CHAPTER V

CHILD LABOUR LEGISLATION
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Over the years global consciousness about the seriousness of the problem had created. To protect children from the adverse effects of employment. There are several laws in India. India has all along followed a proactive policy in the matter of tackling the problem of child labour. The National political will and commitment to eliminate child labour as also to regulate the conditions in which children work have been reflected in an abundant measure in the constitution and laws of the land.

Six International labour organization conventions relating to child labour have been ratified and three of them as early as the first quarter of the 20th century. The framers of the India constitution consciously incorporated relevant provisions in the constitution to secure compulsory universal elementary education as well as labour protection for children.

HISTORY OF CHILD LABOUR LEGISLATION:

Legislative history with respect to child labour in India has traversed a long path since 1881 with promulgation of the factories Act – by progressively extending legal protection to working children. The strategy of sequential and progressive elimination of child labour undress cores India's legislative policy with respect to child labour. This strategy takes cognizance of the fact that, child labour is not an isolated at one stroke without simultaneously taking in all out the socio - economic and
socio cultural unlike that gives rite to the problems provisions relating to
child labour under various enactments such as the factories Act(1948)the
mines Act,(1952). The plantation labour Act(1951), etc. have
concentrated mainly on aspects such as reducing working hours.
Increasing minimum age and prohibiting employment of children in
occupation and processes determinately to the health and development of
children of tender age.

The pleasing of children Act,(1993), was the first law on child
labour foreword by the employment of children Act(1938). The latter has
since replaced by the child labour (prohibition and regulation) Act
(1986). The pleasing of children Act(1933), however, remains in the
statute books.

The present set of laws relating to child labour have a pragmatic
foundation and are consistent with the international labour conference
resolution of 1979 which calls for a combination of prohibitory measures
and measures for humanizing child labour wherever the same cannot be
out ritually eliminated.

Increasing attention is now being paid to strengthening the
enforcement machinery related to child labour.

The constitution of India has adopted the following articles, which
reflect the nations concern for children in general and child labour in
particular.
Article: 23: prohibition of traffic in human beings and forced labour:

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

Article: 24: Prohibition of Employment of children in Factories, etc:

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article: 39(e) and (f): certain principles of policy to be followed by the state: The state shall, in particular, direct its. Securing:

(E): That the 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.

(F): 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 against moral and material abandonment.

Article: 45: Provisions for free and compulsory education

The state shall endeavor 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.

Article: 51: Promotion of International peace and security

The state shall endeavor to:

- Foster respect for international law and treaty obligations in the dealings of organized people with one another.

CHILD LABOUR LEGISLATION SINCE INDEPENDENCE (1947)

- The Factories Act, 1948: raised minimum age of employment in factories to 14 years.

- The Employment of children (Amendment) Act, 1949 raised the minimum age to 14 years for employment in establishment governed by that Act.

- The employment of children (Amendment) Act, 1951 (as a result of the ILO convention relating to night work by young persons) prohibited the employment of children between 15 and 17 years at night in railways and also provided for requirement of main register for children under 17 years.

- The plantations labour Act, 1951 prohibited the employment of children under 12 years in plantations.
The mines Act, 1952 prohibited the employment of children under 15 years in mines. The Act stipulated two conditions for underground work:

1. Requirement to have completed 16 years of age; and

2. Requirement to obtain a certificate of physical fitness from a surgeon.

The factories (Amendment) Act, 1954 included prohibition of employment of persons under 17 years at night ("night" was defined as a period of 12 consecutive hours and which included hours between 10 pm to 7 am).

The merchant shipping Act, 1958: Prohibits children under 15 to be engaged to work in any capacity in any shift, except in certain specified cases.

The motor transport workers Act, 1961: Prohibits the employment of children under 15 years in any motor transport undertaking.

The Apprentices Act, 1961: Prohibits the apprentices training of a person under 14 years.

The Beedi and cigar workers (conditions of employment) Act, 1966: Prohibits: 1. The employment of children under 14 years in any industrial premises many facturing beedis or cigars;
2. person between 14 and 18 years to work at night between 7 pm and 6am.

- Employment of Children (Amendment) Act, 1978: Prohibits employment of a child below 15 years in occupations in railway premises such as cinder - picking or clearing of ash pit or building operations, in catering establishment and in any other work which is carried on in close proximity to or between the railway lines.

- The Child Labour (Prohibition and Regulation) Act, 1986: The Act prohibits the employment in seven occupations and eighteen process - which have been listed out in part A&B of the schedule of the Act of any person who has not completed his fourteen years of age.

COMMITTEES ON CHILD LABOUR

A series of committees and commissions have been appointed by the government of India either specifically on the question of child labour or on labour conditions in general which gives us insights into the problems and give suggestions to alleviate this problems. These are: (I) the Royal commission on labour in 1929 (II) the labour investigation committee (REGE COMMITTEE) in 1944.