

FROM POVERTY TO EXPLOITATION: EXAMINING THE ROOT CAUSES OF CHILD LABOUR

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INTRODUCTION

During the British era, a great number of children were forced into labor due to the growing demand for inexpensive labor to produce vast quantities of products. The firms favoured recruiting youngsters for various reasons:

- They were paid less than adults.
- They were better utilized in the factory environment. They were ignorant of their fundamental human rights. They could be easily relied upon. The practice of child labor remained post-independence, despite the government's continuous enforcement of anti-child labor legislation.
- The 1948 Universal Declaration of Human Rights¹ included the fundamental human rights and needs of children for healthy development and growth during childhood. Article 24² of the Constitution prohibits the employment of minors under the age of 14 in factories, mines, and other hazardous occupations. Article 21A³ and Article 45⁴ guarantee that all children between the ages of 6 and 14 will receive a free and mandatory education.
- Employing children under the age of 14 as child work was made illegal by the Child work. Prohibition and Regulation Act which came into effect in 1986. India remarkably passed the Right of Children to Free and Compulsory Education Act in 2009. (RTE). The Child Labor (Prohibition and Regulation) Amendment Act 2016 prohibits the employment of children and adolescents in hazardous occupations and processes. Adolescents refer to people under the age of 18; children, to those under the age of 14. The Act also imposes severe penalties on those who employ or allow minors to work.

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¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)

² Constitution of India 1950, art. 24

³ Constitution of India 1950, art. 21A

⁴ Constitution of India 1950, art. 45

Yet, child labor has now reached worrying levels. According to estimates, India is responsible for one-third of child labor in Asia and one-fourth of child labor worldwide. Child labor is a widespread global issue that affects millions of children across the world. According to the International Labor Organization (ILO),⁵ around 152 million children are engaged in hazardous and exploitative work worldwide. Child labor involves work that deprives children of their childhood, interferes with their ability to attend school, and is mentally, physically, socially, or morally harmful. The ILO defines child labor as any work that is harmful to children and interferes with their schooling, depriving them of the opportunity to attend school, forcing them to leave school prematurely, or requiring them to balance school with excessively long and strenuous work.

Although progress has been made in reducing child labor in some countries, the problem persists, especially in developing countries where poverty is prevalent. Poverty is a significant driver of child labor as families often send their children to work to supplement their income. Other factors, such as lack of access to education, discrimination, and weak labor laws and enforcement, also contribute to the prevalence of child labor. Child labor has far-reaching consequences that affect not only the children but also their families, communities, and countries as a whole. Children who work are often subjected to physical and emotional abuse, hazardous working conditions, and exploitation. Child labor perpetuates the cycle of poverty by depriving children of education, which is essential for breaking the cycle of poverty.

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Addressing the problem of child labor requires a concerted effort by governments, international organizations, and civil society to address the root causes and implement effective interventions to eliminate it. Such interventions include improving access to education, promoting decent work for adults, and enforcing laws and regulations that protect children from exploitative and hazardous work. This research paper aims to provide a comprehensive analysis of child labor issues and concerns, including its causes, consequences, and interventions. The paper will draw on existing literature and data to explore the various dimensions of child labor, with a focus on developing countries. It will also examine the role of different actors in addressing child labor, including governments, international organizations, civil society, and the private sector. The paper will conclude with a set of recommendations for policymakers and stakeholders on how best to address child labor effectively.

⁵ International Labor Organization (ILO), Constitution of the International Labor Organisation (ILO), 1 April 1919

STATEMENT OF PROBLEM

In Indian society, children and their rights have always been a less discussed topic. Childhood is the most important period of their life, as during this time if they are brought up in a positive environment then it develops their intellect, socially and physically which will be productive for society at a later stage. If we engage child in physical activity or in labor it would lead to their unpleasant present reducing their welfare along with earning capacity in the near future.

The main issue of the rising problem of child labor is the increasing population in poverty line family, there is no tradition called family planning that what they will feed the child once they are born. They think once he walks, he can beg and later become a helping hand for their family indulging in any work as child labor but they don't think that they are taking away their basic fundamental right of right to education. Even if their child wants to study, they deny it. If we do proper research, we will find out that most of the contributor to child labor is economically backward people. **According to the 2011 census, "India's child population in the age group (514) totals 259.6 million. Of these, 10.1 million (3.9% of all children) work either as "main workers" or "frontier workers"⁶. Additionally, more than 42.7 million children are out of school in India."**

Child labor is the biggest concern in today's world, it has become an obstacle for the development of a country majorly for a developing country. According to ILO, around 160 million children are indulged in labor practices of age five to fifteen. 1 in every 10 children is in child labor, which leads to health problems be it physically or mentally. Now the question arises how can we stop it, and what initiatives can be taken for the same? We shall also study the factors related to child labor that is what is the reason that the child is working and the problems faced by the child at home as well as the workplace and the conditions in which they work?

