

A STUDY ON CHILD LABOR IN INDIA

“Don't ask children to take tool, instead send them to school”

Chitra C

Saveetha School of Law, Saveetha Institute of Medical and Technical Science
Chennai, India

ABSTRACT:

Child Labour means the work which bereave the children of their childhood and dignity which encumber their access to education and procurement of skills which is effectuate under conditions which is pernicious to their health and their headway. It also speaks about the problem which is been faced by the children's physically and mentally. The present paper discusses about child labor, Legislative developments, and categories of child labor, constitutional provisions and initiatives against child labor.

I. OBJECTIVES

- Human To examine about the major categories of child labor.
- To study about the consequences and initiatives against child labor.
- To know about the legislative and constitutional provisions for child labor.

II. RESEARCH METHODOLOGY

The present research is, descriptive and based on non- empirical design. In order to collect data on the dimensions of the study, a research instrument was designed. The study was conducted on secondary source of data books, articles, journals, e-sources, theories and the relevant provision with decided case laws.

III. INTRODUCTION

The term ‘Child Labor’ means a person who is below the age of fourteen is working as an employee in factories, mines or any other precarious areas which leads to the non development of the child in future and also been affected physically and mentally. Child Labour has been arisen to a greater extent because of poverty. Today’s present scenario is that the rich grow richer and the poor grows poorer because of the lack of social, economical problems.

IV. DEFINITION OF CHILD LABOUR

International labor organization defines child labor as “the work that deprives the children of their childhood and their dignity which hampers their accesses to education and the acquisition of the skills which is performed under conditions which is harmful to their health and their development”

V. WHO IS A CHILD

According to sec 2(a) of the prohibition of Child Marriage Act of 2006 “child” means a person who, if a male, has not completed twenty one years of age and if a female, has not completed eighteen years of age.

VI. REASONS AND CAUSES OF CHILD LABOUR

- The Socio Economic Backwardness
- Poverty
- Illiteracy
- Overpopulation
- Unemployment
- Lack of education facilities
- Ignorance of parents about the importance of education
- Customs and traditional attitude
- The provisions of the protective labor legislations are not clear
- The enforcing machinery which are provided by the state government are inadequate almost everywhere and fail to checkup on child labor
- Ignorance of impact on child labor
- Economic Globalization is equally responsible for the growth of the child labor.
- The children are mostly silent listeners or non-listeners of the policies and programs meant for them and hence the problems are not properly realized and the safeguards extents for the precaution of the child labor are not implemented effectively.

VII. CATEGORIES OF CHILD LABOUR

Child labor is a term that need to be analyzed, it cannot be used in panoramic modus operandi but engulf range and a variety of context in which children work.

- **Child Labour:**

The children have been paid as well as not paid for the work they have done in factories, mines, workshops and as a domestic worker. The Ministry of Labour, Government of India has recruited the term ‘Child Labour’ only

in the circumstances of children doing ‘Precarious’ work. By connotations, children who are not doing precarious work are not ponder to be child laborers and are vocalize to be doing child work.¹ The consequences of this taper definition of child labor is that the Labour Ministries definition only encompass a very limited percentage of children who are in the personnel and leaves out million children who entail policy and programmatic underpin from the Government.

- ***Street children***

Children who are living on and off streets, like newspaper boys, rag pickers etc. The plight of the street children is totally different from that of child labor in factories and mine areas. In this case most of the children have a place or home to take rest after the completion of their work in the evening where else the street children are completely solitary and are at leniency of their employers. They don’t have an enduring pedestal and they often budge. So their plight is more direct than that of children working in factories and living at home.

- ***Bonded children***

Children who have either been mortgage by their nurture for trifling sums of currency or those working to pay off the inherited debts of their patriarch. Bonded child labor is a dreadful complication in some states. Bonded children are in many ways the most strenuous to oblige because they are sequestered.

- ***Children used for sexual Exploitation***

Thousands of young girl and boys aid the sexual appetites of men from all social and economic backgrounds. They have a head-on tie-up between the commercial sexual exploitation of children are countless. Children’s have been sexually exploited in factories, street corners, homes etc. The children’s are not able to resist abuse caused by their employers either as perpetrators. In village areas they used to lend the money to their parents for which they must be paid back through the daughter’s work. Because of this the child is been affected physically as well as psycho-social damage wreak by commercial sexual exploitation makes it one of the most precarious forms of child labor.

- ***Migrant children***

India faces a huge challenge with “Anguish seasonal migration”. Children in migration are the ones who migrate from the age of 3-18 within or across the political country even without a proper legal document to migrate from one country to another. Many families are being obligator to leave their homes in search of their livelihood. Migrant population overall belong to the schedule cast, schedule tribes and other backward caste.

