

## A CONCEPTUAL ANALYSIS OF CHILD LABOUR REGULATION AND ITS CONSTITUTIONAL VALIDITY IN INDIA

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### Abstract

Children are always considered next to the pious versions of the Almighty who always strive to inculcate happiness, joy, innocence and hope. The future of a nation is determined by the way it treats its children and its women, after all, children imply a hope, a hope to strengthen not only the economy of the country, but also to provide the country with skilled human resources who have access to the basic amenities essential for the existence coupled with the tenets of the education in India. A child should not be subjected to work at the expense of his or her education and dreams. Child labour robs minors of the opportunity to enjoy their childhood, go to school, and have a decent shot at success. It condemns them to a life of limited opportunities. It is, therefore, necessary to ensure that every child is protected and not exploited for cheap labour. It is not just the responsibility of the parents to eliminate child labour but also that of the government and the society as it is the moral duty of every citizen for the country to ensure that the childhood of our children is protected and not barred with instances like that of child labour which arise out of poverty and helplessness. The paper focuses on various issues relating to child labour along with reference to some judicial pronouncements.

### Keywords

Education, Basic Amenities, Duty, Responsibility of every of citizen, Poverty, Helplessness

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## INTRODUCTION

The Child has been the subject of special laws and legal provisions. Because of its tender years, weak physique, and inadequately developed mind and understanding, every child needs protection against moral and physical harm and exploitation by others. In the formative years of its life, the child needs special care service to realize its full potential for growth and development. There are about 300 Central and State Statutes concerning children. These have been enacted with an intention to protect and help children and achieve the goal of child labour welfare enshrined in our National charter.<sup>1</sup> Further these laws are applicable to children in various spheres of life, which are regulatory, protective and correctional in nature. Laws are seeking to protect and promote the rights of child. Under the law, children are entitled to special care, assistance and essential needs and they should be given the highest priority in the allocation of resources

. The paper aims in analysing child labour from various views by referring to some judicial pronouncements by defining the term child labour from various viewpoints and analysing various Articles in Indian Constitution for protection of Child Rights.

### Hypothesis

Null- The existing legislations are not sufficient to prevent child labour.

Alternate\_- The existing legislations are sufficient to prevent child labour.

### Research Problem

The existing legal framework is not sufficient to stop the activity of Child Labour due to inefficiency of statutes

### Research Question

Whether the existing framework is sufficient to prevent the activity of Child Labour?

### Research Methodology

In this paper, the researcher has opted for 'doctrinal research methodology' and the sources are mainly collected through secondary data such as books, journals and various e-sources.

## Review of Literature

Survival, growth and development are the basic and essential needs of children. Articles 21A, 24, and 39(e) aims at building up the personality of the childhood by assisting the physical, moral, intellectual and emotional development (Sen & Dasgupta 2003) Article 14 deals with a child as a person under the age of 14 years. Majorly looks into Articles 14, 15(3), 21, 21A, 23, 24, 39(e), 39(f), 45 and 51A(e) of the Indian Constitution (Zutshi & Dutta 2003) Fundamental Rights and Directive Principles of State Policy ensures protection to interests of children by way of Public Interest Litigation. Paramanand Katara Case deals with Right to health and Unnikrishnan case about Right to Education (Mustafa & Sharma 1996) Education directly influences the growth and development of mankind. Right to life is guaranteed under Article 21 of the Indian Constitution. Also Mohini Jain's case deals with the issue of right to education which is the fundamental freedom of mankind (Kambhampati 2012) The legislative provisions such as 15(3), 21, 21A, 23, 24, 39(e), 39(f) aims at the prevention of child labour and protection of child rights. Also there has to be efforts made to overcome child labour at International levels (Badigannavar & Kelly 2012) Child Labour has been identified mostly among the age group of 11- 13 years which increases with decrease in parental socio- economic statuses. They're under an obligation to work for more than 6 hours a day with an average 6.1 days per week. There arises a need to protect girl child to empower and perform economic roles (Lerche 2012) The Un Conventions on the Rights of child such as education, self-expression and freedom from exploitive work along with implementation of international labour standards (Routh 2014) There is an urgent need to safeguard and promote the inherent dignity of all members of human society (Bajpai 2018) Children below the age of 14 contribute a significant labour force because of acute poverty and other reasons. (Shukla & Ali 2006). It has been excused all these years as unfortunate consequence of poverty and underdevelopment (Sanghera 2016) Education to children should not be compromised (Basu n.d.) Labour ranges from several extremes with work under abusive and exploitative conditions (Bajpai 2006) About 0.8 percent work in factories. Crucial problem in developing countries like India.

