

# BIHAR MEASURES TO ERADICATE CHILD LABOUR

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## ABSTRACT

Children undoubtedly are one of the greatest assets a nation possesses. It is, therefore an important index of a nation's development, social as well as economic, as to how its' children are taken care of and nurtured. Schools and playgrounds are the natural places where a child should find himself or herself. Schooling and joyful physical and recreational activities at the right age are what children require for growth of their intellectual and bodily capacities. However, there exist situations where large number of children, forced by circumstances, found themselves at work places instead of schools and playgrounds, sometimes in hazardous occupations and processes, to eke out meager earnings to supplement the incomes of their poverty stricken parents. There are reasons to explain as to why this phenomenon of children landing into work places rather than schools occurs. We can support small interventions that bolster economic stability and resilience so vulnerable families can withstand economic setbacks and still invest in their children's academic, future.

**KEYWORD:** Eradicate, Education, Provisions, Empowerment.

**INTRODUCTION:** The working children constitute a sizeable number of the out of school children found in the country. Child labour quintessentially is an outcome of poverty, economic deprivation and illiteracy. The attitudes of parents and community towards the working children, combined with a lack of proper appreciation of the education as a means of liberation from the dehumanized existence, also contribute to the venomous proliferation of child labour and working children. An awareness campaign will also be carried out to educate the people against the practice children labour. The Bihar Government has undertaken a slew of measures, including constituting a flying squad to eradicate child labour from the state<sup>1</sup>. Discrimination, weak and inefficient system of social security and protection, and lack of quality education do not leave any better option before the children than to do work. It is imperative, therefore, that focused and concerted efforts are taken by the Government and the Society to address the core issues of poverty, economic deprivation, illiteracy and social empowerment, if we desire to make a real dent in the problem. However, effective steps are also needed for identification, release and rehabilitation of child labour who are engaged in the hazardous occupations and processes as this engagement not only violates the law it also is detrimental to the child's health and future growth. It observed that as long as poverty continued, it would be difficult to totally eliminate child labour and hence. Any attempt to abolish it through legal recourse would not be a practical proposition. When a child works instead of attending school, she or he is deprived of the knowledge and skills that come with an education resigning them to a cycle of poverty that is perpetuated by low skills and low wage labour. We can support smart interventions that bolster economic stability and resilience. So vulnerable families and withstand economic setback and still invest in their children's academic future<sup>2</sup>.

An awareness campaigns are also carried out to educate the people against the practices children labour. The state government has also proposed to strengthen the Integrated Child Development Scheme (ICDS) and ration cards will be issued to the needy families, particularly poor families with children.

**Child Labour and Bihar:** According to the Census of 2001, Bihar accounts for 8.9% of the child labour in India in the age group of 5 to 14 years. It ranks 3<sup>rd</sup> in the number of children in the age group of 5 to 14 year's engaged as "Main Workers" and about 5.8 lakh children in the category of marginal workers. Main workers are those who work for 6 months or more in a year and marginal workers are those who work for less than 6 months in year. Although hand figures are extremely difficult to collect and analyze, it is generally acknowledged that thousands of children in Bihar are routinely engaged in homes as domestic servants, dhabas, hotels, eateries and factories etc. It is widely believed that Bihar leads in supply of child labour to other states. According to a household survey conducted by Bihar Education Project Council (BEP) in the year 2005, there were 23.15 lakh out of school children in Bihar, out of which 5.6 lakh children were found out of school because they had to work. The survey has reported that children engaged in work are one of the major reasons for children not attending school. A report "The Times of India, Patna edition of 27 September 2006, child labour incidence is worst in the following districts: East Champaran, West Champaran, Begusarai, Darbhanga, Katihar, Khagaria, Madhubani, Madhepur, and Siwan. According to a guess estimate, about 5 lakh migrant children from Bihar work in other states.

Covid-19 has made children more vulnerable to child labour, the number related to child labour in were bleak even before the pandemic the ongoing pandemic has augmented the existing causes of child labour, as well as added new ones. Children are forced to works because family incomes are not enough to survive on. Many people, losing their jobs due to Covid-19 the financial crises being faced by families has increased manifold. Children are considered cheap labour, and with businesses and enterprises facing massive financial losses, the demand for chap labour is going to increase. To control on this problem NGO's can also help the government build awareness about the issue, the legal provisions available, and children's entitlements, as well as act as channels to amplify children's voices. Complaints related to child labour can be made directly to authorities such as the district collector, via child line by calling at 1098, on the government portal PENCIL, or through statutory bodies such as the Nations or State Commissions for Protection of Child Rights or Child Welfare Committees (CWC)<sup>3</sup>.

