

Constitutional and Legal Provisions to Prevent Child Labor-An Analytical Study

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Abstract

The present research paper is based on the compilation and analysis of facts related to the subject, many Indian Penal Codes have also been made to prevent child labor. Child labor is a disease that is slowly eating away the childhood of millions of our children. The issue of the interests and protection of children is enshrined in the Constitution of India. Child labor affects the mental, intellectual and social interests of children. Article 24 of the Constitution states that children below the age of 14 years shall not be made to work in factories, especially not such work which adversely affects the health of children, but today it is being openly violated. The Child Labor (Investment and Regulation) Act 1986 prohibits the employment of underage children in hazardous occupations.

Keywords: Constitutional and Legal Provisions, prevent child labor, hazardous occupations, Government efforts, Poverty, unemployment, industrialization, Vocational education.



Introduction

There is also a need for coordinated collaboration of social organizations along with government efforts to stop child labor. It is meaningless to imagine a bright future for the country in the absence of child education. Poverty, unemployment, lack of family cohesion, traditional occupation, increasing industrialization, and lack of vocational education are the main reasons for child labor.

Objectives of the research paper

- To study the constitutional and legal provisions related to child labor.
- To present possible suggestions to stop child labor.

Research Methodology

The present research paper is based on the compilation and analysis of the facts related to the subject and various books, magazines and magazines have been used as second sources for the collection of facts related to it. Also, the main historical, descriptive method has been used in the research paper.

Children are the builders of the country, nation, and society, so it is the responsibility of the country and society to give their priceless wealth. Save it. For this, it is necessary that children's education, upbringing, physical, mental development, proper protection.

Special care should be taken

The future of children is becoming bleak. Poor children are the most vulnerable. The life of poor children is also highly exploited. Small and poor children are forced to leave school for child labor. That Society is not sensitive to its children, it can never be serious about the future of its nation.

Child labor means such work in which the person doing the work is more than the age limit prescribed by law. Gets smaller. When a child is engaged in some work that deprives him of leisure, sports, and education if so, it is called "child labor". Child labor for children up to the age of 14 to do regular work from their childhood is called Child labor is a crime against humanity that hinders the growth and development of the country. Child labor children Affect mental, physical, spiritual, intellectual, and social interests. Complete and consistent with the personality of the child for development he should grow in the atmosphere of happiness, love, and mutual understanding among the family.

The employment of child labor in India is usually cashew, jute-jute, coconut, carpet, match, bidi-tobacco, glass, Plantations, mines, cotton textiles, wool, explosives, mica, leather, shops, hotels, restaurants, brick kilns, chemical mills and other It is found more in cleaning industries, in which children below 14 years of age are kept in priority.

National Children's Policy

Children need the possibility to read, write and develop personality, not the responsibility of running the family. In pursuance of the constitutional committee, the Government of India has resolved to have a National Children's Policy for the welfare of children. No. 17/74 C.D.D. Formed on 22nd August 1974. In the preamble of this National Children's Policy, it was said that "Children They are the most important asset of the nation. It is our responsibility to take care and care for them. Of human resource development, Children's programs should find a prominent place in our national plans for and become morally sound." The courts have been continuously reviewing child labor. *MC Mehta vs. State of Tamil Nadu* A. IR 1997 s. Hans's aria and Justice S. B. Majumdar expressed this view in the judgment it was that "India of the vision of the framers of our constitution is reflected in the courageous and mighty children.

All-round development is not hindered

A child who gets proper education is protected from exploitation and his all-around development is not hindered. But it is unfortunate that even after 69 years of independence, child labor remains a serious problem in our country.

The International Labor Organization (ILO) estimates that 16 million children worldwide are involved in child labor. Huh. Of these, 85 crore children are engaged in hazardous work. India has the largest number of child labor in the world. If we census If we look at the figures of-according to the 1991 census, child labor was 11.3 percent, in 2001 their number was 14. Became 6 percent. This figure has increased to 24.8% in the 2011 Census. Javadekar of Human Rights Watch "Consumers generally do not have any way of knowing what the food they are consuming.

The clothes and jewelry they are wearing or the other products they buy are made from child labor. Article 24 of the Constitution states that children below the age of 14 years shall not be made to work in factories.

Especially not at all such a work which adversely affects the health of children, but today it is openly Violations are taking place. Instead of studying or playing sports, these children working 10 hours in a brick kiln, and instead of this, they get 60 or 70 rupees.

Constitutional provision

- Article 15(3) provides a special right to make separate laws for children.
- Article 21 Every State shall ensure the protection of the life and liberty of children. 86th Amendment of the Constitution 2002 provides a fundamental right to education to the children.
- Article 23 has been banned from buying and selling children and doing illegal and immoral acts by them.

