



**Legal Analysis of Schedule Containing  
the List of Hazardous  
and  
Non-Hazardous Occupations  
and  
Processes of the Child & Adolescent Labour  
(Prohibition and Regulation) Act, 1986**

BY  
CHILD RIGHTS AND YOU – CRY

**Authors:**

Dr. Rahul Sapkal (Technical Consultant)

Shreya Ghosh (CRY)

Priti Mahara (CRY)

**Copyright @ 2020****Published by:**

Child Rights and You (CRY)

Address: 632, 2nd floor, Lane No.3

(Beside Delhi Haath & Rajasthan Emporium Shops),

Westend Marg (Saket Metro Station to Garden of Five Senses),

Saiyad ul Ajaib, New Delhi,

Telephone: 011 2953 3451

Website: [www.cry.org](http://www.cry.org)

**All rights reserved.**

No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of Child Rights and You-CRY, except in the case of brief quotations embodied in critical reviews and certain other non-commercial uses permitted by copyright law.

For permission request, write to CRY, addressed "Attention: Permissions Coordinator," to [Cryinfo.del@crymail.org](mailto:Cryinfo.del@crymail.org)

**Published First:** October 2020

**Citation:** Child Rights and You (CRY), 2020, "Legal Analysis of Schedule Containing the List of Hazardous and Non-Hazardous occupations and Processes of the Child & Adolescent Labour (Prohibition and Regulation) Act, 1986", October 2020; New Delhi



## Contents

Executive Summary .....	3
Evolution and Development of Child Labour Legislation in India .....	9
Background.....	9
Role of judiciary and India's effort in signing ILO Conventions .....	11
Global Performance Index and Child Labour in India: A Trend Analysis .....	11
Macroeconomic Situation and Child Labour .....	13
Understanding Hazardous and Non-Hazardous Occupations and Processes - The Story of	
Policy Making .....	14
Background.....	14
Incorporating the List of Occupations and Processes in the Child Labour Act.....	14
Evolution of the Schedule .....	14
Comparing the Scope of Environment Protection Act, 1986 with Factories Act, 1948 .....	15
Children helping in Family or Family Enterprises: A snapshot of the magnitude, hazardous quotient and need for evidence generation.....	17
Understanding Child Labour (Prohibition & Regulation) Act at Work: A view of Departmental Convergence.....	19
Background.....	19
Deriving the List of Hazardous Processes and Occupations for child labour .....	19
Responsibility for Enforcement .....	21
National Child Labour Project Scheme (NCLP Scheme) .....	21
Ensuring Child-Centricity in the Law: The Way forward .....	23
Appendix 1: .....	24
Table 1. Comparison of List of Synthetic Inflammable Substances in Environment Protection Act, 1986 and Factories Act, 1948 .....	24
Table 2: Comparative list of hazardous occupations between different legislations .....	26
Appendix 2: Segregated World of Work- An Insight from Recent Studies.....	35
Acknowledgement	

## Executive Summary

### An overview

This report examines the evolution and emerging trends in the child labour legislation in India after its enactment. It aims to study and provide a comprehensive overview of the policy making process that delineates hazardous and non-hazardous processes and occupations through a detailed examination of Environmental Protection Act, 1986 and the Factories Act, 1948. It also discusses and builds a case for giving preference to the Environment Protection Act, 1986 Act while preparing the schedule for listing hazardous and non-hazardous processes and occupations in the Child Labour (Prohibition and Regulation) Act, instead of Factories Act, 1948. It further discusses the issues related to departmental convergence, decision-making, enforcement process at the ground level and suggests policy reforms at the macro level. On the basis of the discussions it suggests a plausible policy method for identifying and classifying work under hazardous and non-hazardous occupations from the perspective of children. The last section of the report provides a comprehensive overview of segmented working conditions as documented in various policy briefs, reports and academic literature.

### Highlights of the report

A significant step in the endeavour towards having a child labour free society was the enactment of the Child labour (Prohibition and Regulation) Amendment Act, 2016 in August 2016 that provides for complete prohibition on employment of children below 14 years in all occupations and processes and prohibits employment of adolescents (14-18 years) in hazardous occupations and processes. The age of admission to employment has been linked to the age of compulsory education under Right of Children to Free and Compulsory Education (RTE) Act, 2009. On 13<sup>th</sup> June 2017, India ratified two Core Conventions of the International Labour Organization (ILO), namely Convention 138 regarding age at entry into employment as well as the ILO Convention 182 on worst forms of Child Labour. In so doing, India reaffirmed its commitment to a child labour free society, which is also crucial for the attainment of Sustainable Development Goals by 2030. This analysis report observes that, the attempt to bring these reforms in the child labour legislation was mainly triggered by three events in the Indian economy which created the environment to undertake this task on priority basis.

#### 1. Role of the Indian Judiciary

Firstly, the Indian judiciary played a key role in broadening the definition of child labour and theorising its exploitation in various forms in many cases. The Hon'ble Supreme Court and High Courts of India have indicated that by virtue of being signatory to various international conventions and treaties, the domestic laws ought to adhere to these international commitments in a matter that has not been defined in the existing domestic legislation. Initially, the burden of proving that the child is below 14 years of age is on prosecution. Therefore, the accused could not be convicted if prosecution failed to prove the age of child in the court of law. As a result, the employer was able to escape legal action against him. These practices continued until the High Court of Delhi in the matter *Save the Childhood Foundation v/s Union of India* defined child labour as, "the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or any other person exercising control over the said child". This definition also shaped the discussion of the Parliamentary Standing Committee (2013-14) which was examining the issue of child labour in India and the legislative amendments. Therefore, the Indian judiciary's intervention brought in significant changes in the effective enforcement and the procedural aspects of the child labour law.

#### 2. India's Rank in the Global Performance Index

The second event is related to the global performance indices which have become a key tool to influence

domestic policies on various aspects of economy. The report observes that Maplecroft's Child Labour Index and International Trade Union Confederation's (ITUC) Global Rights Index had a direct link with India's Ease of Doing Business Index. Put simply, this meant that the smoothening of the business environment in favour of the market and employers resulted in high violation of labour rights, especially in the context of child labour. Media reports related these aspects showed India in poor light, impacting India's global image. This contributed to stricter government action to address child labour

### 3. Macroeconomic Factors

The international measures that imposed sanctions on the international trade also compelled the state to undertake substantive reforms in the existing child labour legislation. According to the list issued by US Department of Labour on Prohibition of Goods (in the year 2014-15), 23 goods were produced using child labour of which 6 goods (Bricks, Cottonseeds (Hybrid), Embellished Textiles, Garments, Rice and Stones) were produced by forced child labourers<sup>1</sup>. The publication of this list created deterrence in international trade for the Indian economy. In the subsequent year, India's exports fell by 15.9% to \$261.1 billion in 2015-16 while imports contracted by 15.3% to \$379.6 billion. The trade deficit for the year was \$118.5 billion (approximately 13 % of total GDP). This deficit (the highest since 2004) was due to the refusal by many trading countries to accept those goods which were listed by the Bureau of International Labour Affairs. As a result, the economy suffered a deficit for two consequent years. Following the legislative changes, the situation in India's export has improved since most of the sanctioned goods are now reflected in the amended Act in 2016.

#### Evolution and Regression of the Schedule of occupation and process to the Child Labour Act

There is also a need to closely examine the way the Schedule containing the list of hazardous occupations and process was derived for child labour. The Schedule to the Child Labour (Prohibition and Regulation) Act of 1986, was divided into two parts- **Part A** dealt with occupations that strictly banned employment of child labour and reported to have high toxicity in the work place; and **Part B** dealt with the processes both recurring and non-recurring in nature, that regulated employment of child labour. When the Child Labour (Prohibition and Regulation) Act, 1986 was notified initially, the prohibition on child labour was only limited to 5 notified occupations in Part A and 48 notified process in Part B. This was extended to 13 occupations in Part A and 51 notified processes in Part B on 29<sup>th</sup> March 1994. Thereafter, the notified occupations were increased to 15 in Part A and 57 notified processes in Part B vide order dated 27<sup>th</sup> January 1999. Subsequently, the notified occupations were further increased to 18 in Part A and 65 hazardous processes in Part B on 25<sup>th</sup> September 2008.

Table 1: Amendments in the list of Occupations and Processes identified under the Child Labour Act-

Year	Amendments in Part A (Occupations)	Amendments in Part B (Processes)
1986	5	48
1994	31	51
1997	15	57
2008	18	65

Source: Malik (2017)

<sup>1</sup> Bureau of International Labour Affairs, US Department of Labour accessed on 6<sup>th</sup> June, 2020 at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/india>

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 introduced the category of adolescent labour (children aged between 15 and 18 years). The implication of this amendment was that the law prohibited employment of child and adolescent labour to a total of 38 hazardous occupations and processes in the Part A. For Part B, containing a list of 15 occupations and 54 processes, the Act continues to prohibit the employment of child labour, but permits the employment of adolescents under regulated work conditions. Therefore, it may be inferred that the earlier appended list (Part A and B combined) which added up to 83 hazardous occupations and processes (18 occupations and 65 hazardous processes) until 2008, has been reduced to only 38 after the 2016 amendment to the child labour legislation.

The reduction in the notified list of occupations and processes may be attributed to two factors. First being the lack of regular inspection under the Factories Act, 1948- In an effort to promote economic growth, several states made amendments to the Schedule to the Factories Act, 1948 and provided exemptions to industries, often at the cost of industrial safety standards. These revised lists of manufacturing processes were not available for effective policy execution. Secondly, the reduction in listing of hazardous occupations and processes may also be attributed to the challenges in effective functioning of the State Scientific Advisory Group. Technically the Scientific Advisory Committee prepares the lists of Hazardous Industries, grants permissions, issues licenses and regulates the working of conditions in hazardous sector. Industries identified as working in hazardous sectors are required to get clearances from Environment Department. Thus, their role is important in making recommendations about the new industrial licenses to maintain occupation and industrial safety and environmental protection. According to Singh (2006), there were 36 State Scientific Advisory Groups in the early 1990's<sup>2</sup>, however, they came down to only 9 since 2010<sup>3</sup>, thus impacting the overall recommendatory process with regard to industrial safety and standards. These factors also contributed to loss in the labour market for India due to increasing number of industrial accidents.

#### **Definition of Hazardous Processes under the Environment Protection Act, 1986 and its implications on child labour**

With the enactment of the Environmental Protection Act of 1986, the definition of hazardous process was expanded to include the resultant pollution of the general environment, and the appended list contained 104 processes that were deemed to be perilous and unsafe. The notification for the same was issued on 10<sup>th</sup> February 1986. This list continued as a principal list for granting industrial licenses. and identifying the hazardous process for ensuring work and safety standards at the workplace<sup>4</sup>. Therefore, this list also applies to 'workplaces' as defined under the Factories Act, 1948. However, it is interesting to note that the list of hazardous occupations and processes in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 deviates from those identified under the Environment Protection Act, 1986- the specific mention of inflammable substance and explosives<sup>5</sup> in the Child Labour law was restricted only to five processes such as

- (i) production, storage or sale of fire crackers;
- (ii) for manufacture, storage, sale, loading, unloading or transport of explosives as defined under the Explosives Act, 1884 (4 of 1884);
- (iii) work relating to manufacturing, handling, grinding, glazing, cutting, polishing, welding, moulding, electro-plating, or any other process involving inflammable substances;

<sup>2</sup> Singh, B.K. (2006): "Child Labour In India", Adhyayan Books, New Delhi (ISBN-13: 978-8189161651)

<sup>3</sup> Malik, P.L. (2017): "P. L. Malik's Industrial Law (Covering Labour Law in India): Encyclopedia of Labour and Industrial Laws in India", Eastern Book Company (2017)

<sup>4</sup> Under Factories Act, 1948, Section 2(ii) workplace is defined as any premises including the precincts thereof where ten or more persons are working in any manufacturing process being carried on with aid of power and where twenty or more workers are working without the aid of power

<sup>5</sup> Inflammable substance is a generic term that refers to any substance that might cause fire. Hence general licensing is granted under this, but in home-based industries as well as processing industries synthetic inflammable substance is used, produced or dumped as industrial waste.

- (iv) waste management of inflammable substances, explosives and their by-products; or
- (v) natural gas and other related products.

Broadly speaking, 'inflammable substance' is a generic term used to refer to any substance that might cause fire (synthetic or otherwise). Since the child labour legislation seems to have drawn from the Factories Act, 1948, it seems to have missed including several substances that have been mentioned in the Environment Protection Act, 1986. This includes substances that are used in various Bio- medical, fertilisers and other petro-chemical products whose stimulated limit is 2.40 ppm. According to the list in the Environmental Protection Act, 34 industrial occupations & processes are reported to use synthetic inflammable substances, which have not been included in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. When compared to the 104 listed occupations and processes within the principal list of the Environmental Protection Act, 1986, only 38 listed occupations and processes have been included as per the 2016 amendment to the child labour Act. The remaining 66 hazardous processes and occupations fall under the peripheral employment activities identified under Environmental Protection Act, 1986 and Factories Act, 1948 and are beyond the purview of both legislations. These peripheral occupations and processes typically occur outside of factory premises and continue to act as catchment areas for employing adolescent labour.

The primary aim of the Environment Protection Act, 1986 is to protect the environment by limiting damages to it and sustaining biodiversity. The Act lays down the process for granting permissions, regulation of industries/process that may cause water and air pollution which could be detrimental to human habitat. The Environment Protection Rules, 1986, are based on tested parameters of human capacity to absorb resultant pollutions. Children are known to be more vulnerable to the adverse health effects of environmental pollution due to their developing bodies. Air and water pollution can cause serious damage to growing children risking long term respiratory problems and compromised immune system etc. which can potentially compromise quality of life even in adulthood. Since cognitive, emotional and physiological growth in human beings is completed around the age of 18 years, the UN Convention on the Rights of the Child (UNCRC) defines a child as 'every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.'

The Factories Act, 1948 focuses on regulation of labour employed in factories. While it does make a reference to regulating working conditions of adolescents<sup>6</sup>, it seems to be out of sync with the provisions enshrined in the UNCRC. Compared to the Environment Protection Act, 1986, the Factories Act, 1948 is also not as sensitive to the damage caused to the environment and its resulting impact on human beings.

According to census 2011, 62% of child labourers between the ages of 5-14 years are concentrated in agriculture, forestry and fishing. These occupations include several processes and activities that can be termed 'hazardous' but remain unregulated due to the largely informal nature of these sectors. The current child labour law allows children to 'help' family and in 'family enterprises' most of which falls in self-employed labour category, concentrated in rural areas. Further, it may be noted that while the law prohibits engaging child labour in the Fertilizer Industries, **it misses the fact that the usage of those hazardous chemicals into the farm is more harmful than its production.** According to Aktar et al.<sup>7</sup> (2009) in India 76% of the pesticide used is insecticide, as against 44% globally. The main use of pesticides in India is for cotton crops (45%), followed by paddy and wheat. The use of herbicides and fungicides is correspondingly less heavy, and both are prohibited under EP Act of 1986. **It is therefore important to note that, the application and use of hazardous chemical substances finds its way in the farm sector which has high incidence of child and**

<sup>6</sup> Adolescent as defined in 2(b) of Factories Act, 1948 means a person who has completed his fifteenth year of age but has not completed his eighteenth year

<sup>7</sup> Md. Wasim Aktar, , Dwaipayan Sengupta, , Ashim Chowdhury (2009), Impact of pesticides use in agriculture: their benefits and hazards, Interdisciplinary Toxicology Interdisc Toxicol. 2009; Vol. 2(1): 1–12. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2984095/pdf/ITX-2-001.pdf>



**adolescent labourers.** More evidence is needed on the nature and impact of children helping family and in family enterprises, so as to correspondingly strengthen legal provisions to protect children.

*Thus, there is a need to revisit the Schedule to the child labour legislation keeping in mind aspects such as resultant pollution<sup>8</sup> to the environment, and ensuring work and safety standards as per the Environmental Protection Act, 1986 as well as India's commitment to the UN Convention on the Rights of the Child (UNCRC). The very fact that the current Schedule to the child labour law misses out on several peripheral activities identified under Environment Protection Act as well as the Factories Act, 1948, makes a case of having a child-centric definition of what constitutes as a 'hazardous' activity in the context of children and adolescents and having stricter processes for ensuring standards for industrial safety.*

### **Role of Child Labour Technical Advisory Committee and Office of Special Labour Commissioner**

The Child Labour (Prohibition & Regulation) Act, 1986 empowers the central government u/s 2(b) to constitute the Child Labour Technical Advisory Committee. This Committee consists of Chairman, duly appointed by the Central Government through Official Gazette and other members, not exceeding 10. Among those 10 members, one member will be appointed by the Central Government as a secretary of the committee who shall not be below the rank of under-secretary to Government of India. The recommendations made by this Committee become the basis for preparing the list of hazardous occupations and processes included in the Schedule to the Child Labour Act. In order to do so, the committee may form other sub-technical committees to seek further investigation about the industrial processes and occupations to be included in the schedule.

