

# CHILD LABOUR: A WORLDWIDE PROBLEM AND REMEDIES

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## ABSTRACT

Child labour is one of the major factors to deprive our future generations from education. It is an obstacle to sustainable socio-cultural development and economic growth of the country. It is very disheartening to see the plight of young budding childhood plucked by deep-rooted poverty. Starting work early, in the form of child labour, can affect prospects for decent work throughout a person's life. They have no hope for a promising future. As adults they are likely to be living in poverty. Often, they have to rely on their own children working to have enough money to afford basic necessities for the survival of their family. This continues the child labour-poverty cycle into the next generation. The cycle of poverty is one of the largest contributing factors to child labour. The concern of the child labour has been a global issue, as it highly involved in inhibiting the sustainable growth and development of the country. According to the Indian law, children below the age of 14 years cannot be employed to any type of work forcefully. India has unfortunately the largest number of child labourers in the world. The problem of child labour is haunting humanity at global level. This Article outlines the key issues relating to present child labour prohibition law to control the situation. It also attempts to make an analysis of the nature of the problem, the causes of rising instances of child labour and their remedies. This Endeavour also examines in brief the economic, social and legal facets of the problem and emphasizes on creating the awareness among people to improve the present position of the problem of Child Labour.

**Keywords:** *Child Labour, Prohibition Law, Poverty Cycle, Global Issue, Creating Awareness.*

## INTRODUCTION

Most of the developing countries including India are facing a social problem of child abuse and child labour. A large number of children below the age of fourteen are made to work as labourers in many places especially in agricultural and industrial sectors. According to Gurupada Swami Committee Report, “Child labour assumes the character of a social problem in as much as it hinders arrests or distorts the natural growth processes and prevents the child from attaining his full-flown manhood.”

It is an understanding and well established conclusion that children are among the most vulnerable and powerless members of the society as a whole. Children are vulnerable for the fact that the adult's actions and omission are responsible for their existence. The popular assumption, in the time past, had been that adults and the parents especially know the best interest of the child and therefore there is no need to think of the rights of children save whatever interest their parent desire to protect on their behalf.<sup>1</sup>

The attitude of families towards children in traditional societies is generally warm, exciting, positive, and full of love and affection. The parents have high expectations for their child's future. Children were seen as the future of the families and the communities. In this regards mankind owes the children everything, since its future depends on the children.<sup>2</sup>

The children need special protection because of their age, physical and mental conditions. The Constitution of India has conferred the power on the State to make special law to the children for their protection. Art 39(e) and (f) of the Constitution enumerates that the tender age of the children should not be abused and the children should be given opportunities and facilities in healthy manner and in condition of freedom and dignity.

The idea that children have specific rights deserving protection and enforcement is not a new one. Since 1950s there has been a broad spectrum of laws which were available for the protection of child rights both nationally and internationally.<sup>3</sup> Despite the rhetoric in the

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<sup>1</sup> I.A. Ayua and I.E. Okagbue, Rights of the Child in Nigeria, Managing Solicitor of Amuda- Kanneke (San) &Co. Amuda –Kanike Chambers, Nigeria.

<sup>2</sup> Kofi Annan Speech at the world children summit, (2002).

<sup>3</sup> Some of these laws include laws such as League of Nations Declaration of the Right of the Child, 1924; United Nations Declaration of the Rights of the Child, 1959; Declaration of the Rights and Welfare of the African Child, 1979 and The 1948 Universal Declaration of Human Rights.

international and national community about the importance of these laws for the protection of Children's Rights, 'the rights, norms and principles involved are regularly ignored and seriously violated virtually throughout the world. The non-implementations and of course the vulnerability of child, makes the child to be susceptible to many challenges among which are; Child abuse which entails a child growing up under conditions, which threaten his physical and emotional survival.<sup>4</sup> Child labour, which includes work by children under conditions harmful to their health usually for long hours and for very low wages,<sup>5</sup> such work is destructive and exploitative.<sup>6</sup> Sexual child abuse which includes taking advantage of a child's tender years by subjecting the child to engage in sexual activities.<sup>7</sup> Child neglect which is seen as a deficit in meeting a child's basic needs. Child prostitution is the commercial sexual exploitation of children<sup>8</sup> in which a child performs the services of prostitution, for financial benefit,<sup>9</sup> and lastly lack of education.<sup>10</sup>

