

**GOVERNMENT OF INDIA  
LABOUR AND EMPLOYMENT  
LOK SABHA**

UNSTARRED QUESTION NO:2020

ANSWERED ON:27.08.2007

DOMESTIC CHILD LABOURERS

Reddy Shri Mekapati Rajamohan;Subbarayan Shri K.;Verma Shri Bhanu Pratap Singh

**Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:**

- (a) whether the Government has reviewed the performance of Child Labour (Prohibition & Regulation) Act, 1986;
- (b) if so, the details thereof;
- (c) whether the domestic child workers are not included in the Child Labour Act, 1986;
- (d) if so, whether the Government proposes to amend the law to include domestic child workers there in now;
- (e) if so, the details thereof and the time by which it is likely to be amended;
- (f) whether the Child Labour Act, 1986 is in conformity with International Labour Organisation (ILO);
- (g) if not, the reasons therefor;
- (h) the number of Child Labour engaged in domestic help as on date, State-wise;
- (i) whether the Government proposes to introduce any legislation to fix minimum wages and to regulate the working hours of domestic Child Labour/Workers; and
- (j) if so, the details thereof?

**Answer**

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES)

(a) & (b) : Government reviews the performance of Child Labour (Prohibition & Regulation) Act, 1986 regularly through periodical reports submitted by the State Governments/UTs which are the appropriate Government for implementation of the Act in their respective areas. Apart from this, the Central Monitoring Committee (CMC) also annually reviews the implementation of the Act. It is also reviewed in the Zonal meetings whenever held. Under the Act, as per the information received from the State Governments, during the period 1997-98 to 2005-06, 67691 prosecutions were launched resulting in 22588 convictions.

(c)to(e):Government has already banned the employment of children below the age of 14 years as domestic workers/servants by including it as one of the prohibited occupations under the Child Labour (Prohibition & Regulation) Act, 1986 w.e.f. 10.10.2006.

(f) & (g): Government is in agreement with the principles of the ILO convention 182 and 138. However, under these Conventions child is defined as a person up to the age of 18 years, whereas most of Indian laws, including Child Labour (Prohibition & Regulation) Act, 1986 defines child as a person below the age of 14 years. Considering the existing socio-economic conditions, this age limit has been kept as 14 years.

(h) : As per the Census 2001, the number of children working as domestic workers is 1.85 lakh approx. State-wise details are not available. However, these figures are indicative as the list of hazardous occupations and processes as given in Child Labour (Prohibition & Regulation) Act, 1986 do not entirely match with the occupational classification in the Census Data.

(i) : Under the Minimum Wages Act, 1948 the domestic workers fall under the State Sphere and it is the responsibility of the States/ Union Territories to fix the rates of Minimum Wages in their respective jurisdictions. For domestic Child Labour, Government has already included it as one of the prohibited occupations under the Child Labour (Prohibition & Regulation) Act, 1986.

(j) : Does not arise in view of

(i) above.