

A Study Of Purno Agitok Sangma's Contribution To The Passage Of The Child Labour (Prohibition And Regulation) Bill In 1986

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Abstract

Purno Agitok Sangma, an ardent advocate for children's rights, has long been a vocal critic of the practice of using children in hazardous jobs. He has spent his whole time in office as labour minister advocating for children's rights and implementing regulations for businesses and individuals that use minors as labourers. He eventually became the longest-serving Union Minister. He advocated for the elimination of child labour to be given high priority on the national agenda and secured political backing to protect children's rights at both the federal and provincial levels. He had a key role in the passage of the Child Labour (Prohibition and Regulation) Bill, which he introduced in 1986. It limits the hours that children under the age of fourteen can work in hazardous jobs and sets age requirements for hiring minors in other industries.

Keywords: Child, Labour, Child Rights, Prohibition, Regulation, Protection, India.

Introduction

The government of India has made it a priority to end the use of children as labourers throughout the entire country. The provision of our Constitution titled "Fundamental Rights" protects children and adolescents from the risk of being coerced into engaging in work or activities that are unsuitable for their ages (Article 2-4). This commitment is reaffirmed by the Directive Principles of State Policy that are outlined in the Constitution of the United States of America. The largest number of children of working age are found in India compared to any other country in the world. The nation is currently facing a significant obstacle in terms of removing them from employment and ensuring that they are successfully rehabilitated, both of which are necessary steps in the process. On the other hand, when compared to a large number of other developing nations, the percentage of young people actively participating in the labour force in India is lower. According to the results of the census that was carried out in the year 2001, there were 79.7 million children who were categorised as "nowhere children," which means that they did not go to school nor did they have jobs. The number was significantly higher than that which was recorded in the census that was carried out in 1991, which included 203.3 million children between the ages of 5 and 14, of which 11.28 million were employed as child labourers. The number was significantly higher than that was recorded in the census (6.18 million boys and 5.10 million girls). If a child is between the ages of 6 and 14 and is not attending school when they should be, then that child is considered to either be currently participating in child labour or to be at risk of participating in such work. The definition of "child labour" The practise of employing children to work is more common in India's rural areas than it is in the country's urban centres. It was discovered that only 9.13 per cent of young people who are working hold jobs in urban areas, while the remaining 90.87 per cent live in rural communities.

Definition of Child Labour

“(i) Children who are engaged in work unsuitable for their capacities as children or in work that may jeopardize their health, education or moral development and whose age is below 14 years. Children who practice and engage in economic activities, on a part or full-time basis. (ii). The practice deprives children of their childhood and is harmful to their physical and mental development (iii). Child labourers constitute a group of working children who are either too young to work or are engaged in hazardous activities-that is, work that is potentially harmful to their physical, social, psychological or educational development.”

The term “Child Labour” is frequently defined as “work deprives children of their childhood. Their potential and their dignity, and are detrimental to physical and mental development. It refers to the work that: is socially or morally, mentally, physically dangerous and harmful to children; and interferes with their schooling:- by depriving them of the opportunity to attend school;- By forcing them to leave school prematurely; Or – by requiring them to try to combine school attendance with excessively long and heavy work.”

Child Labour in India

It is common practise in India, as it is in other countries, for children's fundamental rights to be violated in settings such as restaurants, on sidewalks, in agricultural areas, and possibly in any other setting where manual labour is required. India is not unique in this regard. Globally, there are approximately 215 million children under the age of 18 who are at risk of being employed in child labour. India accounts for more than 2% of that population, which is approximately equivalent to its current contribution to the GDP (1.67 per cent). India has the highest number of children working as farm labourers than any other country. One of the troubling aspects of child labour is that children are often forced to begin working before they have finished their education. Therefore, children's education, as well as their safety and their overall well-being, are negatively affected by the practice of child labour. The findings of a study that was carried out in 2014 by the National Commission for the Protection of Child Rights (NCPCR) are presented in the table that can be found below. This table also includes the primary and marginal rates of work participation for children in a variety of age groups who are a part of the overall labour force. According to the census from 2011, there are a total of 2,175,718 working children in India who are between the ages of 5 and 9 years old, and 6,052,763 working children who are between the ages of 10 and 14 years old. We have jobs available for kids as young as five years old.

