
CHILD LABOUR: CRIME AGAINST CHILDREN IN INDIA

Ekta Tomar, Assistant Professor of Law in Haveli Institute of Legal Studies and Research

ABSTRACT

It is widely held that children are a divine gift, characterized by their innocence and sensitivity. Each child is considered a precious blessing and it is the moral duty of adults to safeguard their vulnerability. Regrettably, in today's world, children are often exploited for financial gain, resulting in the erosion of their innocence. Child labour stands as a pernicious social problem, insidiously corroding the fabric of society. In contemporary times, child labour has evolved into a global issue with profound implications for the growth and development of children. The cause and responsibility for child labour extend beyond a family's financial condition; they also encompass the greed of certain individuals in society. These individuals exploit the innocence of children for their own gain and often evade legal consequences.

Numerous organizations are diligently working to eliminate this pressing concern on a global scale, recognizing its detrimental impact on the world's future. This paper aims to elucidate the far-reaching consequences of child labour on children's overall development, shedding light on the adverse effects it has on their physical and psychological well-being. It also delves into the efforts of various organizations, governments and NGOs to combat the issue of child labour.

This paper presents statistical data illustrating the prevalence of child labour in different regions, providing a stark depiction of the problem. It discusses the pivotal role played by international conventions and national laws in eradicating child labour. Furthermore, the paper outlines strategies, offers recommendations and identifies various policies aimed at eliminating child labour, all with the goal of fostering future improvements in this critical area. This Research paper provide the in-depth informative and explanatory provisions related to child labour.

Keywords: Child, Labour, growth and development, physical and psychological.

INTRODUCTION

Our children represent the future of our nation, yet this bright future is cast into darkness due to the grave issue of child labour. Currently, child labour poses a significant challenge, stemming not only from the financial circumstances of families but also from regressive ideologies and the misuse of children.

It is imperative to understand the definition of a child; generally, any human being under the age of 18 is considered a child. However, this definition may vary in different legal contexts. Even in our Constitution, specifically in Article 24, it is prohibited to employ any child under the age of 14 in factories, mines or hazardous occupations. However, the reality within our society often contradicts this legal protection.

Tragically, the innocence of children continues to be robbed from them, all in the name of greed. This issue warrants our collective reflection and action.

Child labour not only endangers a child's health, privacy and independence, but it is also ethically wrong to subject such young children to the pressures of earning at an early age. Children can be abused and easily manipulated by their families and employers. Children trust their parents and every decision made by them is accepted by the child based on the trust that their parents cannot do wrong to them.

As we see child artists on television, they are often so young that they cannot make decisions about right and wrong for themselves. They rely on their parents, who bring them into the world of showbiz for their own interests. In this industry, they are subjected to physical and psychological harassment in the long term. Their decision-making power diminishes, and they sacrifice their childhood for the sake of fame.

INTERNATIONAL AND NATIONAL REGIME TO COMBAT CHILD LABOUR

- Today, many renowned national and International organizations are making efforts to address the issue of child labour. In 1992, the **International Labour Organization (ILO)** launched a program known as the **International Programme on the Elimination of Child Labour (IPEC)**. Its primary objective was the progressive elimination of child labour by enhancing countries capabilities to tackle this problem and by fostering a global movement

against child labour. Currently, IPEC operates in approximately 88 countries and collaborates with various partners, including non-governmental organizations (NGOs), media outlets, government agencies, religious groups, universities, employers and others.

INTERNATIONAL LABOUR ORGANISATION (ILO)

The ILO has been instrumental in Protecting the rights of children and laying down conditions and standards regarding wages and welfare of children. Some of the points of focus of the ILO are:

1. Prescribing and pressing uniform minimum age for employment of children under all the Acts.
2. Identifying hazardous occupations and banning the employment of children in such occupations.
3. Recommending laws, rules, regulations, acts and legislations for promoting children in employment and for progressive elimination of child labour.
4. Suggesting labour welfare and social welfare measures to protect working children from exploitation and suitable Machinery for enforcement and implementation of provisions adopted for welfare of working children.¹

Besides this, The United Nations Convention on the Rights of the Child (CRC), which was approved by the UN General Assembly on November 20, 1989, was ratified by India on December 11, 1992. United Nations Children's fund (UNICEF) was the first international body that signed this convention in 1989. This Convention also opposes child labour, as indicated in Article 32 of the United Nations Convention on the rights of the children.

