Every child has a dream, but more often than not it is shattered. Much to their dislike and distaste, youngsters find themselves in a workplace. At a time when they should be playing they are sold into servitude.

According to the Encyclopaedia of Social Science, “Every child labourer is a child with all the needs of other children.” He need opportunities for growth not only physical but in mind and personality, through all the activities and experiences which properly belong to childhood, and when the business of wage earning, or of participation in self or family support, conflicts child labour. Karl Marx observed in Das Capital that, “the result of buying the children and working persons of under age by the capitalists is physical deterioration and moral degradation”.

In all respects childhood is the most important period of life. Childhood is considered the bases of life, the whole life depends on it. During this period moulding and shaping of the life takes place and the behaviour, conduct and sentiments are developed. The investment in the growth and development of children is an investment in building manpower of the country. Therefore, the children must be given not only protection but programmes for the welfare of children must be undertaken on priority basis.

In fact work plays am important role in the development of child if it involves purpose, plan and freedom. One of the important arguments against child labour is, increases adult unemployment and reduces their wages.

As a result of this they face poverty. It has been estimated that if the children who are engaged in gainful occupation are ejected totally, then it will be a fine cure for the problem unemployment in the country to a greater extent by causing atleast 15 million vacancies for the adult unemployment persons. For every rupee earned by a child under 14 years of age, ten fold will be taken from its earning capacity in later years.

This is a grim tale not only in Asia but also in the countries of Africa and Latin America where poverty stalks.
In India, the scenario was not much too different. With the country’s independence nearly 50 years ago, many changes have been brought about from one 5 Year Plan to another. The problems of children are multi-faced and multi-layered. They cover a wide range of field from nutrition and education to development and protection so that they may become better human beings and healthy citizens in later years.

Like most problems in India, child labour emerges out the socio-economic conditions prevailing in the economy. Children are often forced to work due to economic needs and social conditions. Whatever might be the conditions are leading to the children seeking employment for economic considerations or otherwise, it would appear that the children frequently work under conditions detrimental to their health, welfare and development. Most of these children have never been to school or have dropped out of school at some stages or the other. A working child is deprived of education, training and acquiring skills which are prerequisites for earning sustaining and for economic development. The perception of child labour as a social problem has become an important feature of welfare consciousness among the public, trade unions, welfare and social service organizations and the state.

The Labour Bureau of the Central Ministry of Labour conducted an enquiry in child labour in the early fifties. In its publication child labour in India (1954), it is stated that in small industries and cottage industries, such as match manufacture, cashewnut processing, bidi making, carpet weaving, etc. employment of under age children, either uncertified or having false age certificates, continued. The actual hours of work were found to be in excess of the prescribed working hours under different enactments. In cottage industries, children were required to work as long as adult workers, except where home work system was prevalent. The working conditions children in the bidi and glass industries continued to remain deplorable.

The general observation of the National Labour Commission is that though the employment of children is almost non-existent in organized industries, it persists in varying degrees in the unorganized sectors such as small plantations, restaurants and hotels, cotton ginning and weaving, carpet weaving, stone breaking, brick kiln, handicrafts and road building. Child labour, below the prescribed age, is also reported to be continuing in far-off places and in rural areas, where enforcement of statutory provisions is difficult. The members of the Commission found, during the course of their observational visits, prevalence of child labour in handloom and
powerloom units, procade work and in carpet weaving. The employers gave such reasons as sympathy for poor children and preparation for regular jobs.

The unorganized and self-employment sectors account for a larger number of child employment where countless number of children are working as domestic servants or as workers in hotels, restaurants, canteens, wayside teastalls and establishments, hawkers, newspaper sellers, collies, shoe-shining boys, vendors, helpers in repair shops and in service stations, or as construction workers, sag kickers and casual labourers, etc. They are also hired, along with their parents in construction work and take part in loading, unloading and breaking of stones, etc. Where by and large, even basic minimum welfare amenities are not available to them. For example, construction worker digs the earth, carries headloads of muds and mortar, removes debris, prepares mortar, breaks stones, straightens, bends and solders heavy iron rods and yet he has to do such a hard labour in the open, exposed to the vagries of weather, giving a profile of an unclean ill-clad and barefooted sad victim of sordid exploitation.

These children, specially those engaged in the job of scrap-collecting or sag-picking, hail from poverty-stricken scheduled caste families residing in slums and they develop several kinds of skin-deseases. While collecting rusted iron pieces, they run the risk of receiving cuts on their hands and become susceptible to tetanus. The sharp glass pieces lying hidden in the garbage may injure their bare feet and injury may develop into fastering wounds.

The child population in India doubled between 1951 and 1991. The increase between 1951 and 1991 measured as an index with 1961 as 100, has been 102 percent. The index of urban male and female child population has grown faster than the rural child population as can be ascertained figure 4.1 for India as a whole.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Male</td>
<td>77</td>
<td>100</td>
<td>131</td>
<td>149</td>
<td>155</td>
</tr>
<tr>
<td>Rural Female</td>
<td>77</td>
<td>100</td>
<td>128</td>
<td>147</td>
<td>156</td>
</tr>
<tr>
<td>Urban Male</td>
<td>67</td>
<td>100</td>
<td>142</td>
<td>196</td>
<td>285</td>
</tr>
<tr>
<td>Urban Female</td>
<td>68</td>
<td>100</td>
<td>143</td>
<td>199</td>
<td>279</td>
</tr>
<tr>
<td>Total</td>
<td>76</td>
<td>100</td>
<td>132</td>
<td>158</td>
<td>178</td>
</tr>
</tbody>
</table>

In India, as per an estimate made by the Planning Commission, there were about 17.4 million working children in the country during 1981 and the number is expected to increase to over 20 million working children by the year 2000. Both male and female children in the age group of 5-14 years constitute the child labour force, with more girls working in the household, and not truly recognized as child labour while male child is seen and noticed as employed and engaged in outside home activities.

In India the child labourers are sharply increasing in various fields compared to 1981 survey we find it has increased from 13.64 million to 17 million.

1981 census disclosed that 78.71 percent of child labour is engaged in cultivation in agriculture. 6.3 percent in fishing, hunting and plantation, 8.63 percent in manufacturing, processing, repairs, household industry, 3.21 percent in construction, transport, storage, communications and trade and 3.1 percent in other services.

In India every third labourer is a child, seventy percent of these children are employed for a pittance, getting a paltry wages of Rs.150 a month.

