



An Insight into Child Labour in the Light of Gurupadaswamy Committee Report

DR. APURVA PATHAK

Associate Professor & In-Charge Principal, (LL.M., Ph.D.)
Anand Law College, Anand
Gujarat (India)

Abstract:

Children are the future of the country and they need special protection because of their age, physical and mental faculties. In a civilized society the importance of child cannot be over emphasized, because the welfare of the entire community, its growth and development, depends on the health and well-being of its children. Children are a supremely more important national asset and the future well-being of a nation depends upon how its children grow and develop. The child of today cannot develop to be a responsible and productive member of tomorrow's society unless an environment which is conducive to his social and physical health is assured to him.

Keywords: *Child, Child labour, Mental faculties, Social and physical health*

Every nation, developed or developing, links its future with the status of the child. Childhood holds the potential and also sets the limit to the future development of the society. Children are the greatest gift to humanity. Mankind has the best hold of itself. The parents themselves live for them. They embody the joy of life in them and in the innocence relieving the fatigue and drudgery in their struggle of daily life. Parents regain peace and happiness in the company of the children. The children signify eternal optimism in the human being and always provide the potential for human development. If the children are better equipped with a broader human output, the society will feel happy with them.

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Neglecting the children means loss to the society as a whole. If children are deprived of their childhood - socially, economically, physically and mentally - the nation gets deprived of the potential human resources for social progress, economic empowerment and peace and order, the social stability and good citizenry. The Founding Fathers of the Constitution, therefore, have emphasized the importance of the role of the child and the need of its best development. Dr. Bhimrao Ambedkar, who was far ahead of his time in his wisdom, projected these rights in the Directive principles including the children as beneficiaries. Their deprivation has deleterious effect on the efficacy of the democracy and the rule of law.

1. Appointment of Committee

The United Nations General Assembly adopted on the 21st December, 1976, the Resolution 311169 proclaiming the year 1979 as the International Year of the Child. The general objective in doing so was to create world-wide consciousness towards promoting the well-being of children, drawing attention to

their special needs and encourage national action on behalf of children, particularly for the least privileged and those who were work. India is one of the countries where the problems of child labour are quite openly manifest. The Government of India had, for some time been viewing with concern the widespread existence of child labour in the country, both in the organised, and unorganised sectors. Keeping in view the total background of the question and the context of the International Year of the Child, it felt the need for a thorough stock-taking of the situation, and the Ministry of Labour, Government of India, through its Resolution No. S-2702516/78-FAC dated the 6/7th February, 1979 set up a sixteen-Member Committee comprising of some members of Parliament, representatives from institutions dealing with problems of children, and representatives of concerned Departments of the Central Government as also of a few State Governments to look into in detail the causes leading to and the problems arising out of the employment of children and also laid down its detailed terms of reference. The Terms of Reference of the Committee set out in the above resolution were to:

1. Examine existing laws the inadequacy and implementation, and suggest corrective action to be taken to improve implementation and to remedy defects:
2. Examine the dimensions of child labour, the occupations in which children are employed, etc., and suggest new areas where laws abolishing/regulating the Employment of children can be introduced and
3. Suggest welfare measures, training and other facilities which would be introduced to benefit children in employment. The Committee was also requested to submit its Report within a period of six months.

Thus, it was way back in 1979, when the Government of India formed the first committee called Gurupadswamy Committee to study the issue of child labour and to suggest measures to tackle it. The Committee examined the problem in detail and made some far-reaching recommendations. It observed that as long as poverty continued, it would be difficult to totally eliminate child labour and hence, any attempt to abolish it through legal recourse would not be a practical proposition. The Committee felt that in the circumstances, the only alternative left was to ban child labour in hazardous areas and to regulate and ameliorate the conditions of work in other areas. It recommended that a multiple policy approach was required in dealing with the problems of working children.

2. Recommendations¹

1. The Committee would wish to underline that all future action in respect of child labour would depend very much on how intensively occupations in which children are employed, are studied and remedial action is determined thereafter. Accordingly it recommends more studies to be sponsored in this regard together information and data about working children and their working conditions. This task should be spearheaded by the Ministry of Labour which should have an appropriate cell to sponsor such studies in consultation with the Department of Social Welfare, and other concerned Ministries, and to coordinate further action.
2. The Committee recognises that multiple policy approach is necessary in dealing with the problems of working children. They have to be seen distinctly in the categories of wage earning employment; as paid family workers; as apprentices in traditional crafts, and as working and schooling. Each specific category has its own peculiar problems which need to be attended to comprehensively.
3. The Committee recommends constitution of Advisory Boards both at the Central and at State levels to keep a constant surveillance on the problems of working children. These Boards should have representatives of Government as well as those of voluntary organisation and trade unions. The Boards should have the powers and resources to undertake investigative studies and surveys to locate the specific areas where regulation of child labour is called for. It should also review periodically the results of the implementation of the existing legislation and report on the working of the advisory boards should be placed on the Table of the House of Parliament or Assembly, as the case may be.
4. The Committee is of the view that the minimum age should be prescribed for the children or entering any employment. It accordingly recommends that the minimum age for entry into any employment

