

**CHILD LABOURS IN INDIA****PATIL VIJAY RAMCHANDRA*****Assistant Professor of Sociology at D. D. Shinde Sarkar College, Kolhapur, Maharashtra*****Introduction :**

Even after a hundred years of child labour legislation and fifty years of independence, child labour is a common occurrence in India. Today, their numbers exceed those of any other country. The urgent need to focus on child labour legislation requires little justification in view of the fact that the legislation which was aimed at bringing down the incidence of child labour, in fact, increases the magnitude of the problem. Childhood is something precious. It is a happy, carefree life which one would like to look back and recollect time and again, in the whole of life time. As formative years of child are crucial, adults have to pay attention to what must be done to generate a favourable environment so that the coveted, cherished movements of life add luster to our future personalities. Childhood is thus paragon of values and obviously, priceless begging its protection as long as possible. Education is another essential input of the right environment to help the child to develop its unique personality. Sound mind is as essential as a sound body for a healthy nation. Hence basic knowledge of various disciplines is necessary. It is a purposeful mission aiming at building up the personality of the childhood by assisting his physical, moral, intellectual and emotional development. And if we do not provide required healthy atmosphere for the development of the child, it remains undernourished or may deviate. A majority of psychological disruptions in adults can be traced back to impressions and experiences of childhood. Man's journey to adulthood is thus through the pathway of childhood. A happy childhood increases the probability of a well-balanced personality needed to shoulder the responsibilities of adulthood. The adage that happy is the nation where children are the wealth of the people, will have some meaning only when a country has created for itself the right climate for the healthy growth of the future citizens. Painfully, these words reflect the condition of the vast majority of children and the state of development in India today; they do indeed stand deprived of their four basic needs. Those who survive the ordeal fortunately, pay for this deprivation during the rest of their lives. Decrying the loss of lives of millions of children for want of food and care as unconscionable waste of human potential, James Grant of UNICEF said in distress:

"There is no reason, on the threshold of the 21st century, for a child to go to bed hungry. And certainly, there is no excuse, for the deaths of 13 million children every year, and the mental and the physical stunting of millions more, due to the combined effects of malnutrition and infections- If we did not know how to prevent most of these deaths and disabilities, we would lament the loss and refrain from making moral judgments. But now we do command the knowledge, resources and wherewithal to avoid the tragedies. It is, therefore, as obscenity not to prevent them, and an unconscionable waste of human potential no society can afford". They are the nation's future human resources. Deprivation is synonym for children in India as the term childhood does not apply to millions of children in India to-day. Children, who already stood stunted as a result of poverty and deprived of their joyful phase of childhood, are employed in working conditions which are totally unsafe and detrimental to growth and development.

**SEARCH OF RULE OF LAW**

Today, throughout the world, around 215 million children work, many full-time. They do not go to school and have little or no time to play. Many do not receive proper nutrition or care. They are denied the chance to be children. More than half of them are exposed to the worst forms of child labour such as work in hazardous environments, slavery, or other forms of forced labour, illicit activities including drug trafficking and prostitution, as well as involvement in armed conflict.

In many countries child labour is mainly an agricultural issue. Worldwide 60 percent of all child labourers in the age group 5 - 17 years work in agriculture, including farming, fishing, aquaculture, forestry, and livestock. This amounts to over 129 million girls and boys. The majority (67.5%) of child labourers are unpaid family members. In agriculture this percentage is higher, and is combined with very early entry into work, sometimes between 5 and 7 years of age.

Child labour refers to the exploitation of the labour of children who are either too young to work, or are of working age but work under conditions that subject them to risk. It is an unfortunate reality that children worldwide are often forced to undertake work that is physically, psychologically and morally damaging to them. Nonetheless, not all work performed by children is classified as child labour. In fact, some light work that does not interfere with the child's development, their education, or health, such as helping parents around the home, or earning pocket money outside of school hours or on holidays, can be a positive experience for children.<sup>2</sup> The term child labour therefore does not generally apply to children between the ages of 12-14 that engage in light work or to children between the ages of 15-17 who work in non-hazardous conditions.

