We are now approaching the year 2014, which is a long distance of independence. Our constitutional commitment to universalize elementary education is still remained with us a ‘teasing reality’. By all measures, simplistic linear expansion of the Indian primary education since independence has been phenomenal. Despite this impressive quantitative leap forward, it has not been possible to realize the avowed goals in terms of enrolment and retention of children of the 6-14 age group. The NPE 1986 has given the highest priority to solving the problem of children dropping out of school but it has been failed. It is found that most of the dropped out children are child labourers.

We have the highest number of child labour population of the world in our country where the working children of India can constitute a country. Children are the future horses, they need to learn before they can work. See your child in every child, stop child labour. Don’t exploit them or harm them in physically, mentally and morally. The above said ‘appeals lies at the back of the saying that child is the father of man'. To enable fathering of a valiant and vibrant man, the child must be groomed well on the formative year of his life. He must receive education, acquire knowledge of man and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with mission, a man who matters, so far as the society is concerned.

According to UNICEF, it is found difficult to count the child labourers and partly the lack of an agreed definition of child labourer. Supreme Court has given judgment for abolishing child labour and mentioned some of the official estimates (N.S.S data) of child labourer. The judgment mentioned that none of the official estimates included child workers in an unorganised sector. Estimates from various non government sources as to actual number of working children range from 44 million to 100 million. But NGOs reckon the real figure is up 60 million. The number of girls involved is not much lower than the boys. Government of India points out that 2.5 lakh migrants going out of state every year. Everyday, on daily newspapers we read that the child labourers are victimised by their authority.

In our Constitution we found manifestation in article 24, which is one of the two provision in part iv of fundamental right against exploitation. Article 45 was therefore inserted in our constitution to provide free and compulsory education to our children. Our Constitution contains some other provisions also to which we shall advert later, desiring that child must be given opportunity and facility to develop in a healthy manner. Despite the above, it is true
that children are exploited a lot. Child labour is a big problem and has remained untractable, even after 67 years of our independence.

Sivakasi of Tamil Nadu was once taken as the worst offender in the matter of violating prohibition of employing child labour. As the situation was intolerable, a court case was filed by the public under Art. 32, as after all the fundamental right of the children guaranteed by Article 24 was being grossly violated. The final report relating to the court judgment was declared to eliminate child labour in the match and fireworks industries in Tamil Nadu.

**Constitutional Mandate:**

- Article 24, prohibition of employment of children in factories. No child below the age of 14 years shall be employed in any factories.
- 39(e). The health and strength of workers, men, women and the tender age of children are not abused and forced to work which is unsuitable to their age and strength.
- 39(f). Children are given opportunities to develop in a healthy manner.
- 41. Right to work, to education and public assistance in certain cases.
- 45. Provision of free and compulsory education for each children of 6-14 years age group.
- 47. Duty of the state to raise the level of nutrition and the standard of living and to improve public health.

We find many children are child labourer in our state. In “Daily Samaja” detailed information on exploitation of child as a domestic labourer or any other labourer is noticed regularly. The 12 year old child labourer hails from Bolangir district of Odisha and is in danger of losing his left hand while undergoing treatment at medical college. It is also highlighted that the other migrant labourers from Odisha are victimized by touts and brick kiln owners in Karnataka (The Hindu, April 20, 2013).

**Statutory Provision:**

We may know how the child labour problem has been viewed by our policy makers and what efforts have been made to get rid of this evil. So, the International Labour Organisation was set up in 1919 under the league of nations and it had felt that there should be a guideline by which the employment of children under a certain age could be regulated in industrial undertakings. It therefore, suggested that the minimum age of work should be 12 years. The same required ratification by the govt. of British India and during the legislative assembly debates the question of raising the minimum age from 9 to 12 years had created a furor. It has been stated that the ILO has been playing an important role in the process of gradual elimination of child labour and to protect child from industrial exploitation. It has focused five main issues: (i) prohibition of child labour (ii) protecting child labour at work (iii) attacking the basic causes of child labour (iv) helping children to adopt to future work (v) protecting the children of working parents.

**A. Various Efforts of Eradication of Child Labour:**

- (i) Ratification of UN Convention on Child Rights India ratified the UN convention on the rights of the child in December, 1992. It is a set of international standards and measures intended to project and promote the well being of children in the society. The convention provides the legal basis for initiating action to ensure the rights of the children in society. It draws attention
to our sets of civils, political, social, economic and cultural rights of every child. Those are:

a. **The rights to survival:**
   It includes the right to life with highest standard of health and nutrition and adequate standard of living. It also includes the right to name and a nationality.

b. **The right to protection:**
   It includes freedom from all forms of exploitation, abuse, inhuman or degrading treatment.

c. **The right to development:**
   It includes right to education, support for early childhood development and care, social security and the right to leisure, recreation and cultural activities.

d. **The right to participation:**
   It includes respect for the views of the child, freedom of expression, access to appropriate information, freedom of thought, conscience and religion.