¹ Refer Gurupadswami Committee Report on Child Labour, 1979

- should be 15 years, and that the existing laws which prescribe an age lower than this should be suitably amended. Correspondingly, the age for adolescents should be specified as between 15 and 18 years.
5. The Committee is strongly of the view that there is a paramount need for an urgent action on the part of the Government to bring into a proper focus the laws relating to employment of children. To avoid any ambiguity in respect of the basic objectives, the Committee recommends that the existing laws relating to prohibition and regulation of employment of children should be considered in to a single comprehensive one. The new legislation should adopt uniform definitions of the expressions of 'child' and 'adolescent' and prescribe the 'hours of work', 'conditions of work', etc. The new law should also have flexibility of extending gradually the provisions contained therein to other occupations, such as, mechanised agriculture, horticulture, forestry, fisheries etc.
 6. The Committee recommends that concerted steps be taken within five years to achieve the objective of providing minimum educational qualifications say eight standard or equivalent for entry into any regulated employment.
 7. The Committee strongly urges that serious attention be given towards strengthening the existing machinery for enforcement of legislation relating to employment of children and that due recognition should also be given in this regard to the role of voluntary agencies and trade unions
 8. The Committee recommends to the Government to initiate dialogue with the trade unions at an early date so that some institutional framework could be evolved for ensuring collective bargaining in respect of the needs of working children
 9. The Committee recommends that the penalty provided in the existing laws for violation of provisions relating to child labour should be made more deterrent. The punishment for the first offence should be imprisonment which may extend to one year or fine extending to Rs2,000, or both. In the case of second or continuing offence, the penalty should be only imprisonment and that too, up to two years.
 10. The Committee recommends to the Planning Commission to work out the feasibility of taking away all children below the age of 15 years from the labour market in order to find employment for the unemployed able-bodied persons between the age group of 15 and 59 in the country, and to work out a cost benefit analysis of this proposition.
 11. While accelerated efforts are necessary in national planning to improve the earnings of adult workers, the Committee feels that strict enforcement of the Minimum Wages Act needs to be ensured. In this regard greater participations should be sought of the entire administrative machinery.
 12. The Committee feels that a more meaningful and effective educational policy is called for to take into account the following:
 13. Change of curriculum and integration of educational requirement with local crafts;
 14. Greater involvement of voluntary agencies; and
 15. Changes and adjustments in the schedule of vacations and holidays to coincide with environmental requirement.
 16. The Committee would also underline more comprehensive statutory provisions for providing educational facilities for child workers, and to include education as a part of labour welfare measures to be adopted by employers. It recommends arrangements for non-formal education in areas, where there is concentration of working children.
 17. The Committee recommends that in rural areas, crèches child-care centres should be established at the school premises, or at the community centres, so as to encourage girls who have to take care of young siblings in the family to attend schools. This arrangement would also be of great help to working parents.
 18. The Committee underlines the need for periodical medical check-ups to be linked with national health scheme in respect of child workers.
 19. The Committee feels that constant attention needs to be paid to keep the working environment, hygienically free especially in places where children are employed
 20. Supplementary nutrition is to be provided to working children by the employers who could be given suitable subsidy for this programme the possibility of imposing cess or alternatively to allow

- concessions in taxes etc. To employers who undertake to implement these schemes as envisaged above and other welfare schemes, needs to be considered seriously
21. Greater emphasis is needed on housing schemes and provisions of basic amenities in areas, in which a large number of children are working
 22. More library and reading facilities linked with special teaching classes for working children need to be established in selective areas.
 23. Arrangements for recreational and cultural activities should be provided in areas in which there are a large number of working children.
 24. The Committee recommends effective enforcement of the Apprentices Act, and the setting up of separate vocational guidance clinics and employment bureaus for children.
 25. The Committee also underlines the need for a more systematic effort for identification of hazardous occupations and for detecting occupational diseases and their treatment. There are several areas, both in the organised and unorganised sectors where children are exposed to serious hazards, but no efforts have so far been made to regulate their employment.
 26. The Committee recommends a more purposeful effort on the part of the media to create greater social consciousness in respect of evils of child labour.

Based on the recommendations of Gurupadaswamy Committee, the Child Labour (Prohibition & Regulation) Act was enacted in 1986. The Act prohibits employment of children in certain specified hazardous occupations and processes and regulates the working conditions in others. The list of hazardous occupations and processes is progressively being expanded on the recommendation of Child Labour Technical Advisory Committee constituted under the Act. In consonance with the above approach, a National Policy on Child Labour was formulated in 1987.

The problem of child labour continues to pose a challenge before the nation. Government has been taking various pro-active measures to tackle this problem. However, considering the magnitude and extent of the problem and that it is essentially a socio-economic problem inextricably linked to poverty and illiteracy, it requires concerted efforts from all sections of the society to make a dent in the problem.

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