

ANALYSIS OF LEGAL PROVISIONS FOR CHILD LABOUR IN HANDLOOM SECTOR: A CASE  
STUDY OF WEST BENGAL

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**ABSTRACT**

*This research reviews and analyses the existing labour legislations and their applicability to child labour in India. Employment of children not only deprives them of their time for primary education and enjoyment, but also it deprives them of capabilities to be a productive and skilled worker in later years of life as they lose their apprenticeship time in earning daily wages. Engagement of children in work leads to a weaker productive workforce for an economy as the skill acquisition time is compromised and in majority of the cases, child labour is not able to complete basic educational standards owing to the early experiences of work-life conflict. As child labour affects children socially as well as psychologically, there is a need to have stricter enforcement of laws that prohibit engagement of children at workplaces. However, as India is home to one of the largest informal sector workforce, employment of children is common in certain sectors such as handloom, construction, agriculture, etc. Children are employed for economic reasons and mainly to supplement household income. This research uses findings from empirical survey conducted on child labour in handloom households of West Bengal to analyse the gaps in legal provisions prohibiting this malpractice.*

**Keywords:** Child labour, handloom sector, legal provision, labour code, policy

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## **1. INTRODUCTION**

India's handloom industry is the largest cottage industry and has nearly with 27 lakh looms (Handloom Census 2019-20) and is largely household-based. Since, the working is household based, members of the family including the children come together and contribute to the production process. Such households are termed as weaver household, allied worker household, master weaver handloom and other worker household (Handloom Census, 2019-20). This paper shall use the operational term of handloom household in its subsequent sections. Weaving households have been distributed as per purpose of loom and the number of such households in West Bengal is the second highest i.e. 1.74 lakh for domestic use and 1.96 lakh for commercial use (Handloom Census 2019-20).

This research studies children working in handloom household at West Bengal to ascertain their status as child labour. In recent years, the essence and practice of child labour has changed as a result of legislative enforcement, increased awareness of child exploitation and international pressure among service and commodity purchasers. Despite this, child labour has become more evident as work has shifted from more formal settings such as factories to business owners' homes or families. The business owners are the parents of the children who are into handloom industry across generations. The production process in handloom is majorly categorized into weaving and allied activities. Allied activities are defined as pre-loom (such as warping, tying, winding, dyeing, tying and dyeing, sizing, loom setting and manual card punching) and post loom (calendaring). The Child Labour (Prohibition and Regulation) 2016 permits work among children to the extent that it is conducted only after school hours or during vacations in non-hazardous activities. In today's times, engagement of children is rising among household enterprises and informal sectors, particularly in the post-pandemic times (Child Labour in India, UNICEF).

## **2. LEGISLATIONS FOR CHILD LABOUR IN INDIA: CRITICAL INSIGHTS**

Child labour in India is a long-standing problem that is inextricably linked to the country's socio-economic structure. Historically, children worked in a variety of jobs, frequently related to family occupations and rural economies. Child labour is a result of multitude factors such as poverty, cultural traditions, lack of access to education and the vastness of the informal sector. It was common in rural and developing industries prior to independence. During British

colonial authority, child labour increased, particularly in textile mills and mining sectors, where youngsters worked long hours in hazardous conditions. The path from recognizing child labour as a serious issue to enacting legal provisions to counteract it, has been long and complicated. Initially, the incidence of child labour was not on the national agenda as the focus was more towards nation-building and economic development. However, throughout time, the continuation of child labour and its consequences for social fairness and children's rights drew attention, resulting in concerted efforts to eradicate it. The predicament of child labour began to get attention in the late nineteenth and early twentieth century. Moreover, the role of Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar who promoted education and welfare rather than child labour has been important in shaping legal provisions in India post-Independence. However, there was little meaningful action or legislation aimed explicitly at child labour during this time period. Under pressure from Indian reformers and the international world, the British government began to enact regulations governing working conditions. For example, the Factories Act of 1881 established certain limitations by limiting working hours for children and demanding age verification for employment. However, these regulations were poorly executed and failed to significantly alter the pervasive practices of child labour. Rebuilding and modernizing India was a massive challenge for the new administration that assumed office after the country's independence in 1947. Among the many problems that needed immediate response was child labour. Article 24 and Article 21A of the Indian Constitution, which was ratified in 1950, contain provisions that guarantee children's right to education and safeguard them from exploitation. One of the first laws passed in Independent India to control child labour was the Factories Act of 1948. As per the law, it was not permissible to employ children under the 14 years of age to work in factories. But the scope of this Act was narrow; it primarily addressed the organized sector, excluding the large informal economy, which was more likely to involve child labour. In the subsequent decades, various other laws and policies were introduced to curb child labour, such as the Mines Act of 1952 and the Child Labour (Prohibition and Regulation) Act of 1986. These laws marked a gradual shift from merely regulating to more proactive measures aiming at curbing child labour.

