CHAPTER 4
Chapter 4

Child Labour in India

"The Building of Nations depends on building men and women, and the process of building men and women depends very considerably on what is done to the children. It is therefore of high importance that we pay attention to the well being and growth of children. This basic habits formed in early and the way their minds have been conditioned then, will play an important part when they grow up, therefore a great deal of attention should be paid to children and national policy should be laid down."

Jawaharlal Nehru

"A child is a person who is going carry on what you have started. He is going to sit, where you are sitting, and when you are gone, attend to those things, which you think are important. You may adopt any polices you please, but how they are carried depends on him, he will assume control of your cities, states, nations. He is going to move in and takeover your Churches, Schools, Universities, and Corporations, all your books are going to be judged, praised or condemned by him. The fait of humanity is in his hands."

Abraham Lincoln

The prevalence of child labour has been more or less in all periods of time, though varied in its nature and dimension, depending on the existing socio-economic structure of society. In the past child labour has been a part of social organisation in which all member pooled their labour to produce for the subsistence and survival. This was

1. UC Sohoo “Child Labour in surat textile industries” social change sept 1990
2. N Mitra, The slave children of mansour
particularly true of rural subsistence farming where the work of the child formed part of the labour necessary for the reproduction of the system and the value of labour taken as part of child's socialisation for reproduction of labour power. Child labour in the different periods has a chequered history and presents a vivid account of child's sad plight. It is proposed to be discussed under following heads:

4.1 Child Labour in Ancient India

Though there is a little evidence of the employment of children for wages, but if child slavery could be regarded as that, the existence of child labour in ancient India cannot be denied. Slaves of tender ages, often less than eight years of age, were owned for doing low and ignoble work. Children of slaves were born as slaves, lived as slaves and died also as slaves unless the master was pleased to monument them. It has been noticed that almost all the lawgivers, with the solitary exception of kautilya were silent on this point and did little to abolish this inhuman practice of keeping child slaves.3

As regards to child labour in ancient India, it can be said that it existed in the form of child slaves. Child slaves could be purchased or sold like other commodities. While dealing with slavery Kautilya stated that the purchase or sale of children as slaves was not forbidden amongst the Mlchches for they were backward and savage but an Aryan child could in no case be allowed to remain a slave. In case a child born to Aryan (not of a slave) was sold or purchased or pledged with some one, both the parties to the deal were punished, even the witnesses to it were not spared punishment; they were awarded

various degrees of punishment

Probably Kautilya also realised that the slave children were not much different from Arya children and they were not physically fit, to carry out ignoble duties of the slaves and that allowing the sale and purchase of slave children less than 8 years of age would tantamount to inhumanity. Inspired by such feelings, he prohibited the purchase or sale of slave children less than 8 years of age. This is how Kautilya sought to do away with the butchery of childhood, which may have been rampant prior to his days. Though Kautilya has forbidden taking of ignoble and low work from slave children yet the treatment meted to them could not be described as exemplary, for freedom and equality of opportunity were often denied to them.

According to Maine in the earliest period of history the patriarchal system was in existence in all societies belonging to Indo-European stock, the Romans and the Hindus. As such, the eldest male, parent—the eldest ascendant—was absolutely supreme in his household. He had completely swayed over all persons; male, female, children, their property, cattle, slaves, etc., the flocks, slaves and herds of children were that of the father. Law to them was parent’s word.

To some extent parents’ obligations were very often involved in working for the landlord on such low wages that it created conditions for the child to work on the farm for wages and after remained as bonded labour in the land lord’s house along with the parents to repay or minimize the debt. Children however helped their parents in

4. Dr. Dhyani SN, Jurisprudence, a study of Indian Legal theory 1985.
household activities and family crafts. They learnt the skills by observing and participating in such activities. A predominantly rural society is inevitable characterised by small and marginal economic units.\(^5\)

In the ages of Mauryas, the state had monopoly in a number of industries and most of them were nationalised industries. Since state was a major participant in the economic and industrial activities, Kautilya prescribed standard of wages for all types of workers. The proper wages weaving cotton cloth was the equivalent money worth of cotton. The wages for weaving silken or woolen clothes were equal to one and half time and twice the value of silk and wool, respectively. Wages were payable according to time and work and according to contract, wages should be paid upon before work was actually begun. If the workers failed to perform the allotted work at the time and place desired by the employer, nothing was payable to him. Workers could be made to work on the holidays by payment of special wages. Cowherds and agricultural labourers were paid fixed wages. Kautilya did not favour the employment of children in agriculture and domestic service.

The labourers were not always entitled to a square meal and some times the diet actually varied according to the labour. Wages paid in cash or kind, were of a very low standard, the rates of share of profit were standardised by the experts of the crop for the cultivator, of butter for the herdsman, of sale of proceeds for the pedlar.\(^6\) Labour


\(^6\) Arthashastra III 1 B
legislations of Dharmashastras show that public consciousness was not alive to fundamental inequality in distribution of wealth because these protective laws were themselves derived from ancient tradition. The economic status of the slaves, hired labourers and unskilled workers was worse. The same was the position of the child when he was engaged in agricultural sector. It is revealed that the child labour in ancient India was very common and could be witnessed in different occupations where they were engaged by the rich landlords to carry out activities directly or indirectly related to the agricultural sector.

4.2. Child Labour in Medieval Period

India through its medieval period was no exception. Increasing pressure on land led to fragmentation of holdings. Growing families had to look beyond personal cultivation for subsistence. A class of landless labourers came into existence, often bonded to the large landowners. These labourers used their children to help in their economic activities. The rural artisan rarely worked alone. In fact, the entire family was a work unit with the 'pater familia' being the master craftsman. Occupations were determined largely on the basis of heredity, and children were introduced to their traditional craft at a young age.

Under the Mughal, a labourer had no free will of his own. There was no difference between him and the commodities he produced. When ordered to move, he must move, and when ordered to stay he must stay. As to the work he might be, called upon to do, whatsoever the nature of the work might be, he had to do it. Remuneration was on the good old principle of 'giving as much to the labourer as would enable him to do the work and to keep him alive.' It may be thought that the condition of labour were no better than slavery. It is revealed that there was a distinct and separate class of slavery of which we get frequent
evidence in the Ain-I-Akbari, Bernier is Travels, etc. the difference between the two was this: labourers could not be sold of as if they were a part of the movable property. 7

The labour market was composed of labourers and of slaves. Slavery was the order of the day. Akbar freeing the slaves by not calling them Gulam (slaves) but calling them Chelas (disciples) did not in the least improve the lot of Chelas. In the decree of Akbar of 1594 A.D. it was laid down that, ‘A father or a mother might, if forced by hunger and extreme misery, sell their child, and afterwards when they had the means to pay, might buy it back again from servitude.

