ABSTRACT

“The Child is father of the Man” said Wordsworth. Children begin by loving their parents; as they grow older they judge them; sometimes they forgive them. Mahatma Gandhi says, “If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children.” But due to an increase in child labour in India, the future of children seems to be in dark. And at the same time the nation bears the deadly consequences of this curse of the society. In this paper we intend to give the scenario in which child labour gets increased and various challenges that have emerged due to this particular problem, like violence, child trafficking, etc. are also elaborated. Various facts and data from authentic sources have been tabulated and presented in respective sections. The required efforts to overcome these problems are proposed. Finally we conclude that the proposed solution may be found worthy in overcoming the challenges that have emerged due to the child labour.

1. INTRODUCTION

“The Child is father of the Man” said Wordsworth. Nehru considers children as one of the greatest assets for the nation. The Child is generally considered to a person who is less than 14 years of age and less developed, immature and cannot understand the consequences of any work, and not aware of their rights. We all know hard labour is the way to success. Labour can be viewed from various aspects. Physical labour is the work done by any person using his physical energy to make productions. Another aspect of labour is concerned with mental activities. The work done by mental power and makes a production for gain, called ‘mental labour’, so we can say that any work done by physical and mental power is called “labour” such work which is more than 9 hours a day and which is harmful for the physical, mental health and in hazardous condition is called worst labour and such labour which is not harmful for health and work not more than 14 hours in a week and not in hazardous condition is called “normal labour”. Child labour is a global phenomenon. The term “child labour” is generally used to refer “all children who are less than 15 years old and forced to work on regular basis to earn livelihood for themselves and their family in organization or non-organization and hazardous and non-hazardous condition that are exploitative and affective to their health and to their physical and mental health and development or deprived of education and training opportunities.

According to International Labour Organization (ILO, 2002) “all children under 15 years of age who are economically active excluding those who are under 5 years and those between 12-14 years old who spend less than 14 hours in a week open their jobs unless their activities or occupation are hazardous by nature or circumstances, is called “Child Labour”.

The International Labour Organization (ILO) defines child labour as “work situations where children are forced to work on a regular basis to earn a living for themselves and their families, and as a result they remain backward educationally and socially in a situation which is exploitative and harmful to their health and to their physical and mental development. The children are separated from their families, often deprived of educational and training opportunities and they are forced to lead prematurely adult lives (ILO)”. The Factories Act of 1948 states that any work undertaken by children that interferes their full physical development, their opportunities for desirable minimum of education or their need of recreation by a child below 14 years under either compulsion development or their desirable opportunities for a child voluntarily in an organized or unorganized minimum of education, termed as ‘child labour’ (The Factory Act 1948). The worst forms of child labour are those situations where children work more than nine hours in a day; earn less than a minimum wage or no wages at all; work in hazardous conditions for health and safety; have no access to education; and, work outside of their family's home. Children are the future of the nation, they are vulnerable due to their age and physical power and they cannot make plan for their future and cannot understand the result of any work. So they should be protected from exploitation and should be given opportunities for their physical and mental development. Hence the protection of children is the responsibility of the nation. The Indian constitution also makes safe guards for the children from their exploitation and
to eliminate child labour from our society. Indian constitution makes provisions for the children, such as Article-24 provides that child below the age of 14 years shall not be employed to work in any factory or mind or engaged in any hazardous employment. Government of India is also committed to ensuring protection, rights and development of children in our country to overcoming this target government has enacted various legislations such as which prohibit children from working in the particularly hazardous and dangerous activities Child Labour prohibition and regulation act 1986.

2. CHILD LABOUR

Child labour is defined differently from the various organizations and group of people. The International Labour Organization (ILO) defines child labour as "work situations where children are compelled to work on a regular basis to earn a living for themselves and their families, and as a result are disadvantaged educationally and socially; where children work in conditions that are exploitative and damaging to their health and to their physical and mental development; where children are separated from their families, often deprived of educational and training opportunities; where children are forced to lead prematurely adult lives(ILO,) The Factories Act of 1948 defining that “a person below the age of 14 years is to be regarded as Committee, defined child labour “as work. Therefore, any work undertaken by children that interferes their full physical development, their opportunities for desirable minimum of education or their need of recreation by a child below 14 years under either compulsion or voluntarily in organized or unorganized sector qualifies to be called as child labour".