It underscores the fundamentality of social justice<sup>39</sup> while sharing its concern for the poor and underprivileged. "Social Justice" says Subba Rao, the former chief Justice of India, "must begin with children. Unless tender plant is properly tended and nourished, it has little chance of growing into a strong and useful tree. So, first priority in the scale of social justice shall be given to the welfare of children. The voice against such inhumanising treatment is thus least raised and is least heard. For, the exploiters and the exploited, the parents who are forced to send their children for employment, constituted the bulk. Justice V.R. Krishna Iyer while recapitulating the oft-quoted words of Abraham Lincoln.

"This Country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it".

The state being caught between the National Policy commitment and the stark reality echoing double deprivation is thus placed in a piquant position making it necessary for it to address to the problem. Eventually, it keeps up the pretence of being serious about protecting the supreme asset and therefore appropriate noises continue to be made as an earnest of the state's intent. Administration of stern warning to the industry to comply with the provisions relating to the prohibition and regulation of child labour is more of a habitual alarm. Many commissions and committees are often appointed in the pretext of looking at the problem more "objectively, dispassionately and sympathetically" but no relief to the deprived human specimens. For them human rights issue was not at stake but only dollar currencies and the survival of the elite were at stake. Hence was the oblige to extend the provisions of the Act to those industries nearly four decades and more after its enactment. Aid consortium from the developed nations also plays a significant role in the sphere of human rights violations in India. Shift in conviction or belief more frequently for no valid reasons present unpleasant contradictions testifying to the lopsided policies of the government designed to serve short term ends.

Such contradictions are on the spree even with respect to the issues of global importance namely human rights. These contradictions unmistakably facilitate the reading the mind of the state permeating every fabric of the measure, either administrative or legal, it adopts. Exploitation thrashing out the left-over potentials in the surviving children is the blissful sight.

### **IMPLEMENTATION AND PROBLEMS IN ENFORCING THE CHILD LABOUR ACT**

Enforcement of child labour act is a responsible task for the government and for the machinery set up under the act. Issues of child labour have, in recent times, assumed importance and many voluntary and non-government organisations have taken up the causes of the child labour. Their agenda consists of sensitising the people and also establishing the questions of child labour. Also the trade unions depreciate the idea of the child labour unless the union leaders and employers are hand-in-glove on employment of child labour. In certain industries the notions of child labour have yet to be seriously taken. This leads to a discussion on two important aspects namely, the problems in enforcement of child labour act and their solutions.

#### ***Ignorance about the child labour act:***

The ignorance prevails amongst the people in general, amongst employers, industries, parents of children make the implementation of any child labour act difficult. This also makes enforcement and prosecution difficult by the authorities. No concerned effort has been made to dispel this ignorance by adopting effective measures.

#### ***Non-sensitisation of the society:***

The issue of child labour is yet to be a sensitive issue in Indian society. The employers, the NGOs and those who are active on child labour issues have yet to be active in sensitising the issues of exploiting the children in work places. Unlike the developed countries, no planned concerted actions to sensitise the issues relating to child labour have been initiated by the Indian government.

#### ***Non-co-operation on the part of the employer:***

It is well known that most employers engage the children because of the advantages that accrue to them by engaging children in work places where adults could be engaged. Non-payment of appropriate wages to children and subjecting them to work in exploitative conditions are easy options for the employers. This is particularly true in the case of industries like carpet manufacturing and fireworks, where they prefer children because the work involves the nimble hands of the children. Given the advantages the children provide for the employers, it is natural for employers not to co-operate in the enforcement of law. For example, the employers would not maintain any record about employment of children. Even if he possesses the records, the employers would misrepresent children as adults before the inspector thereby frustrating the inspector and his staffs during raids and searches. In cases the employers, during the raids, let the children escape from back-doors. It shows that the employers are less likely to co-operate with the State in implementing the child labour acts as the engagement of children suits their interests.

#### ***Non-co-operation of the parents:***

The poverty has always been accepted by many as the primary cause for existence of the child labour. It is also well known that parents, because of poverty, turn their children into the child labour to supplement family income. The parents therefore have developed a hardened approach on the question of sending their children to schools instead of to their place of work. The parents also lie to the inspector about the correct or actual age of the child when they are confronted. The parents are more inclined to declare their children as adults so that they could continue their labour and bring home earnings.

