

CHILD LABOUR IN INDIA: ISSUES AND CHALLENGES

Child labor perpetuates poverty, unemployment, illiteracy, population growth and other social problems.

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ABSTRACT

Since early participation into the workforce during a kid's formative years does result in absconding from adequate schooling and losing the opportunity for a better future, child labor is a major worry in India. Child labor is a complicated issue that has its roots mostly in poverty. In India, children under the age of fourteen make up 3.6% of the labor force. The traditional agriculture industry employs about 85% of the workforce, manufacturing, services, and repairs employ less than 9%, and factories employ 2.8%. In metropolitan regions, hiring youngsters as domestic workers is becoming more and more common. The working conditions for children are totally unregulated, and they are frequently forced to labor for pitiful pay and without food, which is similar to slavery. Child domestic servants have occasionally been abused physically, sexually, and emotionally. The claim that families have placed their children in these homes for employment and care is frequently used to support domestic work. In India, the fight against child labor is being carried out at the local level and is a top priority. Along with national and international institutions, a significant number of non-governmental and voluntary organizations participate in this process. This study aims to present the situation where child labor increases and comment on the several issues that have arisen as a result of this specific issue. The necessary actions to address these issues are suggested. Lastly the conclusion is drawn along with suggested remedy which might be deemed worthy of resolving the issues brought about by child labor.

Key words: Child, labour, India, Constitution.

INTRODUCTION

Since the welfare of the entire country depends on the welfare of its children, the significance of child welfare in a civilized society cannot be underestimated. They are seen as the country's future. The number of child labor cases is rising daily. The entire international community has taken a number of actions to guarantee universal access to education and to reduce child work. A number of measures have been put in place in India as well to safeguard children's rights and outlaw child labor. In addition, a number of laws have been established periodically to protect children and to outlaw child labor.

DEFINITION OF CHILD

1. According to Child Labour Prohibition and Regulation Act 1951, A child is a person who has not completed 14 years of age.
2. According to The Plantation Labour Act 1951, A child means a person who has not completed his 14th year.
3. According to Motor Transport Workers Act, 1961, A child means a person who has not completed 14 years of age.

MEANING AND DEFINITION OF CHILD LABOUR

Work that harms a child's physical and mental development and robs them of their childhood potential and dignity is commonly referred to as child labor. Child labor is commonly defined as the practice of using children in commercial endeavors, either with their agreement or under duress. Additionally, it is thought to be a practice that hinders children's physical and mental development and robs them of their youth.

CAUSES OF CHILD LABOUR

1. Poor wages and inadequate education.
2. Poverty.
3. Deteriorating Labor standard.
4. Lack of decent work opportunities for adults.
5. Migration and emergencies.
6. Social inequalities.
7. Population growth.

EFFECTS OF CHILD LABOUR

Impact of child labour upon child

Children are subjected to dangerous working conditions, emotional and physical abuse, and long workdays, all of which can lead to illnesses, injuries, and developmental problems. Children who work are frequently excluded from school, which results in a lack of basic literacy, restricts their options in the future, and feeds the poverty cycle. It interferes with children's natural development by denying them playtime, social connection, and emotional health, which impedes their development on all levels- physical, cognitive, and emotional.

Impact of child labour upon society

It deprives children of their fundamental rights, including the right to education, safety, and a healthy environment. Because children's earnings contribute very little to the home income and impede their long-term economic potential, it keeps families stuck in a cycle of poverty. Children are compelled to work rather than receive the required care and education, which upsets the dynamics of the family and the community. Inter generational poverty and a disintegration of social systems may result from this.

Impact of child labour upon Nation

Child labour deprives children from education, which results in a workforce with lower skill levels, lower productivity, and fewer prospects for economic growth. Due to the denial of education and skill development to children, potential human capital is lost. The country's ability to compete internationally and meet sustainable development goals is weakened as a result. The nation's healthcare and social welfare expenses rise as a result of the psychological and physical effects.

LEGISLATIVE MEASURES AGAINST CHILD LABOUR IN INDIA

1. Factories Act, 1948

The Act prohibits employment of children below the age of 14 years in any factory.

