CHAPTER II

CONCEPT OF CHILD LABOUR

One of the essential distinctions between human beings and the animal is that the animals only make use of the ready products of nature, whereas human beings adapt and transform the nature to serve their purposes. This is done by labour. Labour is, therefore, the primary condition for the development of human beings.

Labour has been helping the socio-economic development of human beings and social evolution from the primitive animal stage of man to modern civilized society. Without labour, production is inconceivable. It is the principal creator of all the wealth possessed by the human society. Labour is the great creative force. Technology improves labour productivity. Child labour is an integral part of labour force, especially in poor countries. They have to enter the labour market at an early age. The owners of means of production in poor countries exploit these children. Because of their tender age these children cannot do anything for the injustices meted out to them by the owners.

Almost everyone in India benefits from the work of the children—either directly through employing children or indirectly as consumers of the products that a child has laboured to make, process or transport. Many household tasks are also conventionally works of children, although the nature of these tasks vary by age and gender in different communities, in urban and rural areas and in diverse social and economic settings. In rural areas, it is a fact that the child who does not attend a
formal school is a working child. Collection of water, fuel, household chores and taking care of younger siblings—all constitute important elements of the life of a child. While many of these activities cannot be defined as hazardous work, in as much as they interfere with normal development of the child and the ability of the child to reach his or her true potential, they violate the Convention on the Rights of the Child.\textsuperscript{4}

Though the terms ‘Work’ and ‘Labour’ are used interchangeably and synonymously, some differences exist between these two terms. Work is a process intrinsic to life at all levels, be it plant, animal or human. Since living organisms are not self-contained, from the very moment of their birth they engage in interactions and exchanges with the larger world around them. Any process aimed at bridging the gap between needs originating in an organism and resources in the environment of the organism satisfying those needs may be termed as ‘work’. Therefore, work is a natural process, work insures survival and to cease to work is to cease to live.\textsuperscript{5} On the other hand, when individuals are engaged in the production process, not primarily to meet their physiological and psychological needs, but to meet the profit-motivated needs of the employer, the process they are engaged may be called ‘labour’. Work becomes labour when the capacity of the individual to produce a surplus beyond the value of his or her means of existence is capitalised upon by the employer.\textsuperscript{6}

There is distinction between the terms ‘child labour’ and ‘child worker’ also. Child labour work on full time basis in lieu of wages payable after regular interval, child worker, on the other hand, often attends school regularly and during spare time at home, he or she, either assists his or her parents in domestic work or agricultural
pursuits or some other work done by the family and under these circumstances his involvement is on part-time basis. These child workers, therefore, are not the victims of exploitation and they are not deprived of their childhood.

MEANING OF CHILD LABOUR

The definition of child labour is not uniform all over the world. It is also by no means the same in all statutes that refer to the employment of children. There are two components of the term ‘child labour’. The word ‘child’ is used in terms of chronological age and “labour” in terms of its nature, quantum and income generation capacity. While defining the term ‘child labour’, meaning is attached to both these two components. Child labour, however, can broadly be defined as that segment of the child population which participates in work either paid or unpaid.

The term ‘Child Labour’ is often used synonymously with ‘Employed Child’ or ‘Working Child’. In this sense it is co-extensive with any work done by child for gainful purposes. But more commonly it suggests something which is hateful and exploitative. Thus, Homer Folks, Chairman of the United States National Child Labour Commission, defined child labour as “any work done by children that interferes with their full physical development and their opportunities for a desirable minimum level of education or their needed recreation”.

According to the International Labour Organization, “Child Labour includes children permanently leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development,
sometimes separated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future.  

‘Child Labour’ is defined as having an element of economic compulsion associated with it and involves a time and energy commitment which affects the ability of children to participate in leisure, play and educational activities. Finally, child labour is ‘work’ which impairs the health and development of children.

In various studies, the word ‘child labour’ has been defined in different ways. The Committee on Child Labour stated that Child Labour can broadly be defined as that segment of child population in work either paid or unpaid. In 1980, a study on child labour was conducted in Bombay. In that study, Singh and others held the view that child labour means a working child who is between 6 and 15 years of age and who cannot attend school during the day, as he has to work under an employer or has to learn some trade as an apprentice. In the study titled as “Working Children in Urban Delhi” conducted by the Indian Council of Child Welfare, every child below 14 years who contributed to the family income or was gainfully employed including those marginally working was treated as a worker.