***Administrative difficulties in enforcement:***

Many inspectors responsible for monitoring the violation of the child labour act complain that they are too busy as they are under-staffed. They complain that they have no convenient facilities for carrying out raids such as government vehicle and they do not have ready facility to verify the facts of a case on which they are usually misled by the employers and their agents. They also complain that facilities for verification of age with the help of prescribed medical authorities are not always available at all places. These administrative problems greatly contribute to the problems of enforcement of the child labour act.

***Leniency shown in prosecution:***

The leniency shown on employers is one of the reasons responsible for the failure of the enforcement of the child labour act. Very often prosecutions are successfully conducted against erring employers to be convicted. However the employers are convicted on payment of small amounts of fine, which the employers could pay easily and get away with it. If major penalties are provided in the law and such penalties are imposed, it would act as deterrent to other wrong doers and violators of the law.

***Political interference:***

It is not unusual to see, in a politically unconscious society like India, that employers, against whom the actions are initiated, are able to manipulate the situations by using their political influence from local legislators and party leaders. Unless the access to political interference is checked by suitable measures, most prosecutions against employers will continue get interfered. This is particularly true at the Panchayat, city and municipal levels.

***Legal problems in enforcement:***

Though there have been laws aimed at preventing the employment of children at work places, the enforcement machinery often gets inter-locked with employers on issues of legal interpretation of law. For example, there are differences of opinion on the applicability of a section, rule and notification or there may be a case where there are no rules made by the appropriate government. There may also be cases where it becomes doubtful as to whether the law applies to a particular employer or industry or not. This leads to a loss of time in correspondence between various parties involved in the cases. Getting divergent legal views on one legal issue ultimately delays the resolving and enforcing many child labour cases.

***Court delays in prosecution:***

Many inspectors who have launched prosecutions for violation of law, those prosecutions remain pending for a long time due to cumbersome procedures. Unless the procedures are altered to quicken the process of prosecutions, there will be no deterrent effect of any punishments for disobeying the legal requirements.

Child labour is a cause and consequence of poverty and education and training is crucial to breaking this cycle. At the same time, interventions on education and training must be integrated with other interventions to effectively remove children from hazardous work. This includes measures which address poverty and underdevelopment, inadequate health and social policies, weak labour market institutions, inadequate legislation and an inadequate enforcement of laws. Both supply side factors such as the role of poverty in compelling parents to send their children to work, and demand side factors such as the way a society organizes its production processes help determine the extent to which children engage in child labour. Social exclusion mechanisms are another strong factor that keeps children out of school leading them to work. In many cases, children in the worst forms of child labour

belong to the most discriminated strata of society in terms of ethnicity and culture. Displacement resulting from a health crisis, violent conflict, civil strife or natural disaster leaves children with few alternatives. Child labour is exacerbated by an increasing demand coupled with an increasing supply of child labour from poor families especially in rural areas.

### **Scenario About Child Labour**

Millions of children in India are forced to surrender their fundamental rights without protest- including the right to life-without any agency to protect them from appalling abuses. These children have been languishing in the quagmire of apathy and alienation for long.

- India has a total work force of 4022.35 lakhs (39.10 per cent of the total population).

Out of this, 3130.05 lakhs ( 77.82 per cent) are Main Workers and 892.30 lakhs (22.18 per cent) are Marginal Workers.

- In the age group 5-14 years, the total work force in India is 126.67 lakhs. Out of this, 57.80 lakhs (45.62 per cent) are Main Workers and 68.87 lakhs (54.38 per cent) are Marginal Workers.

- Similarly, in the age group 5-17 years, the total work force in India is 283.48 lakhs. Out of this, 151.21 lakhs (53.34 per cent) are Main Workers and 132.27 lakhs (46.66 per cent) are Marginal Workers.

- The share of workers in the country aged 5-14 years and 5-17 years to the respective population total are 5 percent and 9.08 per cent respectively.

- The share of workers aged 5-14 years and 5-17 years in the total work force of the country is 3.15 per cent and 7.05 percent respectively.

- In India, amongst Main Workers in the age group 5-14 years, only 14.07 per cent workers were reported to be attending educational institutions. The situation of Marginal Workers was better with 36.68 per cent attending educational institutions. However, a worrying fact is that a substantial number (i.e. 32.35 per cent) of Non- Workers were not attending any educational institution.