## THE ISSUE OF CHILD LABOUR IN INDIA

The child labour is a complex and a controversial difficulty. The lifestyles and perpetuation of child labour is a challenge to the human society. It's miles honestly a curse and stigma upon the society; shame for the arena of mankind, a malady which can also spoil the economic backbone of a rustic. The practice of infant labour would be an impediment in the manner of human development in almost all the 0.33 world countries along with India. The issue of infant labour is one among essential human rights issues and a rather emotive one. The problem of toddler labour in underdeveloped and developing international locations is pretty acute and atypical and it's far a worldwide phenomenon which exists in almost all of the nations of the sector, but there is distinction most effective in degree.<sup>3</sup> In the past, child labour has been a part of the social organization in which all members contributed their labour to produce for the subsistence and survival.<sup>4</sup> In rural subsistence farming, the paintings of the child turned into formal a part of labour, which turned into considered necessary for the duplicate of the machine and price of labour taken as part of infant's socialisation for copy of the labour power. The phenomenon of child labour is a symptom of the ailment and a outcome of exploitative gadget, running on the national and international stages.

### Evolution

Child Labour in India has been in lifestyles for the duration of the a while. In historical India, employment of youngsters became within the shape of slavery. The cruel practice of buying youngsters of much less than eight years existed in the historical India. Youngsters had been treated as a commodity which will be offered or sold, used or abused consistent with the whims of their masters. To accord safety of those operating youngsters whose plight was depressing with the aid of all requirements, Manusmiriti and Kautilya have pointed out the want and exercise of giving protection to those running kids. It has been culture in India that kids from the very starting were participating in paintings both inside and outdoor the own family. Within

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<sup>3</sup> Umesh Sahoo, "Child Labour in Surath Textile Industry, Social Change" Vol.20.No. 3, September, 1990 , p.20

<sup>4</sup> N.Mitra, "The Slave Children of Mandsour" Sunday 8, 19th December, 1980, pp 10-17.

the earliest instances children were engaged in inside the paintings referring to agriculture and grazing of animals.

Accordingly child labour in Medieval India remained on a large scale or even the rulers encouraged it with an intention of creating site visitors in child slaves. The kid labour turned into found in the shape of infant slavery and rulers did not endeavor to weed out this exercise and for this reason the end result was that the child turned into usually exploited for those selfish ends.

Children have always been used in financial activities. In pre-capitalist societies along with India, children were hired in guild and in exchange occupations. In these societies, their work vicinity become an extension of the house and work courting was informal dating. The kid grew up and located work in the circle of relatives environment where the kid changed into now not given risky and hard challenge. Work changed into a relevant aspect of their socialization and schooling. Even at some stage in the mid-nineteenth century, mechanized large scale manufacturing got here into lifestyles. That point, state rules were missing over the situations of personnel in any enterprise. The employers had been unfastened to good deal the labour. Consequently, the labour in this way become exploited by the employers for his or her blessings. Many kids were hired in cotton and jute turbines and coal mines. Youngsters have been even hired for underground work. With the advent of manufacturing facility agency, a few public interest turned into drawn toward the present evils of toddler labour regardless of the active competition shape the employers.