The Indian judiciary has been instrumental in combating child labour, interpreting the law and filling in legal gaps when needed. This included cases such as *M.C. Mehta v/s State of Tamil Nadu* (1996) where the Supreme Court case established a theory of compensating jurisprudence for the rehabilitation of child labourers and led to the identification and prohibition of hazardous businesses employing minors. The 1982 case of *People's Union for Democratic*

Rights v/s Union of India brought attention to labour regulations being broken during the construction of the Asian Games' infrastructure, which raised concerns about the use of child labour. Similarly, the contributions of the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF) by offering frameworks and standards for ending child labour have significantly influenced Indian legislation and policies. In order to adhere to international norms, India has had to ratify several important ILO agreements, including Convention 138 which had defined the minimum age for employment. There is another Convention 182 which defines the worst kinds of child labour.

The existing legal provisions and schemes which account for child labour in Handloom Industry (handloom households) at West Bengal (State) and India (Central) level are listed in Table 1.

**Table 1: The legal provisions and schemes which account for child labour in Handloom Industry**

<i>Legal Provision/ Scheme</i>	<b>Level</b>	<b>Year</b>	
<i>Article 23</i>	Central	1948	
<i>Article 39</i>	Central	1976	
<i>Child Labour (Prohibition and Regulation) Act, (CLPRA)</i>	Central	1986	
<i>National Child Labour Project Scheme</i>	Central	1988	
<i>The West Bengal Child (Prohibition and Regulation)</i>	State	1995	
<i>Child Labour (Prohibition And Regulation) Amendment Act</i>	Central	2006	
<i>Right of Children to Free and Compulsory Education Act</i>	Central	2009	
<i>Child Labour Amendment Bill</i>	Central	2016	
<i>Social Protection Scheme</i>	Kanyashree	State	2013
	Duare Sarkar	State	2020

Source: Author's own

The Indian Constitution has measures to protect the rights of children. Child labour is a concurrent topic in India's federal government, which gives powers to the central as well as state governments to legislate against it. In the next paragraph, we discuss the application of such legislations in the current scenario at handloom industry.

### **3. MATERIALS AND METHODS:**

To capture the present situation of children working in handloom household in handloom industry given the unavailability of appropriate data, field-work is conducted in selected rural and urban areas. The target population is of handloom households in five districts of West Bengal and these districts have been identified as i.e. Bankura, Nadia, Hooghly, Murshidabad and Purba Bardhaman. The choice of each district is based on the fact that these districts have one of the highest concentration of handlooms. The choice of municipalities, towns and villages has been undertaken in a manner that they belong to the same Gram Panchayat in order to ensure diversity of sample respondents and diversity of stakeholders involved in the case of handloom households. The target sample are the child labourers who have been engaged in the family labour of the handloom household.

The research methodology has made use of both descriptive research and exploratory design. The research is based on empirical data collection as well as judicious use of secondary data. Empirical data has been collected using field work wherein interviews have also been conducted on target sample using the instrument of semi-structured schedule. The secondary data has been collected from the government records, Acts and Laws, reports, research papers, policies, schemes and ministry reports. Besides quantitative data, qualitative data has also been collected. In order to triangulate the findings, the study has made use of participant observation method as well as focus group discussion. These qualitative findings have been used to corroborate with the quantitative analysis.