Prior to the 2016 amendment to the child labour law, it was found that the Technical Advisory Committee had exercised its power (in 1998) in developing the list of hazardous and non-hazardous trades and occupations. The committee had entrusted this responsibility to the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI) comprising: 1) Headquarters situated in Mumbai; 2) Central Labour Institute in Mumbai and 3) Regional Labour Institutes in Chennai, Kanpur, Kolkata and Faridabad.

Upon the advice of the Central Technical Advisory Committee office order no H-11013/3/98-CL dated 30th December, 1998, the DGFASLI was requested to conduct a study to identify list of hazardous industries and occupations based on the third schedule (See section 89 and 90) of the Factories Act, 1948 (amended 1987) to prepare the list of trades which will potentially pose occupational hazards. In this report, the empowered group of committees at DGFASLI, prepared the list of notifiable occupational diseases using the notified list of classifications under Environment Protection Act, 1986. The report gives a detailed account of safety and health hazards associated with different processes and operations, work practices adopted the existence and effectiveness of hazard control measures, recommended measures for control of process safety hazards and personal exposure to pesticides using the definition of Hazardous in the Environment Protection Act and its listed occupations. This report contains 193 recommendations in 121 listed tasks to improve process safety, industrial hygiene, hazardous occupations and occupational health of workers engaged in the industry. The report was submitted to Ministry of Labour and Employment in August 2002, with a recommendation to update the list of Hazardous and Non-Hazardous Industries. The same report was further shared with Chief General of Factory Inspectors, ESIC and ICMR. However, it is observed that this report's recommendation was not accepted in the subsequent meetings of Central Technical Advisory Committee.

In 2015, each state government constituted the office of the Special Labour Commissioner to supervise the enforcement of labour laws in the unorganised sector in their respective state jurisdictions (Mujumdar and Borbora, 2013)<sup>9</sup>. However, it has been observed that there is no representation or feedback from the Labour

---

<sup>8</sup> Gas or flame or fume flaring is a prominent source of VOCs, CO, CO 2, SO 2, PAH, NOX and soot (black carbon), all of which are important resultant pollutants which interact, directly or indirectly affecting our environment and human bodies

Commissioner's office to the Child Labour Technical Advisory Committee. As a result, the entire segment of unorganised sector is left outside the purview of the Child Labour Act, which is where most child and adolescent labour is employed. This has led to difficulties in enforcing labour laws in general and the child labour law in particular. This report also suggests for strengthening the preventive aspect of child labour by promoting a deterring environment within workplaces, stronger child protection systems and expansion of coverage of the National Child Labour Project Scheme.

The present legislative framework provides limited scope for involving the state-enforcement mechanism. Primarily, the focus is mainly on occupations and processes that are deemed as hazardous which come from the different sources which already existed in the central laws. Instead of this, if the policy changes were to become more child-centric, then the unit of identification and analyses will become households and work sites wherein children are employed. Inclusion of unorganised sector as listed in NCEUS Report will capture broader sectors/industries/units as well as the application of National Classification of Occupations 2008<sup>10</sup> (Five digit industries) will add more insight into the intensified labour process at the work sites. An exploration of embedded labour process will be a great starting point because the existing legal provisions allows employment of adolescent and child labour in the tasks which are perennial and non-recurring in nature. In the embedded labour process, the labour services of children and adults can be easily distinguished. With a robust definition keeping the developing capacities of children and adolescents in mind would therefore be effective in identifying whether a particular process is hazardous or non-hazardous for children.

#### **Recommendations:**

##### **1. Revisiting the base for listing of hazardous and non-hazardous occupations and processes in the context of child labour**

This analysis recommends that instead of using Schedule A of the Factories Act of 1948 as the base to define and enlist hazardous and non-hazardous occupations and processes for child labour, the list in Environmental Protection Act, 1986 as a primary source of law to define various processes. This is because the listing criteria in the EP Act, 1986 is rigorous and follows the guiding principles of WHO's Occupation and Health Safety Standards for conducive work environment. This will enable a more robust listing process and compliances that will further limit the scope of involving children. ILO has a detailed convention on Occupational Safety and Health Convention, 1981 (No. 155), which India is yet to ratify, is much broader in scope than its present labour laws. Ratification of this Convention will further require positive changes in occupational safety and health standards, which in turn is likely to impact employment of child and adolescent labour in India.

##### **2. Better Convergence between the Child Labour Technical Advisory Committee and Central Advisory Board:**

Child Labour (Prohibition & Regulation) Act, 1986, empowers the central government to constitute Child Labour Technical Advisory Committee which has the power to make recommendations for hazardous occupations and processes. This Committee also receives suggestions from the Central Advisory Board which has representation from the civil society organisations that work at the ground level implementing the National Child Labour Project (NCLP) Scheme as well as other initiatives to address child and adolescent labour. Therefore, there should be better convergence with between this Committee and the Central Advisory Board on Child Labour that has academicians and civil society organisations to provide insights from the ground.

<sup>9</sup> Mujumdar, Ashima and Saundarjya Borbora, (2013) Social Security System and the Informal Sector in India: A Review, Economic and Political Weekly Vol. 48, No. 42 (OCTOBER 19, 2013), pp. 69-72 (4 pages)

<sup>10</sup> NCO list is prepared by Directorate General of Employment and Training, MoLE, GOI considering the recommendations of International Standard Classification of Occupations as well as International Labour Organisations. Officials surveys conducted by National Sample Survey Organisation provide the information.

### **3. Strengthen enforcement of labour laws at both national and state levels including better coordination**

At the national level there should be coordinated efforts for convergence of Central labour enforcement mechanism with the National Monitoring Committee established under the National Child Labour Project Scheme. A similar convergence must be established between the overall state- level labour enforcement with the State level Monitoring Committee

Since the office of the Special Labour Commissioner at state level has been set up to ensure effective enforcement and supervision of labour laws in the unorganised sector, the periodic reporting on prevalence and working conditions of child and adolescent labourers by this office to the national technical advisory committee would help provide evidence to review hazardous occupations and processes for child and adolescent labour. Finally, the selection and inspection of firms and factories with regard to compliances is currently largely based on their annual returns, which has not been as effective in adhering to standards laid down in the Factories Act, 1948 as well as the Environment Protection Act, 1986. Random inspections would be better deterrents instead.

### **4. Develop a robust methodology for estimation of child and adolescent labour**

It would be more effective to use time-use surveys tools to collect data to generate evidence on details of a person's "daily life" that are missing from standard household surveys, including the length of people's workdays, intensity of works and the extent of their unpaid work both in household and outside the household. This also has policy implications, especially when it comes to the gendered nature of labour within and outside the household, at school and at the worksite. Secondly, it would be more effective to replace the unit of analysis which is currently based on process and occupation, with the intensity of work (manual/intellectual) and its impact on physical and cognitive abilities of workers as the primary unit of analysis to develop a better understanding the world of child and adolescent labour.

This will not only enable a refined understanding on the magnitude of child labour and industries which employ them but also throw light on the life and time-scheme of children who were forced to perform this arduous task at various industries. Through this fresh perspective of gathering data on child labour, it will be easier to identify processes that negatively impact the overall development as well as productive capacity (both physical and cognitive) of child labourers. This approach will help provide crucial links with other significant aspects such as children's right to protection, education, play & leisure.

## Evolution and Development of Child Labour Legislation in India

### Background

The Child Labour (Prohibition and Regulation) Act, 1986 was enacted to regulate child labour practices in India.<sup>11</sup> Thereafter, the legislature made substantial changes in the provisions of this Act and introduced the Child Labour (Prohibition and Regulation) Amendment Bill in 2012 in the Rajya Sabha<sup>12</sup>. It sought to prohibit the employment of children (i.e. those below 14 years of age) in all occupations and adolescents (i.e. those between 14 and 18 years of age) in hazardous occupations and processes<sup>13</sup>. The Bill was then referred to the Standing Committee on Labour which submitted its report with 10 recommendations on the Bill in 2013.<sup>14</sup> After much deliberation, the Child Labour (Prohibition and Regulation) Amendment Act was enacted in 2016. Through the Amendment Act, a complete prohibition has been imposed on employment of child labour (i.e. a person below the age of 14 years) in any establishment whether hazardous or not.<sup>15</sup> This was done to ensure that children below the age of 14 are able to exercise their right to education under the Right of Children to Free and Compulsory Education Act, 2009. The age of admission to employment has been linked to the age of compulsory education under Right to Education Act (RTE), 2009. Under the Child Labour Amendment Act, 2016, a child is permitted to work only to help family, in family enterprise or as child artist after school hours or during vacations.<sup>16</sup> The exceptions were made to strike “a balance between the need for education for a child and reality of the socio-economic condition and social fabric in the country”.<sup>17</sup> The amendment Act also introduced the concept of adolescent labour for the first time. An adolescent has been defined as a person between the ages of 14-18 years.<sup>18</sup> The amendment Act permits employment of adolescent labour under regulated conditions except in hazardous processes or occupation as specified<sup>19</sup>. It also makes employment of children below 14 years as a cognizable offence for employers and provides for penalty for parents if the labour inspector finds that the parents are allowing children to work in hazardous processes, or for commercial purposes or in case they are repeat offenders<sup>20</sup>.

According to the 2001 census, 1 crore and 26 lakh children were engaged in child labour and as per the 2011 census, the number reduced to around 43 lakhs. (It is important to note here that typically child labour estimates only reflect number of main workers and leave out marginal workers). It was viewed that through the amendment Act, the figures will reduce even more, bringing the country closer to fulfilling the goal of elimination of child labour<sup>21</sup>. Furthermore, one of the objects and reasons of the Amendment Act was that it would be in total harmony with the ILO Convention No. 182 on Worst Forms of Child Labour as well as the ILO Convention 138 on Minimum Age of Admission to Employment.<sup>22</sup>

In addition, the Child Labour (Prohibition and Regulation) Central Rules were also amended to provide for a framework for the prevention, prohibition, rescue and rehabilitation of child and adolescent workers.

<sup>11</sup> The Child Labour (Prohibition and Regulation) Act, 1986. Preamble.

<sup>12</sup> 2015 Amendments to the Child Labour (Prohibition and Regulation) Amendment Bill, 2012, <http://www.prsindia.org/uploads/media/Child%20Labour/2015%20Amendments%20to%20the%20Child%20Labour%20Bill.pdf>

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> The Child Labour (Prohibition and Regulation) Amendment Act, 2016. §5.

<sup>16</sup> The Child Labour (Prohibition and Regulation) Amendment Act, 2016. §5.

<sup>17</sup> Express News Service, “Law tweaked: Child can work in family, entertainment trade,” The Indian Express, May 14, 2015, <https://indianexpress.com/article/india/india-others/cabinet-approves-amendment-in-child-labour-law-allows-children-below-14-to-work/>. Accessed on Nov. 6, 2018.

<sup>18</sup> The Child Labour (Prohibition and Regulation) Amendment Act, 2016. §4.

<sup>19</sup> The Child Labour (Prohibition and Regulation) Amendment Act, 2016. §6.

<sup>20</sup> The Child Labour (Prohibition and Regulation) Amendment Act, 2016. §18.

<sup>21</sup> Lok Sabha Debates, July 26, 2016/ Shravana 4, 1938, pg 125.

<sup>22</sup> Shanta Sinha, “The New Law Banning Child Labour Is no ban at all,” The Wire, July 22, 2016, <https://thewire.in/law/unveiling-the-facade-of-the-child-labour-act>. Accessed on Nov. 6, 2018.

Another prominent measure taken to meet the objective of a child labour free society was to strengthen the National Child Labour project, which is a rehabilitative scheme providing bridge education and vocational training to children and adolescents rescued from labour<sup>23</sup>.

On 13<sup>th</sup> June, 2017, India ratified the two Core Conventions of International Labour Organization (ILO) - namely ILO Convention 138- the Minimum Age Convention 1973, regarding minimum age for admission to employment and ILO Convention 182- Worst Forms of Child Labour Convention, 1999, thereby reaffirming India's commitment to a child labour free society, which is also crucial for the attainment of Sustainable Development Goals by 2030.<sup>24</sup>

With ratification of these two core ILO conventions, India has ratified 6 out of 8 core ILO conventions<sup>25</sup>, with the other 4 core ILO conventions being- 1) Forced Labour Convention, 1930 (No. 29); 2) Equal Remuneration Convention, 1951 (No. 100); 3) Abolition of Forced Labour Convention (No. 105); and 4) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) thus reaffirming its commitment for promoting and realising fundamental principles and right at work. India's ratification of the two core ILO conventions, were a result of a combination of three important factors including contributions by India's judiciary, India's rank in global performance indices and a series of macroeconomic events.

### **Role of judiciary and India's effort in signing ILO Conventions**

The issue of child labour in India attracted policy attention and debate for the first time in 1985 after the adoption of human rights charter for the protection of children by the Council of Europe, the Organisation of American States (OAS) and the Organisation of African Unity (OAU). The Charter contains a number of specific references to children. Part I of the Charter enshrines the basic principles: "Children and young persons have the right to special protection against the physical and moral hazards to which they are exposed". The Government of India ratified the United Nations Convention on the Rights of Child (CRC) on 12<sup>th</sup> November 1992. It also endorsed the twenty-seven survival and development goals for the year 2000 laid down by the "World Summit for Children".

Article 73 of the Constitution of India states: "*Subject to the provision of this Constitution, the executive power of the Union shall extend to the matters with respect to which Parliament has power to make any law; and to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India with respect to any treaty or agreement.*" Article 253 of the Constitution states that, "*Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement to convention with any other country or countries or any decision made at any international conference, association or other body*".

Therefore, international conventions like UN Convention on the Rights of the Child (UNCRC) can be enforced in Indian courts without a statute (Singh, 2013)<sup>26</sup>. An international convention consistent with the fundamental rights and in harmony with its spirit must be read into the provisions of the Constitution. Therefore, the provisions of the UN Convention on the Rights of the Child (UNCRC) in consonance with the fundamental rights can be enforced without a statute<sup>27</sup>. This was clearly laid down in the case of *Mayanbhai Inswarlal Patel vs Union of India* & again in the case of *Vishakha vs State of Rajasthan*, where the Supreme Court of India reiterated the principle that in the absence of a domestic law the contents of international conventions and norms are relevant for the purpose of interpretation of the fundamental rights. It is

<sup>23</sup> "India ratifies both fundamental ILO Conventions on Child Labour," International Labour Organisation, June 13, 2017, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_557295/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_557295/lang-en/index.htm). Accessed on Nov. 6, 2018.

<sup>24</sup> Ibid.

<sup>25</sup> ILO Ratification status by country available at [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102691](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102691) accessed on 9 June, 2020

<sup>26</sup> Singh, Devinder (2013), "Child Labour & Right to Education: A Primer" Central Law Publications, New Delhi.

<sup>27</sup> AIR (2015) 6 SCC 241.



significant to note that the exception of the UN Convention on the Rights of the Child (UNCRC) 1989, there is no other child-centred approach and second, Asia which has the highest proportion of the World's children, does not have any similar regional human rights or child rights instrument. All the countries have ratified the UN Convention on the Rights of the Child (UNCRC), subject to Reservations/Declarations.

In 2001, in a civil suit of *Subhash Chandra Jaswal v/s State of UP*<sup>28</sup>, it was held that those workers who were already working in the establishment for more than 3 years and did not have any medical certificate which could justify his/her age, then such labourers cannot be termed as 'child' as defined in section 2(ii). This interpretation by the court allowed employers to follow a covert path of hiding the age specific documents of workers and were able to continue to keep them on their muster roll as workers. The second relaxation from the judiciary came in the case of *Mahesh Kumar and Garg and Others v/s State of UP*<sup>29</sup> where it was held that civil liability of paying compensation had nothing to do with the criminal prosecution under the Act and both could continue simultaneously. In other words, the burden of providing that child is below 14 years of age is on prosecution. Burden cannot be shifted on employer and the accused cannot be convicted if prosecution fails to prove the age of child. As result, the burden to prove child labour shifted from employer to prosecution, which enabled the employer to use this strategy to escape legal action.