### **Causes for Child Labour**

**1. Poverty:** Children who come from poor households can be pressured to work to support their siblings and parents or supplement the household earnings whilst charges are greater than their parents income.<sup>5</sup> It's miles a big trouble mainly in growing international locations wherein parents are not able to generate profits due to the dearth of employment possibilities or education. Kids can be determined hired in mines or hawking inside the streets to earn money this is used to offer primary requirements consisting of food and apparel for the own family. Children can also be hired in factories to generate profits for the family rather than attending

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<sup>5</sup>(Victor 2017)

college. This sort of practice is a not an unusual phenomenon in poverty-afflicted areas with massive factories set up by means of worldwide companies.

**2. Low Aspiration:** Low aspirations by means of parents and kids is a primary reason of baby labour because in one of these state of affairs, being employed in a neighborhood factory, or promoting grocery in the streets is the ordinary way of life. To those styles of children parents, achievement handiest belongs to a certain area or group of humans. They do not aspire to end up professionals inside the society or extraordinary marketers. It's far a mind-set that paperwork the very basis of child labour.

**3. Massive call for for unskilled labourers:** The demand for unskilled labourers is any other cause of toddler labour. Children are in general unskilled and offer a reasonably-priced supply of labour, making them an attractive option for lots grasping employers. Child labour, by means of distinctive feature of being reasonably-priced, increases the margin of profits for such marketers whose best objective is income maximization even if it comes at the price of ethics and true enterprise practices. These sorts of employers also can pressure children to paintings below adverse conditions thru manipulation or blatant threats.

**4. Illiteracy:** A society with many knowledgeable humans is familiar with the significance of going to high school and pursuing dreams. Kids have the capability and time to come to be whatever they aspire to be. Illiteracy, on the other hand, makes it tough for plenty humans to understand the significance of education. Illiterate humans view training as a keep of the privileged inside the society. They may consequently no longer provide guide to youngsters which will go to highschool and build solid foundations for destiny fulfillment. The same view of existence is visible amongst illiterate mother and father who prioritize children contributing to the renovation of the own family over going to high school.

**5. Early Marriages:** Marrying at an early age is a chief contributing element to overpopulation. Young mother and father are capable of sire a whole lot of children due to the fact they stay fertile for a long time. Having many kids with very little resources to support them ends in baby

labour. Older kids are forced to work so that you can assist their mother and father help the circle of relatives.

6. **High value of training:** exceptional education is highly-priced. To many parents who live in abject poverty, precedence is given to supplying food for the family due to the fact schooling is too expensive to find the money for specially while there are many kids to pay college expenses for. In preference to letting youngsters live at domestic due to the fact there's lack of money to send them to high school, mother and father favor to have them operating as unskilled labourers to assist guide the circle of relatives. Some parents can also only have enough money simple education which means that youngsters could be forced to search for work because they can not pursue their training in addition.

### **Constitutional Provisions**

Our Constitution makers were wise and sagacious to provide, that children should receive distributive justice in free India. The rights against exploitation were mentioned in the draft proposed by Dr. B.R. Ambedkar, K.M. Munshi and K.T. Shah. While Dr. Ambedkar's draft simply provided that subjecting a person to forced labour or involuntary servitude would be an offence, K.M. Munshi's draft article suggested for abolition of all forms of slavery, child labour, traffic in human beings and compulsory labour.<sup>6</sup> Constitution of India carries provisions for survival, improvement and safety of youngsters; those are in particular blanketed in part III and part IV of the constitution i.e., fundamental rights and directive ideas of kingdom policy. India follows seasoned-lively policy closer to tackling child labour problem.(Blau 2007) The concern for kids in fashionable and child labour especially is contemplated through the Articles of the Constitution of India. In Article 23, it prohibits traffic in human being and different comparable forms of compelled labour. Under Article 24 it has laid down that "no child under the age of 14 years will be employed to work in any manufacturing facility or mine or engaged in some other dangerous employment". Article 39(e) and (f) requires the nation and at ease that the smooth age of youngsters aren't abused and to make sure that they're now not forced by means of monetary necessity to enter avocations unsuited in their age or electricity.(Jumani et al. 2017) Those children are given opportunities and facilities to develop in a healthful way and situations of

