CHALLENGES OF ADDRESSING CHILD LABOUR EVEN AFTER LEGISLATING ADEQUATE LAWS IN INDIA

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Abstract- It is a universally recognized fact that children are the blooming flowers in the garden of society. They are the most valuable assets of the nation and their importance in nation building process cannot be undermined. Child labor is a socioeconomic phenomenon arising out of poverty, lack of development, lack of education and due to social circumstances. The practice of child labor is a hurdle in the way of development. The paper addresses the Challenges India is facing in preventing child labor inspite of adequate laws being in place.

“The child is a soul with a being, a nature and capacities of its own who must be helped to find them, to grow into them maturely into a fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual and spiritual being, otherwise these children cannot be a healthy growth of the nation”

Justice P.N. Bhagwati
Former Chief Justice of India.

Introduction
Children are the most precious gift of God. They are universally recognized as one of the important and greatest assets and the future of every nation is associated with the prospects of its children. Such future children should be reared in an atmosphere that provides ongoing educational and training opportunities that promote their social, moral, and physical growth. It is a universally recognized fact that children are the blooming flowers in the garden of society. They are the most valuable assets of the nation and their importance in nation building process cannot be undermined. Today's children are tomorrow's prospective citizens. The quality of life they have now will eventually decide the quality of the nation's future population. Essentially, children are like mirrors that reflect a nation's future image.

Children are not only the future of any nation but also strength in reserve for a nation. They are the crops that will feed the world in the future. If they are healthy and active, educated and informed, disciplined and trained, the future of a nation is well insured, and if they are wanting in above aspects the future of the nation is doomed to disaster.

A child is an asset as well as a liability to the parents, society and to the nation as a whole. Regarding liability of the children, the Supreme Court Judge Ruma Paul said while addressing a gathering of lawyers, Jurists and Judges that, ensuring justice to children is the responsibility of every citizen, every institution and every limb of the Government. Thus, it is the duty of everyone to fight against child labor.

It's truly shocking that these beautiful blossoms are being ignored. Children are forced to labor in their early infancy due to external forces and conditions, which harms both the kid and society. Child labor is a global issue that has to be addressed. It has long been a preoccupation of social reformers, clergymen, legislators, jurists, philosophers, politicians, and economies, among others. The practice of exploiting and forcing children into employment, therefore depriving them of education, which is critical to their personal development, is a major source of worry.

A plight of the child laborer is showing when early in the morning sun rises, some children are going to schools by carrying their lunch boxes and similarly on the other side some children are going by carrying their lunch-boxes not to attend schools but on their workplaces where they are doing work. If they are only a few minutes late, they will be humiliated by their bosses. They are going to their workplaces without seeing whether it is cold weather or hot summer and without smiles on their lips with dryness in their eyes. They have no interest in anything else but an order given by the employer and to fulfill that at the cost of their health. They are doing work in hottest summer when other people are sitting in their air-conditioned rooms and during hard winter these children are doing work without sweaters or full clothes on their body.

As a result, they face dire consequences of ill health, injured body and hungrieness etc. In simple words, child labor is commonly understood as work for children that results in their exploitation in some perceptible way, physically, mentally, morally or by restricting their access to education. Child work has always occurred in some form or another in communities all throughout the world. Children used to follow their parents when they worked in the fields in the past. They were also expected to assist with domestic tasks as well as care for the ill and aged.

In comparison to the developed countries, the incidence of child labor in Asian countries is very high. Child laborers are the most numerous in nations such as India, Pakistan, and Bangladesh. This problem exists in developed countries as well, however the
severity varies. Other than work in various vocations, there are numerous forms of child exploitation. Across the world, to a less or greater degree, visible or invisible, admittedly or otherwise, child labor exists. Though child work is generally denounced owing to the consequences it has on children and society, it endures and is extremely expensive in many third-world nations such as India as compared to the world's wealthy countries.

The magnitude of the problem, especially, in developing countries is great and task of attacking it is urgent. work that exploits the child as a cheap substitute for adult worker; work that uses the child’s effort but does nothing for his development; work that impedes the child’s education or training and prejudices his future. Child labor of this kind must be the target of national or international action.

