



A SOCIO- LEGAL PROBLEM RELATED TO DOMESTIC CHILD LABOUR IN ASSAM

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ABSTRACT: -

Child labour is not an isolated phenomenon as it is inextricably associated with socioeconomic plight of the people. The problem of child labour is a global and widespread phenomenon. The phenomenon of child labour is one of the major limiting factors in human resource development. Every child considers as a gift of god so that they need our special care, love and affection. Today's child is tomorrow's future. The way we bring them up will determine the outcome of our future. Unfortunately, in India as well as in Assam many children do not enjoy their childhood because of their parents engaged them in the labour works. Due to this socio-economic problem of children are forced to work in industries, factories, hotel, shop, domestic helpers etc. In this article researcher tries to analyse the problem related to domestic child labours and also focuses on their social background. Here researcher try to work on the area where government provide legal provision for the child labour in India.

KEYWORDS: - Child labour, socio-economic problem, domestic child labour, legal provision, phenomenon.

DOI: 10.48047/ecb/2023.12.8.708

METHODOLOGY: - This paper is based on qualitative research and descriptive nature. Data and information were collected from secondary information. Secondary information was collected from book, journal, newspaper, article, website etc.

OBJECT OF THE PAPER

- 1) To know about the problem related Domestic child labour in Assam.
- 2) To examine the legal safeguard and protection provide by the government to the child labour.

INTRODUCTION: -

‘Child’ as defined by the Child labour (prohibition and Regulation) Act 1986 is a person who has not completed the age of 14 years, the CLPR act prohibits employment of child in any employment including as a domestic helper.

The Constitution of India under Art.24 defines ‘child’ as any one below the age of 14 years and who shall not be employed to work in any factory or mine or engaged in any other hazardous employment. Article 21-A of the Constitution states that, 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

Children are the very soul of any nation. Therefore, every society must, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they would receive adequate training, education and guidance in order that they may be able to have their rightful place in society when they grow up. It is aptly relevant to quote Justice Subba Rao, former Chief Justice of India, on Social Justice to Children, who remarked “Social Justice must begin with children, unless tender plant is properly nourished, it has little chance of growing into strong and useful tree. So the first priority in the scale of social justice should be given to the welfare of children”. But unfortunately millions of children are forced to work as child labourers due to various reasons and child labour continues to prevail, based on exploitation, abuse and deprivation.

A child labour is differentiated from an adult worker on the basis of age. Usually a child labour is someone below the age of 14 or 15 years who is involved in any productive activity whether paid or unpaid, with the family or outside. It is not a new phenomenon to our age. What is new, however, is its perception as a social problem the world over.

The term ‘child labour’ is commonly interpreted in two different ways. First, as an economic practice and second, as a social evil. The first signifies the employment of children in gainful occupations with a view to adding to the income of the family and second, a broad aspect which takes into account the dangers to which the children are exposed which means the denial of opportunities of development.

According to ILO Convention (domestic worker’s convention No 189, 2011) “Domestic work” means work performed in or for a household or households and “Domestic workers” means any person engaged in domestic work within an employment relationship. Child domestic

workers is a general reference to children's work in the domestic section in the home of third party or employer with pay or without pay. This general concept encapsulates both permissible as well as non-permissible situation.

Now a day, in Assam Domestic child labour rate increases day by day specially in the tea garden and the karbi tribes' children are mostly involved in this works. Parents send their child to the third party home as a house helper and third should be provide them education facilities. But in many cases we can clearly saw that employer involved child only works they did not provide education facilities. Also in some cases employers harassed child physically or mentally specially in case of girl child masters are involved in physical relations. Those kind of illegal actives going on in our society in the name of Domestic child labour.

Some of the reason why domestic child labour rate increases day by day in Assam are:-

1. Poverty one of the major reasons behind the child labour in Assam. Parents are unable to maintained their family so that they involved their child for work.
2. Parents send their children in the urban areas to a third party house as a domestic helper so that their child would be find education facilities and better life style in their house and parents earn money from them on behalf of their child.
3. Lack of provisions for education facilities one of the major reason of child labour in Assam rural areas specially in the areas of tea gardens and hilly areas.
4. Poor facilities in the rural areas of Assam, improper roads, lack of transport system etc. are the one of the reason behind it.
5. Lack of growth of informal economy are considered as causes of child labour in Assam.

Government provides safeguards against for the protection of Child labour are: -

Rights of Children Under International Law:

Universal declaration of human rights 1948 - stipulates under article 25 para 2 that childhood is entitled to special care and assistance. The above principles along with other principles of

universal declaration concerning child were incorporated in the declaration of the rights of the child of 1959.

International covenant on civil and political rights- articles 23 and 24 and international covenant on economic, social and cultural rights - under article 10 made provision for the care of the child.