- Similarly, amongst Main Workers in the age group 5-17 years in India, only 8.67 per cent were reported to be attending educational institutions. Here also, the situation of Marginal Workers was better with 28.24 per cent attending educational institutions. A substantial number (i.e. 32.44 per cent) of Non-Workers not attending any educational institution continues to remain a worrisome fact.

- The State/UT with the highest share of workers aged 5-14 years in the total population of the State/UT was Mizoram (12.34 per cent). • The State/UT with the lowest share of workers aged 5-14 years in the total population of the State/UT was Lakshadweep (0.19 per cent).

- The State/UT with the highest share of workers aged 5-14 years in the total work force of the State/UT was Sikkim (6.26 per cent).

- The State/UT with the lowest share of workers aged 5-14 years in the total work force of the State/UT was Lakshadweep (0.18 per cent).

- The State/UT with the highest share of workers aged 5-17 years in the total population of the State/UT was Mizoram (19.59 per cent).

- The State/UT with the lowest share of workers aged 5-17 years in the total population of the State/UT was Lakshadweep (0.64 per cent).

- The State/UT with the highest share of workers aged 5-17 years in the total work force of the State/UT was Sikkim (11.72 per cent).
- The State/UT with the lowest share of workers aged 5-17 years in the total work force of the State/UT was Lakshadweep (0.76 per cent).
- As compared to 1991 Census, there has been an increase of 10.68 per cent in workers aged 5-14 years in 2001 Census (excluding the State of Jammu & Kashmir).
- Between 2001 and 1991 in terms of absolute number, the category of Main Workers aged 5-14 years has decreased considerably by well over one- third (36.97 per cent).
- However, over the same period there has been a manifold increase of Marginal Workers aged 5-14 years (207.10 per cent).

Problem of Child Labor in India: Child Labor has become a big problem in India. It is no doubt, a socio-economic problem. A national survey had shown that more than 16 million children between eight to fourteen are largely appointed in hotels and boarding houses, in tea-shops, restaurants, in commercial firms, in factories and fisheries. They are engaged into all sorts of work for the sake of earning something for the family. As a result, they are also deprived of primary education, without which chance of success in life is remote. Children are employed in agricultural labor; they drive carts and take care of cattle. Girl children have to act as maid servants and baby sitters. They cook and clean, they wash clothes and collect fuel. It is true that a number of laws have been imposed to prevent child labor. But they are more flouted than obeyed. The ban has been imposed to save the children from hazardous works and to restore their care-free childhood. But some opines that if the ban is imposed without the arrangements of proper rehabilitation of the child workers, it would be of no effect. There is no state which is free from the evil of the curse of child labor is not continued to India alone. It has widely spread to such developing countries as Nepal, Pakistan, Bangladesh, Burma and Sri Lanka. Poverty is not the only factor responsible for children being engaged as labor. They came cheaper and their parents don't have employment opportunities. Appropriate social security measures should be adopted for ensuring the enactment of the law. Indian Government must come forward to remove this curse with adequate financial help to the poor family. The Government must arrange for free education and treatment for the children. Child Labor Act must be properly maintained and followed to protect child labour. Bonded child labour : Bonded child labour is hidden phenomenon's as majority of them are found in informal sector .Bonded labour means the employment of a person against a loan or debt or social obligation by the family of the child or family as a whole. It is a form of slavery.Children who are bonded with their family or inherit debt from their parents are often found in agriculture sector or assisting their families in brick kilns, and stone quarries.Individual pledging of children is a growing occurrence that usually leads to trafficking of children to urban areas for employment and have children working in small production houses versus factories. Bonded labourers in India are mostly migrants' workers, which open them up to more exploitation. So they mostly come from low caste groups' .Boded labourers are at very high risk for physical and sexual abuse and neglect sometimes leading to death .The often is psychologically and mentally disturbed and have not learnt many social skills or survival skills. In 2000 the ILO estimated 5.5 million children had been forced in labour in Asia. While the bonded labour liberation Front placed 10 million bonded children in India alone. In 1998 the government of India labeled bonded child labour as marginal problem with only 3000 or so cases. A survey in Tamilnadu in 1995 found 125,000 bonded labourers in the state alone. child bonded labour in India is mostly in the agriculture sector but has recent times been moving into other sectors such as beedi-rolling,brick kilns, carpet weaving ,commercial sexual exploitation,construction,fireworks and matches factorie,hotels hybrids cotton seed production ,leather ,mines .quarries ,silk and synthetic gems etc Srivastava