### **4. POLICY GAPS AND INCIDENCE OF CHILD LABOUR IN HANDLOOM HOUSEHOLDS: EMPIRICAL FINDINGS:**

The enforcement and policy gaps of the existing Acts and Laws for child labour in India and West Bengal which are applicable specifically for handloom industries at the handloom households, have been investigated and discussed in this section. The limitations of legal provisions are recorded and conclusions are stated to closely understand the current scenario of children working in family enterprise of handloom industry. There is research stating the legal provisions and regulations of child labour (Khalaf Ibrahim Khaleel, 2022; Ranga Pranav, 2018; Katos K.K, Schulze G.G, 2005; Cigno Alessandro, 2004) but there is lack of evidence on the legal provisions on child labour in handloom industry. Our paper intends to bridge this

gap to the literature.

*Article 23: Prohibition of traffic in human beings and forced labour states traffic in human beings, beggars and other similar forms of forced labour are prohibited. Any contravention of this provision shall be an offence punishable in accordance with law. Secondly, the state shall not discriminate on grounds of religion, race, caste or class or any of them on preventing the state from imposing compulsory service for public purpose.*

However, the empirical results indicate violation of this article as children have been found to be working at business owner's home on account of pending parent's loan from the business owner. The sample children were engaged in weaving activity even during the field work and had also worked in the pre loom activity earlier.

*Article 39: The article states that the strength and health of workers i.e. men, women and children are not abused and they are not forced by economic necessity to enter vocations unsuited to their age or strength.*

The main determinants of child labour according to the primary survey are:

- Poverty is the primary cause of child labour.
- Cultural norms contribute to child labour by normalizing the practice and strengthening the belief that children should work and learn the craft.
- Breakdown of extended family support leading children to work.
- In some communities, children are expected to contribute to the family's income from a young age, cutting on external worker cost and leading to their involvement in family work.
- Lack of financial assistance to outsource the allied activities majorly and weaving otherwise.
- Cultural norms create a social acceptance of child labour without realizing its adversities, making it difficult to address the issue effectively.

As analysed the determinants still create demand for child labour because of lack of economic arrangements. This has been a major limitation in the Handloom industry creating the Mahajan rule over workers and exploitation of labour.

*Child Labour (Prohibition and Regulation) Act, 1986 (CLPRA)*

As per the Child Labour (Prohibition & Regulation) Act, 1986, child labour is defined as any child between the ages of 5 and 14 who works in hazardous occupations or processes listed in List A, which is titled Occupations (Non-Industrial Activity), and List B, which is titled Processes (Industrial Activity). The employment of a child in any of the occupations or processes listed in the Schedule to the Act is prohibited as these occupations are deemed hazardous to the health and safety of children. Handloom is one of the listed occupations as well as its processes of dyeing, spinning and weaving are also listed indicating that they are unsafe for children.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016, introduced more stringent penalties to strengthen the enforcement of the laws against child labour like: For a complete ban violation for employing any child under 14 years age, the penalty of imprisonment between 6 months and 2 years or a fine between Rs. 20,000 and Rs. 50,000, or both was listed. Adolescent labour violation is recorded if an adolescent (aged 14-18 years) is employed in hazardous occupations and processes and the penalty is imprisonment from 6 months to 2 years, or a fine of Rs. 20,000 to Rs. 50,000, or both. The penalty for a repeat offense is increased to imprisonment for a minimum of one year which can extend up to 3 years.

The amended Act also mandates the government to conduct periodic inspections and monitoring of establishments to enforce the provisions of the Act. The Act empowers the appropriate government to set up Child and Adolescent Labour Rehabilitation Fund, where the fines collected from the violators are to be deposited. This fund is to be used for the welfare and rehabilitation of children rescued from child labour. These penalties and fines are designed to serve as a significant deterrent for employers against the engagement of child labour.

**National Child Labour Project (NCLP)**

This program is implemented by central government and it aims to detect, remove, and gradually integrate children and adolescent workers into the rehabilitation process. As per this programme, the adolescent workers need to be liberated from work of hazardous nature, shifted to law-abiding occupations with enough skill training, the children are guaranteed access to formal education and vocational training. An important objective of this program is creating of

an enabling environment that leads to empowerment of children and promoted their enrolment in formal education. In West Bengal, the target districts are Murshidabad, Purba Bardhaman, Coochbehar, Paschim Bardhaman, Kolkata, Purulia, Paraganas North, Nadia, Paraganas South, Jalpaiguri, Dinajpur Uttar, Dinajpur Dakshin, Hooghly, Medinipur East, Birbhum, Maldah, Alipurduar, Medinipur West, Howrah, Bankura, Darjeeling.

