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CHILD LABOR

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❖ ABSTRACT:-

A child is a gift and blessing to the family. “Life of little ones is destroyed when a child is employed”. Child labor is increasing day by day in India. The main reason for increasing of child labor is poverty. In the age of study and enjoyment children are bound to do work

as a child labor. As we see on red lights children begs from the people stopped at red light. Parents are also responsible for this. Child labor means the exploitation of a child and his life. Education and awareness are two important keys to remove child labor. Children are meant to learn not to earn. Now a day's people kidnapped to the little ones and force them to beg or murder the kids, sale their body parts, supply them in hospitals and earn money from it. Some of them use the children for prostitution. In my article I am going to explain about child labor, its meaning, definition, types and forced child labor. Child labor is becoming a big social issue which can be resolved on a regular basis. This is not only the responsibility of government, but this is also the responsibility of common people in resolving this issue. This is the duty of the citizens of our country to help the children who are bounded to work as a child labor. This issue is for everyone, which should be solved personally, because it can be with any child or anybody. In my article I am also explaining about causes, effects and consequences of child labor. I will also discuss about the steps by which child labor issues can be solved. I will also take help of constitutional provisions, provisions in other laws, national charter for children, 2003 and leading cases to explain it.

❖ **OVERVIEW:-**

In this article I am highlighting the child labor in India. This includes:-

- Meaning of a child
- Meaning of child labor
- Types
- Forced child labor
- Cause of child labor
- Effects of child labor
- Steps to control child labor issues
- Consequences
- Constitutional provisions
- Provisions in other laws
- National charter for children, 2003
- Leading cases
- References

Child labor is a social crime every child has a right to shine.

❖ **KEYWORDS:-**

- Child labor
- Education
- Poverty
- Health
- Childhood
- Bound

❖ **INTRODUCTION:-**

Child labor is the most important source of child exploitation and child abuse in the world today. Children are considered to be the most vulnerable in our world's society. The people use the child labor because child labor is considered as cheapest labor and they also exploit them by give the pressure on them by heavy works. The hazardous and heavy works stops the growth of a child. It reduces the mental and physical development of a child. In India the age of child labor is 7-18 years. As we see on railway station a boy serves the tea in train and treated as a servant and people calls him by the name "chottu". Children are a gift and blessing to a family and they deserve unconditional love and care from the parents but the poor children are not getting the love and pampering from their parents. Children also have right to live and enjoy their life by playing but they are bound to work because of their poor condition. In the age of study a child is bound to work as a labor and doing the heavy work. This is the true fact that when a child works as a labor he or she can also misused by the people. The child also gets the addiction from the drugs as they see their father or the surroundings of their work place. The child worked as a labor in factories. In India a lot of children are being subjected to child labor due to lack of awareness. They deserved a happy and normal childhood but they are facing the problem of child labor. In this age they have to enjoy their life but due to poverty they have to work for their livelihood. As a child labor children have to face very harmful and hazardous works which stops the growth and development of a child. Government is taking steps to decrease child labor. There are many schemes introduced by the government to reduce the issue of child

labor like providing free education and taking severe actions against those who promote child labor. Children are used as labor because they are cheap. As a human being if we think that the child who is working as a labor should also feel to enjoy the foods, joyful life and they also want to play, then there is no need of a child to work. As a human being we are promoting to child labor just because they work on the cheap wages.

❖ **MEANING OF A CHILD:-**

Child is a Blessing to a “Family” a young boy or girl who is not yet adult is called a child. In our society people use one line that child is the form of a god but on the other side we are using a child as a labor and force them to do hazardous work just because they work on the cheap wages. The right of a child is education and to enjoy their life with memorable childhood but they are working as a labor in the factories and other work places which is destroying their childhood and future too.

