PREFACE

Child Labour is one social evil which has been prevailing in India for long time and there has been ample study and research done on this particular subject but the problem is even after so many years of research and laws enacted to prevent this, this problem still persists in the country. So there exists a greater need to look into this subject in detail and critically examine the subject and the laws made for preventing it.

The future custodians of all the present philosophies, including sovereignty, rule of law, justice, liberty, fraternity and international peace and security, are the children. They are potential embodiment of our ideals, aspirations, ambitions and future expectations. They are only messengers of our ideologies, philosophies, knowledge and cultural heritage. They are, indeed, future shoulders in the form of great scientists, rulers, administrators, philosophers, legislators, teachers, judges, engineers, technologists, industrialists, planners, workers and politicians on whom the nation rests. It is a matter of pleasure that the growing emphasis on Human development has focused the world’s attention on the child as the significant future human resource and primary education as the fundamental part of the education, which in turn is the component of development process. Hence, both the child and primary education have been given prominence in several international documents. Children are an important asset not only for their country but also for the whole of mankind. They are not merely future adults. They are tiny apostles of peace and above all very much human being though weak and immature. They have enormous potential to grow and develop into adults of future. Obviously, they are not a commodity and hence cannot be subjected to family monopoly. Welfare and development of a society largely depends upon them. We must also realize that the efforts for advancement in the human conditions must start as early as possible and begin with the child is born. Protecting the health and education of today’s children is the first and foremost right of these children, but it also the most basic and wisest of all investments and, thus, for social and economic development of society.

Children have the right to a joyful childhood. Every child has the right to grow up in a safe and nurturing environment with protection and guidance from their
guardians. Whether in the cities or in villages, at home or in schools, a child is always a child and deserves a childhood free from exploitation and abuse. Yet millions of children are being robbed of their childhoods every day. With an officially estimated 12.7 million children engaged in hazardous occupations, India has the largest number of child labourers under the age of 14 in the world. As per the 2001 Census, there are 1.26 crore working children in the country in the age group of 5-14 years. This occupation includes children workings in the hazardous and non-hazardous. The total working children in the age group of 5-14 years is only 5% of total population of children.

The situation of child labourers in India is desperate. Children work for eight hours at a stretch with only a small break for meals. The meals are also frugal and the children are ill nourished. Most of the migrant children who cannot go home, sleep at their work place, which is very bad for their health and development. Seventy five percent of Indian population still resides in rural areas and are very poor. Children in rural families who are ailing with poverty perceive their children as an income generating resource to supplement the family income. Parents sacrifice their children’s education to the growing needs of their younger siblings in such families and view them as wage earners for the entire clan. According to the UN Study about 15 Million children of age group five to 14 are working in various industries in India. They are found working in road-side restaurants, tea stalls and shops, at construction sites and in factories. Girls suffer labour exploitation to such a degree that million of girls die before they reach the age of 15. They are paid a pittance as low as Rs. 20 per day and many live in shops or work places where they are subjected to various forms of exploitation. Besides the work they are abused physically, mentally and sexually by the scurrilous task masters.

The Constitution of India clearly states that child labour is wrong and that measures should be taken to end it. The government of India has implemented the Child Labour Act in 1986 that outlaws child labour in certain areas and sets the minimum age of employment at fourteen. The Act falls short of making all child labour illegal, and fails to meet the ILO guidelines concerning the minimum age of employment set at fifteen years of age. Though policies are in place that could potentially reduce the incidence of child labour, enforcement is a problem. If child
labour is to be eradicated in India, the government and those responsible for enforcement need to start doing their jobs. Policies can and will be developed concerning child labour, but without enforcement they are all useless. The Indian government ratified the UN Convention on the Rights of the Child in 1992 and introduced various pieces of legislation to curb child labour. The Labour Ministry of India has imposed a ban on children under age 14 from working as domestic help in hotels. Under this law any employment of children under 14 will invite imprisonment up to two years and a fine of Rupees twenty thousand. India has also banned employment of children in hazardous industries including the manufacture of fire crackers, carpet making, glass making etc. under Child Labour Act 2002. Although India has the second largest child population in the world, there is no single unified separate legislation to deal with all with all the offences against children.

All stakeholders should jointly resist any form of child labour using whatever means available. A networking of international NGOs working in this field has to be created for advocacy with various departments to ban child labour. International funding organisations have to identify a contract organisation in each country to help NGOs who are working in this field undertaking activities for the banning of child labour and identify national projects to be implemented in a transparent manner with good stewardship.

The primary objective of this thesis is to investigate the adequacy of measures and legal protection available to the prevention and abolition of Child Labour in India. To make a conceptual analysis of the problem of Child Labour and trace its historical evolution. To analyze the mandate of the Constitution of India in regard to prohibition of Child Labour. To ascertain the role of United Nations Organization, International Labour Organization, and other International agencies, in regard to Child Labour. To investigate and understand the various problems for Child Labour in India. To examine the existing policies and programmes of the Government relating to Child Labour in India. To ascertain the role of voluntary organizations and Non-Governmental Organizations in abolition of Child Labour. To make an analysis of the legislative measures for abolition of Child Labour in India and also the role played by the judiciary in this regard. And to make suitable suggestion for providing
better care and protection for Child Labour in India. This thesis helps in having a comprehensive grasp of the problems of Child Labour in India.

This thesis name A CRITICAL STUDY OF CHILD LABOUR LAWS AND THEIR IMPLEMENTATION WITH SPECIAL REFERENCE TO BANGALORE CITY is aimed to critically looking the subject of child labour and studying and researching that not only the concept Child Labour Laws but also the implementation of those laws. As it is widely accepted a mere law will not be useful unless it is effectively implemented. So in my thesis I looked into the actual implementation those I was relating to Child Labour and mainly their implementation, which gives us the ground reality of the present laws and help us understand the not only on the statute book actual impact of those of laws on the society and how far they have been successful in achieving the objectives for which they were enacted.

I hope this thesis will be of interest to the readers and more particularly the Governmental authorities and parents to ensure prevention and abolition of Child Labour in India.

This thesis has given special reference to Bangalore City in particular as Bangalore has its own significance as it is still one of the fastest growing metro cities in India with a sizable number of child labour. As Bangalore is comparatively new Metro so there arises a special need to treat this as a special case for its significance in India. Especially in these days of rapid Urbanization Bangalore City needs an important look out.