The implementation of NCLPS will be closely coordinated with the state government, local governments, and civil society. The nodal agency for prohibiting child labour are the State Governments and the Ministry of Labour and Employment in India. A significant role is also played by other players, including the labour unions, district administrations, local communities, civil society organizations, research organizations, NGOs, academicians, and law enforcement. In order for the plan to operate effectively, it aims to institutionalize monitoring and oversight in addition to establishing the implementation structure.

The Ministry of Labour and Employment, the Government of India provides 100% of the financing for the NCLPS, making it a central sector scheme. This scheme punishes the violators with a fine or imprisonment.

The policy stands on two approaches. The first approach used by NCLP is to give priority to workers who belong to scheduled castes and scheduled tribes. In the second approach, priority has been given to assess the situation of children who are engaged with the manufacturing sector of the state of West Bengal. The effectiveness of the policy lies in the hands of the active participation of trade unions, labour and employer associations. The employer associations in handloom industry have dissolved for various reasons and are not active. This makes it difficult to convince the households to curb child labour and rehabilitate them as per the second approach of the policy.

### **The West Bengal Child (Prohibition and Regulation), 1995**

The Act aims to prohibit the employment of children in hazardous occupations and processes, aligning with the national law's objectives. This law restricts the use of 'transmission machinery', mentions 'health and safety' norms according to Factories Act, 1948, need for 'age certificate' but does not specify any clause for employment at household, textile industry employment and punishment for offenders.

The empirical findings provide evidence of children working mostly rolling in pirn or spinning across age groups. Spinning in every household were done by women where children helped the mother in the process. The process of spinning by hand involves spinning equipment with sharp edge made of metals. None of the sample households used safety caps for the workers irrespective of age. The process of Drumming involves huge equipment to be rotated by hand for spinning the yarn. Similarly, the process of Dyeing involves chemical dyes which are harmful for use by children at work. Calendaring requires physical strength for twisting and spreading the fabric and presence under harsh sunlight. Although, the law states guidelines for health and safety to be observed, yet there are evidences that point policy gaps in the handloom sector at household level. The business owners employing child labour didn't have any age proof verification document of the children.

Empirical findings indicate less incidences of sickness and injuries among children in relation to back-pain, skin disease, allergy, cuts and vomiting and the health issues were similar to those seen among adult handloom workers. As per the field study, the average hours of work for child labour are 5.5 each day to supplement the handloom household income.

### **Child Labour (Prohibition and Regulation) Amendment Act, 2006**

According to this Act, "child" means a person who has not attained the age of eighteen years and as per this act it is prohibited to engage any child for any type of work such as: (i) Domestic work (ii) Agricultural operations (iii) Construction activities and operations of transport industry (iv) Work in shop, factory, any establishment or organization (v) Manufacturing, trading or processing activity of any item. This implies that any child may still work at his/her own residence or perform any domestic work. As per these provisions, any person or firm who violates this law is subject to legal imprisonment for a term which may extend to three months and a fine of Rupees Ten thousand. Any offence under this Act by a company would lead to imprisonment which may extend to six months and a fine between Rupees One to Ten lakhs and cancelling of the license.

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

The Act prohibits schools from charging tuition fees for children completing elementary education. It requires private schools to reserve 25% of their seats for children from economically weaker sections and disadvantaged groups. Special training for age-appropriate admission for out-of-school children is to be provided to enable them to integrate with their

peers. The Act sets out norms and standards for school infrastructure, pupil-teacher ratios, working days, teacher working hours. It ensures that children are not discriminated against and are prevented from being subjected to any kind of abuse in schools. It prohibits certain practices like capitation fee, private tuition by teachers, and the running of schools without recognition. The Act mandates free and compulsory education for every child above 6 years to less than 14 years, under which the child cannot be expelled or withdrawn from school during this phase. However, the children working at handloom households do not get free education after class 8. It is also noted that since education is not free of cost post 8th standard, parents withdraw or children themselves work in household enterprises, as a clear violation of their right to free and compulsory education. Such incidences are seen more in the case of female child labour part of the sample. Another challenge in educating the children in such families is the poor infrastructure of the schools which demoralizes the enrolled students to continue formal education. There is a shortage of teachers and schools lack resources and pedagogical capabilities to provide quality education and showcase casual behavior in teaching and evaluating students.