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<sup>6</sup> The framing of Indian Constitution – A study, Vol.V. p.243

freedom and dignity and that youth and kids are protected against exploitation and in opposition to moral and fabric abandonment. Article 45 affords, without cost and compulsory training for all youngsters until they complete the age of 14 years. Article 51A(k) makes it a fundamental duty of the determine or parent to provide opportunities for training to the kid or ward among the age of 6 and 14 years. Article 21-A recognizes that the proper to training as essential right and it mandates that, the country shall provide free and compulsory schooling to all children of age of six to fourteen years in such manner as the nation may additionally, by way of law, decide.<sup>7</sup>

Legislation to manipulate and adjust baby labour in India has existed for numerous decades. Legislations have sought to address two huge issues; (1) Prescribing minimum age restrict for employment of youngsters and regulation of running hours for children; and (2) making sure the fitness and protection of the child labourers by prohibiting the employment of children in dangerous work. Several statutory provisions prohibiting child labour and protecting interests of kids of gentle age running as a child labour had been enacted earlier than and after independence to meet the dedication to international community and to oblige the mandate supplied beneath charter to eliminate the evil of infant labour. There are variety of child labour legislation prohibiting the employment of children below 14 years and 15 years in positive unique employments. But, opposite to our global commitment and all proclamations inside the country's constitution, and regardless of all the legislative measures, child labour is a harsh reality.

## **VARIOUS STATUTES FOR ABOLITION OF CHILD LABOUR**

In order to put in force the constitutional and international duty towards eradication of child labour in one of a kind occupations, the subsequent legislative enactments were in pressure, and keep after the child Labour (Prohibition and regulation) Act, 1986. It might be better to appraise various statutes and statutory provisions enacted inside the current labour laws to address the trouble of child labour.

The Royal commission on child Labour was set up in 1929 to inquire into various matters referring to labour in this country. The document of the fee was finalized in 1931. The commission had examined the conditions of the child labour in one-of-a-kind industries and had

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<sup>7</sup> Article 21A inserted by the Constitution (Eighty Sixth Amendment) Act, 2002 ,Sec.,2



observed that children had been obliged to work for any range of hours consistent with day as required by their masters. Similarly it discovered that, children were subjected to corporal punishment.

### **The Employment of children Act, 1938**

The Employment of children Act, 1938 which have been in pressure until repealed and changed by child Labour (Prohibition and regulation) Act, 1986. The primary object of the Act changed into to prevent exploitation of child labour in workshops and different certain occupations and to adjust the employment of youngsters in certain commercial employments. The Act turned into handed to implement the conference followed with the aid of the twenty third session of international Labour organisation (1937), which inserted a unique Article on India. Youngsters below the age of thirteen years shall now not be employed or work within the delivery of passengers, or items or mails through rail, or within the handling of goods at docks, quays of wharves, but apart from shipping via hand. children under the age of 15 years shall not be employed to paintings in occupations to which this newsletter applies which are scheduled as risky or unhealthy via the capable authority.<sup>8</sup>

### **Factories Act, 1948**

The Factories Act, 1948 prohibits employment of a child under 14 years in any manufacturing facility. This Act, extends to the entire of India except the nation of Jammu and Kashmir<sup>9</sup>. Eleven section sixty seven of the Act, enacts an absolute prohibition of employment of a toddler in any factory. It means no child below the age of 14 years may be asked to work or if he himself desires to be approved to work in any factory. The provision is supposed to safeguard the needy children who may also like to work at the cost in their fitness and life. The Act distinguishes among 'child', 'adolescent' and 'person.'<sup>10</sup> 'child' is someone who has not completed the age of 15 years<sup>11</sup> an 'adolescent' is someone who has finished age of 18 years<sup>14</sup>

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<sup>8</sup> Gazette of India, 1938 Part V, p.284

<sup>9</sup> The Factories Act, 1948, Sec. 1(2)

