

SUPREME COURT ASKED CENTRE WHY CHILD LABOUR IN ALL FORMS SHOULD NOT BE COMPLETELY BANNED

NOTE OF PROCEEDING OF 12.12.2005

The Supreme Court on 12.12.2005 issued notice to the Centre on a PIL filed through Advocate Ashok Agarwal seeking enforcement of the right to education of every child in the age group of 6 to 14 by abolishing child labour in all its forms. A three-judge Bench comprising of Justice Ruma Pal, Justice A.R.Laxmanan and Justice Dalveer Bhandari issued the notice on petition filed by Prof. Shantha Sinha of Hyderabad University; HAQ: Centre for Child Rights and Social Jurist. Mr. Ashok Agarwal argued that Article 21-A of the Constitution mandates compulsory education for every child in the age group 6-14 years. Even after 57 years of Independence, out of 200 million children of this age group, nearly 100 million were estimated to be out of school and engaged in labour. It was also argued that the failure of the existing laws on child labour to completely prohibit such labour was causing continuous violation of all human rights of children. The petitioners sought a declaration that child labour in any form up to 14 years was unconstitutional.

On inquiry from the Hon'ble Judges whether any of the States has legislated the law as contemplated under Article 21-A of the Constitution, Mr. Agarwal informed that no State has so far done any thing in this regard despite the fact that Article 21-A was inserted in December 2002.
