



FACULTY OF JURIDICAL SCIENCES

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Rights of Children under National Laws:

India has also taken effective measure under national level. In order to eliminate child labour, India has brought constitutional, statutory development measures. The Indian constitution has consciously incorporated provisions to secure compulsory elementary education as well as the labour protection for the children. Labour commission in India have gone into the problems of child labour and have made extensive recommendations. The constitution of India, too provides certain rights to children and prohibits child labour such provisions are as follows:

1. No child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous work.
2. state in particular shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of the children are not abused and that citizen are not forced by economic necessity to enter vocations unsuited to their age or strength.
3. Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and the dignity and that childhood and youth are protected against exploitations and against moral and material abandon.
4. The state shall endeavour to provide, within the period of 10 years from the commencement of constitution, free and compulsory education for all children until they complete the age of 14 years.
5. The state shall provide free and compulsory education to all children between the ages of 6 to 14 years as such a manner as the state may by law determine.
6. Who is parent or guardian to provide opportunities for education to his child or the case may be, ward between the age of six and fourteen years.

There are wide range of laws ,which guarantee the substantial extent the rights and entitlement as provided in the constitution and in the UN convention.

Some of them are given below:

1. The apprentices Act 1861
2. The child labour Act 1986
3. The child marriage restraint act 1929
4. The children (pledging of labour) Act 1929
5. Children Act 1960
6. The guardian and wards Act 1890
7. The Hindu minority and guardianship Act 1956
8. The Hindu Adoption and maintenance Act 1956
9. The Immoral Traffic (prevention) Act 1956
10. Juvenile justice Act 1986
11. The Orphanages and other charitable Homes (supervision and control) Act 1960

12. Probation and offenders Act 1958
13. Reformatory schools Act 1857
14. The women's and children's institutions (licensing) Act 1956
15. The young persons (harmful publications) Act 1956

Current Scenerio of Child Labour:

*India is one of the leading countries in Asia has a 33 million children employed in various forms of child labour .It is shocking that world's largest democracy is yet to ratify the Minimum age convention 1973 (No 138) of the International labour organisation (ILO) that lays down ground rules for employment of minors across the globe.

*world day against child labour on June 12 is an ILO sanctioned holiday first launched in 2002 with the objective to raise awareness and activism to prevent child labour under the above convention .An estimated 150 million children are involved in child labour worldwide as per UNICEF data.

*On the other hand Article 2 of the Minimum age (industry) convention of the ILO, 1919 which has been ratified by India does not allow children under 14 to be employed in any public or private industrial undertaking, does not even apply for India.

* According to a Livemint report ,the government last year amended child labour laws to allow children below 14 to work in family businesses and the entertainment industry (excluding circuses) in order to create" a balance between the need for education for a child and reality of the socio economic condition and social fabric of the country".

*Not only that amendment also modified the definition of adolescents- to children between 14 and 18 years of age and barred them from working in any hazardous industries only.

Key Statistics of Child Labour:

*1 in every 11 children in India works to earn a living ,according to statistics by action Aid India *There are five states which are India's biggest child labour employers Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra, as per data given out by save children NGO. National capital Delhi is responsible for a share of 1 million child labour alone.

*A recent analysis by CRY of census data in the country shows that the overall decrease in child labour is only 2.2 per cent year on year, over the last 10 years. Also it has revealed that child labour has grown by more than 50 percent in urban areas.

*There are 33 million child labourers between the ages of 5 - 18 years in INDIA as per census

2011 data and 10.13 million between the ages of 5- 14 years.

*Considering that there are 444 million children India under the age of 18, they form 37 percent of the total population in the country.

*Therefore the child labourer in the country in real figures boils down to 10,130,000 kids involved various occupations across the hazardous sectors and this is only data from six years ago.

Drawbacks:

The main cause of child labour is higher poverty level .These children have no choice other than working as a labour in the factories child labour for these children is survival .if they don't work they will die of poverty and hunger. They are the future of India .None of these children have the privilege to going to school and being able to go to a house at the end of the day. The child labour is prevalent at a large scale in the country. In Punjab it is found in hotels, restaurant, tea stalls, for which the administrative authorities, parents, educationalist, police officials and employers of public authority is responsible. Â There is lack of implementations of child laws. Since politicians and other authorities ignore itÂ and the various departments for the labour laws fails to implement the laws properly .Laws remain merely on the paper for which the lack of control of population and increasing unemployment are the major causes and politicians fear to tackle these problems in view of their vote banks.

Remedies:

The remedy is only in the hands of the government, it should take necessary steps to eradicate poverty through employment to the parents of the child labour .Necessary practical steps should be taken to educate the children .The government should allocate the necessary funds to educate and nurture the poor children. The violators of child labour laws should be punished accordingly.

Conclusion:

There are many laws and regulatory departments for child labour, yet it is ineffective in controlling ongoing child labour. This is possible only when there is a cooperation of all the sections of the society and the law enforcement agencies and by removing or minimizing the causes of child labour. The main thrust should be on controlling the population of the country, education of the children and providing sufficient funds for its removal from the gross domestic product of India.