<sup>10</sup> Ibid. Sec. 2

<sup>11</sup> Ibid. Sec 2(c)

and an 'person' is a person who has completed the age of 18 years.<sup>12</sup> The Act defines a 'younger character' as one who is either a baby or a adolescent<sup>13</sup> A baby under the age of fourteen isn't always allowed to paintings in a factory<sup>14</sup> A child above the age of fifteen and under the age of eighteen can not be hired to paintings for greater than 4 and half of hours and cannot be employed for the duration of the night.<sup>15</sup> In *M.C. Mehta v. Nation of Tamil Nadu*,<sup>16</sup> it was held that youngsters can be employed inside the technique of packing, but the packing have to be executed in an area far from the location of manufacture to avoid exposure to accident. The minimal wages for infant labour ought to be fixed. The smooth palms of the young people are more perfect to sorting out the synthetic product and processing it for the reason of packing. In *Walker T.Ltd. V. Martindale*,<sup>17</sup> the court docket held that, prohibition is absolute and not constrained to employment in considered one of the producing manner. Accordingly a baby employed as a sweeper to easy up the floor of a factory is also in contravention of provisions of manufacturing unit Act, even though he isn't always hired in any of the manufacturing method. The youngsters who are of 14 years however those are below 18 years may be allowed to work in any manufacturing unit if the kid concerned has been given certificate of health with the aid of a certifying physician and the said certificates is in the custody of the manager of the manufacturing facility and the child so employed incorporates a token with him even as he is at work wherein a reference of such certificates has been made. Phase sixty nine offers with the way wherein the fitness certificate is issued and the procedure to be accompanied by a certifying health care provider in case the certificates is to be issued, renewed or revoked. Under this Act, there may be a provision for a weekly day of rest, every child worker who has worked for a length of 240 days or extra in a factory all through a calendar 12 months is entitled all through the subsequent 12 months for depart with wages on the rate of at some point for each 15 days of work as against each 20 days within the case of a baby worker.<sup>18</sup>

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<sup>12</sup> Ibid. Sec 2(b)

<sup>13</sup> Ibid. Sec 2(a)

<sup>14</sup> Ibid. Sec 2(d)

<sup>15</sup> Ibid, Sec 71(i) , & 71(i)(a)

<sup>16</sup> (1991) SCC, 283: 1991 SCC.(L&S) 299.

<sup>17</sup> (1916) 85 F.L.K.B. 1543

<sup>18</sup> Factories Act, 1948 Sec. 79

### **The minimum Wages Act, 1948**

The Act extends to the complete of India except the country of Jammu and Kashmir.<sup>19</sup>The minimal Wages Act turned into enacted for the development of the economic conditions of the operating people in industries in our united states. It presents for fixing minimal costs of wages in sure employment to which provisions of this Act applies. It meant to save you exploitation of labour and for the reason it authorizes the proper government to take steps to prescribe minimal fees of wages within the scheduled industries. The Act become enacted with the objectives of fixing, reviewing, revising and enforcing the minimal prices of wages referring to scheduled employments to the notified below the regulation by using the correct government, i.e. Central/state. The aim of the Act is to restoration minimum costs of wages in which the labour force is liable to exploitation i.e. Isn't nicely prepared and has no effective bargaining power. It affords for an institutional mechanism and system for fixation, evaluate, revision and enforcement of minimum quotes of wages. 'minimum wage' has now not been defined within the Act. In essence, the minimum wage represents the basic subsistence wage below which no organisation can pass, despite the fact that nothing prevents him from paying above this statutorily notified salary. In line with the Judgment of the ideal court, an enterprise or business established order does not have the proper to exist if it can not assure fee of the minimum wage. But, the following 5 norms advocated through the Indian Labour convention in its fifteenth consultation held at Nainital in 1957 are kept in view with the aid of the suitable government for fixation and revision of minimum wages: (1) three intake devices for one earner; (2) minimal food requirement of 2700 calories in step with average Indian person; (3) clothing necessities of 72 yards in line with annum in line with circle of relatives; (4) rent similar to the minimal place furnished for beneath the government's industrial Housing scheme; and (5) gas, lighting and other miscellaneous items of expenditure to represent 20 percentage of the total minimum wage. The very best court of India in its Judgment in the case of *Reftakes Brett and Co. V. Others*,<sup>20</sup> held that the children's education; medical requirement; minimal recreation; provision for old age; and marriage, have to be introduced to the norms and criteria already advocated with the aid

