

# Entrepreneurs Intervention Prevention and Elimination of Child Labour

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## Abstract

North East is endowed with plenty of natural resources. Tripura is one of the North-Eastern states, has favourable climatic conditions for cultivation of various fruits and horticultural crops. It is rich in natural resources such as natural gas, rubber, tea and medicinal plants. As a result many new entrepreneurship and start ups have set up in Tripura. In this article, the researcher provides an overview of the law, rules and regulations on the prevention of child labour in India for awareness of new start ups and business ventures in the region. If all Entrepreneurs in the region decide to take steps to abolish child labour and help needy children receive education during their childhood it will be a win- win situation for both children and industries. If a company discovers that children are involved in making its products we expect them to take swift action to protect the interests of the children and secure their urgent transition from work into good quality education. The challenges in achieving this can be significant. Some of the strategies to be employed is to detect child labour when carrying out workplace inspections including looking out for empty workplaces during site visits, checking production records against official numbers of workers, as well as combining on-and off-site inspections. Industry has the power to play a significant role in preventing and responding to child labour.

**Key Words:** North East India, Start up, child labour.

## 1. INTRODUCTION

There is lot of scope to start industries based on bamboo, pineapple, famous “Bhutjolokia” world’s hottest chillies, orchid, tourism etc. Central government has announced National Bamboo Mission to help people develop bamboo industry in addition to launching many schemes for the growth small industries in the region. Tripura is endowed with rich and diverse bamboo resources and natural rubber. Child labour deprives children of their childhood and is harmful to their physical and mental development. The Government provides free education to all children and has taken various steps to prevent child labour in India. However, child labour continues to be a problem in various parts of India due to poverty, lack of good schools and the growth of the informal economy Worldwide, an estimated 211 million children aged under 15 work.. Asia has the largest number of working children, accounting for 60 per cent of the world's total. In India, one of the world’s fastest-growing economies, the UN estimates that child labour contributes 20 per cent of gross national product. The government has banned child labour, but with even the lowest official estimate of children engaged in hazardous occupations standing at 12.6 million, India still has the largest number of child laborers under the age of 14 in the world. Children can be found working in many export-oriented industries, including garments and footwear, glass manufacturing, leather tanning, stone quarries, and gem stones. Many work unacceptably long hours, often in unsafe conditions or with minimal respect for their rights.

## 2. Factors Responsible for Child Labour:-

The main reasons for children to work are as under: -

- Lack of decent jobs for adults.
- Large families require a variety of incomes to feed their members.
- Agricultural jobs pay by the amount of produce picked. This encourages families to bring more children into the field to help collect farmed goods.
- It is cheaper to pay small children because they are less likely to complain than adults. Poor families can't afford to send their children to school.
- Many families around the world are unfamiliar with the rights of their children and deem it acceptable to send children to work.
- Families think that school won't help their children survive
- Migrant children don't live in one place long enough to attend school; instead they work in the fields with their parents.

## **2 The challenges of detecting child labour:**

A major challenge for retailers in tackling child labour is how to actually detect whether or not it exists in the first place.

The reasons for this include:

- Where child labour does exist, it tends to be in sub-contracted facilities or further down the supply chain, where it is harder for retailers to detect and where their commercial influence to improve conditions is weaker;
- In many societies, people may not know their exact age - birth dates are not always officially recorded;
- As employers are often aware that company auditors will be looking for child labour, they are often adept at concealing the issue - for example, asking children to go home when they know auditors are coming; and
- Child workers themselves may also want to protect their jobs - practices such as using fake identity cards are not uncommon.

### **4. Responding to child labour:**

Child labour is never acceptable. The UN Convention on the Rights of the Child (1989) and the ILO Convention 182 on the worst forms of child labour (1999) clearly distinguish between child labour, which refers to harmful forms of work which deny children opportunities to fulfill their other rights, such as education, and child work, which is unlikely to damage educational opportunities. This kind of work might include children helping out with their parents. For example simply demanding that the children are sent home could mean the loss of the only source of income of an entire family. Local educational provision may be poor or unaffordable - indeed, this may be one of the reasons why children are not attending school.

### **5. Different Definitions of Child Labour ;**

The ILO state that a child is any person younger than 18 years of age, and that 15 is the minimum age at which a child may be employed, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age shall apply. If however, local minimum age law is set at 14 years of age in accordance with developing country exceptions under ILO Convention No. 138, the lower will apply.