Akbar realised the extremes to which a man may be forced and instead of trying to remove the cause (which affected his empire and incidentally his claim to greatness) responsible for several famines during his reign when cannibalism was practised near his capital, he mainly suggested hypothecation of children.

In the province of Sylhat, which is a dependency of Bengal, it was the custom for the people of those parts to make eunuch of some of their sons and give them to the Governor in place of revenue (mal-wajibi). This custom by degrees had been adopted in the provinces, and every year some children were thus ruined and cut-off from procreation. This practice had become common. At that time Jahangir issued an order that hereafter no one should follow this abominable custom, and that the traffic in young eunuch should be completely done away with.

7. Dr. Pant Economic History of India under the Mughals 1990.
The position of child labour during the period of Jahangir did not improve at all. The supply of the child labour was more than demand and the demand was restricted mainly to the capital. Labourers could be taken by force and paid whatever the master liked to pay. In case the labourers objected which he would not do – there was corula (a whip of twisted card about a fathom long with a handle of about a cubit) to bring him to his senses. There is not the slightest doubt that, slavery was encouraged by the king and his Omrahs for two reasons, first, slaves – including eunuch slave girls, and, concubines – met a real demand which then existed, and second, the king enjoyed the monopoly of slaves. He made some money by traffic in slaves- and was himself royally served.

Very ably Pelsaert sums up labour in “Jahangir’s India”. He says, “… a workman’s children can follow no occupation other than that of their father, nor can they inter- marry with any other caste …” There were three classes of the people who are indeed normally free, but whose status differs very little from voluntary slavery- workman, peons or servants, and shopkeepers.

In the late 17th century the most significant change was the growth of organisations involving the employment of large number of artisans. The Dutch silk factory at Kasimbaazar in Bengal employed 700-800 weavers. But the characteristic unit of production was still the same unit. “The persistent dominance of family- based work units indicate that any disciplined organization of an industrial society was not in sight.”

8. Ray Chaudhary, Tapan, The combridge economic history of India.
To sum-up, child labour in medieval India remained in existence on a large scale and the rulers encourage it with an intention to make only traffic in child slaves. The child labour was found in the form of child slavery and rulers did not endeavour to weed out this practice and hence the result was that child was always exploited for this selfish end.

4.3 Child Labour in Modern India (Pre-Independence Period)

Children have always been used in economic activities. In pre-capitalist societies including India, children had been employed in guild and in trade occupations. In these societies their workplace was an extension of the home and work relationships were informal relationship. The child grew up and found work within the family environment where the child was not given hazardous and difficult task. Work was a central aspect of their socialisation and training. This conception, however, underwent a dynamic change with the advent of capitalism in the industrialisation during the 18-century and child labour began to be designated as a social problem. The new economic forces unleashed by capitalism destroyed the family-based economy; a large number of labourers were displaced due to mechanisation of agriculture- the farmers were eliminated from there home based work place. They became wage-earning labourers. Extreme poverty made possible a situation in which the child had to be introduced in the labour market, lack of alternative employment for adults and lack of education of children reinforcing this process.

The uneven development of industrialisation gave new turn to the history of mankind and brought a change in the overall socio-economic order. Family based economy continued to be destroyed and large number of people became wage earning labourers, and as a result, the children were in a situation where they had to earn themselves as well as their families. The workplace was separated from the family environment and work now exposed the child to unhealthy environment. The hours of working started from morning to night but the earning remained quite meager. The child’s ability to grow and develop into mentally and physically sound adult was severely restricted. Further the absence of any sponsored scheme of family allowances to enable poor parents to secure for their children an adequate and balanced diet and living conditions has forced them to join the industrial establishments. Besides there was no compulsion on their part to get education up to a certain age limit and thus the children were left free to accept certain occupation at tender age, viz at the age of seven.

In the middle of 19-century, the machinised large-scale production came into existence. That time state regulations were lacking over the conditions of employees in any industry.

The employers were free to bargain with labour. Therefore, the employers for their benefits exploited the labour in this country. Many children were employed in cotton mills and coalmines. They were employed for underground work. With the advent of factory organisation, some public attention was drawn towards the existing evils of child labour in spite of active opposition for the employers.

First protective legislation of child labour was enacted in 1881. This Act was known as the Indian Factories Act, 1881. This Act provided some protection of the children firstly forbidding employment of children under seven years of age in factories and also in two other factories on same day, secondly, by limiting their working hours to nine hours a day
and thirdly, by making it compulsory four holidays in a month and rest interval should be given to them. In addition, the Act made the provisions for safety such as fencing of machines.

However, this Act covered only factories employing 100 or more persons. The evils continued due to the lack of enforcement machinery. In addition to this defect, the coverage was quite inadequate, as it did not pay any attention on agriculture and unorganised sectors of industries. The result of this was that child labour continued as a means of cheap labour.

In 1891, the Indian Factories Act was enacted on the recommendations of Factory Commission which was appointed by the Government of India in 1890. This step was an advance over the Act of 1881. Under the Act of 1891, the lower age was extended from 7 to 9 years. The upper age also exceeded from 12 to 14. Working hours were reduced from 9 to 7 hours per day. The children were not allowed to work at night. However, the exploitation increased because the attention was not paid due to the provisions of the Act due to the inadequate enforcing machinery.

Children’s position in mines was also not different. Their condition was very bad, in 1901; about 5000 children were those child workers who had not completed their 12 years. In 1901, Mines Act was passed, which prohibited the employment of children less than 12 years of age. The Chief Inspector of mine was empowered by the Act, to prohibit the employment of children to certain place, if he was satisfied that the employment conditions were dangerous to children’s health and safety. This defective position continued because no improvement was made to the provision of this Act till the next Mines Act.
Soon, the employers started work in factories for whole day and night, because they started to use electric power in their factories. In addition to this factor, the plaques, which probe out for the first time in industrial towns, also compelled the workers not to surrender to the old conditions of work. This position continued, as there was no improvement inside the factories. But ultimately the government felt that it was impossible to leave the matter in the hands of employers. It, therefore appointed the Free Smith Committee in 1906 and Factory Labour Commission in 1907 to make enquiries on labour conditions in factories. Therefore a new Factory Bill was introduced in 1909, which was enacted into law in 1911.

