

Child Labour in India: A Conceptual and Descriptive Study

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ABSTRACT

The issue of child labor is a major concern in India, as early entry into the labor market at an early stage of life means shunning away from proper schooling leading to loss of future and chances of better livelihood. Child labor is a complex problem whose mother is basically poverty. And the entire nation suffers the fatal consequences of this curse of society. Children below the age of fourteen in India as child laborengaged in various types of work, most of which Child labor in the U.S. is engaged in traditional agriculture, followed by manufacturing, services and repair, and in factories. Nowadays a large number of people in urban areas are using children as domestic workers. In which the work of children is completely unregulated and they often have to live like food, and very low wages, conditions of slavery, in addition to those domestic child laborers there is also physical abuse, sexual and emotional abuse. For domestic work, people argue that families have kept their children in their homes for care and employment. Elimination of child labor is a priority and is being implemented at the grassroots level. A large number of non-governmental and voluntary organizations are involved in this process along with national and international organizations. In this paper we intend to give the scenario in which child labor increases and the various challenges arising due to this particular problem have also been described in detail. Necessary efforts are proposed to overcome these problems. In this, the efforts being made by the government to solve this serious social problem through various laws are also mentioned in detail. In the end we conclude that the proposed solution is found to be capable of overcoming the challenges that have arisen due to child labour.

I. INTRODUCTION

“If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children.” *Mahatma Gandhi*

The problem of child labor has had a profound social and economic impact. Although the child is the father of the man, we do little for the woman for our children, apparently all the great modern temples established. We have millions of sad faces in industries, mainly because child labor is prevalent. Child labor means employment of children through regular or continuous labor. Children are the greatest asset of the nation and they should be brought up with almost care and should develop in a conducive environment to leave them with affection and understanding for their needs.

But in India the situation is different. What we are currently seeing is not more consistent with the aforesaid. The problem of child labour has been acute in India.

II. DEFINITION OF CHILD AND CHILD LABOUR

- The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person who has not completed fourteen years of age.
 - The Factories Act, 1948 and Plantation Labour Act 1951 states that a child is one that has not completed fifteen years of age.
 - The Juvenile Justice (Care and Protection of Children) Act, 2000 has changed the definition of child to any person who has not completed 18 years of age.
 - The National sample Survey defined child worker as person below the age of 14, who is wage earner.
 - POCSO Act 2012 defines a child as any person below eighteen years of age.
- UNICEF has categorized child work into three categories:
- Within the family: Children are engaged in domestic household tasks without pay.
 - Within the family but outside the home: Example- agricultural laborers, domestic maids, migrant laborers etc.
 - Outside the family: Example- commercial shops in restaurants and jobs, prostitution etc.

III. DATA FOR INDIA

- ❖ Between 2015 and 2018, officials were only able to obtain conviction in 25 percent of cases where violations of the Child Labor Act were registered.
- ❖ In February 2019, a study revealed that 10,826 cases of child labor act violations were reported across the country in the last four years. Of these, only 56 per cent cases (6,032) went to the prosecution stage.
- ❖ Among states, Odisha had the most number of violations (4,517) - nearly 42 per cent of the national figure. This was followed by Uttar Pradesh (1,416), Telangana (747), Punjab (898) and Gujarat (422)
- ❖ The census for 2011 entails that over 80 per cent of children below 14 years of age engaged in child labour are based in rural areas.
- ❖ The Census 2011 data revealed that 53.69 lakh children aged 5-14 years were working as agricultural labourers and cultivators in India.
- ❖ The overall number of child labourers (marginal and main workers put together) was estimated to be around 1.3 crore.
- ❖ The International Labor Organization (ILO) in a report on child labor in India stated that around 4 percent of the child population (5-14 years) of India is working as child labor (either main workers or marginal workers).

