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CHILD LABOUR AND LAWS FOR PREVENTING CHILD LABOUR IN INDIA

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ABSTRACT:

Children are expected to learn, play, study, and dream about what they want to be when they grow up. However, child labor robs them of their dreams and forces them to put in a lot of physical and mental effort in order to earn a small amount of money for their families. Education helps people think critically. This is very important because it teaches people how to use logic when making decisions and interacting with other people. Education helps people meet basic job qualifications and increases their chances of getting better jobs and a better life. It is, in this manner, important to guarantee that each child is secure and not taken advantage of for modest work. The practice of using children as laborers while violating their fundamental rights is known as "child labor." These rights include the opportunity to have a happy childhood, to regularly attend school, to have peace of mind, and to live in dignity. The act of exploiting children for the purpose of earning money can also be referred to as child labor. Due to the low demand for children's wages, some industries employ them in order to reduce labor costs.

CAUSES OF CHILD LABOR:

1. Hunger: Children working hard in factories, shops, or construction sites rather than playing and getting an education is primarily due to this. Children frequently become the means of additional income for families with insufficient resources, even if this means giving up some of the perks of childhood. When expenses exceed parents' earnings, children from poor families may be compelled to work to support siblings and parents or supplement household income. It's a big problem, especially in developing nations where parents don't have access to jobs or education to support their families. Kids can be found utilized in mines or selling on the roads to bring in cash that is utilized to give essential necessities like food and apparel for the family. Instead of attending school, children may also be employed in factories to support their families. Kids have passed on vagrants or deserted because of neediness. Unless they are taken in by orphanages, these children have no one to care for them and end up working to feed

themselves. In poverty-stricken regions with large factories built by multinational corporations, such a practice is common.

2. **Low Expectations:** Guardians and youngsters really must comprehend that they can try sincerely and make something extraordinary of themselves. Because working in a local factory or selling groceries on the streets is the norm in such a situation, low aspirations among parents and children are a major cause of child labor. These kinds of children and parents believe that success is exclusive to a particular region or group of people. They do not intend to become successful businesspeople or professionals in society. The mindset that underpins child labor is the very foundation of the practice.
3. **Demand for unskilled laborers is huge:** Child labor is also caused by a demand for unskilled laborers. Children are a popular choice for many avaricious employers because they are mostly unskilled and offer cheap labor. Kid work, by the righteousness of being modest, builds the edge of benefits for such business people whose main goal is benefit boost regardless of whether it comes to the detriment of morals and great strategic policies. Through manipulation or outright threats, these kinds of employers can also force children to work in unfavorable conditions.
4. **Illiteracy:** A society with a lot of educated people knows how important it is to go to school and follow one's dreams. Children have the opportunity and time to develop into the people they want to be. On the other hand, many people struggle to comprehend the significance of education because they are illiterate. People who are illiterate believe that education is only for the wealthy in society. As a result, they will not assist children in attending school and laying the groundwork for future success. Parents who are illiterate hold the same perspective, prioritizing their children's contribution to family maintenance over attending school.
5. **Premature Weddings:** Overpopulation is significantly exacerbated by early marriage. Child labor is a result of having a lot of children but having few or no resources to support them. Children who are older are compelled to work in order to support their families.
6. **The significant expense of schooling:** Quality education costs money. Because education is too expensive, especially when there are many children to pay for, many parents who live in extreme poverty prioritize providing food for their families. Parents choose to have their children work as unskilled laborers to help support the family.

rather than allowing them to stay at home because they lack the funds to send them to school. Some parents can't even afford basic education, so their kids will have to look for work because they can't continue their education.

WAYS IN WHICH THE PROBLEM OF CHILD LABOUR CAN BE SOLVED:

1. Free Education- The solution to eliminate child labor is free education. Parents who are unable to pay for their children's education can take advantage of this opportunity. It has already proven to be successful in numerous locations around the world, and the number of cases of child labor will significantly decrease with additional efforts. Children whose parents are barely able to afford a meal can also be encouraged to learn by mid-day meal programs. Because of the free meals, they will still be able to learn and build a strong foundation for themselves in the classroom.¹
2. Creating demand for skilled and trained laborers- Since almost all child laborers are unskilled workers, creating a demand for skilled and trained workers will reduce child labor cases. Adult employment will result as the demand for skilled labor grows. Literacy increases as a result of the establishment of skill-based learning centers, vocational training centers, and technical training institutions, all of which help to increase the supply of skilled and trained workers on the job market. Another way that the government can reduce unemployment cases and increase household income is by creating employment opportunities. These policies by the government raise people's standard of living and make it unnecessary for children to work to support their families.
3. Creating awareness- Making people aware that child labor is against the law can also help to stop this practice. It is important for parents to be made aware that sending their children to work has legal repercussions and the law will take its course if it is discovered that they are assisting in this vice. Many parents and members of society participate in child labor practices because they are ignorant. The practice would be eradicated if a campaign to raise awareness of its negative effects was launched. A plan for making such an initiative and success can be developed by the government, non-governmental organizations, and civil society.

¹ Aishwarya Bhakta, Impact of Education in Preventing Child Labour in India, legalserviceindia, (June. 27, 2023, 9:29 PM), <https://www.legalserviceindia.com/legal/article-8865-impact-of-education-in-preventing-child-labour-in-india.html>

4. Empowerment of poor people- Child labor has the greatest impact on the poor. They are sometimes unwilling participants in this vice due to their low standard of living and limited financial resources. Child labor cases could be significantly reduced by providing low-income individuals with knowledge and income-generating projects. In addition, parental literacy plays a crucial role in ensuring that minors are not employed as laborers and that children's rights are upheld. Giving parents access to this kind of information can encourage communities to reject child labor practices and effect positive social change.