### **6. Work:**

The term 'work' has a broad application including work that is carried out for labour only or substantially for labour only and work performed under piecework rate arrangements as well as under a traditional employment arrangement. 'Work' does not include genuine independent subcontracting arrangements. Participating or assisting in a business carried on for profit is included under this definition, even where the child does not receive payment or other reward. This definition also includes work performed as a supervisor. 'Work' does not include domestic chores. Domestic chores have been deliberately excluded from the definition of work in recognition of the differences between true work and activities performed as a chore or a family obligation.

### **7. Parent:**

A parent is the child's mother, father or another person who exercises parental control over the child. However, a person temporarily acting in the place of the parent is not considered to be a parent. Where the child is an Aboriginal or Torres Strait Islander, a parent includes a person who is regarded as such under Aboriginal or Torres Strait Islander custom. Where a person has been granted guardianship under the Child Protection Act 1999 or where a person has been granted parental responsibility through a decision of a Federal or State court then that person is considered to be the only parent of the child. In these cases, no other person, including the child's biological parent, would be regarded as the child's parent under this Act.

### **8. Family business:**

A family business is a business wholly owned by a close adult relative of the child. Family businesses are exempt from the minimum age, maximum hours, prohibited hours and break requirements imposed under the Act. Other requirements such as work prohibited under a regulation and employer obligations with respect to safeguarding children while at work, contact with parents and record keeping requirements apply to children working in a family business. Parental consent requirements apply to family businesses except where the employer is the parent.

### **9. Child Labour Laws and Regulations in India:**

Historically we have witnessed a sea change in laws, policies and the recognition of human rights and child rights.. The Constitution of India, guarantees children's rights. Article 21-A guarantees the right to free and compulsory elementary education for all children in the age group 6-14 years. Article 24 (a) secures the right to be protected from any hazardous employment until 14 years. Further children have equal rights as all other adult citizens of India. Few among them are right to equality (Article 14), right to personal liberty and the process of law (Article 21), right to being protected from being trafficked and forced into bonded labour (Article 23) etc. Child protection laws in India are framed in line with constitutional provisions for safeguarding child rights. More than 250

statutes in India, passed by the Union and State Governments, deal with children. In addition to these child protection laws, we have several criminal laws which give protection to children. These statutes include the Indian Penal Code, 1860, Indian Evidence Act, 1872 and Criminal Procedure Code, 1973. Some of the laws passed by the Union Government include the following:

#### **10.1. Children Pledging of Labour Act, 1933:**

This Act prohibits the pledging of the labour of children.

#### **10.2. The Immoral Traffic (Prevention) Act, 1987:**

This Act seeks to stop trafficking in young persons, both boys and Girls

#### **10.3. Child Labour (Prohibition and Regulation) Act 1986:**

This Act prohibits children's engagement in certain kinds of employment and regulates the conditions of work of children in certain other employments.

#### **10.4. Prohibition of Child Marriage Act, 2006:**

This Act follows the basic premise (a) to make a child go through marriage is an offence, and (b) child or minor is a person up to 18 years of age in the case of girls and 21 years in the case of boys.

#### **10.5. Right of Children to Free and Compulsory Education Act, 2009:**

Right to education was only the provision in the Directive Principles of State Policy which had a period of ten years within which the State had to fulfill the mandate to provide free and compulsory education. We now have the Right to Education under the fundamental rights, making it a right under Article 21a. The Right to Education Act, 2009, also known as RTE Act describes modalities of the importance of free and compulsory education for children aged between 6-14 years in India.

#### **10.6. Protection of Children from Sexual Offences Act, 2012**

The Protection of Children from Sexual Offences (POCSO) Act was enacted to address sexual exploitation and sexual abuse of minors. The Act holds that a child is any person below the age of 18 years. The Act defines different forms of sexual abuse. The Act makes provisions for creating a child-friendly atmosphere through all stages of the judicial process and avoiding victimization. The Act gives vital importance to the best interest of the child. It thus incorporates child-friendly mechanisms for reporting, recording of evidence, investigations speedy trials of offences and in-camera trial without revealing the child's identity through designated special courts. Juvenile Justice (Care and Protection of Children) Act, 2015: Juvenile Justice (Care and Protection of Children) Act came into effect on 15th January 2016. It aims at ensuring proper care, development, and social reintegration of children in difficult circumstances by adopting a child-friendly approach. The Act classifies the term "child" into two categories: 'child in conflict with law', and 'child in need of care and protection'. This Act has provisions to protect children from any form of punishment. Law against child beating is one such law under this provision.

### **11. Legal Age for Working in India:**

Hiring children below the age of 14 years for any kind of work, other than in certain family-based work, is a cognizable offence and will attract a jail term of up to 2 years. Adolescents between the age of 14 – 18 years cannot be employed in any hazardous occupation. Under the Child Labour (Prohibition and Regulation) Amendment Bill, 2012, the parents of the underage child employed can be penalized as well.