IV. CAUSES OF PROBLEMS

- ❖ The norms of child labour are many and varied. Thus, a various factors can be attributed to the employment of child labour. Easy availability of child labor without many obligations for employers.
- ❖ Poverty is the single important reason for child labour. Poor parents also allow children to work at non-profit jobs to supplement their income
- ❖ Many employers prefer to employ children, as they are cheaper. In addition, children are less fussy, more disciplined and: highly adaptable

- ❖ School drop-outs.
- ❖ Loss of an earning member of the family. d) Absence of any State sponsored scheme of family allowance in India.
- ❖ Non-existence of any general scheme of compulsory education up to a minimum age.
- ❖ Slow advance of protective labour legislation.
- ❖ The evasion of the existing laws for the protection of children. h) Death of parents.
- ❖ Habitually the father or an adult male member of the family spends money on alcohol etc.
- ❖ Sometimes the social structure of the society becomes responsible for child labour. The social structure in our country is characteristic of the caste system. The members of the lower castes and Dalit communities are considered to be of service to the people of the higher castes. Thus, they are deprived of their aspirations.
- ❖ The problem of child labour in India is rooted in the exploitative socio-economic setup and poor and backward economy. Ignorance, lack of job opportunities and other socio-economic institutions perpetuate this evil. There is no public awareness in our society which is also an important reason for child labor.

V. CONSEQUENCES / EFFECTS OF CHILD LABOUR:

- **Loss of Quality childhood:** Child labor leads to the loss of a quality childhood as children will be deprived of the opportunity to enjoy the wonderful experiences that come with being young.
- **Health Complications:** Due to poor working conditions and under nutrition, child labor gives rise to health complications. Working in mines and in poor condition factories can cause life-long health problems for children working in these places.
- **Mental trauma:** Issues such as bullying, sexual exploitation, and unfavorable working hours may result in mental trauma in these children.
- **Illiteracy:** Working children do not have time to go to school. Lack of education and illiteracy make them persons with limited opportunities in relation to employment.
- **Indulgence into Crime Field:** The illiterate/uneducated children working in the society sometimes get affected by criminal activities and commit crimes at a young age.

VI. GOVERNMENT MEASURES FOR TRACKING THE PROBLEM OF CHILD LABOUR

Efforts have been made from time to time to provide legal protection to child labor in India. The following Acts were passed to provide protection to child labor in India before independence:

1. Constitutional Provisions:

Through various articles enshrined in the Fundamental Rights and the Directive Principles of State Policy, lays down that:

- ❖ 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 (Article 24);
- ❖ The State shall provide free and compulsory education to all children of the age six to 14 years. (Article 21 (A))

- ❖ The State shall 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 they are not forced by economic necessity to enter vocations unsuited to their age and strength (Article 39-e)
- ❖ Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment (Article 39-f);
- ❖ The State shall endeavor to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years (Article 45).

2. National Legislations:

National Commission for Protection of Child Rights (NCPCR):

It was established by an Act of Parliament, thus it is a statutory body. The commission works under the aegis of the Ministry of Women and Child Development, Government of India.

- ❖ The commission established with an objective to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the UN Convention on the Rights of the Child.
- ❖ PENCIL for Child Labour: It is an online portal for better monitoring and reporting system to ensure effective implementation of the provisions of the amended Child Labor (Prohibition and Regulation) Act 1986 and National Scheme for Child Labor Project.
- ❖ *National Child Labour Project*: NCLPS is a central sector scheme where 100% of the funding is provided by the Government of India through the Ministry of Labour and Employment.
- ❖ The NCLP Scheme seeks: To eliminate all forms of child labour through
 - Identification and withdrawal of all children in the Project Area from child labour,
 - Preparing children withdrawn from work for mainstream education along with vocational training;
 - Ensuring convergence of services provided by different government departments/agencies for the benefit of child and their family;
- ❖ The scheme focuses on:
 - All child workers below the age of 14 years in the identified target area.
 - Adolescent workers below the age of 18 years in the target area engaged in hazardous occupations / processes.
 - Families of Child workers in the identified target area
- ❖ *The POCSO ACT* is a gender-neutral Act enacted to strengthen the legal provisions for protection of children from sexual abuse and exploitation. The act also prohibits child sexual labour.
- ❖ *Child Labour (Prohibition and Regulation) Act (1986)*, “to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employment” (preamble of the CLPR Act).
- ❖ *National Policy on Child Labour (1987)*, with a focus more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.
- ❖ *Amendment to the Juvenile Justice Act of 2000*: Amendment to the Juvenile Justice Act of 2000 was amended in 2015 with a provision allowing for Children in Conflict with Law (CCL) to be tried as adults under certain circumstances.
- ❖ It defines a child as a person below the age of 18 years. For a CCL, the age at the date of the offense is the basis for determining whether he was a child or an adult.