LAWS RELATING TO CHILD LABOR IN INDIA:

When child labor became so common in the 20th century that news of accidents and dangers in factories that killed innocent children spread quickly through the media, legislators felt the need to pass laws that would make child labor illegal. There are currently sufficient laws that condemn and forbid child labor such as-

- *The Factories Act of 1948*: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on whom when and how long can pre-adults aged 15–18 years be employed in any factory².1
- *The Mines Act of 1952*:³ The Act prohibits the employment of children below 18 years of age in a mine. Mining being one of the most dangerous occupations, which in the past has led to many major accidents taking the life of children, is completely banned for them⁴.2
- *The Child Labor (Prohibition and Regulation) Act of 1986*:⁵ The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008⁶.3
- *The Juvenile Justice (Care and Protection) of Children Act of 2000*⁷: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage. This act provides punishment to those who act in contravention of the previous acts by employing children to work⁸.4

² Vrinda Nigam, Child labour laws in India, blog.ipleaders, (June. 27, 2023, 9:29 PM), <https://blog.ipleaders.in/laws-related-child-labour-india/>

³ *The Mines Act of 1952*

⁴ Vrinda Nigam, *Supra* note 02, at 04.

⁵ *The Child Labor (Prohibition and Regulation) Act of 1986*

⁶ Vrinda Nigam, *Supra* note 02, at 04.

⁷ *The Juvenile Justice (Care and Protection) of Children Act of 2000*

⁸ Vrinda Nigam, *Supra* note 02, at 05.

- *The Right of Children to Free and Compulsory Education Act of 2009*: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children⁹.5
- The Child Labor (Prohibition and Regulation) Act, 1986, as amended in 2016 (the "CLPR Act"), defines a "Child" as any individual under the age of 14 and prohibits the employment of a Child in any employment, including as domestic help. Employing children for any work is a felony in India.
- Additionally, the Child Labor (Prohibition and Abolition) Act of 1986 and the Juvenile Justice (Care and Protection) of Children Act of 2000 provides a legal foundation for identifying, prosecuting, and ending child labor in India.

CONSTITUTIONAL PROVISIONS RELATED TO CHILD LABOR IN INDIA:

- Compulsory education- The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.
- Prohibition of traffic in human beings and forced labor- Article 23 of the Indian Constitution prohibits traffic in human beings and beggars, and other forms of forced labor are prohibited, and anyone found in violation of this faces legal consequences¹⁰.6
- Prohibition of employment of children in factories- Further, Article 24, expressly forbids the employment of minors under the age of 14 in hazardous factories that could bring them long-term bodily and mental harm¹¹.7
- Prevention from coercive factors- The directive principles of state policy in Article 39(e) declare that citizens should not be coerced by economic need to engage in occupations that are inappropriate for their age or physical capacity or exploit the health and strength of employees, men, and women, and children at a vulnerable age¹².
- Fundamental duty- According to Article 51A(k) of the Constitution, which is a part of the Directive Principles of State Policy (DPSP), every individual, including parents and

⁹ Vrinda Nigam, *Supra* note 02, at 05.

¹⁰ Vrinda Nigam, *Supra* note 02, at 05.

¹¹ Vrinda Nigam, *Supra* note 02, at 05.

¹² Vrinda Nigam, *Supra* note 02, at 06.

guardians of children, has a basic responsibility to give their offspring opportunities for education between the ages of 6 and 14¹³.⁸

- Duty of the state to raise the level of nutrition- As per Article 47, the State is required to enhance the standard of living, the level of nutrition, and public health.¹⁴
- Protection from exploitation- According to Article 39 (f), children must be safeguarded from exploitation and other abandonment. They must also be given a chance and resources to grow up in a healthy way with freedom and dignity. The state has been given the mandate to increase the bar for living conditions, food quality, and public health.¹⁵

CONCLUSION:

Social and economic factors are badly impacted by child labor. Poverty is at the heart of child labor. Families frequently break up because of unemployment and the need to survive. There should never be child labor. However, it is still evident that people hire children across the nation so that they can benefit from paying them low wages. Child labor should not be encouraged, and no one should allow anyone else to hire a child for a job. Poverty, illiteracy, and unemployment are the primary causes of child labor. An illiterate individual do not educate their children. They force them to work for money rather than sending them to schools. As a result, young children are unable to receive an education, which leaves them behind in life. As a result, they are unable to find good jobs, leading them to engage in child labor or criminal activity. Education fosters critical thinking. This is very important because it teaches people how to use logic when making decisions and interacting with other people. Education helps people meet basic job qualifications and increases their chances of getting better jobs and a better life.

India's goal of eliminating child labor is still a distant one. However, education can be demonstrated to be a tool against child labor. The issue is being addressed by our legislators, but as citizens of India, it is high time that we assist the government in resolving the issue. Problems like poverty and illiteracy lead to child labor. If we work

¹³ *Id*, note 02, at 06.

¹⁴ *Id*, note 02, at 06.

¹⁵ *Id*, note 02, at 06.

together, we can certainly help children get out of the labor force and lead better lives in the future. This will have a bigger impact on India's economy and society.

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