



# Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820  
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

---

## The Effect of Education on Child Labour Prevention in India

Aman Tiwari<sup>a</sup>

<sup>a</sup>Delhi Metropolitan Education, Noida, India

Received 25 June 2022; Accepted 16 July 2022; Published 18 July 2022

---

*One of the most crucial ways to advance society is via education, which is a prerequisite. A nation's progress might either be seen favourably or negatively based on its literacy rate. Lack of knowledge is a result of societal ills like civil unrest. One of the results that raise concerns about our social behaviour and the future of the nation is child labour. Every aspect of society, including this one, has been severely harmed by the global epidemic. A particular set of people may find working from home and taking online courses appealing. For the remaining disadvantaged people, it has been tragic. Children who had been exposed to the virus experienced a worsening in their circumstances, and the conflict intensified for the ease of the fortunate. India, a diverse nation with many different traditions, follows legal guidelines that are also considerate of other customs. With the aid of education, we can discern between good and bad norms. The development of different cultures should be viewed as having its roots in educational cultures. The research covers every aspect of child labour, including its other problems and how education might help end it. Without educating the populace of a nation, it is challenging to challenge social taboos; nevertheless, it is much more challenging to do so with educated individuals who lack social awareness.*

**Keywords:** *child labour, right to education, social awareness, culture.*

---

### INTRODUCTION

Since schooling is still often considered a privilege, but for many people, not a luxury, the influence of education on avoiding child labour is a highly debatable matter. There is no

questioning the importance of education to a nation's overall growth. By the data from the "National Statistical Office", the country's standard literacy rate is 77.70%. (NSO). One of the many societal problems that might develop as a result of inadequate education is child labour. All of the main justifications for creating an educationally oriented development and how it impacts society have been covered. According to the study, the percentage of child labourers differs by gender as well. Child labourers who are male are more prevalent than child labourers who are female.

The main causes of extreme poverty, which is what leads to child labour, including unemployment, a lack of resources for eradicating social structures like caste systems and untouchability, marginal differences between the well-off and the less-well-off classes, and government policies that ignore these problems. Humans are considered a resource in economics; however, child labour is bad for the economy. For a scenario to be deemed successful, all the elements that support the people as a resource must come together. The three basic facets of human resource development are professional career growth, personal individual development, and organizational development (HRD). And without a solid education, none of them are even conceivable. Child labour puts at risk the prospect of these crucial improvements in human resources.

To solve challenges like child labour, the country must work to educate everyone, regardless of their socioeconomic status. This essay tries to present an analytical viewpoint on the factors that contribute to child labour and how education is crucial to achieving the goal. The Right to School Act of 2009 and other laws passed by the government to guarantee that all have access to schooling have been examined, as well as the processes for dealing with this heinous crime. The approach taken to put an end to immoral behaviour varies from nation to nation since it also depends on the level of development of a sizable population.

## **CHILD LABOUR**

By the ILO, the ideal explanation of "*Child Labour*" is employment that robs kids of their youth, ability, and pride & is detrimental to their physical & mental growth which hinders their schooling by refusing them the chance to go to school, making them finish early, or making

them try to balance school with very rigid employment.<sup>1</sup> Child Labour is described by “India’s Census 2001 office as the involvement of a child under the age of 17 in any economically productive activity, with or without payment, wage, or profit.” Part-time assistance or unpaid employment on a farm, business of family, or any other type of financial interest, like farming & producing milk for sale or everyday use, is involved in this classification. Child labourers in India are divided into two categories by the government: Individuals who work six months or more each year are considered the main workers. Additionally, marginal kid workers are those who work for fewer than six months of the year, yet at any point during the year.

### **RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009**

All kids between the ages of 6&14 are required by law to attend free, public schools. Additionally, this act required that students from economically disadvantaged groups get 25% of the places in every private school. In 1987, National Policy on Child labour was created in India. This plan aims to use a progressive method, with a particular emphasis on the therapy of kids who work in dangerous jobs. It called for the severe implementation of child labour rules in India together with development initiatives to deal with the underlying issues, such as poverty. This prompted ‘The National Child Labour Project (NCLP)’ program to be launched in 1988. With a present central government budget of more than Rs. 5 billion, this legal and development program is still going strong with the express goal of ending child labour. Child labour is still a significant problem for India despite these attempts. No kid under the age of 14 may work in a factory, mine, or engage in other unsafe activities.<sup>2</sup>