The Factories Act of 1911 reduced the working hours of children in factories to 6 hours a day. The Act further provided that all child workers should have in procession a certificate of age and fitness of employment. The children were not allowed to work at night, i.e., between 7 p.m. to 5.30 a.m. and they were also prohibited to working certain dangerous process.

The next step in the history of child labour was the Factories (Amendment) Act of 1922, which was enacted to give effect to the International Labour Convention on the minimum age for admission of children into employment, hours of work and night work of young persons and women. The scope of factory extended to cover any premises where 20 or more persons were employed and mechanical power was not used. The local government was empowered to extend the provision of any premises where 10 or more persons were employed.

Again in 1931 the Indian Factories Act was further amended. This Act imposes certain penalties on the parents and guardians for allowing their children to work in two
separate factories on same day. Provincial government was empowered under this Act, to make certain regulation for taking precautions against fire. In the same year the Indian Ports (Amendment) Act, 1931, provided a minimum age of 12 years for employment of children in the handling of goods in the ports. The year 1931 was important in the Indian Legal History because in this year the Royal Commission on Labour was published. This commission was appointed under the compulsion of intensive agitation to improve the condition of labour, to investigate and report on the existing condition of labour in industrial undertaking and plantations, and on the health and standard of living of the workers in British India. This Commission found that the children as young as five years were employed to do work for 10 to 12 hours daily for very few wages. They were not provided adequate meal, interval or weakly rest. Therefore the Commission recommended: that children under 15 years should not be allowed to work as adult without a certificate of physical fitness. It also recommended the fixation of minimum working hours for children at 5 hours a day. It further recommended to limit the spread over for children at 7 ½ hours, and to prohibit work by children between 7 p.m. to 5.30 a.m.

In the year 1933 Government of India enacted the Tea District Emigrant Act the only provision relating to children in the Act is one requiring that no children under 16 shall be employed and immigrated to the district unless accompanied by his parent or adult relative on whom the child is dependent. In 1933, Children (Pledging of Labour) Act was enacted by the Government of India on the recommendation of Royal Commission on labour. The main aim of this Act was to eliminate the evils arising from the pledging of the labour of young children by their parents for a lone or advance.
In 1935, Indian Mines (Amendment) Act 1935 was enacted regulating the working conditions and hours of work in mines. It prohibited the employment of children under 15 years in mines, and adolescents i.e., the young between 15 and 17 years could be employed in underground work as adults on the production of certificate of physical fitness issued by the recognised medical authorities. The working hours for such workers, according to this amendment, were 10 hours a day and 54 hours a week for above ground work and 54 hours a week and 9 hours a day were fixed for underground work.

In 1938, The Employment of Children Act, 1938 was enacted in order to prevent the evils of employment of children in workshops, which are not covered by Factories Act. The provision of this Act continues till now. This Act prohibits the employment of children under 15 in Railways and Ports. The children under 12 years are prohibited to work in workshop connected with bidi making, carpet weaving, manufacturing of matches, explosives and fireworks, mica cutting and splitting, shellac manufacturing, soap manufacture, tanning and wool cleaning. It is fruitful to note that before independence the law relating to the employment of children in various sectors failed to achieve its goal: the elimination of the evils of child labour. The labour investigation committee, in its report in 1946 pointed out that the main cause of this was the inadequacy of the inspecting staff to enforce the provision of law.

4.4 Child Labour after Independence

The first step after independence in this regard was the amendment of Factories Act

10. The Employment of Children Act 1938 section 3 (1).
in 1948, which raised the minimum age for entering into employment in factories to 14 years. A new section was added which specifies that the provisions of chapter, dealing with employment of young persons, be in addition to and not in derogation of the employment of Children Act, 1938. The minimum age for admission to the employment in workshops was also raised from 12 to 14 years by an amendment. Regarding the verification of child’s age in case of dispute between employer and the inspector, provisions were introduced in 1949 under the Employment of Children Act. The Indian Constitution, which came into force on January 26, 1950, laid down special protective measures\(^{11}\) for children, from exploitation. The International Labour Organisation Convention relating to night work of young persons was responsible for an amendment in 1951 in the Employment of Children Act, which prohibits the employment of children between 15 and 17 years at night at Railway and Port. The employers were required to maintain a register for children under 17 years. In 1951, Plantation of Labour Act was passed in order to prevent the employment of children under 12 years in plantation.\(^{12}\) Next year; the Mines Act 1952 was enacted. The Act prohibits the employment of children under 15 years in mines.\(^{13}\) Adolescent could be employed for underground as adult upon the satisfactory of two conditions- firstly, he must have completed his 16 years, and secondly, he must have a certificate of physical fitness from a surgeon.

In 1954, the Factories Act was again amended by the Factories (Amendment) Act,

\(^{11}\) JN Panday Constitution of India, Article 15 (3), 23,24.

\(^{12}\) Plantation of Labour Act 1951 section 24.

\(^{13}\) Mines Act 1952 section 2J.
1954 to prohibit the employment of adolescent less than 17 years at night. Again the children under 15 years of age are prohibited to be engaged or carried to sea to work in any capacity in any ship except in certain specific cases by an Act known as Merchant Shipping Act, which was passed in 1958.

In 1961 two important Acts were passed in order to provide a large protection to children, one, the Motor transport Workers Act, 1961, prohibits the employment of children under 15 in motor Transport Undertakings, second, the Apprentice Act, 1961, provides for regulating and controlling of trainees.

One of the important steps was taken in 1966 to protect the children in bidi industries when the Bidi and Cigar Workers (Condition and Employment) Act, 1966 was passed. The Act prohibits the employment of children less than 14 years, in any industrial premises young persons between 14 and 18 years are also prohibited to work at night between 7 p.m. to 6 a.m.

A Report of National Commission on Labour Published in 1969 observed that child labour persists in varying degree in unorganised sector such as small plantations, restaurants and hotels, cotton ginning and weaving, carpet weaving, stone breaking, brick laying, handicrafts, and road building. To regulate the labour of unorganised sector as shown by National Commission on Labour the Government of India passed an Act in 1970, known as the Contract Labour (Regulation and Abolition) Act 1970, This Act covers all the establishment and contractors employing 20 or more workers in the whole of India. As there is no specific provision to child work, many children can be seen in building the house, road, etc. under the contractors.
In 1973, The Apprentice (Amendment) Act 1973 was introduced to protect the rights of apprentice trainees. The Act prohibited undergoing apprenticeship trainees of persons less than 14 years. In addition to this legislative protection of child the state passed various Shops and Commercial Establishment Acts for their respective state. In these Acts the minimum age of employment on shop and commercial establishments under the respective state enactment is 12 years in Assam, Gujarat, Madhya pradesh, Maharashtra, Karnataka, Orissa, Rajasthan, West Bengal and Delhi and 14 years in Andhra Pradesh, Himachal Pradesh and Pondicherry.