**B. Ratification of ILO Convention Relating to Child Labour:**

Six International Labour Organisation conventions relating to child labour have been ratified by India and three of them as early as in the first quarter of the 20th century.

**C. Setting up of The National Authority for Elimination of Child Labour:**

NAECL was set up in September, 1994. The objectives of the NAECL are:

- To lay down policies and programmes for elimination of child labour, particularly in hazardous employment.
- To monitor progress of implementation of programmes, projects and schemes for elimination of child labour and
- To co-ordinate child related programmes implemented by various Ministries of the Government of India to secure convergence of services.

The Government of India is implementing several programmes through its different agencies such as:

- Integrated Rural Development Programme,
- Jawahar Rojgar Yojana,
- Development of Women and Children in Rural areas,
- District Primary Education Programmes,
- Training of Rural Youth for Self Employment,
- Indira Awas Yojana,
- Employment Assurance Scheme and Mid-Day Meal programme for school children.

In April 1995, Prime Minister of India wrote to the state governments about the formation of NAECL and sought their active support in eliminating the child labour from our country.

**Supreme Court judgment for elimination of child labour, 10th December, 1996:**

The Supreme Court passed a significant verdict to prevent the exploitation of children and safeguard their economic, social and humanitarian rights. They directed to set up the Child Labour Rehabilitation Welfare Fund, under which the offending employer will be asked to deposit a compensation of Rs.20,000 for every child employed in contravention of the provisions of the Child Labour & Prohibition Act 1986.
The National Child Labour Projects:

NCLP was initiated during September 1988. Under NCPL 18,000 special schools have been set up covering about 1.5 lakhs working children.

Scheme of the Ministries of Welfare & Women and Child Development:

The Ministry of Welfare has a grant-in-aid scheme for supporting and strengthening street children through NGOs.

Elimination of Child Labour, part of the Common Minimum Programme of the Present Government

Elimination of child labour and providing universalisation of elementary education is part of the CMP of the present government.

Dimension of Child Labour:

Child labour is an ubiquitous phenomenon. It can be broadly classified into the following categories:

- Child labour covered by Legislation
- Child labour falling outside the legislative framework
  - A) Agriculture and allied activities
  - B) Informal, unorganised semi urban and urban sector.

The laws covered 15% of the child labour who are in formal industrial sector. Those are as follows:

- The Children (Pledging of labour) Act, 1933
- The Factories Act, 1948
- The Plantation Labour Act, 1951
- The Mines Act, 1952
- The Motor Transport Workers Act, 1961
- The Beedi & Cigarette Workers Act, 1966
- The Child Labour Act, 1986
- Except in the process of Family based work or recognized school based activities, children not permitted to work in occupations concerned with
  - Passengers, goods, mail transport by Railway
  - Cinder picking, cleaning of ash pits,
  - Cement manufacturing
  - Cloth painting,
  - Dyeing and weaving
  - Manufacturing of matches, explosive, fireworks,
  - Catering establishment in railway premises
  - Beedi making, and Mica cutting / splitting
  - Abattoirs and wool cleaning etc.

Causes of Child Labour:

According to Article 23 & 24 of Indian Constitution no child below the age of 14 should be allowed to work in any factory, mines or in any other places. But it is found that most of the children are labourer in different fields. This has been studied by a number of authors and they have pointed out different views on child labour. J.C Kulshreshtha on Indian Child Labour has mentioned the causes of failure of child labour is due to poverty, low wages of the adults, unemployment, migration to urban areas, large families, children being cheaply available, family expectation and traditions, lack of good schools, illiteracy and ignorance of parents and limited choices of women etc.

Conclusion

It may be concluded that, the problem of child labour can be solved to some extent by
compulsory primary education. Only through education we can tackle the child labour problem in our state. But unless the family is assured of income, problem of child labour would hardly get solved and it is the vital question which has remained almost unattended. So, we are of the view that till an alternative income is assured to the family, the question of abolition of child labour would really remain a will of the wisp. Education is the right of every child till the age of 14. If all the children of age group 14 will enter into the schools, the number of child labour may be lessened. The mind set of our leadership in different fields and the cultural ethos of our society also has a lot to do with the abundance of child labour in our country.

The efforts of child labour have to be multipronged keeping in view the multiplicity of factors responsible for it. But any programmes of child labour eradication must have a strong component of mobilization of the various stakeholders as well as the community at large. We will have to design suitable educational strategy based on appropriate child centered pedagogy under alternative schooling system. Providing monetary incentives for compensating the income lost due to the withdrawal of child from the work is also an issue to be thought about. The children have to work is sad, but that they should work in conditions dangerous to their health and safety is totally unacceptable. The problem of child labour be left untackled until economic conditions and social structures are fundamentally improved. The children only know their sorrows. Silent acceptance is writ large on their faces. Though it is true that labour helps children in their survival, but should the children be made to pay for the government’s inability to curb poverty?

References:

- Annual Report, UNICEF.
- Article 26 of Universal Declaration of Human Rights passed by UN in 1948.
- Census 2001, Odisha.

Dr. Bijoylaxmi Das, Reader in Education in Women’s College, Khordha.