## **NUMBER OF CHILDREN WORLDWIDE TRAPPED IN CHILD LABOUR**

In spite of the legislative measures taken towards the elimination and prevention of child labour both at international and domestic levels, the child is confronted with myriad of problems particularly child labour globally and in India particular. Although there appears to be a reduction in the number of children involved in child labour.<sup>11</sup> The latest ILO global estimates

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<sup>4</sup> E Joy and O Oyinye, 'Child Abuse and Neglect', (Published by: Women's Aid Collective (WACOL), Nigeria, 2002.) <[http://books.google.com/books/about/child\\_abuse\\_and\\_neglect.html?hl=en&pg=PA1](http://books.google.com/books/about/child_abuse_and_neglect.html?hl=en&pg=PA1)>accessed on 4<sup>th</sup> October, 2018.

<sup>5</sup> K Basu, 'Child Labour: Causes, Consequence and Cure, with Remarks on International Labour Standards', (1999), 39(3), *Journal of Economic Literature*, pp. 1083-1119.

<sup>6</sup> Please see M O Ojo, "Sociological Investigation of the determinant factors and the effects of Child Street Hawking in Nigeria: Agege, Lagos, under survey", (2013), 3(1) *International Journal of Asian Social Science*, pp. 114-137, accessed on 4<sup>th</sup> October, 2018.

<sup>7</sup> E Joy and O Oyinye, 'Child Abuse and Neglect', *ibid.* pp. 14 – 23.

<sup>8</sup> UNICEF, 'Juvenile Justice Florence'. p. 10

<sup>9</sup> P O Ebigbo, *A profile of Child Trafficking in Nigeria*, Enugu: Fourth Dimension Federal Ministry of Education Crisis: 'The State of the Nigerian Education System and the Agenda for Reform' (2006), accessed on 12th February 2013

<sup>10</sup> A Adeyemi, 'The UN Convention and OAU Charter on the Right and Welfare of the Child: Basic principles constraints and prospects of implementation in Nigeria'. (paper delivered at the 1995 National workshop on child Right Monitoring held at Enugu 29th Nov. 1995). p. 19.

<sup>11</sup> International Labour Organisation, *Ending child labour by 2025; A Review of Policies and Programmes*, 8-14, International Office (ILO), (2017).

as at 2017 indicate that 152 million children – 64 million girls and 88 million boys are still in child labour globally, accounting for almost one in ten of all children worldwide.<sup>12</sup> Seventy one percent of children in child labour work in the agriculture sector and 69 percent perform unpaid work within their own family unit. Nearly half of those in child labour, 73 million children in absolute terms, are in hazardous work that directly endangers their health, safety and moral development.<sup>13</sup> They are often battered by their employers and harassed by their senior colleagues. Unlike adult labourers, these child labourers do not have a labour union of their own to fight for their rights and safeguard their interests. Hence their exploitation continues without any protest. For a very long time, neither the government of India nor the public was serious enough to make organized efforts to combat this problem. Even the sociologists and social media had not taken much interest in highlighting this grave problem. After a long wait of almost two decades and more than 4 decades respectively, the Government of India finally decided on 13th June, 2017 to ratify the International Labour Organisation (ILO) Convention's; Worst Forms of Child Labour Convention, 1999 (No. 182) and Minimum Age Convention, 1973 (No. 138), then the nation became aware of the gravity of the problem. Consequently, public indignation and professional concern began to be translated into positive and realistic action.

## **MEANING AND DEFINITION OF CHILD LABOUR**

The ILO defined “child labour” in its real sense as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development including work that is mentally, physically, socially or morally dangerous and harmful to children, and interferes with their schooling by depriving them of the opportunity

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<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

to attend school; by obliging them to leave school prematurely; or by requiring them to attempt to combine school attendance with excessively long and heavy work.”<sup>14</sup>

According to the Article 24 of the Constitution of India, child labourer may be defined as a person who is below the age of 14 years and is working for an earning. The Article 24 reads, “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.” The International Labour Organisation (ILO) defines child labourers as – “children permanently leading an ardent life, working long hours under conditions bad for their physical and mental health.”