The National Policy for Children Regulation, adopted in 1947 developed the idea that childhood and youth are to be protected against exploitation and 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 and set out a policy framework and measures aimed at providing adequate services for children. These were to form a prominent part of nation’s plan for developing human resources. The policy provides as one of its objectives that no child under the age of 14 years shall be permitted to be engaged in hazardous occupations or to be made to undertake heavy work.

The Gurupadswamy Committee on Child Labour submitted its report in 1979, examined the problem of child labour in India. India is one of the countries where the problems of child labour are quite openly manifest, and the Government of India with concern has viewed the widespread existence of child labour. The Gurupadswamy

Committee recognised that a distinction had to be made between child labour and the exploitation of child labour, as though both are problem. They are of different orders. It had underlined that in all future action dealing with the child labour this basic aspect of the child labour has to be taken note of, i.e., that “Labour becomes an absolute evil in the case of child” when he is required to work beyond his physical capacity, when hours of employment interfere with his wages are not commensurate with the quantum of work done, and when the occupation he is engaged endangers his health and safety,” i.e., when he is exploited.

Government has given consideration to these aspects of the problem of child labour from exploitation or from being subjected to work in hazardous conditions which endangers such children’s physical and mental development, the need to ensure safety and ensure that children are not employed in factories or mines or in any other hazardous employment and when they are employed in non hazardous employment, or occupations, to ensure the work is regulated in accordance with part III of Child Labour (Prohibition and Regulation) Act, 1986. Where it is necessary for the State Governments to make rules under the Child Labour Act 1986 or under any other legislation so to protect the interests of child labour, they will be so required to undertake reviews and frame rules as necessary.

The leaders of Indian movement for independence were aware of this history as also of the sad plight of the children in India. They knew very well that during colonial era legislative and other measures adopted for the welfare of children were wholly inadequate to improve their lot. That is why, as maker of constitution of free India, they incorporated a number of provisions there in for securing the well being of children.
4.5 Existence of Child Labour

Existence of child labour is the fact in our country, which no one can deny. There are many examples where these children work and their conditions of work. Very often we get to read the news regarding the incidence of child labour in the newspapers. Mostly the children below the age of 14 years are exploited in all possible manners. In spite of many legislations passed by the Government of India including the Indian Constitution, still the evil system exists.

Broadly speaking child labour in India can be classified into two categories, Organised sector or Formal sector and Unorganised sector or Informal sector. Organised sector means the establishments, which are properly organised and are bonded by the law through its rules and regulations for carrying out the business. Employers of the organised sector are strictly prohibited to employ the children below the age of 14 years, but in reality it is restricted to the law text only. The fact is that many children are still working in the prohibited places of work in organised sector. Unorganised sector means the nature of work which is not properly organised and which is scattered in whole India. There are no strict and specific laws framed for this sector due to which there is more exploitation of children in this field rather than the organised sector. Future discussion will throw light on both the organised sector and unorganised sectors where the children are exploited.

4.6 Child Labour in Organised or Formal Sector

Children are the future of society and are destined to play important role in shaping the destiny of nation. But unfortunately they are a suffering lot subjected to toilsome work
without having opportunity to grow. The remark sums up the sad plight of child labour: “It is really sad to note that children in most of the developing countries are having miserable, cheerless lives, tolling endlessly to ward off starvation totally deprived of all comforts and opportunities for self growth and development” 15

The phenomenon of child labour robs the children of his youthful life, restricts the prospects of education which can enable him to reach a higher level at a later stage of life, on the other hand, and, ultimately, it harms the progress and prosperity of the nation. It has been correctly stated: “Starve a child of food, affection, freedom, education, and you produce an adult who is stunted as an individual and holds back progress towards development rather than accelerate it.” 16

There is no iota of doubt that the iniquitous and exploitative nature of the economy and socio-economic milieu lead to this harsh reality of child labour. It has been stated that the socio-economic milieu determines to significant extent the working conditions of child workers at any given time.

As stated earlier in the history of child labour in India and the world that the main cause of child labour was the industrial revolution and the growth in the industrialisation. The political leaders and the eminent jurists saw the conditions of the labourers and framed certain laws for the employment of children for work and framed rules and regulation for governing their work. Once the rules and regulations were framed for work, the industries

15. Sudha and Tiwari The plight of working children 1985
were also categorised and specified where the children can work and the conditions of work are different. In India there are many laws which prohibits child labour and since 1881 the laws are being framed and being amended according to the need of the hour. The latest of these Laws is the Child Labour (Prohibition and Regulation) Act, 1986 (annexure). Which lays down the strict provisions for the abolition of child labourers in organised sector. It specifically lays down the specified places where in the children below the age of 14 years shall not be provided work. There are many other Acts too, which specifies conditions for the work of children below 14 years of age. (These Acts are discussed in detail under the topic national legislation on child labour).

Poverty, survival starter, exploitative systems are regarded as prime causes of child labour. The socio-economic parameters like place of origin, caste and religion, the existence of clear nexus between occupational profiles of parents and child labour, Family size, and relatively poor income levels are also regarded as major causes responsible for this problem.

The working condition of child workers is not uniform and varies according to their avocations. The children are to work up to the satisfaction of their masters in most of the case. In some cases the piece rate payment system developed the competitive spirit among the children to work more and earn more. The cases of match industries, agarbathi industries, and handicraft units, etc may be cited here. In almost all the places they have to work for 8 to 12 hours a day, being exposed to various health hazards. In hotels and dhabas they work more than 14 hours a day. It is observed that many of the children earn less than 15 rupees a day. Whatever the occupation may be the occupation the income remains from
10 to 20 rupees per day. Child labour is characterised by long hours of work, low remuneration and exploitation.

Not only low remuneration or long hours of work but also these children are exposed to many occupational risks. The risks are countless in different sectors. To list a few the following table reveals the health hazards of child labour in organised sector.