❖ **MEANING OF CHILD LABOR:-**

Child labor means when children are forced to work at an age when they are expected to study and enjoy the phase of innocence. Children are a bundle of joy and happiness but they are exploited by everyone. As we watch on red lights children beg from the moving and stopped vehicles. They used to earn money for their family. They also play the role of street acrobats and earn money. The childhood of the child is lost which leads to exploitation of the children in various forms like mental, physical, social, and sexual form etc. Not every child is lucky to enjoy and have a beautiful childhood. Many are forced to work on cheap wages only because of poverty. There are laws to ban child labor but children are still continued to be exploited as a cheap labor. The child labor is subjected to physical, sexual and emotional abuse. According to **ARTICLE 24** of **INDIAN CONSTITUTION** it tells us about the employment of children below the age of 14 years in any factory, mine or other hazardous activities like construction work or railway but it does not prohibit any harmless work. This article is different from **ARTICLE 23** where human trafficking and forced labor was banned. The main factor of this article is to protect the rights of a child who is forced to do hazardous works to earn money. For the implementation of this fundamental right the government has passed the Child Labor (prohibition and regulation) Act, 1986. This provides the rules for prohibition and regulation of the child labor in the

county. In August, 2012 the union cabinet approved a proposal to completely ban employment of children below 14 years in all occupations. So, now the Child Labor (prevention and regulation) Act would be amended to increase the age for prohibition of employment of children in hazardous occupation from 14 to 18 years of children. Children are used to pick the garbage from the houses. As I have to share the experience of my personal life that the thinking of the poor people is this they do not allow their daughter to study because they think that their daughter will go to the wrong path so it will be better that she will do all the domestic works of their house and take care of her young brother sister. I also go to the house of the poor people to give their child free tuitions and distribute the stationary items but they don't allow their child to take it because of their thinking.

❖ **DEFINITION OF CHILD LABOR:-**

The term 'child labor' is defined as work that destroys the childhood of a child, their potential and their dignity and that is harmful to physical and mental development child labor refers to exploitation of children through any form of work that destroys the life of children and their childhood. It also interferes with their ability to attend regular schools and it is harmful for the children's mental, physical and social form.

❖ **CHILD LABOR IN INDIA:-**

Child labor is a very big problem in India which should be solved on regular basis. It is a practice of having children engages in economic activity, on a part of fulltime basis. Due to child labor children lost their childhood. The hazardous and dangerous works are harmful for the physical and mental growth of child. The people use to make child as a labor because they works on the cheaper price. This is the mistake of parents to involve their child in labor works.

❖ **TYPES OF CHILD LABOR:-**

There are many types of child labor such are as follows:-

- Child labor in agriculture.
- Child labor in factory works.
- Commercial sexual exploitation of children.
- Child labor in domestic works.
- Child labor on construction sites.
- Trafficking in children.

- Child labor in hazardous works.

❖ **FORCED CHILD LABOR IN INDIA:-**

Forced child labor means to force the children to do the works as the labor in the age of studying and playing. In the system of forced labor under which the child or child's parents came to an agreement in oral or written form. The child gets the money from creditor. Child labor is considered as the cheap labor. India is a country in which ratio of working children comes at largest level. It is real incident of my life **“the child was kidnapped and he was taken to Bihar by the kidnapper and force the child to sell the vegetables, the child was bound to work for him if he deny to work then the kidnapper give him merciless beatings and keep the child on semi-starved diet and then at the end the kidnapper sales the child for money”**. In this type of situations child are bound to work they don't have other option they have to do or die. In the system of forced child labor people also use the violence on child. Child faces the threats and punishments. It is illegal in our country but still it is an issue. There are some people who kidnap and supply the children to other country and get money. Mostly girls are kidnapped and sale for the purpose of illegal and forced prostitution. The people work on the high levels and they also have the large number of people working in a chain.

CAUSES OF CHILD LABOR:-

There are eight main causes of child labor they are as follows:-

- **Poverty:-**

As we know that the poverty is a main and the first cause of the child labor. Due to the poverty the life of the poor people is difficult to live. So the whole family has to work to fill their stomach. The children in the family also have to do work to fulfill the basic needs of their family. Due to condition of the family no alternative has been left with child he or she has to work for their family and livelihood. They both boys and girls are forced to work more than their capacities. It is true to be said that they don't have other choice instead of working as a labor because they know they has to arrange the meals for three times to fill their stomach that is why also has to do hard work.

- **Illiteracy:-**

Illiteracy is the second cause of child labor it means lack of education. As we see in rural areas the people don't care about the education they only want to engage their child in the works as a labor. They also do not know the value and importance of school and education in the lives of them and their children also. They also fill this thing in the mind of their child that study is not important.

