

## **CHILD LABOUR: A MENACE TO HUMAN RIGHTS OF CHILDREN**

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### **ABSTRACT**

Child labour is a crime against humanity. It is an inhuman practice that stunts the physical and mental growth and stifles the free roaming spirit of the child and simply goes against nature. Worse still the victims are too young to even comprehend that they are being exploited. It is among the most serious social issues facing the world today and also among the most complicated. There are number of legislations prohibiting employment of children below 14 and 15 years in certain specified employments. However, no procedure is laid down in any law for deciding in which employments, occupations, or the processes the employment of children is banned. Child labour keeps children out of school and is a major barrier to development. To make the anti-child labour law a reality, poverty and unemployment needs to be eliminated.

**KEYWORDS:** *Child Labour, Trafficking, Human Rights Instruments, Child Rights.*

### **INTRODUCTION**

Children are the future of a nation. So it is very essential to protect their interest. Children are the vulnerable group of society and it is high time to protect their rights to save the succeeding generation from the evil consequence of exploitation. Children's mind is like potter's clay. It has to be shaped in a right manner. A child normally has to enjoy its childhood days with its parents, teachers, friends, etc. It is the age where fine and long lasting impressions gather in child's mind. Childhood is the best time to develop spiritual, intellectual, emotional support.<sup>1</sup> But this rule of nature has been crippled by the perilous child labour. A child is a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

Child has been defined as a person who has not completed fourteen years of age.<sup>2</sup> The Factories Act, 1948 and Plantation Labour Act 1951 states that a child is one that has not completed fifteen years of age and an adolescent is one who has completed fifteen years of age but has not completed eighteen years of age.

According to International labour Organization (ILO), the term 'child labour' is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to 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>1</sup>The Child Labour (Prohibition and Regulation) Act, 1986.

to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.

### **CHILD LABOUR IN INTERNATIONAL ENDEAVOUR**

The problem of child labour is not limited to our country but is worldwide. Many International Conventions were adopted by General Assembly of International Labour Organisation and many countries have ratified it. India is also signatory to many of them.

During the late eighteenth and early nineteenth centuries Great Britain became the first country to industrialize. Because of this, it was also the first country where the nature of children's work changed so dramatically that child labour became a social problem and a political issue.<sup>3</sup>

Forms of child labour, including indentured servitude and child slavery, have existed throughout American history. As industrialization moved workers from farms and home workshops into urban areas and factory work, children were often preferred, because factory owners viewed them as more manageable, cheaper, and less likely to strike. By 1810, about 2,000,000 school-age children were working 50- to 70-hour weeks. Most of them came from poor families. When parents could not support their children, they sometimes turned them over to a mill or factory owner.<sup>4</sup>

In the United States it took many years to outlaw child labour. Many efforts were made to pass a national child labour law. The U.S. Congress passed two laws, in 1918 and 1922, but the Supreme Court declared both unconstitutional. In 1924, Congress proposed a constitutional amendment prohibiting child labour, but the states did not ratify it. Then, in 1938, Congress passed the Fair Labour Standards Act. It fixed minimum ages of 16 for work during school hours, 14 for certain jobs after school, and 18 for dangerous work.<sup>5</sup>

### **International Convention Relating to Children**

A number of International Human Rights Instruments aim guarantee the right of children to be protected against all forms of economic exploitation, such as trafficking and sales of children, child prostitution and pornography and child labour.

International Covenant on Economic, Social and Cultural Rights, 1996. In addition to the general provisions on labour – Articles 6, 7 and 8 – in the Covenant on Economic, Social and Cultural Rights, there is an explicit provision concerning the prohibition of economic and social exploitation of children in the Covenant.

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<sup>3</sup>[www.industrialheritage.org.uk](http://www.industrialheritage.org.uk) accessed on 8<sup>th</sup> August 2015 at 5.45 pm..

<sup>4</sup>Hugh D Hindman, *Child Labor: An American History*, M.E. Sharpe Publication, 2002, p. 86 -87.