describes bonded child labour as a system of forced, or partly forced, labour under which the child, or usually child's parent enter into an agreement, oral or written, with a creditor. The child performs work as in-kind repayment of credit. In this 2005 ILO report, Srivastava claims debt-bondage in India emerged during the colonial period, as a means to obtain reliable cheap labour, with loan and land-lease relationships implemented during that era of Indian history. These were regionally called Hali, or Halwaha, or Jeura systems; and by colonial administration the indentured labour system. These systems included bonded child labour. Over time, claims the ILO report, these traditional forms of long-duration relationships have declined.

In 1977, India passed legislation that prohibits solicitation or use of bonded labour by anyone, including children. Evidence of continuing bonded child labour continue. A report by the Special Rapporteur to India's National Human Rights Commission, reported the discovery of 53 child labourers in 1996 in the state of Tamil Nadu during a surprise inspection. Each child or the parent had taken an advance of Rs. 10, 0000 to 25, 0000. The children were made to work for 12 to 14 hours a day and received only Rs. 2 to 3 per day as wages. According to an ILO report, the extent of bonded child labour is difficult to determine, but estimates from various social activist groups range up to 350,000 in 2001. Despite its legislation, prosecutors in India seldom use the Bonded Labour System (Abolition) Act of 1976 to prosecute those responsible. According to one report, the prosecutors have no direction from the central government that if a child is found to be underpaid, the case should be prosecuted not only under the Minimum Wages Act, 1948 and the Child Labour (Prohibition & Regulation) Act, 1986, the case should include charges under the Bonded Labour Act of India. The few enforcement actions have had some unintended effects. Consequences of Child labour : The presence of a large number of child labourers is regarded as a serious issue in terms of economic welfare. Children who work fail to get necessary education. They do not get the opportunity to develop physically, intellectually, emotionally and psychologically. In terms of the physical condition of children, children are not ready for long monotonous work because they become exhausted more quickly than adults. This reduces their physical conditions and makes the children more vulnerable to disease. Children in hazardous working conditions are even in worse condition. Children who work, instead of going to school, will remain illiterate which limit their ability to contribute to their own well being as well as to community they live in. Child labour has long term adverse effects for India. To keep an economy prospering; a vital criterion is to have an educated workforce equipped with relevant skills for the needs of the industries. The young labourers today will be part of India's human capital tomorrow. Child labour undoubtedly results in a trade-off with human capital accumulation. Child labour in India are employed with the majority (70%) in agriculture some in low-skilled labour-intensive sectors such as sari weaving or as domestic helpers, which require neither formal education nor training, but some in heavy industry such as coal mining. According to the International Labour Organisation (ILO), there are tremendous economic benefits for developing nations by sending children to school instead of work. Without education, children do not gain the necessary skills such as English literacy and technical aptitude that will increase their productivity to enable them to secure higherskilled jobs in future with higher wages that will lift them out of poverty. Child labour and exploitation : Nearly a quarter of a million children, or 16 out of every 100 children worldwide, are engaged in exploitative child labour—in violation of Convention on the Rights of the Child and international labour standards. Almost three-quarters of them work in hazardous environments, such as mines or factories, or with dangerous substances, such as chemicals. The majority of child labourers are —invisible— hidden from sight and behind the reach of the law. Many of these children are not only being exploited, they are often being denied education, basic health care, adequate nutrition, leisure time and the safety and security of their families and communities. In general, girls' domestic work is the most invisible of all and there is some evidence that girls may constitute the majority of child workers. UNICEF regards education as a powerful means of preventing