- **Gender discrimination:-**

Gender discrimination is the third cause of the child labor. Girls are stopped from going to school at a very low age by their parents. The parents think that if our daughter goes to school then she will choose the wrong paths in her life and she will not learn the domestic works. Girls are discriminated on large scale. They are only born to help in the fieldwork and the domestic works. The story of boys is also not different from girls. They also stopped going to school by their parents and engage them into the labor works in factories and farms and help their father. Girls also use to do the heavy works as a labor and don't allow going to schools because she is a girl.

- **Mentality :-**

Mentality is the fourth cause of the child labor. As I share my personal experience above. Parents don't allow their child to study because they think if their child will go to school then who will earn for their family. Then they use to engage their children in labor works.

- **Cheap labor:-**

Cheap labor is the fifth cause of child labor. People use to force the child to work on fewer wages. Child labor is considered as a cheapest labor that is why people choose the child as a labor. Child labors are easy to afford by the people. They can do more tiring jobs at low pays. The owners give them little food and money for continuous hours of work and make pressure on them to work fast. The owner also takes extra works from the child and don't pay them money. They exploit the child because the child has a need of money and they don't have the family support. They have to face the abuse because of the money for their family.

- **Child trafficking:-**

Child trafficking is the sixth cause of the child labor. Child trafficking is very common now days. The child who are facing the trafficking they have no homes. They are sale to faraway places which are totally unknown to them. These little ones are pushed into extremely torturing and dangerous work conditions, such as prostitution, domestic helping, transport of drugs, etc.

- **Lack of education:-**

Lack of education is the seventh cause of child labor. As in India the fees of the school is very high. School is called as a business hub due to the fees structure. So the poor children cannot go to the school.

- **Overpopulation:-**

Over population is the eighth cause of child labor. In our country couples end up having multiple children. In the scarcity of contraceptive awareness people does not understanding the reasons.

- ❖ **EFFECTS OF CHILD LABOR:-**

There are main five effects of the child labor which I am discussing that are as follows:-

- **Physical and mental health:-**

Physical and mental health of a child is the first effect of child labor. Children at the young age are used as trafficking and vulnerable. They are also forced to work as a labor. The heavy and hazardous works in chemical factories totally affects the physical and mental health of a child. They cannot get their basic right that is right to education. Physical stress and the burden of heavy works can cause a problem of malnutrition in them because in the pressure of earning they cannot take proper diet. Child labor can also affect the mental health of the child as they see the situations on their work places they can take stress about that.

- **Forced maturity:-**

Forced maturity is the second effect of the child labor. If a person has to survive in this country than it is a trend to become mature faster than they need to. The childhood of a child is lost and crushed with the bitter pressure of acting like an adult. The people kidnap the child and force them in prostitution they used to give the injections to child for fast maturity it is commonly done with the girls. This is the mentality of the agents that maturity of a girl can attracts the males and from

that the agents can earn more money from that business of prostitution. In some cases parents also do these types of activity for money.

- **Physical abuse:-**

Physical abuse is the third effect of child labor. The threats keep the children in a depressed state of mind all the time. The chances of physical abuse are increased. When the children do the hazardous work than it also gives the injury to them. They are misused by the owners in the form of prostitution or heavy works. With these pressures, girls and boys fall victims to the drug abuse. Many more dangerous habits become a normal part of their lives. When the child gets misused by the owners they get injury because they do the work more than their capacity.

- **Addiction and sexual abuse:-**

Addiction and sexual abuse is the fourth effect of child labor. When a child lives away from his family then he or she indulges in addictions. They works as taking drugs and sale them, alcohol addiction, sexually transmitted diseases, rape, emotional numbness and violence are common things that surround their living conditions. Poor kids also catch up these habits from their own parents or localities, where their parents or friends are showing these behaviors on a regular basis. The situation becomes worse if these kids are physically handicapped. Girls are sold off to marry old men and the kids are left to beg on the streets.

- **Mental Disorder:-**

Mental disorder is the fifth effect of the child labor. Due to heavy work load, beatings and torture by the owners to the children, these all things result into the mental disorder. It increases the risk of depression. Due to depression the mental growth of the child is stopped. It also produces the negative effects to the health of a child. Mental illness also harms the physical growth of a child. When child suffers the torture and beatings they get feared from the situations. When a child spends long time in work and faces several bad situations then it increases the higher risk of depression.