Child Labour in India

All India Child Labour Protection Population according to 2011 census					
All India		Age group	Main workers	Marginal workers	Total
	Total	5-9	1,108,808	1,066,910	2,175,718
	Total	10-14	3,244,439	2,808,324	6,052,763
	Total		4,353,247	3,875,234	8,228,481

Source: NCPCR, 2014. <http://ncpcr.gov.in/showfile.php?lid=930>

Child Labour (Prohibition and Regulation) Act, 1986

The Child Labour Prohibition and Regulation Act was signed into law in 1986 as a direct result of the recommendations made by a number of committees (CLPRA). According to a review of the proposals that were provided by several committees, there was widespread consensus in favour of enacting uniform and comprehensive legislation to forbid the employment of minors in specific other jobs. This agreement was reached at the national level. In order for the legislature to achieve this objective, they enacted the Civil Liberties Public Safety Act (CLPRA), which became law on December 23, 1986. Since 1881, India's legislative history has made

significant strides, primarily in the direction of gradually providing more legal protection for working children. Child labour provisions in various statutes have mostly focused on limiting the number of hours that children are required to work, raising the age at which employment of children is prohibited, and outlawing the use of children in employment and activities that are unsafe for the health and protection of relatively young age. These factors include limiting the number of hours that children are required to work; raising the age at which employment of children is prohibited; and raising the age at which employment of children is prohibited. The Employment of Children Act of 1938, which was the first law that addressed child labour, was overturned by the Child Labour Practices Reform Act (CLPRA).

Introducing of Child labour (Prohibition and Regulation), Bill, 1986

The Child Labour (Prohibition and Regulation) Bill, 1986 was sponsored by the Labour Minister Purno Agitok Sangma to ensure that no minors under the age of 14 were employed in the country's unregulated informal economy. Children as young as ten were working in mines, oil refineries, chemical plants, hotels, and other potentially hazardous environments. Both in and out of Parliament, people criticised him for not completely prohibiting child labour but rather confining it to select businesses. The Planning Commission estimated in March 1985 that there were 17.58 million youngsters in the labour force. Also, most of these kids are employed in the informal sector, where there are fewer protections for their rights on the job. Concern has been voiced by the government. In India, as in many other developing countries, children from poor families make a sizable contribution to the family's income. Because of this, he understood the factors that can push a young person into a life of manual labour. Given his humble origins, Purno Sangma is realistic about the prospects of totally eliminating child labour in the face of widespread poverty. In many contexts, it would be impractical and immoral to outright prohibit all forms of child labour. There is no denying, however, that allowing minors to work in certain dangerous industries or professions is a bad idea.

Child Labour and Right to Education

According to Article 21A of the Constitution of India, all children between the ages of six and fourteen have the legal right to receive an education that is both free and mandatory. According to the RTE Act, which was passed in 2010, every child in this age range has the right to a publicly funded primary education that is free of charge. This right went into effect on April 1st. In accordance with Article 24 of the Constitution of India, children under the age of 14 are prohibited from participating in any hazardous form of industrial work. Under the terms of the 1986 Act, the only type of violation that can be prosecuted is the employment of children in hazardous occupations. The objectives of putting an end to child labour and achieving universal education are brought closer together when a connection is made between the two issues. Therefore, the procedure of taking a child who is working to stop doing so is comparable to the procedure of enrolling the child in school. Children are required to be enrolled in school and not be working in order for them to be eligible for their education rights as well as all other privileges to exercise, relaxation, safety, and nourishment. It is imperative that every kid be given the chance to go to a real school during the daytime hours. The CLPRA needs to be brought into compliance in order to preserve both the legal requirements of the RTE Act and the right to receive an education of a high standard. Every child ought to have the legal right to receive an education of the highest possible quality. In addition, schools as an institution need to generally improve their standards in order for parents to consider sending their children there as a viable option for child labour. The use of physical punishment on children should be made illegal if we want them to go to school and, more importantly, if we want them to finish their education.