V.V. Giri opines that the term ‘child labour’ is commonly interpreted in two different ways: first, as an economic practice and second, as a social evil. In the first context, it signifies employment of children in gainful occupations with a view to adding to the total income of the family. It is in the second sense that the term ‘child labour’ is now more generally used. In assessing the nature and extent of social evil, it is necessary to take into account the character of the jobs on which children are
engaged, the danger to which they are exposed and the opportunities of development of which they have been denied.¹⁷

Kulshrestha¹⁸ is of the view that, child labour, in a restricted sense, means the employment of child in gainful occupations, which are dangerous to their health and deny them the opportunities of development. According to him, the term ‘child labour’ not only applies to the children working in the industries, but also to the children in all forms of non-industrial occupations which are injurious to their physical, mental, moral and social development.

Alakh Narayan Sharma opines that child labour means the employment of children in gainful occupations (in industrial as well as non-industrial occupations) which are injurious to their physical, mental, moral and social development. Thus the term includes wage labour as well as self-employed children working independently as well as in family enterprises.¹⁹

In India, various laws have been enacted on child labour. The definition of child labour in these Acts varies from one Act to another. The precise age of what constitutes child labour has not been laid down anywhere because of variations in the age of child as given under different legislative enactments.²⁰

Under the Motor Vehicles Act, 1939, child has been defined as a person under the age of eighteen years.

As per the Plantation of Labour Act, 1951, originally Section 2(c) provided that “Child means a person who has not completed his fifteenth year.” Section 24 of the Act laid down that, “No child who has not completed his twelfth year shall be required or allowed to work in any plantations.” By Section 24 of Child Labour
(Prohibition and Regulation) Act, 1986, the word ‘fifteenth’ used in Section 2(c) was substituted by the word ‘fourteenth’. The Act omitted Section 24 of the Plantations Labour Act, 1951.

In the Merchant Shipping Act, 1958, employment of children below the age of fourteen years as seamen has ordinarily been prohibited. Persons below eighteen years cannot be employed as trimmer and stokers.

According to the Motor Transport Workers Act, 1961, ‘child’ means a person who has not completed his fourteenth years. Section 21 of the Act provides, “No child shall be required or allowed to work in any capacity in any motor transport undertaking.” Section 22 lays down that no adolescent shall be required or allowed to work as a motor transport worker in any motor transport undertaking unless— (a) a certificate of fitness granted with reference to him under Section 23 is in the custody of the employer and (b) such adolescent carries with him while he is at work, a token giving a reference to such certificate. ‘Adolescent’ according to the Section 2(a) of the Act, “means a person who has completed his fourteenth year, but has not completed his eighteenth year.

Under the Radiation Protection Rules, 1971 framed under the Atomic Energy Act, 1962, “A child has been defined as a person below eighteen years of age.”

In Shops and Commercial Establishment Acts passed by different states and union territories, child has been defined as a person between 12 and 14 years.

According to Section 2 (b) of the Beedi and Cigar Workers (Conditions of Employment) Act 1966, “Child means a person who has not completed fourteenth
year of age.” Section 24 of the Act provides, “No child shall be required or allowed to
work in any industrial premises.”

The Mines (Amendment) Act, 1983 provides that no person below eighteen
years of age shall be allowed to work in any mine or part thereof.

From the above, it is clear that different Acts have defined child labour
differently depending upon the nature of the work to be performed by him. If the
work is of such nature that it may affect the child both physically and mentally, limit
of age is a little bit high. For example, in Atomic Energy Act, the Mines
(Amendment) Act, 1983 and Motor Vehicles Act, it is fixed at eighteen years. But in
case of less dangerous works, the age limit is low. In this regard, mention may be
made about the Shops and Commercial Establishment Acts of different states, where
child has been defined as a person between the age of 12 and 14 years.

From the above, it can be said that child labour is any work, either paid or
unpaid, that threatens the health and mental development of the child by denying him
or her rights.

CHILD LABOUR THROUGH THE AGES

Children have been engaged in works since ancient times. Conditions of child
labour in different ages are discussed below.

ANCIENT PERIOD:

In the primitive period, the level of development was low. Absence of
exploitation of labour, surplus, antagonism in the production relations and coercive
power were the special features of a primitive society. The density of population was extremely low and dispersed with abundant object of labour.

In ancient time, people were food gatherers or hunters. At that time they were helped by their children. When people started cultivation, the children used to help them in comparatively lighter jobs. Though the children worked at that time also, they worked under the guidance of their parents or other relatives. So, the question of exploitation did not arise. In stead they could learn the works through observation and association and thus they could develop interest in work and derive pleasure out of it.

