

# Child Labour and Technology in India

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**Abstract:** *India after the six decades witnesses the burning problem of child labour in the country. When we try to search the problem one finds that inspite of multidimensional protection in the Legislations and the implementing mechanism, still the threads of it are connected to the poverty of the country that is individuals need of survival and only need. From the independence of the country when we are struggling with the other issues like poverty, illitracy etc , problem of child labour at very delicate age is extremely dangerous to the development of the nation, as it is said children's are the future of the nation, so the need felt to discuss it through the paper. So not only the sympathetic mechanisms but use of technological tools for eradicating the problem is the need of the hour. "The PENCIL portal brings together stakeholders at all levels so that anyone anywhere can register a case of child labour and that an investigation can happen quickly," But the existence of PENCIL is not enough to end child labour in India, it should be deal with other existing mechanisms.*

**Keywords:** burning problem

## I. INTRODUCTION

### CLASSIFICATION OF CHILD LABOUR

Indian scenario witness the following classification of the child labour;

child labour without shelter and guardianship, on the streets, engaged in street vending , some street business of small gain,

child labour employed for supporting family economy by working in industries, hotels, or any business of small scale;

child labour employed in own household family small scale domestic business.

### HUMAN RIGHTS AND CHILDRENS

Rights of children are protected and guaranteed in both international and national spheres .They are categorized as marginalized sections of the society and so very important to protect their human rights. In the national domain various commissions are set up for handling the problem and for their protection, but the fact is different, when we witness the children's in the trains, bus stop, on side of road, or working in any hotels. According to the report of the Labour Ministry there is one child Labourer in every three families and every fourth, child aged between 5 to 14 years, works as child labour. According to a report of U.N.O the maximum child labour in the world( approximately twenty %) are in India .

### DEFINITION OF CHILD LABOUR

There are various legislations dealing with the issue of child labour. But there is no universal acceptable definition of child labour for the reason that every legislation defines child labour differently. Article 24 of the Indian Constitution enacts : "no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment".

In the Plantation Labour Act, 1951 ,the minimum age of employment of children is 12 years. In Mines Act, 1952 ,it is 15 years. The Factories Act, 1948 prohibits children below the age of 14 years from working in any factory. The Child Labour( Prohibition and Regulation) Act, 1988 defines child labour as a person who has not completed his 14 years of age. Infact there is no definition of child labour in these enactments. These are prohibitory provisions.

### **INDIAN CONSTITUTION AND CONCERN PROBLEM**

Children on account of their tender age and immature mind need special care and protection. They have certain special rights and legal entitlements that are being acknowledged nationally and internationally. The constitution of India recognized the rights of children for the first time and included several articles dealing with their liberty, livelihood, and development of childhood, non-discrimination in educational spheres, compulsory and free education and prohibition of their employment in factories, mines and hazardous industries. Socially and physically children are the weakest element of the society. They are not responsible for many of the cases and do not deserve to suffer. They have no say in any of the matters of evils like war or external debt. It has been rightly stated in the 1924 declaration of rights of the child (declaration of Geneva) that has now been used for all child causes “mankind owes to the child the best it has to give”.

### **RIGHTS AGAINST EXPLOITATION**

Article 23 states that “prohibition of traffic in human beings and forced labour.-

(1) Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(2) Nothing in this Article shall prevent the state from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Traffic in human beings means to deal in men and women like goods, such as or to sell or let or otherwise dispose them of. It would include traffic in women and children for immoral or other purposes. The immoral traffic (prevention) Act, 1956 is a law made by parliament under Article 35 of the constitution for the purpose of punishing acts which result in traffic in human beings.

In pursuance of Article 23 the bonded labour system has also been abolished and declared illegal by the bonded labour system (abolition) act, 1976. To ask a person to work against his will and not provide him remuneration can be a breach under Article 23 of the Constitution. In no circumstances can a man be required to work against his will.

The Indian penal code and the criminal procedure code have separate provisions prohibiting traffic in human beings. According to the penal code, selling, letting for hire or otherwise disposing of, or buying, or hiring or otherwise obtaining possession of any girl under the age of 18 years for the purpose of prostitution or for any unlawful or immoral purposes is also an offence. In 1958, by a central enactment organized prostitution as a profession has been abolished all over the country and the running of brothels has been made an offence.

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 be engaged in any hazardous employment”

The court in *M.C MEHTA –V- STATE OF TAMIL NADU*[(1996) 6 SCC 756] noted that menace of child labour was widespread. Therefore, it issued wide ranging directions in the context of employment and exploitation of children in Sivakasi prohibiting employment of children below the age of 14 and making arrangements for their education by creating a fund and providing employment to the parents or abled bodied adults in the family.