child labour. Children who are in school are at less risk of exploitation. Conversely, children who are working and have an opportunity to learn are in a better position to improve their situation. Since 1986 UNICEF has sponsored an inter-regional programme called "Education as a Preventive Strategy," which seeks to respond to three main challenges: Access. Getting working children into the classroom. Strategies to achieve this include early childhood programmes, distance learning, bilingual education and flexible scheduling of classes, so that children who are working can also attend school. Second chance opportunities. Getting working children in school often requires transitional arrangements, including non-formal education and accelerated classes. Retention. Keeping children at risk of dropping out because of economic, cultural and social reasons, in school. Interventions include financial incentives to families, and improving the quality of education by integrating life skills and livelihood components. Among the 35 countries where the programme is operating is India. In Firozabad in Uttar Pradesh, for example, children are often employed in the glass bangle industry to help their families make ends meet. Although child labour is strictly prohibited by law, enforcement rarely occurs in the homes or small informal enterprises where most of these children can be found. Making a bangle involves 32 steps, many of which can be hazardous to children: heating and joining the ends of the bangle over a kerosene flame; cutting designs in the bangles using fast moving blades; and using chemical-based silver and gold polish for decoration. Project

Chiragh, supported by UNICEF and other partners, uses education as a lever to support children and their families who depend on this trade. Raising awareness about the dangers of child labour and the value of education is carried out through street plays, door-to-door canvassing, folk songs, dances and magic and video shows. Following such campaigns, children between the ages of six and 14, especially girls in hard-to-reach areas, are encouraged to attend Alternative Learning Centers after work, as a stepping stone to formal education. In Benin, children from impoverished families are often sent to urban areas to become domestic workers or to find employment in other areas. Some of these children are illegally —trafficked— within and between countries. The lucky ones are intercepted at border crossings and sent home. Others, mostly the poorest children with the lowest levels of education, slip through the cracks. To prevent this from happening in the first place, UNICEF sponsored training for 170 village committees in Benin in subjects including child labour, child trafficking and child rights. Committee members, in turn, alerted parents to the dangers of trafficking and of the value of education. Radio broadcasts and TV spots—many of which were produced with or by children—also helped to spread the word. As a result, trafficking of children in areas governed by village committees has declined dramatically over the last three years, in part because of vigilant monitoring and surveillance efforts by committee member's themselves. In Lebanon, 128 teachers and school advisers were trained in counseling techniques to identify potential dropouts and to keep them in school. While most children in that country attend primary school, dropout rates for secondary school tend to be high in northern and southern regions and in the Bequaa Valley. The —sentinel system— programme has been so successful that a similar training module for teachers will be integrated into the pre-service training of all teachers in Lebanon. Another aspect of the programme provided —second chance— vocational training for children 14 to 18 years old. Through the project, vocational instructors from private and public schools and social workers linked children in training with employment opportunities in their communities.

#### **LEGAL REGULATION OF CHILD LABOUR IN INDIA**

The Child has been the subject of special laws and legal provisions. Because of its tender years, weak physique, and inadequately developed mind and understanding, every child needs protection against moral and physical harm and exploitation by others. In the formative years of its life, the child needs special care service to realize its full potential for growth and development. There are about 300 Central and State Statutes concerning children. These have been enacted with an intention to protect and help



children and achieve the goal of child labour welfare enshrined in our National charter.<sup>1</sup> Further these laws are applicable to children in various spheres of life, which are regulatory, protective and correctional in nature. Laws are seeking to protect and promote the rights of child. Under the law, children are entitled to special care, assistance and essential needs and they should be given the highest priority in the allocation of resources. In this chapter the main focus is on the analysis of post independence laws.

### **Constitutional Provisions**

Our Constitution makers were wise and sagacious to provide, that children should receive distributive justice in free India. The rights against exploitation were mentioned in the draft proposed by Dr. B.R. Ambedkar, K.M. Munshi and K.T. Shah. While Dr. Ambedkar's draft simply provided that subjecting a person to forced labour or involuntary servitude would be an offence, K.M. Munshi's draft article suggested for abolition of all forms of slavery, child labour, traffic in human beings and compulsory labour.<sup>2</sup> Constitution of India contains provisions for survival, development and protection of children; these are mainly included in Part III and Part IV of the Constitution, i.e., fundamental rights and directive principles of state policy. India follows pro-active policy towards tackling child labour problem. The concern for children in general and child labour in particular is reflected through the Articles of the Constitution of India. In Article 23, it prohibits traffic in human being and begar and other similar forms of forced labour. Under Article 24 it has laid down that "no child under the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment". Article 39(e) and (f) requires the State to secure that the tender age of children are not abused and to ensure that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Those children are given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 45 provides, for free and compulsory education for all children until they complete the age of 14 years. Article 51A(k) makes it a fundamental duty of the parent or Guardian to provide opportunities for education to the child or ward between the age of 6 and 14 years. Art. 21-A recognizes that the Right to Education as fundamental right and it mandates that, the state shall provide free and compulsory education to all children of age of six to fourteen years in such manner as the state may, by law, determine.