### **IMPORTANCE OF EDUCATION**

A better, more sustainable, and valued natural upbringing for all is a result of human resource development, which is influenced by education. The dissemination of information, the development of skills, and the transmission of some essential values are the main goals of the educational system. All nations and cultures will have a different economic education programme as a consequence. The limited amount of schools, their non-appearance, the

---

<sup>1</sup> Shyam Gopal Tiwari, ‘The Impact of Education on Preventing Child Labour in India’ (Aishwarya Sandeep, 19 March 2022) <<https://aishwaryasandeep.com/2022/03/19/the-impact-of-education-on-preventing-child-labour-in-india-2/>> assessed 20 June 2022

<sup>2</sup> Shyam Gopal Tiwari (n 1)

conflict between school hours and agricultural work, the cost of education, as well as its limited capacity to provide employment opportunities, have all been observed to facilitate the path of children who belong to the state class, according to research on child labour in another dimension. Children are prepared for schooling, but only with the owners' and parents' permission.

They want education to be as cheap and accessible as possible because they are very bothered about tuition and other costs related to it. More than 85 million rural kids in the age range of 5 to 14 have not been registered in the school system out of 140 million rural children overall. In elementary schools, only around 62% of students in rural regions are enrolled. Whereas "Article 45<sup>3</sup> (Directive Principles of State Policy)", says that "*The state shall endeavor to provide within 10 years, from the commencement of this constitution for free and compulsory education for all children until they complete the age of 14 years.*" However, it is seen to be misleading to use compulsory schooling for kids as an assimilative measure. As a result, this disregard for education has led to the situation of child labour. Therefore, this disregard for education is what led to the situation of child labour.

### **SIGNIFICANCE OF EDUCATION AGAINST CHILD LABOUR**

- The abolition of child labour is greatly helped by education. Every year on June 12th, Education International observes World Day Against Child Labour. Early education is crucial to keeping kids out of the workforce, according to Education International.
- It enables children to live respectable lives moving forwards in addition to helping them develop the skills they need.
- Education and training are essential components of democracy and the expansion of the social and economic spheres.
- A significant portion of society will become educated if all educational expenses are eliminated.

---

<sup>3</sup> Constitution of India, 1950, art.45

- Reduced child labour cases will result from a strategy that prioritizes educating kids and helping them escape poverty.
- Nobody has the right to restrict access to education since it is a fundamental right.
- It aids in altering people's perspectives on life and improves their humanity.

## CONSTITUTIONAL SAFEGUARDS

By 'Article 21A<sup>4</sup> of the Indian Constitution', children in India between 6 and 14 years of age have the 'Right to Free and Compulsory Education'. On August 4, 2009, the Parliament of India passed the 'Right of Children to Free and Compulsory Education Act', which is also known as 'the Right to Education Act (RTE)'. When the Act went into force, India joined a group of 135 countries that believe all children have a basic right to an education. The Act determines elementary school essential standards and recognizes kids between the ages of 6 and 14 have the fundamental right to education. It requires that 25% of seats in all private schools be set aside for students. Based on their family's financial situation or caste-based preferences, children are admitted to private schools. Additionally, it forbids any unapproved schools from operating, and it stipulates that there will be no admissions interviews with parents or children and no gift or capitation fees. By the law, no kid may be held back, expelled, or forced to complete a board test before completing their primary school. Additionally, there is a facility for additional instruction for ex-students to make them up to level with pupils their age.

'The Persons with Disabilities Act', a distinct piece of legislation, determines the Right to education for people with disabilities' up to the age of 18. Act also makes a collection of regulations addressing faculty, teacher-student ratio, and infrastructural improvements in schools. The Indian Constitution recognizes education as a concurrent concern that is subject to legislation from both the centre and the states. For its execution, the Act specifies particular duties for the federal, state, and municipal governments. The states have been complaining that they don't have the resources to provide instruction of a sufficient caliber in all the schools

---

<sup>4</sup> Constitution of India, 1950, art.21A

required for general schooling. Hence, it was evident that the federal government which brings in the majority of tax income – would have to provide funding to the states.<sup>5</sup>

### CONSTITUTIONAL PROVISIONS FOR THE ADVANCEMENT OF CHILDREN

Article 24<sup>6</sup> of the Indian Constitution: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39(e)<sup>7</sup> of the Indian Constitution: “Certain principles of policy to be followed by the State: 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.”

Article 15(3)<sup>8</sup> of the Indian Constitution: “Nothing in this article shall prevent the State from making any special provision for women and children.”