<sup>5</sup> Ibid.

Article 10, paragraph 3 of the International Covenant of Social, Economic and Cultural Rights provides that Special measures of protection and assistance should be taken on behalf of all children and young person without any discrimination for reasons of parentage or other conditions. Children and young person should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.<sup>6</sup>

International Convention on the Rights of the Child, 1989. The United Nations Convention on the Rights of the Child is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. The UN General Assembly adopted the Convention and opened it for signature on 20 November 1989. It came into force on 2 September 1990, after it was ratified by the required number of nations.

The Convention is divided in three parts and fifty- four Articles, articulates five sets of basic rights, namely: civil and political; social and economic; cultural rights in abnormal or dangerous situations; and right to due process of law. The Government of India ratified the Convention on the Rights of the Child on 12 November 1992. Accordingly, the Government of India took various initiatives to review the national and state legislations and bring it in the line with the provisions of the Covenant, develop appropriate monitoring procedures to assess the progress in implementing the Convention. By ratifying the Convention, Government is obligated “to review National and state legislation and bring it in the line with provisions of the Convention”. This obligation on the State is also in conformity with the Constitution.<sup>7</sup>

### **Initiative of ILO in restraining Child Labour**

International efforts to regulate child participation in work during this century date back of the ILO’s Minimum Age (Industry) Convention No. 5 of 1919 which was adopted at its first international Labour Conference. This Convention, ratified by 72 countries, established 14 years as minimum age for children in industrial employment. Since then numerous steps have been taken by UNO in general and by the ILO in particular.

The 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment is a general instrument covering child employment across all sectors. Although it has been ratified by few countries so far, it has helped in creating

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<sup>6</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>. accessed on 17<sup>th</sup> August 2015 at 5.42 pm.

<sup>7</sup>Jaspal Singh, “Rights of Children under the Indian Constitution and The Convention of Rights of Children 1989: An Appraisal”, Law Journal Guru Nanak Dev University Amritsar, Vol. XIII, 2004, p.132.

international awareness about child labour and influence the formulation of national policies that prohibit and regulate child employment.<sup>8</sup>

### **The Problem of Child Labour In India**

In India, child labour is not a new phenomenon. It has been in existence since time immemorial in one form or the other and has been changing from time to time. Child labour is a major problem in India. It is a great challenge that the country is facing.

Child labour in ancient India existed in the form of child slaves. The cruel practice of purchasing children of less than 8 years existed in the ancient India where these budding and blooming flowers were treated as a commodity which could be bought or sold, used or abused according to the whims of the masters. To accord protection to these working children whose plight was miserable by all standards, Manusmriti and Kautiliya have pointed out the need and practice of giving protection to these working children.<sup>9</sup>

India, through its medieval period, was no exception to the problem of child labour. Perhaps the cause for this social evil can be attributed to the pressure on land which ultimately forced the poor parents to use their children to assist them in earning livelihood. Even kings also used to exploit the children.<sup>10</sup>

The problem of child labour underwent a dynamic change in the British India. The economic practices of child labour in India, dates back to the Industrial Revolution in India. Since then the demand of industry for cheap labour grow so rapidly and the poverty of masses become so acute that the tendency to exploit child labour among the employers increased in an unprecedented manner.<sup>11</sup> Even the women and children of less than 5 years were forced to work for fifteen to sixteen hours at a stretch.<sup>12</sup>

### **Causes and Consequences of Child Labour In India**

Following are the socio – economic reasons of child labour-

#### **Poverty**

Poverty can be termed as the main reason for child labour in India. The evil of child labour is the product of poverty. Poor parents compel their children to work in order to supplement the family income. Due to insufficient education the poor unfortunately have a large number of children. Poverty and population growth go

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<sup>8</sup>Dr. S. Sharma, “Problem of Child Labour in India: some suggestions”, The Indian Journal Of Legal Studies, 2003-2004 and 2004- 2005, Vol.II and XXIII, pp. 144-145.