#### **11.1. Children under 14 Years of Age:**

Children under the age of 14 years cannot be employed or permitted to work in any occupation or process. However, this restriction will not apply if a child helps his/her family or family enterprise (which is not a hazardous occupation), after his/her school hours or during vacation. Family in relation to a child means his/her father, mother, brother, sister and father's sister and brother and mother's sister and brother. Also, a child below the age of 14 years will be allowed to work as an artist in the audio-visual entertainment industry, including the advertisement, films, television serials or any other entertainment or sports activities except the circus, subject to conditions and safety measures.

#### **11.2. Adolescents – 14 to 18 Years of Age:**

The Child Labour (Prevention and Regulation) Amendment Act allows adolescents to work in non-hazardous occupations and processes. If an adolescent is employed, the following conditions must be satisfied by the employer:

- The period of work on each day should be fixed in a manner that no period of work would exceed three hours.
- The adolescent must have an interval for rest for at least one hour after working for three hours.
- The total time spent working by an adolescent cannot exceed 6 hours in a day, including the time spent in waiting for work.
- Adolescents cannot be employed during the hours of 7 PM to 8 AM.
- Adolescents cannot be made to work overtime.

- Adolescents cannot work in more than one establishment, at any time.
- Adolescents must be provided in every week, a holiday of one whole day.

### **11.3. Rules for Employing Adolescents:**

All employers employing adolescents must maintain a register with the following information:

- Name and date of birth of every adolescent employed to permitted to work.
- Hours and periods of work of an adolescent and the intervals of rest to which the adolescent is entitled.
- The nature of work of any such adolescent.
- In addition to the above register, on employing or permitting an adolescent to work in an establishment, the owner of the establishment must send the Local Inspector the following information within 30 days:
  - Name and situation of the establishment.
  - Name of the person in the actual management of the establishment.
  - Address to which communications relating to the establishment must be sent.
  - Nature of the occupation or process carried on in the establishment.

### **11.4. Punishment for Violation of Child Labour Laws:**

Any person who employs a child or permits any child to work in contravention to the Child and Adolescent Labour (Prohibition and Regulation) Act is punishable with imprisonment for a term which would not be less than 6 months but which could extend to 2 years. In addition to imprisonment, the employer can also be fined an amount of Rs.20,000 to Rs.50,000.

**11.5. Hazardous Occupation and Processes:** The following occupations and processes have been listed as hazardous under Section 3 of the Child and Adolescent Labour (Prohibition and Regulation) Act. Hence, any child below the age of 18 cannot be employed for any of the following:

#### **11.5.1. Occupation: An occupation connected with:**

- Cinder picking, clearing of an ash pit or building operation in the railway premises;
- Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or cut off a moving train;
- Work relating to the construction of a railway station or with any other work where such work is done close to or between the railway lines;
- A port authority within the limits of any port;
- Work relating to the selling of crackers and fireworks in shops with temporary licences;
- Abattoirs/ slaughter Houses;
- Automobile workshop and garages;
- Foundries;
- Handling of toxic or inflammable substances or explosives;
- Handloom and power loom industry;
- Mines ( underground and underwater) and collieries ;
- Plastic units and fibreglass workshops;
- Employment of children and domestic workers or servants;
- Employment of children in dhabas ( roadside eateries), restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres;
- Diving;
- Circus;
- Caring for Elephants.

#### **11.5.2. Processes:** Any of the following processes:

- Bidi- making;
- Carpet-weaving including preparatory and incidental process thereof;

