

Indian Academy of Pediatrics (IAP)



## GUIDELINES FOR PARENTS

# Child Labor and Rights of Children

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### 10 FAQs on CHILD LABOR AND RIGHTS OF CHILDREN

1. We have employed a 14-year-old boy to look after my 4-year-old son. Is this child labor? What action can be taken against us?
2. My domestic help is going on 8 days leave. She is sending her 15-year-old daughter to work in her place. Can this be considered child labor? What precautions should I take?
3. My domestic help is in dire need of money. She is requesting to send her 12-year-old daughter to play with my 2-year-old son after her school. Is this child labor? Please advise.
4. My driver's 16-year-old son wanted to help his father for school fees. He requested if we could pay him for miscellaneous work, e.g., such as depositing cheques in bank, paying bills, Sunday shopping, some help in gardening, etc. Can I employ him? Is this child labor?
5. Our 85-year-old father needs help in his evening walk. We send him to a park every evening with our driver. Can his 15-year-old son help my father in walking with him in the park and I pay him. Is this ok?
6. My domestic helper does not send her 10-year-old daughter to school. How do I help her understand that getting education is her right as a child?
7. Our family went to a restaurant, where the waiter for our table was a 13/14-year-old boy. Should we show dissent to this? Is this child labor? What action may be taken against us?
8. My house maid sometimes brings her 9/10-year-old daughter, who works at our house along with her mother. Is this child labor? Should we allow this? Please advise.
9. Our house renovator has appointed some small children aged 15 years for our house renovation. Will allowing this be considered as promoting child labor? Kindly guide.
10. Recently, in our locality, the daily dustbin pickup in morning is done by his son, who is probably a 15-year-old child. Is this child labor? Should we state our dissent in this?

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## Child Labor and Rights of Children

### Q1

**We have employed a 14-year-old boy to look after my 4-year-old son. Is this child labor? What action can be taken against us?**

The Child and Adolescent Labour Prohibition and Regulation Act, 1986, amended in 2016 (CLPR Act), prohibited employment of a child (any person aged below 14 years) in any employment including as a domestic help. Now as per amended Child Labour Rules 2017, children below 14 years can be engaged in non-hazardous jobs with lot of restrictions and consent of both parents, but it should not affect the child's education, and should have restricted working timing and duration as per the act, which states that no work for >3 hours at a stretch, followed by 1 hour interval, no work after 7 pm and before 8 am and once a week, day off. The consequences of breaking this law can be fine or 6 months of imprisonment.

Since the boy is 14 years of age, he can be employed by you for domestic work as it comes under category of non-hazardous job. It is safer for you to ensure that he is indeed 14-year-old by documents like his birth certificate or school documents. Please ensure that he continues school. If you take care of all the above, no action can be taken against you.

Q2

**My domestic help is going on 8 days leave. She is sending her 15-year-old daughter to work in her place. Can this be considered child labor? What precautions should I take?**

Employing adolescent above 14 years old is not considered as child labor. Please ensure her school hours are not affected. Please see more details regarding CLPR Act in the answer to Question 1. It is safer for you to ensure and verify her age through Aadhar card/birth certificate. You must also ensure that the work you give should not endanger her safety and you are liable for taking care of any injury related to the work given.

It is also our social duty to help to prevent child marriages, which adversely affect a young girl's health and psychosocial development. We should start making efforts to change their mindset and explain the importance of educating her, and make her capable of financial independence. Since most domestic workers are not literate, you should also make the mother and daughter aware of the various governmental schemes that are in place for upliftment of the girl child which they can avail of. Also, this is the time to start changing their mindset about early marriage of the girl.

Q3

**My domestic help is in dire need of money. She is requesting to send her 12-year-old daughter to play with my 2-year-old son after her school. Is this child labor? Please advise.**

As per amended Child Labour Rules 2017, Children below 14 years can be engaged in non-hazardous jobs with lot of restrictions and consents of both parents, but it should not affect the child's education and should have restricted working timing and duration as per Act, which states that no work for more than 3 hours in a stretch followed by 1 hour interval, no work after 7 pm and before 8 am, and once a week day off.

So this child being 12 yrs old getting engaged to play with a 2-year-old child with parents' consent and her own will, for a limited hour will not be considered as a child labor. Her engagements should be as per the 2017 Child Labour Rules. The rule has provision of 6 month imprisonment and fine for breaking this law.

You need to explain this to your maid that she should help her daughter to continue her schooling and education. You can also make her aware of various Govt schemes for upliftment of a girl child. It will also be a good social service, if you help her by paying for the child's books, etc., so that the girl is not made to drop out of school due to lack of finances.

**Q4**

**My driver's 16-year-old son wanted to help his father for school fees. He requested if we could pay him for miscellaneous work, e.g., such as depositing cheques in bank, paying bills, sunday shopping, some help in gardening, etc. Can I employ him? Is this child labor?**

Since the son is over 16 years old, this is not child labor and you can definitely employ him without any problem. Please ensure to verify his age through Aadhar Card or any other recommended documents. You must praise the boy for his initiative in working and helping to pay for his school fees, but you must ensure that this work does not interfere with his school hours. If it does and they are in dire need of money, then you may give him information regarding open schools and night schools, etc. but, ensure that the boy continues his education.

He and his father should also be told about the country laws/labor laws for protection of education and health of the adolescent. It will be a good social service on your part, if you can in addition to payment of his services help in his books, school uniforms, etc., and encourage continuation of his education.

