

Child Labour in India and Various Laws

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Abstract: Children are valuable asset of any country. It is true that they are ray of hope in future. Actually, child labour is one of the worst forms of child exploitation. India has the largest number of child labourers in the world. This is a dismal situation and subject to shame. It is need of the hour that as soon as possible everyone should take their responsibility towards them seriously. Not only administration, laws and judiciary but every common people should raise their voice against child labour as a responsible citizen of this country. Poet William Wordsworth said- "Child is the father of man, who is considered to be the hope and future of the country".

Keywords: Children, Labor, exploitation, administration, dismal, shame, law, judiciary.

1. Introduction

According to Hindu Philosophy- "A child is considered to be 'Bhagwad Swroop'. India is known to be the country of Dhruva, Prahalad, Love, Kusha, Abhimanyu, the children having talent, wisdom, intelligency and warriorship." India is a developing country, facing various internal and external issues like Unemployment, Terrorism, Global Warming and changing in nature, increasing crime against women and child, Pollution, Racism etc. One of them is child labour problem. Children constitute 36 per cent of Indian population and it's a matter of national shame that bulk of them still suffer from malnutrition, poverty, disease, cruel exploitation, through forced child labour and beggary and top of ill-illiteracy.

Lacs of children roam without homes and asylums in streets and can see them in plenty in streets Delhi, Mumbai, Kolkata, Chennai, Bangalore, Hyderabad, Kanpur, Jaipur and other cities. It is a bitter truth that 30 million street children worldwide and 11 million are Indian children. William Wordsworth's said- "my heart leaps up when I behold, a rainbow in sky. So, was it when my life began, so is it know I am a man, so be it when I shall grow old or let me die?"

Basically, one of the worst forms of child exploitation is child labour and India has the largest number of child labourers in the world. One third of those under 16 are forced to work in dreadful conditions. Many children have to work more than 12 hours in a day. 73 million children who are in 10-14 years of age group, represent 13 percent of child population and are doing difficult kind of perilous tasks in various parts of the world. According to the international labour organization, this figure is constantly increasing which is a matter of great concern. In the sheer magnitude of number, Asia tops with 44.6

million children followed by Africa 23.6 million and Latin America with 5.1 million. The International Labour Organization (ILO) reported an estimate that 14.4 per cent of children in the age group of 10-14 years' work in India while this figure is 11.6 per cent in the case of China. Non-Government Organization (NGO) said that this figure could be in the vicinity of 20 million in India.

Causes of child labour – There are many reasons behind child labour as like-

- a) Poverty
- b) Population explosion
- c) Economic hardship in developing countries
- d) Lack of education
- e) Less awareness
- f) Less effective laws
- g) Negligence attitude of the society
- h) Lack of legal awareness camps
- i) Administration weaker section

According to International Labor Organization estimates 75 million children between 8 and 15 work in the labor forces of the developing countries.

2. Psychological Impact on Children

No one can deny that child labor has a psychological impact on children. Childhood is snatched from them and they become adult pre-maturely. They learn the art of survival too early in life and this has a bad effect on society. Young children are dragged into crime and unlawful activities. In India, children are forced into labor by parents themselves due to bad economic situation or other issues. In India, children account for 23 per cent of the total family income and the case is similar in many other developing countries. It's a social evil and need to finish it. Children have to work in appalling conditions. Safety rules and regulations are very often neglected. Nearly 87 per cent of the child-workers are working in farms, plantations, fisheries and cottage free and compulsory yet a large number of children do not go to school, because the rural India has been again caught in the vicious circle of poverty.

1) Disadvantage of Child Labor

There is various disadvantage of child labour like

- a) Child labour is economically unsound.
- b) Psychologically disastrous and ethically wrong.
- c) Many persons get the hazardous tasks done by the children as the result of which they hurt themselves

due to lack of proper training but these types of incidents are not brought into light.