The turning point for child labour came with the case in the High Court of Delhi in *Save the Childhood Foundation v/s Union of India*<sup>30</sup> where the Court attempted to define child labour as,

*"the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or any other person exercising control over the said child"*.

This definition shaped the discussion of the Standing Committee on Labour (2013-14) and reflected in adhering to the broader context of defining child labour in India. For the first time in history, in the Delhi High Court judgment, the judiciary asked the government regarding the status of ratifying the ILO conventions related to child labour and the implementation of the child labour law.

It may therefore be concluded that a strong judicial response and its attempt to provide a comprehensive definition of child labour, acted as an instrument to accelerate the ratification of the aforementioned ILO conventions.

### Global Performance Index and Child Labour in India: A Trend Analysis

The Global performance indices have become a key tool to influence domestic policies on various aspects of economy. The publication of Besley and Burgess (2004) paper on the role of labour market institutions and its impact on the Indian economy received wide recognition in the policy making process. The study argued that the rigidity caused by Indian labour laws constrained economic growth. Soon after this publication, the study found its prominence in the Economic Survey of 2005-06. On a similar line, the publication of Ease of Doing Business Index (since 2005 onwards) by the World Bank, ranking each country based on their relative score for promoting a business friendly environment, further shaped the policy making process of the government. Since 2009, India too started taking these indices seriously as it helps the economy attract foreign direct investments (FDI). Out of 190 countries, India's ranking moved up from 172 in 2010, to 130 in 2016 to rank 100 in 2017<sup>31</sup>. This upward mobility helped the country in stimulating economic growth and to attract FDIs. International business climate also applauded the government initiative for undertaking pro-market reforms, and added a moment of pride for projecting India's global image.

At the same time, India's global image on various socio-economic frontiers began to decline. For instance,

<sup>28</sup> 2002 CrLJ 1223.

<sup>29</sup> 2000 UPLBEC 1426 (1435) All.

<sup>30</sup> W.P.(CRL) No. 2069/2005

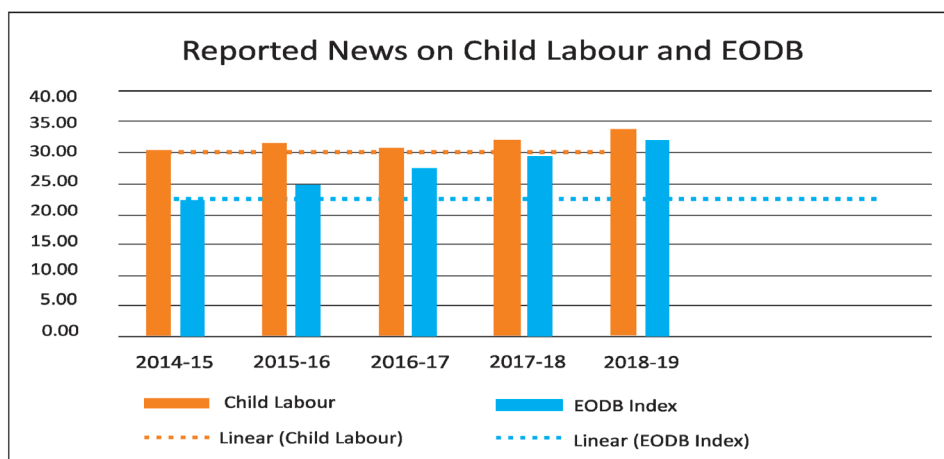
<sup>31</sup> The World Bank Ease of Doing Business Rankings <https://www.doingbusiness.org/en/rankings>

in 2010, the Child Labour Index produced by a global risks advisory firm Maplecroft<sup>32</sup>, mapped among 180 countries across the world, rated India(5) among top 5 countries as ‘extremely risky country’ with the most widespread abuses of child workers. Maplecroft developed this index guided by relevant ILO conventions on child labour to enable companies to identify and evaluate risks relating to child labour within their supply chains, operations and distribution networks. Maplecroft recognises the vulnerability of 15-18 year olds whose work is illegal under international law if it is hazardous to health and well-being<sup>33</sup>. In 2012, the same index ranked India on 27<sup>th</sup> position, indicating persistence of “extremely risky country” with the most widespread abuses of child workers. In a slightly different approach, the International Trade Union Confederation (ITUC) Global Rights Index<sup>34</sup> for the period between 2014 to 2018 ranked India in a group of countries wherein the (*de jure*) legislation spelt out certain rights; however effectively workers had no access to these rights (*de facto*) and were exposed to autocratic regimes and unfair labour practices. This index, indirectly indicates the prevalence of rule of law and human rights which is quintessential for the protection of child rights.

The aforesaid discussion indicates that there is a causal relationship between global performance indicators and the policy making process. On the one hand, India’s global ranking in promoting market led reforms improved through various indicators for attracting FDIs and stimulating growth. On the other hand, its global image on various socio-economic indicators notably on persistence of child labour, inequality and precarity began to fade away. This has causally impacted the government action plan to take up a strong initiative to eliminate child labour & other forms of exploitative working conditions where child labourers are employed. Table 1 shows that as the trend analysis of reporting on EODB (Ease of Doing Business Index) started increasing, the reporting on Child labour also increased due to pressure from civil society groups, international news agencies and other stakeholders (Google Webservices, 2018).

Table 1: Search engine results for Child labour and EODB<sup>35</sup>

Note: For the year 2018-19, news articles till 30<sup>th</sup> November 2018 have been considered



## Macroeconomic Situation and Child Labour

<sup>32</sup> [https://www.maplecroft.com/about/news/child\\_labour\\_2012.html](https://www.maplecroft.com/about/news/child_labour_2012.html) (Accessed on 25th November 2018)

<sup>33</sup> <https://www.maplecroft.com/about/news/child-labour-index.html> (Accessed on 25th November 2018)

<sup>34</sup> ITUC index takes the score value between 0-10. If countries with the rating of 5 are the worst countries in the world to work in. Indian economy continue to score between 6 to 7.5 between the aforesaid period.

<sup>35</sup> <https://trends.google.com/trends/explore?cat=16&date=2014-01-15%202018-11-30&geo=IN&q=%2Fm%2F0gt9mg,child%20labour>

In December 2014, the U.S. Department of Labour issued a List of Goods Produced by Child Labour or Forced Labour and India figured among 74 countries where a significant incidence of critical working conditions has been observed<sup>36</sup>. Among other emerging market economies, out of 156 goods, 23 goods were attributed to India, the majority of which are produced by child labour in the manufacturing sector. According to this list, out of 23 goods involving child labour, 6 goods (Bricks, Cottonseeds, Embellished Textiles, Garments, Rice and Stones) were produced by forced child labourers<sup>37</sup>. The Bureau of International Labour Affairs of United States (US) Department of Labour, has been publishing its annual report on child labour since 2000's. However, for the first time in December 2014, the department came up with the list of goods produced by child labour/forced labour. The publication of this list created deterrence in international trade for Indian economy.

In the subsequent year (2015-16), India's exports fell by 15.9% to \$261.1 billion while imports contracted by 15.3% to \$379.6 billion. The trade deficit for the year was \$118.5 billion (approximately 13 % of total GDP)<sup>38</sup>. This deficit reached to its peak as many trading countries refused to accept those goods which were listed by the US Bureau of International Labour Affairs. As a result, the Indian economy had to suffer a deficit for two consequent years. With the government 2016 amendment to the child labour legislation, the situation in India's export improved since most of the listed goods are now reflected in the amended Act. Through this analysis, it may be argued that, since the publication of this list affected India's export to major developed countries negatively India was pushed to strengthen the existing child labour laws and thereafter ratify the two ILO conventions.

Therefore, to conclude, the pro-active role of judiciary and its progressive judgments in various writ petitions, allowed the state to formulate its Child Labour (Prohibition and Regulation) Amendment Act, 2016, in keeping with the ILO Conventions No. 182 and 138. The role of judiciary alone, as a non- market intervention would have been ineffective, had it not been simultaneously occurring with the changing the dynamics of state-business relationships. These two factors together compelled India to undertake reforms in line with ILO's conventions. India's ranking in the Ease of Doing Business Index, in relation to reports that dispersed India's image on child labour and various other social indicators, acted as a stimulus for India to undertake, strategic reforms that would restore the confidence of global stakeholders. Finally, India's global performance in favour of pro-market reforms attracted widespread criticism from various sections of scholars and think-tanks. This skewed performance, coupled with the growing trade deficit (reflected in the Balance of Payment of 2016-17) as a result of the outright ban on the products from USA's Bureau of International Labour Affairs, intensified India's efforts to amend those laws in tune with the ILO conventions.

<sup>36</sup> <https://www.dol.gov/sites/default/files/documents/ilab/ListofGoods.pdf> (Accessed on 5th December 2018)

<sup>37</sup> <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/india> (Accessed on 7th December 2018)

<sup>38</sup> Mishra, Asit Ranjan (2016), "India's trade deficit at a record low of \$5 billion in March", (Available on <https://www.livemint.com/Politics/8qUZe5BwJiEpJ4dxchSfM/Indias-March-trade-deficit-narrows-to-507-billion.html>, Accessed on 6<sup>th</sup> December 2018)



## Understanding Hazardous and Non-Hazardous Occupations and Processes - The Story of Policy Making

### Background

According to Census 2011, the total number of child labourers in India between 5-14 years is 4.35 million (main workers) and 5.76 million (marginal workers), which comes to a total of 10.11 million. Unfortunately only main workers are considered as child labour in government reports. Furthermore, the total number of adolescent labourers in India is 22.87 million, bringing the total (5-18 years) to 33 million. The 2016 amendment to Child Labour (Prohibition and Regulation) Act, 1986 prohibits the engagement of children below the age of 14 years in all occupations and processes (with few exceptions in order to help family and family enterprises and child artists). This was done so that children are able to enjoy their fundamental right to education under the Right of Children to Free and Compulsory Education Act, 2009.

Further, the Child Labour Amendment Act also inserted a new section extending to children in the 15- 18 year age group which prohibits their employment in hazardous occupations and processes, and regulates their employment in other sectors. The amendment prohibits child and adolescent labour in 1) mines, 2) in the production of inflammable substances or explosives and 3) the hazardous processes assigned with it in clause of the Factories Act, 1948. Thus, it actually provides a legal sanction for the employment of adolescent children in all other sectors and regulates its working conditions. It tends to overlook the potential risks and precarious conditions in which adolescents work, be it 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.

The Amendment Act also changed a few punitive provisions and makes engaging child labour a cognizable offence, punishable by imprisonment for a term of not less than six months and up to two years, or by a fine of not less than Rs 20,000 and up to 50,000 or both.

### Incorporating the List of Occupations and Processes in the Child Labour Act

The Schedule to the Child Labour Act, 1986 contains the list of hazardous occupations and processes and is divided into two parts - Part A deals with occupations that strictly ban employment of child labour and reported to have high toxicity in the work place. And Part B deals with the processes both recurring and non-recurring in nature, that partly prohibits employment of child labour. The bifurcation of this schedule was a result of the Supreme Court Judgement in *Central Inland Water vs Brojo Nath Ganguly & Anr, 1986*<sup>39</sup> that divided the employment charter in both recurring employment task and non-recurring employment task, which are then further divided into core & peripheral workers.

A set of perennial or core activities is defined in terms of what a company had declared as its main activities at the time of registration under the Factories Act of 1948. The core activities are related to core-production and distribution for which the firm employs regular workers under Indian labour laws. Peripheral activities are those wherein firms can sub-contract some part of production and employ other forms of labours. This set of activities usually assists the core-production process of the firm. According to Sapkal (2016), more than 60 % of temporary contract workers including child and adolescent workers, are employed in the peripheral activities of Indian organised sector.

### Evolution of the Schedule

When the Child Labour (Prohibition and Regulation) Act, 1986 was notified initially, the prohibition on child labour was only limited to 5 notified occupations in Part A and 48 notified process in Part B. This was

---

<sup>39</sup> 1986 AIR 1571, 1986 SCR(2) 278.

extended to 13 occupations in Part A and 51 notified processes in Part B on 29<sup>th</sup> March, 1994. Thereafter, the notified occupations were increased to 15 in Part A and 57 notified processes in Part B vide order dated 27<sup>th</sup> January, 1999. Subsequently, the notified occupations were further increased to 18 in Part A and 65 hazardous processes in Part B on 25<sup>th</sup> September, 2008.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 (35 of 2016) which came into force from the 1st September, 2016, has made substantial changes in the occupations and processes that prohibits employment of child and adolescent labour in the selected industries as per Schedule 1 of the Factories Act 1948. In this newly amended Act, the state prohibits employment of children those who are below 14 years of age and adolescents who are between 15 to 18 years of age in Hazardous Occupations and Processes as listed in Part A of the Schedule of said Act that includes-

- 1) Mines and Collieries (both underground and underwater)
- 2) Inflammable substance and explosives as defined in Explosive Act of 1884
- 3) Hazardous Processes from item no 3 to 31 as listed in the first schedule of Factories Act of 1948.

It is interesting to note that the specific mention of Inflammable substance and explosives has been restricted only to five processes including

- (i) Production, storage or sale of fire crackers;
- (ii) For manufacture, storage, sale, loading, unloading or transport of explosives as defined under the Explosives Act, 1884 (4 of 1884);
- (iii) Work relating to manufacturing, handling, grinding, glazing, cutting, polishing, welding, moulding, electro-plating, or any other process involving inflammable substances;
- (iv) Waste management of inflammable substances, explosives and their by-products;
- (v) Natural gas and other related products.

According to Section 2 (cb) of the Factories Act of 1948 “hazardous process” means any process or activity in relation to an industry specified in the ‘First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, by-products, wastes or effluents thereof would-

- (i) Cause material impairment to the health of the persons engaged in or connected therewith, or
- (ii) Result in the pollution of the general environment.

The implication of the Child Labour (Prohibition and Regulation) Amendment Act, 2016 was that it reduced the list of hazardous occupations and processes from 83 occupations and processes for child labour from (18 occupations and 65 hazardous processes) to 38 for Part A. For Part B, containing a list of 15 occupations and 54 processes, the Act continues to prohibit the employment of child labour, but permits the employment of adolescents under regulated work conditions.

### **Comparing the Scope of Environment Protection Act, 1986 with Factories Act, 1948**

With the enactment of Environmental Protection (EP) Act of 1986, the definition of hazardous process was broadened than what is mentioned in the Factories Act, 1948. Section 2(e) of the EP Act, 1986 defines the term “hazardous substance”, which seems to occur at several places in conjunction with the expression “handling”. In fact in so far as the Act gives importance to this expression and uses it in various substantive sections, it seems to supplement the aspect of environmental pollution. The definition of “hazardous substance” includes “any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-

organism, property or the environment". The first thing to be noted is, that this definition covers not only the substance, but also its preparation — whatever that may indicate. In some of the other definitions, such as those contained in section 2(b), 2(d) and 2(f), which define "environmental pollutant", "handling" and "occupier (producer)", as also in certain other provisions, such as section 3(2)(viii), section 10(2), section 11(1), section 25(2)(d) and section 25(2)(f), the term "substance" is not coupled with the term "preparation".