Because most of the work was done under the supervision of the parents, incidences of exploitation were rare. Even today work of this sort is not considered exploitative.15 Children begin work in family undertakings from an early age alongside their parents. Later on, parents, relatives or friends take them to their future employers. The treatment meted out to the working child depends entirely on the treatment of the employer. Some children may be ill-treated and humiliated, even beaten while others are made to look after parental care. Most of the work they do is monotonous, repetitive and dull and is often not suited to their physical and mental capabilities. The child continues to work in appalling conditions because he expects very little from his job, knowing that at least he is employed and can earn some money. In most of the developing countries, parents depend upon their children. These children not only perform important work in house or outside it but in many cases, they are the main or only source of support for parents in their old age.

Child work exists in both poor and prosperous societies. Child labor is a socioeconomic phenomenon arising out of poverty, lack of development, lack of education and due to social circumstances. The practice of child labor is a hurdle in the way of development. The notion that the children of the poor should be removed from the labor force and placed into schools is a modern one. Children everywhere worked with their parents until only a few generations ago. Only the children of privileged classes could escape manual work, and in this way, they emulated their parents – priests, landlords and rulers-whose control over wealth, knowledge and power enabled them to educate their children to assume the same role as their parents.

DEFINITIONS OF CHILD LABOR

The term “child labor” is used as a synonym for “employed Child” or „working Child“. However, child labor can be defined as that segment of the child population which participate in work either paid or unpaid.27 To comprehend the concept of child labor, it is critical to first comprehend the definition of the term "Child." General meaning of this word is, that child is who cannot understand the technicalities of law or who is mentally or physically not mature. Child is undoubtedly a “minor” but all minor are not children. The word child is defined in various enactments and referred to differently for different purposes. Therefore, the Child Labor Act, 1986 clarified, identified and defined the term “child” to mean one who has not completed the age of 14 years. For clarity, it may be noted that minor is one who has not completed the age of 18 years and the child is one who has not completed the age of 14 years.

The Oxford dictionary defines the term child as a young human being below the age of full physical development. The Convention on the Rights of the Child of 1989 defines a child as "any human being under the age of eighteen years, unless majority is attained earlier under the law applicable to the child."

Again The Children Act, 1960 child means a boy who has not attained the age of eighteen years.31According to Juvenile Justice Act, child means any person who has not completed eighteen years of age. The Immoral Traffic (prevention) Act 1956 defines child as a person who has not completed the age of sixteen years.1 Besides it, Plantation’s Labor Act, 1951 define child as a person who has not completed his fifteenth year.

The Employment of Children Act, 1938 prohibited employment of child who has not completed his 14 year in any workshop are process. Further The Minimum Wages Act, 1948, child means a person who has not completed his 15 years of his age.2 The Right of Children to Free and Compulsory Education Act, 2009 defines child as a male or female child up to the age of six to fourteen years. From the above definitions, it is submitted that the age of defining child is not uniform. The definition of the word child is different under different legislations. Even like the word “child”, the definition of child labor is also not uniform all over the world. The diversity of opinion among researchers in defining “child” and “Child Labor” is due to differences in social perceptions.

France’s Blanchard, the Director General of the International Organisation states that a first problem is one of the definitions inherent in the notions of “child work” and “labor”. Child labor is regarded as an economic necessity of impoverished homes, and the exploitative component of children's labor is related with the profit-maximizing motive of commercial companies, in which children are forced to work long hours, are given low salaries, and are denied educational possibilities. However, a working kid under the age of 14 who is paid in cash or in kind is usually regarded a child laborer. When the business of wage earning or of participation in self or family supports conflicts directly or indirectly with the business of growth and education, the result is child labor.

CONTEMPORARY SCENARIO OF CHILD LABOR

It is an accepted fact that, developing economies is lagging behind in many respects. They usually suffer from specific economic handicaps due to the interplay of several factors. Most common problems identified in developing economies include their high

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1 The Immoral Traffic Prevention Act 1956.
population market constraints suffering from rigid control, equipmentary framework as well as their resource base which is narrow, fragile and prone to disruption due to natural disasters.81 Mostly, such economies are agro-based and therefore, a huge population in these countries is involved in agricultural professions. This provides a seasonal income and forces these people to employ other members of the family especially children for other sources of income.