- d) This is the most reprehensible aspect of child labour that they are unable to raise against the exploitation being done towards themselves.
- e) They are treated like the animals because they do not have any trade-union which may protect their rights.

In 1996, The Ministry of Labour identified 132 districts in state of Andhra Pradesh, Karnataka, Tamilnadu, Maharashtra, Madhya Pradesh, Orissa, Delhi, Rajasthan, Uttar Pradesh, Bihar, Jammu and Kashmir and West Bengal, where the ninety per cent of two million children were working in hazardous conditions in various sectors. The Planning Commission sanctioned Rs 850 crore for the rehabilitation of these children.

2) International Provision

- a) According to Union Nation Organization- child means a person who is below eighteen.
- b) According to International Labour Organization- child means a person who is below fifteen.
- c) Universal Declaration of Human Rights (UDHR)- Article 25(1) and 25(2) is provided that child labour should be banned.
- d) The declaration of rights of children was accepted by the U.N.O. in 1959.
- e) International covenant on civil and political rights has provided provisions regarding child favour.

3. Indian laws and Provisions and Judgements

- a) Article 23 of Indian constitution is related to prohibition of traffic in human beings and forced labour.
- b) Article 24 of Indian constitution is related to prohibition of employment of children in factories etc. no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- c) Article 15(3) says- Nothing in this article shall prevent the state from making any special provision for women and children
- d) Article 21 A says that the state shall provide free and compulsory education to all children of the age of 6 to 14.
- e) Article 39(e) and (f) that say the state shall safeguard health of children and offer opportunities and education to them.
- f) Factories Act, 1948 prohibits the employment of children below the age of 14 years in factory.
- g) Mines Act, 1952 which prohibits the employment of children below 18 years of age in a mine.
- h) Child Labour (Prohibition and Regulation) Act, 1986- which prevents children below the age of 14 being

employed anywhere, except in non-hazardous family enterprise or the entertainment industry. The act is amended in 2012.

- i) The Juvenile Justice Act, 2015 has various provisions regarding juvenile.
- j) Protection of Children from Sexual Offence Act, 2012 explain various offences and punishment provisions which are related to children.

M. C. Mehta vs State of Tamilnadu (AIR 1997 SC 699): The Supreme Court declared that employment of children must begin from most hazardous and intolerable activities like slavery, bonded labour, trafficking, prostitution, pornography and dangerous forms of labour and the like. In *Asiad Case (1982)*, the Supreme Court declared 'child labour' as forced labour.

Rajangam Secretary, District vs State of Tamilnadu (1992) scc (1) 221: This case is related to prohibition of contract labour system.

Bachpan Bachao Andolan vs Union of India (2011) 5 scc 1: Understand and learn more about the problem of child labour in Indian circuses and how to eradicate the same.

People's Union for Democratic Rights vs Union of India (AIR 1982 SC 1473): The Supreme Court observed that it was a clear breach of article 24 of the constitution to employ children below the age of 14 in construction work. The court proceeded to prohibit any kind of violation of article 23 and 24. Further laid emphasis on strict observance of fundamental rights by private individuals and spoke strongly against any form of forced labour.

Bandhua Mukti Morcha vs Union of India- 1997 (10) scc 549: Took into cognizance the employment of children in the carpet manufacturing industry in Mirzapur, Uttar Pradesh. It instructed the district magistrate to conduct raids and subsequently got 144 children, who were under the forced custody of the owners, released.

Sheela Barse vs Union of India (1986 scc (3) 596: Under the direction of Supreme Court, children who were being exposed to chemical fumes and coal dust from working near furnaces in the glass industry were released from their employment.

Conclusively, it can be said that several efforts are being made by the government, society and law in order to prevent the child labour but expected results are not being attained. It's a matter of misfortune that this evil is found on the largest scale in our country. Despite having adequate knowledge of law, people get the hazardous tasks done by the children.

References

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