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<sup>19</sup> Minimum Wages Act, 1948, Sec. 1(2)

<sup>20</sup> Civil Appeal No. 4336 of 1991

of Indian Labour conference. The Act defines a child as a person beneath 15 years. It gives for minimal wages for children and apprentices. It additionally has provision regarding hours of work and physical health. Beneath this Act, grown-up approach someone who has finished the age of 18 years<sup>21</sup> and adolescent way a person who has completed the age of 14 years however less than 18 years.<sup>22</sup>

### **The Mines Act, 1952**

This Act extends to the whole of India.<sup>23</sup> This Act defines child as someone who has now not completed his 15 years.<sup>24</sup> The Act doesn't prohibit the employment of youngsters in mines, but additionally prohibits the presence of kids in any part of a mine which is underground or in any open cast working in which any mining operation is being carried on.<sup>25</sup> Even an adolescent isn't allowed to work in any part of a mine that's beneath floor, unless he has finished his 16th year and has a medical certificate of health for such works. A certificates is legitimate only for 365 days.<sup>26</sup> under the Act, adolescent is authorized to be hired in any mine within 6 am and 6 pm. The availability with appreciate to employment of children below Mines Act, 1952 are more stringent than those underneath the Factories Act, 1948. It prohibits the employment of person beneath 18 years to paintings in any mine.

### **The child Labour (Prohibition and Regulation) Act, 1986**

Plethoras of law have been enacted when you consider that 1881 for step by step extending felony protection to the operating kids. Provisions referring to child labour in various legislation have concentrated in particular on aspects which include minimizing operating hours, growing minimum age and prohibition of employment of children in career and processes unfavorable to the health and welfare of kids of soft age<sup>27</sup> The children (Pledging of Labour) Act, 1933 observed by way of the Employment of kids Act, 1938 was the first statutory

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<sup>21</sup> Supra note 21, Sec. 2(aa)

<sup>22</sup> Ibid, Sec. 2 (a)

<sup>23</sup> The Mines Act 1952 Sec. 1(2)

<sup>24</sup> Ibid, Sec 2(2)

<sup>25</sup> Ibid, Sec 45(i)

<sup>26</sup> Ibid, Sec. 41(i)

<sup>27</sup> Awards Digest : Journal of Labour Legislation, Vol.XX Nos. 7 to 12, cited in Asha Bajapai, "Child Rights in India.", New Delhi: Oxford University Press, 2006 , p.163

enactment handling child labour, changed into repealed by the child Labour Act, 1986. The child Labour (Prohibition and regulation) Act is an final results of various pointers made by using a chain of Commissions.<sup>28</sup> This law was enacted to reform the legal measure, as the coverage of each Prohibition and regulation. All the hints made through various Committees created a national consensus in favour of bringing a uniform complete legislation to restrict employment of kids in certain different employments. To attain this goal, the child Labour (Prohibition and regulation) bill changed into added and passed in each houses of parliament in August 1986 if you want to prohibiting employment of children in positive varieties of jobs and regulating the situations of employment of youngsters in sure others.<sup>29</sup>

**The primary functions of the existing Act are<sup>30</sup>** (i) It prohibits employment of children in maximum employments as designated inside the time table as procedures and Occupations. Maximum of them are unsafe in nature but the term hazardous has no longer been defined; (ii) It intends to modify employment of youngsters in all institutions besides those prohibited ones; (iii) It offers for a Child Labour Technical Advisory Committee to advise the principal authorities in topics of in addition prohibition, law and so on ; (iv) Regulatory provisions made solving the quantity of hours, length of labor, prohibition of time beyond regulation, double employment, provision of weekly holidays and so forth; (v) Requirement of the agency to present observe to Inspectors, renovation of register, display of notice ; provision for health and safety are also in part III ; (vi) It provides for minimal penalty of imprisonment for three months and maximum 12 months and minimum first-class of Rs. 10,000 and maximum best of Rs. 20,000. Nearly all the violations of the regulatory and obligatory provisions are declared as offence beneath the Act; (vii) Any man or woman can file a criticism however handiest a Metropolitan magistrate can take attention of any offence; and subsequently; and (viii) The provisions made under the prevailing Act is said to be in addition to the provisions and protections of children already present in other enactments.