RESEARCH METHODOLOGY

This is theoretical research that consists of either basic research aimed at locating a particular legal argument or legal study with more nuanced reasoning and depth. It is a library-based study to identify the "only correct answer" to specific legal issues or questions.

⁶ *Census data on Child Labor, Ministry of Labor & Employment, Government of India.*
<https://labor.gov.in/childlabor/census-data-child-labor> Accessed on 19 August 2023

RESEARCH OBJECTIVE

- To provide a comprehensive analysis of child labor issues and concerns, including its causes, consequences, and interventions.
- The paper will draw on existing literature and data to explore the various dimensions of child labor, with a focus on developing countries.
- It will also examine the role of different actors in addressing child labor, including governments, international organizations, civil society, and the private sector.
- The paper will conclude with a set of recommendations for policymakers and stakeholders on how best to address child labor effectively.

CHILD LABOR AND ITS HISTORICAL BACKGROUND

The problem of child labor continues to be a challenge for the nation. The government has taken several preventive measures to solve this problem. In view of its size and the fact that it is a social problem, that has an intrinsic link with poverty but also illiteracy, this must therefore be tackled jointly by all sections of society.

A common definition according to ILO of "child labor is work that robs children of their childhood, potential, and dignity while also endangering their physical and mental development. It refers to work that: (i) is hazardous to children's mental, physical, social, or moral development; (ii) interferes with their education, prevents them from attending school, denies them the chance to do so, compels them to finish early, or requires them to try to balance learning with too much difficult work. Children are increasingly involved in household chores and the informal sector. Children are engaged in domestic, craft, agricultural, hazardous factories, rag picking, beet rolling, matchbox, brick ovens, etc."⁷

According to the 2001 census, 1.26 million children between the ages of 5 and 14 are employed, while the number of children is 25.2 million.⁸ A survey by the National Sample Survey Organisation (NSSO) in 2004–2005 estimated that there were 90.75 thousand working

⁷ *What is child labor*, International Labor Organization, <<https://www.ilo.org/ipec/facts/lang-en/index.html>> Accessed on 19 August 2023

⁸ *About child labor*, Ministry of Labor & Employment, Government of India. Available at: <https://labor.gov.in/childlabor/about-child-labor> Accessed on 19 August 2023.

children⁹. According to the 2011 census, the number of working children between the ages of 5 and 14 further decreased to 43.53 million. This shows that the government's efforts have yielded the desired results.¹⁰

Child labor has been prevalent in India for centuries but traces of child labor were found when the East India Company came into existence. On 23 June 1757, the English East India Company had a victory over Siraj- ud- Daula, the Nawab of Bengal, in the Battle of Plassey. The British therefore became masters of East India (Bengal, Bihar, Orissa) – a prosperous region with flourishing husbandry, assiduity and trade¹¹. Due to the increasing demand for cheap labor to create vast quantities of items, many chains commonly employed minors, which resulted in a lot of youngsters being forced into servitude because they could be signed for lower pay, and have further abundance to use in plant surroundings. Another reason multitudinous Indian children were hired was because they didn't have knowledge of their introductory rights, they did not get into trouble or complain from children, and they were constantly more secure. The innocence that comes with non-age was utilized to make a profit by numerous and was encouraged by the need for family income.

A variety of Indian social scientists as well as non-governmental organisations(NGOs) have done expansive exploration on the numeric numbers of child labor set up in India and determined that India contributes to one-third of Asia's child labor and one-fourth of the world's child labor.¹² The Indian government has begun to take significant steps to reduce the number of children working due to the large number of children who are immorally employed and to concentrate on the significance of easing the proper growth and development of children. International influences help to encourage legal conduct to be taken in India, similar to the Geneva Declaration of the Right of Children Act was passed in 1924. This act was followed by The Universal Declaration of Human Rights in 1948 which incorporated the introductory mortal rights and requirements of children for proper progression and growth in their youngish times.¹³ These transnational acts encouraged major changes to the pool in India which passed

⁹ NSSO Report Ministry of Labor & Employment Government of India, <https://labor.gov.in/childlabor/national-sample-survey-organisation-data-child-labor> , Accessed on 19 August 2023

¹⁰ *About child labor, Ministry of Labor & Employment, Government of India.* <https://labor.gov.in/childlabor/about-child-labor> Accessed on 19 August 2023.

