



PROHIBITION OF CHILD LABOUR IN INDIA

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ABSTRACT

Presumption of innocence is a right and liberty and of course has a paramount importance in our Indian constitution. Most of the society has a false image of prisoners in their mind, they think that prisoners are hardcore criminals imprisoned for alleged crime. But the truth is that prisoners also includes under trials who may or may not be punished because many of them are arrested on suspicion for committing crimes including petty crimes. These under trials remain in jail for a much longer period than the maximum punishment given for that alleged offence for which he is suspected as a offender. This paper is an attempt to analyse the human rights aspects of under trials, problems faced by the under trails, quality of legal aid given to them. In addition, it also analyses the finance system of bails that exists in our democratic country.

Key words:

Human Rights, Prison, Under trials, Convicts, Legal Aid.

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INTRODUCTION

Child labour is generally defined as the employment of children in any manual work with or without payment. The issue of Child labour is not only prevalent in India, it can be seen all over the world. But when India is concerned, child labour is a cruel one as children in India have primarily been helping their parents at their farms. One more concept that needs to be explained is the concept of bonded labour which is one of the most general forms of exploitation. Bonded labour means the children are forced to work as employees in fear of payment of debt by the parents. Along with the concept of bonded labour is the concept of urban child labour wherein the labours are the street children who spend most of their childhood on the streets.

Child labour deprives children from their childhood. Child labour affects the children both mentally and physically and force them to work of laymen. Child labour has become an international concern because it damages and destroys the future of our children. The issue of child labour is a serious matter not only in India but also in other developing countries. It has been a great social evil. Children are the future and hope of our country. Still, there are many children who are deprived from their rights and life in our country who have never known

a normal, carefree childhood.

The law does not consider all the works as child labour it has certain exceptions like child artists etc. The number of child labour in India is around 10.2 million. Many children are depriving their child hood by learning to do the work of labours like the farming, manufacturing industrial, fire work and many domestic labour works. The children are forced to do these works instead of quality education. The children under the age of 14 are being forced to do all sort of works around the world due to their family background, mostly they used to work due to their poor family. They work on daily basis so that their family runs entirely on their work and the money that they earn as wage. Some goes for domestic service also for the sake of money. Around the world the number of child labour is more in the Asian countries.

OBJECTIVES

1. To study the concept of child labour in India.
2. To know the laws related to prohibition of child labour in India.

HYPOTHESIS

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The rate of child labour in India has decreased in the recent years, but it cannot be completely eradicated with the current legislations without any support from the society.

LIMITATIONS

1. The study is limited to use of primary sources.
2. The research has been limited to the Prohibition of child labour in India.

METHODOLOGY

This doctrinal research is based on secondary data which is collected from books, journals and websites.

CHAPTERIZATION

CHAPTER I deals with the concept of child labour in India. CHAPTER II deals with the laws related to prohibition of child labour in India.

CHAPTER I

CHILD LABOUR IN INDIA

The International Labour Organisation defines Child labour as the work that deprives children of their childhood and preventing them from gaining personal skills and that is harmful to physical and mental development. Child labour simply means the work that is mentally and physically dangerous and harmful to children. It interferes in their education by depriving them of their opportunity to attend school.

Over population, illiteracy, poverty, debt trap are some of the common causes which are instrumental in this issue. Parents who face heavy burden and debt-trapped parents fail to understand the importance of a normal childhood under their own pressure and troubles and thus it leads to the poor emotional and mental balance of a child's brain which is not prepared to undertake rigorous field or domestic tasks. Many National and Multinational companies recruit children in their industries for more work and less pay which is absolutely unethical.