**Mukti Caravan launched in Bihar to combat Child trafficking and Child labour during Covid-19 pandemic –**

The Kailash Satyarthi children's foundation launched the mukti caravan on bicycles across 10 districts in Bihar to raise, awareness about trafficking of children's and the laws to combat the same. Mukti Caravan also will be an instrument to prevent trafficking of children and to collect information about movement of traffickers in the villages covered by it. The campaign's focus on the northern and north-eastern districts of Bihar is also due to the floods in their parts having rendered a large number of families homeless and impoverished them. This in turn has exposed children of their families to all kinds of dangers, including trafficking. The team will work in partnership with the state government and aims to strength the village child protection committee to ensure the creation of child-friendly village. In this time of crisis, child traffickers have been active to lure children from poorest of the poor families. The governments are trying to reach out to those parents and would like to request them not to send their children away with traffickers. Bihar leads in human trafficking for cheap labour, body trade, human organs and false marriage. About 25 lakh labourer returned to their villages in Bihar when the lockdown was imposed in March. There laborers will how find it a challenge to run and sustain their families<sup>4</sup>.

**Working Children and Child Labour: A legal clarifications:** At this juncture an important distinction needs to be made between working children and what is legally meant by child labour. Speaking as a matter of law, a child labour is also a working child, but the vice-versa is not true for all working children: all working children require the same amount of care, nurturing and quality education, but legally speaking all working children do not fall into the category of child labour under the provisions of law. To explain, there are large numbers of children who work in the family farm, family run service establishments and artisan households etc. and required the same amount of care nurturing and quality education, but they cannot be categorized as child labour under provisions of law. Thus, except the children working in the family farms, family run service establishments and artisan households etc, all working children are characterized as child labour. However the distinction is merely legalistic in nature, every working child may slip into the category of child labour and day if concrete steps and not taken to address the problems of poverty, illiteracy and socio-economic deprivation.

**Constitutional Provisions for Children:**

Article 21A-Right to Education: The state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state, by law, may determine.

Article 23: Trafficking in human beings and forced labour is prohibited.

Article 24: Prohibition of employment of children in factories Act.

Article 39 : (e & f) : The state shall in particular direct its policy towards securing “ that the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength” and “children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material also an documents”

**Legal Provisions**– The children (pledging of labour): This Act prohibits agreements that pledge the laobur of a child for employment.

The Factories Act, 1948: This Act Prohibits employments of children below 15 years of age in the factories. However children in the age group of 14-15 can be employed subject to certain restrictions specified under the Act.

The Plantation Labour Act: This Act prohibits employment of children below 14 years of age in the plantations. However, children in the age group of 14-15 can be employed subject to certain restrictions specified under the Act.

The Mines Act 1952:- The Act prohibits the employment of children below 18 years of age in excavations where work for the purposes of searching and obtaining minerals is carried out. It also prohibits employment of children in underground or open cost mine.

The Motor Transports Act 1961:- The Act prohibits the employment of children establishments related to transport.

The Beedi and Cigar Workers Act 1966:- The Act prohibits the employment of children below 14 years of age in beedi and cigar industries.

Bihar Shop and Establishment Act 1956:- The Act as amended in the year 2007, Prohibits the employments of children below 14 years in the shops and establishment.

Bonded Labour (Systems) Abolition Act 1976: The Act provides for the abolition of bonded labour and forced labour. This is universally applicable to the bonded labour be it adult or a child.

The Child labour (Prohibition and Regulation) Amendment Act 2016 (No-35 of 2016):- An Act to prohibit the engagement of children in all occupations and prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected there with or incidental there to. The provisions of this Act other than Part-III, shall come into force at once, and Part-III shall come into force on such date as the central government may, by notification in the official Gazette, appoint, and different dates may be appointed for different states and for different classes of establishments<sup>5</sup>.

**Juvenile Justice (Care and Protection of Children) Act-2015:** Under this Act, any person responsible for abuse, assault and neglect or causing physical or mental suffering to a child can be punished up to 6 months and or fined. Also any person, who provides a juvenile or child for hazardous work, keeps him in bondage and withholds the child’s earnings or uses there for his purpose in liable for imprisonment up to 3 years and also a fine. Under the Act, there is provision for rehabilitation and social integration of children by restoration, adoption, foster care, sponsorship and sending the child to an after care organization.

**Conclusion:** Poverty is the most cause of child labor which despite being a priority for a succession of Indian government, is yet to be eradicated. States and districts that employ high child labour must especially be monitored in the post-pandemic era. While reviving the economy is very important and it should be a vital part of the government's agenda, there changes is labour laws could have adverse effects on certain populations. The implementation of various social security schemes will have to be stepped up and corruption in their rollout dealt with firmly to ensure income/rations for households so that children will not be forced to work. Above all, it is essential to remember that child labour leads to illiteracy and reinforces poverty and should be treated as a basic human rights issue if any difficulty or clarification arises during course of implementation of the plan to eradicate child labour in Bihar, labour resource department would be the authority to remove the difficulty and clarify doubts. It would facilitate the functioning and responsible to make release, rehabilitation and elimination of child labours.

**Reference:-**

1. Press Trust of India. May7.2012, 1.50AM [www.news18.com](http://www.news18.com)
2. Philanthropy Age.org/society/child-labour-can-and-must-be-eradicated
3. Puja Marwaha is CEO of CRY (Child Rights and You) published by India Development Review(IDR)
4. Proudly Powered by wordpress,theme: Rebalance by word Press.com
5. Part III care into Part-III force on 26<sup>th</sup> may, 2016, vide 5.0.333(E), dated 26<sup>th</sup> may, 2016