A three-day workshop on “combating child labour” organized by the PHD Chamber of Commerce and Industry was held in May 1995 that only 4000 people were convicted for using child labour. About 3500 of the accused were let off and fined only Rs.150, suggesting that the law is lax, not effective enough to combat the menace.

Out of 100 million children employed in the unorganized sector more than two million children work in hazardous industries, posing a great risk to their health.

World wide, as many as 250 million children from the ages of 10 to 14 are working in jobs that are dangerous, unhealthy and often inhumane, (according to the International Labour Organization). In the least developing countries, nearly one out of every five children holds a job, among them are also children as young as 5, ILO survey says.
Full time child workers (0-14) years based on the census data and definitions of workers peaked at 14.5 million in 1961. This declined to 10.8 million in 1971 and increased again to 11.2 million in 1981. Using 1981 activity rates and our estimated size of child population (0-14 years for 1991) the magnitude of child labour based on the census data and our estimate was about 12.7 million in 1991. This is given in the figure 4.2. In terms of the index with 1961 as the base, the index declined during 1961-71 to 74, rose to 77 in 1981 and to 88 in 1991. We shall return to this later.

Using the N.S.S. activity rates, as reported in various rounds of the NSS, closest to the census years and the size of child population disaggregated by sex and also by rural-urban areas based on the census data. We have computed the size of the child labour force based on the NSS estimates for the age group 5-14 years.

As such, the NSS estimates are for the years coinciding with or closest to the census years of 1961-1991. According to NSS based activity rate, full time child workers as defined by “usual activity status” has peaked at approximately 17 million in 1981, the number declining to 12.5 million in 1991. In index terms, the NSS estimates suggest that the index of child labour kept growing from 100 to 123 between 1961 and 1971 and again from 123 to 127 between 1971 and 1981. It is during the decade of the 1980s (1981-1991) that is declined from 127 to 94. In other words, a decline of 3.4 million children has occurred. This can be readily seen in figure 4.2 where we have presented Bar Charts of the number of fulltime child workers for 1961, 1971, 1981 and our estimates for 1991.

Five salient points are worth noting from figure 4.2:

Firstly, the growth of the child population, male and female in each of the age group, is substantially higher in urban India than in rural India. This is the urbanization and migration effect.

Secondly, the expansion of the full time student population measured in index terms, has been slightly higher in urban India than in rural India. This has been a consequence of educational policies of the governments, better availability of schools in urban areas and the perceived usefulness of education by urban families.

Thirdly, eighty percent of full time child workers are found in rural India and their number is slowly declining. This is partly because of migration from rural to urban
areas and partly as a result of technological change in agriculture brought about by the green revolution which has resulted in a decrease of child labour in agriculture in certain states. The index of child labour in urban India for males as well as females instead of declining, grew between 1961 and 1991. Differences in the NSS and the Census estimates are sharp in rural as well as urban India.

Fourthly, the index of children who are neither workers nor full-time students (now here – children) in urban India has grown faster than in rural India. Migration from rural areas, and higher urban economic inequality compared with rural areas are the likely reasons. The issues need to be researched. This is a cause for alarm for educational planners and policy makers. Growth of urban slums is the indirect confirmation of this. However, serious research is needed to examine the issue of growing non-participation of urban children in full time education and the labour force. Remember, we are discussing those children who are neither in the work force nor in schools. The number of females in this group is 7.9 million and males 7.8 million giving total of over 15 million children in urban India whose future is being stifled.

Lastly, our estimates of total child workers (full-time workers plus marginal workers) in urban India suggest relentless continuous growth since 1961 with the largest addition having occurred during 1981-1991. The NSS estimates for female and male child workers are substantially higher than those based on the Census data. This is true of our census based estimates for 1991 as well. The estimated number of full-time child workers in 1991, however, is lower than that observed in 1981.

One of the latest estimates speaks that every fourth child in the age group of 6-14 years (there are 200 million children in the age group of 6-14 in the country) is a working child, and every third of the remaining a bonded labourers. The Planning Commission estimates that by the year 2000, there will be 20.25 million child workers in the country (table 4.3) variations not withstanding, these figures shed light on the fact that the number is not too small to be neglected. Instead they point to the dimension of child labour in the country.

TABLE 4.3

ESTIMATES OF CHILD LABOUR IN INDIA 1981-2000

<table>
<thead>
<tr>
<th>Source</th>
<th>Age Group</th>
<th>No. in million</th>
</tr>
</thead>
</table>
Census

<table>
<thead>
<tr>
<th>Year</th>
<th>0-14</th>
<th>13.59</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1985*</td>
<td>5-14</td>
<td>17.58</td>
</tr>
<tr>
<td>1990*</td>
<td>-do-</td>
<td>18.17</td>
</tr>
<tr>
<td>2000*</td>
<td>-do-</td>
<td>20.25</td>
</tr>
</tbody>
</table>


As per 1991 census the state with highest child labour population in the country is Andhra Pradesh which has 1.66 million working children. It is also the state with the maximum number of drop-outs. Other states where the child labour population is more than one million are Madhya Pradesh, Uttar Pradesh and Maharashtra.

**TABLE 4.4 THE CRITICAL CORRELATION IN INDIA**

<table>
<thead>
<tr>
<th>States</th>
<th>% of Child Labour</th>
<th>Drop-out rates</th>
<th>% below Poverty Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>14.3</td>
<td>71.68</td>
<td>31.7</td>
</tr>
<tr>
<td>Bihar</td>
<td>8.1</td>
<td>79.08</td>
<td>40.8</td>
</tr>
<tr>
<td>Gujurut</td>
<td>4.5</td>
<td>61.67</td>
<td>18.4</td>
</tr>
<tr>
<td>Karnataka</td>
<td>8.3</td>
<td>66.1</td>
<td>32.1</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>12.5</td>
<td>55.78</td>
<td>36.7</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>11.4</td>
<td>59.87</td>
<td>29.2</td>
</tr>
<tr>
<td>Orissa</td>
<td>5.1</td>
<td>64.86</td>
<td>44.7</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>6.0</td>
<td>66.35</td>
<td>24.4</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>7.1</td>
<td>48.22</td>
<td>32.8</td>
</tr>
<tr>
<td>West Bengal</td>
<td>4.4</td>
<td>75.41</td>
<td>27.1</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>10.5</td>
<td>51.20</td>
<td>35.1</td>
</tr>
<tr>
<td>All India</td>
<td>-</td>
<td>-</td>
<td>29.9</td>
</tr>
</tbody>
</table>
Over 90% of the child labour population is found to be concentrated in 11 states. The absolute number of full time child worker (0-14) according to the census of India for 1961-81, and our estimates based on the census data for 1991 for different states, are reported in figure 4.5 for male children and figure 4.6 for female children. Three important points are worth noting, Firstly, the highest incidence of male child labour from 1961 to 1991 has been in Uttar Pradesh, Andhra Pradesh, Bihar, Madhya Pradesh and Maharashtra. The relative ordering of these states between 1961 and 1991 has changed, but Uttar Pradesh continues to be the state with the largest number. Secondly, the difference between the magnitude of male and female child worker is large and except for Bihar the other four states have high incidence of male as well as female child workers.