### **Significant provisions of the child Labour (Prohibition and regulation) Act, 1986**

<sup>28</sup> 8 The National Commission on Labour 1969; The Gurupadswamy Committee on Labour 1976 and Sanat Mehta Committee 1984.

<sup>29</sup> Supra note 26, cited in legal aspects pp.243-244

<sup>30</sup> Jose Verghese, Law on Employment of Children, New Delhi: Capital Foundation Society, pp.16 - 17

The Act is split into IV components and carries 26 sections with one agenda consisting of part-A for Occupations and part-B for processes. The preamble to the Act, states that it's miles “An Act to limit the employment of children in sure employments and to adjust the conditions of labor of the kids in certain different employment. The Act prohibits the employment of any person who has no longer completed his fourteenth yr of age<sup>31</sup> in occupations and procedure set forth in Part A<sup>32</sup> and component-B<sup>33</sup> of the time table of the Act. The prohibition beneath element II, section 3 isn't absolute as it does no longer observe to any workshop wherein any manner is carried on by means of the occupier with the useful resource of his family or to any college established by way of, or receiving assistance or recognition from government.

## CONCLUSION

*“Bestow blessings on those Little, innocent lives Bloomed on Earth, Who have brought the message of joy from heavenly garden”. -Rabindranath Tagore*

In spite of several legislative measures by enactment of statutory provisions to diminish employment of kids in hazardous employment and people injurious to health, the exploitation of youngsters through different profit makers for their non-public profits persisted unabated in utter disregard of constitutional injunction and statutory prohibition. From the evaluation of the relevant statutory provisions of the Indian laws regarding child labour, it has emerge as abundantly clear that the statutes range as to the age restriction of a infant hired or authorized to work in diverse occupations. There may be no law solving minimum age for employment of youngsters in agriculture. The Factories Act, 1948, fixes minimal age of 14 while the worldwide Labour enterprise conference prescribes minimum age for any employment to be 15. Inside the case of plantations, the age of employment has been fixed at 12 years however in the case of

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<sup>31</sup> Child Labour Act, 1986; Sec. 3, “ No child shall be employed or permitted to work in any of the occupations setforth in part A of the Schedule or in any workshop wherein, any of the processes set forth in part B of the schedule is carried on”

<sup>32</sup> There are 15 occupations setforth in part-A of the schedule under section 3. Further employment of child as servants or workers and employment of children in Dhabas, ( roadside Eateries), restaurants, hotels, Motels, Tea - Shops, Resorts, Spas or other recreational centers are notified on 10th July, 2006

<sup>33</sup> There are 57 processes setforth in part-B of the Schedule

non- business employment the minimal age varies from 12 to 14 years. Consequently, Indian legal guidelines relating to baby labour are poor from the global standards as laid down through the global Labour employer however even then they can be considered first-class in view of the everyday financial situations of the country. There are plethora of statutes<sup>34</sup> to save the misuse of children in dangerous employment and to shield the general rights of the children. But sociological studies have discovered either the useless nature of these legal guidelines or their blatant violations. Mockingly overall laxity prevails the enforcement of the provisions with no longer a great deal proof of conviction. The entire Abolition of child labour and proper regulation thereof in accordance with the statutory provisions need to be the cherished and prime objective of a civilized society. It is also pertinent to country that the Judiciary played a sizable role in protection of child labours. Many course breaking judgments of the perfect court docket have performed a fantastic deal by increasing the human rights doctrine.