¹¹ Lieten, Kristoffel; Meerkerk, Elise van Nederveen (2011). *Child Labor's Global Past, 1650-2000*. Peter Lang. ISBN 978-3-0343-0517-4.

¹² *ibid*

¹³ *ibid*

in 1986 when the Child Labor (Prohibition and Regulation) Act was put into place.¹⁴ This act banned hiring due to increasing regulations and restrictions on the use of child labor, the use of child labor decreased by 64 percent between 1993 and 2005¹⁵. Although the reduction is large in India, the amount of child labor is still high, in rural India. With 85 percent of child labor occurring in rural areas and 15 percent in urban areas, India remains a major concern in the country.¹⁶

Since 1986, India has had legislation allowing child labor in non-hazardous industries. The landmark decision of 2013 by the Punjab and Haryana High Court called for a total prohibition on children below 14 years of age being employed in both hazardous and non-hazardous industries. At the same time, the court decided that the child can work with the family in family-specific occupations to learn a new trade/craft or profession for children younger than the age of 14, and from working in dangerous conditions.

TYPES OF CHILD LABOUR

According to the ILO¹⁷, the worst types of child labor are:

- Slavery: Slavery is when one person works for another. Slaves have no power to demand anything. They must work according to their captain's orders.
- Child trafficking: The buying and selling of children for either labor or sexual exploitation.
- Debt slavery: When people cannot pay their debts with their money and property, they are often forced to work as labourers.
- Easement: When a person works on land owned by another person, it is called an easement.
- The workforce is either paid some kind of salary or not.
- Forced labor: When a child works against his will, it is called forced labor.

¹⁴ *ibid*

¹⁵ Lieten, Kristoffel; Meerkerk, Elise van Nederveen (2011). *Child Labor's Global Past, 1650-2000*. Peter Lang. ISBN 978-3-0343-0517-4

¹⁶ *ibid*

¹⁷ *The worst forms of child labor, International Labor Organization.*
<https://www.ilo.org/ipecc/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang-en/index.htm> Accessed on 19 August 2023.

- Beggar: When poor parents have no other means of support, they often beg on the street. They also cut off part of their child's body to gain sympathy and more money. Young children are seen at red lights asking for money for their medical treatment.

CAUSES OF CHILD LABOUR

Children who drop out of school because of family debt or are expelled from school are more exposed to child labor. Girls from socially disadvantaged groups are at greater risk of child labor. Numerous reasons contribute to child labor and exploitation, similar to poverty, social morals that support it, a lack of chances for grown-ups and teenagers to find respectable jobs, migration, and extremities. These rudiments not only contribute to societal shafts that are aggravated by prejudice, but they're also a result of them.

i. The curse of poverty

Poverty is the main cause of child labor in India. Poverty affects most of the country's population. Due to poverty, parents cannot afford to educate and raise their children from a young age. They are very aware of the sadness that comes from seeing loved ones fall into poverty repeatedly. They send their young children to work in factories, homes and shops. They are forced to work as soon as possible to increase the income of their poor families. These decisions are made only to win for your family. But such decisions shatter the physical and mental condition of children because they lose their childhood at a young age. India has the world's highest number of poor children, amounting to a total of 97 million or about 21.8 percent of the Indian children population between the ages of 0 and 17 years.¹⁸

ii. Lack of educational resources

Even after so many years of our independent country, there are cases where children are deprived of their basic right to education. There are thousands of villages in our country that do not have adequate educational facilities. And if it is, it's miles away. Such administrative laxity is also the reason for child labor in India. Poor families suffer the most, for whom educating their children is a dream. Sometimes, the lack of affordable schools to educate poor children makes them illiterate and powerless. Children are forced to live without learning. And

¹⁸ United Nation Development Programs, <<https://hdr.undp.org/content/2022-global-multidimensional-poverty-index-mpi#/indicies/MPI>>, Accessed on 19 August, 2023

sometimes such sanctions push them into the trap of child labor in India. “There are 122.7 million rural children in child labor compared to 37.3 million urban children. The prevalence of child labor in rural areas (13.9 percent) is close to three times higher than in urban areas (4.7 percent).”¹⁹

iii. Social and economic backwardness

Social and economic backwardness is also the main cause of child labor in India. Socially backward parents do not send their children to education. As a result, their children are trapped in child labor. Due to illiteracy, parents are often unaware of various information and plans regarding their children's education. Lack of education, illiteracy and, as a result, ignorance of one's rights encouraged the use of child labor. Even uneducated parents are not aware of the impact of child labor on their children. Poverty and unemployment give rural families a compelling basis to involve their children in various tasks. In fact, the feudal zamindari system and its existing vestiges perpetuate the problem of child labor in India. At least 35 million children aged 6 – 14 years do not attend school, and 71% of child labourers are illiterate²⁰