“Child Labour (Prohibition and Regulation) Act, 1986”<sup>9</sup>: It disallows the employment of kids in several dangerous jobs and controls the working conditions of kids in several other jobs for which they are not otherwise forbidden from working. It specifies a mechanism for deciding whether to make schedule changes for prohibited jobs or processes. It also ensures that "child" is defined consistently throughout relevant regulations.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 has several problems: India has passed many child labour laws since gaining its freedom. “Article 24 of the Constitution” prohibits children under the age of 14 from working in mines, factories, or other dangerous occupations. All children between the ages of six and fourteen are promised a free and required education under Articles 21A and 45<sup>9</sup>. In India, the Right of Children to Free and Compulsory Education Act was adopted that year. (RTE). Implementing the RTE is nearly

---

<sup>5</sup> Shruti, ‘The Impact of Education on Preventing Child Labour in India’ (*The Amikus Qriae*)

<<https://theamikusqriae.com/the-impact-of-education-on-preventing-child-labour-in-india/>> assessed 20 June 2022

<sup>6</sup> Constitution of India, 1950, art.24

<sup>7</sup> Constitution of India, 1950, art.39(e)

<sup>8</sup> Constitution of India, 1950, art.15(3)

<sup>9</sup> Constitution of India, 1950, art.21A and art.45

impossible due to the changes made by the new law. Due to the financial burden its requirements place on low-caste families, the Act makes dropout rates more likely rather than promoting education. Additionally, parents are more likely to make circumstances in which parents are willing to fabricate information about their child's attendance because of fear of the severe fines that may be assessed if their children work.

Child Labour (Prohibition and Regulation) Amendment Rules, 2017: “Makes several amendments to the Child Labour (Prohibition and Regulation) Act, 1986 (61 of 1986), including through the amendment of the title to Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (61 of 1986). Deals with, inter alia, responsibilities of the Central Government concerning the prohibition of child labour (section 2A)<sup>10</sup> regulating circumstances when a child can help his family without affecting their education (section 2B)<sup>11</sup>, and children who work as artists (section 2C)<sup>12</sup>.”

“Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour” are the two ILO conventions on child labour. These agreements are "basic" agreements. This implies that even if they have not ratified the relevant Conventions, all ILO member States are nevertheless required under the “ILO Declaration on Fundamental Principles and Rights” at Work to respect, promote, and understand the eradication of child labour. Various other legal laws forbid and regulate child labour, in addition to national regulations, and governments all over the world have been working to end child labour. Thanks to the ILO agreements and international cooperation, UNICEF offers humanitarian and progressive help to kids all over the world. It almost seems like every nation is engaged in a conflict from a different angle. According to the “Universal Declaration of Human Rights”, every child has a “Right to a Free, fundamental education”, thus financial hardship and poverty should not be a hurdle to going to school. Governments in several developing nations have declared the elimination of school fees during the past few decades, and as a result, they have witnessed a significant boost in the number of youngsters attending school.

---

<sup>10</sup> Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, s 2A

<sup>11</sup> Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, s 2B

<sup>12</sup> Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, s 2C

## CONCLUSION

Numerous factors can contribute to poverty, child labour, and unemployment. Education may not only be a solution, but also the most crucial component of the equation. Without it, we are unable to even begin to think about the success section. Instead, we ought to go forwards and spread knowledge about the value of education. Even while we all have equal rights at birth, it is only through education that we come to appreciate the importance of these rights and develop a deeper appreciation for our responsibilities. Unseen to the masses of individuals who work as workers or are otherwise compelled to work, they enjoy the same legal rights as employers. All country residents are subject to the same constitution. No one is unusual in the eyes of the law. Even though we could all agree that there are many ways to learn things, education provides us with greater power. And no nation could be as prosperous as one in which the vast majority of its people can develop their selves and become conscious of themselves. Even if we have a remedy at our disposal, child labour still occurs, thus we have not yet discovered the ideal way to eradicate it permanently. People don't grasp the link when the government implements legislation to help the poor, and they don't think the government is aware of their hardships or what they are going through. Without a doubt, the greatest way to combat child labour is via education.

To prevent child labour, the government must educate kids. Government should propose initiatives to assist parents in appreciating education in their special ways. Parents must realize that while they are not required to educate their kids, they must do so for their good. Although growth may not be as quick as we would want, it is a continuous process and the most trustworthy one. Education aids generations in growing.