“Article 32 of UN Convention on the rights of Child outlines the following key points:

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the

¹ Dr Mamta Rao- law relating to Women and Children, EBC Publication.

relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.”²

On one hand, the international community endorsed the ‘elimination of the worst forms of child labour’ as one of the eight fundamental principles and rights at work, established by the International Labour Organization (ILO). On the other hand, the Millennium Development Goals (MDGs), which preceded the Sustainable Development Goals (SDGs), did not explicitly commit to eradicating child labour, especially in the developing world. While the MDGs aimed to enhance the well-being of children, their focus primarily revolved around improving children’s health and educational status, rather than addressing their vulnerability in the labour market. The employment indicators within the MDGs, categorized under goal 1 (poverty and hunger eradication), were inherently oriented toward adults.³

Aside from these renowned organizations, several global organizations are dedicated to eradicating the significant issue of child labour. Some of these organizations include:

1.Global March Against Child Labour: This organization collaborates with other organizations, trade unions and teachers to eliminate all forms of child labour, slavery and trafficking. It also advocates for free and quality public education.

2.Stop Child Labour Coalition: This organization is committed to eradicating child labour and promoting equality. Their mission is to ensure that no child, regardless of their race, sex, nationality, religion, economic status, place of residence or occupation is exploited. They work to raise awareness worldwide by sharing information about child labour and provide a platform for individuals to voice their concerns. The organization’s objective is to influence the formation of new policies on child labour.

- The first National legislation against child labour was the Child Labour (Prohibition & Regulation) Act of 1986. This Act forbids the engagement of children below 14 years of

² <https://www.ohchr.org>.

³ <https://developmentandgovernance.org/2018/01/10/sustainable-development-goals-sdgs-and-child-labour/>.

age in certain hazardous occupations and processes while also regulating the working conditions of children in other forms of employment. In 2016, the government made significant amendments to this legislation, resulting in the Child and Adolescent Labour (Prohibition & Regulation) Act of 2016. This updated Act now prohibits the employment of children below 14 years in any occupations and processes and introduces mandatory provisions for the right to education. It also strictly prohibits the employment of adolescents, specifically those aged 14 to 18 years, in hazardous occupations and processes. Furthermore, it imposes stricter penalties for employers who violate the provisions of this Act.

Other laws related to child labour in India include :-

1. The Factories Act, 1948, which prohibits children below the age of 14 years from working in any factory.
2. The Mines Act, 1952, which stipulates that children below 18 years are not allowed to work in mines. This restriction is in place because working in mines is considered one of the most dangerous occupations, with a high risk of major accidents. Consequently, it is completely prohibited for children.

There are various NGO's working towards eradicating the child labour one of such major name is Kailash Satyarthi Children's Foundation which was founded by Nobel Peace Laureate Kailash Satyarthi. He is know for his work as a leader in child protection. This Ngo is working from the last 40 years for the working of children's rights. This organization collaborates with other stakeholders like Government, civil society, communities, businesses etc. and works at the global level. Mr. Satyarthi also initiated the movement called "Bachpan Bachao Andolan" as anti slavery movement.

STATISTICAL DATA ANALYSIS

According to data from the International Labour Organization (ILO), there are approximately 10.1 million working children in India aged between 5 and 14. However, it's important to note that these estimates are based on the 2011 census, and the current situation likely shows higher numbers.