Purno Agitok Sangma as a Labour Minister

A well-known politician in India by the name of Purno Agitok Sangma was born in the quaint community of Chapahati, which is located in the West Garo Hills region of the state of Meghalaya. Before being the first speaker to be unanimously chosen at such a young age, he served as the former chief minister of Meghalaya from the years 1998 to 1990. He then held that position from 1996 till 1998. Throughout his career, he has managed to keep his composure and remain rooted in reality. He worked relentlessly to find solutions to the issues that had not been handled in the area, but he was also able to rise beyond them. Purno Agitok Sangma earned the respect and affection of his constituents as a result of the selfless efforts and contributions he made across the entirety of

the nation. Because of this, he was able to win election to the Lok Sabha an incredible nine times in a row. He has had a nonstop political career that has spanned more than three decades, and throughout that time, he has occupied a variety of key positions at both the state and the central levels of government. In India, a lot of his policy recommendations have earned him a great deal of notoriety and respect. He served as Minister of State for Labour with Independent Charge from 1986 until 1993, and then again from 1993 until 1995. In the period beginning in February 1995 and ending in September 1995, he served as the Union Minister of State for Labour. He was elected to serve on the Committee on Labour and Welfare in the year 1999. The measures he took to protect children's rights while he was serving as labour minister were among the most important of all of these actions and steps. On one occasion, Purno Sangma and his five-person parliamentary delegation proceeded to Firozabad, where they discovered fifty children who had been incarcerated in dank and dismal quarters in order to conceal their presence from the examining team. The children were given a "holiday" by the other organisations because the inspector had announced the situation in advance. Following the visit, Purno Sangma gave businesses a deadline of two months to stop exploiting child labour or face the consequences of their actions. Since then, four sections have already been closed down, and about 4,000 children have been freed from the obligation of performing this work.

National Policy on Child Labour

The ministry under the leadership of Purno Sangma produced the national policy on child labour, and policy centred on basic development and welfare programmes for child employees and their families, as well as a project-based action plan with the aim of addressing the issue of child labour. In addition to that, it included the essential legal implementation strategy. The labour minister made enormous investments, which turned out to be fairly successful, in order to fulfil his promise to give free education to the children of beedi workers for the duration of his term in office. Because of the free education that was offered, many of the children of beedi workers went on to become professionals such as doctors and engineers. At the same time, the beedi employees themselves began working as a contented team, which increased the company's productivity and profitability. The employees of beedi were each issued an identification card in order to make it possible to use their personal information for the delivery of precise and targeted welfare programmes.

Working Conditions of Children

At this time, it is against the law in many countries to hire youngsters in particular professions. Several other Acts, such as the Plantation Labour Act, the Merchant Shipping Act, the Motor Transport Workers Act, and the State Shops and Establishments Act, make it illegal to employ children younger than a certain age. Sadly, these Acts do not agree with one another and do not detail a procedure for determining which professions should be exempt from the limitation on child labour. There are still some regions in the world where the use of child labour is at least partially sanctioned. In these types of establishments, children are frequently coerced into working long hours for low wages in unsafe conditions, which endangers their health and stunts both their mental and physical development. They did not receive an appropriate amount of rest, and they were not given any holidays off work.

Ineffective penalties for Child labour

Purno Agitok Sangma asserted that the punishments listed in the various Acts did not adhere to a common standard nor were they severe enough. The current restrictions on child labour are ineffective because the penalties imposed on companies who use children in violation of the provisions of several Acts were not harsh enough. This was the root cause of the ineffectiveness of the restrictions. In December of 1985, the Employment of Children Act, which had originally been passed in 1938, underwent a revision in order to ensure that the penalties that were established for workers were effectively raising the fine and mandatory jail. However, it has been thought that exploiting children through work and abuse is a very serious crime, and as a result, the penalty for such offences ought to be enhanced.