iv. Addiction, illness or disability

In many families, there is no income due to addiction, illness or disability and the child's salary is the only support for the family. Population growth also increases unemployment, which adversely affects the prevention of child labor. So, instead of sending their children to school, parents are willing to send them to work to increase the family income. More than 50% of India's children are malnourished.²¹

v. Poor compliance with the law

In today's society, laws stipulate that citizen have the right to good education, good health care, and care for their health. Every citizen has the right to play the game he likes and enjoy all the entertainment options and grow up to get a job where he can earn well and contribute to the

¹⁹ International Labor Office and United Nations Children's Fund, Child Labor: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_797515.pdf> Accessed on 19 August 2023

²⁰ Smile Foundation, Available at <https://www.smilefoundationindia.org/child-labor-policy/#:~:text=At%20least%2035%20million%20children.habitation%20has%20a%20secondary%20school.> accessed on 19 August, 2023

²¹ ibid

society and nation. However because laws are not properly implemented, child labor continues in India. It can only be prohibited by strictly following the relevant laws.

vi. The lure of cheap labour

In the desire for cheap labor, some businessmen, companies and factory owners employ children so that they have to pay them less and that means hiring cheap labor. Shopkeepers and small owners put children to work as much as parents but pay half as much. With child labor, there are also fewer opportunities for theft, greed or embezzlement. With globalization, privatization and the development of consumer culture, the need for cheap labor and its connection with the economic needs of poor families encouraged child labor in India.

vii. A family tradition

The shocking but bitter truth is that in our society, it's easy to label childcare work as an institution or a tradition for many families. Cultural and traditional family values play an important role in increasing the problem of child labor in India at a voluntary level. Many families believe that the good life is not their destiny and the ancient tradition of work is their only source of nourishment and sustenance. Seventy-two percent of all child labor and 83 percent of child labor among children aged 5 to 11 occurs within families, primarily on family farms or in family microenterprises.²²

Journal of Legal Research and Juridical Sciences

Small entrepreneurs also waste the lives of their children in greed to continue the family business with lower production costs. Some families also believe that working from childhood will make their children more hardworking and worldly later in life. They believe that early employment contributes to the personal development of their children, making it easier for them to plan their lives.

viii. Discrimination between boys and girls

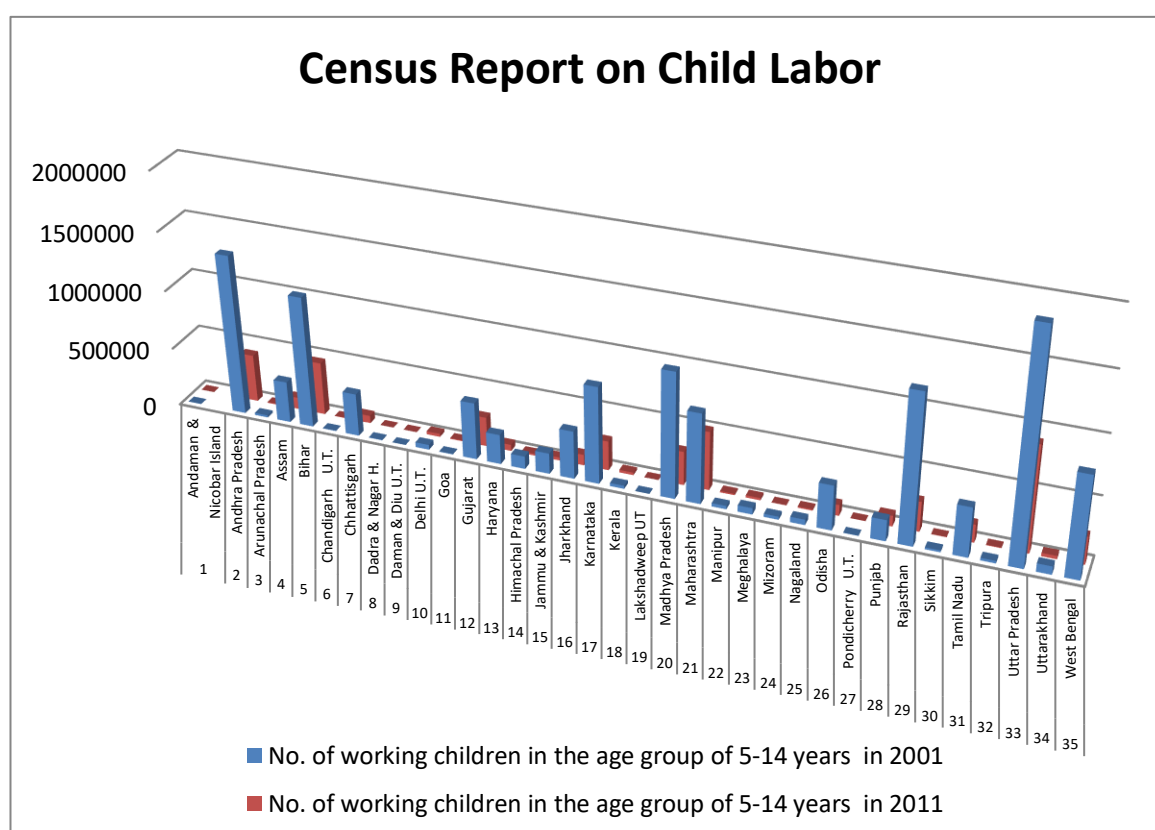
We have been conditioned to believe that girls are weaker and that there is no equal comparison between boys and girls. Even today, there are many examples in our society where girls miss out on studies. Considering girls are weaker than boys people deny them of school and