The Child Labour (Prohibition and Regulation) Act 1986, states “child” means a person who has not completed his fourteenth year of age.” Persons below that age are not supposed to work for monetary or non-monetary rewards, for it is prohibited as per the provisions of this Act.

Article 39(f) in the Constitution of India states “that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Article 45 of the Constitution of India declares, “The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.” (It is obvious that such school going children should not be made to work like labourers.)

## **FORMS OR TYPES OF CHILD LABOUR**

Child labour is found in different forms among which are:

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<sup>14</sup> Janet Hilowitz, Joost Kooijmans, Peter Matz, *Child Labour: A Textbook for University Students*, 19, International Labour Organisation, (2009)

- (i) Domestic Non-monetary work i.e. beedi rolling at home,
- (ii) Non-Domestic and Non-Monetary work i.e. working in plantation, fields, mining industries etc. only to assist the elder members of their family who are working as labourers,
- (iii) Bonded Labour i.e. Working permanently as bonded labourers and who get no salary or wages except something for their maintenance. These children have either been pledged by their parents for paltry sums of money or they are the ones, who are working to pay off the inherited debts of their parents,
- (iv) Wage-Labour i.e. children labourer who work in glass, slate and leather industries, fireworks, brassware industries etc.,
- (v) Street Children i.e. Children living on and off the streets, such as shoe-shine boys, rag-pickers, newspaper vendors, beggars etc. These children do not have homes and are at the mercy of their employers. They generally live on the pavements in the bus terminals or railway stations,
- (vi) Children used for Sexual Exploitation i.e. the children (young girls and boys) serve the sexual appetites of men from all social and economic backgrounds. Many of them suffer from sexually transmitted diseases such as HIV, AID's etc.

The problem of child labour has become a colossal one. The problem is haunting humanity at the global level. Several countries in the world including India are faced with this menace. India has the largest number of child labourers in the world. They are engaged in both organized and unorganized sectors.

## **FACTORS CONTRIBUTED TO THE PROBLEM OF CHILD LABOUR**

Various factors have contributed to the problem of child labour among which following are the main factors:-

**Little orientation to Education of Children:** Some studies have extensively focused on the education of the children as a crucial factor affecting child labour. The better the education

status of the families the less will be their orientation towards sending children to work.<sup>15</sup> The educated families realise the need for children to study. So they send their children to schools instead of work. Education has emerged as the most significant factor in controlling the rate of participation of children in workforce. There is lot of variations between the schooling status of children both for male and female and for rural and urban.<sup>16</sup> Policy makers have also emphasized the critical role played by primary education in controlling child labour.<sup>17</sup> In announcing his Global Education First initiative, former Secretary General of United Nations - Ban Ki-moon reminded us that, “We cannot afford to waste the talents of a generation.” Education is the key to eliminating social problems of child labour, gender inequality, to reducing poverty, to creating a sustainable planet, to preventing needless deaths and illness. In fact education is the backbone of a country. It helps enhancing socio-economic growth and development the state. Education is necessary to fostering peace.

**Workforce participation in Lower Segments:** The earlier research studies in India have reported the positive influence of workforce participation rate on child labour incidence.<sup>18</sup> This is due to the labour market segmentation in India; in the condition of high demand for labour in lower segments the entire families are pulled.

At times when the wages are not improved the male workers move to other areas so that more children are pulled to work.<sup>19</sup> Also the lower wage rates of children leads to their higher demand.<sup>20</sup> We should try to convince them to get their children schooling instead of sending them at work.

**Poverty:** Below poverty line represents the poverty status of any place. It denotes to the number of people who are below the basic poverty line which has been decided on the basis of minimum calorie intake of the people. All those who are not even able to meet this minimum

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<sup>15</sup> Duraisamy, M. (1997). Changes in child labour over space and time in India. *Journal of Labour Economics*, 40 (4): 809- 818

<sup>16</sup> Tilak, J.B.G. (1994). Schooling levels of the population in India. *The Indian Journal of Labour Economics*, 37 (2): 243-253

<sup>17</sup> Weiner, 1996 Child labor in India: Putting compulsory primary education on the political agenda. *Economic and Political Weekly*, 31 (45): 3007-3014.