The Child Labour Bill

The primary objectives of the proposed legislation are to restrict the participation of children under the age of 14 in certain defined activities and procedures that are regarded as hazardous, as well as to devise a method for identifying jobs that are hazardous to children and where their involvement must be restricted. The bill seeks to

prohibit the engagement of children under the age of 14 in specific defined activities and procedures that are deemed dangerous. It is essential, in order to avoid child labourers from being exploited, to control the working conditions of children in non-hazardous workplaces where it is not illegal for them to be employed. This is the case in countries where child labour is not illegal. In conclusion, it is essential to impose harsher punishments for violating laws prohibiting the employment of minors in order to make those laws an effective deterrent. The proposed sentence for a first offence is between three months and one year in prison, a fine ranging from ten thousand to twenty thousand rupees, or both of these options together. For a second offence, the suggested sentence ranges from six months to two years within a correctional facility.

In opposition to the Bill

The majority of representatives in the House were against the proposal by Purno Sangma to legalise child labour because they wanted to see an end to all forms of child labour in the country. They were dissatisfied, and as a result, they came to the conclusion that they would fight against the legislation that prohibited children under the age of 14 from working in hazardous mines, factories, and industries, and that regulated their employment in non-mining, non-industrial, and non-hazardous sectors such as performing chores around the house. According to Article 24 of the Constitution, children younger than 14 years old are prohibited from working in mines, factories, or any other potentially hazardous industries. It does not place restrictions on everything; if it did, the people who wrote the constitution would not have specifically mentioned these three things in it. Therefore, Purno Sangma was making every effort to convey to the members of the House that despite the complete elimination of child labour in the nation, it will still exist because millions of children are compelled to work in order to support themselves. This was the message that Purno Sangma was trying to get across to the members of the House. In light of the entire situation, the government came to the conclusion that, for the sake of the children, they should outlaw it wherever it is possible to do so, regulate it in areas where it appears to be impossible to do so, and seek a solution by implementing welfare measures such as providing for the children's education, wellness, and nutrition, among other things. In addition, the government decided that it should regulate it in areas where it appears to be impossible to do so.

In his appeal for the measure, which had already been approved by the Rajya Sabha, Purno Agitok Sangma said that child labour is a national issue that should not be taken for granted because it is a serious problem that needs to be addressed. He stated that if this Act is not well performed, it would lose all of its value since that is what matters the most. He was referring to the fact that it is the most important factor. He addressed the nation and added that in order to significantly cut down on the amount of child labour that is done in the nation, it is imperative that individuals who are concerned about the wellbeing of children do not oppose the bill but rather take action rather than merely preaching about the issue.

Conclusion

The members of the House were very harsh in their criticism of Purno Agitok Sangma for not completely abolishing child labour. However, he did not let that dissuade him from continuing his mission to protect youngsters who are employed. His primary goal in passing this bill was to make it illegal to exploit children in a variety of workplaces where it is harmful to their health and to regulate the employment of children in occupations that are inappropriate for them where it may have an impact on their growth and development. He was successful in achieving both of these goals, as the bill was signed into law. There are a lot of young people who started working in different fields at a young age. Some of them didn't have anyone to turn to, had problems at home, or were abandoned by their own parents and had nowhere else to go. These are all reasons why many young people started working. These youngsters are allowed to roam the neighbourhood totally unsupervised and without anyone to look out for them. As a result, they have no option other than to get jobs and earn money in order to provide for themselves in any manner that is feasible so that they can make it through this cruel existence that has been prepared for them. Because of his humble origins and upbringing, Purno Agitok Sangma is aware of the difficulties that will be presented to children as a result of an outright prohibition on child labour. During his formative years, he was exposed to some of the harshest forms of destitution. Purno Sangma was a stalwart supporter of children's rights, and he had shown that he was committed to this cause by acting as a labour minister for a prominent organisation and making efforts to protect children who were working.

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