



Child Labour in India

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Abstract:

Children are always considered next to the pious versions of the Almighty who always strive to inculcate happiness, joy, innocence and hope. The future of a nation is determined by the way it treats its children and its women, after all, children imply a hope, a hope to strengthen not only the economy of the country, but also to provide the country with skilled human resources who have access to the basic amenities essential for the existence coupled with the tenets of the education in India. It is the moral duty of every citizen for the country to ensure that the childhood of our children is protected and not marred with instances like that of child labour which arise out of poverty and helplessness.

1. Introduction

Child labour typically means the employment of children in any manual work with or without payment. Child labour is not only limited to India, it happens to be a global phenomenon. As far as India is concerned, the issue is a vicious one as children in India have historically been helping parents at their farms and other primitive activities. Another concept that needs explanation is the concept of bonded labour which is one of the most common forms of exploitation. Bonded labour means the children are forced to work as employees in lieu of payment of debt by the parents due to exorbitant rates of repayment of interest.

Also associated with the concept of bonded labour is the concept of urban child labour wherein the labourers are the street children who spend most of their childhood on the streets. UNICEF has categorized child work into three categories:

1. Within the family- Children are engaged in domestic household tasks without pay.
2. Within the family but outside the home- Example- agricultural labourers, domestic maids, migrant labourers etc.
3. Outside the family- Example- commercial shops in restaurants and jobs, prostitution etc.

2. Causes of Rising Instances of Child Labour

Over population, illiteracy, poverty, debt trap are some of the common causes which are instrumental in this issue. Overburdened, debt-trapped parents fail to understand the importance of a normal childhood under the pressures of their own troubles and thus it leads to the poor emotional and mental balance of a child's brain which is not prepared to undertake rigorous field or domestic tasks.

National and Multinational companies also recruit children in garment industries for more work and less pay which is absolutely unethical.

3. Child Labour Laws in India

The problem of child labour in India had become an issue of concern for one and all post Independence. The drafting committee of the India constitution wanted to formulate laws on their own without seeking recommendations from other countries with this regard. Since, India had been under the exploitative regime of the British, it only made sense that the provisions were devised keeping in mind the forms of exploitative labour that India had witnessed under the atrocious regime.

The primitive laws that were formed to prohibit child labour in India were when the Employment of Children Act, 1938 was passed. But this act failed miserably because it failed to address the cause of poverty as it is poverty that drives children into forced labour.

The Indian Parliament time and again has passed Laws and Acts to ensure the protection of children from child labour. The Fundamental Rights enshrined in our Constitution prohibit child labour below the age of 14 years in any factor or mine or engaged in any hazardous employment under Article 24. Apart from this, it is also provided under Article 21-A that State shall provide infrastructure and resources for free and compulsory education for children of the age six up to 14 years.

There exists a set of laws which under the Constitution govern the protection of children from child labour. The Factories Act of 1948 prevents the employment of children below 14 years in any factory. The Mines Act of 1952 prohibits the employment of children below the age of 18 years. The Child Labor (Prohibition and Regulation) Act of 1986 prevents the employment of children below the age of 14 years in life-threatening occupations identified in a list by the law. Further, the Juvenile Justice (Care and Protection) of children Act of 2000 made the employment of children a punishable offence. Ironically, despite this huge array of laws, there seems to be no improvement in the working conditions of the child labourers and employers also freely flout the provisions of the Act covering the prohibition of child labour.

It needs to be highlighted that the violation of these provisions means a deprivation of the basic human rights and demeaning the childhood of the children. The law also isn't very clear as to how where can the children work. The Acts covers only 10 percent of the total working children and thus not applicable to the unorganized sector. The Act also exempts the family of the child labourer from its purview if they all are working with the same employee as that of the child. Although the Act prohibits the employment of children in certain hazardous industries and processes, it does not define what constitutes hazardous work. It only provides a list of hazardous occupations.

4. Role of International Organizations in Fighting Child Labour

The International Programme on the Elimination of Child Labour (IPECL) was launched under the programme of International Labour Organization in 1991 to work towards the elimination of child labour by creating awareness about child labour as a global issue using national platforms. India was among the first nations to sign the MOU with IPECL to help in combating child labour.

National Labour Project (NCLP) is one of the major programmes implemented throughout the country under which seven child labour projects were set up in the year 1988. Rehabilitation is also one of the major policies that have been adopted by the government of India to reduce the incidence of child labour in India.

Unfortunately, the concerned authorities are unable to combat the rising cases of child labour because of varied reasons. They fail to establish the correct age if the child due to the lack of birth proofs and at times fake proofs. Not much is being done on creating the awareness among people. Even if efforts are being made, they cater to a limited population and the endurance among the authorities is not visible. A lot of laxity can be observed during the conduct of awareness programmes. There is still a need to address the issue on global platforms time and again with stringent policy framework in place.

5. Social Reformer

A person who is concerned about the humanity and mankind above anything else; a person who wants to change the existing state of things for the better; a person who has an enlightened thought process; a person who cannot stand the sufferings of the weaker section of people; and above all a person who believes in the duty bestowed upon him to leave the earth behind him as a better place than it was. In

fact a social reformer is an ordinary human being who wants to serve the cause of humanity in extraordinary ways. India is fortunate to have, in its long history, many extraordinary human beings who devoted all their lives for the betterment of the society and for the upliftment of the downtrodden. A few among them are:

Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Vivekananda, Mahatma Gandhi, Dr Bhimrao Ambedkar, Jyotiba Phule, Anne Besant, Mother Teresa, Vinoba Behave etc. We will look into the life and works of these extraordinary men and women and will appreciate their efforts in the making of today's India.

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