<sup>9</sup>C.K. Shukla and S. Ali. (eds), Child labour: socio- economic Dimensions, Sarup and Sons publication, New Delhi, 2006. p. 26.

<sup>10</sup>P.L Mehta, Child Labour and Law: myth and reality of welfare measures, Deep and Deep Publication, New Delhi, 1996, p. 44.

<sup>11</sup>S.N. Tripathy, Exploitation of child Labour in Tribal India, Daya Publishing House, Delhi, 1991, p. 8.

<sup>12</sup> Ibid p.9.

hand in hand. The beggars are never worried about their large family because every child becomes an earning hand at an early age.

### **Inadequate Income of Parents**

Inadequate incomes of parents are also a cause of child labour in India. This compels the parents to send their children to work and earn wages to supplement the essential needs of the family. These parents do not consider child labour as evil.

### **Migration from Rural to Urban Areas**

Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. They comprise the landless and land poor who possess the least amount of assets, skills or education. Almost all major states appear to be affected by migration, although to varying degrees. Many industrial and agro-industrial sectors like brick-making, salt manufacture, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, rice mills and so on run largely on migrant labour.<sup>13</sup>

Along with the economic factors, the psychological, social and cultural factors are also interdependent with the economic system, within which they operate. Child labour is a source of income for poor enlarged families. Indian society continues to be essentially agrarian in character and a recognized feature of rural employment is its seasonality. During the peak society and harvesting season, there is tremendous demand for labour. In order to earn the maximum possible income almost every rural labour household mobilizes the entire family labour force, including children to contribute, howsoever insignificantly, towards family income. In ancient India, tradition of educational learning outside home was confined to the upper caste only. Children of artisans and other producing classes learnt the necessary skill in the family. Some parents still pursue this tradition and do not believe in the socio-economic value of formal education.<sup>14</sup> This tendency is not only responsible for the population explosion but also for the perpetuation and child labour.

### **Consequences of Child Labour**

Child labour deprives the child of a proper childhood. He is not able to get the nurture and care that is essential for his all round development. This may lead to many psychological imbalances which are often expressed in the form of increased aggressiveness, low self esteem etc. A child labourer remains uneducated and is

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<sup>13</sup>NeeraBurra, "Child labour in rural areas with a special focus on migration, agriculture, mining and brick kilns",

[www.ncpcr.gov.in/Reports/Child\\_Labour\\_in\\_Rural\\_areas\\_with\\_special\\_focus\\_on\\_migrati](http://www.ncpcr.gov.in/Reports/Child_Labour_in_Rural_areas_with_special_focus_on_migrati) on 24<sup>th</sup> April, 2013, pp. 2 – 3 accessed on 21<sup>st</sup> August 2015 at 6.00 am.

<sup>14</sup>SuwarnRajan, "Child Labour in India", [www.lawyersclubindia.com/articles/>](http://www.lawyersclubindia.com/articles/>), 2009 accessed on 19<sup>th</sup> September 2015 at 6. 30 pm..

unable to take care of his own family when he grows up. This forces him to make his children work and thus the cycle is perpetuated.

### **Child Trafficking**

In India, a large number of children are traffic for “sex trade.” Trafficking is the process of recruiting, contracting, procuring or hiring a person for commercial sexual exploitation. Therefore, trafficking is a process and commercial sexual exploitation is the result. Trafficking is the process of recruiting, contracting, procuring or hiring a person for commercial sexual exploitation.<sup>15</sup> In *Vishal Jeet v. Union of India*<sup>16</sup> H'onble Supreme Court issued directions to the state Government for setting up rehabilitate homes for children found begging in streets and also the minor girls pushed into 'flesh trade' to protective homes.