### **Child Labour Amendment Bill, 2016**

The Bill expands the prohibition of employment of children under 14 years to all occupations and processes, aligning it with the Right to Education Act, 2009, which mandates education for all children until the age of 14. A notable inclusion was the exception that allows children to work in family businesses, outside of school hours and during vacations, which was a contentious addition. The Bill introduced a new category called ‘adolescent’, referring to those between 14 to 18 years old, and prohibits their employment in hazardous occupations and processes. It increased the penalty for employing any child in contravention of the Act, which now includes imprisonment between 6 months to 2 years, and/or a fine between 20,000 to 50,000 Indian Rupees. The amendment made the offense of employing a child or adolescent in contravention of the Act a cognizable crime, allowing police to arrest without a warrant.

As per this Act, a child can work in a household enterprise after he has completed his school hours. Generally, any such provision which makes engagement of children permissible after a necessary condition leads to possible loopholes used by employers to engage child labour. Therefore, the employment of children in family enterprises is commonly seen and it is difficult to differentiate child labour in household enterprises from household work.

Handloom products are comparatively expensive for the customers and labour intensive for the workers. The weaving is the main activity which happens at every handloom household surveyed but the allied activities are the prerequisites for weaving. The families prefer to distribute the labour and assign children along with female members for completing pre-loom activities. This is done to reduce the cost of getting it done elsewhere and allocate more time for weaving. A weaver can weave basic cotton saree in a day whereas a machine can weave 6 to 10 sarees a day. As majority of the customers are price sensitive, so reducing the cost of handloom is a priority of the family. Also, majority of the families can't afford to outsource the allied work forcing the burden on children and other family members.

The Bill delegated the power to define hazardous occupations for adolescents to the central government, which can lead to critical omissions and the protection offered could vary based on government discretion. Allowing children to work in family businesses can affect their education prospects, despite the provision stating it should not interfere with school hours. The amendments do not adequately address the need for the rehabilitation and welfare of children who are rescued from child labour situations, which is crucial for their integration into the mainstream.

### **Social Protection Scheme**

Schemes like 'Kanyashree Prakalpa', 'Duare Sarkar', 'Sabooj Sathi' to reduce child labour, promote child rights and child protection held by Government of West Bengal. 'Kanyashree Prakalpa' scheme aims to improve the status and well-being of girls, particularly those from socio-economic disadvantaged families. It provides financial assistance to girls aged 13-18 years to continue their education and delay their marriage until the age of 18 years. Sabooj Sathi is a flagship initiative to provide bicycles to students from class IX to XII studying in government-run and government-aided schools and madrasahs. The scheme promotes increased attendance and reduces dropout rates, facilitating better access to education for children, especially in rural areas. Mid-day Meal Program aims to enhance school attendance and reduce dropout rates by providing free lunch on school days.

These Kanyashree Prakalpa, Sabooj Sathi and Mid-day meal schemes are designed to boost interest of children to attend school such as the initiative of providing bicycles help children to travel distances by themselves to reduce dropout rate. However, the implementation of these schemes has not penetrated to the remote areas.

'Duare Sarkar' aims at delivering government services directly to the people's doorstep. This program is designed to ensure that the benefits of various government schemes and services reach the citizens more effectively, especially those living in rural and remote areas. Unfortunately, the penetration of these schemes to the handloom areas studied did not happen suggesting possible leakages in implementation.

### **Labour Codes and the Scope of Child Labour in Handloom households in Future**

India has a long history of labour regulations, with many state and federal statutes affecting employment relations in addition to over 40 central legislations. The goal of modernizing and streamlining existing regulations to make them easier to comprehend and more enforced was what spurred the need for reform. The Indian government sought to create four unique labour codes, each concentrating on a certain facet of employment, by combining these disparate legislation. Employers will find it easier to comply with this consolidation, and employees will have clear, comprehensive rights and obligations. The four labour codes are the Code on Wages, 2019; the Industrial Relations Code, 2020; the Code on Social Security, 2020; and the Occupational Safety, Health, and Working Conditions Code, 2020. These reforms aim to advance industrial peace and harmony while fostering economic growth, representing a substantial change in the legal framework governing India's labour market.