With the increase of density of population and the subsequent fall in the required objects of labour, there emerged the need for development of technology. The division of labour was not only based on simple natural differences, but also, to some extent, on the functional needs of the community. Children participated in different works, but no value was attached to their contribution. More intensive methods of agriculture by invention or adoption resulted in the generation of surplus. Help of servants also had to be taken by the people to look after their animals. Children were engaged to assist the elders, but no material value was attached to their labour in productive activities.

While there is little detailed information on the functioning of the pre-feudal societies, there has been substantive research on the later periods. Under feudalism, obligation was laid on the producer by force and independently of his own volition to fulfil certain economic demands of the feudal lords. The transitory semi-feudal mode emerged with the commodity production. Exploitation was carried out through the control of land and credit. Large segments of the population were engaged in not only
subsistence production, but also unpaid labour, bondage and gifts.\textsuperscript{22} They constituted an important supply of reserved labour during the peak agricultural seasons like replanting and harvesting.

At the time of industrial revolution, the child was removed from home, field and village and placed in the factory, so that they can make material contribution to the labour economy of the family. Since then the demand of industry for cheap labour has grown so rapidly and the poverty of the masses became so acute that the tendency to exploit child labour increased in unprecedented manner. As a result, large number of children began to be employed in organized industries at a cheaper rate. In certain industries, employment of children continues even today in spite of legal provisions relating to the age limit.

Child labour has been prevalent more or less in all periods of time, though varied in its dimensions, depending on the existing socio-economic structure of the society. In the past, the child labour was a part of the social organization in which all members pooled their labour to produce for the subsistence and survival.

Child labour has been regarded as an evil in India since time immemorial. In ancient India, life of the people was divided into four ashramas, namely, Brahmacharya, Garhasthya, Banaprastha and Sanyas. In the Brahmacharya period, the children were sent to the hermitage of the Gurus (learned sages), which were actually residential schools, to learn under the guidance of the guru. There they had to participate in the domestic chores of the household as well as the ashrama. Though these schools did not charge any fees from the students, but they were expected to contribute their labour towards the running and upkeep of the Institution. In this
respect, no discrimination was made between the children of royal lineages and common people. Ramayana, the great Indian epic reveals that Rama, a human incarnation of Vishnu of the Hindu Trinity and his brothers were sent by their father Dasaratha, the king of Ayodhya, to the hermitage of Vashistha. Apart from getting education there, they also helped the Guru in his domestic works and economic pursuits like collection of fruits and other eatables.

Though the children were engaged in some domestic chores in ancient India, in no way they could be termed as child labour as the actual aim of engaging them in those works was to make the children fit for bearing the responsibilities which they would have to take up in their future life.

Employment of children in the form of slavery was mentioned even in Kautilya's Arthashastra of 3rd century B.C. It describes the existence of domestic slavery in many prosperous households where slaves were normally from low castes. He recommended various kinds of punishments for selling or keeping a minor Arya individual as a pledge. However, he felt that it was not an offence for foreigners or tribals to sell an offspring or keep it as a pledge.

Kautilya also realized that slave children were not much different from Arya children and that they were not physically fit to carry out the ignoble duties of slaves and that allowing the sale or purchase of slave children of less than 8 years of age would tantamount to inhumanity. Inspired by such feelings, he prohibited the purchase or sale of slave children of less than 8 years of age. This is how Kautilya sought to do away with the butchery of childhood which might have been rampant prior to his days. Though Kautilya had 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.\textsuperscript{27}

\textbf{IN MEDIEVAL PERIOD:}

Child labour in medieval India remained in existence on a large scale and even the rulers encouraged it with an intention to make traffic in child slaves. The child labour was found in the form of child slavery and the rulers did not endeavour to weed out this practice and hence the result was that child was always exploited for this selfish end.\textsuperscript{28}

In medieval period children were mainly placed as trainees under artisans and craftsmen. The tradition still continues in carpet weaving and cotton and silk weaving industries, which provide employment to large number of children even today.\textsuperscript{29}

\textbf{IN 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 the work relationship was 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 socialization and training.\textsuperscript{30} This conception, however, underwent a dynamic change with the advent of capitalism in the industrialization during the 18th century and the child labour began to be designated as a social problem.\textsuperscript{31} The new economic forces unleashed by capitalism destroyed the family based economy, a large number of labourers were displaced due to
mechanization of agriculture - the farmers were alienated from their 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 for children reinforced this process.\(^{32}\)

The mechanized large-scale production was started from the middle of the 19th century. During that period, state regulations were lacking over the conditions of employees in industries. The employers were free to bargain with labour. Therefore, the employers, for their benefits, exploited the labour. Many children were employed in cotton and jute mills and coalmines. They were even employed for underground work.\(^{33}\) Gradually, public attention was drawn towards the evil done on the child labour.