At global level, Asia and Pacific regions, Latin America and the Caribbean regions and Sub-Saharan Africa regions experienced a decline in the magnitude of children (5-14 years old) engaged in economic activity from the period from 2008 to 2012 both in absolute and relative terms. As per International Labor Organisation global child labor estimation (2012), Asia and the Pacific regions has the largest magnitude of children (5-14 years old) engaged in child labor (52.7 million versus 47.7 million in Sub-Saharan Africa regions), but at same time Sub-Saharan Africa regions has the highest incident rate of children (5-14 years old) engaged in child labor (21.7% versus 8.3% in Asia and Pacific regions). Further, the ILO estimated that the world has 85.3 million children (5-17 years old) engaged in work that is considered hazardous work, which has or leads to adverse effects on child’s safety, health and moral development in 2012. The estimated number of children in hazardous work ranged from 33.8 million in Asia and the Pacific regions to 9.6 million in Latin America and the Caribbean regions. In relative terms, Sub-Saharan Africa region has the highest incidence of children in hazardous work, with one in ten children involved.

Causes:
Child labor is a wide-ranging problem of the society, especially in the underdeveloped countries and nations that are in a development stage. It is a key source of concern for the government. Children labor and exert themselves for a variety of reasons, the most important of which is poverty and illiteracy, as well as the generated pressure in their lives to help them escape their condition (Khan 1979; Gangrade and Gandhi 1983; George 1990 quoted in Ayaz, Ahmad, 2012). The issues and exclusion of education and poverty are intricately related to child labor. Poverty provides the potential condition of putting children to work. The children are also forced to earn livelihood for themselves as well as for their families and it prevents them from realizing their full potential (Weiner 1991; Mishra 2000; Zutshi et al. 2006 cited in Ayaz, Ahmad, 2012). The main reasons behind the child labor peeps from majority of the studies are poverty and illiteracy. Along with poverty and illiteracy, big families, a lack of parental education and occupation, parental debt, and a country’s insufficient economic growth are all factors that drive a kid into child labor.

The following are the specific reasons of child labor:

POVERTY:
Several studies have identified poverty as the primary cause of child labor. Families need money to survive and children are additional source of income for the family. Sometimes due to poverty, parents are not able to fulfill the wishes of their children. As a result, children themselves choose child work to meet their requirements. Poverty provides the potential condition of putting children to work. The children are also forced to earn livelihood for themselves as well as for their families and it prevents them from realizing their full potential (Weiner 1991; Mishra 2000; Zutshi et al. 2006 cited in Ayaz, Ahmad, 2012).

PREVIOUS DEBTS:
People in India are forced to borrow money due to their bad economic situations. Illiterate people go to money lenders and occasionally mortgage their belongings in exchange for the debt they take on. However, because to a lack of income, borrowers find it impossible to repay the loan and the interest. This vicious loop of poverty forces them to work day and night for the creditor, and then the debtors force their children to assist them in repaying the loans. Some children are obliged to labor to support their families because they are under pressure to provide food and shelter while also repaying debts owed by their parents. Meanwhile, some youngsters are sold into slavery against their will.

PROFESSIONAL NEEDS:
There are some industries such as the ‘bangle making’ 86 industry, where delicate hands and little fingers are needed to do very minute work with extreme excellence and precision. Because an adult’s hands are typically not as delicate and little, they rely on youngsters to undertake such perilous work with glass. This frequently resulted in serious eye injuries among youngsters.

NO SPACE FOR ALTERNATIVES:
According to the International jobs Organisation (ILO), a lack of suitable alternatives, such as economical schools and high-quality education, is a key contributing factor that pushes youngsters into hazardous jobs. Children are forced to work because they are unsatisfied and have no other way of making a living. Many communities, particularly those in rural areas where child work is prevalent, lack adequate school facilities. Even when schools are accessible, they are usually too far away, difficult to reach, costly, or of such poor quality that parents question if attending school is even worthwhile. Even after 75 years of freedom, a lot of youngsters continue to be denied the right to an education due to their circumstances. Only the successful execution of national systems will be able to handle this.

SOCIAL CAUSES:
Child work in India is mostly caused by the country’s social and economic backwardness. Socially backward parents do not send their children to school. As a consequence, their children are compelled into child labor. Many times, parents are unaware of different programmes for children’s education because of illiteracy. Child labor has been fostered by a lack of education, illiteracy, and, as a result, a lack of understanding of rights among children. Additionally, illiterate parents are unaware of the effects child labor has on their children. Rural households have a compulsive reason for including children in a variety of duties due to the situations of poverty and unemployment. In actuality, India’s child labor issue is still perpetuated by the remains of the feudal, zamindari system.