In terms of absolute size Andhra Pradesh, Tamil Nadu, Maharashtra an Karnataka had a larger number of male as well as female child workers in 1961 than any other state of India. Between 1961 and 1991, the fastest growth of full time male child labourers (0-14 years) occurred in Uttar Pradesh, Madhya Pradesh and Rajasthan and was slowest in Kerala, Haryana, Punjab and Orissa.

The 1991 census gives the 5-14 age group a specific work participation rate (WPR) of 4.33% in the case of main workers and 1.05% in the case of marginal workers giving a total WPR of 5.37. If only 10-14 age group are taken, the WPR is 8.48% in the case of main workers and 1.93% in the case of marginal workers, thus indicating that older children are engaged for more in economic activity than younger children.

**TABLE 4.7 PERCENTAGE OF CHILD LABOUR IN DIFFERENT ECONOMIC ACTIVITIES**

<table>
<thead>
<tr>
<th>Nature of Activity</th>
<th>1981*</th>
<th>1991**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultivators</td>
<td>35.95</td>
<td>35.20</td>
</tr>
<tr>
<td>Agricultural Labourers</td>
<td>42.76</td>
<td>42.50</td>
</tr>
<tr>
<td>Livestock, Forestry, Fishing, Hunting, Plantations, etc.</td>
<td>6.30</td>
<td>-</td>
</tr>
<tr>
<td>Mining and Quarrying</td>
<td>0.23</td>
<td>-</td>
</tr>
<tr>
<td>Manufacturing, Processing, Servicing and Repairs</td>
<td>8.63</td>
<td>9.10</td>
</tr>
</tbody>
</table>
Construction 0.72 -
Trade and Commerce 2.20 -
Transport, Storage and Communication 0.29 2.30
Other Workers*** 2.92 10.20

* Census of India, 1981
** Statistical Profile of Child Labour in India (1961-91) by D.P. Choudhari
*** Other workers include all those who work in any field of economic activity other than cultivation, agricultural labour or household industries.

The increase in certain activities over the period of 1981-1991 is a result of industrialization and urbanization.

Almost 90% of the child workers (main) are in rural areas even though according to the 1991 census, 74.3% of the population is in the rural areas. Thus a disproportionately higher percentage of workers are located in the rural areas. Child workers in the rural areas are engaged in agriculture and allied occupations like cultivation, agricultural labour, livestock, forestry and fisheries. In the urban and semi-urban areas, they are engaged in a wide variety of production processes and services in different parts of the country.

Between 1981 and 1991, according to our estimates, Tamil Nadu, Punjab and Haryana registered a small decline in the incidence of full time male child labour in urban areas. It increased in all the other states, the lowest being in Kerala and the highest in Uttar Pradesh.

For females, the lowest incidence of child labour has been observed in the urban areas of Punjab and Haryana and the highest in Andhra Pradesh, Tamil Nadu and Maharashtra. The fastest growth in the incidence of urban female child labour (0-14 years) occurred in West Bengal and the slowest in Kerala, Gujurat and Orissa. Uttar Pradesh, Madhya Pradesh and Rajasthan had a rising incidence of full-time urban female child workers.

Overall, the incidence of urban child labour for males as well as females in India as a whole increased between 1961 and 1991 in all the major states except Punjab,
Haryana and Kerala. The rates of increase have varied across the states and over a period of time as noted above.

The incidence of child labour in rural India has followed a very different pattern. The record of Kerala, Punjab and Haryana has been impressive in terms of decline in the incidence of child labour in rural areas for males as well as females. In Tamil Nadu the incidence of child labour for males declined between 1961 and 1991 and that for females increased between 1971 and 1981 but declined between 1981 and 1991. Patterns observed in Andhra Pradesh are very similar to those of Tamil Nadu.

Gujarat, Maharashtra, Karnataka, Orissa and West Bengal had similar patterns where variations between 1961-71 and 1971-81 were very different for males as compared to females. Overall, the incidence of male child labour in rural areas did not substantially change in these states but that of female child workers did, registering a decline in Gujurat and a rise in Karnataka, Orissa and West Bengal.

Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh had over 80% of child labour still in agriculture. Its incidence declined between 1961 and 1971 but rose subsequently.

On an all India basis, the incidence of full-time male child labour (0-14 years) between 1961 and 1981 kept going down but there has been an increase between 1981 and 1991. For females there was a decline between 1961 and 1971 mainly due to definitional change, as noted above. Since 1971, there has been a persistent rise.

The total number of full-time male child workers (0-14 years) as per the census reports has fluctuated between 7.4 million in 1981 and 8.7 million in 1961. The lowest figure is about 14 percent lower than the highest in 1961. According to our estimates (see fig. 4.8) the number of full time male child workers in 1991, according to census data, was 8.3 million which is about 4 percent lower than that observed in 1961. As a proportion of the male child population (5-14 years) of 105.5 million in 1991, full time male child labour constituted almost 15 percent of the male child population of 5-14 years. By sheer weight of demographic transition, the number of male full-time child workers is likely to decline to 7.2 million by AD 2001 or 7.4 percent of the male child population, without any change in policy.
The incidence of child workers in urban India has been getting worse since 1961. The only states where there have been improvements between 1971 and 1991 are Kerala, Tamil Nadu and Gujurat. The situation got substantially worse in Uttar Pradesh and Orissa during the same period. The situation got worse in West Bengal, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh and Rajasthan. In other states, there are marginal changes in view of growing urbanization and expected increases in urban population. Unless these trends are checked through state policy, the problem of child labour will continue to get worse particularly in the states which witnessed an explosion in the use of urban child labour between 1971 and 1991.

