

The Constitutional Legislation against Child Labour in India

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I. INTRODUCTION :

Child labour is nothing but the employment of children in any work that deprives them from their childhood . Work in the sense which does not allow the children to attend the school regularly. Child labour are the children who live within the four walls of the society, where the first wall is poverty, second wall is illiteracy, third wall is hunger (in this the children have been dragged into the situation where they have to work for the food and no other choice) and the fourth wall is the unemployment (which leads to low family income) .Legislation across the world prohibits the children labour. There are many constitutional legislation against child labour, but still the reason why child labour is still prevalent in India has been discussed below. The plague child labour can be tracked down to 19th century and early 20th century , where children of age 6 – 14 years has been working for their family in Europe & United States. But by the passage of time , due to increased family income , drop of illiteracy level and due to implementation of legal legislation , it is said that change was brought and the level of child labour fell down.

The plague child labour has been found in undeveloped, developing and developed countries as well. The common causes for the existence of child labour are poverty , illiteracy, low family income , population etc.

II. OBJECTIVE :

- 1) To study about the reason for the prevalence of child labour in India
- 2) To analyse the existing legal frameworks against child labour in India

III. HYPOTHESIS :

The constitutional legislation against child labour might not be sufficient to stop the activity of child labour in India.

IV. REVIEW OF LITERATURE :

- 1) Shesha Singh – “ The Child Labour” , this book deals with the child labour, the reason for child labour , problems faced by child labour and impact of child labour against society.
- 2) Alexander Cingo – “ The Economics Of Child Labour” , This book deals with the economical activity of the children in the occupation.

V. SOURCE OF STUDY :

Secondary source –

This research has been done only based on secondary sources which includes, books , journals , articles , blogs , websites and e-sources relating to child labour

VI. METHODOLOGY:

Only secondary source has been used to complete this research.

VII. CHAPTERIZATION :

Chapter 1 – “The Effect Of Constitutional Legislation Against Child Labour”

This chapter deals how effective the constitutional legislation against child labour is ?

Chapter 2 –“The Reason For The Root Cause Of Child Labour In India”

This chapter deals with the reason behind the root cause of child labour in India .

Chapter 3 –“The Effect Of Child Labour Towards The Society”

This chapter deals with the problems faced by the society due to the prevalence of child labour in India.

CHAPTER 1

THE EFFECT OF CONSTITUTIONAL LEGISLATION AGAINST CHILD LABOUR

Child labour is nothing but the Economic activity carried out by the children in various form of field which is said to be hazardous occupation in nature .

There are many constitutional legislation against child labour in India but some of the few important provisions has been discussed below :

1) The Factories Act 1948

This act came into existence in 1948 , which completely prohibits the employment of children below the age of 14 years in any factory .

2) The Child Labour Prohibition Act 1986

This act came into existence merely in 1986 , which completely prohibits the employment of children below 14 years in any hazardous occupation.

3) The Juvenile Justice (care and protection) Of Children Act 2015

This act came into existence in 2015 , which made it a crime and punishable with the prison term , for anyone to keep a child as bondage (slave) for the purpose of employment.

4) Right To Children To Free And Compulsory Education Act 2009

This act came into existence in 2009, which provides free and compulsory education to children from age 6 – 14 years till the secondary school. All these Law play a very important role in eradicating child labour , but still the reason why the child labour is still prevalent in India has been discussed in the next chapter. But some how these constitutional provisions has been helpful in bringing down the level of child labour in India.

CHAPTER 2

THE REASON FOR THE ROOT CAUSE OF CHILD LABOUR IN INDIA

UNICEF – United Nations Children’s Education Fund has suggested that the poverty is the main cause of child labour . And similarly a BBC report similarly concludes that poverty and inadequate public educational infrastructure are some of the cause of child labour. There are many causes of child labour like poverty , population, illiteracy, debt trap , low family income and least concerned parents but to me the most important factor is the Economic Instability of the country.

Yes in an economically stable country there would be no issues like unemployment, people will get proper salary , secured jobs and educational benefits . Everyone agrees that child labour is a plague , but still most of the families know that they don't have much choice , if they don't send a child to work , that means there won't be enough of food on table for everyone. On the other hand low family income leads to child labour . Even schools tends to teach things which are not always useful for the kids , in this case as the parents don't see any immediate benefit in education they would stop sending their children to study , as they themselves are uneducated they won't understand the importance of educating their children as well.

But now the situation is slowly changing as the government is making the education more practical and relevant to children's life. It is found that in India , the child labour is found more in Rural side rather than the Urban side.

In rural side over 80 percentage of children have been trapped in the name of child labor whereas in urban side 20 percentage of children has been trapped. It is true that 60 percentage of child labour has been engaged in agricultural activities in rural side.

And another cause of child labour is least concerned parents, in this case the parents are least bothered about their children and as they themselves not educated they won't know the importance of educating their children as well.

CHAPTER 3

THE EFFECT OF CHILD LABOUR TOWARDS THE SOCIETY

Child labour is one of the serious issue, which is not addressed properly and not getting attention from the public , media and the government and which also has a very serious effect towards the society and future generation.

The child labour forces some children to steal things from others in order to satisfy their daily needs. And many girls are even made to indulge in prostitution. This increase the rate of crime and at this point the child labour shifts the interest of children from education and can increase the criminal nature of the children.

Along with that the child labour also kill the freedom of children with the creativity loss.

There are certain situation in which accommodation and negotiation is difficult but not impossible. Serious action taken by the family and the country starting from the base could help in reducing the level of child labour.

Least concerned parents, illiteracy and unawareness are directly linked to the educational level of the society.

Child labour does effect the whole society in every single aspect. The law should be practical enough so that it can be practiced. Strict action should be taken by the government for those who misuse the children for the purpose of employment.

VIII. CONCLUSION AND SUGGESTIONS

Millions of children around the world are been trapped in the name of child labour. Legislation across the world prohibits child labour.

Hypothesis- The constitutional legislation against child labour might not be sufficient to stop the activity of child labour in India.

In this the hypothesis as been disproved because the present constitutional provisions are sufficient to control the activity of child labour, but the reason why the child labour is prevalent is because it is very hard to track down by the government as it is occurring within the boundary of the family (rural side) and the children who are bound into the child labour does not know about their own rights (due to lack of education).

In this case due to the effectiveness of the law the child labor has been reduced all over the country. The constitutional legislation is sufficient to stop the activity of

child labour as it is covering all spheres and holes but still the implementation might not be proper.

The government must implement some international human rights and labour standards in order to protect the rights of child.

My suggestions are the level of unemployment must be reduced , family income must be raised, the government should implement free education not only for children but also to adults (who are suffering from poverty but willing to study). And finally the population level should be reduced or kept in balance or should be controlled. Awareness should be spread to every single corner of the society . And last but not least the economic stability of the country should be maintained.