**Q5**

**Our 85 years old father needs help in his evening walk. We send him to a park every evening with our driver. Can his 15-year-old son help my father in walking with him in the park, and I pay him. Is this ok?**

Since he has completed 14 years, it is not child labor. Since it is non-hazardous and after school hours you are not violating any laws. As per CLAR Act 2017, an adolescent should not be employed after 07:00 pm and before 08:00 am. So, you should adhere to those timings.

You can request your father to talk with this boy during his walks if possible, and during the car drive and use this opportunity to instill in him spirituality and value education which is very well done by grandparents. So, the boy will benefit by accompanying your father for walks in many other ways apart from financial earning. Adolescents need a trusted adult in their life for connectedness and prevention of high-risk behavior.

This 15-year-old adolescent should also be told to continue his schooling regularly and update you on his academic progress. It will be a good social service on your part, if you can in addition to payment of his services help in his books, school uniforms, etc., and encourage continuations of his education.

**Q6**

**My domestic helper does not send her 10-year-old daughter to school. How do I help her understand that getting education is her right as a child?**

As per law (Right of Education Act 2009), every child of age between 6 and 14 years has a right to free and compulsory education in a nearby school, may be government or private. Every school has to admit students under Right to Education, for which expenses are reimbursed by government.

You should counsel her to convince of the advantages of education, especially in a girl child. You can also make her aware of various government schemes that uplift a girl child.

You can also explain to her that if she does not send her daughter to school, it can result in legal action against her. But, you have to do this very diplomatically and tactfully, otherwise, she will leave your job, and not send her daughter to school.

Local nongovernmental organizations (NGOs) and Anganwadi workers (AWWs), Accredited Social Health Activist (ASHA), self-help group (SHG), and child welfare committee help should also be explored to motivate for schooling. The benefits of going to school in term of mid-day meals, free books, free uniform, and bicycle for girl child and other incentives should also be explained to the *bai*/mother.

**Q7**

**Our family went to a restaurant, where the waiter for our table was a 13/14-year-old boy. Should we show dissent to this? Is this child labor? What action may be taken against us?**

Children are not allowed to work in *dhabas* and restaurants. So, this is certainly in violation of Child Labour Act. As a good citizen, you have various ways you can address the situation.

- The manager should be educated about the legal implications of employing child labor. That may solve the issue, but it can also happen that if you confront the restaurant owner directly, you may come into conflict with criminal elements who may be supporting this restaurant owner. The adolescent who might be supporting his family with his income also may react and quarrel.
- You do not do anything at the restaurant, but you take help of NGOs working on child labor and child rights in your area. They have the resources and time to follow-up the issue and get justice for the child. So, you have done your job as a good citizen and not got into problems with the restaurant owners and their supporters.
- Alternatively, child help line/NGOs working on child labor should be informed to help. You can make complaints to local police station, superintendent of police, district magistrate or child helpline (1098). This can be done anonymously.

**Q8**

**My house maid sometimes brings her 9/10-year-old daughter, who works at our house along with her mother. Is this child labor? Should we allow this? Please advise.**

As per Child Labour Act, no child below 14 years should be allowed to work and they should be admitted to school for completing their education. The details of the Act can be downloaded from the site: [www.labour.gov.in](http://www.labour.gov.in). The house maid should be strictly asked not to bring the child for work. She can bring her once in a while for visiting or playing, but not for domestic help. Daughter of housemaid helping in her work for which she is paid is child labor as per law. Remember, the onus of child labor is on employer. The punishment can be punishable with imprisonment for 6–24 months or with fine of Rs 20,000–50,000, or with both.

There are two issues here:

1. It is child labor.
2. The child is deprived of her primary Right of Education. Explain to her about harms of work by a young child and its influence on her education, physical growth, mental well-being, etc. You should also help the maid to change her mindset about the education of her girl child and make her aware of the various government schemes for upliftment of the girl child.

**Q9**

**Our house renovator has appointed some small children aged 15 years for our house renovation. Will allowing this be considered as promoting child labor? Kindly guide.**

Construction work is a hazardous one, so this amounts to child labor. Please educate and discuss the CLPR Act with the contractor and the adolescents, as they may not be aware about the rules or not be bothered about them. Tell them if anyone complains, all of you will be in trouble and liable for punishment.

You must firmly tell the contractor that if he employs child labor, then you will not allow him to continue work in your house for renovation, and he will have to bring in adult laborers.

You can also complain to child help line (1098), which can be done anonymously so that the contractor does not keep employing child labor in other contracts where people are not so socially conscious. The reason we advise anonymous calls is because often when one tries to be a good citizen, we may become victims of revenge by criminal elements which are often associated with child labor. You can also take help of NGOs in your area who work for child rights and child labor who can also help to rehabilitate these children for schooling.

## Q10

**Recently, in our locality, the daily dustbin pickup in morning is done by his son, who is probably a 15-year-old child. Is this child labor? Should we state our dissent in this?**

Even a child of below 14 years of age can help his/her family in family enterprise, subject to certain conditions, e.g., non-hazardous occupations, if the work is after his/her school hours, should not replace other labor, etc.

Since he is above 14-year-old, this is not child labor, and it can be said that he is helping in his family enterprise. Rag picking/waste picking may be hazardous, so adolescents should not be involved in this type of work. But, here he is not actually doing rag picking but just picking up the dustbin bag. As long as his schooling is not affected, you really cannot state your dissent. If his school is being affected, you should counsel the father about the importance of education of his son and his right to education. The age needs to be verified and the adolescent needs to be made aware about child labor laws and to complete his education on priority.

You can do good social service by appreciating his helping his father and help him by paying for his school fees, books, etc.