The appended list in the Environment Protection Act, 1986 includes 104 processes that were deemed to be perilous and unsafe for working environment. The notification for the same was issued on 10<sup>th</sup> February, 1986. This list continues to be the principal list for granting industrial licenses, factory inspections and appraisal and identifying the hazardous process for ensuring 'Work and Safety Standards' at the workplace. ***Therefore, in view of the expanded definition of hazardous processes laid down in the Environment Protection Act, 1986, it would be more beneficial to refer to this list when it comes to identifying hazards for child and adolescent Labour as well.***

As discussed in the Appendix 1, in comparison with the principal list of hazardous occupations as defined in the Environmental Protection Act of 1986, out of 104 listed occupations and processes only 83 listed entries found mention in the child labour amendment of 2008. This shrunk further with the 2016 amendment to the child labour law since it overlooks the synthetic inflammable substances that are used in various Bio-medical, fertilisers and other petro-chemical products whose stimulated limit is 2.40 ppm. Thus, of the 35 industrial occupations & processes reported to use the synthetic inflammable substances as listed in Environmental Protection Act, 1986, only 10 have been included in the amended Child and Adolescent Labour (Prohibition and Regulation) Act of 2016 (See Appendix Table 1)

Examining the bifurcation of core and peripheral activities, it was found that there are 66 processes and occupations which still act as catchment areas for employing adolescent labour since they fall under the peripheral employment activities under Environmental Protection Act of 1986 and Factories Act of 1948. ***This list of 66 occupations and processes must also be reviewed and included in Part A (containing hazardous occupations and processes) of the Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.***

The reduction in the notified list of occupations and processes may be attributed to two factors. First being the lack of regular inspection under the Factories Act, 1948- In an effort to promote economic growth, several states made amendments to the Schedule to the Factories Act, 1948 and provided exemptions to industries, often at the cost of industrial safety standards. These revised lists of manufacturing processes was not available for effective policy execution. Secondly, the reduction in listing of hazardous occupations and processes may also be attributed to the challenges in effective functioning of the State Scientific Advisory Group. Technically the Scientific Advisory Committee prepares the lists of Hazardous Industries, grants permissions, issues licenses and regulates the working of conditions in hazardous sector. Industries identified as working in hazardous sectors are required to get clearances from Environment Department. Thus, their role is important in making recommendations about the new industrial licenses to maintain occupation and industrial safety and environmental protection. According to Singh (2006), there were 36 State Scientific Advisory Groups in the early 1990's<sup>40</sup>, however, they came down to only 9 since 2010<sup>41</sup>, thus impacting the overall recommendatory process with regard to industrial safety and standards.

<sup>40</sup> Singh, B.K. (2006): "Child Labour In India", Adhyayan Books, New Delhi (ISBN-13: 978-8189161651)

<sup>41</sup> Malik, P.L. (2017): "P.L. Malik's Industrial Law (Covering Labour Law in India): Encyclopedia of Labour and Industrial Laws in India", Eastern Book Company (2017)

## Children helping in Family or Family Enterprises: A snapshot of the magnitude, hazardous quotient and need for evidence generation

According to census 2011, 62% of child labourers between the ages of 5-14 years are concentrated in agriculture, forestry and fishing. These occupations include several processes and activities that can be termed 'hazardous' but remain unregulated due to the largely informal nature of these sectors. The 2016 amendment to the Child Labour Act allows children below the age of 14 years to help in family and family enterprises and as child artists provided it does not infringe upon their schooling. Children are allowed to 'help' after school hours or during vacations. Family or family enterprises, of which agriculture and its allied sectors is a large part, will fall under the category of self-employment. A sluggish economic growth and lack of structural transformation allows (i.e. the demand side), employment opportunities to be open for child and adolescent labourers in the domestic as well as high valued export intensive low-wage-low productive sectors. According to the Periodic Labour Force Survey (PLFS)<sup>42</sup> report of 2017-18, 52 per cent of total work force is employed in the self-employment category. In the same report, it is indicated that 25 per cent and 23 per cent are engaged in as casual labourers and regular wage/salary employees respectively. The magnitude of self-employment is higher in rural areas i.e. 58 per cent as compared to urban areas i.e. 38 per cent.

The self-employment category comprises of two sub-categories including own account worker/employers and helper in household enterprises. The PLFS (2017-18) report indicates that the female working population mostly in rural areas are concentrated as helpers in household enterprises and the regular wage/salary earners are in urban areas i.e. 39 per cent and 52 per cent respectively. Male workers are mostly engaged into own account worker/employers category i.e. 48 per cent and 35 per cent in rural and urban areas respectively. Overall, the self-employment category has emerged as the primary source of livelihood for majority of the Indian working population. In the absence of laws that regulate self-employment i.e. own account worker/employers category, it continues to find ways to engage child and adolescent labour towards the production. Indian economy has been characterised as a low-wage-low productive economy which entraps child and adolescent labours as cheap labourers to reduce variable labour costs.

According to the PLFS report, there are estimated to be 1,96,247 (in '000) population belonging to the age of 5-14 years of age and 2,12,716 (in '000) belonging to the age of 15-18 years of age. Within the age group of 5-14 years, 1,04,931 (in '000) and 91,295 (in '000) are male and female respectively. Similarly, for the age group between 15-18 years of age, 1,21,697 (in '000) and 91,019 (in '000) are male and female respectively. Among the rural male, 95.1 per cent (in age group of 5-14 years) are attending the school and remaining are working as helpers in the family enterprises. In the age group of 15-18 years, 68 per cent are attending school and remaining are working as helpers or looking for employment. Among them 8.2 per cent of workers belonging to 15-18 years of age are engaged into the agriculture, forest and fishing industry and 5.3 per cent of workers engaged into the Manufacture of pharmaceuticals, medicinal chemical and botanical products industry. Similarly, for the rural female, 94.1 per cent (in age group of 5-14 years) are attending the school and remaining is working as helper in the family enterprise. In the age group of 15 to 18 years, 53 per cent are attending the school and remaining working as helper in the family enterprise and casual labourers. In the same age group, approximately, 9 per cent of women workers are engaged into Manufacture of tobacco products and textiles and the Manufacture of pharmaceuticals, medicinal chemical and botanical products industry.

<sup>42</sup> Periodic Labour Force Survey (2017-18), MOSPI Annual Report  
([http://www.mospi.gov.in/sites/default/files/publication\\_reports/Annual%20Report%2C%20PLFS%202017-18\\_31052019.pdf](http://www.mospi.gov.in/sites/default/files/publication_reports/Annual%20Report%2C%20PLFS%202017-18_31052019.pdf))

In the urban areas among male, 96 per cent and 69 per cent of workers in the age group of 5-14 and 15-18 years of age are attending elementary and secondary education respectively. Among them 6.1 per cent of workers belonging to 15-18 are engaged into the upcoming trade service, furniture and construction sector. Among urban females, 96 per cent in the age group of 5-14 years and 71 per cent in the age group of 15-18 years are reported to be attending the schools and higher secondary. In the same age group 3.8 per cent of women workers reports that they work as unpaid family workers and 1.2 per cent reports that they work as regular wage/salary workers in the urban areas.

Overall, the incidence the child labour and adolescent labour has increased. As noted above, since the emerging pattern of employment is self-employment, then it is bound employ to child/adolescent labour as the key source to manage production and the enterprise.

In case of agriculture and allied activities, the law prohibits engaging child labour in the Fertilizer Industries: (i) Nitrogenous; (ii) Phosphatic; (iii) Mixed. ***However, it misses the fact that the usage of those hazardous chemicals into the farm is more harmful than its production.*** According to Aktar etl.<sup>43</sup> (2009) in India 76% of the pesticide used is insecticide, as against 44% globally. The main use of pesticides in India is for cotton crops (45%), followed by paddy and wheat. The use of herbicides and fungicides is correspondingly less heavy, and both are prohibited under EP Act of 1986. ***It is therefore important to note that, the application and use of hazardous chemical substances finds its way in the farm sector which has high incidence of child and adolescent labourers.*** More evidence is needed on the nature and impact of children helping family and in family enterprises, so as to correspondingly strengthen legal provisions to protect children.

---

<sup>43</sup> Md. Wasim Aktar, , Dwaipayan Sengupta, , Ashim Chowdhury (2009), Impact of pesticides use in agriculture: their benefits and hazards, Interdisciplinary Toxicology Interdisc Toxicol. 2009; Vol. 2(1): 1–12. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2984095/pdf/ITX-2-001.pdf>

## Understanding Child Labour (Prohibition & Regulation) Act at Work: A view of Departmental Convergence

### Background

As per the Constitution of India, the subject of labour falls in the Concurrent List. The eradication of child labour is therefore a joint responsibility of the Central and State Governments. The implementation of the Child Labour (Prohibition & Regulation) Act 1986 is entrusted to the Central Government in a few spheres such as Central Government Establishments, railway administration, major port, mines, and oil fields. In all other cases, the implementation is entrusted to the State Governments.

At the level of execution, Ministry of Labour and Employment (MoLE) is a principle agency responsible for enforcement of labour laws in the central sphere; whereas the respective state government's Department of Labour are responsible for enforcement of labour laws in the state sphere including municipal corporations, rural non-farm sector, industrial areas and unorganised sector. However, Special Economic Zones are exempted from their jurisdiction since it falls under the Ministry of Commerce.

The Child Labour (Prohibition & Regulation) Act of 1986, empowers the central government u/s 2(b) to constitute Child Labour Technical Advisory Committee. This Committee consists of Chairman, duly appointed by the Central Government through Official Gazette and other members shall not exceed 10. Among those 10 members, one member will be appointed by the Central Government as a secretary of the committee who shall not be below the rank of under-secretary to Government of India. This central committee is empowered to advise the central govt. for the purpose of addition of occupations to the schedule of the Act. In order to do so, the committee may form other sub-technical committees to seek further investigation about the industrial processes and occupations, to be included in the schedule. According to Child Labour (Prohibition and Regulation) Rules, 1988, the Chairman of the Technical Advisory Committee is empowered under section 2(b) to frame rules that will prohibit and regulate the child labour in the hazardous industries. This provision has also been retained in the Child Labour (Prohibition and Regulation) Amendment Rules, 2017.

At present Director General of ICMR is a chairman of the Technical Advisory Committee and the remaining 9 members are the Directors of Health Services, Factory Advice Services Labour Institute, National Institute of Occupational Health, Industrial Toxicology Research Centre, Ballabh Bhai Patel Chest Institute, AIMMS (Paediatrics), Medical Services and Joint Secretary of Child Labour Cell, Ministry of Labour and Employment (MoLE).

### Deriving the List of Hazardous Processes and Occupations for child labour

According to Malik, 2013<sup>44</sup> the Schedule is prepared by the Child Labour Technical Committee based on the reported incidences of child labour as informed by Central Labour Commissioner for Central Sphere and State-Chief Labour Commissioner for State sphere. This Committee may recommend amendments / inclusions to the list of occupations/processes deemed to be hazardous using three fold strategy (Malik, 2013).

1. Based on the reported incidence of child labour by Factory Inspectors under Factories Act of 1948 (for Centre and State sphere). This reporting is usually done on an annual basis by self- declaration the factory owners through Annual Returns and do not have efficacy because it is a self-declaration by the unit owner.

<sup>44</sup> Malik, P.L. (2013) Handbook of Industrial Law Volume II Eastern Book Company



2. List of Hazardous Process/Occupation amended/deleted by the Site Appraisal Committee under Factories Act of 1948. This process usually occurs once in two years or in special cases therefore any reported emergency.
3. Recommendation by National Child Labour Project Scheme if any (Bhargawa, 2003)<sup>45</sup>

It was found that the Technical Advisory Committee had exercised its power (in 1998) to attempt to expand the list of hazardous and non-hazardous trades and occupations in view of the Environment Protection Act, 1986. It had entrusted this responsibility to Directorate General, Factory Advice Service and Labour Institutes (DGFASLI) which comprises: 1) Headquarters situated in Mumbai; 2) Central Labour Institute in Mumbai and 3) Regional Labour Institutes in Chennai, Kanpur, Kolkatta and Faridabad. The DGFASLI is an attached office of the Ministry of Labour & Employment, Government of India and serves as a technical arm to assist the Ministry in formulating national policies on occupational safety and health in factories and docks. It also advises factories on various problems concerning safety, health, efficiency and well - being of the persons at workplaces.

Upon the advice of the Central Technical Advisory Committee office order no H-11013/3/98-CL dated 30th December, 1998, the DGFASLI was requested to conduct a study to identify list of hazardous industries and occupations based on the third schedule (See section 89 and 90) of the Factories Act, 1948 (amended 1987) to prepare the list of trades which will potentially pose occupational hazards. In this report, the empowered group of committees at DGFASLI, prepared the list of Notifiable Occupational Diseases using the notified list of classifications used under Environment Protection Act of 1986. DGFASLI, Mumbai, carried out a detailed survey in 20 factories during 1998 - 2001 to assess the process safety, occupational health and work environment conditions prevailing in the units manufacturing technical pesticides and their formulation products. Common methodology was adopted for collection of information from the units, sampling and analysis of air-borne contaminants and medical examination of workers. The pesticides covered in this study are : phorate, DDVP, monocrotophos, malathion, cypermethrin, ethion, lindane, DDT, dimethoate, carbofuran acephate, mancozeb, carbendazim, 2,4-D, endosulfan, fenvelarate, profensophos, dicofol and their formulations namely, Dusting Powder (DP), Wettable Dispersing Powder (EDP), Emulsifiable Concentrate (EC) and Coated Granules (CG).

***The report gives a detailed account of safety and health hazards associated with different processes and operations, work practices adopted, the existence and effectiveness of hazard control measures, recommended measures for control of process safety hazards and personal exposure to pesticides using the definition of Hazardous in the Environment Protection Act, 1986 and its listed occupations.*** Data on air-borne levels of pesticides and allied chemicals with their Permissible Exposure Limits (PEL) are contained in the report. Medical examination of workers included cholinestase level in blood, lung function test, ECG, Urinalysis, etc.

This report contains 193 recommendations in 121 listed tasks to improve process safety, industrial hygiene, hazardous occupations and occupational health of workers engaged in the industry. The report was submitted to Ministry of Labour and Employment in August 2002 and it was recommended to update the list of Hazardous and Non-Hazardous Industries. The same report was further shared with Chief General of Factory Inspectors, ESIC and ICMR. However, it is observed that this report's recommendation was not accepted in the subsequent meetings of Central Technical Advisory Committee.

Hence it is clearly shows that the Technical Advisory Committee previously has used its powers to form an

<sup>45</sup> Bhargawa, Gopal (2003): Child Labour- Volume II Kalpaz Publications New Delhi pp-12.

experts committee to revise the list of hazardous and non-hazardous occupations which is in conformity with the Environment Protection Act of 1986. However, it is unclear as to why its recommendation has not been used while amending the Child Labour Act in 2016.

Since the year 2015, each state government has constituted a Special Labour Commissioner, to supervise the enforcement of labour laws in the unorganised sector in their respective state jurisdiction. However, it has been observed that there is no representation or feedback from this office to the Technical Advisory Committee for child labour. As a result, the entire segment of unorganised sector is left outside the purview of the Child Labour Act.

### **Responsibility for Enforcement**

As mentioned earlier, labour as a subject is a matter of concurrent list of the Constitution of India; hence it is a joint responsibility of both Central and State government. At the Central level, the Central Monitoring Committee and Child Labour Technical Advisory Committee prepare the Standard Operating Procedure for enforcing this Act. The enforcement of provisions of the Act takes place at three levels discussed as below.

#### **At Central Level**

Chief Labour Commissioner (Factory Sector-Central Sphere) is responsible for enforcing the Child and Adolescent (Prohibition and Regulation) Act of 1986, at the factories defined under the Factories Act of 1948 as well as the “occupier” defined as in relation to an establishment or a workshop. Chief Labour Commissioners have 189 Regional Offices across the country, which conduct a periodical supervision, inspection and accept the annual returns from the owners of factory unit (Indian Labour Statistics, 2013). Based on the declared returns and reported incidences Chief Labour Commissioner (Factory Sector) is entrusted with the enforcement power and jurisdiction.