The four labour codes in India primarily focus on the regulation of employment conditions for adult workers and do not directly address child labour. These codes are more focused on wages, industrial relations, social security, and safety conditions of adult workers. That being said, the broader implications of these codes, such as improved working conditions, social security benefits, and the formalization of the workforce, could indirectly impact child labour by promoting better socio-economic conditions for families of handloom household, thereby reducing the need for child labour. This section analyses the labour codes strictly in the light of the findings from primary survey of handloom sector.

#### *The Code on Wages, 2019*

In order to control wage and bonus payments in all employments where any industry, company, trade, or manufacturing is conducted, the Code on Wages, 2019 was created. The Payment of Wages Act of 1936, the Minimum Wages Act of 1948, the Payment of Bonus Act of 1965, and

the Equal Remuneration Act of 1976 are the four prior laws that are combined into one code. Ensuring fair compensation for all workers, regardless of industry, is a primary goal of this code, which also aims to minimize wage inequality and provide a uniform minimum wage.

Handloom sector is largely informal in India. The payment and bonus for a handloom worker is based on his/her skill of weaving, state awards/ national awards, status in the community. The families in handloom household work as own account workers, employee or employer. Most of them are dependent on Mahajan for finances to purchase raw materials for weaving since financial institutions do not provide such loans. This deprived situation is of advantage to the Mahajans leading to inequality of income. If the wages are fairly paid, then there should not be a financial burden on the family and the child may be discounted at work.

#### *The Occupational Safety, Health, and Working Conditions Code, 2020*

The regulations pertaining to employee health, safety, and working conditions are consolidated and made more logical by the Occupational Safety, Health, and Working Conditions Code. The Act unifies thirteen legislations, such as the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act of 1996, the Factories Act of 1948, and the Contract Labour (Regulation and Abolition) Act of 1970. The law seeks to improve worker welfare programs, provide a safe and healthy work environment, and control working conditions across industries.

Handloom weavers often work in conditions that can impact their health, such as:

- Prolonged sitting or standing in the same position, leading to musculoskeletal problems.
- Exposure to dust and fibers, potentially causing respiratory issues.
- Use of heavy equipment like drums, sharp equipment like needles
- Movement at height to fix jacquard cards balancing on basic loom structures
- Strain from repetitive motions and manual labour.
- Potential exposure to chemical dyes and substances without adequate protective measures.
- Prolonged working in negligible ventilated workstation.

Additionally, many handloom weavers work in rural or semi-urban areas where healthcare access might be limited and poverty rates can be higher compared to urban areas. These factors, combined with the physically demanding nature of their work directly affects their overall health and life expectancy. It is found in our empirical survey that on an average weavers are able to work up to the age of 50 years because of the stated reasons, leaving them unemployed and unskilled for any other work in the later years of their life.

### *The Industrial Relations Code, 2020*

The Industrial Relations Code, 2020, consolidates and amends the laws relating to trade unions, conditions of employment in industrial establishments, and investigation and settlement of industrial disputes. It integrates three primary laws: the Trade Unions Act, 1926; the Industrial Employment (Standing Orders) Act, 1946; and the Industrial Disputes Act, 1947. The code aims to simplify and streamline industrial relations processes and promote harmony between workers and employers.

The streamlined dispute resolution process could reduce the time and resources which handloom workers spend on resolving conflicts. However, the effectiveness of these mechanisms in the decentralized and informal handloom sector remains a concern. Collective bargaining provisions could empower handloom workers to negotiate better wages and working conditions if they are organized effectively. The flexibility in hiring and layoff policies may lead to more contractual and temporary jobs, which could affect the employment stability of handloom workers. On the other hand, it could also encourage small and medium enterprises (SMEs) within the handloom industry to expand and hire more workers, potentially leading to job growth. The code's provisions for trade unions and negotiating councils could help handloom workers in organizing and advocating for their rights. However, the actual impact would depend on the level of unionization and organization within the handloom sector, which is currently low. If the benefits of this code reach the grassroots level with concerted efforts from the government, industry stakeholders, and worker organizations, it is likely to reduce or increase child labour (as demand for handloom products will increase so production has to be increased) depending upon the community norms of the handloom household.