It is also prohibited for the child to work in fear or without remuneration. No child below the age of 24 years shall be employed to work in any factory or mine. Or be employed in any other hazardous work.

- Instructions to the government to provide adequate facilities for the health and physical development of the children under Article 39 have been given.
- Article 39(e) is directed to protect the childhood of children and to ensure that they are not employed in any work which is injurious to their age and health.
- Article 39(f) protects childhood and youth against exploitation and moral and economic abandonment.
- Article 51 provides free and compulsory education to all children till they complete the age of 14 years. legal

Provision

- Indian Penal Code Section-82 Prohibiting the punishment of children of 7 years of age or less for any offense.
- Code of Criminal Procedure Section-125 Children and together with children, whether legal or illegitimate children, entitled to maintenance.
- Factories Act 1948: The Act prohibits the employment of children below the age of 14 years in any factory. Section 67 of the Act states that a child cannot be taken into employment unless he has completed the age of 14 years.
- Mines Act 1952: A provision was made in the Mines Act 1952 in the important amendment in the year 1983.
- That the employment of any child below the age of 18 years in a mine is prohibited under section 40.
- If the person has to undergo training in the work of mine, then the age of such training recipient should also not be less than 18 years.

Along with this, he needs to take proper supervision

- Children Act 1961 (as amended 1978): Prohibited the employment of children in unsanitary conditions.
- Child Labor (Investments and Regulations) Act 1986: Under 14 years of age in hazardous occupations by law
- Prohibits employment of children. During this act, the children who have been in the labor form since the beginning
- Different types of abuses like economic abuse, mental abuse, physical abuse, sexual abuse, emotional abuse widespread efforts to curb child labor to a certain limit were made in 2006 and expanded in 2008.

- Juvenile Justice of the Children (Care and Protection) Act 2000: This Act provides for any hazardous employment or the purchase of a child in confinement or the taking of a child for employment is an offense punishable with imprisonment for which Fines are taken.
- Juvenile Justice (Care and Protection of Children) Act, 2015: Juvenile Justice (Care and Protection of Children) Act 2015 has been made in place of the Juvenile Justice (Care and Protection of Child) Act, 2000. This act was passed by Lok Sabha on 7 May 2015 and by Rajya Sabha on 22 December 2015. Thereafter on 31st December,

It was approved by the President in 2015. This act eliminates many negative connotations attached to the word 'juvenile'. Changes have been made in the nomenclature of the word 'Kishore'. New of Orphaned, Abandoned, and Surrendered Children Definitions are included. Minor, serious and heinous crimes of children, Juvenile Justice Board and Child Welfare Committee Explanation in the rights, functions, and responsibilities of the Juvenile Justice Board, the period of investigation by the Juvenile Justice Board, above 16 years Special provision in case of the heinous crime committed by children, adoption of orphaned, abandoned and surrendered children Separate new chapter on related rules, new crimes committed against children included, child welfare and care.

Registration of institutions has been made mandatory

The National Commission for Protection of Child Rights (VII: It was established on 5 March 2007, it was established as the National Children's Rights Commission.

Rights are given to children under the Protection of Rights Commission Act 2005, such as equality, free children from 6 to 14 years and monitor compulsory education, prohibition of child labor, etc.

Suggestion

Child labor is a stigma on society. Removing the childhood of children from the quagmire of child labor is a big challenge. Child Along with the government, individual initiative is also necessary to eradicate labor. Awareness of the protection of child labor is necessary. I believe that no law can liberate this country from the stigma of child labor without the cooperation of the public.

Conclusion

Child labor is a major socio-economic problem that affects the physical-mental ability of children. The issue of protection and protection of children is enshrined in the Constitution of India, yet there is a gross violation of the rights of children. Happening. Every fourth child in India is unable to go to school due to child labor. The government has allowed education up to class VIII.

It has been made compulsory and free, but in front of the poverty and helplessness of the people, this scheme also appears to be fruitless. Gives. The parents of the children do not send them to school just because they get the family income from going to school. Will decrease. Children are still not a political, social priority. Use them as cheap laboris happening. According to the 2011 Census, 8 million children are working in rural areas, while 20 lakh children are working in cities. Nearly 62.8 percent of child laborers are engaged in dangerous work. 59: Children are working in the agricultural sector no. Children are cheap labor, only then do contractors and shopkeepers keep them in their business. Made by the government.

According to the child labor laws, employment of children below the age of 14 years is prohibited, action is taken. Child labor law is not followed by any business owners. Child labor the reasons for this are illiteracy, poverty, joint family, globalization, privatization, and consumerist culture, etc.

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