing inequalities and discriminatory practices in the society. It

³³ <http://www.smoke-free.ca/warnings/laws/india/india-act-2003.pdf>

³⁴ Economic and Political Weekly, Vol. 47, Issue No. 50, 15 Dec, 2012, *Corporate Governance and Child Labour*

contravenes the equitable right of all children to a childhood and their entitlements to live a life with dignity as guaranteed by the constitution and the UN Convention on the Rights of the Child to which India is a signatory.³⁵

The amendment to the Act should have instead enabled children to engage in activities before and after school hours that foster their active participation in school as a student and enhances their overall self-esteem and dignity.

It is totally oblivious to the extent of exploitation and suffering of innumerable adolescent children who move from working on construction sites to sweat shops and farms and so on and who are trapped by the hardships of fulfilling their basic needs and struggle for survival. Such adolescent children are often unhealthy, yet continue to work till they become completely incapacitated.³⁶

The burden of the state's inability to provide social protection, food security, employment, universal health care, access to credit and financial support to their parents falls on adolescent children. Thus the cost of the state's inaction results in entire generations of adolescent children being further marginalised and excludes them from their rightful share of the state's resources and action.

Conclusion

In the statement of objects and reasons in the Bill for prohibiting employment of adolescents in hazardous occupations and processes and regulating their conditions of service, it is stated that it would be in line with ILO Convention 138 on Minimum Age (1973) and Convention 182 on Worst Forms of Child Labour (1999).

India and Estonia are the two countries that are yet to ratify Convention 182 and are among the 15 countries that are yet to ratify Convention 138.

Addressing the complex issue of releasing adolescent children from work requires a whole-hearted legal framework and imparting knowledge on the subject³⁷ and not a token effort to satisfy an international obligation. Indeed, it is a lost opportunity to provide justice to the most marginalised children in India's democracy.

³⁵ <http://www.epw.in/journal/2016/35/commentary/flawed-child-labour-law-amendment.html>

³⁶ <http://thewire.in/53128/unveiling-the-facade-of-the-child-labour-act/>

³⁷ <http://www.thehindu.com/todays-paper/tp-in-school/understanding-child-labour/article9004502.ece>

Changes that must be specifically addressed include³⁸

(1) Amending Section 5 of the Amendment Bill which legalises use of child labour in family-based enterprises as it will be misused by employers of such enterprises under the guise that the children belong to their families.

(2) Formulating regulatory laws governing employment of children between 5 and 14 years and 15 and 18 years in the entertainment, audiovisual and advertising industries with particular emphasis on prohibiting their employment in hazardous tasks and traumatic situations.

(3) Reinstate the original longer list of hazardous occupations with regard to the children between 15 and 18 years and update the list with occupations and processes which are hazardous based on an assessment of the newly emerging occupations on account of urbanisation and technological changes.

It is a shame that our parliamentarians have not risen to the occasion³⁹ and opposed the proviso for allowing children to work after school hours and genuinely release all children, including adolescents, from the labour force. Ending child labour once and for all and making child labour part of India's history still remains a mirage.

³⁸ <http://www.epw.in/journal/2015/38/commentary/child-labour-law-amendment.html>

³⁹ <http://www.thehindu.com/news/cities/Hyderabad/amendments-to-act-will-totally-prohibit-child-labour-dattatreya/article8893163.ece>