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Occupation</th>
<th>Health Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Beedi Industry</td>
<td>Chronic Bronchitis and Tuberculosis</td>
</tr>
<tr>
<td>2</td>
<td>Glass Industry</td>
<td>Asthma, Bronchitis, Tuberculosis, Eye problem.</td>
</tr>
<tr>
<td>3</td>
<td>Handloom Industry</td>
<td>Asthma, Tuberculosis,</td>
</tr>
<tr>
<td>4</td>
<td>Zari and Embroidery</td>
<td>Eye defects.</td>
</tr>
<tr>
<td>5</td>
<td>Gem and Diamond cutting</td>
<td>Eye defects.</td>
</tr>
<tr>
<td>6</td>
<td>Construction</td>
<td>Stunts growth of child.</td>
</tr>
<tr>
<td>7</td>
<td>Rag picking</td>
<td>Tetanus, Skin disease</td>
</tr>
<tr>
<td>8</td>
<td>Pottery</td>
<td>Asthma, Bronchitis, Tuberculosis.</td>
</tr>
<tr>
<td>9</td>
<td>Stone/ Slate quarries</td>
<td>Silicosis</td>
</tr>
</tbody>
</table>

Not only the case of health hazard is limited to above sectors, but also in every case the child is exposed to many dangers. But nowhere child labour is covered by any social security measures nor is any safety measures provided by any employer. Compensation against accident is a remote possibility in occupations where children are employed.
The case of physical punishment is rampant in case of employed children. Child labourers in organised and unorganised sector face too much of hardship while rendering services to their employers since most of them are engaged in job works and paid poorly and even sometimes not paid on one pretext or the other. In many cases they are denied the minimal liberties rather being treated as sub bonded labourers. But due to lack of power to protest and fear of loss of employment or due to pressure from parents, the children have no choice, other than remaining in employment.

Besides, child labour creates many social and psychological problems. Due to their misuse for illegal, immoral works viz. smuggling, prostitution etc. their personality development is impaired. They grow as stunted ill-mannered citizens. This psychological deprivation (due to lack of care free life and freedoms) harms million of children, and so not only individual or family suffers but, ultimately society loses, leading to so many adverse impacts and social problems.

4.7 Child Labour in Unorganised or Informal sector

The term informal or unorganised sector is comparatively a recent field of study. The term was first used by Keith Hart in his study “Informal Income Opportunities and urban employment in Ghana” in 1968 and since then it has gained popularity and has been used widely in studies relating to urban employment and socio-economic surveys of people in urban areas.

Initially this term meant to refer to all those whose struggle had to make ends meet, that is the urban poor in general but, in the course of time, there has been a major change in
the concept of this term. There are five criteria to distinguish the formal sector from that of informal sector namely (a) the receipts of the enterprise should be quite small; (b) the equipment used should be rudimentary; (c) the number of workers in the enterprise should be very small; (d) low labour productivity; and (e) the fact that the entrepreneur is not actively seeking more customers.\(^17\)

According to ILO the activities pertaining to informal sector was characterized by case of entry, reliance of indigenous resources, family ownership of enterprise, small scale of operation, labour intensive and adopted technology, skills acquired outside the formal school system and unregulated and competitive markets.

These characteristics of the informal sector suggest that production units in this sector are motivated by employment generation and they have little capital and skills at their disposal. These features also imply that they are relatively more labour intensive and have low value added per worker, as compared to the formal sector.

The informal sector may be defined “to consist of small scale units engaged in the production and distribution of goods and services with the primary objective of generating employment and incomes to their participants not withstanding the constraints on capital, both physical and human, and know how."\(^18\)


Such a definition of the informal sector would also seem to provide the justification for focusing employment and development policies on this sector. It emphasises the significance of urban population growth to the emergence of the informal sector.

Informal sector activities may be discussed both in the context of a developing country as well as developed or industrialised one. In the developing countries again it can be discussed in the context of urban areas and rural areas. Whether it is urban or rural areas, children are engaged in good number in the informal sector. They are engaged in a wide variety of occupations like domestic servants, hawkers, cook, potters, cleaners, helpers in cycle repairing or scooter repairing shops, waiters in hotels and restaurants, parking cars selling newspapers and soft drinks and collecting empty bottles etc.

Broadly speaking persons in the informal sector can be classified in three categories: (a) child labour (b) women workers and (c) adults and old people. Whatever may be the age and sex the labour force engaged in informal sector in the developing countries may belong to the following types of economic activities.

a) Self employed people;
b) People employed as members of the family, either manufacturing goods or providing services;
c) People employed on a clandestine or below the counter fashion which is performed outside the framework of laws;
d) Wage earners in mini enterprises;
e) People employed on occasional or intermittent basis;
f) People employed in ambulant and itinerants works;
g) People employed in agricultural activities;

So far as the child labour is concerned they are also engaged in these categories like women and adult workers.

Thus the fact cannot be denied that the informal sector provides shelter to child labour. Their percentage may differ from one town to the other, from one country to the other, depending on factors like the minimum age of employment, system of compulsory education, socio-economic condition of the people availability of educational and training facilities and the policy of the state on employment of children but the fact remains that informal sector provides possibilities or employment to children who are in need or badly looking for a living.

There are certain factors, which enable children to seek employment in the informal sector in comparison to the formal sector. These factors include: (a) absence of any statutory minimum age for employment; (b) easy entry; (c) less competition among job seekers; (d) absence of any minimum requirement of education or training; (e) easy nature of work; (f) provision of food shelter and clothing in the city by the employer; (g) absence of any minimum wage requirements and (h) easy entry and easy exit.

These factors enable the child labour to enter in the informal sector as and when they like. Broadly speaking four types of children are found engaged in the informal sector.

a) Children belonging to poor families undertakings jobs to supplement their parent’s income.

b) Children who have none to support them.
c) Children who are sent to urban areas by their parents in rural areas for earning a living.

d) Children who run away from their families.

For the organised sector there are labour legislations, which lay down minimum age for employment and specify that children, who have not completed their 14 years of age, cannot be employed in any industrial establishment. Further in the organised sector entry is difficult and the competition on the job seekers is quite keen. Certain level of education and training for an entry in the organised sector becomes imperative since minimum wages have been statutorily laid down or prevailing wages are known, employers find it difficult to employ child labour at a reduced or lower wage. All this factors restrict the entry of child labour in formal sector. Since these situations are not prevalent in the informal sector and there is complete freedom of entry and exit, informal sector attracts more child labour.