It is argued that child labour cannot be banned because stringent legislation would only take the problem underground and children would be exploited even further. But the fact remains that no concerted action has been taken to deal with the problem of child labour. Every time a new issue comes to light in the press, a hue cry is raised and then everything goes back to the status quo. Children still work in the match factories at Sivakasi, in the carpet factories of Mirzapur, in the state industry of Mandsaur at risk to their life and health.

Child welfare can only be achieved when, what the best and wisest parent wants for his own child that the community wants for the children. Important thing however is awareness. The effective enforcement of the law is the only panacea to root out this evil. The innocence of the childhood days must not be allowed to wither away.

**CHILD LABOUR VARIOUS SECTIONS IN INDIA**

In agriculture, children are employed not only in agricultural operations but in non-agricultural operation also. They are employed in such diverse agricultural operations as ploughing, sowing, transplanting, weeding, harvesting, threshing and guarding the crops, etc.

In plantations, child labour is a part of family labour. They assist their parents in plucking of leaves and coffee, berrier, or collecting of latex, or they do some secondary jobs, such as weeding, spreading of fertilizers, the care or nurseries, digging of drains, etc. They are also employed to pick out stalks and coarse leaves of tea spread over the green leaves in the shadow.
Children in cities perform much larger varieties of activities than those in villages because of the extensively diversified structure of urban economics. Often, children are employed for packing, labeling, etc. in the factories. Other industries in which children are engaged are match factories, bidi manufacturing, mica, cutting wood and cork, furniture and fixture, printing, publishing and allied trades, leather products, rubber and rubber products, machinery, transport equipment, lock factories, gem cutting and polishing, potteries, glass bangle industries, brass work, carpet industries and personal services like laundries, dyeing and cleaning.

Sivakasi in Tamil Nadu is famous for match and fireworks industries. For match industry there are two sectors: viz handmade and machine made. WIMCO is the large unit in the mechanised sectors. The “young-persons” have been employed in the industry but they have been employed according to the factories Act, 1948. In the unmechanized sector or handmade sector out of total labourers 30 to 35% are children and the girls have outnumbered the boys. In Sivakasi match factories, children are put to work at frame filling, box filling and bundle rolling operations and at times work is carried at home. Similarly, in bidi industries, children help the adults in cutting and cleaning of the leaves, and when bidies are rolled up children do the work of binding and closing of the ends of the bidies. Some children are also engaged to do the rolling work with their nimble fingers.

In pencil industries, children work amidst hazardous slate dust that condemns them to early disability and death from lung diseases. Similarly, in gem cutting and polishing industries of Jaipur, children are exposed to exploitation. The stone polishing industry of Jaipur employs 10,000 children. During the first year of their entrance in the gem cutting and polishing, they work as helpers, learn cutting of gems on abrasive wheels and also do such jobs as cleaning of the premises, etc. After one year they learn how to shape stones by grinding facets on them. They take about four or five years to learn cutting, shaping and drum-polishing of uncut or unshaped stones. Then they learn polishing of facetted stones on finer grinding wheels. Within next two or three years, their output is comparable to that of average adults. Mostly they work on job basis in unhealthy environment and there is absolutely no security of job.
About 1,500 children below the age of 14 work in stone quarry and stone breaking industry at western side of Birbhum district in West Bengal. They are also paid on piece rate basis and they work from 7 A.M. to 7 P.M.

Employment of children in the carpet making industry is a common feature. About 3 lakhs below 14 years of age are working in handmade carpet and weaving industries in Uttar Pradesh. The situations are almost same in Firozabad and Khurja of the same state about 50,000 and 5,000 child below 14 years are working in the glass bangle industries and pottery industries respectively. The condition of working children in those industries are very gloomy. The wages are paid on piece rate basis and most of the working children are suffering from T.B. Bronchistics, Silicosis, etc.

Like wise, in potteries industry of Khurja in Bulandshahr District of Uttar Pradesh, children carry empty moulds to the workers who works on Jigger Jolly machine and carry the filled moulds out to dry in the sun. The boys who do this job are called “phantiwalas”, the ‘phanti’ being a piece of wood on which five or six moulds are carried. When the pots are partially dry, these children take them to the adults workers engaged on the finishing job thus a weight of eight to ten Kg and sometimes even more than that is carried in every round by a child engaged in these industries. This weight is too much for children of tender age and their hands and legs often tremble after every round. The regular carrying of heavy weights by young children for long hours often causes physical deformity in them. Similarly, in backyards, children are made to carry heavy loads which often leave them injured, weakened and even crippled.

In glass-bangle industries of Firozabad of Uttar Pradesh, a large number of children work as helpers in almost every process of manufacture, such as “Juari” (joining the ends), “Katai” (cutting), “Jhalai” (patching), “chunai” (sorting), “Pakai” (baking) and “Hulringold” (ornamentation). Most of these processes are extremely hazardous even for the adults, especially the blowing of the molten glass into required shapes, and expose the worker to various lung diseases. Children carry molten glass on “labyas” (a soft iron rod) from the furnace to the adult workers and then back to the furnace for replenishment. The temperature in these furnace ranges between 700°C to 800°C which often causes burn injuries and accidents to child workers.
Children in the age group 8-15 years are also employed in zari-making and embroidery industry in Lucknow. They sit and work for long hours in over-crowded dingy rooms with poor lighting and ventilation. Many of them, therefore, suffer from eye diseases.

In lock industries of Aligarh, Uttar Pradesh, children are employed in almost all the processes of manufacturing and packing. They are made to work on hand-presses, polishing drums, buffing machines, electroplating devices and in spray painting units, as well as, for filling of various components, spring-making, assembling and packing. In lock industries the available data go to show that the processes of polishing buffing, electroplating, spray-painting and operating of the hand-presses are relatively more hazardous to the health of child workers. In Purdil Nagar of district Aligarh, Uttar Pradesh, a good number of children are engaged in the manufacture of glass beads and imitation gems, performing such jobs as that of brushing, polishing, packing and labeling. Some children and women do the drilling of beads and string-making at their home also.

In a good number of occupations child worker is invariably exposed to risk of various nature because of his tender age. For instance, he is likely to suffer burn injuries while working round about big ovens, or while carrying hot beverages, the newspaper hawkers and shoe-shine boys are exposed to the risk of road accidents, rag-pickers may get cut injuries from glass pieces or broken tin cans, of the child working on construction sites along with his parents may sustain injuries while carrying brick or stone loads.