These directions were reiterated in *Bandhua Mukti Morcha v. Union of India*,[AIR 1997 SC 2218] concerning the employment of children in carpet weaving industry in India. That is why Article 24 limits the prohibition to only factories, mines and other hazardous employment. The court had clearly lost an opportunity of interpreting Article 24 as a charter for total elimination of child labour, and making it compulsory for children to be found in school upto primary. But even after 10 years after the child labour( prohibition and abolition acts, 1986, the act once again continues permitting child labour where it is not prohibited. The apex court are not however willing to reconsider its decision and continued to give sops to employers so that in some way or the other child labour is permitted even in industries which are hazardous to the health of the children. In the case of *M.C.Mehta*, justice M.M.Punchi expressed his thoughts on child labour. He stated that “I see in this scheme (child labour) varied kind of benefits accruing depending upon the social strata in which such schemes are introduced. It would be an ideal transition to adulthood; it will provide a sense of responsibility and instill confidence and pride in the work of the child; very importantly the child will understand the concept of dignity and labour, it will be an extremely constructive use of time by the child, and it will also be a welcome source of income in the family....”.

### **CHILD LABOUR:**

Article 23 and 24 of the constitutions determine the term “child labour”.

The Child Labour (Prohibition and Regulation) Act, 1986

This act was enacted on 23rd December 1986 by the parliament and was enforced on 26th may 1993 by the central government. The act was ineffective for over 8 years due to the inactiveness of the state and central government.

The intention of this act was to ban the engagements of child labour in certain employments and to regulate in areas where it has not been prohibited. It provides power to the government to make rules with reference to health and safety wherever the employments of children are permitted. Night work for children is prohibited. The hours of work for the children are also to be considered by the state and the central governments.

Any occupation which may be connected with transport of passengers, goods and mails, cinder packing, construction of railways, selling of fire crackers etc....may be included as child labour activities. Process may include bidi-making, carpet weaving, cement manufacture, cloth printing, weaving, dyeing, manufacture of matches, explosives etc.. will fall under the category of child labour.

### **INTERNATIONAL CONCERN**

The international labour organization’s instruments specifically relevant to children address the subjects of age for employment; working hours and conditions for children, protection for children from various dangerous work and substances. Twenty years after the declaration of the rights of the child the UN commission on human rights circulated a polish proposal for a convention on the rights of child with the relevant text. As a result the general assembly decided to set up a working group with the human rights commission which from 1979, the international year of the child has met regularly every year for a week in order to complete the convention. After 10 years of intense work its efforts came to an end when, as it has already been remembered, on 20 november 1989 and the united nations general assembly at its forty fourth session adopted the convention which is currently open for signature, ratification and accession.

### **PENCIL PORTAL**

India's government launched an online portal on to register, rescue and rehabilitate the child workers, as part of a drive to curb the exploitation of millions of minors.

India's 2011 census found over 4 million labourers aged between five and 14, out of 168 million globally, but campaigners say millions more are at risk due to poverty.

The portal - Platform for Effective Enforcement for No Child Labour, or PENCIL - aims to bring together officials, charities and police at federal, state and district level to share information and coordinate on child labour cases.

"The PENCIL portal brings together stakeholders at all levels so that anyone anywhere can register a case of child labour and that an investigation can happen quickly," "But the existence of PENCIL is not enough to end child labour in India it should be deal with other existing mechanisms. India has one of largest populations of children in the world, with more than 40 percent of its 1.2 billion people below the age of 18, according to its 2011 census.

The portal - which includes a child tracking system, complaints corner and standard operating procedures for officials, police and charities - aims to boost weak enforcement of child labour prohibition laws.

Districts will be expected to designate an official to investigate child labour complaints registered on the site within 48 hours and, together with local police, rescue the children, a labour ministry statement said. The portal will also track support given to victims, such as enrollment in school or vocational training, to ensure the child is not forced back into work.

## **II. CONCLUSION**

The problem of child labour in India is continuously been check out by way of various enactments and new technological innovations. Indian Constitution and the role of judiciary always ahead in looking the practical remedy and also covering the identities of socio- economic structure of the county. Based on the recommendations of Gurupadaswamy Committee, the Child Labour (prohibition and regulation) Act was enacted in 1986, though having specified provisions, prohibiting employment of children in certain hazardous occupations and processes, and by the NATIONAL CHILD PROJECT (NCLP) SCHEME, of 1988, government has accordingly been taking proactive steps

to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative. And with the technological tools today like PENCIL portal the problem can be checked to a larger extent, but again human emotions are the main factors that can lead to eradicate such problems. The active participation of public spirited citizens can actually implement the effects of this technological portal to tackle the problem. But the fact that child labor, though undesirable, persists primarily rural and agricultural activities on account of socio- economic compulsions.

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