### **Sex Tourism**

In India abuse by tourists of both male and female children has assumed serious dimensions. It is hard to measure the incidence of child tourism, but qualitative research and anecdotal evidence suggests that child labour tourism is growing and spreading in different parts of the world. Child tourism and child pornography are closely linked. Sex tourism have been in the forefront in the production of pornographic materials in the form of pictures, films etc.<sup>17</sup>

### **Organ Transplantation**

Trafficking also lure people including children to donate organs by offering big sum of money. The traffickers and the middlemen lure people to sell their organs.<sup>18</sup>

### **Elimination of Child Labour From India**

The concern for children and the elimination of child labour in India continues to be an area of great concern and article of faith and commitment for successive governments. Child labour is a complex socio-economic problem to be dealt through sustained efforts over a period of time. While there could be many reasons for children not being able to complete even their primary education or the vocational training programmes, it is poverty of the families and social backwardness which have contributed to the children either not going to school or dropping out of school even before they complete their compulsory education.

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<sup>15</sup>Dr. P. M. Nair, Trafficking Women and Children for Sexual Exploitation, UNODC Publication, New Delhi, 2007, p.2.

<sup>16</sup> 1990, 3 SCC 380

<sup>17</sup>Sanker Sen, “Trafficking in women and children”, Journal of the NHRC, India, Vol.3, 2004, p.52.

<sup>18</sup> Ibid, p.53.

Actual issue of child labour in India attracted public attention and debate for first time in 1985. However it became the focus of major concern in the aftermath of globalisation and privatization. Apart from ILO, other international agencies and UN system as a whole pledged their full support to eliminate child labour and signed a declaration at New Delhi in 1998. In 2002 the Government of India launched a major project with state department of labour especially in hazardous Industries in certain states and districts.<sup>19</sup>

### **Law relating to Child in India**

The Constitution of India, through various articles enshrined in the Fundamental Rights and the Directive Principles of State Policy, lays down that:

Article 23 of the Constitution prohibits the practice of debt bondage and other forms of slavery, both ancient and modern.<sup>20</sup>

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment (Article 24);  
The State shall provide free and compulsory education to all children of the age six to 14 years. (Article 21 (A));

The State shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of children are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength (Article 39-e);

Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment (Article 39-f);

The State shall endeavour to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years (Article 45).

Child labour is a matter on which both the Union Government and state governments can legislate. A number of legislative initiatives have been undertaken at both levels. The major national legislatures include the following:

### ***The Child Labour (Prohibition and Regulation) Act, 1986:***

In 1979, Government formed the first committee called Gurupadswamy Committee to study the issue of child labour and to suggest measures to tackle it. Based on the recommendations of Gurupadaswamy Committee, *the Child Labour (Prohibition and Regulation) Act*, 1986 was passed. The Act prohibits the

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<sup>19</sup>SumalataBhaomkar, "Child Labour – a Problem", Indian Socio – Legal Journal, Vol. XXXIV Nos. 1 and 2, 2008, p. 76.

<sup>20</sup>*People's Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473.

employment of children below the age of 14 years in 16 occupations and 65 processes that are hazardous to the children's lives and health. These occupations and processes are listed in the Schedule to the Act. In October 2006, the Government has included children working in the domestic sector as well as roadside eateries and motels under the prohibited list of hazardous occupations.

**The *Factories Act, 1948*:** The Act prohibits the employment of children below the age of 14 years. An adolescent aged between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor. The Act also prescribes four and a half hours of work per day for children aged between 14 and 18 years and prohibits their working during night hours.

**The *Mines Act, 1952*:** The Act prohibits the employment of children below 18 years of age in a mine. Further, it states that apprentices above 16 may be allowed to work under proper supervision in a mine.

**The *Right of Children to Free and Compulsory Education Act, 2009*:** Provides for free and compulsory education to all children aged 6 to 14 years. This legislation also envisages that 25 per cent of seats in every private school should be allocated for children from disadvantaged groups including differently able children.