²² International Labor Office and United Nations Children's Fund, Child Labor: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021, < https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_797515.pdf > Accessed on 20 August 2023

education. In working-class families, girls are found to work alongside their parents. “Among all boys, 11.2 percent are in child labor compared to 7.8 percent of all girls. In absolute numbers, boys in child labor outnumber girls by 34 million. When the definition of child labor expands to include household chores for 21 hours or more each week, the gender gap in prevalence among boys and girls aged 5 to 14 is reduced by almost half.”²³

CURRENT TRENDS OF CHILD LABOR

State-wise details of working children²⁴ in the age group of 5-14 years as per Census 2001 and Census 2011 are



Poverty, parental illiteracy and the social and economic conditions of the family are the main causes of child labor. The use of child labor is also increasing due to the lack of awareness of the harmful effects of child labor and the lack of access to basic and high-quality education,

²³ International Labor Office and United Nations Children’s Fund, Child Labor: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021, https://www.ilo.org/ipecc/Informationresources/WCMS_797515/lang--en/index.htm, Accessed on 20 August 2023

²⁴ Census data on Child Labor, Ministry of Labor & Employment, Government of India. <https://labor.gov.in/childlabor/census-data-child-labor> Accessed on 20 August 2023

family cultural values and the social environment in which we live. High unemployment and underemployment are also central to the use of child labor.

CONSEQUENCES

The existence of a large amount of child labor is considered serious from the point of view of economic well-being. Working children are not getting the education they need. They are not allowed to develop physically, intellectually, emotionally and psychologically. As for the physical fitness of children, children are not ready for long monotonous work, because they get tired faster than adults. This weakens their physical condition and makes children more susceptible to disease.

The situation of children in dangerous working conditions is indeed worse. Children who work rather than go to the academy remain illiterate, limiting their capability to contribute to their own well-being and the communities in which they live. Child labor has a long-term negative impact on India. An important criterion for the success of the economy is an educated workforce that has the necessary skills for the needs of the industry. Today's young workers are tomorrow's part of India's human capital. The use of child labor undoubtedly leads to a compromise with the accumulation of human capital. In India, the majority (70%) of child labor is in agriculture, some in low-skilled labor-intensive industries such as sari weaving or as domestic workers requiring no formal education or training, and some in heavy industries such as coal mining²⁵. According to the International Labor Organization (ILO), there are huge economic benefits for developing countries if children are sent to school instead of to work. Without education, children do not acquire the necessary skills, such as English literacy and technical skills that increase their productivity so that they can in the future secure more skilled, higher-paying jobs that lift them out of poverty.

Children are still used in some extreme types of child employment, such as bonded labor, child soldiers, and trafficking, despite the fact that rates of child labor have decreased over the past few years. Child laborers are employed in a number of different industries throughout India, including agriculture, fishing, mining, carpet weaving, garment manufacturing, domestic service, food and refreshment services (such as tea shops), and brick kilns. Children are also

²⁵ *Child labor and exploitation, UNICEF India.* <https://www.unicef.org/india/what-we-do/child-laborexploitation> Accessed on 20 August, 2023

vulnerable to other types of abuse, such as sexual exploitation and the internet production of child pornography.