The emergence of the urban informal sector as a major source of employment and income in the third world countries in the recent years is primarily a manifestation of increasing pressure of population growth just as posed against the inadequate growth of employment and income opportunities in the rural areas and small urban centers on the one hand, and in the formal and government sectors of the urban economy on the other. Rising inflation rate and growing poverty further aggravate the situation and force a number of children to enter in the informal sector for a living. Although the Central Government and the State Governments are aware of situation and exploitation of the child labour in the informal sector, no significant effort has been made so far to adopt a comprehensive legislation regulating the employment condition of the child labour in the informal sector.
Unless a comprehensive legislation or a legislation of a composite nature dealing with wages, hours of work, health, safety, welfare facilities, leave and holidays, social security, retrenchment, dismissal and discharge is adopted and a suitable enforcement machinery is created for this purpose, nothing tangible can be achieved.

Although it is not easy to have proper enforcement of any legislation in informal sector, but initiative must be taken. Factors like scattered nature of undertakings, lack of records or proper information, absence of unionism, absence of formal employer employee relationship, illiteracy and ignorance among children, inadequacy of the enforcement machinery are some of the factors responsible for the lack of a suitable labour legislation in the country dealing with child labour in the informal sector.

4.8 National Legislation on Child Labour in India

The child has been the subject of special laws and legal provisions. Because of its tender age, weak physique, and inadequately developed mind and understanding it needs protection against moral and physical harm and exploitation by others. In the formative years of its life, the child needs special care service to realise its full potential for growth and development. There are about 300 central and state statutes concerning children. These have been enacted with an intention to protect and help children and active the goal if child Labour welfare enshrined in our National charter.\(^\text{19}\)

In the welfare state as the modern ‘Patria Protests’ is required to see that childhood is not abused. The dignity of the individual, the basic of the democratic principle has been assumed by the constitution by declaring the fundamental rights of the individual on the one

\(^{19}\) Encyclopedia of social work in India 1987 vol 1.
hand and by forbidding the traffic in human beings; beggary and exploitation of youth. The childhood is protected on the other hand. The traffic in human beings means buying and selling wrongfully of human beings and includes slavery, bandhak mazdoor and immoral traffic in women.

It may be submitted that the labour legislation in India including protective legislation for children has been greatly influenced and is the result of various conventions and recommendations adopted by labour organisation. Besides constitutional provision there are 13 major legislative enactments, which provide legal protection to children in various occupations. These are:

I. The Children (Pledging of Labour) Act 1933.

II. The Employment of Children Act 1938.

III. The Minimum Wage Act 1948

IV. The Factories Act 1948.

V. The Plantation Labour Act 1951

VI. The Mines Act 1952.

VII. The Merchant Shipping Act 1958.


XI. The Beedi and Cigar Workers (Condition of Employment) Act 1966.

XII. The Shops and Establishments Act in various States.

XIII. Child Labour Prohibition and Regulation Act 1986.
4.8.1 Constitutional Safeguards / Measures

Constitution of India is the most essential legislation in the Indian legal system. The preamble unequivocally states that social, economic and political justice, liberty of thought, expression, belief, faith and worship, equality of status and opportunity and fraternity assuring the dignity of individual and the unity and integrity of the nation will be secured to all citizens. It recognises the need for granting special protection to children. Special provisions ensuring justice to children have been incorporated in Part III of the constitution with fundamental rights and Part IV of the constitution is devoted to directive principles of state policy. The constitution of India carries the important expression of the attitude of the state towards children. Article 15(3) of the constitution authorises the state for the making of any provision for women and children. 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) lays down that the health, strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength. Article 39 (f) enjoins that childhood and youth are to be protected against exploitation, against moral and material abandonment. In Article 45 the constitution also endeavors to provide free and compulsory education for all children until they complete the age of 14 years.

The general provision under Article, 38, 42, 43, 46, and 47 of Directive Principle of State Policy, although do not deal directly with child welfare but provides strategy for indirectly promoting of children.
Article 38(i) provides that, the State shall strive to promote the welfare of the people by securing and protecting as effective as it may secure a social order in which justice, social, economic and political shall be ensured.

Article 42 and 43 provides for securing just and humane conditions of work and hold out a promise that the state shall endeavor to secure by suitable legislation, economic organisation or in any other way, for all workers a living wage with specified conditions of work, ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities. This definitely includes child labourers in wider sense.

Article 46 makes provisions for promotion with special care of educational and economic interest of Scheduled Castes and Scheduled Tribes and other weaker section of society. Article 47 lays emphasis on raising standard of living of people by the state. These also include children in their preview.

4.8.2 The Children (Pledging of Labour) Act, 1933

The Act defines child as a person under the age of 15 years. The Act prohibits the making of agreements to pledge the labour and employment of children whose labour has been pledged. Any such agreement is void and penalties would be imposed for violation of the Act. The penalty would be Rs.200 on the employer and Rs.50 on the guardians.

4.8.3 The Employment of Children Act, 1938

The Act prohibits the employment of children below the age of 15 years in any occupation connected with the transport of goods or mail by railways, connected with the port authority within the limits of any port, or connected with any work on railway premises.
With the exception of the children employed as apprentices or trainees, no child between the age of 15 to 17 can be employed to work in these occupations unless he is allowed a rest interval of at least 12 consecutive hours in a day. The period of rest is to include at least 7 such consecutive hours between 10 p.m. and 7 a.m. as may be prescribed by the appropriate government.

The Act also prohibits the employment of children below the age of 14 years in workshops connected with beedi making; carpet weaving; cement manufacture including bagging of cement; dyeing and weaving; manufacture of matches; explosives and fireworks; mica cutting and splitting; shellac manufacture; soap manufacture tanning and wool cleaning. These provisions, however, do not apply to workshops where the occupier with the aid of his family does the work only and the training schools of Government will not come under this provision.

The State Governments are empowered to extend the scope of this provision of the Act to any other employment also. Any breach of the provision of this Act attracts the punishment of imprisonment up to one month or fine up to Rs. 500 or both.

The Act requires the railway and port authorities to maintain registers showing names, date of birth, rest intervals etc. of the children under 17 years.