### **Child Labour and National Human Rights Commission**

The National Human Rights Commission has made a special effort to study and to seek remedies to the problems of child labour in the glassworks industries, match stick and fireworks industries in Tamil Nadu. The Commission with the cooperation of Central Government and Non Governmental Organisations, has prepared an integral programme which is based on three inter – related concepts. Firstly, income support for families from whom children go to work in the glass ware industries. Secondly, schooling, including the creation of new facilities, for children weaned away from employment. Thirdly, rigorous implementation of the Child Labour (Prohibition and Regulation) Act, 1986.<sup>21</sup>

The NHRC has been deeply concerned about the employment of children below 14 years in hazardous occupations and processes. It has been monitoring the problem of child labour in the country through its Special Rapporteurs and visits made by various Chairpersons and Members of the NHRC from time to time; including organization of sensitization programmes and workshops in States affected by child labour; interface with other concerned agencies and NGOs; and by way of co-ordination with the State Governments where child labour is prevalent to ensure that adequate steps are taken for its eradication.

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<sup>21</sup>National Human Rights Commission – Annual Report – 1994 -1995.



Two workshops on elimination of child labour system were organized by the NHRC in collaboration with the respective State Governments. The first one-day workshop on elimination of child labour system was organized in Bhubaneswar on 22 August 2009. Its main objective was to sensitize the officers and functionaries of Government of Orissa dealing with child labour to the concerned law and other related aspects.

The second one-day workshop on elimination of child labour system was convened in Ahmadabad on 16 January 2010. The primary objective of the workshop was to sensitize the officers and functionaries of Government of Gujarat dealing with the problem of child labour to the concerned law(s) and other related aspect.<sup>22</sup>

### **Child Labour and Judicial Response**

Judiciary has shown its deep concern for prohibiting the employment of children in hazardous concerns. In *M.C. Mehta v. State of Tamil Nadu and others*<sup>23</sup>, a public interest litigation filed by M.C. Mehta in the Supreme Court of India under Article 32 of the Constitution of India, in respect of employment of children in the match industry in Sivakasi. Since the problem of child labour was rampant throughout the country, the court thought it appropriate to deal with the issue in a wider manner treating it as a national problem. In this case the Supreme Court took note of the magnitude of the problem of child labour and main reasons for its wide prevalence despite various statutory provisions prohibiting the child labour. To resolve the problem of child labour, the Supreme Court various directions. The Court held that every state government must conduct a survey, to be completed within six, on the types of child labour carried out in the state. To ensure compliance with Child Labour (Prohibition and Regulation) Act, 1986, an employer must be asked to pay a sum of Rs 20,000 as compensation for every employed in contravention of the provisions of the Act. The employer would be liable to pay this amount even if he were to disengage the child presently employed. The inspectors, appointed under Section 17 of the Act, would bear the responsibility of ensuring this. It would be the duty of the inspector to see to it that free and compulsory education up until the age of 14 is provided to the child. Penal provision contained in the Child Labour (Prohibition and Regulation) Act, 1986, would be used where employment of a child labour prohibited by the Act is found. The sum paid as compensation should be deposited in a fund to be known as Child Labour Rehabilitation-cum-Welfare Fund.

In *Bandhua Mukti Morcha v. Union of India*<sup>24</sup>, the petitioner was an organization solely devoted to the cause of bonded labourers in the country. The petitioner made a survey of some of stone quarries in Faridabad District near Delhi and

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<sup>22</sup> National Human Rights Commission – Annual Report – 2009 - 2010.

<sup>23</sup> (1996) 6 SCC 756.