International labour organisation (ILO) - provides universal standards and guideline, a specialized agency of UN, aims to provide guidance and standards for labour practices around the world.

Convention on the rights of the child, 1989 It is another international instrument which protects the child.

Rights of Children Under National Laws:

- The Factories Act of 1948- This act prohibits employment of children below the age of 14 years in any factory.
- The Mines Act of 1952– It prohibits the employment of children below the age of 18 years in any mines as it is most dangerous occupations where children were severely injured or even died.
- The Child Labour (Prohibition and Regulation) Act of 1986– According to this Act, children below the age of 14 years cannot be employed for the work involving the use of hazardous place. According to section 3 of the Act, any person who violates the provisions of the act shall be liable for an imprisonment of not less than 3 months and which can be extended to 1 year or with a fine of rupees 10,000 which may extend to 20,000 rupees or with both.
- The Juvenile Justice (Care and Protection) of Children Act, 2000– This Act for the first time penalized the offence of child labour. Any person who contravenes the provisions of the Act is penalized with an imprisonment for a certain term and fines or with both.
- The Right of Children to Free and Compulsory Education Act of 2009– According to this Act, every child up to the age of 14 years is entitled to free education and this being a fundamental right under article 21 Also, there shall be reserved 25% seats in private institutions as well, and no child shall be deprived of education or admission into any school on the grounds of him being from a poor family.

Some of are given below:

- 1. The apprentices Act 1861
- 2. The child labour Act 1986
- 3. The child marriage restraint act 1929
- 4. The children (pledging of labour) Act 1929
- 5. Children Act 1960
- 6. The guardian and wards Act 1890
- 7. The Hindu minority and guardianship Act 1956
- 8. The Hindu Adoption and maintenance Act 1956
- 9. The Immoral Traffic (prevention) Act 1956
- 10. Juvenile justice Act 1986
- 11. The Orphanages and other charitable Homes (supervision and control) Act 1960
- 12. Probation and offenders Act 1958
- 13. Reformatory schools Act 1857
- 14. The women's and children's institutions (licensing) Act 1956
- 15. The young persons (harmful publications) Act 1956

CONSTITUTION PROVISION

Part 3 of Indian Constitution: Fundamental rights

- Article 15 – The State shall not discriminate against any citizen. Nothing in this article shall prevent the State from making any special provisions for women and children.
- Article 21A- Added by 86th constitutional amendment – The State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may, by law, determine.
- Article 24- 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.

Part 4 of Indian constitution: DPSP (Directive principle of state policy)

- Article 45 – The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years.
- Article 243G read with Schedule 11 – provide for institutionalisation of child care by seeking to entrust programmes of Women and Child development to Panchayat, apart

from education, family welfare, health and sanitation, and other items with a bearing on the child welfare.

Also some Non-government organisation like NGOs are working to protect the children from the evil of child labour. These NGOs include Bachpan Bachao Andolan, Child Rights and You (CRY), Global March against child labour, Talaash Association, Child Fund, Care India, RIDE India, Child line etc. Nongovernment organizations (NGOs) such as Care India, Child Rights and You and Hand in Hand India have been set up to help the government in its fight to end child labour.

Many public interest litigations have also been filed on the problem of child labour. The Ministry of Labour and Employment has also implemented numerous projects to rehabilitate child workers since the late 1980s.

Recommendation

There is no shortcut way to solved the problem of domestic Child labour. To protect child workers, we should more aware of this problem. For solved of this problem we all should equally take part of this, it is not only government duties general public also equally responsible for solved this issue.

1. To prohibitions child labour in Assam parents of the child should be aware on this they involved their child in education not in work.
2. Every family must be earning their minimum income in order to fulfilled their needs, it will reduce the level of poverty and child labour.
3. Governments should increase employment opportunities for adults in order to overcome problem of poverty and child labour.
4. Govement should also focus on the development of transport and education facilities in the rural undeveloped areas of Assam like Hill stations and tea garden areas.
5. There is need of more effective and strict government laws against the child labour also needs high level of social awareness for the prevent children from working in their little age.

CONCLUSION

Child is the organic cell of the society. Therefore, these children should be protected from any kind of exploitation. As the children are the future of the nation, proper facilities must be

provided to them, so that they can develop themselves into good citizens. Having examined different child labour legislations and the role of the judiciary in protecting the rights of the children, Children are the hope of the present and future of the nation. The growth of the child into a mature and happy person with fully developed personality largely depends upon the support and attention he receives from the society. If the child does not get proper education, diet and other facilities, his very development into a self-sustaining human being is dwarfed. Though the children need special care, in actual practice, most of them do not get this and a large majority of children have to work as labourers.

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