4.8.4 The Factories Act, 1948

The Act prohibits the employment of children below 14 years in a factory. The Act requires persons between the age of 14 years to 18 years to obtain a certificate of fitness from a certifying surgeon and periodical examination. The Act prohibits employing children between 14 and 17 years at night (between 10 p.m. to 6a.m.), between 14 and 15 years for
not more than 4 ½ hours in any day, only one shift and in one factory. The Act prohibits employing children in certain processes within factories. They shall not be allowed to work on machines, which are considered dangerous. They shall not clean, lubricate or adjust any part of prime mover or of any transmission machinery while it is in motion or if they stand the risk of injury. They shall not be employed to press cotton if a cotton opener is at work in that area. The State Government may make rules prescribing the maximum weights, which may be lifted, carried or moved by children employed in factories. Every factory is supposed to maintain registers giving all details of child workers and weekly holidays and paid leave are also specified. The Factories Act does not apply to such factories where there are less than 10 workers with power and less than 20 workers without the aid of power.

4.8.5 The Minimum Wages Act, 1948

The Act defines a child as a person below 15 years. It provides for minimum wages for children and apprentices. It also has provisions regarding hours of work (4 to 4 ½ hours in the case of a child) and physical fitness.

4.8.6 The Mines Act, 1952

The Act defines a child as a person below 15 years. The Act not only prohibits the employment of children in mines, but also prohibits the presence of children in any part of the mine, which is below ground or above ground where any mining operation has been carried on. A young person (between 16 to 18 years) is allowed to work in any part below ground if he has a medical certificate from a certified surgeon about his fitness. Even then
such person cannot work at night (between 6.00 p.m. to 6.00 a.m.). Violation of any provision attracts punishment of imprisonment up to three months or a fine up to Rs. 1,000 or both.

4.8.7 The Plantations Labour Act, 1951.

The Act prohibits employment of children below 12 years of age. It also regulates hours of work with no work at night. No child can be allowed to work for more than 40 hours a week and work should be only between 6 a.m. and 7 p.m. It prescribes a few welfare measures for the children of the plantation workers. The Act has the same provision for offences and penalties as the Factories Act.

4.8.8 The Merchant Shipping Act, 1958

The Act prohibits employment in any capacity of a person below 15 years in a ship except a training ship, home-trade ship or a ship of less than two hundred tons gross, or a ship where other family members work. No person below the age of 18 years can be a trimmer or stoker in any ship and all persons below 18 years require a medical certificate. Such medical certificates are required at intervals of one year. The Act imposes penalty of a fine up to Rs. 50 for violation of the provisions.

4.8.9 The Shops and Establishment Act

The Act defines a child as a person below 12 years (in some states the minimum age is 14 years) and prohibits their employment in shops commercial establishments, restaurants, hotels, etc. The hours of work has been fixed at 7 hours per day in Andhra Pradesh, Bihar, Tamilnadu, Tripura, Pondicherry, and west Bengal, and at the rate of 6 hours per day at
Gujarat, Maharashtra, Jammu and Kashmir, Uttar Pradesh and Delhi, and at the rate of 5 hours per day at Himachal Pradesh, Madhya Pradesh, Karnataka, Orissa and Punjab and at the rate of 3 hours per day at Rajasthan. Night work for children and young persons is also prohibited under state laws relating to shops and commercial establishments. It varies from 6 a.m. to 7 a.m. in the morning up to 7 p.m. to 9 p.m. in the night. The various State Governments have passed the Shops and Establishment Acts, which are applicable within their states. The Act has often been amended to suit the given situation.

4.8.10 The Motor Transport Workers Act, 1961

The Act defines a child as a person below 15 years of age and their employment is prohibited. A person between 15 and 18 years of age can be employed after obtaining a certificate of fitness and can work only 6 hours a day with a half hours rest period and not between 10 p.m. and 6 a.m.

4.8.11 Atomic Energy Act, 1962

The Act prohibits the employment of persons below the age of 18 years.

4.8.12 The Beedi Cigar Workers Act, 1966

The Act prohibits the employment of children below 14 years of age. No young person (between 14 and 18 years) shall be required or allowed to work between 6 p.m. and 7 a.m. But this Act does not apply to private dwelling houses where a large percentage of Beedi and Cigar manufacture takes place on sub contracting system.
4.8.13 Apprentices Act, 1961

A person shall not be qualified or engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he is above 14 years of age. The total number of hours for an apprentice shall be 42 hours to 48 hours a week, including the time spent on related instructions. No apprentice other than a short term apprentice shall be engaged in such training between 10 p.m. and 6 a.m. The Act applies to such areas or industries as may be specified by the Central Government.

4.8.14 The Child Labour (Prohibition and Regulation) Act, 1986

The main aim of the Act is to ‘prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other establishments’.

According to this Act all the previous Acts regarding child labour is repealed and all rules made in this Act will be in addition to the provisions of Factories Act, 1948, the Plantations Labour Act, 1951 and Mines Act, 1952.

A child in this Act means a person who has not completed the age of 14 years. The family units and the training centers run by the government are not covered under this Act. It provides for the setting up of a “Child Labour Technical Advisory Committee” for the purpose of addition of hazardous occupation and processes to the schedule.

The Act clearly states that no child will be allowed to work for more than 6 hours per day with a rest period of one hour after three hours of work. And holiday shall be provided once a week. No child shall be allowed to work between 7 p.m. to 8 a.m. and no overtime work is permitted.
The Act further states that the government can make rules for the health and safety of children who are permitted to work in any establishment. These rules can provide for matters such as cleanliness, ventilation, dust and fumes, lighting drinking water, and sanitary facilities, etc.

Violation of any provision of this Act attracts punishment ranging from three months to one year of imprisonment with a fine of rupees 10,000/- to 20,000/-. Any person, police officer or an inspector can file a complaint of an offence under this Act in any court of competent jurisdiction.

The Child Labour (Prohibition and Regulation) Act, 1986 is the latest enactment of laws regarding the prohibition of child labour in India. Alike previous Acts on child labour in this Act too, the concentration is towards the organised sector rather than unorganised sector which constitutes 85% of child labour in India and again the family based work has been provided the exception from this Act where most of the children work under their parents or caretakers and are being exploited.

4.9 Other Governmental Measures

Government of India is aware of the situation of exploited child labourers and trying to remove this evil problem from the society. From the above discussion it is clear that the Government is trying to remove this problem through enacting the legislation prohibiting the employment of children in various kinds of works. In addition to various legislative enactments the government has also appointed various commission and committees to analyse and suggest the remedial measure for the abolition of child labour in India. Some of these committees and the commission's recommendations are mentioned below:
4.9.1 National Labour Commission 1969

The National Labour Commission in its report submitted to the Union Government in 1969 recommended the combination of work with education and employment hours, which would not inhabit education.