Child labor and exploitation are caused by many factors such as poverty, social norms that accept them, lack of decent work opportunities for adults and youth, migration, and special situations. These factors are more than just the cause; they also constitute a result of societal inequalities stemming from discrimination. The children belong to school, not in the workplace. Child labor deprives children of the right to attend educational institutions and reinforces the intergenerational cycle of poverty. Child labor is a major obstacle to education, affecting both school attendance and performance.

The continued use and exploitation of child labor threatens national economies and has serious negative short- and long-term consequences for children, such as denial of education and deterioration of physical and mental health. Child trafficking is also related to child labor and always leads to child abuse. Trafficked children are exposed to all kinds of violence - physical, mental, sexual and emotional. Trafficked children are forced into whoredom, marital or immorally espoused; they give cheap or overdue work, are forced to work as domestics or mendicants, and may be signed into fortified groups. Human trafficking puts children at risk of violence, sexual abuse and HIV infection.

CONSTITUTIONAL PROVISIONS AND CHILD LABOR LAWS IN INDIA

Journal of Legal Research and Juridical Sciences

The Indian Constitution incorporates provisions pertaining to children under Part III, which encompasses Fundamental Rights, and Part IV, which encompasses Directive Principles. The stipulations are outlined as follows:

Article 14²⁶ of the legal framework stipulates the principle of equality before the law, which entails the provision of equal treatment and protection under the law. It is imperative that children who find themselves in comparable situations receive equitable treatment. Failure to do so may result in legal challenges based on claims of discrimination and capriciousness.

²⁶ Constitution of India 1950, art. 14

According to Article 15(3)²⁷, the State is authorized to enact specific measures for the benefit of women and children. Enactments specifically designed to benefit children are immune to being invalidated on the basis of discriminatory practices.

According to Article 19(1)²⁸ of the Constitution of India, individuals who are citizens of the country are entitled to exercise their right to freedom of speech and expression, as well as to form associations or unions. Additionally, they have the right to move freely throughout the territory of India, among other rights. As per Indian legislation, the employment of children is strictly prohibited in hazardous work environments such as factories, mines, and similar settings. However, there exists no comprehensive prohibition on child labor across all industries. Despite the fact that children are included in the labor force, they are not afforded the opportunity to engage in unionization and advocate for their labor rights.

Article 21²⁹ of the legal document in question ensures the universal entitlement to the preservation of life for every individual. The judiciary has construed the term "right to life" to encompass entitlements to sustenance, apparel, suitable housing, and other fundamental prerequisites for survival. The provision outlined in Article 21(A)³⁰ is of significant importance and warrants careful consideration. According to Article 21A, it is mandated that all children between the ages of six and fourteen must receive free and compulsory education.

Article 22³¹ of the legal framework stipulates protective measures in the event of an arrest, mandating that an individual must be presented before the closest Magistrate within a period of 24 hours following the arrest. As per the Juvenile Justice [Care and Protection of Children] Act 2000, it is mandatory to present a juvenile in conflict with the law or a child in need of care and protection before the Competent Authority within 24 hours of their apprehension by the police.

According to Article 23, the act of trafficking in human beings and engaging in forced labor is strictly prohibited. Violation of this provision is subject to legal consequences.

²⁷ Constitution of India 1950 art. 15(3)

²⁸ Constitution of India 1950, art. 19(1).

²⁹ Constitution of India 1950, Art. 21

³⁰ Constitution of India 1950, art. 21,

³¹ Constitution of India 1950 art. 22

According to Article 24, it is prohibited to engage minors under the age of 14 in any form of hazardous employment, including but not limited to factory or mine work.

According to Article 39³²(e) and (f), it is incumbent upon the State to guarantee the safeguarding of young children from maltreatment, as well as from engaging in occupations that are not appropriate for their age and physical capabilities. It is imperative that children are afforded equitable opportunities and resources to foster their holistic development. It is the responsibility of the State to ensure the protection of childhood and youth from exploitation and abandonment.

According to Article 41³³, it is mandatory for the State to implement measures aimed at ensuring access to educational opportunities and resources. As per Article 44, it is the responsibility of the State to strive towards ensuring a consistent civil code for all individuals, regardless of their background or beliefs. The concept of a uniform civil code pertains to the establishment of a standardized legal framework for the adoption of children that is universally applicable across all religious affiliations.

According to Article 45³⁴, it is the responsibility of the State to implement measures that guarantee the provision of mandatory and cost-free education to all children until they reach the age of 14.

According to Article 47²³: The improvement of public health and the raising of the level of nutrition is a primary duty of the State.