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<th>S.N.</th>
<th>Author</th>
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<td>3.</td>
<td>Ramaiyah</td>
<td>“A person below the age of 14 years is to be regarded as child. Therefore any physical labour undertaken by a child either under compulsion or voluntarily in organized or unorganized sector qualifies to be called as child labour”</td>
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<td>4.</td>
<td>Sanjay Mohapatra, Manusmita Dash</td>
<td>“the term “child labour” is used for children occupied in profitable activities whether industrial and nonindustrial”</td>
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<td>5.</td>
<td>Shri V. V. Giri</td>
<td>He has given two concept of child labour , 1. As a bad economic activity. 2. As an overt social evil.</td>
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<td>6.</td>
<td>Dr. Steven Wind, Dr. Devanjana C Naydu.</td>
<td>“Child labour implies that who are in the age group below 14 years and who work for themselves and for their family for an income and who contribute a significance share to the labour force in India”.</td>
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<td>7.</td>
<td>Homer Floks</td>
<td>Child labour “as work by children that interferes with their full physical development, their opportunities for desirable minimum of education of their needed recreation”</td>
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3. CONSTITUTIONAL SAFEGUARDS IN INDIA

The constitution of India carries important expression of the attitude of the State towards children, Article-15 (3) of the constitution authorizes the state for the making any special provision for women and children. Article-21 no person shall be deprived of his life or his personal liberty except according to procedure established by law. Article-21A - The state shall provide free and compulsory education to all children of the age of 6-14 years in such manners as the state may, by law, determine. Article -23- traffic in human being and beggar and other forms of forced labour are prohibited and any contravention of this position shall be an offence punishable in accordance with the law. Article-24 provides that no child below the age of 14 shall be employed to work in any factory or mine or engaged in any other hazardous employment. Article 39 (E) proclaims that the State shall its policy towards securing that the health
strengths of the tender age of children are not forced by economic necessity to enter avocations unsuited to their age or strength. Article 39 (E) enjoins that childhood and youth are to be protected against exploitation, against moral and material abandonment. In Article-45 the constitution provide free and compulsory education for all children until they complete the age of 14 years (C.K. Shukla et al., 2006). The general provisions under Article, 38, 42, 43, 45 and 47 of Directive Principles of State Policy, although do not deal directly with child welfare but provides strategy for indirectly promoting welfare of children. Article-38 (1) provides that the State shall strive to promote the welfare of the people by securing and protecting as effectively, as it may secure a social order in which justice, social, economic and political shall be ensured. Article-42 and 43 provide for securing just and human conditions of work and hold out a promise that the State shall endeavour to secure, by suitable legislation, economic organization or in any other way, for all workers, a living wage with specified conditions of work ensuring a decent standard of life and full employment of leisure and social and culture opportunities. This definitely includes child labourers in widest sense (S. Ali, 2006). Article-46 makes provisions for promotion, with special care of the educational and economic interest of SC and STs and other weaker sections of the society. Article-47 lays emphasis on raising standard of living of people by the State. These also include children in their purview. While assessing the progress and implementation of these provisions, it is noteworthy that child labour is increasing day by day (S.C. Kashyap 2005 pp 91-149).