❖ **CONSEQUENCES OF CHILD LABOR:-**

When a child works than he gets the injuries at work. The growth and development of a child is stopped when a child works from more than their ability and capacity. Some injuries to child harms for their lifetime. The consequences of child labor are as follows:-

- The difficult tasks and very harsh working conditions create a number of problems like malnutrition, depression, drugs dependency and addiction from the alcohol etc.
- The child gets the general injuries like burnt, fractures and excessive fears and nightmares which develops the depression in them.
- When a child is sexually abused by someone or the girls are exploited by adults from the rapes, unnecessary prostitution, early and unwanted pregnancy, abortion, these things spoils their body and they also face sexually transmitted disease (STD) and HIV/AIDS.
- When the children stays away from their family they misses their family and love, affection and care of their parents than it results into loneliness. It means the child is getting emotionally.
- The child labor they are from the slum and rural areas. They work for their family's livelihood. By the lack of money they do not get to wear the proper clothes, they don't have shelters to live and they don't get the food. They live in tents. This makes the child physically weak.
- A child can only do one work on one time. When he go to earn money than they cannot take education. They misuse the educational qualification than they have to face poverty in life.

❖ **STEPS BY WHICH CHILD LABOR ISSUES CAN BE SOLVED:-**

We have to take several steps by which the issues of child labor can be solves such are as follows:-

- We have to spread awareness in the slum areas. We have to aware the parents of child to send them to school instead of forcing them to do the works as a labor.
- The owners have to take proper documentation of their workers. It should be mandatory to check the age of their employees.
- The owners have to remove the children from the hazardous work. The right of the children is to study not to do the hazardous works.
- The hiring of the children for the works should be stopped.

- For humanity we have to provide support to the child who is working as a labor.
- The free of cost education should be provided to the children who cannot afford the fees of the school. The education is the best key to solve the issues of child labor.
- The government has to make compulsory for the children to go school who are below the age of 18 years.
- There are 800 million unemployment adults in the worlds. When we see children working we have to complaint to the police and replace them from adult labor.

❖ **CONSTITUTIONAL PROVISION:-**

These are some articles which are taken from the constitution of India. These are as follows:-

- **Article 14:- Equality before law.**

Every person is equal in the eye of law. The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Concept of equality is a positive concept.

- **Articles 15(3):-**

Nothing in this article shall prevent state from making any special provisions for woman and children.

- **Article 21A:- Right to education.**

It is our fundamental right, every child has right to take education. The state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may by law, determine. Right of a child should not be restricted only to free and compulsory education, but should be extended to have quality education without discrimination, on the grounds of the economic, social and cultural background of a child.

- **Article 23:- Prohibition of traffic in human beings and forced labor.**

Traffic in human being and beggar and other similar forms of forced labor are 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.

❖ **PROVISIONS IN OTHER LAWS:-**

These are some other provisions in other law that is **the juvenile justice (care and protection of children) act, 2015**. Such are as follows:-

- **Section 75:- Punishment for cruelty to child.**

Whoever having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine or with fine of one lakh rupees or with both.

- **Section 76:- Employment of child or begging.**

Whoever employs or uses any child for the purpose of begging or causes any child to beg shall also be liable to fine of one lakh rupees.

- **Section 77:- Penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child.**

Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order to duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine which may extend up to one lakh rupees.

- **Section 78:- Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance.**

Whoever uses a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine up to one lakh rupees.

- **Section 79:- Exploitation of a child employ.**

Notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes

shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation: - For the purpose of this section, the term “employment” shall also include selling goods and services, and entertainment in public places for economic gain.

- **Section 81:- Sale and procurement of children for any purpose.**

Any person who sells or buys a child for any purpose shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

- **Section 83:- Use of child by militant groups or other adults.**

Any non-state, self-styled militant groups or outfit declared as such by the Central Government, if recruits or uses any child for any purpose, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to fine of five lakhs rupees.

- **Section 84:- Kidnapping and abduction of child.**

For the purposes of this act, the provisions of section 359 to 369 of Indian Penal Code (45 of 1860), shall mutatis mutandis apply to a child or a minor who is under the age of eighteen years and all the provisions shall be construed accordingly.