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- ❖ The J S Verma Committee stated that it was not inclined to reduce the age of a juvenile from 18 to 16. The amendment was made in 2015.
- ❖ The Right to Education Act 2009 has made it mandatory for the state to ensure that all children in the age group of six to 14 years are in school and receive free education.
- ❖ With the recognition of education as a fundamental right along with Article 21A of the Constitution of India, this is a time bound opportunity to use education to combat child labor in India.

National Child Protection Policy

- ❖ The Child Protection Policy aims to protect the children in the country from violence, exploitation, abuse and neglect.
- ❖ The draft policy has been placed by the Ministry of Women and Child Development (WCD) on its website to invite comments from stakeholders until January 4.
- ❖ It is the first policy dedicated to the protection of children, an area that until now was only a part of the broader National Child Policy, 2013.
- ❖ The Supreme Court had earlier directed the Central Bureau of Investigation(CBI) to investigate allegations involving 17 shelter homes for children, destitute women, beggars and senior citizens in Bihar following the case of sexual abuse of more than 30 girls in a shelter home in Muzaffarpur in the State.
- ❖ The apex court had also asked the Centre to consider framing a national policy on the protection of children.

Child Labour (Prohibition and Regulation) Amendment Act, 2016:

- ❖ The central legislature of India had promulgated a legislation Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 ("CL Act") to regulate the child labor practices in India.
- ❖ The central legislature has made substantial changes in the provisions of the CL Act in the year 2016 and the said amendments have been made effective from July 30, 2016.
- ❖ A complete prohibition has been imposed on employment of child labor (i.e.a person below the age of 14 years) in any establishment whether hazardous or not.
- ❖ A child is permitted to work only to help the family, in a family enterprise or as child artist after school hours or during vacations.
- ❖ The amendment has introduced the concept of adolescent labor for the first time.
- ❖ The number of hazardous occupations and processes has been reduced from 83 to only 3.
- ❖ The offenses under the Act have now been made compoundable and cognizable notwithstanding the provisions of the Criminal Procedure Code.
- ❖ The CL Act provides for rehabilitation of children and adolescent who have been victims under the provisions of the CL Act.
- ❖ It provides for setting up of the Child and Adolescent Labour Rehabilitation Fund in which all the amounts of penalty have to be realized.
- ❖ Liability has been affixed to the parents and guardian of the affected child/children separately from the employers.
- ❖ The Act provides for increased penalty and imprisonment which shall not be less than 6 months and may extend up to 2 years and fine which may vary between Rs.20, 000 to Rs. 50,000.

3. International Law:

- ❖ The concept of equality of all human beings, as embodied in the Universal Declaration of Human Rights of 1948.

- ❖ The above principle along with other principles of the Universal Declaration concerning child was incorporated in the Declaration of the Rights of the Child of 1959.
- ❖ The International Covenant on Civil and Political Rights under Articles 23 and 24 and the International Covenant on Economic, Social and Cultural Rights under Article 10 made provisions for the care of the child.
- ❖ The International Program on the Elimination of Child Labour (IPEC) is a global program launched by the International Labour Organization in December 1991.
- ❖ India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with ILO.
- ❖ The long-term objective of IPEC is to contribute to the effective abolition of child labor. IPEC-India has, during the period 1992-2002, supported over 165 Action Programs.
- ❖ The Employment of Children Act, 1938
- ❖ The Factory Act, 1881, 1948
- ❖ The Plantation Labour Act, 1951
- ❖ The Mines Act of 1952
- ❖ The Indian Merchant Shipping of Labour Act, 1923
- ❖ The Children Pledging of Labour Act, 1933
- ❖ The Right of Children to Free and Compulsory Education Act of 2009