In 1881, the first law was enacted to protect the child labour. The Act was Indian Factories Act, 1881. This Act forbade employment of children below 7 years and also in two separate factories on same day. Moreover, it made provision for maximum working hours in a day and compulsory holidays and rest intervals. This Act, however, covered only factories employing 100 or more persons. There was no provision for enforcement machinery.

On the recommendation of a factory commission appointed by the Government of India in 1890, Indian Factories Act was passed in 1891 which was an advance over the Act of 1881.

In this way, different Acts were enacted in the pre-independence period relating to the employment of children in various sectors, but these Acts failed to
achieve their goal of elimination of the evils of child labour. The Labour Investigating Committee, in its report in 1946, pointed out that the main cause of the failure of these laws was the inadequacy of the inspecting staff to enforce the provisions of these laws.\textsuperscript{34}

**IN POST-INDEPENDENCE PERIOD**

After independence also, government of India has shown its concern for the problem of child labour. The children who were engaged in work came mostly from poor families. The resources available with the government to improve the economic condition of people were not sufficient. It was, therefore, not practicable at that time on the part of the government to eradicate the problem of child labour immediately. Considering this, the government tried to regulate child labour and tried to improve their conditions by passing different laws.

A number of legislative measures have been taken in independent India to control the evil of child labour. Necessary amendments have been made or new laws have been passed to improve the condition of the child labour. The first step after independence in this regard was the amendment of the Factories Act in 1948, which raised the minimum age for entering into employment in factories to 14 years. Some other Acts like Employment of children Act, 1938, were also amended. Some new Acts like Motor Transport Workers Act, 1961, Beedi and Cigar Workers (Condition of Employment) Act, 1966, the Apprentices Act, 1961 and Child Labour (Prohibition and Regulation) Act, 1986 were passed in the post-independence period.

The Constitution of India, which came into force on January 26, 1950, laid down special protective measures for children from exploitation. In Fundamental
Rights and Directive Principles of State Policy, the framers of the Constitution included different provisions for the welfare of children.

Different Commissions and Committees have also been appointed. A report of National Commission of Labour published in 1969 observed that child labour persists in varying degrees in unorganised sector such as small plantations, restaurants and hotels, cotton ginning and weaving, carpet weaving, stone breaking, bricklaying, handicrafts and road building.35

The Committee on Child Labour (Gurupadaswamy Committee) which submitted its report in 1979, examined the problems of child labour in India.36 Moreover, the National Policy on Child Labour, 1974 is a praiseworthy step initiated by the government which aims at the welfare of the child workers so as to safeguard them against exploitation and enable them to grow into good citizens.

CAUSES OF CHILD LABOUR

Children work out of necessity and without their earnings (however meagre they may be) the standard of their families would decline further. A large number of them do not even have families and cannot count on them for support. In these circumstances, the alternative to work may be idleness, destitution, or worse, crime.37 To tackle the problem of child labour, it is necessary to identify the causes for which the problem has come into existence. Of these factors, sometimes it may be the result of isolated factors. But sometimes it may arise from a variety of root causes. Some of these causes are discussed below:
POVERTY:- Among the major factors responsible for the institution of child labour in India, poverty ranks first. The M.S. Gurupadaswamy Committee, 1979 also pointed out in its report that the chronic poverty is the strongest factor for the prevalence and perpetuation of child labour. The unequal distribution of property results in chronic poverty. Countries like India, with massive and abysmal poverty are fertile grounds for the large-scale employment of children. Nearly half of the population of India subsists below the poverty line. The poor families cannot sacrifice the smaller gains of the present for the larger gains of future as they do not have any surplus to sustain them. The income accruing from the child labour may be a pittance but plays a crucial role in saving the family from a shipwreck. Economic compulsions weigh so heavily on the poor parents that they do not hesitate to take risks of inhuman exploitation of their children. Poverty and child labour thus always beget each other and tend to reinforce themselves in families and communities.