Thus, a closer look would go to show that child labour far from being uniform in pattern and magnitude, is by and large concentrated in certain specific activities and industries. Moreover, these appears to be considerable variance in the form quantum and intensity of exploitation.

Lastly we may say though there are various Labour Legislation but its implementation is not proper. But the problem is if the laws are enforced properly the society will suffer because the children are employed to earn something for their family. If it is stopped they may be the street beggar or lumpen. Therefore, it requires the eradication of poverty first and then the implementation of laws properly.
CONSTITUTIONAL PROVISIONS FOR CHILD LABOUR

Children form a separate category in themselves. They are vulnerable and helpless. In order to enable them to develop their full potential it is necessary to empower them with certain special rights.

That children need special protection, caused to be accepted internationally only in this century as a result of the reform movement of the last century.

The league of Nations adopted in 1924, the “Geneva Declaration of the Rights of the Child”. But, unfortunately, it gave only a restricted interpretation of the rights of the child; that is, measures to be taken against slavery, child labour and traffic and prostitution of minors.

THE DECLARATION OF THE RIGHTS OF THE CHILD

In 1959, the United Nations General Assembly adopted unanimously the declaration of the rights of the child. It affirms that the child has the right to enjoy special protection. The child has to be given opportunities and facilities, so that it will be able to develop in a healthy and normal manner.

THE STANDING OF INDIA

The constitution of the Republic of India, was drafted with a view, among other things, to protect the interest of the child, both through:

(i) The Fundamental Rights; and

Pandit Jawaharlal Nehru, who was connected with the formulation and implementation stage of the constitution is known to have had the cause of children close to his heart.

Let us try to understand the various constitutional measures and policies concerning child labour in detail.

Pre-Constitutional Legislative Enactments - Children were given low priority during the pre-Independence period in India and few statutes relating to child labour were enacted. In pre constitutional era few legislative enactments provided provisions for restraining child labour and regulating the conditions of work of child employment. Picking up of the issue of the modus operndi of employers,
exploitation and abuse of children. Lord Ripon, the Governor General and Viceroy of India, passed the resolution of first factories Act, in 1881. The resolution laid down that the children between the age of 7 and 12 years could not be made to work for more than 9 hours a day. Section 3 of the Employment of Children Act, 1938 (new repealed) prohibited employment of children below 15 years of age:

(1) To work in any occupation connected with the transport of passenger goods or mails by railways and (2) to be employed or permitted to work in any occupation involving the handling of goods within the limits of any port. The same provision prohibited the employment of work of any child below 12 years of age in any workshop where in the process of bidi making, manufacture of matches, explosives and fireworks, mica cutting and splitting etc. is carried on. The children (pledging of labour) Act 1933 was another legislative enactment in this report. But in pre-constitutional era the major and for the first time, in the legislative history of India the factories Act, 1948 adopted a very comprehensive provisions regulating the conditions of work of children in employment. The Act devoted 13 sections for child labour.

**Indian Constitution on Child Labour** – After Independence, framers of the constitution became very conscious of the nation’s responsibility towards children and it is for this reason prohibition of employment of children below the age of 14 years got a place in Article 24 i.e. even under fundamental rights chapter. The fundamental rights state that childhood and youth are to be protected against exploitation and that no child below the age of fourteen shall be employed to work in any factory or mine or engaged in any other hazardous employment. The other constitutional provisions deal with child labour directly or indirectly are Article 15(3), Article 23, Article 39, Article 42, Article 43 and Article 45.

**Article 24:** Prohibition of Employment children in factories etc., lays down. 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.

**Article 15:** Prohibition of Discrimination on grounds of religion, race, cast, sex or place of birth.

1. The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them.
2. No citizen shall, on grounds only of them be subject to any disability, liability, restriction, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment, or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public.

3. Nothing in this article shall present the state from making any special provision for women and children.

4. Nothing in this article or in clause (2) of Article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

**Article 23:** Prohibition on traffic in human beings and forced labour.

1. Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

2. Nothing in this article shall prevent the state from imposing compulsory service for public purposes, and in imposing such services the state shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

**Article 39:** Certain principles of policy to be followed by the state – The State, shall in particular, direct its policy towards securing (a) that health and 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 avocations unsuited to their age or strength, (b) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment.

**Article 42:** Provision for just a humane conditions of work and maternity relief.

The state shall make provision for security and humane condition of work and for maternity leave.
**Article 43**: Living wages etc. for workers – The State shall endeavour to secure, by suitable legislation or economic organization or any other way, to all workers agricultural, industrial or otherwise, work, a living wage, condition of work ensuring a decent standard of life and full employment of leisure and social and cultural opportunities and, in particular the state shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

**Article 45**: Provision for free and compulsory education for children – The State shall endeavour to provide, within a period of ten years from the commencement of this constitution for free and compulsory education for all children until they complete the age of fourteen years.

In addition to the above constitutional protection, there are several other enactments which provide legal protection to child labour. There are 14 labour legislative enactments to provide legal protection to children in various occupations. They are as follows:

1. The Factories Act, 1948
2. The Mines Act, 1952
3. The Plantation Labour Act, 1951
4. The Indian Merchant Shipping Act, 1958
5. The Motor Transport Workers Act, 1961
7. The Employment of Children Act, 1938
8. The Apprentices Act, 1961
9. The Bidi and Cigar Workers (Conditions of Employment) Act, 1966
10. The Minimum Wages Act, 1948
11. The Contract Labour (Regulations and Abolition) Act, 1970
14. The Child Labour (Prohibition and Regulation) Act, 1986
On the basis of above constitutional mandate and enactments Government of India formulated National Policy for Children in 1974 and National Policy on Child Labour in 1987. The Child Labour Policy in India finds its origin with the appointment of Gurupadswamy Committee in 1979. With a view to studying the problems of child labour and to suggest suitable measures for their protection and welfare, the Ministry of Labour Government of India, has setup a Committee in its Resolution dated 6/7th February, 1979. Th following are the terms of reference of the Committee:

1. Examine existing laws, their adequacy and implementation and suggest corrective action to be taken to improve implementation and to remedy defects.

2. Examine the dimensions of child labour, the occupations in which children are employed, etc., and suggest new areas where laws abolishing/regulating the employment of children can be introduced.