VIII. CONSTITUTIONAL PROVISIONS WHICH SAFEGUARDS CHILD LABOUR

- Article 15(3) speaks that state shall make any provisions for women and children

¹*Child Labour Always Right in Front of you But Why Constantly hidden from your view?*, PROGNOSYS E SERVICES PVT. LTD, http://planningcommission.nic.in/reports/sereport/ser/ser_nclp1709.pdf.

- Article 21 A speaks that no person shall be bereave for life or personal liberty except procedure established by law
- Article 22 speaks about compulsory education
- Article 23 speaks about the human trafficking and other forms of forced labor are prohibited and any contraventions of this position shall be considered as an offense
- Article 24 speaks that child who is below the age of fourteen shall not be employed to work in any factories, mine or engaged in any other hazardous employment (*Salal Hydro Project Vs. State of J&K*)
- Article 39 speaks about the state which is following certain principles of policies
- Article 39 E the tender age of the children is not abused and they are not forced by economic necessities to enter avocations, unsuited to their age and strength
- Article 39 F the children are to be given opportunities and facilities to develop in healthy manner and in conditions of freedom, dignity, childhood and youth are to be protected against exploitation
- Article 38(1) state shall strive to promote the welfare of the people.
- Article 45 provides for free and compulsory education for all children up to the age of 14 years.
- Article 46 provision for promotion with special care of the education and economic interest SC/ST and other weaker sections of the society

IX. THE MAJOR NATIONAL LEGISLATIVE DEVELOPMENTS INCLUDE THE FOLLOWING²

The factories Act of 1948 is an important Act which provides for interdiction of employment of young children and prescribes working hours of minors (*M.C.Mehta vs. State of Tamil Nadu*)

The Employment of children Act of 1938 prohibits the employment of children less than 15 years in any occupation connected with transport of passengers or goods (*Democratic Rights Vs. Union of India*)

The Children (pledging of Labour) Act of 1933 aims to eradicate the evil of pledging the labor of a child below 15 years of age.

The Child Labour (prohibition and regulation) Act of 1986 and *The Apprentices Act of 1961* treats a person up to the age of 14 years of the child. This Act has made necessary amendments in other Acts to bring uniformity in age.

The Motor Transport Workers Act, 1961 prohibits employment of the children below 15 years of age in motor transport undertaking.

The Beedi and Cigar Workers (conditions of employment) Act of 1966 prohibits employment of children

²MAMTA RAO, *Law relating to women and children*, (3rd ed., East India Company).

below 14 years in any industrial premises.

The Plantation Labour Act of 1951 restricts employment of children up to the age of 12 years of age.

The Merchant Shipping Act of 1958 prohibits the employment of children who are below the age of 15 years.

The Shops and Commercial Establishment Act prescribes different age limits in different stages varying from 12 to 14 years.

X. INITIATIVES AGAINST CHILD LABOUR IN INDIA

The Gurupadswamy committee was the first statutory committee formed by the central government in 1979 to scrutinize and pursue research on the controversies which is dealt in child labor in India. The committee examined about the paramount cause for child labor is inextricably because of poverty, unemployment, ignorance of parents about the importance of the education. The total deletion of child labor would not be possible as long as poverty exists and hence new legislations should prohibit exploitative and precarious forms of child labor. Taking in to consideration about the suggestions and findings given by Gurupadswamy committee, the Union Government enacted Child Labour (Prohibition and Regulation Act) of 1986.

XI. CONSEQUENCES OF CHILD LABOUR

The main consequences of child labor are because of poverty, ignorance of parents about the importance of education, socio economic backwardness. In this case the people who are below the poverty line have acquired limited social support and due to this the dream of children going to school ends as a fantasy to them.³ In some cases children are been treated very badly by their employers because of this work they have been affected physically as well as mentally. And when they are supposed to compete with the adult workers which lead them to distress in wages and salaries.

XII. SUGGESTIONS

The steps which help to conquer from child labor are

- Parents must be given a clear awareness about child labor is that which affects the future development of the child physically as well as mentally.
- Strict punishments must be enacted- if any person forces the child who is below the age of fourteen to work in factories and precarious areas will be punished severely by the court.
- It is also the responsibility of the society to start a step to demolish child labor and make the country as non-child labor country.

³*Initiatives Against Child Labour in India*, SAVE THE CHILDREN, <https://www.savethechildren.in/articles/initiatives-against-child-labour-in-india>.

XIII. CONCLUSION

Our India's great scientist, erstwhile president of our country, a teacher and author for many inspirational books Dr. A.P.J. Abdul Kalam whose words still remain in every heart of the Indian citizen i.e. The future of India is in the hands of the upcoming generation. But here all we do is that increasing the number of child labor every year. Child Labour is the large threat and stumbling block for the development of our country. Children are the pillars of our country. Thus I would like to adjudge that ***“Make our Future Bright, Shape Our Future Right. STOP CHILD LABOUR”***