Almost all the nations around the world prohibit child labour, but still now it prevails in many countries. The international organization has estimated that children are being employed in most hazardous industries and also employed in illegal activities etc. In the past few decades the number of child labour has been increased due to the economic development and sociological changes, due to poverty and the gap between the rich and the poor has forced the children to get out of their schools and work as child labour. Due to the family background the children are forced to work. Since the families are extremely poor the children have to work for their family's income as his family members are purely depending on their income which they earn. A huge number of children are being employed in the manufacturing industries, mining, agricultural works and also in domestic work and services also. The children are also used in child trafficking and child prostitution and in other illegal activities. The most worst form

of child labour is indulging children in child pornography and trafficking. Most of the companies feel that the employing a child is more preferable than employing an adult because the child can be used for working for a less pay comparing to the adult and the children can be employed for more hours comparing to the adult labour. They used to employ children for more hours comparing to the normal working hours. In spite of all the technological development and social changes child labour still exists till today.

There are many non-governmental organization against the child labour, these organization make many essential steps to rescue children from child labour, but still now those implementations are not that much effective. Government have taken many steps to safeguard the children but the laws governing them are not implemented to the extend which paves way for the child labour. There are many law for child labour under the age of 14, but children between the age of 15-17 are also been employed in many dangerous industries and hazardous environment. The number of child labour has been increased in the present decade but there are some exception in the laws through which the children are being employed. Most of the children work in mining industries also. Even in multinational companies they recruit child labours in garments industries so that they could get more work in less amount of pay. They use them as a better resource to get their works done with less pay. They can get all types of work from them, they can even get make they to work for over time also for the same pay. Even though the laws prohibit the child labour, it still takes place even today.

CHAPTER II

LAWS RELATED TO PROHIBITION OF CHILD LABOUR IN INDIA

Child Labour Prohibition and Regulation Act, 1986. The Child Labour prohibition and regulation Act, 1986 has defined child labour as a person who has not completed his fourteen years of age. In this law, there are some establishments in which the children should not be employed they are commercial shop, work shop, farming, restaurants, theatres, industries, chemical factories, fire work industries, lubrication, manufacturing industries, hazardous industries, etc. This act states that the employment of children in hazardous industries is prohibited and the list of the hazardous industries are also issued by this act. As per the Indian constitution Article 24 states that the no children under the age of majority. Article 21 states that the children must be provided with free and compulsory education. There are many provisions for the safeguard of the children but still now there are been employed in savvier dreadful conditions.

The Factories Act, 1948. This act says that the employment of children below 14 years of age should not have been employed. This law also provides the working hours of the children above the age of 15 to 17 years of age. This law also says that there should be a fixed time for work and proper wage should be given to the labours. In this act section 23 stated that the young person should not be employed in the dangerous industries.

This act also states that young persons should not be compelled to work, their concern must be of free. The children are also prohibited from working in hazardous industries and cotton functioning.

The Mines Act, 1952. In this act, the employment of children below the age of majority is prohibited. The main objectives of this act are to regulate the rule and regulations of the mine act. In this section, no children should be employed below the ground level that is under ground.

The Right of children to free and compulsory Education Act, 2009 says that every child in India between the age of 6 to 14 years of age must be provided with free and compulsory education. This legislation provided a great platform for the children to study. This law has provided a certain reservation for the children from the low category to study.

SUGGESTIONS

1. Improving the standard and living condition of poor people.
2. Eradicating the poverty is one of the important ways to eliminate child labour.
3. Many children are indulged in child trafficking and child prostitution, this may be stopped by implementing the laws properly.

4. There should be proper laws to prohibit child pornography as in the recent years many children have been involved in child pornography.
5. There is a loop hole in which the children are been adopted by some person and they are been used for domestic works, still today this could not be controlled by the government and many children are been employed by this method.

CONCLUSION

Children are the soul of our nation and they should not be used for illegal activities. Children are the one and only hope of our future generation hence they should be protected from the social evil called the child labour. Over population, poverty is some of the causes of the child labour in India. The child labour has amended many times still many loop holes are there in our Constitution through which many children are been employed in the country. This can be eradicated only by implementing proper law and making proper rules and regulation of for the safe guard of children. In India, we have a plenty of laws governing us but most of the laws are still now not been implemented, if those laws were been implemented then it could be of great use to the society and the people in it.

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