Gurupodswamy Committee in its report submitted to the Union Government in 1979 recommended;

a) Setting up of a Child Labour Advisory Board;

b) Fixation of minimum age for entry to any establishment;

c) Strengthening of enforcement machinery;

d) Formulation of effective educational policy, which emphasises on integration of educational requirements with local crafts.

4.9.3 National Policy on Child Labour, 1987

The Government announced the National Policy on child Labour in August, 1987. The action plan under the National Child Labour Policy comprises;

a) A Legislative action plan;

b) Focusing on general development programs for benefiting children wherever possible; and
c) Project based action plans in areas of high concentration of child labour engaged in wage and quasi wage employment.

Under the project based action plan, 12 National Child Labour Projects were started in Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsur), Maharashtra (Thane), and Uttar Pradesh (Varanasi, Mirzapur, Bhadoi, Moradabad Alighar and Firozabad).

A major activity undertaken under the National Child Labour Projects is the establishment of special schools to provide informal education, vocational training, supplementary nutrition, stipend, health care etc. In the eight five-year plans, Rs. 15 corers were provided for the scheme.

With a view to fulfilling the constitutional mandate, a major program was launched on August 15, 1994 for withdrawing Child labour working in hazardous occupation and rehabilitating them through special schools.

4.9.4 The WTO and Child Labour

The recent acceleration in the process of economic globalisation has induced widespread concern that governments and labour organisations may no longer be able to preserve those core labour standards which the ILO deems fundamental to human dignity. In 1993, these concerns led the international confederation of free trade unions (ICFTU) to call for the inclusion of labour class with the programme of World Trade Organisation (WTO) that would aid the preservation of the basic rights. The leaders of the many institutions promoting the labour class argue that if international trade and the defense of labour
standards are not linked with an immediate attack on the worst forms of child labour, there may occur a global devaluation of employment conditions.

4.9.5 The Child Labour Deterrence Bill 1992

The main aim of the Child Labour Deterrence bill is to link international trade with children's right. It defines a child as one who is below the age of 15 years. This is important for India because constitution makes it a fundamental duty; of governance by any political party to ensure free and compulsory primary education to all children till the age of 14 years. Further the Supreme Court in Unikrishnan case has declared that this is not only a fundamental duty but also a right, which can be enforced through court of law.

The proposed bill requires the US Labour secretary to compile and maintain a list of foreign industries and their respective host countries that use child labour in the production of goods exported to United States.

Once a country and its industry have been identified as using child labour, the treasury secretary is directed to prohibit the entry of any manufactured article from such industry and country. The ban will not apply if the US importers certify that, the product from the industry and its country is not made with the help of child labour. The Bill urge the President of United State to seek an agreement to secure an international ban on trade in the products of child labour. This directly links trade negotiation of human rights.

India is a signatory to whole of international convention prohibiting the use of children in industry at the cost of their education and health. It owns constitution mandates a government budget and an economy that will give social, economic and political justice to
children since the enforcement of the constitution in 1949. The Union and State Finance ministers have got away with a violation of the constitution by actively promoting unconstitutional economics.

4.9.6 The National Commission on Labour 2002

The National Commission on Labour in its report submitted to the Union Government in 2002 states that the child's welfare and child’s future is our society, and our economy. Every child should have the opportunity to develop his or her skills and potential, to participate both as citizen and as a worker. In today’s society, a certain level of schooling is necessary for each person to feel an equal. More ever with a rapidly changing economy, to deny schooling to any group of children is to forever deny an opportunity to acquire skills and earn a decent livelihood.

Child labour is not an economic compulsion of all poor families. It is the consequences of extreme social and economic exploitation. The only way by which it can be eliminated is by prevention. The only way to prevent child labour is to recognize that the rightful place of children is in school, not in work place or in the house. So the first step is to ensure compulsory primary education for all children.

At the same time, complementary measures need to be put into place: Income enhancement programs for the poor. Payment of minimum wages, the empowerment of women, enactment and enforcement of appropriate laws and social services for the families of child workers. Moreover public awareness action must be mobilised on all fronts, to change attitudes towards child labour and to build public pressure against hiring children.
The commission recommends that no child should work, and all children should be in schools. It is only this strategy that can enable children engaged in agriculture comprising nearly 85% of the child work force to come out of their present plight.

It is clear from the above discussion that many welfare legislations have been enacted from time to time to promote and improve the working condition of child labour. Even the British Government enacted child welfare legislation in early 1930 under the title ‘The Child (Pledging of Labour) Act, 1933’ to eradicate the evil arising from pledging of young children by their parents in lieu of loan taken in advance. It also prohibits the employment of children below 14 years of age.

Even after independence both Central and State Governments have enacted numerous welfare legislations, in the light of philosophy contained in our National Charter. More than 50 legislations have been enacted with zeal to promote the welfare of child workers and improve their working condition in various establishments. It is quite evident from the survey of various article of constitutional care to safeguard the child worker from exploitation and improve their working condition in various occupations. The subject of child welfare, childcare and development has been enlisted in concurrent list of our constitution. Our National Charter imposes the duty on the on the Center as well as State Government to create a healthy environment for their all round development. The dignity of individual, the basis of democratic set up for our society has been assured by our national charter, by declaring the fundamental rights of individual on one hand and by for bidding the traffic in human beings, beggar and exploitation of youth and childhood on the other hand.

After independence our legislature has enacted many Acts prohibiting child labour. Besides legislative enactments the Government has adopted a National Policy on Child
Labour in 1974. The policy resolution has evolved guidelines in the field of education, health, nutrition, integrated child development, etc. Both the Central and State Governments are expected to carry out the guidelines of national policy to ensure the improvement of working conditions of child workers.

It is also revealed that child labour welfare legislation in India has influenced to a greater extent by the conventions and recommendations adopted by International labour Organisations from time to time. Besides Constitutional provisions there are 13 major enactments, which provide legal protection to our children in various occupations. For making them more effective and progressive many commissions and committees were formed and numerous amendments were made in the existing legislations. The Child Labour Deterrence Bill 1992, which was introduced in US recently open a new area in the field of child labour welfare. It is important for India because the constitution makes a fundamental duty of the government to ensure free and compulsory primary education to all children till the age of 14 years. The Bill prohibits the import of product in which the child labour involved. National Labour Commission on Labour 2002 throws light on the existence of child labour in various sectors and its causes and in its report it has suggested various measures for the prohibition of child labour. It is now the Government to accept the recommendations made by the National Labour Commission on Labour 2002 and take appropriate step for making India a child labour free country.