4. LEGISLATIVE PROVISIONS FOR PROTECTION OF CHILD LABOUR

The Factories Act of (1881) was the first law to define child and to prescribe prohibitory regulations for employment of children below 7 years of age. The Factories Act, (1911) prohibited employment of children in dangerous occupations and working during night hours. The first Convention of ILO, compelled amendment of the Act in (1922), to rise the minimum age of child to 15 years. However, children below the age of 12 years where prohibited for employment. The age rose to 13 years in 1935 under the Act. The Factories Act, (1948), prescribes prohibitory regulations for employment of children below 14 years of age in any factory. India Mines Act, (1952) prohibits employment of children below 16 years in any underground mines. Plantation Labour Act, (1951) prohibit the employment less than age of 12 years. The Motor Transport Workers Act (1961) absolutely prohibits employment of children in motor transport. The Shops and Commercial Establishments Acts of different States, also prohibit employment of children in the shops hotels, dhabas, street shops and commercial places. Those young persons who are employed, these legislations are careful about their health. While restricting the night work, they provides for medical fitness certificates by the young persons. Also, the parents who satisfy their economic needs lie about the age of their children. Besides the above legislations, The Apprentice Act, (1961), The Beedi and Cigar Workers (Conditions of Employment) Act, (1966), The Atomic Energy Act, (1962) and Contract Labour (Regulation and Abolition) Act, (1970) these Acts provide that employment of children is a punishable offence. As required by ILO Convention and as envisaged in National Seminar on Employment of Children in 1975, to prevent exploitation of children, Indian Government felt to enact a single Act to deal with prohibition of child labour.

The Child Labour (Prohibition and Regulation) Act was enacted in 1986. The Act prohibited employment of children below the age of 14 years in certain occupations and processes. These include the transport of passengers, goods and mails and other hazardous work in railways and ports, the process like Beedi making, cement manufacturing, manufacturing of matches and explosives, mica cutting, soap manufacturing, wool cleaning and building and construction industries. The 3rd part of the Act provides for regulations of conditions of work by prescribing minimum working hours, prohibiting work at night, prohibiting overtime work, and weekly holiday. Also, the Act provides measures for health and safety of child workers. It emphasized on maintenance of a register having details of children if employed by any organization. While prohibiting employment in certain occupation and processes, the law legalized employment of children in other cases. Indirect support was extended for such an evil practice which should be totally prohibited irrespective of the nature of employment. Protection of children from sexual offence Act, 2012, has several features that are child centered.

5. CAUSES OF CHILD LABOUR

Child labour is a socio-economic problem. Parents for the reason of poverty have to send their children in order to supplement their income derived from child labour, however meagre are essential to sustain the family. The major reason that creates the circumstances for a child to work as a child labour includes the following:

- Socio-economic backwardness
- Poverty
Illicitly
Unemployment
Over population
Lack of education facilities
Ignorance of parents about the importance of education.
Ignorance of impact on children of labour.
Government apathy

Gangrade (1978) believes that child labour is a product of such factors as customs, traditional attitude, and lack of school or reluctance of parents to send their children to school, urbanization, industrialization, migration and so on. In addition to the above mentioned factors responsible for child labour, there are several other causes too. Firstly, the provisions of the protective labour legislations are lopsided and do not cover agriculture and small-scale industries. Secondly, the enforcing machineries, which are provided by the state governments, are inadequate almost everywhere and fail to check up on child labour. The children are mostly silent listeners or non-listeners of the policies and programmes meant for them and hence, their problems are not properly realized, for which nobody pays serious attention to their plights and the safeguards extended for the prevention of child labour are not implemented effectively. Economic Globalization is equally responsible for the growth of child labour.

6. PRESENT SCENARIO

According to the Indian census of 1991, there are 11.28 million working children under the age of fourteen years in India. According to the govt. of India the number of child labour have been decrease from 1.25 crore (census 2011) to 90.75 lakhs in 2004-05 and recently to 49.6 lakhs (66th Round of NSSO) (YOJNA p 20). Child labour is still a major problem in India. The Hindi belt, including Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh, account for 1.27 crore working children in the country, engaged in both hazardous and non-hazardous occupations and processes. Over 19 lakh child labourers in the 5-14 age group are in Uttar Pradesh. Rajasthan accounts for over 12.6 lakh workers followed by Bihar with over 11 lakh and Madhya Pradesh with 10.6 lakh. However, according to the 2001 census, in state-wise distribution of working children in the 5-14 age group, Andhra Pradesh with 13.6 lakh child labour stands second in the national list after UP. The labour Law implemented by government of India, the Legislation stipulates for imprisonment up to one year and penalty up to a maximum of Rs. 20,000 for employing child labour. But statistic show that only 1360117 inspection are identified under the child labour law since its inception in 1986 out of which barely 49092 prosecuted have been launched and only 4774 employers have been convicted .(yojna: Nov.2012)