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DISCRIMINATION BETWEEN GIRLS AND BOYS:
There is a widespread assumption that guys are stronger than girls and that they cannot be matched equally. There are several instances in our culture where females are denied the opportunity to further their education. Girls are denied access to education and school because they are deemed weaker than boys. Girls are frequently observed working with their parents in labor homes.

LACK OF SOCIAL SECURITY:
Since India is a developing economy, therefore, here systems of social security are not as strong as are in developed countries. Poor do not even have access to loans in the banks. This serves as the foundation for the most heinous type of child exploitation, bonded child labor, in which parents exchange their kid's employment for debts. In certain cases, the family situation forces youngsters to work and earn money on their own. When a family moves from the countryside to the city, it encounters unexpected employment arrangements, which creates instability and insecurity for the family, forcing children to work in order for the family to survive (Singh 1980; Suman 1998 quoted in Ayaz Ahmad, 2012).

UATTRACTIVE SCHOOLING:
System of education and condition of schools is very poor despite all governmental initiatives to improve it. The building of the government school is frequently absent. Buildings, if they exist at all, are in a deteriorated state. Basic utilities such as power, drinking water, toilets, and tidy and clean classrooms are not accessible, and this is enough to keep children away from school. As a result, they drop out from the school and resolve in to labor.

EDUCATIONAL LEVEL OF PARENTS:
Education acts as a catalyst for social upliftment enhancing the returns on investments for almost all aspects of developmental efforts, be it population control, health and hygiene, women empowerment or poverty reduction (Ayaz Ahmad, 2012). There are various studies indicating that parental education 87 is co related with child labor. Majority of the parents whose children are laborers are either illiterate or very less educated. Greater education leads to greater career options and, as a result, better economic resources, which means no child labor and more opportunity for children to thrive in school..

UNEMPLOYMENT OF PARENTS:
This is another important factor responsible for child labor. When parents are unemployed or partially employed or are employed in low paying occupations, it puts extra pressure on the children to earn money to fulfill the very basic needs of the family and this leads to child labor. According to several research, the bulk of child labourers come from wage labour households. There is seasonal unemployment among the parents of the working children or they are involved in low paying occupations such as laborers, vendors, rickshaw pullers, domestic workers etc (Ayaz Ahmad, 2012). As a result, this leads to the scarcity of the economic resources in the family and children are bound to do labor.

LARGE FAMILY SIZE:
The size of a family has a significant impact on the economic situations of households. When economic resources are insufficient and number of members in the family is more, then everybody tries to earn according to his/her own potential and children are also forced to go for earnings.

OTHER MINOR CAUSES:
Some store, business, and factory owners engage them because they want cheap work so they can pay them less, which equates to hiring cheap labour. Shopkeepers and other small business owners force them to work as hard as older workers while only paying them half as much. Child labour also lowers the possibility of theft, avarice, or money misappropriation. Child labor has been encouraged in India as a result of the growth of globalization, privatization, and consumerist culture as well as the demand for inexpensive labor and its connection to the financial needs of low-income families.

Consequences:
Child labor has far reached consequences. It robs them of their youth, preventing them from reaching their full potential and resulting in poor physical, mental, and emotional development. They are denied of basic school education, normal social interaction and personal development and emotional support from the family. They suffer physical injuries and mutilations due to poorly maintained machinery in case of industrial child laborers, pesticide poisoning in case they are involved in agriculture sector or chemical industry, and suffer with long term health problems such as respiratory diseases, cancers, and many more. They also suffer with HIV/AIDS where they are forced in to prostitution and exploited for sexual purposes. They are under nourished and it has impact on their adult life. Apart from that, kids are exploited for working in dangerous jobs and for long working hours for pitiful salaries since youngsters are innocent and are unaware of their rights.

Act and Regulation:
Even after a hundred years of child labor legislation and sixty years of independence, child labor is a common occurrence in India. Today, their numbers exceed those of any other country. On 26 January 1950, the people of India gave unto themselves a Sovereign Democratic Republic. The Constitution adopted on the same day promised a new era based on freedom, equality, fraternity and justice for all citizen of the country. It recognized that political freedom by itself was not enough and therefore, gave primacy to the achievement of “social and economic” justice.
Children were given low priority during pre-independence period in India and very few statutes relating to children were enacted. It was only after Independence that the founding fathers of the nation become aware that employment of children is one of the manifestations of the pervading poverty in the country, and realized the nation’s responsibility towards children, their education, protection and development.

