PREFACE

The present research work has been undertaken to study the concern for higher incidence of child labour in India. Many such children are exposed to criminogenic influences at work place when they are most exploited in an uncongenial environment which is conducive to generate criminality.

It has been pertinently observed that working children experience violence at work place, suffer maltreatment under abusive employers, most seriously in the informal sector, fomenting to delinquent and criminal behaviour. These children are obviously exposed to situations of social risk besides many others in family and community settings.

In recent studies, it is also found that children between 5-12 years are most at risk of abuse in India comprising many working children. As per 2001 census of India child labour has been officially indicated at more than 12 million between 5-14 years while other sources indicated much higher number as against the ILO estimation reported in 2008 that there is more than 165 million stringent child labour globally with sizeable segment in hazardous occupations. In India many millions of child labourer indicated to have been engaged in the worst forms, entrapped in criminal activities and are exposed to situations of organised crime by adult perpetrators, however mostly unreported, hidden and inseparable in a complex of child labour system.

The world wide concern for child labour primarily rests on considering ‘child’ as those below 18 years under Article 1 of the Convention on the Rights of the Child, 1989. However, India has ratified this Convention but yet to comply with the age uniformly in its national instruments in a major flaw. The Millennium Declaration has also strongly emphasised on protection of children from violence, exploitation and abuse. But the recent studies in India on the other side indicated that there is violence against children at work though it is difficult to detect and establish in a cumbersome legal process. In fact this country has the highest number of sexually abused
children and child labour as reported in 2005 and 2007 respectively.

The phenomenon of child labour exists as a social problem both as a blatant economic practice and the social evil together. There are also several causes of exploitation of poverty, illiteracy, societal attitude accompanied by the problems of displacements, internal disturbances including insurgency etc. which have been largely contributing to the problems of child labour and their abuses. But under any circumstances, a child in danger can never wait. In child labour, a child is victimised - both as a child/minor and as a labourer/worker.

Of course, besides certain provisions under Articles 23, 24, 39(e), (f) etc. of the Constitution of India along with some legislations, like the Child Labour (Prohibition and Regulation) Act, 1986, the Juvenile Justice (Care and Protection of Children) Act, 2000 etc. the obligation has been much broadened as India ratified the UNCRC, 1989 along with its two Optional Protocols, besides the other Human Rights Conventions. Such tools and instruments apart from some landmark judicial pronouncements and policy measures including the National Child Labour Project (NCLP), 1988 although effective however, intricacies persist than in resolving the problem.

In fact, child abuse has not been exhaustively defined in the Indian context nor child labour has been visualised clearly in terms of child abuse. The Child Labour (Prohibition and Regulation) Act, 1986 only prohibits child labour in few occupations and few others are regulated, while many more areas remain still uncovered.

In a certain way, the National Crime Records Bureau in a perception of 'crime against children' indicating victimisation/abuse of children has incorporated the Child Labour (Prohibition and Regulation) Act, 1986 among few other penal laws but child labour has not been banned in all forms and dimensions in absolute terms in India. Particularly in social aspect of 'crime' a blanket ban however stands inadequate in curbing the problem of child labour abuses.
In an attempt, certain acute causes of child labour abuses at work place situation and outside being interpreted in the light of some existential factors. Exploring certain theories of Criminology, it is also explained that elements of criminogenic influences can inflict exploitation of child labour in a multiplicity of physical, emotional, sexual and instrumental abuses that might contribute to juvenile delinquency with every likelihood that work place/establishment employing child labour is criminogenic.

In a despairing predicament, child labour is under reported in north east India and in Assam the situation is grave with high incidence of child abuse.

As a part of the empirical study in some bordering pockets/locations comprising four administrative district units of Kokrajhar, Chirang, Baksa and Udalguri in Bodoland Territorial Areas District (BTAD) in Assam in north-east India indicated massive abuses of very young child labourer. Among several pre-disposing factors for a drift towards the practice of child labour, decades long violence, conflicts and acts of terrorism made thousands of families with women and children displaced, many are orphaned and abandoned besides many are systematically entrapped in criminal activities by armed terrorist outfits. As such, social defence measures not only suggests for a strategy of action against offenders but also reaching out to those who are vulnerable to crime and prevent conditions that generate criminality.

Significantly in a belated effort, neither the Rehabilitation and Resettlement Bill, 2007 incorporating the recommendations of the National Human Rights Commission, nor the Prevention of Offences Against the Child Bill, 2009 has so far been enacted.

This socio-legal study has been explicitly carried out, however in a limited parameter, for an objective analysis in a blend of deductive and inductive reasoning, taking into account of both documentary and primary sources of data arranged in various segments of the content pointing a few suggestive measures.