<table>
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<tr>
<th>Engaged Children</th>
<th>Children of the age group(5-14years)</th>
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<tr>
<td></td>
<td>Number of children(in 100’s)</td>
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<tr>
<td></td>
<td>Boys</td>
</tr>
<tr>
<td>Attended domestic duties</td>
<td>3770</td>
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<tr>
<td>Attended domestic duties ,free collection of goods, tailoring, weaving for HH only</td>
<td>3178</td>
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<tr>
<td>Attending schools</td>
<td>925350</td>
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<tr>
<td>Children at work</td>
<td>59915</td>
</tr>
<tr>
<td>Children engaged in economic activity</td>
<td>52967</td>
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<tr>
<td>Children neither at work nor at school</td>
<td>218889</td>
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7. CHALLENGES
In this section we have presented few of the major challenges that encounter due to child labour. In figure (fig 1.) the impact of child labour on children is illustrated. In diagram we have shown how child labour affects children morally, physically and mentally. In the following section few major challenges are highlighted.

A. Violence Against Children
In most families, the parents neglect their children, caretakers batter them & in workplaces employers sexually abuse them, through this problem of emotional, physical & sexual abuse of children is increasing, it has failed to capture the attention of Sociologists and Psychiatrists in our Country. The public & the government also recognize it as a serious problem. Some studies limit the term “Child Abuse” to “Children who have received serious physical injury caused wilfully rather than by accident”. But no definition of child abuse can be considered valid unless it includes non-physical acts such as mental injury & neglect & ill treatment of a child. Child abuse is usually classified into three major types: Physical, Sexual and Emotional.

B. Street Children
Street Children are a symbol of the urban social malaise. They are among the most vulnerable categories of urban Indian Children, and can be seen in street crossings, pavements, underneath flyovers, railway platforms, bus stations, parking lots, markets and other public places. They are called street children because they spend a considerable part of the day on the street for employment, shelter, companionship, or loitering around. These children have never been to school or have dropped out of school after a short while. Around 90 per cent have ties with their families and 10 per cent are on their own, these being mainly those who have been abandoned or have escaped from maltreatment abuse, neglect family breakdown, or object poverty. In the Eighth Five Year Plan (1992-97), a separate Centrally Sponsored Programme of grant-in-aid for street children was launched. Some state governments also provide grant-in-aid to NGOs for providing services of these children. Some International NGOs have provided assistance with project grants. In 1998, the government of India setup a ‘child line India’ in the country. The child line services respond to the emergency needs of children who require care and protection, and are in different circumstances. Because they have Rights for get the basic need for.

C. Child Trafficking
Human trafficking is the world’s third largest crime. In India the volume of human trafficking has increased; in 2007 the number of cases registered was 3991 which decreased to 3029 in 2008, and 2848 in 2009. Nearly 60% of victims of trafficking are below 18 years of age. Mostly girls are trafficked for sexual purpose. The number of children trafficked worldwide for sexual exploitation or cheap labour on an annual basis is 1.2 million. Approximately 150,000 women and children are trafficked from South Asia every year and for most of them India acts as a country of the origin and destination. In some other cases women and girls are trafficked to other countries via India. It is estimated that nearly 5000 to 7000 Nepalese girls are trafficked into India for sexual exploitation (yojna pp- 44, Nov. 2012).