3. Suggest welfare measures, training and other facilities which would be introduced to benefit children in employment.

The committee has drawn up a plan of action for making an in-depth and diagnostic study on the nature and extent of the problem, adequacy of existing legal frame work and the supportive measures. The committee will be taking up case studies in different blocks in about eight selected states to study the rural conditions and right also be doing sectoral studies in the organised about unorganized sectors where incidence of child labour is quite high.

A child labour cell has been setup to formulate coordinate and to implement policies and programmes for the welfare of child labour. At present the cell is assisting the committee on child labour. It is expected to take follow up action on the recommendations of the committee on child labour. A child labour cell was setup in 1979 within the Ministry of Labour, followed by Central Advisory Board constituted in 1981 and Child Labour (Prohibition and Regulation) Act in 1986. Various project plans, have been introduced by the Government. Non formal education programme have also been implemented. In 1986, the Government announced its action plan for elimination of child labour, which is being implemented with constant attention and financial support.
Various schemes and establishments were introduced and established such as the National Child Labour Project (NCLP), Self Employment Programme for the Urban Poor (SEPUP) and National Bank for Agriculture and Rural Development (NABARD) in pursuance of various provisions and policies to eradicate poverty, illiteracy and child exploitation in India.

**THE CHILD LABOUR CELL PROJECT (NON GOVERNMENT) PROGRAMMES**

The child labour cell, in the Ministry of Labour, Government of India, grants financial assistance to voluntary organizations to take up action oriented project for child labour.

These projects aim at measures to maintain the health of child while at work, by providing non-formal education and vocational/skill training to help them better their employment prospects. At present the following welfare projects are running under the Grants-in-aid scheme of the Ministry.

(a) A project for welfare of rag-picking children run by the sisters of the cross of chavanad, Tiruchirapalli, Tamil Nadu;

(b) A project for setting up welfare centres for the children working in Bidi industry in Madhya Pradesh and Tamil Nadu, run by the Indian Council for Child Welfare (ICCW), New Delhi;

(c) A project entitled, “Non-institutional care for working children” run by the Ruchika School, Bhubaneswar, Orissa;

(d) An integrated pilot project for children removed from the match industry run by the Malarchi Trust, Vahaikulam, Tamil Nadu;

(e) Setting up centres for street and working children by the Indian Council for Child Welfare (ICCW), New Delhi;

(f) Jai Rajendra Rag Pickers Project run by the Karnataka State Council for Child Welfare, Bangalore.

**NATIONAL LABOUR INSTITUTE**

A child labour cell has also been established at the National Labour Institute, Noida, in September, 1990, with the support of the Ministry of Labour and the UNICEF. For
the first three years, the UNICEF had provided the funds and after this it has become part of the National Labour Institute.

The cell has taken up the following works:

1. Publication of reports/studies on street children in selected cities;
2. Publication of select bibliography on child labour;
3. Preparation of summaries on child labour in various industries;
4. Documentation on child labour;
5. Conducting of research projects on girl child labour in match industry at Sivakasi;
6. Evaluation of projects of Non-Governmental Organizations (NGOs) on child labour funded by the Ministry of Labour;
7. Conducting seminars on various aspects of child labour, etc.

THE NEW DIMENSION RIGHT TO FORM CHILD LABOUR UNION “BUTTERFLIES” TO FILE WRIT IN SUPREME COURT

The “BAL MAZDOOR UNION” possibly India’s first child workers union formed in 1992 under the aegis of non-governmental organization BUTTERFLIES was preparing to file a writ petition in the Supreme Court, to Secure trade union rights for child labourers. The decision followed the rejection of such writ by a Division Bench of Delhi High rejection of such writ by a Division Bench of Delhi High Court comprising Justice Mr. J. Chowdhry and Justice Mr. J. Shamins.

This has added a new dimension to the vexatious problem of child labour.

NATIONAL CONFERENCE ON CHILD LABOUR

The Labour Ministry had convened a National Conference on Child Labour on May 17, 1993. The aim of the conference on child labour on May 17, 1993 was to focus attention on the various problems and generate greater awareness on issues relating to child labour.

The national conference was expected to focus attention in States and Union Territories supposed to the lowest number of working children, where programmes are to be undertaken on a priority basis for eradication of child labour, “within a
time-span of three years”. These are Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Arunachal Pradesh, Mizoram, Goa, Pondicherry and Chandigarh.

**CONFERENCE OF LABOUR MINISTERS**

The conference of the Labour Ministers of States, held in July, 1993, decided to give high priority to ensure strict enforcement of child labour legislation. According to the data of the National Sample Survey, the number of economically active children below 14 years of age has reached 17.6 million as against 14.6 million in 1981.

**INTERNATIONAL PROGRAMME ON ELIMINATION OF CHILD LABOUR (IPEC)**

The International Labour Organization had earmarked US 2.25 million assistance for International Programme on Elimination of child labour in India for the period ending 31 December, 1993. IPEC was formally launched in India on January 20, 1993. IPEC was formally launched in India on January 20, 1993, based on the memorandum of understanding between the Government of India and the ILO in 1992.

A major component of the IPEC is to encourage promote and support voluntary and other organizations in implementing action oriented programmes at field, within the framework of national policies and programmes related to child labour.

**CHILD LABOUR ACTION AND SUPPORT PROGRAMME (CLASP)**

Another, International Labour Organization Project, namely the Child Labour Action and Support Programme was also launched. The main objectives of the CLASP is to strengthen the capabilities of Central and State Governments, in the implementation of national policy on child labour.

**NATIONAL STEERING COMMITTEE**

The Government has already constituted a National Steering Committee comprising representative of government, employers, workers and NGOs. Programmes formulated by the National steering committee and submitted to the ILO steering committee for approval. Funds are then released to the organization directly after they enter into sub-contracts with ILO.

**WAGE BOARD FOR CHILD LABOUR**

The Government is considering setting up a Minimum Wage Board for child labour. This will mean legitimising recruitment of children between 10 and 14 years.
However, the present ban on employing children in hazardous industries like construction and stone quarrying will continue.

**RATIONALISING LABOUR LAWS**

A note on the “Objectives of Rationalizing Labour Laws”, prepared by the Ministry of Labour, outline the various measures taken by the government to provide social security to workers, has also referred to Child Labour.

The government is taking follow up action on the programme for action to eliminate child labour in hazardous industries, as announced by the Prime Minister on April 15, 1994.