#### **At State Level**

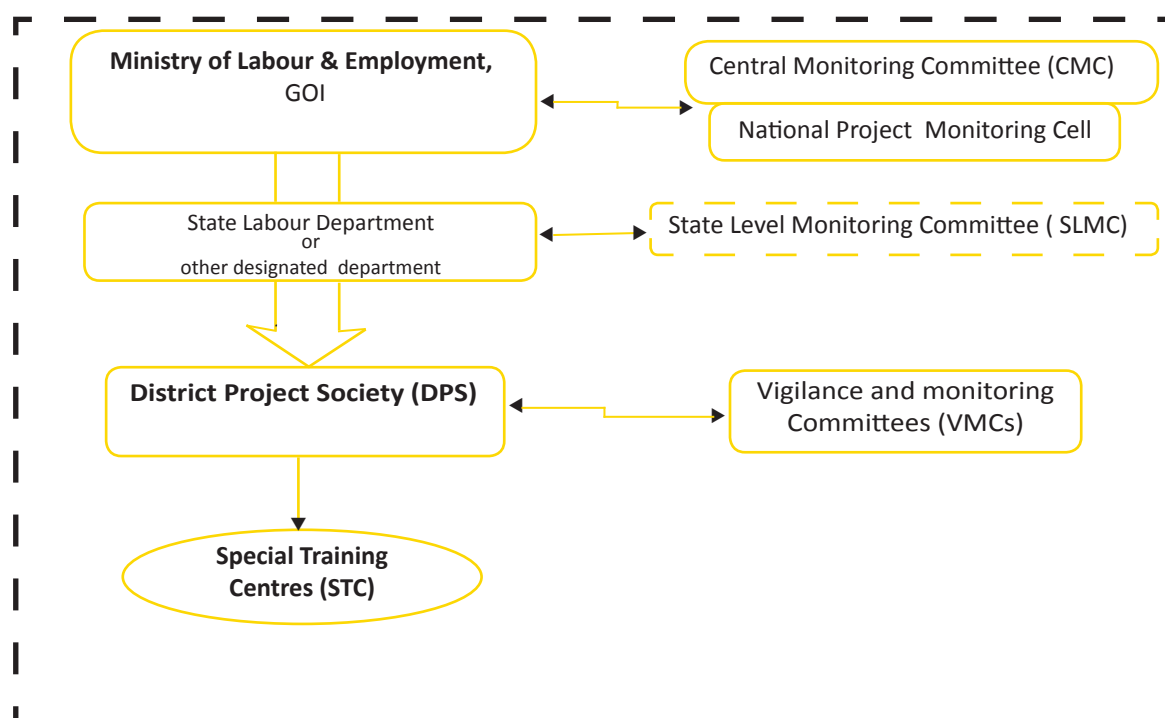
At this level, the enforcement of the Act is usually conducted by State governments Department of Labour – Chief Labour Inspectors who have regional offices across the state. This office has a jurisdiction in the state sphere including all factories, units, Micro, Small and Medium Enterprises (MSMEs), agriculture markets, rural non-farm sector, shops and establishment registered under the Shops and Establishment Act. At present there are 437 regional state level Chief Labour Inspectors who conduct periodical inspections of firm and occupation, health safety drills and ensures compliances with safety standards. Like the Central Labour Commissioner, this office also collects annual returns on labour law compliances and audit reports only from the units registered under state sphere. Based on the declared returns and reported incidences of child labour, the Chief Labour Inspector (Factory Sector) is entrusted with the power of enforcement of the Factories Act within jurisdiction.

#### **National Child Labour Project Scheme (NCLP Scheme)**

This scheme is implemented in close coordination with Centre, State, District administration and civil society. Other stakeholders such as local communities, academicians and enforcement agencies also have an important role to play. The scheme seeks to not only set up the implementation structure but also institutionalize monitoring and supervision for effective functioning of the scheme.



Figure 1: Institutional Structure of NCLP Scheme



Source: PENCIL Portal

Actual responsibility for effective implementation of the NCLP Scheme rests with District Administrations and District Project Societies by involving local communities, NGO's/civil society, academia, media and advertising groups as well as other social partners like trade unions and employers' organizations. The Central Monitoring Committee (CMC) chaired by the Union Labour Secretary is responsible for overall supervision, monitoring and evaluation of various Child Labour Projects across States. At the State-level, the responsibility for planning, co-ordination and monitoring of the NCLPS lies with the State Level Monitoring Committee (SLMC) headed by the Chief Secretary of the State. The SLMC has been formed with the objective of ensuring effective and efficient implementation of NCLP Scheme and convergence of various development initiatives.

At the District level, the District Project Society is a key body which supervises, regulates and enforces the legal provisions of the Act. The enforcement procedure is laid down in the Standard Operating Procedure for Enforcement of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. The administrative head of the district namely District Magistrate (DM)/ District Collector (DC) is responsible for the successful implementation of the Project in the district. Unlike aforesaid two enforcement bodies, this is a unique body vested with the power of enforcement at the District Magistrate (DM)/ District Collector (DC) which can act upon receiving complaints. The District Project Society has a close connect with the grassroots there is more participatory by design since it has members nominated from civil society organisations as well as trade unions.

## Ensuring Child-Centricity in the Law: The Way forward

The procedure for preparing the list of hazardous and non-hazardous occupation/processes is complex and largely relies on multiple sources of laws. The present legislative framework focuses extensively on superiority of centrally enacted laws and do not provide any scope for involving state- enforcement mechanism. Presently, the focus is too much on occupations and processes which are deemed as hazardous as derived from sources which already existed in the central laws. Instead of this, if the policy changes direct their attention on the child centric – occupation and health safety, then the unit of analysis will become household and work sites wherein child and adolescent labour is employed. Inclusion of unorganised sector as listed in National Commission for Enterprises in the Unorganized Sector (NCEUS) Report will capture broader sectors/industries/units as well as the application of National Classification of Occupations 2008 (Five digit industries) will add more insight into the intensified labour process at the work sites.

An exploration of embedded labour process will be a great starting point because the existing legal provisions allow employment of adolescent and child labour in the tasks which are perennial and non- recurring in nature. In the embedded labour process, the labour services of child and adults can be easily distinguished and thereby would be effective in identifying the hazards involved in the process from the perspective of the child. Secondly, the economy has witnessed drastic technological changes and the production processes are not only linked with the domestic trade but also have linkages with global supply chains. This development allows firms to exploit the low-wage-low productive labour- intensive operation units. The new policy intervention must focus on revisiting the definition of work, industry and worksite in the present factory Act. The proposed changes in Labour Codes on Industrial Relations aim to bring in the dynamics of technological change and production processes which have witnessed a massive restructuring.

The Central Government is aiming to bring in all forty-four labour legislations under four labour codes soon, which would lead to building common definitions of terms across the code. These changes must be taken into consideration while exploring the intensity of child-enabled labour process, since the proposed change will be a game changer for labour laws in the country.

Thirdly, all provisions in the Child Labour Act will be strictly enforced if the enforcement agencies work under the decentralised institutional structure at the state. Bifurcation of Central and State sphere for enforcing labour laws, leaves out the grey areas wherein the enforcement becomes ineffective. Government of India conducts Economic Census for factories, worksites, home-based industries, shops and establishments, non-farm sectors, MSME etc. every five years. The aim of this census is to examine and document trends in operational expenses, locations & value addition by these units. If a section on child labour is included in this survey, it will become easier to spatially map the child labour embedded industries and processes.

Finally, as noted earlier, the definition of Hazardous Process as defined in the Environment Protection Act of 1986 uses the standard human body adaptive level of PH, PPM and other chemical substances, for adults i.e. those who are above the age of 18 years. It is important to note that as per G.S.R 347(E) dated 1<sup>st</sup> August 1996<sup>46</sup>, different methods of assessment for the sensitivity test of adaptability of human bodies for varied chemical substance according to age or Quality Life Adjustment Methods also needs to be adhered to in understanding hazards vis-à-vis children.

Therefore, there is a need to revisit the definition of hazards in the context of in order to make the child labour law more child-centric. While doing so, the following aspects may be considered-

1. The definition of hazardous occupations and processes must be derived taking into account the fact their emotional, physical and psychological development is still underway
2. The source of listing of hazardous activities of Factories Act, 1948 must be replaced with that laid down in the Environmental Protection Act, 1986 since it is more expansive
3. Data on child labour must be collected using embedded labour processes to identify involvement of children at each step and the dangers vis-à-vis their physical, psychosocial and cognitive development

<sup>46</sup> Malik P.L. Industrial Law Eastern Book Company Vol II.

## Appendix 1:

**Table 1. Comparison of List of Synthetic Inflammable Substances in Environment Protection Act, 1986 and Factories Act, 1948**

Note: List of Synthetic Inflammable Substances included in Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is derived from list of Factories Act, 1948

Industry Given in Schedule I of the Environment (Protection) Rules, 1986	Whether it is synthetic inflammable substances Included in Environmental Protection Act of 1986	Whether it is synthetic inflammable substances Included in Factories Act of 1948
Caustic Soda Industry	YES	NO
Petroleum Oil Refinery	YES	YES
Cotton Textile Industries (Composite and Processing)	YES	NO
Dye and Dye Intermediate Industry	YES	YES
Rubber Processing and Rubber Product Industry	YES	NO
Fermentation Industry (Distilleries, Maltries and Breweries)	YES	YES
Leather Tanneries	YES	YES
Fertilizer Industry	YES	YES
Iron Ore Mining and Ore Processing	YES	YES
Calcium Carbide	YES	NO
Carbon Black	YES	NO
Copper, Lead or Zinc Smelting Plant	YES	NO
Nitric Acid (Emission of Oxides of Nitrogen)	YES	NO
Sulphuric Acid Plant	YES	NO
All types of Asbestos Manufacturing Units: (Including all processes involving the use of asbestos)	YES	YES
Chlor Alkali (Caustic Soda)	YES	NO
Petrochemicals (Basic and Intermediates)	YES	YES
Pesticide Industry	YES	YES

Industry Given in Schedule I of the Environment (Protection) Rules, 1986	Whether it is synthetic inflammable substances Included in Environmental Protection Act of 1986	Whether it is synthetic inflammable substances Included in Factories Act of 1948
Tannery (After Primary Treatment) Disposal: Channel/ Conduit carrying waste waters to Secondary Treatment Plants	YES	NO
Paint Industry (Waste-Water Discharge)	YES	NO
Inorganic Chemical Industry (Waste-Water Discharge)	YES	NO
Bullion Refining (Waste-Water AND Solid Discharge)	YES	NO
Lime Kiln Capacity	YES	NO
Tanneries	YES	NO
Natural Rubber [Processing Industry	YES	NO
Viscose Filament Yarn (Sub-Sector of Man-made fibre semi-synthetic Industry	YES	NO
Pesticide Industry	YES	NO
Soda Ash Industry	YES	NO
Emission Standard For fron Cupola Furnace	YES	NO
Specification of Diesel Fuel for emission-related parameters	YES	NO
Battery Manufacturing Industry	YES	NO
Common Hazardous Waste Incinerator	YES	NO
Incinerator Pesticide Industry	YES	NO
Common Hazardous Waste Incinerator	YES	NO
Incinerator Pesticide Industry	YES	NO

Source: Malik (2017)

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
1	Caustic Soda Industry	Yes	Yes	No	Yes	No
2	Man-Made Fibres (Synthetic)	Yes	Yes	No	Yes	No
3	Petroleum Oil Refinery	Yes	Yes	Yes (11)	Yes	No
4	Sugar Industry	Yes	Yes	No	Yes	No
5	Thermal Power Plants	Yes	Yes	No	Yes	Yes
6	Cotton Textile Industries (Composite and Processing)	Yes	Yes	No	Yes	No
7	Composite Woolen Mills	Yes	No	No	Yes	No
8	Dye and Dye Intermediate Industry	Yes	No	Yes (30)	Yes	Yes
9	Electroplating, Anodizing Industry	Yes	No	Yes (18)	Yes	No
10	Cement Plants	Yes	Yes	Yes (10) Portland Cement (including slag cement, puzzolona cement and their products)	Yes	No
11	Stone Crushing Unit	Yes	Yes	No	Yes	Yes
12	Coke Ovens	Yes	Yes	No	Yes	No
13	Rubber Processing and Rubber Product Industry	Yes	No	Yes (15) Rubber Synthetic Industries	Yes	No
14	Small Pulp and Paper Industry	Yes	No	Yes (8)	Yes	No
15	Fermentation Industry (Distilleries, Malttries and Breweries)	Yes	No	Yes (14)	Yes	No
16	Leather Tanneries	Yes	No	Yes (17)	Yes	No
17	Fertilizer Industry	Yes	Yes	Yes (9) Nitrogenous, Phosphatic and Mixed	Yes	Yes

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
18	Iron Ore Mining and Ore Processing	Yes	No	No	Yes	Yes
19	Calcium Carbide	Yes	No	No	Yes	No
20	Carbon Black	Yes	No	No	Yes	No
21	Copper, Lead or Zinc Smelting Plant	Yes	No	No	Yes	No
22	Nitric Acid (Emission of Oxides of Nitrogen)	Yes	Yes	No	Yes	Yes
23	Sulphuric Acid Plant	Yes	Yes	No	Yes	No
24	Integrated Iron and Steel Plant	Yes	No	Yes (3(i))	Yes	No
25	Thermal Power Plants	Yes	No	No	Yes	No
26	Natural Rubber Industry	Yes	No	No	Yes	No
27	All types of Asbestos Manufacturing Units: (Including all processes involving the use of asbestos)	Yes	No	Yes (26)	Yes	Yes
28	Chlor Alkali (Caustic Soda)	Yes	No	No	Yes	No
29	Large Pulp and Paper	Yes	No	Yes (8)	Yes	No
30	Integrated Iron and Steel Plant	Yes	No	Yes (3(i))	Yes	Yes
31	Reheating (Reverberatory) Furnaces	Yes	No	No	Yes	No
32	Foundries	Yes	No	Yes (5)	Yes	No
33	Thermal Power Plants	Yes	No	No	Yes	Yes
34	Small Boilers	Yes	No	No	Yes	Yes
35	Coffee Industry	Yes	NO	No	Yes	No
36	Aluminium Plants	Yes	NO	No	Yes	No
37	Stone Crushing Unit	Yes	NO	No	Yes	No

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
38	Petrochemicals (Basic and Intermediates)	Yes	Yes	Yes (12)	Yes	No
39	Hotel Industry	Yes	No	Yes Part B Occupation (10)	Yes	No
40	Pesticide Industry	Yes	No	No	Yes	Yes
41	Tannery (After Primary Treatment) Disposal: Channel/ Conduit carrying waste waters to Secondary Treatment Plants	Yes	No	No	Yes	No
42	Paint Industry (Waste-Water Discharge)	Yes	No	Yes (16)	Yes	No
43	Inorganic Chemical Industry (Waste-Water Discharge)	Yes	Yes	No	Yes	No
44	Bullion Refining (Waste-Water Discharge)	Yes	No	No	Yes	No
45	Bullion Refining (Waste- Water AND Solid Discharge)	Yes	No	No	Yes	No
46	Noise Limits for Automobiles	Yes	No	No	Yes	No
47	Domestic Appliances and Construction Equipments	Yes	No	No	Yes	No
48	Glass Industry	Yes	No	Yes (24)	Yes	Yes
49	Lime Kiln Capacity	Yes	Yes	Yes Processes (21) Lime Kilns and manufacture of lime	Yes	No

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
50	Slaughter House, Meat and Sea Food Industry	Yes	No	No	Yes	No
51	Food and Fruit Processing Industry	Yes	No	Yes Processes (46) Food Processing	Yes	No
52	Jute Processing Industry	Yes	No	No	Yes	No
53	Large Pulp and Paper/ Newsprint/ Rayon Grade Plants	Yes	No	Yes (8)	Yes	No
54	Small Pulp and Paper Plant	Yes	No	Yes (8)	Yes	No
55	Common Treatment Effluent Treatment Plant	Yes	Yes	No	Yes	Yes
56	Dairy	Yes	No	No	Yes	No
57	Tanneries	Yes	No	No	Yes	Yes
58	Natural Rubber [Processing Industry]	Yes	No	No	Yes	No
59	Agriculture Residue fired Boilers (Including Bagasse)	Yes	No	No	Yes	No
60	Man-Made Fibre Industry (Semi-Synthetic)	Yes	Yes	No	Yes	No
61	Ceramic Industry	Yes	No	Yes (24)	Yes	No
62	Viscose Filament Yarn (Sub-Sector of Man-made fibre semi-synthetic Industry)	Yes	No	No	Yes	No
63	Starch Industry (Maize Products)	Yes	No	No	Yes	No
64	Beehive Hard Coke Oven	Yes	No	No	Yes	No
65	Briquette Industry (Coal)	Yes	No	No	Yes	Yes
66	Soft Coke Industry	Yes	No	Yes (6)	Yes	No



Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
67	Edible Oil and Vanaspati Industry	Yes	No	No	Yes	No
68	Organic Chemicals Manufacturing Industry	Yes	No	No	Yes	No
69	Grain Processing , Flour Mills, Paddy Processing, Pulse making or Grinding Mills	Yes	No	No	Yes	No
70	Boilers (Small)	Yes	Yes	No	Yes	No
71	Pesticide Industry	Yes	Yes	Yes (20)	Yes	Yes
72	Oil Drilling and Gas Extraction Industry	Yes	Yes	No	Yes	Yes
73	Pharmaceutical (Manufacturing and Formulation) Industry	Yes	No	Yes (13)	Yes	No
74	Brick Kilns	Yes	Yes	No	Yes	Yes
75	Soda Ash Industry	Yes	Yes	No	Yes	No
76	Emission Standard For fron Cupola Furnace	Yes	Yes	No	Yes	Yes
77	Specifications of Motor Gasoline for emission related parameters	Yes	Yes	No	Yes	No
78	Specification of Diesel Fuel for emission-related parameters	Yes	Yes	No	Yes	No
79	Coke Oven Plants (By Product Recovery Type)	Yes	Yes	No	Yes	No
80	Specification of Two-Stroke Engine Oil	Yes	Yes	No	Yes	No
81	Battery Manufacturing Industry	Yes	Yes	No	Yes	No