- Cement manufacture, including bagging of cement;
- Cloth printing, dyeing and weaving including processes, preparatory and incidental to it;
- Manufacture of matches, explosives and fireworks;
- Mica-cutting and splitting;
- Shellac manufacture;
- Soap manufacture;
- Tanning;
- Wool- cleaning;
- Building and construction industry including processing and polishing of granite stones;
- Manufacture of slate pencils ( including packing);
- Manufacture of products from agate;
- Manufacturing process using toxic metals and substances, such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides and asbestos;
- ‘Hazardous process’ as defined in section 2(cb) and ‘dangerous operation’ as notified in Rules under section 87 of the Factories Act, 1948 (63 of 1948);
- Printing as defined in section 2(k)(iv) of the Factories Act, 1948 (63 of 1948);
- Cashew and cashew nut descaling and processing;
- Soldering processes in electronics industries;
- “Aggarbatti’ manufacturing ;
- Automobile repairs and maintenance including processes incidental to it, namely, welding, lathe work, dent beating and painting;
- Brick kilns and roof tiles units;
- Cotton ginning and processing and production of hosiery goods;
- Detergent manufacturing;
- Fabrication workshop ( ferrous and non-ferrous);
- Gem cutting and polishing;
- Handling of chromite and manganese ores;
- Jute textile manufacture and coir making;
- Limekilns and manufacture of lime;
- Lock making;
- Manufacturing processes having exposure to lead such as primary and secondary smelting, welding and cutting of lead-painted metal construction, welding of galvanized or zinc silicate, polyvinyl chloride, mixing (by hand) of crystal glass mass, sanding or scraping lead paint, burning of lead in enamelling workshops, lead mining, plumbing cable making, wire patenting, lead casting, type founding in printing shops, Store typesetting, assembling of cars, shot-making and lead glass blowing;
- Manufacture of cement pipes, cement products and other related work;
- Manufacturing of glass, glassware including bangles, fluorescent tubes, bulbs and other similar glass products;
- Manufacture of dyes and dyestuff;
- Manufacturing or handling of pesticides and insecticides;
- Manufacturing or processing and handling of corrosive and toxic substances, metal cleaning and photoengraving and soldering processes in the electronic industry;
- Manufacturing of burning coal and coal briquettes;
- Manufacturing of sports goods involving exposure to synthetic materials, chemicals and leather;
- Moulding and processing of fiber glass and plastic;;
- Sawmill all processes;
- Sericulture processing;



- Skinning, dyeing and processes for manufacturing of leather and leather products;
- Stone breaking and stone crushing;
- Tobacco process hag including manufacturing of tobacco, tobacco paste and handling of tobacco in any form;
- Tyre making, repairing, re-treading and graphite beneficiation;
- Utensils making, polishing and metal buffing;
- Zari making (all processes);
- Electroplating;
- Graphite powdering and incidental processing;
- Grinding or glazing of metals;
- Diamond cutting and polishing;
- Extraction of slate from mines;
- Rag picking and scavenging.
- Processes involving exposure to excessive heat (e.g. working near the furnace) and cold;
- Mechanized fishing;
- Food Processing;
- Beverage Industry;
- Timber handling and loading;
- Mechanical Lumbering.
- Warehousing;
- Processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries, and agate industry.

## **12. Limitations and the opportunity:**

While the new entrepreneurs far exceeded expectations, a lot needs to be done to translate this potential into a viable movement. Primary among this is the mainstreaming of the local entrepreneurs. The industry and government have made efforts to nurture the startup ecosystem in the country but the concentration is often limited to the conventionally bigger cities. Supporting hands need to be stretched out beyond these cities. Most of these entrepreneurs in the north-east have an excellent understanding of their products and execution skills but there is evident lack of awareness on key aspects of startup building beyond that. They need an active presence of mentors who can validate assumptions and help them with strategy and provide them with access to relevant networks. India's north-east is ready to be counted as an equal in the startup revolution with the right ingredients. It's time for those in the position of influence to collaborate and help create despite rates of child labour declining over the last few years, children are still being used in some severe forms of child labour. Across India child laborers can be found in a variety of industries like in brick kilns, carpet weaving, garment making, domestic service, food and refreshment services (such as tea stalls), agriculture, fisheries and mining. Children are also at risk of various other forms of exploitation including sexual exploitation and production of child pornography, including online. Child labour and exploitation are the result of many factors, including poverty, social norms condoning them, lack of decent work opportunities for adults and adolescents, migration and emergencies. These factors are not only the cause but also a consequence of social inequities reinforced by discrimination. Children belongs in schools not workplaces.

## **13. Conclusion:**

Child labour deprives children of their right to go to school and reinforces intergenerational cycles of poverty. Child labour acts as a major barrier to education, affecting both attendance and performance in school. Teachers and others in the education system can be frontline supporters to protect children and can alert other stakeholders such as social workers to situations where children display signs of distress or indicate they work long hours. Getting children out of work and into school also requires broader changes in public policy to empower families to choose education over exploitation.

Some of the strategies to be employed is to detect child labour when carrying out workplace inspections include looking out for empty workplaces during site visits, checking production records against official numbers of workers, as well as combining on-and off-site inspections. Listening to children is vital to achieving success in the fight against child labour: A key message in the UN Convention on the Rights of the Child is that children have a right to voice their views on matters affecting them and to have these taken into account. Industry has the power to play a significant role in preventing and responding to child labour. They are key actors in child protection and can give valuable insights into how they perceive their involvement and what they expect from the

government and other stakeholders. Young Entrepreneur are driving force for change. It is aimed to promote awareness among young entrepreneur about children right with a focus on child labour, so that they in turn can speak out and mobilize others to act.

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