

## **Child labour in India**

The International Labour Organization defines child labour as work that is mentally, physically, socially or morally dangerous and interferes with their schooling by depriving them of the opportunity to attend the school, compelling them to leave school prematurely, or requiring them to attempt to combine school attendance with excessively long and heavy work. The child labour is not problem limited to India but it has an international application. As per the data given by UNICEF nearly one in 10 children are subjected to child labour worldwide, with some are forced into hazardous work through trafficking. The agricultural sector accounts for 70% of children in child labour. India, being a country basically engaged in agriculture, have number of children working in fields compromising with their schooling and playtime. United Nations International Labour Organization and UNICEF are trying to protect the welfare of the children by trying to reduce number of child labour throughout the world by running several schemes and spreading awareness amongst the countries.

The framers of the Constitution wanted that the child in India shall spend its childhood in taking education and enjoying the childhood. The Constitution therefore includes a fundamental right pronouncing that no child below the age of 14 years shall be employed to work. Article 21A imposes a duty on the State by stating that the State shall provide free and compulsory education to all children of the age of 6 to 14 years in such a manner as the state by law may determine. Article 39, which is part of directive principles of state policy, provides that the state shall secure the health and strength of children and see that the children are not abused and that citizens are not forced by economic necessity to enter into a vocation which is unsuited to their age or strength.

When India became independent most of the people in India were poor and were forced to earn their livelihood by labour. Often it was not possible to earn enough money by head of the family to feed his family and therefore every member of the family including children were required to work. The Peasants working in the field and farmers small holdings were required to work in them by contributing labour of entire family. In this situation ascertaining the goals in respect of the children laid down in the Constitution was a difficult task.

As per the census of 2011 total number of child labourers in India was 10.1 million. The data discloses that after 60 years of independence the number of child labour is not reduced drastically and entire children of India are not getting the benefit of constitutional provisions. The welfare and benefits expected by the Constitution for the children could not reach to them through the government policies. It is not that the government has not done its duty to

provide children education. The Central and state governments are having ministries specially looking today affairs of welfare of children and women. The government is providing free education to the children. Besides this educational equipment like books and other required things are provided to the children of marginalized class free of charge. Besides this poverty eradication programs are also implemented by the governments.

In 1986 the government has come up with a comprehensive legislation, the Child Labour (Prohibition and regulation) Act 1986. The main features of the said Act are to ban employment of children below the age of 14 years in specified occupations and processes. The Act has laid down procedure to decide modifications put the schedule of banned occupation and process for documenting employment of children. Regulate the conditions of work of children in employment where they are permitted to work. The Act prescribed penalties for employment of children in violation of the provisions of the Act and other legislations which forbid employment of children and to obtain uniformity in the definition of child. The government in this way did not entirely ban the children from working or employment of children because considering the poverty in India it is difficult for the families to sustain unless all the members of the family work. The government by this Act, however created prohibition on employment of children in these difficult conditions and in the environment which is not suitable for tender aged children to work such as cracker factories and manufacturing units of hazardous substances. The Act also created regulations regarding maintenance of record and providing appropriate facilities to the children working in the institution by taking care of their health and safety and providing them weekly leave. The legislation therefore achieved two goals. One is imposing ban on the employment of the children in hazardous work conditions and wherever the children are allowed to work, the employer was required to take care of their health and provide them proper working hours and working conditions so that the children cannot be exploited beyond their strength.

Only prohibition of children from employment will not solve the problem of child labour. It is the socio-economic problem and it is required that the financial status of people or per capita income of those living in poverty should be raised so that they can afford not to send their children for work and send them to school. Besides this it is also necessary to spread awareness amongst the poor strata of the society to educate the next generation to end the poverty and bring better days to their family because better employment and better earning can be secured only by education. Besides this the government has to improve employment by creating more jobs so that the children after taking

education shall not be frustrated and message should not go to the society that education have no value for securing employment.

The society also has to discharge its responsibility. The members of the society having financial resources shall provide finances for educating the children of the poor citizen. The students and other members of the society, who cannot provide financial resources, shall provide their services for educating the children. The education of the children, who are still working may not yield any immediate effect of prohibition of child labour, however this will certainly make the childhood of children doing child labour bearable and if they succeed to make financial progress from that education, they will be able to change destiny of their children and they're by creating a distant effect of contribution of society in educating the children of a poor start of society.

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