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
82	Environmental Standards for Gas/ Naptha-based Thermal Power Plants	Yes	Yes	No	Yes	No
83	Environmental Standards for Gas	Yes	Yes	No	Yes	No
84	Temperature limit for discharge of Condenser Cooling Water from Thermal Power Plant	Yes	Yes	No	Yes	No
85	Environmental Standards for Coal Washeries	Yes	Yes	No	Yes	No
86	Water Quality Standards for Coastal Waters Marine Outfalls	Yes	Yes	No	Yes	No
87	Emission Regulations for Rayon Industry	Yes	No	No	Yes	No
88	Emission Standards for Generator Sets run on Petrol and Kerosene	Yes	Yes	No	Yes	No
89	Noise Standards for Fire-Crackers	Yes	No	No	Yes	No
90	Standards for Coal Mines	Yes	No	No	Yes	No
91	Noise limit for Generator sets run with Petrol or Kerosene	Yes	No	No	Yes	No
92	Standards for effluents from Textile Industry	Yes	No	No	Yes	Yes
93	Primary Water Quality Criteria for Bathing Waters	Yes	No	No	Yes	No
94	Noise limit for Generator sets run with Diesel	Yes	No	No	Yes	No

Sl. No.	INDUSTRY GIVEN IN SCHEDULE I OF THE ENVIRONMENT (PROTECTION) RULES, 1986	WHETHER THE INDUSTRY WAS HAZARDOUS IN THE CHILD LABOUR ACT BEFORE THE 2016 AMENDMENT?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER FACTORIES ACT, 1948?	WHETHER THE INDUSTRY IS HAZARDOUS UNDER THE CHILD LABOUR AMENDMENT ACT 2016 (AFTER 2017 NOTIFICATION)	IF THE CORE ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENT?	IF THE PERIPHERY ACTIVITY IS HAZARDOUS FOR CHILDREN AND ADOLESCENTS?
95	Emission Limits for New Diesel Engines (Upto 800 KW) for Generator Sets (Gensets) Applications	Yes	No	No	Yes	No
96	Emission Standards for Diesel Engines (Engine rating more than 0.8 MW (800 KW) for Power Plant, Generator Set applications and other requirements	Yes	No	No	Yes	No
97	Boilers using Agriculture waste as Fuel	Yes	Yes	No	Yes	Yes
98	Guidelines for Pollution Control in Ginning Mills	Yes	No	No	Yes	No
99	Sponge Iron Plant (Rotary Kiln)	Yes	No	No	Yes	No
100	Common Hazardous Waste Incinerator	Yes	No	No	Yes	Yes
101	Incinerator Pesticide Industry	Yes	Yes	No	Yes	Yes
102	Refractory Industry	Yes	Yes	No	Yes	Yes
103	Cashew Seed Processing Industry	Yes	No	Yes Processes (10) Cashew and Cashew not descaling and processing	Yes	No
104	Plaster of Paris Industry	Yes	No	No	Yes	Yes

## Appendix 2: Segregated World of Work- An Insight from Recent Studies

Exploring education strategies to address child labour in India published in 2015 is a summary report of the Technical Consultation which aimed at contributing towards improved understanding of issues related to child labour and education and responses thereto by examining findings and outcomes of recent reports and discussion. It also aimed to identify key education strategies that can inform policy and action to address child labour in India. The Technical Consultation provided an opportunity to share global information as well as evidence and experiences from India as related to child labour and education, with a view to encouraging policy dialogue and action on evidence-based education strategies. Brief presentations on the nature and extent of child labour and education from the child labour point of view, as reflected in national government surveys and global reports, introduced the context of the Technical Consultation. Experience was presented from projects in seven states (Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh) that worked on the issue of child labour in cotton fields and carpet and metal-ware industries and informed strategic policy orientation in these states. A presentation was made on the Government of India's National Child Labour Project (NCLP) Scheme in the current context of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). The technical consultation successfully contributed to the participants' understanding of children's work and education situation, particularly in India. The sharing of the participants' ideas, views and knowledge helped to inform the work of the organizers and the participants and acted as a catalyst for further dialogue, research and action to address child labour. Providing a space for dialogue between the Government of India and a diverse set of stakeholders, including Employers' Organizations, Trade Unions, Civil Society Organizations and UN agencies on the new amendment to the Child Labour (Prohibition and Regulation) Act of 1986. Participants used the platform to put forward their concerns, thoughts, and recommendations to the Government of India regarding the new amendment.

Sherin Khan and Guillemette Meunier (2009) in the Summary Report of the joint ILO- UNICEF Consultation for Enhancing cooperation for combating child labor in South Asia summarized the joint ILO- UNICEF Consultation. The meeting was organized to discuss both the persistent contextual challenges in relation to child labor and the strengthening of cooperation, coordination and communication between ILO and UNICEF in South Asia. It was also to explore social protection initiatives on child labor, encourage focused discussions around current research and policy options available to the two agencies for tackling child labor in the social protection agenda. 20 UNICEF and ILO members from South Asia (Bangladesh, Bhutan, India, Nepal and Pakistan), the UNICEF and ILO Directors for South Asia, UNICEF Child Protection Specialist from Geneva, and ILO and UNICEF specialists from South Asia attended the meeting. The meeting contributed to deepening and strengthening the cooperation and coordination between UNICEF and ILO in South Asia through: a) Better knowledge of activities of each agency in relations to child labour as well as challenges in cooperation and coordination; b) Better understanding of strengths and advantages of each agency in relation to child labour activities/projects; c) A set of recommendations for UNICEF and ILO offices on strengthening social protection initiatives to tackle child labour; d) Exploring channels of policy influence, such as communication and advocacy, for ratification and implementation of ILO child labour Conventions and other issues; e) Better knowledge of the ILO- UNICEF- World Bank initiative, namely, Understanding Children's Work and opportunities for future collaboration.

Binod Kumar Bhattarai and Karen Emmons (2011) in the report, Successful Strategies and Experiences in Combating Child Bonded Labour in Nepal documented the Second Phase phase of the Sustainable Elimination of Child Bonded Labour project in Nepal. The study looked at how each implementing partner was drawn into the project and how each carried out their respective contributions and the subsequent impacts from that work. The SECBL-II activities, as in the first phase, were designed to set up and strengthen institutional systems at the grassroots level that would function to protect children from bonded or other worst forms of labour. Generally, the project aims centred on building up local support systems, generating household income and

enhancing human skills. The research began as exploratory to determine the feasibility of the SECBL-II models, followed by deeper investigation into the processes to describe first the phenomenon (social and psychological impacts) and then to analyse what worked well.

The Child Labour Survey in Lebanon (2015) aimed to provide statistical information on child labour for guiding actions and policies against child labour. The target age of children surveyed was 5 to 17 years (that is, below 18 years) disaggregated by age, sex, industrial sector and socio-economic category, as well as to estimate the number of working children and compile national-level statistics relating to their employment characteristics. These are expected to be useful to the government in its attempt to eliminate child labour in Lebanon. The report presents the results of the Child Labour Survey conducted by the Central Administration of Statistics (CAS), Lebanon. It contains an analysis of data collected by the survey, particularly on the topics relating to current employment. A brief discussion on how the survey was conducted, including the methodology and definitions used and most importantly, a detailed commentary on the survey results relating to child labour has been discussed. This report provides an analysis of the survey findings, which are related to children activities, especially the size, composition and nature of working children population in general, and child labour population in particular, for the target population of children in the areas covered by the survey. The survey also provided results for the following: General population and characteristics; school attendance; household chores; characteristics of working children; child labour and hazardous work; educational characteristics.

The Global Estimates of Child Labor: Results and trends, 2012-2016 published by the International Labor Organization (2017) describes the scale and key characteristics of child labour in the world today, as well as changes in the global child labour situation over time. It also discusses key policy priorities in the campaign to reach the 2025 target. The report, and the global estimation exercise that underpins it, form part of a broader inter-agency effort to measure and monitor progress towards target 8.7 of the Sustainable Development Goals. The 2016 estimates use data from a total of 105 national household surveys covering more than 70 per cent of the world population of children aged 5 to 17 years. All world regions are covered, and data from the Organization for Economic Cooperation and Development (OECD) countries and China are included for the first time. The 2016 estimates tell a story both of real progress and of a job unfinished. They show a dramatic decline in child labour over the 16 years since the ILO began monitoring child labour in 2000. But the estimates also indicate that the pace of decline has slowed considerably in the last four years, precisely at a time when substantial acceleration is needed to reach the ambitious 2025 target date for ending child labour. The bottom line is that we remain far from the world we want: 152 million children are still engaged in child labour, almost half them in its worst forms. The report suggests that Policy responses to child labor need to be integrated into broader national development efforts and adapted to local circumstances. Moreover, policy responses should also address the age, gender, and regional dimensions of child labour. Lastly, the report also suggests that a continued investment in building the knowledge base on child labour is needed to inform policy responses.

The international community has made it clear that the persistence of child labour in today's world is unacceptable and has renewed its commitment to the Sustainable Development Goal of eliminating all form of child labour by 2025. The International Labour Organization published the Ending Child Labour by 2025: A Review of policies and programs in 2018 to contribute to such efforts by offering an analysis of trends and an evidence-based discussion of policy solutions. It reviews various policies and their goals, approaches and rationale. The report states that the available evidence suggests that investment in expanding free education of good quality, extending social safety nets, improving the governance of labour markets and the functioning of family enterprises, and strengthening social dialogue and legal protections hold a great deal of promise for eliminating child labour and offer the key elements of an underpinning strategy for efforts from today until 2025.

Susan Gunn, Halshka Graczyk and Martha Samano (2018) in a report titled Towards Urgent Elimination of Child Labour bring together and assess new research on hazardous child labour, following the ILO's last report

on this subject in 2011. The report highlights that, when governments, employers and their organisations, trade unions, and other relevant civil society organizations join forces, we can develop appropriate law and regulation and implement innovative ways to enforce them, to prevent hazardous child labour, and to promote safe and decent youth employment for those legally old enough to work. The reports states that we have not been paying sufficient attention to the safety and health of children aged 5-17 – particularly those under 11 – and yet these are precisely the years that children begin working inside or outside the home or performing household chores. The key to protecting children from it is for government, in consultation with employers’ and workers’ organization, to establish and regularly update their hazardous work list, and to enforce it. But there is also the potential for civil society to identify additional situations which might cause harm and take additional action to protect children accordingly. hazardous child labour can be prevented and that a culture of protection can be fostered through law enforcement, education, proper labour relations, and integrated community action.

The National Action Plan (NAP) for combating the worst forms of child labour in Egypt and supporting family (2018-2025) published in 2018 was designed to give the country an integrated and effective framework to combat child labour. The various actions and measures selected constitute a minimum package of priority to contribute effectively to the elimination of child labour in all its forms. In addition, this NAP is part of Egypt’s Vision 2030. The report first provides a background of the situation of child labour in Egypt and the actions/commitments taken to combat it. The authors have then gone on to describe the estimates of child labour in Egypt and the major challenges faced while tackling child labour. The report then discusses the National Action Plan, the strategy, the issues faced as well as its timeline and objectives.

## Reviewed Reports: Child Labour and Segregation of Work

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2017	<b>G l o b a l Estimates of child labor: Results and trends, 2012- 2016</b> <sup>47</sup>  (2017)	This reports charts how far we have come and how far we still have to go to honour the Sustainable Development Goal of ending child labour.	The report describes the scale and key characteristics of child labour in the world today, as well as changes in the global child labour situation over time. It also discusses key policy priorities in the campaign to reach the 2025 target. The report, and the global estimation exercise that underpins it, form part of a broader inter-agency effort to measure and monitor progress towards target 8.7 of the Sustainable Development Goals.	(Doctrinal) The 2016 estimates use data from a total of 105 national household surveys covering more than 70 per cent of the world population of children aged 5 to 17 years. All world regions are covered, and data from the Organization for Economic Co-operation and Development (OECD) countries and China are included for the first time.	The 2016 estimates tell a story both of real progress and of a job unfinished. They show a dramatic decline in child labour over the 16 years since the ILO began monitoring child labour in 2000. But the estimates also indicate that the pace of decline has slowed considerably in the last four years, precisely at a time when substantial acceleration is needed to reach the ambitious 2025 target date for ending child labour. The bottom line is that we remain far from the world we want: 152 million children are still engaged in child labour, almost half them in its worst forms.	The report suggests that Policy responses to child labor need to be integrated into broader national development efforts and adapted to local circumstances. Moreover, policy responses should also address the age, gender, and regional dimensions of child labour. Lastly, the report also suggests that a continued investment in building the knowledge base on child labour is needed to inform policy responses.	Part 1 presents the main results of the global estimates on child labour and reviews trends. It reports levels and changes in child labour by region, age, sex, and national income levels. It also addresses the characteristics of child labour and the extent to which children in child labour are able to attend school. For the first time, the profile has been extended to include household chores and the amount of time children dedicate to them. Part 2 discusses the road forward. It looks at key overall priorities in ending child labour and the main areas of policy focus for addressing them.
2009	<b>E n h a n c i n g cooperation for combating child labor in South Asia: Summary Report of the joint ILO- UNICEF Consultation</b> <sup>48</sup> (November, 2009)	The meeting on Enhancing Co-operation for Combating Child Labour in South Asia held in November 2009 was organized to discuss both the persistent contextual challenges in relation to child labor and	This report summarizes the joint ILO- UNICEF Consultation. It provides the contextual overview in South Asia for work on child labor. The approaches of both ILO and UNICEF to strategic actions along with the challenges	The meeting was attended by 20 UNICEF and ILO members from South Asia (Bangladesh, Bhutan, India, Nepal and Pakistan), the UNICEF and ILO Directors for South Asia, UNICEF Child Protection Specialist from	The participants recommended actions plans for mainstreaming child labour concerns in social protection policies and programmes in south Asia as well as Co-operation, Coordination and commu-	The meeting contributed to deepening and strengthening the cooperation and coordination between UNICEF and ILO in South Asia through: 1. Better knowledge of activities of each agency in relations to	Chapter 1 is the Joint Statement issued by ILO and UNICEF on Enhancing cooperation for combating child labour in South Asia. Chapter 2 summarizes the entire consultation that took place. Chapter 3 enlists the recommended ac-

<sup>47</sup> ILO

<sup>48</sup> Ms. Sherin Khan and Ms. Guillemette Meunier

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		the strengthening of cooperation, coordination and communication between ILO and UNICEF in South Asia. It was also to explore social protection initiatives on child labor, encourage focused discussions around current research and policy options available to the two agencies for tackling child labor in the social protection agenda.	faced by them has also been discussed. The reports then summarizes the social protection for prevention and elimination of child labor. Lastly the collaboration on policy research has also been discussed.	Geneva, and ILO and UNICEF specialists from South Asia.	nication. These included undertaking assessments of ongoing social security programmes in South Asian countries, planning and organizing training programmes, strengthening collaboration on programmes for vocational training and employment, undertake reviews of child labour policy and regulations, designate agency focal points among staff in each country etc.	child labour as well as challenges in cooperation and coordination; 2. Better understanding of strengths and advantages of each agency in relation to child labour activities/projects; 3. A set of recommendations for UNICEF and ILO offices on strengthening social protection initiatives to tackle child labour; 4. Exploring channels of policy influence, such as communication and advocacy, for ratification and implementation of ILO child labour Conventions and other issues; 5. Better knowledge of the ILO-UNICEF-World Bank initiative, namely, Understanding Children's Work and opportunities for future collaboration	tion plans decided at the consultation by ILO and UNICEF.



PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2018	Ending Child Labour by 2025: A Review of policies and programs <sup>49</sup> (2018)	The international community has made clear that the persistence of child labour in today's world is unacceptable and, in the Sustainable Development Goals, has renewed its commitment to eliminating all forms of child labour by 2025. This report aims to contribute to such efforts by offering an analysis of trends and an evidence-based discussion of policy solutions.	The article aims to contribute to eliminating child labour by analyzing trends and policies. It reviews various policies and their goals, approaches and rationale.	This report has reviewed policies and programs.	Available evidence suggests that investment in expanding free education of good quality, extending social safety nets, improving the governance of labour markets and the functioning of family enterprises, and strengthening social dialogue and legal protections hold a great deal of promise for eliminating child labour and offer the key elements of an underpinning strategy for efforts from today until 2025.	This report points the way with policy approaches and responses. 1. Advancing the legal commitment to child labour elimination and the central role of social dialogue 2. Promoting decent work for adults and youth of legal working age, especially through addressing informality 3. Building and extending social protection systems, including floors, to mitigate the economic vulnerability of households 4. Expanding access to free, quality public education as the logical alternative to child labour 5. Addressing child labour in supply chains 6. Protecting children in situations of fragility and crisis	Part 1 discusses Child labour and sustainable development goals. It provides global estimates of the number of children engaged in child labour and forced labour. Child labour estimates by region and national income grouping has also been provided. The Chapter also includes an assessment of the pace of progress. Part 2 focuses on identifying a policy response to child labour.
2018	Towards the urgent elimination of Child Labour <sup>50</sup> (2018)	Since the knowledge of the risks and interventions of child labour and hazardous labour are now	This report brings together and assesses new research on hazardous child labour, following the ILO's last	Mixed methods. The report has used doctrinal research for the global estimates. It has also reviewed various	The reports states that we have not been paying sufficient attention to the safety and health of children aged 5- 17 – par-	The report calls on the government, employers organizations and enterprises, workers organizations, educators	Chapter 1 reports new findings made by ILO. Chapter 2 analyses the meaning of child labour and other terms

<sup>49</sup> ILO

<sup>50</sup> Susan Gunn, Halshka Graczyk and Martha Samano

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		known, the objective of the report is to renew our commitment to respond to this urgent challenge of elimination of child labour by 2025.	report on this subject in 2011. It highlights that, when governments, employers and their organizations, trade unions, and other relevant civil society organizations join forces, we can develop appropriate law and regulation and implement innovative ways to enforce them, to prevent hazardous child labour, and to promote safe and decent youth employment for those legally old enough to work.	policies and programmed.	ticularly those under 11- and yet these are precisely the years that children begin working inside or outside the home or performing household chores. The key to protecting children from it is for government, in consultation with employers' and workers' organization, to establish and regularly update their hazardous work list, and to enforce it. But there is also the potential for civil society to identify additional situations which might cause harm and take additional action to protect children accordingly. hazardous child labour can be prevented and that a culture of protection can be fostered through law enforcement, education, proper labour relations, and integrated community action.	and campaigners to take steps to mitigate and eliminate child labour.	from as per the international standards. Chapter 3 focuses on hazardous child labour and analyses its meaning, effects etc. Chapter 4 reports the estimates of children engaged in child labor and hazardous work. The next chapter focuses on the impacts hazardous work has on children and their health. The next chapter focuses on solutions. It discusses protection and prevention of child labour. It studies the legal assessment, the risk assessment etc. The last chapter focuses on integrated area based approaches to promote a culture of health and safety to eliminate child labour.
2015	Exploring education strategies to address child labour in India Summary Report of the Technical Consultation (June 2015)	This technical consultation aimed to contribute toward improved understanding of issues related to child labour and education and responses thereto by examining findings and outcomes of recent reports	The Technical Consultation provided an opportunity to share global information as well as evidence and experiences from longitudinal data from Andhra Pradesh and Telangana, produced by Young Lives India, was pre-	Summary of the Consultation	Strategies for Government Action and Legislature, Ensuring Quality Education, Inclusion and Child Protection, Private Sector Involvement as well as Individual Action have been provided.	The technical consultation successfully contributed to: 1. The participants' understanding of children's work and education situation, particularly in India. 2. The sharing of the participants' ide-	The first chapter provides a summary of the consultation. The opening remarks as well as the technical session of consultation has been summarized. The next chapter suggests some strategies/ action plan for the government, individuals, education sector for moving forward.

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		and discussion. It also aimed to identify key education strategies that can inform policy and action to address child labour in India.	sented with a view to informing the discussion on education strategies to address child labour. Experience was presented from projects in seven states (Andhra Pradesh, Gujarat, Karnataka, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh) that worked on the issue of child labour in cotton fields and carpet and metal-ware industries and informed strategic policy orientation in these states. A presentation was made on the Government of India's National Child Labour Project (NCLP) Scheme in the current context of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act).			<p>as, views and knowledge helped to inform the work of the organizers and the participants and acted as a catalyst for further dialogue, research and action to address child labour.</p> <p>3. Providing a space for dialogue between the Government of India and a diverse set of stakeholders, including Employers' Organizations, Trade Unions, Civil Society Organizations and UN agencies on the new amendment to the Child Labour (Prohibition and Regulation) Act of 1986. Participants used the platform to put forward their concerns, thoughts, and recommendations to the Government of India regarding the new amendment.</p> <p>4. Bringing out the need for proper data collection on child labour so we can have accurate, up-to-date figures. Once we have this data, its presentation is crucial to make it easier to utilise and inform interventions.</p>	

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2011	Successful Strategies and Experiences in Combating Child Bonded Labour in Nepal <sup>51</sup> (2011)	The objective of the study (reflected in this report) was to document what worked well in the second phase of the Sustainable Elimination of Child Bonded Labour project and why and thus identify lessons that could be applied in other situations that look to replicate the successful strategies.	This report reflects the commendable progress of the Sustainable Elimination of Child Bonded Labour project; it is based on what the project partners consider successful approaches in addressing the issues of child bonded labour.	The study looked at how each implementing partner as drawn into the project and how each carried out their respective contributions and the subsequent impacts from that work. The SECBL-II activities, as in the first phase, were designed to set up and strengthen institutional systems at the grassroots level that would function to protect children from bonded or other worst forms of labour. Generally, the project aims centred on building up local support systems, generating household income and enhancing human skills. The research began as exploratory to determine the feasibility of the SECBL-II models, followed by deeper investigation into the processes to describe first the phenomenon (social and psychological impacts) and then to analyse what worked well.			Chapter 1 discusses the background, ILO involvement and objectives of the successful strategic study. Chapter 2 focuses on the successful strategies. 1. Integrated targeting: Combating child bonded labour of the Haruwa and Charuwa systems in eastern Terai 2. Profiles of problems and progress: Using a household survey and a child labour tracking system to expand protection 3. Creating a community spirit: mobilizing an indigenous socio-cultural support system and nurturing of social capital 4. Fortifying front-line responders: Strengthening the capacity of communities and service providers to enforce the law and protect against bonded labour 5. Trade union vigilance: Unionizing freed Kamaiyas, Haruwas and Charuwas and promoting minimum and equal wages 6. Earning alternatives: Income-generating alternatives and vocational skills training 7. Out of work and into school: mobilizing support structures to help return children to school Chapter 3 reports

<sup>51</sup> ILO, Binod Kumar Bhattarai and Karen Emmons

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
							the implementing experiences.
2015	Child Labour Survey in Lebanon <sup>52</sup> 2015	Accordingly, the Lebanon study of 2015 aims to provide statistical information on child labour for guiding actions and policies against child labour. The target age of children surveyed was 5 to 17 years (that is, below 18 years) disaggregated by age, sex, industrial sector and socio-economic category, as well as to estimate the number of working children and compile national-level statistics relating to their employment characteristics. These are expected to be useful to the government in its attempt to eliminate child labour in Lebanon.	This report presents the results of the CLS conducted by the Central Administration of Statistics (CAS), Lebanon, during 2015. This recent years have seen the Lebanese government adopting a number of regulatory measures to protect children's rights and prevent them from the worst forms of child labour. The CAS is mandated to provide information to the Government – among other official statistics – on the labour market (including on child labour) to support the design of policies that combat child labour in Lebanon. This report provides an analysis of the survey findings, which are related to children activities, especially the size, composition and nature of working children population in general, and child labour population in particular, for the target population of children in the areas covered by the	The CLS was carried out in Lebanon by the CAS with the technical support of the ILO. It is a household-based survey.		The survey provided results for the following: General population and characteristics; school attendance; household chores; characteristics of working children; child labour and hazardous work; educational characteristics	The report contains an analysis of data collected by the survey, particularly on the topics relating to current employment. The report provides a brief discussion on how the survey was conducted, including the methodology and definitions used and most importantly, a detailed commentary on the survey results relating to child labour. The report is divided as follows: Chapter 1 is the present introduction. Chapter 2 presents a contextual backdrop against which the features of child labour in Lebanon are discussed in the latter chapters. Chapter 3 provides a detailed discussion on the survey methodology, including technical details regarding data collection and data processing. Chapter 4 specifies the conceptual framework on child labour and its adaptation into statistical measurement by indi-

<sup>52</sup> Ms. Najwa Yaacoub

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
							<p>cators. Along with definitions and concepts of the terms used for the survey, this chapter also lays down the exact procedure of identifying child labour.</p> <p>Chapter 5 provides the survey findings regarding the different types of activities performed by children, including economic and non-economic activities as well as schooling.</p> <p>Chapter 6 traces the recent trends of key characteristics of the work performed by children. It also consists of an attempt at detecting correlates that determine the incidence of child labour.</p> <p>Chapter 7 narrows the focus of analysis to child labour and engagement in hazardous work, which constitutes one of the main themes of the present report. This chapter consists of an analysis of the survey findings on size, composition and variation in respect to its correlates of the child labour workforce.</p> <p>Chapter 8 analyses the educational characteristics of working children. Chapter 9 highlights some contextual variables relating to socio-economic characteristics of the households in which children reside.</p>

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2018	N a t i o n a l action plan for combating the worst forms of child labour in Egypt and supporting family (2018-2025)  (June 2018)	The National Action Plan for the Elimination of Child Labour in Egypt is therefore designed to give the country an integrated and effective framework to combat child labour. The various actions and measures selected constitute a minimum package of priority to contribute effectively to the elimination of child labour in all its forms. In addition, this NAP is part of Egypt's Vision 2030.	The report first provides a background of the situation of child labour in Egypt and the actions/commitments taken to combat it. The authors have then gone on to describe the estimates of child labour in Egypt and the major challenges faced while tackling child labour. The report then discusses the National Action Plan, the strategy, the issues faced as well as its timeline and objectives.	Mixed			This report consists of three chapters. Chapter 1 discusses the context and justification of the National Action Plan. Chapter 2 focuses on Child Labour in Egypt. It covers the definitions and concepts as well as legislative framework to combat child labour. Challenges and steps taken to overcome child labour is also discussed. The final chapter reports the National Action Plan. Objectives of the NAP, the implementation strategy, strategic issues, timeline of NAP, Monitoring and evaluation etc., has been discussed in this chapter.

### Appendix 3: Reviewed Reports: Policy Changes, Amendments and Child Labour in India

PUBLISHED YEARS	ARTICLES TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2013	<b><i>Child Labour always right in front of you but why constantly hidden from your view?</i><sup>53</sup> (2011-2012)</b>	<ul style="list-style-type: none"> <li>To study the organizational structure and impact of NCLP programme launched for rehabilitating child labour in selected districts of seven states and to analyze the impact on the living conditions of rescued children.</li> <li>To assess the conditions of the child labours working in different sectors like industry, agriculture, domestic work, services-hotels, shops, automobile repair shops, fire crackers factory, etc in the selected states.</li> <li>To analyze the improvement or detriment in the living conditions of rescued children in rehabilitation centers over a period of time under consideration.</li> <li>To study the existing gap between the facilities as stated provide by central &amp; state government and the actual scenario in terms of physical and financial achievements.</li> </ul>	This study highlights the magnitude of child labour in India through different statistics present (for example, Census 2011, National Sample Survey, etc). The study categorizes child labour on the basis of variety of circumstances in which children work. <sup>54</sup> The study also highlights the socio-economic background of child labour in India, sectoral distribution of India's child labour in different states. It also gives stats on hazardous child labour and discusses the new forms of child labour emerging in the country. The study also analyses the various aspects of the National Child Labour Programme (NCLP) with statistics.	<p>The methodology of the study consisted of two-stage sampling i.e.</p> <ul style="list-style-type: none"> <li>In the first stage, the Project Societies for evaluation were selected based on three criteria: <ul style="list-style-type: none"> <li>Age of the projects in particular district;</li> <li>Pockets of concentration of child labour in certain occupations and processes prohibited under the Child Labour (Prohibition and Regulation) Act, 1986;</li> <li>Spatial spread.</li> </ul> </li> <li>At the second stage of sample of schools were identified from each District selected in the first stage with a few exceptions.</li> </ul> <p>Structured and Well defined Questionnaires, in depth interviews and case studies are the prime tools for data collection in this study. In depth interviews were conducted with the respondent groups consisted of Project Directors, Society members, teachers, students, parents and community members.</p>	It was concluded that the Government needs to continue the NCLP more vigorously. The evaluation results suggest that all the District Project Offices have carried out some form of awareness generation programmes. Frequency of these campaigns does vary from district to district. The study shows that the performance of NCLP Project Societies and schools is not in a healthy state. They are not able to provide even the basic and hygiene facilities to the students.	<p>An attempt is made to rank the districts on the overall score achieved by them on the above said 18 parameters.</p> <p>The study has made several recommendations on composition of Project Society, Organizational structure, periodicity and effectiveness of project meetings, survey and identification of child labour, awareness generation, convergence of services, training and capacity building for the staff, project office and school infrastructure, vocational material and trainers, stipend, quality of training and curriculum and monitoring of NCLP.</p>	

<sup>53</sup> PROGNOSYS E SERVICES PVT. LTD. (GRANTS-IN-AID RECEIVED FROM PLANNING COMMISSION UNDER THE SER SCHEME)

<sup>54</sup> Different categories are Child Labour, Street Children, Bonded Children, Working Children, Children used for sexual exploitation, migrant children and children engaged in household activities



PUBLISHED YEARS	ARTICLES TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		<ul style="list-style-type: none"> <li>To examine the reliability and sufficiency of the database covered in the survey, which is undertaken twice during a plan period for the selection of child labour endemic districts by the M/O of labour.</li> <li>To evaluate the pedagogical content of the teaching in NCLP Schools, more so, when they would be working as special schools under the Provisions of Right to Education (RTE) for preparation of children for admission to age appropriate classes within a Limited span of 2 years.</li> <li>A comparison of learning / rehabilitation outcomes in NCLP Schools v i s - à - v i s residential schools. The state of Karnataka, where the state government is running a residential NCLP schemes under its own funds may be taken for this exercise.</li> <li>To study the progress of NCLP school children after they have been mainstreamed</li> </ul>		<p>The evaluation study encompasses of seven states out of the total 20 states where NCLP programs are active. In these states it is mutually agreed to evaluate 20% of the districts in each state. In total 30 out of 150 NCLP districts are selected to evaluate the progress of NCLP societies in these 7 states. In total 120 members of project societies, 176 Schools and 2844 parents and students are surveyed to collect and analyze the data.</p>			

PUBLISHED YEARS	ARTICLES TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		<p>in a regular school. The post mainstreaming behavior of these children – whether they continue to study in regular schools, what is their performance, do they find problems in coping up with their regular counterparts and similar issues. To study the convergence aspects of various Government Programmes and their impact on child labours and thereby, examining the root cause of child labour.</p>					
2014	<b><i>A study on Child Working Population in India<sup>55</sup> (February 2014)</i></b>	<ul style="list-style-type: none"> <li>The article aims to reveal the causes of increasing child working people as well as present condition and some suggestions to reduce child worker in different sector in the country.</li> </ul>	<p>The problem of Child Labour in the country has been emphasized in the article. The Author highlights the distribution of child working population in different states according to 1971, 1981, 1991 and 2001 Census in the age group of 5 - 14 years. The article also highlights various controlling factors for distribution of child worker and different types of child labour.</p>	<p>For analysis this study is based on mainly secondary data on the different census issues of India and some data are collected from different journals, books, internet etc. Methodology applied in the study is totally depends on statistical analysis and represented by various cartographic techniques.</p>			

<sup>55</sup> BHUPEN BARMAN AND NIRMALENDU BARMAN

PUBLISHED YEARS	ARTICLES TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2013	<b><i>A study on Child Labour in India Beedi Industry<sup>56</sup></i></b>  <b><i>(August 2013)</i></b>		The study has extensively given the background of the beedi Industry in India and the production process of beedis. The study emphasizes on number of factors that are responsible for children in the beedi industry. It also highlights number of initiatives taken by different Government and non- Government bodies pertaining to beedi work including legislations.	<b>Doctrinal</b> The article is based on doctrinal research. It analyses different legislations and government schemes pertaining to beedi industry. The author has placed reliance of various articles published by reputed journals and newspapers, reports published by Government of India (circulated in the National Workshop on beedi Workers Housing, Ministry of Labour), case studies published by different institutions.		The study has given number of recommendations such as undertaking a detailed survey of beedi industries, compulsory registration of beedi workers, popularizing the depot system separately for men and women, monitoring mid- day meals, ensuring the availability of various welfare schemes, extending all kinds of health facilities, establishing additional children homes and observation homes, etc. The NCPDR has relied on these recommendations ordering chief secretary of different states for necessary actions.	
2015	<b><i>Child Labour in India – A Conceptual and Descriptive Study<sup>57</sup></i></b>  <b><i>(January 2015)</i></b>	• The article aims to analyse the problem of child labour in India, bonded child labour, consequences and exploitation of child labour.	The article highlights the characteristics and causes for child labour. The problem of child labour in India, bonded child labour, consequences and exploitation of child labour has also been highlighted. It also focuses on policy initiatives of government of India to protect child labour including	<b>Doctrinal</b> The article is based on doctrinal research. It has extensively relied on the Annual Report 2012-13 published by Ministry of labour and Employment.	Government has taken proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures. State Governments, which are the appropriate implementing authorities, have been conducting regular inspections and raids to detect cases of		

<sup>56</sup> DR. YOGESH DUBE, MEMBER NCPR AND ASSISTED BY DR. GODSEN MOHANDOSS, SENIOR TECHNICAL EXPERT, NCPDR

<sup>57</sup> DR. G. L. PARVATHAMMA

PUBLISHED YEARS	ARTICLES TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
			legislations, judicial efforts, various policies and schemes.		violations. Since poverty is the root cause of this problem, and enforcement alone cannot help solve it, Government has been laying a lot of emphasis on the rehabilitation of these children and on improving the economic conditions of their families.		

