

Child labour and film industry

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Manifest pedagogy

Child labour as issue has been a lot in news after the activism brought to the issue by Kailash Satyarthi. India also ratified 138 and 182 conventions of ILO and also amended Child labour protection act. The issue below is related to the provisions made under the amended act

In news

The Union Labour and Employment Ministry has urged the Ministry of Information and Broadcasting (I&B) to ensure “strict compliance” by the film industry with the norms on working conditions for children, as well as the inclusion of mandatory disclaimers when they appear on screen

Placing it in syllabus

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Paper 3 Economics

Static dimensions

- Child labour problem in India
- Child labour (Prohibition and Regulation) act, 1986

Current dimensions

- Current issue of child labour in film industry
- Child and adolescent labour (Prohibition and regulation) act, 2016
- Criticism of the Act

- Solution to the child labour problem

Content

The term “child labour ” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical-mental development. The world is home to 1.2 billion individuals aged 10-19 years. There are an estimated 186 million child laborers worldwide

Current issue of child labour in film industry

Recently the Labour ministry flagged violations of the Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 (amended in 2016) and the rules framed under it for the audio-visual industry. The I&B Ministry will be issuing advisories on the issue to film producers and broadcasters soon

- Under the Child Labour (Prohibition and Regulation) Amendment Rules, 2017, child artistes are supposed to work for a maximum of five hours a day and not more than three hours without rest.
- The rules require permission from the District Magistrate and an undertaking by the producer, as well as the deployment of one person each for ensuring the safety and security of a maximum of five children.
- Children should not be away from schooling for more than 27 days and 20% of their income should be deposited in a fixed deposit in their name.
- If a child was involved in filming, the film should include a disclaimer saying that all measures were taken to ensure that no abuse, neglect or exploitation of the child took place during shooting

However, it has been observed that, the act and the corresponding rules framed are not being strictly adhered to in the audio-visual industry and hence violation attracts punishment

Child labour problem in India

“ There can be no keener revelation of a society’s soul than the way in which it treats its children.” – as stated by Nelson Mandela underlines the utmost priority to be given for the adequate development of children in a country.

According to the 2011 census, there were **10.1 million child workers in India under the age of 14** (3.9% of children under the age of 14). The proportion was much higher in states such as Nagaland (13.2 %), Himachal Pradesh (10.3%) and Sikkim (8.5%)

Nationally, the **percentage of working children fell from 5% in 2001 to 3.9% in 2011** but the bigger change occurred in the nature of employment. In India 60% of working children are engaged in agriculture-related activities but the number of child farmers has come down with an increasing number of children doing non-farm work. **Between 2001 and 2011, the share of children engaged in non-farm work doubled to 40%**



Non-farm child labour is not only highest in the large cities but also prevalent in agricultural states such as Punjab and Haryana. Within non-farm jobs, children are increasingly working in the services sector (around 30%) which covers jobs in domestic work, hospitality and entertainment, followed by manufacturing (6%) and construction (2%).

According to UNICEF, child labour in India has merely shifted from factories to employee homes and children are still engaged in harmful industries such as bidi production and fireworks production . This shift to informal home-based sectors makes it harder to detect child labour.

Article 24 of the constitution prohibits the employment of children below the age of 14 years in hazardous industries but allows their employment in non hazardous industries.

Government passed **Child Labour (Prohibition and Regulation) Act, 1986** which prohibited employment in 14 industries and regulated employment condition in the rest. **Article 39(e)** directs the state to ensure that health of workers be protected and children not to be exploited

Child labour (Prohibition and Regulation) act, 1986

- The act defines a child as any person who has not completed his fourteenth year of age.
- Part II of the act prohibits children from working in any occupation listed in Part A of the Schedule; for example Catering at railway establishments, construction work on the railway or anywhere near the tracks, plastics factories, automobile garages, etc.
- The act also prohibits children from working in places where certain processes are being undertaken, as listed in Part B of the Schedule; for example beedi making, tanning, soap manufacture, brick kilns and roof tiles units, etc.
- These provisions do not apply to a workshop where the occupier is working with the help of his family or in a government recognised or aided school.
- The act calls for the establishment of a Child Labour Technical Advisory Committee (CLTAC) who is responsible for advising the government about additions to the Schedule lists.
- The employer of the child is required to send a notification to an inspector about a child working in their establishment and keep a register of all children being employed for inspection

Child and adolescent labour (Prohibition and regulation) act, 2016

- The Child and adolescent Labour (Prohibition and Regulation) Amendment Bill, 2012 was introduced in the Rajya Sabha to amend the Child Labour (Prohibition and

Regulation) Act, 1986.