### *The Code on Social Security, 2020*

The Code on Social Security, 2020, aims to provide a comprehensive social security system to all workers, including those in the unorganized sector. It amalgamates and modifies nine existing social security laws, covering benefits like pension, maternity benefits, gratuity, and insurance. Establishment of a social security fund for unorganized sector workers and universal social security coverage for all workers, including informal sector workers are the key provisions of this code.

Access to healthcare and safety programs will likely improve under the new code. This access is crucial for handloom workers who face occupational health hazards such as exposure to chemicals in dyes and physical strain from long hours of manual work. The provision for pensions and other retirement benefits offers financial security to workers who previously lacked formal retirement plans, addressing a significant vulnerability for aging handloom workers. Formalizing employment relationships in the handloom sector could lead to more stable income and job security, as well as legal recourse for dispute resolution and contract enforcement.

Currently, no such benefits in terms of advance, insurance, gratuity are given to the workers by the Mahajan or employers. On the contrary, the full wages are also not paid at the time of delivery of the product. The remainder of the wages along with marginal bonus are given to them based upon the profit of the Mahajan per financial year at the time of Durga Puja. Similarly, for public firms, employers do not pay the price of the product at the time of purchase from the handloom households and the payment is done late.

Cooperatives and Clusters used to give benefits like provident fund, pension, market price of labour, bonus as per the profit of the cooperative or cluster to all the member handloom workers but post-pandemic, most of them have either become inactive or are dysfunctional. If the handloom workers get the benefits of this code, then at least the children will be made to study and attain the basic education and this will increase the overall job security of the handloom households.

##### **5. RECOMMENDATION FOR POLICY AHEAD**

The role of family members including children is crucial in the economic activities of handloom households and their absence can affect the prospects of sustainable livelihoods. In order to ascertain if engagement of children in handloom sector is detrimental to children's health and psychosocial welfare (as seen in primary survey), carefully planned cross-sectional studies are required to undertake comparative assessments of: i) children who work in different sectors, with ii) children who combine work and school and with iii) children who just attend school as required. Most importantly, in order to determine long-term physical, mental, spiritual, moral, social development and education, longitudinal studies are required. This approach requires high-quality research conducted in collaboration with governments, NGOs,

and stakeholders. The recommendations for improving the legal provisions are based on the gap of existing policies and current handloom scenario at West Bengal.

It is interesting to note that majority of the children of the households are not paid for their working hours. This corroborates the assessment of the working children that their working is essential for households' general well-being. Therefore, legal provisions should introduce poverty reduction strategies, social safety nets, improve financial instruments that allow access to credit by tying up with financial institutions even at the most interior places of work, develop schemes/ policies for better labour market functioning so that families are not forced to demand children at work, conditional cash transfer for education and development activity of the children to the families.

The contribution of the male child labour in handloom work is found for longer hours in comparison to girls. It may be due to the fact that girls have to share household chores indicating an unequal distribution in the time allocation of the working children in handloom industry. Therefore, there should be incentives for children to attend school by eliminating discrimination against girls in school, making school timings flexible, reduce or eliminate school fees after Eighth Grade, improve teacher's attention for quality education and mentorship.

To conclude, child labour in formal manufacturing sector can be eliminated easily by enforcing acts and laws. However, it is very difficult to eliminate child labour from the informal manufacturing sector particularly where the industry is home based as in the case of handloom sector. Policy interventions to curb child labour need to first determine the type of work which is engaging child labour and its impact on their health and wellbeing. The elimination of child labour cannot be achieved in isolation within a short time. Legislation must encourage schooling and discourage labour by introducing and enforcing child labour laws, focusing on equality, decent work for all and enforcing compulsory education laws, as enshrined in the Constitution of India. The economic, legal and social policies are required to work harmoniously in the same direction to achieve the objective of combating child labour.

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