- **Section 87:- Abetment.**


Whoever abets any offence under this Act, if the act abetted is committed in consequence of the abetment, shall be punished with the punishment provided for that offence.

Explanation: - an act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy or with the aid, which constitutes the abetment.

❖ **NATIONAL CHARTER FOR CHILDREN, 2003:-**

The government of India has had for consideration the question of adopting a National Charter for children to reiterate its commitment to the cause of the children in order to see that no child remains hungry, illiterate or sick.

- Survival, life and liberty.

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- Promoting high standards of health and nutrition.
 - The state shall take steps to provide all children from families below the poverty line with adequate supplementary nutrition and undertake adequate measures for ensuring access to safe drinking water and environmental sanitation and hygiene.
 - Assuring basic minimum needs and security.
 - Play and leisure.
 - Early childhood care for survival, growth and development.
 - Free and compulsory primary education.
 - Protection from economic exploitation and all forms of abuse.
 - All children have right to be protected against neglect, maltreatment, injury, trafficking, sexual and physical abuse of all kind, corporal punishment, torture, exploitation, violence and degrading treatment.
 - Protection of girl child.
 - Empowering adolescents.
 - Equality, freedom of expression, freedom to seek and receive information, freedom of association and peaceful assembly.
 - All children shall be given every opportunity for all round development of their personality, including expression of creativity.
 - All children shall enjoy freedom of association and peaceful assembly, subject to reasonable restrictions and in conformity with social and family values.
 - Strengthening family.
 - Responsibility of both parents.
 - Protection of children from disabilities.
 - Care, protection, welfare of children of marginalized and disadvantaged communities.
 - Ensuring child friendly procedures.

❖ **LEADING CASES:-**

These are the cases which tell us about the child labor:-

- Jayakumar Nath & anr. **VS** State of N.C.T. of Delhi & anr. On 4 September, 2015.
- Seema Roy **VS** State of N.C.T. of Delhi & anr. On 4 September, 2015.

- M.C. Mehta VS State of Tamil Nadu & others on 10 December, 1996.
- Chotta bhai Mannu bhai & co. anr. VS State of Uttar Pradesh & anr. On 11 November 1998.
- Court on its motion VS Government of N.C.T. OF Delhi on 15 July, 2009.

❖ **CONCLUSION:-**

Child labor is found in slum and rural areas. It should be banned. We have to spread awareness about child labor in the nation. We have to take steps to remove the child labor from our country. We have to remove the child labor for humanity. Every common person has to understand that the study is most important for the growth of children the children are the pillars of our future. If they will not study then how can we find the IPS officer? Study is the most important key to settle a good life in today's world education is most important because country is developing. Government has to make strict laws to remove the child labor. Education is most important for the brighter future. Child labor is the social issue and it is required to be solved on the regular and urgent basis. The step of solving the child labor problem is incomplete without the support of parents, common people and government. The kids of today need to be educated and healthier for the developing nation. That is why it should be concerned by the entire citizen of our country. Children should get appropriate chance to grow and develop. Parents and the owners of the companies have to be careful they should not use them for their earnings or for-profit motive. Children have full right to live their personal life with proper education. Child labor is not just about forcing children to work. It leaves a stain on the child's mind. It interferes with their mental and emotional health and prevents their proper growth and development. We cannot hope for true growth and prosperity until and unless our young generation is safe and healthy. If we see with good heart and a responsible citizen of India we are depleting our future because youngsters are doing the hazardous works and not growing properly. Children who works as the labor they are fails to get the proper education because a child can only do one work at one time either he choose to work or to study. As children are known as the pillars of the family, by engaging them in the hazardous works we are destroying the future of the child and family because the hazardous works can harm to the health of a child. And we also know that our country is turning into the digital country if a child will not get

educated then the life of a child will be difficult because of illiteracy. A child will not be able to earn the proper money he will die from poverty. It is because of illiteracy the child will only be used as a labor. So we have to save the life of a child. And give them a healthy future.

REFERENCES:-

I have taken the help of the following:-

- Constitution of India
- The juvenile justice (care and protection of children) act, 2015
- Google etc.

SAVE A CHILD FROM TREATED AS A CHILD LABOR