<sup>18</sup> Lieten, G.K. (2002). Child labour and poverty: the poverty of analysis. *The Indian Journal of Labour Economics*, 45 (3): 451-463.

<sup>19</sup> *Ibid*

<sup>20</sup> Diamond, C., & Fayed, T. (1998). Evidence on substitutability of adult and child labour, *The Journal of Development Studies*, 34 (3): 62-70.

standard are said to be below poverty line. This depicts the basic economic and poverty status of a place. The more the number of people below poverty line, the more will be push for children to work and higher would be child labour incidence.

Hence, to prevent child labour, incidence of poverty needs to be reduced first, so that poor people do not have to send their children to earn their bread and butter.

**Per capita state domestic product:** This factor is oriented towards the economic development of the region which has been a focus for various studies. The economic development of a state will increase the per-capita income.<sup>21</sup> This will lead to the improvement in the economic condition of the families of the region and ultimately the fall in the participation of children in workforce. This needs to be evaluated separately for both the male and female children, as there are arguments regarding increase in per-capita income also leading to more participation of male children in some regions.<sup>22</sup>

**Fertility rate of population:** Another crucial factor that has led to more and more children entering into workforce is the fertility rate of the population.<sup>22</sup> This determines the number of children present in a family and as the needs of the family increase children have to work to augment family income.<sup>23</sup> The fertility rate is also taken as a supply factor such that families with more children (especially male) can supply more labour to field and increase their earnings.<sup>24</sup> This has been an important factor in rural areas mainly, where people always want to have more children to increase their family income.<sup>25</sup>

**Temptation of Bad habits:** Children belonging to poor families often become the victims of certain bad habits such as- smoking, gambling, purchasing lottery tickets, seeing the movies regularly, consuming alcoholic drinks etc. When they don't get enough pocket money from

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<sup>21</sup> Chaudhri, D.P. (1997). A policy perspective on child labour in India with pervasive gender and urban bias in school education. *The Indian Journal of Labour Economics*, 40 (4): 789-808.

<sup>22</sup> Chaudhri, D.P. Ibid; Singh, S. (1997). Child labour in India: Some reflections. *The Indian Journal of Labour Economics*, 40 (4): 819-828

<sup>23</sup> Rosenzweig, M.R., & Evenson, R. (1977). Fertility, schooling, and the economic contribution of children in rural India: An econometric analysis. *Econometrica*; Singh, S(1997) op.cit

<sup>24</sup> Chaudhri, D.P. (1997), op. cit ; Singh, S. (1997), op. cit

<sup>25</sup> Singh, S.P. (2001). Labour under contract farming in India: Issues of gender and child labour. *The Indian Journal of Labour Economics*, 44 (4): 843-852.



home they often resort to outside work to earn money as a child labour to satisfy their bad habits.

**Justification of Employers to Employ Child Labourers:** Some employers justify their act of employing little children for work. They argue that work keeps poor children away from starvation. They even say that they are rendering a service to the society by providing some jobs to the wandering children who would otherwise have become deviant or joined the rank of anti-social elements.

**Less Focus on Government's Initiatives and Action Plans:** Though the Government has a constitutional obligation and moral responsibility to promote the welfare of the children, it is observed that the government machinery which is involved to control the problem of child labour is not serious about the problem. The half-hearted endeavours and legislations undertaken in this regard have not succeeded to control the problem. The people responsible in the bureaucracy, also seems to be indifferent to the problems of child labour.

**Traditional or cultural factors:** Culture is another factor which forces children into labour market. Different cultures of many societies make children start work at very young age which are related to traditions and cultural factors. They assumed that children need to learn work skills that can be good for their future.

**Corruption:** Corruption is the one of major cause for abusing resources, wherever there is poverty; there is also corruption.<sup>26</sup> According to United Nations Development Programme (UNDP) (2012) "Corruption exacerbates poverty and inequality, undermines human development and stability and sustains conflict, violates human rights, and erodes the democratic functioning of countries". Corruption can have hugely negative effect on children's right that deprives basic services such as health care, education and infrastructure. Corruption can diminish children's ability to escape poverty.