<sup>24</sup> AIR 1984 SC 802.

discovered that a number of labourers from different states of the country were working in those stone quarries under inhuman and intolerable conditions and the majority of them were bonded labourers. A letter was addressed to one of the judges of the apex court containing signatures and thumb marks of the alleged bonded labourers. The petitioner alleged violations of the provisions of the Constitution and non-implementation of the laws relating to the labourers working in these stone quarries. It was revealed that all these workers were bonded labourers who were not permitted to leave the job. Most of the labourers complained that they got very little wages from the mine lessees or owner of the stone crushers because they were required to purchase explosives with their own moneys, the report concluded by saying that these workmen, “presented a picture of helplessness, poverty and extreme exploitation at the hands of moneyed people” and they were found living a most miserable life and perhaps beasts and animals could lead more comfortable life than these helpless labourers.<sup>25</sup>

The preliminary objection raised by the respondents related to the maintainability of the petition under Article 32 of the Constitution. The court expressed surprise over the manner in which the State Government showed its urgency to raise this objection so as to avoid an enquiry by the court as to whether the workman are living in bondage and under inhuman condition. When the court entertains public interest litigation, it does not do so in a cavilling spirit or in a confront national mood or with a view to titling at executive authority or seeking to usurp it, but its attempt is only to ensure observance of social and economic rescue programme, legislative as well as executive, framed for the benefit of the have-nots and the handicapped and to protect them against violation of their basic human rights, which is also the constitutional obligation of the executive. The Court is thus merely assisting in the realisation of the constitutional objective. The court expressed surprise by saying that if a complaint is made on behalf of workmen that they are held in bondage and living in a miserable condition, it is difficult to understand how such a complaint can be thrown out on the ground that it is in violation of the fundamental right of the workmen.

Giving a new interpretation to the term “appropriate proceeding” contained in Article 32(1) Justice Bhagwati observed that, “there is no limitation in regard to the kind of proceeding envisaged in clause (1) of Article 32 except that the proceeding must be, ‘appropriate’ and this requirement of appropriateness must be judged in the light of the purpose for which the proceeding is to be taken namely, enforcement of a fundamental right. The learned Judge continued by saying that the framers of the Constitution did not lay down any particular form of proceeding for enforcement of a fundamental right. They also did not stipulate that such proceeding should conform to any rigid pattern or formula because they knew that in a country like India where there is so much poverty, ignorance, illiteracy,

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<sup>25</sup>Ibid.

deprivation and exploitation, any instance on a rigid formula of proceeding for enforcement of a fundamental right would become self-defeating. In view of this position, the court observed that a simple letter by a member of the public acting bonafide can be legitimately regarded as appropriate proceedings.<sup>26</sup>

The judgment of the Apex Court shows that the public interest litigation is acquiring new dimensions for ensuring accountability of the public authorities towards the poor and deprived. In fact, the state or public authority should welcome this move because it is primarily intended to correct wrong or to redress injustice done to the poor and weaker sections of the community where welfare should be paramount considerations of the state or public policy.

The constitutional mandate of Article 39(f) has not only invited the attention of the legislature but also of the social activists and the judiciary.<sup>27</sup>

In *Labourers Working on Salal Hydro –project v. State of Jammu and Kashmir and others*<sup>28</sup>, the honourable Supreme Court also agreed that child labour is a difficult problem and it is purely on account of economic reasons that parents often want their children to be employed to augment their meagre earnings. And child labour is an economic problem, which cannot be solved by mere legislation. Because of poverty and destitution in this country it will be difficult to eradicate child labour, so attempts should be made to reduce if not to eliminate child labour because it is essential that a child should have be able to receive proper education with a view to equipping itself to become a useful member of the society and to play a constructive role in the socio-economic development in the country. They must concede that having regard to the prevailing socio-economic conditions it is not possible to prohibit the child labour altogether and any such move may not be socially or economically acceptable to large masses of people. That is why Article 24 limits the prohibition against employment of child labour only to factories, mines or other hazardous employments clearly construction work is a hazardous employment and no child below the age of 14 years can therefore be allowed to be employed in construction work by reason of the prohibition enacted in Article 24 and this Constitutional prohibition must be enforced by the Central.

In *NarenderMalav v. State of Gujarat*,<sup>29</sup> in this case a Public Interest Litigation was filed to the apex court related to the issues of child labour in the salt mines of Gujarat. The court requested the amicus curiae and a non-governmental organisation, SEWA, to enquire and investigate the issue of child labour, the welfare and well being of salt mine workers and their families in the Saurashtra

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<sup>26</sup>Ibid.