As per Article 51(c)³⁵, it is incumbent upon the State to uphold international law and fulfill its treaty obligations. The Indian Government and State Governments are bound by the obligations outlined in the Convention on the Rights of the Child.³⁶

³² Constitution of India 1950 art. 39(e) & (f)

³³ Constitution of India 1950art. 41

³⁴ Constitution of India
1950, art 45

²³ Constitution of
India 1950, art.47.

³⁵ Constitution of India 1950, art. 51, § c

³⁶ Mr. Devaraja R and Dr. Shivappa R (2018) *Constitutional provisions and laws relating to eradicate the Child Labor in India, Journal of Emerging Technologies and Innovative Research.*
<https://www.jetir.org/papers/JETIR1808933.pdf> Accessed on 20 August 2023.

In *M.C. Mehta v. State of Tamil Nadu*³⁷ and others, the Supreme Court stated that despite constitutional mandates, the stark reality is that minors are exploited extensively in our country and in many others. Child labor is a significant issue that has remained intractable even after 63 years of independence and the passage of numerous laws prohibiting the employment of children in a variety of occupations and pastimes. Sivakasi was once considered the worst violator of the ban on child labor in our country. As the situation there had become intolerable, the public-spirited attorney. Since the children's fundamental right protected by Article 24 was being flagrantly disregarded, Shri M.C. Mehta felt it necessary to bring the matter before this Court under Article 32. Consequently, he submitted this petition. The Court then noted that the manufacturing process of matches and pyrotechnics (for which Sivakasi is also a traditional manufacturing centre) is hazardous, resulting in fatal accidents. So, bearing in mind the provisions of Articles 39 and 45 of the Constitution, it provided specific guidelines for enhancing the quality of life of factory-employed children. In addition, the Court felt the need to establish a committee to oversee the provided directives.

Consequently, suo motu cognizance was taken in the present case itself when news of a "tragic accident" in one of the cracker factories in Sivakasi was published. In response to the court's directive, the Tamil Nadu Government filed a detailed counterclaim stating, among other things, that 39 people had perished. As stated in the order dated 14.8.1991, the court issued certain directives regarding the payment of compensation and thought that an advocates' committee should visit the area and prepare a comprehensive report on the various aspects of the case.

The Committee submitted its report containing numerous recommendations on November 11, 1991. The Supreme Court admired the Committee's commendable efforts. Presidents of the All India Chamber of Match Industries, Sivakasi, and the Tamil Nadu Fireworks and Amores Manufacturers' Association denied the committee's findings. The Supreme Court reviewed a number of reports regarding the working conditions, etc., of children who were employed in Sivakasi. One of the reports concluded that extreme poverty, the absence of opportunities for gainful employment, fluctuating income, and low living standards are the primary causes of the prevalence of child labor.

³⁷ *M.C. Mehta v. State of Tamil Nadu* (1993) 1 SCC 645

Section 3³⁸ of this Act prohibits the employment of children in certain occupations and processes, as determined by the Supreme Court after examining the magnitude of the problem, constitutional mandates, international commitments, and statutory provisions highlighting how our policymakers have viewed the problem of child labor and what efforts have been made to eradicate this evil. Part A of the Act's Schedule lists the occupations in which no child may be employed or permitted to work, while Part B of the Schedule lists the operations in which no child may be employed or permitted to work.

The Supreme Court also noted that Section 14³⁹ of the Act provides for imprisonment of up to one year (minimum of three months) or a fine of up to twenty thousand rupees (minimum of ten thousand), or both, for anyone who employs or permits a child to work in violation of Section 3's provisions. However, it is common knowledge that juvenile labor continues to exist. Neera Burra has discussed the reasons why this has occurred despite the Act of 1986. According to Neera, the Act's numerous loopholes have rendered it a "completely ineffective instrument for the removal of children working in industry." Children can continue to labor if they belong to a family of laborers, which is one of the obvious loopholes mentioned. The suggestion is that the entire industry should be listed as prohibited for child labor, which would simplify the task of enforcement and complicate evasion strategies.

Numerous authors were referenced in the court's discussion of failure causes. Of the aforementioned causes, we believe that destitution is the primary factor that compels parents to employ their children against their will. This was also indicated in the Ministry of Labor's Survey Report. Otherwise, no parents, and especially no mother, would want a young child to work in a factory under difficult conditions, rather than savouring childhood at home under parental supervision.

HOW TO ELIMINATE CHILD LABOR IN INDIA

There is a solution to every problem. Yes, and even a major menace such as child labor can be stopped and prevented in a large country like India. Changing one's perspective and evaluating the circumstances on a regular basis is essential. As torchbearers for a better tomorrow, strict law enforcement and swift action committees for law enforcement can shed light on the subject of transforming the lives of a great number of innocent people.