2. The Mines Act, 1952

This Act also regulates the employment of children in mines. It prohibits the employment of persons below 18 years of age to work in any mine, and also prohibits the presence of any child

in any part of a mine which is below ground, or in any open excavation in which any mining operation" is being carried on.

3. The Apprentice Act, 1961

This Act also provides protection against engagement of children as apprentice.

4. The Motor Transport Workers Act, 1961

The Act prohibits employment of a child who has not attained the age of 14.

5. Child Labour (Prohibition and regulation) Act, 1986

The most comprehensive legislation aimed at combating child Labour in India is the Child Labour (Prohibition & Regulation) Act of 1986.

PROTECTION OF CHILDREN UNDER INDIAN CONSTITUTION.

➤ Article 14- Right to Equality

Although this Article directly does not speak about rights of children, however it emphasises that every person (which includes children) is equal in the eyes of law and should be entitled to equal protection of law.

➤ Article 15(3) - Special provisions can be made for children

This Article directly empowers State to make special provisions for women and children.

➤ Article 21- Right to life and personal liberty

According to this Article no person (including children) shall be deprived of his life or personal liberty except according to procedure established by law

➤ Article 21A Right to education

This Article provides Right to free and compulsory elementary education for children between 6 to 14 years.

➤ Article 23 prohibition of traffic in human beings and forced labour

This Article prohibits trafficking in person and bonded labour .

➤ Article 24 Prohibition of employment of children in factories

This Article directly prohibits employment of children in hazardous work till the age of 14 years.

JUDICIAL VIEW ON CHILD LABOUR IN INDIA

In *N. Bhageerathan vs. State*¹, it was held that if an accused employer is unable to prove that children employed were not below 14 years, he can be required on allowed to work convicted for the offence of employing child labour.

In *M.C Mehta vs. State of T.N*², it was held that children can be employed in the process of packing, but the packing should be done in an area from the place of manufacture to avoid exposure to accident.

CONCLUSION

Child Labor is a deep-rooted social problem which affects the society as a whole. To curtail this problem and to protect the interest of the child world wide various steps has been taken time to time. Various conventions have been held in this regard. In India Constituent Assembly was well aware of the problem so several provisions including provisions to prohibit Child Labour and right to education etc. has been enumerated in the Constitution. Besides Constitutional provisions several legislations have been passed time to time prohibiting Child Labour. Even then the problem is continuing. This is largely due to illiteracy and ignorance of peoples. If peoples become well educated and aware them only this problem can be minimized.

SUGGESTIONS

1. An all-encompassing strategy involving all stakeholders is needed to address the problem of child labor in India.
2. To guarantee complete protection for minors and harsher punishments for violators, enforce and reinforce current laws, such as the Child Labour (Prohibition and Regulation) Act. International standards should be followed when making amendments.

¹ 1999 GULJ632

² AIR 1997 SC 699

3. Make sure every child has access to a high-quality, free education. Put the Right to Education Act into practice and enforce it, with an emphasis on raising school attendance and lowering dropout rates.
4. Address the underlying reasons of child labor by putting poverty alleviation initiatives into place, giving impoverished families financial support, and encouraging parental livelihood alternatives.
5. Run extensive awareness campaigns regarding the harm that child labor causes to children's physical, mental, and educational development, focusing on parents, communities, and employers.
6. Create and carry out thorough rehabilitation programs that give rescued child laborers access to healthcare, education, vocational training, and psychological assistance. Create social safety programs for families in need to keep kids out of the workforce.
7. To effectively eliminate child labor, work with international organizations like UNICEF and the International Labour Organization (ILO) to gain access to financial resources, technical help, and experience.
8. Engage local communities in the fight against child labor by involving parents, educators, and community leaders. Give them the authority to recognize and report instances of underage labor and to assist with efforts at rehabilitation and reintegration.

It is important to recognize that addressing child Labour is a complex and multifaceted issue that requires sustained efforts, collaboration, and the commitment of all stakeholders to create lasting change.