Legislation to control and regulate child labour in India has existed for several decades. Legislations have sought to address two broad concerns; (1) Prescribing minimum age limit for employment of children and regulation of working hours for children; and (2) Ensuring the health and safety of the child labourers by prohibiting the employment of children in hazardous work. Several statutory provisions prohibiting child labour and protecting interests of children of tender age working as a child labour have been enacted before and after independence to fulfill the commitment to international community and to oblige the mandate provided under Constitution to eradicate the evil of child labour. There are number of child labour legislations prohibiting the employment of children below 14 years and 15 years in certain specified employments. However, contrary to our international commitment and all proclamations in the country's Constitution, and despite all the legislative measures, child labour is a harsh reality. Due to lack of political will and in absence of realistic measures to tackle the problem, the percentage of child labour in the total labour force of the country kept on increasing over the years. In fact, the evil of child labour has not only survived but has become deep rooted and multi-dimensional.

*Article 24* prohibits the employment of children in factories etc. It emphatically states that no child below the age of 14 years shall be employed in any factory or mine or be engaged in any other hazardous employment. The provision in Article 24 is in the interest of the health and strength of

children and in keeping with the directive principle in Article 39 (e) which impose a duty on the state to ensure that the health and strength of children are not abused and that children are not forced by economic necessity to enter vocations unsuited to their age or strength.

*Article 32* requires the states to interfere and stop hazardous working conditions detrimental to the health of child labour and look into their proper physical, mental and social development. It also asks the states to legislate, fixing minimum age, working hours and conditions for the child labourers, and at the same time to prohibit the employment of a child below the age of 14 years.

Having acceded to the Convention on 11 December 1992, India is not only committed to upholding this article, but also those promoting other rights that working children are deprived of such as:

- The best interests shall be a primary consideration (*Article 3*)
- Freedom of thought, conscience and religion (*Article 14*)
- Freedom of association (*Article 15*)
- Protection from physical or mental violence (*Article 19*)
- The right to the enjoyment of the highest attainable standard of health (*Article 24*)
- The right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (*Article 27*)
- The right to development (*Article 27*)
- The right to education (*Article 28*)

## Conclusion

Though much has been achieved over recent years child labour remains a global epidemic. That epidemic is depriving some 215 million children of their childhood, exposing them to the risks that come with arduous and often dangerous employment. It is also holding back progress towards the education for all goals, trapping a whole generation of children in a cycle of poverty in the process.

Education has a vital role to play in changing this picture. Getting children out of work and into school should be an international development priority. Removing the financial barriers that keep children out of school and raising the quality of provision through more effective teacher training, more equitable public spending, and a strengthened focus on marginalized children and areas is one of the requirements for unlocking the potential of education to act as a catalyst for change. But if the right to education is to be translated into a reality for children trapped in the worst forms of child labour wider measures will be needed. Education has to be integrated into wider national strategies for eliminating child labour through strategies that combat poverty, inequality and vulnerability, including social protection and targeted support.

Success in combating child labour will require more than good policies. Many of the required interventions are well known. What has been lacking is political leadership in countries affected by the worst forms of child labour and political engagement on the part of aid donors, non-government organizations and others. There are no ready-made blue-prints for changing this picture. Yet the complexity and resilience of the child labour problem is not an automatic barrier to progress. In the 19th Century, social reformers working for the eradication of child labour were confronted by vested interests, political and the force of received wisdom. Their efforts succeeded because they were able to marshal strong evidence and mobilize public support. Similar efforts are required at the start of the 21st Century. While child labour is deeply engrained in the social, economic and cultural fabric of many

societies, there are compelling moral, economic and political grounds for making its eradication a priority in national planning and international cooperation.

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