Fig 1. Impact of Child Labour on Children

8. EFFORTS TO OVERCOME CHILD LABOUR AT INTERNATIONAL LEVEL

A. World Conference on Human Rights
The U.N.O. organized a World Conference on Human Rights which was held in Veina, Austria from 14th - 25th June, 1993 highly, concerned the rights of Children in global society. The conference repeated again the principle of “First Call for Children” (UNICEF, 1990) and, in this respect it emphasize the importance of major national and international efforts, particularly those of the United Nations Children’s Emergency Fund (UNICEF), for promoting respect for the rights of the child to survival, protection, development and participation. It called on states to integrate the Convention on the Rights of the child into their National Action Plans (Anandarajakumar, 2004).

The Universal Declaration of Human Rights as adopted by the United Nations in 1948, incorporate the basic rights of children for development and education. United Nations made an independent declaration on Child Rights in 1959 (C.K. Shukla,
must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succored; c) must be the first to receive relief in terms of distress; d) must be put in a position to earn a livelihood, and must be protected against every form of exploitation; e) must be brought up in the consciousness that its talent must be devoted to the services of its fellow men.

C. **Global conference on child labour**

The heightened interest in the child labour issue in the 1990s was marked by the two international conferences held in 1997. A major review conference following the Amsterdam and Oslo meetings of 1997, and the 2002 meeting in The Hague, was specifically called for in the 2006 Global Report. In response to this concern, the Government of the Netherlands announced at the 2009 International Labour Conference that it would host a global meeting to be held in May 2010. The conference is being held in cooperation with the ILO. The main objective of the conference is to strengthen the worldwide movement to achieve universal ratification of ILO Conventions Nos 138 and 182 and to advance efforts to reach the 2016 target. Conference discussions will be structured around five key themes: political awareness and commitment; financing needs; policy integration; tripartite action; and focus on Africa. In addition, the conference will provide a platform for “champion” countries, social partners and others to showcase and discuss good practice in combating child labour. The conference will consider a road map on ways and means to help reach the 2016 target.

D. **Actions Especially for Girls**

Girls depict around 54 per cent of the world’s total out-of-school children and are much more likely than boys never to enrol. One estimate suggests the global cost of not educating girls is US$92 million a year, just less than the total annual development assistance budget of developed countries. 57 International Labour Organization (ILO) core Conventions on child labour stress the special risks facing girls, particularly some of the worst forms of child labour. Since 2000, International Program on Elimination of Child Labour (IPEC) has invested heavily in promoting gender equality by important contributions to the UN-wide effort through the 2007 violence studies and on-going support to the United Nations Girls’ Education Initiative as part of its partnerships in support of the Education for All (EFA) movement. Gender has featured throughout IPEC’s training activities. A number of practical tools and studies have been commissioned, not least that for World Day 2009 on the plight of girls. The theme of “Gender
equality at the heart of decent work” was chosen for a general discussion at the International Labour Conference in 2009. The elimination of child labour was reaffirmed in the general discussion in paragraph 35 of the conclusions, which reinforced the need to include gender differences and the special situation of girls in action plans against child labour.58 The discussion was facilitated by a report and a campaign launched at the 2008 International Labour Conference.59 Child labour featured in the campaign materials that focused on the role of education, particularly of girls, in building the foundations for decent work.

9. EFFORTS IN INDIA

A. National Policy for Children 1974
National policy for children as adopted on 22nd August 1974 stands as the basis of several national policies and programmes initiated in the last few decades to address the varied needs of the children, and is the policy frame for this plan. The policy laid down that state shall provide adequate services towards children both before and after birth and during the growing stages for their full physical, mental and social development the policy emphasized the need for the measures of the balanced growth of children; children shall be protected against neglect, cruelty and exploitation (D. R. Sachdeva 2003).

National policy on child labour was adopted in August 1987 contains the action plan for tackling the problem of child labour. It envisaged the legislative action plan and convergence of general development program for benefitting children wherever possible.