**Urban Migration:** Many rural families migrate to urban areas because of rural push and urban pull factors. As a consequence of that, they are often forced to live and work in the street as they lack access to basic requirements such as food; shelter etc. and these children become

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<sup>26</sup> . Murphy, Damien, *Eliminating Child Labor through Education: The Potential for Replicating the Work of the MV Foundation in India*, Centre for Development Studies, University College Dublin, 2005.

street workers as vendors. Mostly street workers are vulnerable to violence and become more susceptible to illegal works, such as stealing, trafficking, drugs and prostitution. These children live in urban poverty; many child labourers live in unhealthy poor conditions slum areas and work in poor environment such as domestic work, or work in hotels and restaurants etc.<sup>27</sup>

**Globalization:** Globalization is another cause of child labour. Globalization has positive and negative impacts, nevertheless; globalization might give developing countries the opportunity to increase their gross domestic production (GDP) per capita via new trade possibilities and ascend their foreign direct investment (FDI) inflows. Globalization also has brought adverse impacts on child labour in developing countries. In recent years, many international companies moved their production abroad. These companies often indulge in hiring children as cheap labours as they are endurable, and Carry out commands given by their employers even if they are abused and exploited.<sup>28</sup> In India, globalization has obliged more children to work in hazardous occupations like brick kiln, motor garage, hotels, shops, transportation, manual loading work etc.<sup>29</sup>

**Kidnapping and Blackmailing of Children:** There are anti-social forces in the society which often kidnap children and take the children to different places for selling them to those persons or employers who are in search of human labour at low cost.

## **DIFFERENT FACETS OF CHILD LABOUR PROBLEM**

Child labour is a social problem of far-reaching consequences. It is difficult to imagine and understand the complexity and the magnitude of the problem by the outside observer as the problem is neither entirely visible nor apparent. The problem has different facets. The seriousness of the problem can be understood by an analysis of its economic, social and the legal facets, as under:

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<sup>27</sup> Serwadda- Luwaga, James, "Child labor and scholastic retardation", A thematic analysis of the 1999 Survey of Activities of Young People in South Africa. Thesis (MA (Demography) University of Pretoria, 2005.

<sup>28</sup> Mapaure, Clever, "Child labor: A Universal problem from a Namibian perspective" in Oliver C Ruppel, ed, Children's Rights in Namibia, Windhoek: Konrad Adenauer Stiftung, 2009

<sup>29</sup> Mishra, L., "History of Labour Rights", Social Change, no.42 .vol.3, 2012, pp.335-357

1. **Economic Face of Child Labour:** In most of the developing countries children of inappropriate age are forced to take part in productive activities due to economic distress. The poor families send their children for work to increase family income while the employers of various business establishments employ children to maximize their profits. The result is economic exploitation of children which continues both in the three sectors – agriculture, industry, and the service sector. <sup>19</sup> The agriculture sector accounts for over half of the country's child workers.<sup>30</sup> The ILO's research finds that that progress in eliminating child labour in agriculture globally has been slow due to the sector's specificities.<sup>31</sup> These include "limited coverage of agriculture and family undertakings in national labour legislation, low capacity of labour inspectors to cover remote rural areas, majority of child labourers working as unpaid family labour without formal contracts, and traditions of children participating in agricultural activities from a young age."<sup>32</sup> Some Child labourers in India are employed in low-skilled labour-intensive sectors such as sari weaving , carpet weaving, diamond cutting, stone polishing, fireworks and match box units, or as domestic helpers, which require neither formal education nor training, but some children are employed in heavy industry such as coal mining.
  
2. **Social Face of Child Labour:** The social face of child labour is a horrible one. It leads to several consequences also. The seriousness of these consequences may be measured in the following terms:  
Child labour tends to disturb the normal family life. It spoils the emotional ties between parents and children and converts them into commercial. Parents tend to look at their children as income-fetching objects rather than as individuals with tender emotions and feelings. Child labour is an unhealthy social practice. Compelling the children of inappropriate age to work for a petty amount is not good for society. Because, child labour adversely affects the children's balanced physical growth, spoils their education,

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<sup>30</sup> Government of India Ministry of Home Affairs (2011) 'Census of India' Registrar General and Census Commissioner, India: Working children by sector (ages 5-14): Agriculture (56.4%), Industry (33.1%), and Services (10.4%).