Uttar Pradesh, India's largest state, accounts for a higher rate of child labour, with almost 20% of India's total child labourers. According to a campaign against child labour, the total number of child labourers in India is 12,666,377, and Uttar Pradesh alone has 1,927,997 child labourers.

Other states with a significant number of child labourers include Bihar, Maharashtra, Rajasthan, and Madhya Pradesh.

Interestingly, according to 2014 data, there were more optimistic signs as the number of child labourers decreased by 65%, from 1.26 crore to 82.2 lakh, between the 2001 and 2011 censuses. Globally, there was a 38% decline in child labour during the same period.⁴

Despite these improvements, it is still a concerning issue, as approximately 152 million children worldwide are still engaged in child labour.

LANDMARK JUDGMENTS RELATED TO CHILD LABOUR

- **MC Mehta vs State of Tamil Nadu & Ors) Writ Petition (C) No. 465/1986, which was filed and decided in 1996** The judgement is a historic judgement on child labour, which elaborated the situation of child labour in India. It outlines the vision of Constitution with respect to children. The judgement highlighted the relation between poverty and child labour and also shed light on how the state has failed to eradicate child labour, and its lack of zeal to deal with it. The judgment also deliberated on possible solutions to eradicate the child labour.⁵
- **Bandhan Mukti Morcha vs Union of India & ors(1997) 10 SCC 549:-** This case along with other public interest litigation cases on the issue of child labour, and a range of child labour eradication campaigns have been successful in raising awareness about the issue of child labour and placing the issue prominently on the government's agenda. Law and policy(link is external) is moving in the direction of formal abolition of child labour and different initiatives especially in the area of education are being undertaken towards eradicating child labour. One effect(link is external) has been that the use of child labour

⁴ [https://www.humanium.org/en/the-year-to-end-child-labour/#:~:text=There%20has%20been%20a%2038,labour%20\(ILO%2C%202021\).](https://www.humanium.org/en/the-year-to-end-child-labour/#:~:text=There%20has%20been%20a%2038,labour%20(ILO%2C%202021).)

⁵ [https://www.slic.org.in/litigation/mc-mehta-vs-state-of-tamil-nadu-and-ors#:~:text=\(MC%20Mehta%20vs%20State%20of,Constitution%20with%20respect%20to%20children.](https://www.slic.org.in/litigation/mc-mehta-vs-state-of-tamil-nadu-and-ors#:~:text=(MC%20Mehta%20vs%20State%20of,Constitution%20with%20respect%20to%20children.)

in the carpet industry has been reduced. However, millions of children(link is external) still continue to be exploited in the labour market in India and there is an urgent need for stronger and more effective protections for the rights of children.⁶

CONCLUSION

We may not be able to completely eradicate the problem of child labour today, but by working together, we can certainly make a difference. To achieve success in addressing this issue, we need to raise awareness and implement government policies that prioritize providing education and a proper, healthy lifestyle for children.

On June 12, 2023, we observed World Day Against Child Labour. The theme for this year is "Social Justice for All, End Child Labour," emphasizing the connection between social justice and child labour. It is through the collaborative efforts of all stakeholders that we can demonstrate that child labour can be eradicated when its root causes are addressed. This World Day Against Child Labour we are calling for:-

- Reinvigorated international action to achieve social justice, particularly under the envisaged Global Coalition for Social Justice, with child labour elimination as one of its important elements;
- Universal ratification of ILO Convention No. 138 on Minimum Age, which, together with the universal ratification of ILO Convention No. 182 on Worst Forms of Child Labour achieved in 2020, would provide all children with legal protection against all forms of child labour;⁷

⁶ <https://www.escri-net.org/caselaw/2015/bandhua-mukti-morcha-v-union-india-ors-1997-10-scc-549#:~:text=The%20Supreme%20Court%20of%20India,in%20an%20effort%20to%20abolish.>

⁷ <https://www.un.org/en/observances/world-day-against-child-labour#:~:text=In%20terms%20of%20incidence%2C%205,greater%20in%20middle%2Dincome%20countries.>