**SCHEME TO ELIMINATE CHILD LABOUR**

A new Rs.850 crore scheme to eliminate child labour in hazardous industries over a period of years was launched. The Central Government bears the entire cost of the scheme. The Union Labour Minister Shri P.A.Sangma stated that the scheme was finalized on the basis of the discussion with the State Labour Ministers.

The five year action plan is estimated to set up as nearly as 2000 special schools to provide formal education and some vocational training to rehabilitate the child worker. It was explained that according to rough estimates Rs.4,300 would have to be spent per year to meet the educational and nutritional needs of each of the liberated child worker. Substantial amount would have to be spent on creating an awareness against the evil practice. Efforts would also have to be made to compensate the families of the workers.

**NATIONAL AUTHORITY FOR ELIMINATION OF CHILD LABOUR**

The National Authority for Elimination of Child Labour was set up on October 1, 1994, by the Union Labour Ministry.

This National Authority is required to monitor the progress of implementation of the programme, projects and schemes for elimination of child labour, particularly in hazardous industries.

It will coordinate implementation Child Labour elimination related projects of the various sister Ministeries of the Government of India.

**STATE LABOUR ADVISORY BOARDS**
These will be established, where they do not exist. All states are to setup district level child welfare committees. States have been asked to draw up “Master Plan-of-Actions” for elimination of child labour within a specified time frame. For this, districts, blocks and industries will be identified on the basis of which surveys and studies on the conditions of child labour will be undertaken and completed within six months. This will be followed by time bound action programme which will be implemented by the states.

**ACTION TOWARDS TOTAL ELIMINATION OF CHILD LABOUR**

The Central Child Labour Advisory Board which assists the Ministry, has recommended progressive time bound elimination of Child Labour in ten States/Union Territories shown below:


Two National Child Labour Projects at Jaggampet in Andhra Pradesh and Mandsaur in Madhya Pradesh were identified for total elimination of child labour within a period of one year.

**ABOLITION OF CHILD LABOUR BY 2000 AD**

A discussion paper on “Child Labour-Problems in India” was prepared by the Commission of Labour Standards and International Trade. The paper recommends:

(a) National Policy on Child Labour

(b) Establishment of an exclusive watch dog panel for child labour

(c) Fiscal incentives like excise duty differentials, sales tax and

(d) Other concessions

for the factories implementing the Child labour Laws effectively. According to the paper, abolition of child labour by 2000 AD should be adopted as a “National Goal” by the Parliament, and the provisions regarding hours of work, minimum wages and safety enforced strictly through special courts. The minimum wages must be raised sufficiently to ensure adequate income to the family without child labour.
The ongoing programmes aimed at achieving this objective announced by the Prime Minister, Shri P.V.Narasimha Rao during his Independence Day address, were also reviewed at the commissions meeting held on October 20, 1994.

Special attention was being given to strengthen “education” and “income generation” while drawing up new programmes, announced the representative of the Labour Ministry.

The Commission noted with satisfaction that India was, in fact, far ahead of most of the developing countries in protection of labour rights.

Dr. Shankar Dayal Sharma, President of Indian Republic during his address to the joint session of the two Houses of Parliament, heralding the Budget Session 1995, declared:

“The Government is determined to eradicate Child Labour progressively in all employment and in hazardous industries, by the year 2000 AD. A National authority for Elimination of Child Labour has been set up to coordinate actions of the core sectors of development administration”.

A special programme has been evolved with an outlay of Rs. 800 crore to take an estimated 2 million children out of hazardous employment. For the year 1994-95 an outlay of Rs. 34 crore has been earmarked.

The Supreme Court, in a significant judgement given on December 10, 1996, while disposing of a public interest litigation by one lawyer, aimed at preventing exploitation of children and safeguarding their economic, social and humanitarian rights, banned Child Labour on hazardous jobs and ordered the setting up of a Child Labour Rehabilitation Welfare Fund. Offending employer would have to deposit Rs. 20,000 as compensation for each child in the fund. The Court made it clear that the liability of the employer would not cease even if he now desired to disengage the child. The court issued comprehensive directions to central and state governments to see that an adult member of the child family gets a job in lieu of the child’s employment. However realizing the strain on the resources of the state, the court did not ask the government to ensure alternative employment in every case of the child labour. Instead the appropriate government would be required to deposit Rs. 5,000 in the fund for each child employed in a factory or mine or any other hazardous employment (The Hindustan Times, December 11, 1996).
directed the concerned states to conduct a survey on Child Labour within six months, for which the court identified nine industries among primary cases of Child Labour employers. These industries were: match industry in Sivakasi, Tamil Nadu; diamond polishing industry in Surat, Gujurat; precious stone polishing industry, Jaipur, Rajasthan; glass industry in Firozabad; brassware industry in Moradabad and the handmade carpet industry in Mirzapur-Bhadoi; Lock making industry in Aligarh all in Uttar Pradesh; State industry in Markapur, Andhra Pradesh, and slate industry in Mandsaur, Madhya Pradesh. The Court warned of penal action in case of non-compliance of the directive. In the context of non-hazardous jobs, the court directed the appropriate authority to see that the working hours of the child do not exceed four to six hours a day and at least two hours are set aside daily for the child’s education. It would also ensure that the entire cost of education was borne by the employer.

The ongoing discussions give us an outline of the legislature and welfare measures adopted by the government to eradicate child labour. Let us try to evaluate the above legislative and welfare measures in the further discussion.

**EVALUATION OF POLICY, LEGISLATION AND WELFARE MEASURES ON CHILD LABOUR**

The Statutory definition of “Child Labour” provided under various legislations lack uniformity in the sense that there is no uniformity with regard to age for being considered to be a child under some legislations it is sixteen years while in other it is fourteen years. Although the age so prescribed under concerned labour legislation has direct nexus with the nature of the work and the degree of the risk involved therein but even in this context as well, it lack uniformity and consequently it has become a root cause of controversy and confusion. The definition of Child Labour also varies from one state to that of other state, in the sense that in Madhya Pradesh, Uttar Pradesh and Punjab, a child would mean and include a person under sixteen years age, while in Gujarat and West Bengal a person under eighteen years in a state of Andhra Pradesh a child means a person of fourteen years or less than that under the Children’s Act, 1960 applicable to Union Territories a child is defined a boy under sixteen years and a girl under eighteen years in age. It is imperative to evolve uniform definition of child which may incorporate relevant factors pertaining to professional risks and hazards of each profession. Child Labour in Organized
Sector comparatively enjoys arena of employment but they have to work under miserable conditions in unorganized sector due to the fact that most of the vocations or employments do not fall within the purview of statutory restrictions in vogue in organized sector of employment. Although Minimum Wages Act, 1948 covers within its purview child labour working in unorganized sector but in reality its effect is just negligible because enforcement machinery is not in a position to ensure enforcement of Minimum Wages Act in a requisite manner in the unorganized sector.