<sup>31</sup> International Programme on the Elimination of Child Labour (IPEC) and International Labour Organization 'Child Labour in Agriculture'

<sup>32</sup> Ibid.

and deprives them of their needed recreation. Child labour will have disastrous consequences on the spiritual, moral and emotional wellbeing of the children. Child labour diminishes the hope for their promising future. The problem makes the future of those children bleak indeed. It disturbs their family life, hampers their socialization and stunts their creative ability. Child labourers caught in the vicious circle of working at such tender age can hardly lead a healthy social life in their later adult age.

**3. Child Labour and Legal Face:** The problem of child labour still exists not only in India but throughout the world in spite of several endeavours, constitutional provisions and legislations made against it. For example:

- (i) As per Article 24, no child below the age of 14 years shall be employed to work in any factory or in any dangerous employment;
- (ii) According to Article 39(f) childhood and youth are to be protected against exploitation and moral and physical vices and;
- (iii) According to Article 45, the state shall endeavour to provide within a period of 10 years from the commencement of the Constitution free and compulsory education for all children until they complete the age of 14 years.

In addition to the above constitutional provisions, Article 21-A of the Constitution states that the state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may by law determine. Now, amended Article 45 of the Constitution states that, the state shall endeavor to provide early childhood care and education for all children until they complete the age of six years. But according to Art.1 of the United Nations Convention on the Rights of the Child 1989, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Under Juvenile Justice (Care and Protection of Children) Act, 2000 the age is fixed at 18 years. Thus, there is no uniform fixation of the age of a child. Unfortunately, the children in India are subjected to various forms of abuse. They are child labour, physical abuse, emotional abuse, substantial abuse, Girl child neglect, sexual abuse etc. Socio-economic conditions prevailing in the society are strongly responsible for the abuse of child in different forms. Among the various forms of abuse of children it would be more pertinent and relevant to focus on child labour.

At present besides the “Child and Adolescent Labour (Prohibition and Regulation) Act, 1986” there are following major legislations to control and regulate child labour in India e.g.:

1. The Indian Factories Act, 1948 states minimum age of employment of children in factories as fourteen years and section 67 of the Act enacts an absolute prohibition of employment of child below 14 years in any factory.
2. The Merchant Shipping Act, 1958, (amended up to 2010) has been constantly under revision and amendments to ratify the changes approved by the International Maritime Organisation, through its conventions and protocols, to which India is a Member. It defines “child” a person who has not completed his fifteen years and prohibits the employment of children below 15 years except under the condition that the employees are required to provide the certificate of fitness on employment. It also provides restrictions on employment of women and adolescents for handling hazardous chemicals under subsection (2) of section 18-A.
3. The Mines Act, 1952, prohibits employment of children below 15 years in mines. It restricts working of children in any part of mine which is below ground or in any open-cast mining. Adolescents of 16 years on obtaining fitness certificate are permitted to work below ground. Wholesome food canteen and rest etc. are some good provisions of the Act.

Commissions for Protection of Child Rights (CPCR) Act, 2005, defines “Child rights” under Sec. 2(b), "child rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992. According to Article 1 of the Convention a child is any person who has not reached the age of eighteen unless a different age of maturity is specified in any country's law. There are the four core principles of the Convention. They are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the CRC is inherent to the human dignity and harmonious development of every child.

Article 24 of the Constitution of India prohibits employment of children below 14 years in factories, mines and in any other hazardous employment. In order to fulfill the constitutional mandate after nearly four decades of independence and to respond to the National Policy for Children 1974, Government had enacted Child Labour (Prohibition and Regulation) Act, 1986 which prohibits the employment of children below 14 years and imposes stringent punishment in cases of violation of the Act. Previously the Act suffered from some serious shortcomings. The Act of 1986 (Now amended as the “Child and Adolescent Labour (Prohibition and Regulation) Act, 1986” in the year 2016 removed the major shortcomings in the provisions of the Child Labour Act.

## **SUGGESTIONS TO STOP CHILD LABOUR**

It is a matter of grave concern for the society, to make the children work as full-fledged employees. It is the duty of the state, to ensure good education and reasonable standard of living for them. To protect the rights of the Children certain suggestions in connection with legal aspects of the problem are made as below:

1. There is need to conduct periodical orientation and training programmes to sensitize law enforcing agencies so that they may deal with child labourers with empathy and dedication in the discharge of their duties.