In People’s Union for Democratic Rights vs. Union of India, the Supreme Court observed:

“We are aware of that, the problem of child labour is a difficult problem and it is purely on account of economic reasons that parents often want their children to be employed in order to be able to make two ends meal. The possibility of augmenting their meagre earning through the employment of children is very often the reason why parents do not send their children to school and there are large drop-outs from the schools. This is an economic problem and it cannot be solved merely by legislation. So, long as there is poverty and destitution in this country it will be difficult to eradicate child labour.”

Poverty of the households may be due to several factors

INADEQUATE INCOME OF THE PARENTS:- In a household below the poverty line, there is meagre potential for earning. These families do not have any
alternative to earn additional income. In these families all members regardless of age and sex are required to work and have very little freedom to do otherwise. So, when the earning of the parents is not sufficient enough to maintain the family, then the children are forced to take up employment.

UNEMPLOYMENT :- Unemployment is a serious social as well as economic problem faced by India. Due to unemployment of the adult members, the family has to look for alternative means of earning money to fulfil the necessities of the family. Unemployed adults in these families do not have any other option but to send their children to workplace.

ABSENCE OF SCHEME FOR FAMILY ALLOWANCE:- In India, allowance facility is not there for the poor families. If through their meagre income, the poor people find it impossible to supply the bare necessities of the day-to-day life, then they do not have any other alternative but to send their children to the labour market. Had there been scheme of the government for family allowance for the poor, then the poor people could have compensated by that allowance, their additional needs which they could not fulfil by their own income.

LARGE FAMILIES:- In most of the developing countries, impoverished and illiterate families think that more children means more hands to work to bring extra money. So poor parents intentionally produce more children, as children are considered to be assets by them rather than liability as they furnish additional income to the family.  

MIGRATION:- According to the notion of ‘globalisation’, at present, people have become more mobile, travelling easily to other countries. This mobility is also
reflected in their search for jobs. As a result, it leads to the emergence of migrant labourers and immigrants. When the family head moves from one area to another due to agricultural cycle, his wife and young children either move with him or stay back to look after the family plot in his absence. In both cases they seem to have bad experiences. In the urban areas, when the whole family moves from their village to the cities, they have to face different problems like lack of shelter, hunger and joblessness and it forces the children to join the labour force.42

GENDER DISCRIMINATION:- In many societies, the boys are preferred to girls. Because of this attitude, girls are not given adequate opportunities for development. In the economically backward families, very often the girl child is not given education and is deprived of acquiring academic qualifications which would have enabled her to secure a gainful employment and made her economically independent. Instead of sending to schools, they are engaged in household works or engaged in some employments, some of which are hazardous in nature.

FAILURE IN THE IMPLEMENTATION OF THE PROVISION OF COMPULSORY EDUCATION:- Though more than fifty years have passed since independence, till now a large number of people are illiterate. Even today, a large number of parents make a very definite choice between education and a job. The poor, illiterate parents do not understand the value of education and they engage their wards in economic activities instead of sending them to schools. Some parents feel that even if the child goes to school, there is no guarantee of a job after completion of his or her education. Whereas, if the child, even though he does not earn anything is trained for a skill, it is a definite advantage for his future career development.
Sometimes, even though the children are not sent by their parents to workplace, instead of sending them to schools they are engaged to replace their parents to do home work by supportive activities such as baby sitting, cooking and cleaning.

By 86th Amendment of the Constitution, education has been made a Fundamental Right under Article 21. Before that also government had the duty of providing education under Article 45, but it was not successful in accomplishing its duty. National Commission on Labour (1969) stated the main obstacle in the way of making education compulsory to all children up to a prescribed age in the following words: “An artisan cannot afford to educate his wards though education is free. For him, an uneducated child is an asset, desire to be educated becomes a double liability because of (a) loss of earnings if the child does not work and (b) expenditure on education howsoever small”. Failure in the implementation of the provision of compulsory education has contributed in the increase of the number of child labour.

SOCIO-CULTURAL DISPARITIES:- With respect to the sale of the children for the exploitative child labour, socio-cultural disparities may also contribute. Many societies display historical injustices and traditional taboos. The phenomenon has racial and social origins, interwoven with issues of class and caste and the remnants of slavery. It is obvious that children used for labour exploitation are lured from particular racial or social groups, rather than the well endowed groups in power.

PREFERENCE OF CHILD LABOUR BY THE EMPLOYER:- Employers prefer children because they constitute an uncomplaining, docile labour force. The employers can easily manage them. The children can be paid less wages which helps the employers in amassing huge profits. Moreover, in some works, the employers
prefer child labour as the small fingers of the children are more suitable for doing minute works. Apart from these, as the children are not members of any trade union, so they cannot complain against the employers unitedly even if they are exploited. For these reasons, the employers prefer child labour.