Legislative history with respect to child labor has traversed a long path since 1881 progressively extending protection of the law to working children. Over this long period, the statutory provisions on child labor have concentrated mainly on a few aspects like reducing the working hours, raising the minimum age in defining a child and different activities that a child can undertake. Probably, this could have happened due to the presumption that child labor is an inevitable reality. The employment of Children Act, 1938 was the first comprehensive Act in this regard, which was repealed by the Child Labor (Prohibition and Regulation) Act, 1986.3

Focusing children, an attempt has been made to trace the evolution of child related laws through the years under different enactment.

1881 The Factories Act:
Factories employing 100 or more persons were covered this act;
Minimum age of a child for employment was fixed as seven years;
Successive employment for the same employee, i.e. employment in two factories on the same day was prohibited;
Working hours was prescribed not to exceed nine hours a day and at least four holidays to be given in a month;
1891 The Factories Act (Revised):
The act was revised with respect to the following matters:
Minimum age was increased to 9 years;
Hours of work were limited to maximum seven hours per day, with prohibition of work at night between 8 P.m. and 5 a.m.
1901 The Mines Act:
The act prohibited the employment of children under 12 years of age.
1911 The Factories Act:
This Act prohibited work of children between 7 p.m. and 5.30 a.m. It also provided for
Work in certain dangerous processes prohibited;
Certificate of age and fitness required;
1922 The Factories Act (Amendment) Act:
To implement the ILO Convention (No.5), 1919; the Factories Act was amended in 1922 which provided for the following challenges:
Minimum age limit was increased to 15 years;
Reduced the working hours to a maximum of 6 hours, and also an interval of half an hour was provided to children for 5 and ½ hours;
Scope of the Act was limited to establishment employing 20 or more persons with mechanical processes, with power given to the local governments to exclude the provisions to premises employing 10 or more persons;
Disclosure of employment of children below 18 and women, in certain processes;
Provision for medical certificate plus certificate of re-examination for continuing work;
1923 The Indian Mines Act:
This Act prescribed a higher minimum age for employment in Mines, i.e., from 12 to 13 years.4
1926 The Factories (Amendment) Act:
This amendment imposed certain penalties on the parents and guardians for allowing their children to work in two separate factories on the same day.
1931 The Indian Ports (Amendment) Act:
This Amendment provided that 12 years shall be the minimum age of a person for holding goods in ports.
1931 The Reports of the Royal Commission on Labor:
The commission and its recommendation had an impact on legislation pertaining to Child Labor during the period 1931 to 1949.
1932 The Tea Districts Emigrant Labor Act:
This Act was passed to check migration of laborers to districts like Assam. It also provided that no child should be employed or allowed to migrate unless the child is accompanied by his parents or an adult on whom the child is dependent.
1933 The Children (Pledging of Labor) Act:
This Act prohibited pledging of children, i.e. taking of advances by parents and guardians in return for bonds, pledging the labor of their children – System akin to that of the present day bonded labor system. This Practice of pledging of labor of children was found to be prevalent in area such as Amritsar, Ahmadabad, Madras etc. in carpet and bidi factories by the Royal Commission. The children in these situations were found to be working under extremely unsatisfactory working conditions. Hence, the Royal Commission recommended the expediency of penalizing the giving of advances to secure the labor of children and that the bond for pledging the labor of a person under 15 years executed on account of any consideration should be void. It was observed by commission:
The system is indefensible, it is worse than the system of indentured labor for the indentured labor is, when he enters on the contrast, a free agent while the child is not.

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3 The Employment of Children Act, 1938.
4 The Indian Mines Act
This recommendation was given effect to by the legislature through introducing in the Legislative Assembly a bill called the Children (Pledging of Labor) Bill in 1932 which was a year later converted into an Act.

1934 The Factories (Amendment) Act:
This amendment Act had elaborate provision for regulating the employment of children of various age groups with regard to factories, such as:
Employment of children under 12 and 15 years was generally prohibited;
Employment of children between 12 and 15 years was in certain areas restricted to 5 hours a day;
For employment of children between 15- and 17-years certain restrictions were imposed.