2. Article 24 of the Constitution may be amended as under:

**“No child below the age of fourteen years shall be employed to work in any factory or mine, or engaged in any other employment.”**

3. Under section 9 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, it should be made mandatory that every occupier after establishment should send a notice to the Inspector containing the information regarding the employment of a child, either in the affirmative or in the negative, annually, **without any exemption to** establishment wherein any process is carried on by the occupier with the aid of his family or to any school established by, or receiving assistance or recognition from, Government.

4. In Section 16 of 'Child and Adolescent Labour (Prohibition and Regulation) Act, 1986' a time limit from Six months to One year should be fixed for the disposal of the case so that, the aggrieved party may get relief on time.

5. Laws on child labour and Education should be implemented in a mutually supportive way effectively.

6. Government should give more encouragement to the NGOs for elimination of child labour by granting proper budget periodically. However, accountability should be fixed on NGOs to ensure that the expenses, out of the fund are incurred for the right purpose and to the cause for which it is given.

7. The central legislature has made substantial changes in the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 (CL Act) in the year 2016 and the said amendments have been made effective from July 30, 2016. Pursuant to the said amendment the name of the CL Act has been changed to 'Child and Adolescent Labour (Prohibition and Regulation) Act, 1986'. A complete prohibition has been imposed on employment of child labour (i.e. a person below the age of 14 years) in any establishment whether hazardous or not. A child is permitted to work only to help family, in family enterprise or as child artist after school hours or during vacations.

While the new amendments appear to be progressive in nature but they have down side also. Like the new amendments put a complete prohibition on employment of children, but at the same time it allows them to be employed in family enterprises/businesses. Considering that majority of child labor activities happen in economically weaker section of the society which is highly unregulated, no proper mechanism has been provided to keep the same in check with the new amendments. Further, the list of hazardous industries has been drastically decreased, this may allow the employers in industries like chemical mixing units, cotton farms, battery recycling units, and brick kilns etc. (which are actually hazardous) to employ adolescent labour, which they may even get at a much cheaper price.

It is therefore more important now for the government to keep a check on the working conditions for adolescent labour as well as the working conditions for children in family run businesses. This would require more personnel deployment which currently is in shortage. The governments, in order to effective monitor the ground realities involve and empower the non-

governmental organizations and individuals who are actively involved and are working for the said cause.

## CONCLUSION

Children are future of India. They will be the custodian of all the present philosophies including rule of law, justice, liberty and international peace and security. They have the right to joyful childhood. Every child has the right to grow up in a safe and nurturing environment with education, protection and guidance from their guardians. Children are the potential embodiment of our ideals, aspirations, ambitions and future expectations. They are messengers of our knowledge, ethics, values and cultural heritage. They are indeed future shoulders in the form of great scientists, teachers, legislators, judges, technocrats, entrepreneurs, visionaries, planners and workers with sincerity and excellence. In brief, children are an important asset not only for their country but also for the whole humanity. Welfare and development of society and mankind largely depend upon them. It would be an appropriate platform to remember Mr. Kailash Satyarthi, who won the prestigious Nobel Prize for Peace for the year 2014, a deserving award for the Noble Cause of Liberating the Bondage of 80,000 children. He believed that the problem of child labour will have to be faced by three types of activities. They are:

1. Taking all the precaution to see that child labour is not practiced anywhere.
2. When once an incident of its practice is found strict economic, legal and police action should be taken to stop it immediately giving no scope for it to rise its head at any time in future.
3. The liberated child labourers must be properly rehabilitated so that they are made able to find out a suitable avenue to lead an independent, dignified and satisfactory life.

Shri Kailash Satyarthi, who has been honoured by the Nobel Prize Award for his service, is magnanimous enough to dedicate this coveted award for the cause of child labourers.

In conclusion it may be said that the Government in co-operation with the public should take such appropriate steps with the help of which the children of our nation grow up to become robust citizens physically fit, mentally alert and morally healthy, endowed with the skill, positive thinking, innovation and motivation needed by the society.