FAILURE OF LEGISLATION :- Different legislations have been made for the prevention and regulation of child labour. Failure of these legislations and governmental effort are equally responsible for child labour particularly in hazardous occupations. Legislations remain on paper and loopholes in the laws are easily availed off by the employers. Administrators and factory inspectors often fail to do their jobs successfully with the result that the children are continued to be exploited as child labour.

OTHER FACTORS:- A large percentage of children start working because of being orphaned or because of broken families and other domestic problems. Again, sometimes the parents send their children to workplace as they want them to learn a trade which will help them to become skilled craftsmen by the time they grow up.

Moreover, in areas where green revolution has become a stabilised reality and wages of agricultural labourers have substantially grown up, labour families have passed into service their child population, tempted by relatively good earnings.

These were some of the causes of child labour. It is seen from the above that the children have to work either for economic condition of the family, or they are sent to work because of the ignorance and illiteracy of the parents. Again sometimes employers also provoke them to work in order to earn more profit.
CONSEQUENCES OF CHILD LABOUR

Children have to work under unavoidable and compelling reasons. It is very essential that reasonably safe conditions of working should be provided by the employers, so that their health may not be adversely affected. But in reality they are made to work under adverse conditions. They have to work in dangerously polluted factories. They have to work near furnaces. They handle dangerous chemicals like arsenic and potassium. They work in glass blowing units. All these have injurious affect on their health as well as growth and development. How the child labourers are affected by such types of works are discussed below.

HEALTH PROBLEMS:- Physical and mental growth of an individual is on the upward trend during the growing years and they are very vulnerable to diseases. Since working children belong to the poorer sections of society, they already are at a low threshold of health as opposed to which heavy demands are made on physical output. Their tender bodies cannot bear this burden and it affects their health badly.

In some occupations workers might be allowed to come into contact with harmful substances like chemicals where fumes or dust damage the lungs or any other organ of the body. Such occupations could be termed as intrinsically hazardous for all types of workers, children as well as adults. But since children still pass through the phase of growth and development, so there would be likely to be an adverse and injurious effect on the health of the child labour.

Working children are also more susceptible to infectious diseases including tuberculosis, if they suffer from malnutrition, anaemia, fatigue and inadequate sleep.
The other physical health hazards include bone lesions and postural deformity attributable to work such as carpet weaving, embroidery and lifting heavy weights.47

OCCUPATIONAL ACCIDENTS AND HAZARDS:- Occupational hazards and risks of the child labour can be enormous. After long hours of work, children become tired and drowsy and it may lead to accident. Moreover, children are of immature mind. They don’t understand about the necessity of taking precaution while working with dangerous machineries. Sometimes they have to work with poorly maintained machineries also. As a result of these, accidents may occur.

EDUCATIONAL DEPRIVATION:- By the 86th Amendment of the Constitution of India, right to get free and compulsory education from the age of 6 to 14 years has been made a Fundamental Right under Article 21 of the Constitution. But when a child labour has to work for long hours, it will not be possible for him to spare time and energy to get education and the fundamental right guaranteed to him to get education by the Constitution will be confined only within the papers.

ENVIRONMENTAL HAZARDS:- The work environments of exploitative workshops often have pernicious effects on the health of children. Excessive noise can lead to hearing loss and hot, damp and dusty conditions to the transmission of communicable diseases. Since many workplaces have neither running water nor toilets, gastro intestinal diseases also flourish.48

Thus, it may be observed that though child labour existed in ancient times also, at that time the nature of work was quite different. Then they did not have to face exploitation, rather the works, which they did to assist their elders, had helped them to grow up as expert workers in their respective professions. Gradually, for
poverty and some other causes, the parents began to engage their children in various
activities, so that they can contribute to the income of the family. Apart from facing
exploitation in the workplace, these children were deprived of their basic rights of
education, leisure and recreation. Moreover, they had to face some evil consequences
for their work like accidents in the workplace and health hazards. Thus, the problem
of child labour has become a matter of serious concern all over the world which
prompted the international organisations and national governments to take different
measures for the welfare of the child labour in particular and children in general.

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28. Supra, Note 9, p. 27.

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39. Supra, Note 8, p. 12.

40. AIR 1982 SC 1473.

41. Supra, Note 7, pp. 15, 16.

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