1935 The Mines (Amendment) Act:
This Amendment introduced divisions of children according to age groups and the following restrictions were introduced:
Employment of children under 15 years in mines was prohibited;
Underground employment of persons between 15 and 17 years was permitted only on production of certificate of physical fitness granted by a qualified medical practitioner;
Working time restricted to maximum 10 hours a day and 54 hours a week for work above the ground and 9 hours a day for work underground.

1938 The Employment of Children Act:
This Act was passed to implement the Convention adopted by the 23rd session of ILO (1937) which inserted a special article for India, that:
“Children under the age of 13 years shall not be employed or work in the transport of passengers, or goods, or mails, by rail, or in the handling of goods at docks, quays of wharves, but excluding transport by land. Children under the age of 15 years shall not be employed or work in occupation to which this article applies which are scheduled as dangerous or unhealthy by the competent authority”. Hence:
It prohibited the employment of children under 15 years in occupations connected with transport of goods, passengers, mails on railways;
Minimum age for handling goods on docks was raised from 12 to 14 years;
Requirements for certificate of age was necessary.
1948 The Factories Act:
This Act repeated all the previous enactments on factories and raised minimum age for employment in factories to 14 years.
1949 Employment of Children (Amendment) Act:
This amendment raised the minimum age to 14 years for employment in establishments governed by that act.

1950 The Constitution of India:
In its chapters on Fundamental Rights and Directive Principles of State Policy included provisions relating to employment and welfare of children such as:
Article 24 and Article 39
1951 Employment of Children (Amendment) Act:
This amendment was required as a result of the ILO Convention relating to right work of young persons.
This amendment prohibited the employment of children between 15 and 17 years at night in railways and ports.
1951 The Plantations Labor Act:
It prohibited employment of children less than 12 years in plantation. (However, S-24 of Act, 61of 1986 mitted this provision from the Plantation Labor Act).
1952 The Mines Act:
This Act prohibited the employment of children less than 15 years in mines. The Act stipulates two conditions for underground work-
Requirement that a person should have completed 16 years of age; and
Requirement of obtaining a certificate of physical fitness from a surgeon.
1954 The Factories (Amendment) Act:
This amendment included a prohibition of employment of persons less than 17 years at night. “Night” was defined as a period of 12 consecutive hours and which included hours between 10 p.m. and 7 a.m.
1958 The Merchant Shipping Act:
This Act prohibits children under 15, to be engaged to work in any capacity in any ship, except in certain specified causes.
1961 The Motors Transport Workers Act:
This enactment prohibits the employment of children less than 15 years in any motor transport undertaking.
1961 The Apprentices Act:
This Act prohibits apprenticeship/ training of a person less than 14 years.
1966 The Bidi and Cigar Workers (Conditions of Employment) Act:
The act Prohibits:
The employment of children under 14 years in any industrial premise manufacturing bidi or cigars.
Persons between 14 and 18 years to work at night between 7 p.m. and 6 a.m.
1978 Employment of Children (Amendment) Act:
It prohibits employment of a child below 15 years in occupations in railways premises such as clearing of ash pit or building operation, in catering establishment and in any other work which is carried on in close proximity to or between the railway lines.
1986 The Child Labor (Prohibition and Regulation) Act:
Establishes a system for deciding changes to the Schedule of Prohibited Occupations or Processes;
Regulates the working conditions of minors in jobs where they are not barred from working;
Regulates the conditions of work of children in employment where they are not prohibited from working;
Lays down enhanced penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid
the employment of children;
It also intends to obtain uniformity in the definition of “Child” in the related laws.
The Child Labor (Prohibition and Regulation) Bill, 1986 was passed in both Houses of Parliament and converted into an Act on
23 December 1986.
The Child Labor (Prohibition and Regulation) Act came into force towards the latter half of 1986. It listed particular process in
certain industries as being banned for children below the age of fourteen years with the provision that such a ban would not apply
to those children working as part of family labor or to those working in any state-funded or state-supported institutions. The act
prohibits employment of children in 13 occupation and 57 processes contained in part A & B of the Act (Section-3).

After –Effects of the 1986 Act:

After The Child Labor (Prohibition and Regulation) Act, 1986 a lot of programmes to stop the child labor had been started. Like,

National Child Labor Policy was adopted in August, 1987.