There is no doubt that the present definition of the term “child” provided in Section 3 is not at all exhaustive in the sense that it merely provides that child means a person who has not completed his age of 15 years.

With regard to family businesses the enabling provisions should be incorporated in Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986 so that the State may be in a position to take regulatory measures even in case of family businesses or domestic work where child is required to work.

There are small scale urban employments engaging number of children for various activities such as shoe-shining, car washing, newspaper selling, automobile workshops, restaurants, tea vendor shops, dabhas, etc., wherein child labour is exposed to excessive exploitation, same is the position with regard to domestic servants. It is urgent need of the time that such informal sectors of employment of the child labour in rural as well as urban areas should be covered within the purview of the Child Labour (Prohibition and Regulation) Act, 1986 by introducing suitable amendment in this regard.

Under Section 16 of the Act no time period has been prescribed within which metropolitan magistrate or magistrate of 1st Class is required to complete the proceedings.

It had been observed by the Supreme Court in case of Democratic Rights Vs. Union of India (Asiad’s workers case) that the construction work was a hazardous employment and therefore, no below the age of 14 years could be employed in construction work. Even if it was contended on the part of employers that the minors accompanied male members of their parents emphatically requested and insisted for getting employed but this contention was not accepted by the Supreme
Court on the ground that the employment of children below the age of 14 years was
totally prohibited in hazardous employments as provided under Article 24 of the
Constitution of India. In this context it would also be relevant to highlight the
observation of the Supreme Court that it would not be possible to eradicate the
Child Labour so long as poverty and destitution continued in the country, but inspite
of that it would be essential to reduce the incidence of the child labour. Keeping in
view the existing socio-economic conditions, it has to be conceded that it would not
be possible to prohibit child labour in unconditional and absolute terms due to the
fact that such move might not be socially and economically acceptable to large
masses of people.

Due to this reason, Article 24 of the Constitution of India prohibited employment of
Child Labour only in factories, mines or other hazardous employments and
permitted their employment in other professions and vocations. It was held by the
Supreme Court that construction work was hazardous employment and no child
below the age of 14 years could, therefore, be allowed to be employed in
construction work being prohibited under Article 24. This Constitutional prohibition
must be enforced by the Central Government. The Supreme Court has observed in
the right perspective that the employment of the small children below the age of 14
years has to be prohibited in hazardous employments and for that purpose it would
be desirable on the part of the Government to take appropriate statutory and non-
statutory measures. The Child Labour (Prohibition and Regulation) Act, 1986 has to
be suitably amended and more establishment provided in the Act needs to be
revised exhaustively and all such establishments which expose child labour to any
sort of danger should be included within the scope of the Act as the legislature did
not include even the glass industry wherein the children are required to work near
furnaces kept at 1400°C to 1800°C and the state industry wherein children work in
hazardous conditions. It has been observed by some experts that basic draw back is
involved in the very object of the Act itself as it is intended to achieve two
controversial goals viz., prohibition and regulation of child labour but in actual
practice it could concentrate either on prohibition or regulation of child labour for
the purpose of reforming the life of working child but the author is personally of the
view that the object of the Act is to prohibit in absolute terms employment of child
labour in hazardous employments and to regulate their employment in all other
professions or vocations. The Child Labour (Prohibition and Regulation) Act, 1986 has been enacted and enforced in order to overcome the lacunae and ambiguities involved in the Employment of Children Act, 1938, for that purpose this Act has been repealed by the recent legislation, namely, the Child Labour (Prohibition and Regulation) Act, 1986. Undoubtedly the present legislation is more comprehensive and meaningful but unfortunately it also suffers from few basic drawbacks. First of all, it may be pointed out that the scope of the Act is quite limited and the remedies available under it are quite few mainly due to the fact that unorganized labour has not been covered within its ambit or in other words continues to be outside the provision of the Act, consequently the benefit of the statutory protection is denied to the unorganized labour, in particular, the child labour.

Poorly drafted legislations pertaining to the Child Labour provides a lever in the hands of the employer to engage the child labour by paying them meagre wages and to evade the liability so incurred by claiming exemption under one or two ambiguous provisions of the concerned legislation. Corruption on the part of enforcement machinery encourages the employer to exploit the child labour.

The provisions of Article 45 still continue to be a far cry due to the fact that economic compulsions of poor people have forced the children to seek any sort of employment available to them as increased unemployment has, generally, prevented them from seeking suitable employments, thereby providing tempting opportunity to the employer to exploit the child labour without having any regard to their health as well as growth and development.

It is a well recognised and universally accepted fact that the basic reasons for the exploitation of child labour has been non-implementation of existing Labour Legislation in an effective manner. Varied reasons could be put-forth for the existing disappointing state of affairs. Firstly, the concerned law is covered, under the category of “Social welfare Legislation” which is basically intended to change socio-economic structure of the society by enacting and enforcing appropriate legislations from time to time in consonance with the existing needs of the common man. Legislations relating to child labour have been enacted in a piece-meal manner which enable the employer to commit their violation in a convenient manner, particularly, in connivance with the inspection staff. According to the latest act, some inspectors are appointed in the areas near the factories where the children
are employed. The trouble is that inspectors appointed by the administration are often only too glad to look the other way if the factory or the shop-owner is generous enough to offer him a bribe, or, the employer may hide child worker while the force of an inspection lasts. Also, it’s not difficult to find a doctor willing to give a false age certificate to a child employees’. Thus, the laws remain on paper as pious wishes yet to be enforced. Their ineffectiveness is partly due also to the fact that there is not a single omnibus law but at least 12 which provide different definition of a “child” and prescribe different conditions of work, variable from state to state.

Thus we find that, inspite of improved legislation like implementation of Child Labour Act,1986 and National Policy on Labour and other action programme for welfare of child labour, the incidence of child labour I the country has not been brought down to a significant extend. Because, it is interwoven with the basic survival issues of their families. So the elimination of child labour can not be thought of without considering a comprehensive welfare measure for their families as a whole.