B. The National Human Rights Commission (NHRC)
The National Human Rights Commission (NHRC) has been deeply concerned about the employment of child labour in the country as it leads to denial of the basic human rights of children guaranteed by the Constitution and the International Covenants. The Commission monitors the child labour situation in the country through its Special Rapporteurs, visits by members, sensitization programmes and workshops, launching projects, interaction with the Industry associations and other concerned agencies, coordination with the State Governments and NGOs to ensure that adequate steps are taken to eradicate child labour. The Commission believes that unless and until the reality of free and compulsory education for all up to the completion of the age of 14 years is realized, the problem of child labour shall continue. The Commission has involved the NGO in the non-formal education of child labourers. A number of such schools/training centres are functioning in the carpet producing districts of India. There has also been a distinct improvement in the level of awareness among the general public about child labour issues.

C. Elementary Education as a Right to Every Child
Investment for Education is investment for nation. Education is the most important investments that any developing country can make for its future. Education is the most effective tool for reducing child labour. But in India Elementary Education has been taken seriously and is a matter of consideration. This has been characterized by neglect of education of urban disadvantaged children, the girl child and disabled children and by low budgetary allocation. As a finding of continuous and persistence advocacy campaign, the Parliament Passed 93rd Constitution Amendment Bill 2001 to make education a Fundamental Right in India.

D. Ensuring Right to Food even for street children
Malnutrition of children is one of the biggest public health problems facing the country. It adversely affects the growth and development of children including their learning ability, and the capacity to cope with the problem of daily living. Female children are more undernourished than male children. Malnourishment is also higher in rural areas. Action Aid estimates that 212 Million People Suffer from chronic hunger and undernourishment in India. India is ranked 67th among 84 developing countries in the Global Hunger Index for 2010 prepared by the International Food Policy Research Institute. Food is the first among the hierarchical need of human being. Therefore, Food Security should have the first charge on the available resources. Food Security is the “access of all people including children to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life” The Universal Declaration of Human Rights of 1948 (1) that “everyone has the right to standard of living adequate for the health and well-being of himself and his family including food “ According to Ministry of Agriculture, in 2008 India has second largest arable land (184 Million hectares) and largest irrigated land of 55 Million hectares. The country is the largest producer of Wheat (72 Million Tones), largest producer of Pulses (15 Million Tones), Milk (90 Millions Tones), Spices and Tea.
E. **World Day Against Child Labour**

The National Commission for Protection of Child Rights is commemorating World Day against Child Labour here on 12 June, 2012. The theme for this year is “JUSTICE FOR CHILDREN-END CHILD LABOUR.”

F. **National Child Labour Project (NCLP)**

National Child Labour project which began with number of 12 districts only, has been progressively extended to various parts of country with the coverage of 271 districts in 21 states of the country, which is playing an important role in elimination of child labour.

G. **Day Care for children**

There is a need for Care Centres for children of working women in rural and urban areas. Concerning health, nutrition, and social development, childhood is a period of care. Most working women are in low paid jobs as casual workers or self-employed. In urban areas, a large number of women are employed in low-income service sector and processing industries. Their problems have been aggravated with the aggravating trend of nuclearization of families, leaving the parents with the responsibility to take care of their children, even while they are fighting their daily battle for survival. Women workers in the organized sector are legislatively entitled to create services to be provided by the employer. The number of women workers covered is, however, very small. Employers find ingenious ways to show that the numbers of workers are less than the minimum required to organizing a crèche. They also outsource the work to reduce their liability. Some are function under the charge of trained workers. Children are provided with supplementary nutrition and other facilities. In other cases, however, crèches are run only in per functionary manner. Some autonomous bodies and government department have setup crèches for their employees. The Central Social Welfare Board and women and Child Development Ministry are providing assistance to Non- Government Organization to organize crèche services for children below 6 years from low income families.

**CONCLUSION**

There is a lot of provision added in the constitution of India for child welfare to overcome child labour and to avoid the situations that comes as a consequence of the child labour. At an International level, different organizations are also working for the same cause. But still there are a lot of efforts needed to create an environment which is free from child abuse. The recent data as discussed in the various sections of the paper indicate how far are we in eradicating child labour and how hard work we need to do for the welfare of the poor, ignorant and unheard children. In this paper we have proposed few major steps that may be proved worthy in reducing the child abuse, hence a safe and pure society.

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