National Child Labor Policy:
The constitutional and legislative provisions providing protection to children against employment also found an echo in the
National Child Labor Policy announced in 1987. The action plan under this policy is multi-pronged and mainly consists of:

A legislative action plan;
Focuses on general development projects for the benefit of child-bearing families, as well as project-based action plans in regions
with a high concentration of child labour.

In pursuance of this policy, the ministry of Labor and Employment has been implementing the National Child Labor Projects
Scheme (NCLPs) which were initiated during the 7th plan with the objective of withdrawing and rehabilitating children
working in identified hazardous occupations and processes. Earlier, NCLPs were Andhra Pradesh (Jaggmpt and Markapur), Bihar
(Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambhalpur), Rajasthan (Jaipur), Tamil Nadu (Siva
Kashi), and Uttar Pradesh (Varanasi-Mirzapur-Bhadoli, Moradabad, Aligarh and Ferozabad) by the end of the 10th plan the
NCLP scheme was extended to 250 districts and in 20 states.

1989, December: Report of the Task Force on Child Labor set up by the Child labor Advisory Board under the Chairmanship of
Dr. L.M.Singhvi :The report recommended amendments to child labor laws and national policy on child labor.

1991, July: Report on National Commission on Rural Labor:This recommended enactment of compulsory primary education by
the state: creation of non-formal education centers; enhancement of outlays for elementary education; guarantee wage
employment for parents of working children; universal prohibition of child labor and media publicity against child labor.

1992: Child Labor Deterrence Act:
This bill prohibited the importation of any product, made wholly or partly, by children under the age of 15 employed in the
mining industry.

1994: Independence Day:
On August 15, 1994, then prime minister declared from the ramparts of Delhi’s Red Fort, a special announcement giving impetus
to the elimination of child labor by making a notional commitment to withdraw 2 million working children from hazardous
occupation.

Constitutional Provisions:
Different constitutional provisions have also taken place to prevent child labor. These are as follows:

Article 21-A

Right to Education:
The state shall offer free and compulsory education to all children aged 6 to 14 years in the manner determined by law.

Article 24

Prohibition of employment of children in factories etc:
No child under the age of fourteen should be employed in any industry or mine, or in any other dangerous occupation.

Article 39

The State should specifically aim its strategy towards ensuring:
(e) that employees' and men's and women's health and strength, as well as children's young age, are not mistreated, and that
people are not coerced by economic necessity to choose occupations unsuitable for their age or health.
(f) Directs to secure facilities for the healthy development of children and to protect childhood and youth against exploitation and
moral and material abandonment.

Article 45

Directs the State to provide free compulsory education to all children upto 14 years of age.

Article 51(e)

Directs the State to foster respect for International Treaty Obligations.

Article 15(3)

Enables the states to make special provisions related to the restriction of employment of children in certain areas on the ground of
the nature of job.

Article –23

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5 The Child Labour Prohibition and Regulation Act, 1986.
6 Article 21A of the Indian Constitution.
Prohibit the traffic in human beings and forced labor.
Article –14
Provides Freedom of thought, conscience and religion
Article-27
Provides the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social developments.
Indian Penal Code- Section 82
Children belonging to the age group of 7 years or less have been given the fundamental right of education.7
Criminal Procedure Code- Section 125
Wife along with children having legal or illegal birth, have the right of getting allowance for their rearing and caring.8
‘Dimensions of Socio Legal Problems of Child Labor’ involves that the past and present situation of the child labor problem. It deals with the concept, morality and humanity aspect of child labor, which had been advocated by various thinkers and writers. Then it has stated that how the child labor problem persisting in past and present all over the world. It has been come forth from the literature available and studies undertaken on child labor are global problem. It is described from earlier literature the magnitude of the child labor problem in outside and inside our country.

CONCLUSION
In conclusion it can be said that in spite of having so many legislations in place, the menace of child labour still exists in India. Child Labour Prohibition Act is enacted in 1986 and is in force. The huge challenge is about the awareness creation. In villages and rural parts of the country it is almost impossible to convince the parents that the formative years of the child is required to be devoted to education. A farmer feels the 2 sons are more helpful in agricultural process in the farms rather than spending time in primary school. India is right in creating one step with legislation. But the second step on awareness creation is a monumental task which governments, local bodies, NGOs, VCOs, all have to work together to make the difference.

7 Section 82 of the Indian Penal Code, 1860.
8 Section 125 of the Code of Criminal Procedure 1925.