- In light of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, the amended act proposed a *blanket ban on employment of children below 14 years in all occupations except in “own account enterprises” i.e. family business and in entertainment industry provided education of child does not get hampered.*
- The Bill added a new category of persons called **“adolescent”**. An adolescent means a person between 14 and 18 years of age. The amended Act *prohibits employment of adolescents in hazardous occupations as specified (mines, inflammable substance and hazardous processes).*
- The central government may add or omit any hazardous occupation from the list included in the Bill.
- The Bill enhanced the punishment for employing any child in an occupation. The punishment for those employers, employing children for the first time, the fine has been increased from 20000 to 50000 Rs and 6months to 2 years imprisonment.
- For repeat offenders the offence is cognizable (i.e. arrest can be made without warrant) and proposes a punishment of 1-3 years.
- The Bill proposes relaxed penal provisions for parents. In case of parents being repeat offenders, it proposes a fine of 10000 rupees.
- The government may confer powers on a District Magistrate to ensure that the provisions of the law are properly carried out.
- The Bill empowers the government to make periodic inspection of places at which employment of children and adolescents are prohibited.
- It also sets up a Child and Adolescent Labour Rehabilitation Fund to be set up under the Act for rehabilitation of children and adolescent employed

Criticisms of the Amended Act

- It has slashed the list of hazardous occupations for children from 83 to include only 3 i.e mining, explosives, and occupations mentioned in the Factory Act. This means that work in chemical mixing units, cotton farms, battery recycling units, and brick kilns, among others, have been allowed.
- Even the ones listed as hazardous can be removed, according to Section 4 – not by Parliament but by government authorities at their own discretion.
- The bill allows child labour in “family or family enterprises” or allows the child to be “an artist in an audio-visual entertainment industry”. Since most of India’s child labour is caste-based work, with poor families trapped in intergenerational debt bondage, this refers to most of the country’s child labourers. The clause is also dangerous as it does not define the hours of work, it simply states that children may work after school hours or during vacations.
- They also contravene the International Labour Organisation’s (ILO) Minimum Age Convention and UNICEF’s Convention on the Rights of the Child, to which India is a signatory.
- Regulation is going to be a big challenge, as it will be difficult to determine whether a particular family is running an enterprise or employers are hiring child workers under the guise of being related to them.
- The Child Labour Act also allows states to crack down on child labour. However states like Rajasthan, Maharashtra and West Bengal launched relatively fewer prosecutions despite their larger proportions of child labour .
- Under NCLP, in 2017-18, around 50,000 child workers were rescued or rehabilitated from child labour but it is still a small fraction of the overall child labour force

Solutions

India’s fight against child labour gained new impetus with the

ratification of the United Nations Convention on the Rights of the Children in 1992

National Child Labour project(NCLP)

- Government had initiated the **National Child Labour Project (NCLP) Scheme** in 1988 to rehabilitate working children in 12 child labour endemic districts of the country.
- This is the major Central Sector Scheme for the rehabilitation of child labour.
- The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance.
- Under the Scheme, survey of child labour engaged in hazardous occupations & processes has been conducted.
- The identified children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.
- Of the children identified those in the age group 5-8 years will have to be mainstreamed directly to formal educational system through the Sarva Shiksha Abhiyan(SSA).
- Working children in the age group of 9- 14 years will have to be rehabilitated through NCLP schools established by the Project Society.
- The special schools/Rehabilitation Centres provide Non-formal/bridge education, Skilled/vocational training, Mid Day Meal, Stipend of Rs.150/- per child per month and health care facilities through a doctor appointed for a group of 20 schools.
- At present about 6000 special schools are in operation under NCLP scheme and more than 10 lakh children have been mainstreamed into the formal education system under the Scheme

Right of Children to Free and Compulsory Education (RTE) Act

2009, guarantees right to quality elementary education by the state with the help of families and communities. RTE provides a ripe platform to reach the unreached, with specific provisions for disadvantaged groups such as child laborers, migrant children, children with special needs.

Parental awareness of the evils of child labour can prevent disruption in schooling and pushing of children into labour. Many **NGOs** like CARE India, Child Rights and You, Global March Against Child Labour etc., have been working and educating communities to respond to children's issues much more effectively.

Policymaking is essential to bring long lasting social change, and lobbying for better laws involves demonstrating how change can bring considerable benefit. Driving policy-level change requires relationships with several stakeholders – media, lawmakers, citizens, fellow civil society members etc