The obligation for imparting this training is that of the organisation. Judiciary in India played a very substantial position in upholding child welfare rights. It has taken the lead to save the child from exploitation and enhance their situations. Judicial mandate definitely demonstrates that proper to education is important for the proper flowering of children and their character. Hence the judiciary has always made concrete efforts to safeguard them towards the exploitative inclinations of their employers, by means of regularizing their working hours, fixing their wages, laying down guidelines approximately their health and medical facilities. The judiciary has even directed the states that it's miles their responsibility to create an environment where the kid people can have opportunities to grow and expand in a wholesome manner with complete dignity in consensus of the mandate of our charter. Hence, its implied that hypothesis disproved that the existing legislations are not sufficient to prevent child labour. It's the judiciary that plays an important role in shaping the lives of children.

## REFERENCES

- Badigannavar, V. & Kelly, J., 2012. Do Labour Laws Protect Labour in India? Union Experiences of Workplace Employment Regulations in Maharashtra, India. *Industrial Law Journal*, 41(4), pp.439–470.

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<sup>34</sup> The Children Act, 1960, Juvenile Justice Act, 1986, the Child Labour (Prohibition and Regulation) Act. 1986 etc.

- Bajpai, A., 2018. *Child Rights in India: Law, Policy, and Practice*, Oxford University Press.
- Bajpai, A., 2006. Right Against Economic Exploitation—Child Labour. In *Child Rights in India*. pp. 148–206.
- Basu, K., Child Labour and International Labour Standards. In *The Retreat of Democracy and Other Itinerant Essays on Globalization, Economics, and India*. pp. 21–30.
- Blau, D.M., 2007. Unintended consequences of child care regulations. *Labour economics*, 14(3), pp.513–538.
- Jumani, S. et al., 2017. Big concerns with small projects: Evaluating the socio-ecological impacts of small hydropower projects in India. *Ambio*, 46(4), pp.500–511.
- Kambhampati, U.S., 2012. Child Labour in Rural India. In *Growth, Development, and Diversity*. pp. 112–146.
- Lerche, J., 2012. Labour Regulations and Labour Standards in India: Decent Work? *Global Labour Journal*, 3(1). Available at: <http://dx.doi.org/10.15173/glj.v3i1.1111>.
- Mustafa, M. & Sharma, O., 1996. *Child Labour in India: A Bitter Truth*, Deep and Deep Publications.
- Routh, S., 2014. *Enhancing Capabilities through Labour Law: Informal Workers in India*, Routledge.
- Sanghera, G.S., 2016. International Children's Rights Law and Child Labour. In *Child Labour in India*. pp. 42–98.
- Sen, R.K. & Dasgupta, A., 2003. *Problems of Child Labour in India*, Deep and Deep Publications.
- Shukla, C.K. & Ali, S., 2006. *Child Labour and the Law*, Sarup & Sons.
- Victor, 2017. Child Labour: Meaning, Causes, Effects, Solutions - Important India. *Important India*. Available at: <https://www.importantindia.com/25558/child-labour-meaning-causes->



effects-solution/ [Accessed June 1, 2018].

Zutshi, B. & Dutta, M., 2003. *Child Labour Rehabilitation in India*, Pentagon Press.

Kambhampati, U.S., 2012. Child Labour in Rural India. In *Growth, Development, and Diversity*. pp. 112–146.

Mustafa, M. & Sharma, O., 1996. *Child Labour in India: A Bitter Truth*, Deep and Deep Publications.

Sen, R.K. & Dasgupta, A., 2003. *Problems of Child Labour in India*, Deep and Deep Publications.

Victor, 2017. *Child Labour: Meaning, Causes, Effects, Solutions - Important India*. Important India. Available at: <https://www.importantindia.com/25558/child-labour-meaning-causes-effects-solution/> [Accessed June 1, 2018].

Zutshi, B. & Dutta, M., 2003. *Child Labour Rehabilitation in India*, Pentagon Press.

Dr.Lakshmi T and Rajeshkumar S “In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes” IRJMST, March 2018.

Trishala A , Lakshmi T and Rajeshkumar S,“ Physicochemical profile of Acacia catechu bark extract –An In vitro study” IRJMST, April 2018.