VII. SUGGESTIONS, IMPROVEMENT AND CONCLUSION OF CHILD LABOUR

Child labor in general is a major social disease and national waste, as the economic need for wage earning to support the family deprives the child of opportunities for education, sports and recreation, inhibits his physical development, It interferes with the development of the child's personality and thwarts his preparation for responsibility. No one cares about the dangers caused to child labour. We can take many steps to remove this social problem from our society, some of which are given below:

- **Free education:** Free education is the key to ending child labour. It has already proved successful in many places across the world and with more effort; the cases of child labor will come down significantly.
 - **Mid-day meals schemes:** Mid-day meals schemes can also be used as a motivating factor for children whose parents can barely afford a meal to learn.
 - **Moral Polishing:** Child labor should not be entertained at all. It is legally and morally wrong. Children should not be allowed to provide labor at the expense of getting an education and enjoying their childhood.
 - **Create demand for skilled and trained workers:** By creating the demand for skilled and trained workers, child labor cases will reduce since almost all child laborers fall under the unskilled worker category.
 - **Awareness:** Creating awareness about the illegality of child labor can also help in stemming from the practice.
 - **Empowerment of poor people:** Poor living standards and financial constraints sometimes make them reluctant participants in this vice. Empowering poor people through knowledge and income-generating projects will go a long way in reducing the cases of child labour.
- Apart from this, the following could be the best solution to prevent the lacunae of child Labour**
- To stop child labor the incidence of poverty first needs to be reduced, so that poor people do not need to send their children to earn their bread and butter.

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- To prevent child labor, we need proper implementation of laws that prescribe strict punishment to vendors, shopkeepers, and mill owners in case they engage children on cheap wages.
- Parents should not differentiate between boys and girls. By this practice the number of girl child can be reduced to a great extent.
- The spread of literacy and education is a powerful weapon against the practice of child labor as illiterate persons do not understand the implications of child labour.
- Identifying the root causes that compel families and communities to allow children to engage in labour. To address these underlying issues by interacting with parents, community leaders

Now, as a society, it is important to facilitate access to a range of services including child support, medical, legal, psychological and counseling support. Elimination of child labor is the responsibility of the whole society. Other stakeholders such as district administration, local communities, civil society groups, NGOs, academia and enforcement agencies have an important role to play.

First of all, the biggest responsibility lies with us because we all live in the society. It starts from our house. Never allow a servant to do underage work. Give some financial help to the street boys. Unite those who want to help them. Form a welfare group. Educate the children and give them shelter and food. If we all work from our respective places as far as possible, then its result is possible. No child should ever be allowed to work hard and heavy in any industry. Boycott those who are doing this and raise your voice against them. Make them aware of the law of crime like child labor. Make people aware. Come forward and take your own responsibility and make your own decisions.

Second, governments can play a much larger role. First of all, they should make strict and proper laws against child labor and implement them strictly against those who are putting children on heavy work. Governments should also assure shelter, food, education and all basic necessities for the children. A child should be as independent as he is in heaven. Remember, children are also a tool for the perpetrator to commit their crime. The governments of a country should be aware and take necessary steps for it. After all, we are living in the era of globalization.

Various international organizations can take steps to make people aware to stop child labour. They can help the children financially by giving free education to all the programs and pressurizing the government to enact laws to provide the necessary elements for the welfare of the children. The combination of the above bodies will make it easier to eradicate the ill health of children, and will help to keep them away from child labour. Children are symbols of innocence and purity. Your heart should melt in tears when you see them sleeping on the street with a hungry stomach, if you are a real human being. Raise your voice today's youth. Make this world a better place for the generations to come.

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