<sup>27</sup>Praramjit S. Jaswal and Dr. NishthaJaswal, “Ensuring Human Rights to Children: Some Observations”, Journal of the Institute of Human Rights: Rights of Child, Vol. No. II, 10<sup>th</sup> June 1999, p. 65.

<sup>28</sup> AIR 1984 SC 177.

<sup>29</sup>AIR 1998 SC 128.

and Kutch areas of the State of Gujarat, particularly with reference to education facilities for their children and availability of a adequate /proper housing and medical facilities and to report to the court within three months.

The court requested the amicus curiae and the representative of the Non – Governmental Organisation to interact with the empowered committee for the purpose of ascertain the measures taken by various agencies for the welfare of salt workers and their families and to suggest ways and means to improve these conditions. The court directed the state government through the Assistant Labour Commissioner to provide all the assistance for this purpose.

In *Rajangam Chandra Segaram v. State Of Tamil Nadu And Ors*,<sup>30</sup> the Supreme Court held that Tobacco manufacturing has indeed health hazards. Child labour in this grade should therefore be prohibited as far as possible and employment of child labour should be stopped either immediately or in a phased manner to be decided by the State Governments Out within a period not exceeding three years from now. The provisions of Child Labour Abolition Act, 1986 should be strictly implemented.

In *Laxmi Kant Pandey v. Union of India*,<sup>31</sup> the Supreme Court took active steps to abolish bonded domestic services and slavery of poor children. The Court has shown vigorous courage to point out that State and Central Government have badly failed to execute the spirit of labour welfare legislations with the result that there is a large scale violation of the provisions and thereby the employers have miserably exploited the innocent child labour.

### **Conclusion and Suggestions**

Children are future citizens of the Nation and their adequate development is utmost priority of the country. Unfortunately, child labour engulfs children across the world. Child labour is mainly necessitated by economic compulsions of the parents in many cases of the children. Various constitutional and legal provisions have been put in the Constitution of India to deal with the problem of child labour. Government through various policies is trying to combat this evil from the Indian society, but India is still lagging behind to implement those policies into effect. One of the main reasons of this is lack of awareness of child labour among people especially rural people and also lack of enthusiasm amongst the people to remove this social evil from the society. It is very essential for a country like India to make the laws rigid so that no one dare to use child as a labour in any sector and at the same time proper facilities should also be made so that economic forces does not compel children to work in hazardous employments. Child labour in any form

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<sup>30</sup> AIR 1995 SC 264.

<sup>31</sup> AIR 1984 SC 469.

is dangerous for the society, so everyone should join hands and fight against the evil of child labour.

**Following are ways by which we can prevent the evil of child labour from society:**

Poverty is one of the main causes of child labour. So it is the responsibility of government of India to get rid of this problem. Poverty can be eradicated by providing better employment opportunities to the poor, by effective implementation of agrarian reforms, minimum wages law.

NGOs have an important role to play in the elimination of child labour. Government does not have the infrastructure to reach every section of the society and particularly the millions who work and live in remote areas. NGOs can act as a bridge between hard-to-reach areas and the government.

There must be some government policy for rescue and rehabilitation of the victims of trafficking. The government should establish some rehabilitation home for the children victim of trafficking and education and vocational training should also be provided to them so that they can lead their live in future.

Awareness of child labour is essential, so the role of media in elimination of child labour is one of the most important components of the process of total human development. The media should expose defaulting firms or business houses that clandestinely employ children and violate laws relating to child labour so that people as well as government become aware of the areas where child labours is there.

Education is a crucial component of any effective effort to eliminate child labour. Efforts should be made to help children understand their rights and the importance of education. Government should visit different industries monthly to see if any child is employed in Hazardous employment. If yes, than necessary steps are to be taken against them.

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