³⁸ Child Labor (Prohibition and Regulation) Act, 1949, § 3, No. 61, Acts of Parliament, 1986 (India).

³⁹ Child Labor (Prohibition and Regulation) Act, 1949, § 14, No. 61, Acts of Parliament, 1986 (India).

Now, let's examine some probable solutions:

1. Free schooling: Government-mandated free education for all aids in reducing juvenile labor to some degree. This is especially beneficial for parents with limited financial resources, as it allows their children to pursue an education and, in the long run, benefits the entire society, particularly the destitute and disadvantaged.

For children's daily dietary requirements, midday meal programs can also be provided. A person's standing in his community and society is enhanced by the quality of his educational support.

2. Awareness: It is possible to eliminate child labor to a significant extent if citizens are made aware of the need to eliminate it. Parents should recognize the benefits of education and send their children to school for their formal education.

In this manner, they can attain self-sufficiency and parity with the rest of society, securing good jobs for their subsistence and livelihood. Citizens should be educated about the problems of child labor and related health concerns through social campaigns designed to raise awareness.

3. Empowerment of the disadvantaged: The majority of child labor cases involve children from low-income families. They are exploited by wealthy and influential individuals for domestic and household chores.

Journal of Legal Research and Juridical Sciences

It is inappropriate for affluent people to bring helpless people from their communities into their homes and assign them age-inappropriate duties.

It is against the law, and if we also undertake initiatives to empower them sufficiently, then such individuals cannot exploit them.

4. Strict labour regulations for children: In carrying out its mission to eradicate child labor in India, the Indian government has performed an intriguing feat. The Factory Act and Mines Act prohibit minors from working in such dangerous environments. In addition, they have enacted rules for free education and midday meals in a number of Indian states, which have received a resounding response from all segments of Indian society.

5. Parental and adolescent moral education: There is an imperative need to make education mandatory, not only for children but also for parents, so that they can develop a broader perspective regarding the upbringing of their children.

They should be aware of the repercussions of child labor and how it can impact the lives of their child.

6. Civic Sensitivity: On moral grounds, citizens should not coerce children younger than 14 years of age to perform housework or labor work in a workshop. In fact, if anyone witnesses a person mistreating children or forcibly employing them, they must be taken into custody and reported to the authorities immediately.⁴⁰

Children are the most valuable gifts from God to humanity. Employing them at inappropriate periods is detrimental to their futures. They should be permitted to experience childhood to the fullest extent possible. A well-groomed infant will grow up to be a responsible citizen who respects others, and this trait will be passed on to future generations.

Individuals should unite in their efforts to eradicate child labor in India. It won't be accomplished in a single day, but nothing is impossible if we all work toward the same goal. Let us join hands and take delight in ridding our country of child labor as we move from developing to developed status.

Journal of Legal Research and Juridical Sciences

CONCLUSION

The eradication of child labour will necessitate support from multiple societal sectors. The efforts of government programs and agents are limited. Even when improved opportunities are available, poor and uneducated families may be reluctant to abandon their routines. This is when ordinary citizens and volunteers must stand up to lend assistance. NGOs backed by well-intentioned citizens will be responsible for ensuring that government policies are rigorously enforced and all forms of corruption are exposed.

Education campaigns and seminars for the poor segment of the economy must contribute to raising awareness. The long-term benefits of education for their offspring must be understood by parents. It can aid in improving the quality of life and the capacity to escape destitution. In

⁴⁰ Mentor, S. (2021) *Essay on child labor causes, effects, Solution & Prevention, Study Today*. <https://www.studytoday.net/child-labor/> Accessed on 20 August 2023.

the seminars, the harmful mental and physical effects of child labor on children must be taught. In addition to offering nutritious meals and other benefits, government petitions can encourage school attendance among younger children. In order to aid in population control, family planning education is also essential. When low-income families have more children, they are more likely to send them to work in order to support the family. Having fewer children implies that they are valued, and parents prioritize their nutrition, education, and long-term well-being.

Having fewer children also increases their value, so parents will not send their children to dangerous work environments for fear of permanent injury or death. The government should provide incentives for families with one or two children to encourage low-income families to have fewer children and receive the benefits of a good life with fewer children. A nation filled with children living in poverty cannot achieve progress. It should be the collective obligation of society and the government to provide these impoverished children with a healthy and hospitable environment that facilitates the effective development of their innate capabilities and skills.⁴¹



⁴¹ Vedantu (2022) *Child labor essay*, VEDANTU. <https://www.vedantu.com/english/child-labor-essay> Accessed on 20 August 2023.