## Reviewed Reports: Child Labour and Segregation of Work

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
2015	<i>A study of Child Labour in Gujarat State (Considering 2 Blocks of Gujarat State)<sup>58</sup> (March, 2015)</i>	<ul style="list-style-type: none"> <li>The study has been taken to find out the situational differences of child labour in rural and urban areas of Ahmedabad district of Gujarat state and to assess the impact of child labour prohibition act in these places.</li> </ul>	The study defines and contextualizes child labour. The study has found some major findings based on the primary data which includes the family background of the child labours, their economic background, reasons to do work, whether those children are willing to go to school for education or not. The study has also found out the number of hours spent by children in work and their monthly salaries. The study also found the age in which child labour is found to be highest. The study further highlights the differentiation in work in both the selected areas.	This study has relied on both primary and secondary data. The primary data underpinning this research consisted of interviews with children aged between 7 to 14. In order to answer research question, secondary data is collected through literature material researched from academic books, articles, and news and research reports on child labour, poverty education and public health of child labour. This study is based on a comparative study between rural and urban area of Ahmedabad District, Gujarat, India. (Total 300 samples are selected - where in 150 from rural and 150 from Ahmedabad City Area) for comparison of their socio economic status.	It was concluded that the children work under very hard conditions. The largest sector in which children are found working is agriculture. They work for long hours without adequate rest intervals and no recreational facilities available for them. Besides, they are also paid very low amount without any regular increments in the income. Employers target young children because adult workers are very expensive. Moreover, mostly these children are not aware of existing laws regarding child labour. Since it is being observed that poverty is the major reason behind the children being forced to work, any law to prohibit child labour and the programmes to eradicate child labour must be accompanied with poverty eradication programmes. There must be emphasis on compulsory primary education and the education of the girl children needs to be especially taken care of.	The Author has recommended to follow the ILO's Integrated Area- Based (IAB) approach based on the involvement and co-operation of local communities, government employers' and workers' organization. Further, he suggested following the ILO- IPEC project in Mongolia targeting child labour through: 1.Policy coordination, implementation and capacity building. 2. Public awareness and attitude 3.Knowledge/data base and research 4.Child labour monitoring 5.Direct actions to withdraw children from the worst forms of child labour 6. Law enforcement 7.Social partnership and collaboration. He emphasizes that the project strategy ensures long-term and effective solutions to child labour through building commitment, ownership and partnership at the local level. As a result, each target area has developed its own action plan, adopted by the	

<sup>58</sup> RAJESHWARI SHRIMALI AND DR. MAYURI FARMER

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
						local Parliament, to eliminate the child labour as a priority.	
2014	<i>A Critical Analysis of Child Labour in India</i> <sup>59</sup>	<ul style="list-style-type: none"> <li>The paper makes a critical analysis of child labour in India. The paper analysis the various responsible factors for child labour and attempts to find out those areas where there is discrimination in child labour.</li> </ul>	The paper highlights the different types of child labour. It emphasizes on different socio-economic factors related to child labour. In order to find out those areas where there is discrimination in child labour, the author has briefly explained the meaning of gender difference, factors affecting gender difference and reasons of such gender differences in child labour. The study also reflects the work participation of children as per Nss. It also compares the stats of child labour in the Census 2001 with Census 2011.	<b>DESCRIPTIVE (BOTH PRIMARY AND SECONDARY RESEARCH)</b> The research design of this paper is based on descriptive studies. The study is based on primary data and secondary data. Observation method is used to meet the second objective of the study. To fulfill the third objectives, the researchers have used analytical term. The analytical study is based on the data of last five decades from 1971 to 2011.	In 2015, the country of India is home to the largest number of children who are working illegally in various industrial industries. Agriculture in India is the largest sector where many children work at early ages to help support their family. Many of these children are forced to work at young ages due to many family factors such as unemployment, a large number of family members, poverty, and lack of parental education. This is often the major cause of the high rate of child labour in India. Although this is a great decrease in the country of India, there is still high numbers of children working in the rural areas of India. With 85 percent of the child labour occurring in rural areas, and 15 percent occurring in urban areas, there are still substantial areas of concern in the country of India.		
2013	<i>A study of Child Labour in India- Magnitude and Challenges</i> <sup>60</sup> (January 2013)	<ul style="list-style-type: none"> <li>The study attempts to analyse the government policy documents and list down the actions as proposed and implemented.</li> </ul>	This is paper summaries the different meaning to the word 'child' and also give a brief overview of the magnitude of the issue from an In-	<b>DOCTRINAL (MAINLY SECONDARY DATA)</b> The Author has mostly relied on 11 <sup>th</sup> Year Plan and other online resources.	The paper identifies that a lot of policy plans have been worked but there is an urgent need for a social movement for this issue to really get addressed and resolved.	Some of the recommendations made in include need for new definition of child labour, enhancement of penal provisions in the Child Labour (Prohibition and Regulation)	

<sup>59</sup> MRS. NITI NAGAR AND MRS. BINDU ROY

<sup>60</sup> SUDEEP LIMAYE AND DR. MILIND PANDE

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		ed by Indian government in the 11th 5 year plan which has just ended in 2012.	dian perspective. It also highlights the causes for the child labour. Further, the author acknowledges various initiatives taken by the Government of India. <sup>61</sup> The three components stated in the National Policy on Child Labour are also emphasized. The study also deals with the objective and working of National Child Labour Project (NCLP) and the approach of the 11 <sup>th</sup> Five Year Plan 2007 2012 in Child Development. Some suggestions collected by the author, from academicians and also from the policy and plan documents about the way of eradicating the problems, are summarized in the paper. The outline of the plan and strategies as identified are also given with author's suggestions.			Act, 1986, new policy for Child Labour, revamp in the NCLP, need to recognize the special situation of migrant child labourers, social mobilization and correction of anomaly of age of the child in India as per different laws.	
2015	<b><i>Challenging Boundaries: A study on mentally challenged children</i></b> <sup>62</sup>	<ul style="list-style-type: none"> <li>The study is an attempt to gain understanding on the basic aspects of mental retardation ranging from understanding people's knowledge level on the issue awareness, the role of Childline</li> </ul>	The study sheds light on mental retardation and its current scenario. It highlights the statistics of mentally challenged children. It also gives some real life situations of children with mental disability. The study relies on various sources for its data such as Census	The study has been done by Childline India Foundation under its "Children at Risk" series study. It undertook an exploratory study on Mentally Challenged Children in <b>Shohlapur District, Maharashtra</b> . The study was done at three levels – District,	The findings of the study give details about the socio-economic profile of respondents, biological factors and maternal condition, awareness level of the parents on the condition of their child, parent's outlook on the child's future, present status of the child, parents		<p>The Scope of the Study included:</p> <ul style="list-style-type: none"> <li>Pre-birth care of the mother and child</li> <li>Attitudes and perceptions about mentally retarded children Education related issues such as adjustment as in the</li> </ul>

<sup>61</sup> Some of these initiatives include: National Commission on Labour (1966-1969), The Gurupadaswamy Committee on Child Labour (1979), The Sanat Mehta Committee (1984), National Policy on Child (1987) and National Plan of Action for Children (2005)

<sup>62</sup> CHILDLINE INDIA FOUNDATION



PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		service and expectations from the helpline service.	2001, National Sample Survey (NSS) Report <sup>63</sup> , Five year plan (2002-2007), etc. The findings of the study give various stats on the condition.	Taluka and Village. The respondents for the study were parents of the Mentally Challenged children and were chosen through Purposive Sampling method. Primary data was collected through detailed personal (structured) interviews. In depth interviews were conducted with parents, teachers, principals and professionals from the field. Focussed Group Discussions were also conducted with the parents.	awareness about the services for children available to them, their awareness of rights of the mentally challenged child, etc.		<p>school, progress, improvement after joining the school, improvement in the education system, etc</p> <ul style="list-style-type: none"> <li>• Knowledge and awareness of mental retardation</li> <li>• Awareness of services for mentally challenged and the accessibility to these services</li> <li>• Awareness of the rights of the child</li> </ul> <p>Knowledge of and participation in Parent Teacher meet and other support groups</p>
2015	<b>A lost childhood in the aroma of "Agarbatti": The case of female child labour in North India<sup>64</sup> (2015)</b>	<ul style="list-style-type: none"> <li>• The study attempts to examine the circumstances that led female children to entry into agarbatti rolling; their aspirations and expectations as a child/daughter and as an economic contributor, conditions of work including working hours, rest, wage earning, aspects of the working environment and their health problems and finally to examine the attitudes of the parents and local community and the employ-</li> </ul>	The paper deals with the issue of female child labour in agarbatti (incense) rolling in the Gaya district of Bihar. The paper estimates the issue of child labour in India and the world according to ILO and Census 2011 respectively. While analyzing the data, the paper analyses socio-economic and demographic profile of the respondents and causes of female child labour, mainly poverty, indebtedness and migration. The paper extensively deals with the observations made by the author while interacting with respondents including the daily routine of fe-	<b>PRIMARY</b> The paper is based on the micro study confined to the areas of Gaya districts where the population of Muslims and Dalits is significant. The data is primary in nature, collected in 2008 and revisited in 2012. Data was collected in the form of representative samples of the female child labourer in the agarbatti industry. Each representative was interviewed personally. Few case studies were also done with five focused group discussions with the parents and the girls especially who were in their adolescent.	The narratives from respondents indicate that the exclusion, discrimination and denial of rights to the female child worker is beyond caste, communities and religion. Poverty is the main reason for high child labour rates. Most of the girls indulge in work and household activities not as a choice but out of structural and gender related explanation, which Author has called 'culture of justification'. None of the girls in the study were rolling agarbatti willingly and given an option of a better or descent livelihood they would quit doing so.		

<sup>63</sup> Government of India – Disabled Persons in India, 2003

<sup>64</sup> SABIHA HUSSAIN

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
		er in relation to working of girl children in the industry.	male child labours, activities undertaken by them, attitude of parents and local community, their health problems, education, wage earning, working environment, etc. The paper deals with few case studies where girls had to leave school due to various family problems.				
2014	<i>Child Labour: Should companies 'stand at bay' or 'enter the water'? <sup>65</sup> (April-June, 2014)</i>	<ul style="list-style-type: none"> <li>The objective of the paper is to explore the responsibility of corporations regarding child labour.</li> </ul>	The notion of 'responsibility' has been examined in the article. The paper explores the responsibility of corporations regarding child labour. It offers a critical review of a representative sample of the relevant regulatory regimes to ascertain the nature of corporate responsibility outlined therein. The paper attempts to develop the idea of <b>responsive responsibility</b> . The article also provides a critical review of selected regulatory frameworks concerning child labour in order to ascertain the current state of play concerning corporate responsibility. It also draws some general observations and also outlines how corporate responsibility vis-	<b>SECONDARY.</b> The Author reviews a representative sample of regulatory regimes that outline the responsibility of corporations regarding child labour.	The Author concludes that an effective elimination of child labour will require joint efforts on the part of states, civil society and corporations. The Author proposed that corporations have a responsibility beyond not hiring child labour. The goal of abolishing child labour cannot be accomplished by merely prohibiting the employment of children below a certain age limit unless companies (and other actors) have both static and responsive responsibilities.		

<sup>65</sup> SURYA DEVA, ASSOCIATE PROFESSOR, SCHOOL OF LAW, CITY UNIVERSITY OF HONG KONG, HONG KONG.

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
			à-vis child labour should be construed broadly in light of the idea of responsiveness. The article contends that instead of merely obligated not to employ children below the minimum age, companies should also be obligated to take positive measures such as providing education or suitable vocational training to such children, or offering employment to the adult members of the children's family.				
2018	<i>Child Labor in Global Tobacco Production: A Human Rights Approach to an enduring dilemma</i> <sup>66</sup> (December, 2018)	<ul style="list-style-type: none"> <li>The paper explores the human rights concerns associated with child labor in tobacco production.</li> </ul>	The paper explores the human rights concerns associated with child labor in tobacco production by highlighting three countries –the United States, Kazakhstan and Malawi and examines the impact that the United Nations Convention on the Rights of the Child, the International Labour Organization's (ILO) Worst Forms of Child Labour Convention, and the ILO's Safety and Health in Agriculture Convention have on child labour practices in tobacco production, as well as specific actions for selected countries. Although this article focuses spe-	DOCTRINAL	Current tobacco production processes pose a risk to workers' health, especially the health of child farmworkers, and as a result it is a violation of international law for children to be working in these conditions. Child labor in tobacco production is an enduring global dilemma that needs to be resolved from a human rights perspective.	The Author recommends to explore and utilize international legal advocacy mechanisms to address child labour. The Author also suggests that there should be a standardization of what constitutes "hazardous" work under C-182. Some other recommendations include (i) submitting NGO reports to treaty monitoring bodies; (ii) full implementation of the world health organization framework convention on tobacco control, (iii) reduce dependence on tobacco, reward education, mainstream child labour into existing legal enforcement structures in all countries.	

<sup>66</sup> ATHENA K. RAMOS

PUBLISHED YEARS	REPORT TITLE AND YEAR	OBJECTIVES	FRAMEWORK	METHODOLOGY	CONCLUSION	CONTRIBUTION	CHAPTERISATION
			cifically on child labour in tobacco production, the human rights-based solutions discussed have crosscutting implications for child labor throughout the agriculture industry.			The paper has also made recommendations to improve the role of governments and civil society.	
2014	<i>Children employed in the tea plantations of Assam 1880-1930</i> <sup>67</sup> (2014)	<ul style="list-style-type: none"> <li>The paper deals with the children employed in the tea plantations of Assam</li> </ul>	The paper highlights the abuses that accompanied the recruitment of children from the neighbouring regions. It also focus on the welfare measure taken by the planters and tea garden managers for their workers.	DOCTRINAL	The Author contends that various legislations are brought to strike a compromise between plantation interests and 'protection' of workers but left all parties dissatisfied. He concludes that neither the commissions of enquiry, nor the Acts passed subsequently could satisfy either the labourers or the tea planters.		

<sup>67</sup> SRIJITA CHAKRAVARTY



## Acknowledgement

This analysis was conducted by CRY with academic support from Dr. Rahul Suresh Sapkal, Assistant Professor-Economics and Public Policy, National Law University, Mumbai. The academic rigour and deep analytical insights have helped refine the understanding on what constitutes hazards in the context of child labour. We hope this analysis enables practitioners and policymakers towards ensuring positive change for children.

CRY - Child Rights and You is an Indian NGO that believes in every child's right to a happy, healthy and creative childhood - to live, learn, grow and play. For the last four decades, CRY and its 200 partner NGOs have worked with parents and communities to ensure lasting change in the lives of more than 2,000,000 underprivileged children, across 19 states in India.