

THE SITUATION OF CHILD LABOUR IN INDIA: A CRITICAL PERSPECTIVE

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ABSTRACT

Child labour is the practice of having children engage in economic activity, on part of time basis. The practice deprives children of their childhood, and is harmful to their physical and mental development. Poverty, lack of good schools and growth of informal economy are considered as the important of child labour in India. The 1998 national census of India estimated the total number of children Whose aged 4-15, to be at 12.6 million, out of a total child population of 253 million in 5-14 age group. A 2009-2010 nationwide survey found child labour prevalence had reduced to 4.98 million children (or less than 2% of children in 5-14 age group). The 2011 national census of India found the total number of child labour, aged 5-14, to be at 4.35 million, and the total child population to be 259.64 million in that age group. The child labour problem is not unique to India; worldwide, about 217 million children work, many full-time.

Keywords: Child labour, Poverty, Labour law, Causes.

INTRODUCTION:

The term child labour suggests International Labour Organization (ILO), is best defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during war and clubs and Boutros, school or experience a healthy childhood. The Existing law is trying to prohibit and regulate the child labour practices that are going on rampant. With the onset of industrialization and the prospect of wage labour, children become progressively employed in industry as well as

in domestic and commercial establishments.[1] It also stipulates that the countries shall take legislative administrative social and educational measures to ensure the implementation of this provision. It specifies to a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions for employment and appropriate penalties or other sanctions to ensure the effective enforcement of this provisions. [2] The State policy makers argue that the State ought not to intervene in the point of child labour 'since poor parents depend upon income of their children'. It is thus a matter of social justice that the children of the poor be allowed to work.[3] Indian law specifically defines 64 industries as hazardous and it is a criminal offence to employ children in such hazardous industries. In 2001, an estimated 1% of all child workers, or about 120,000 children in India were in a

hazardous job. Notably, Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a Fundamental Right under Article 24. UNICEF estimates that India with its larger population, has the highest number of labourers in the world under 14 years of age, while sub-Saharan African countries have the highest percentage of children who are deployed as child labour. International Labour Organisation (ILO) estimates that agriculture at 60 percent is the largest employer of child labour in the world, while United Nation's Food and Agriculture Organization estimates 70% of child labour is developed in agriculture and related activities. Outside of agriculture, child labour is observed in almost all informal sectors of the Indian economy. Article 24 of India's constitution prohibits hazardous child labour. Additionally, various laws and the Indian Penal Code, such as the Juvenile Justice (care and protection) of Children Act-2000, and the Child Labour (Prohibition and Abolition) Act-1986 provide a basis in law to identify, prosecute and stop child labour in India.

India's Census 2001 office defines. Child labour as participation of a child less than 17 years of age in any economically productive activity with or without compensation, wages or profit. Such participation could be physical or mental or both. This work includes part-time help or unpaid work on the farm, family enterprise or in any other economic activity such as cultivation and milk production for sale or domestic consumption. Indian government classifies child labors into two groups. Main workers are those who work 6 months or more per year. And marginal child workers are those who work at during the year but less than 6 months in a year. Some child rights activists argue that child labour must include every child who is not going to school because he or she is a hidden child worker. UICEF, however, points out that India faces major shortages of schools, classrooms and teachers particularly in rural areas where 90 percent of child labour problem is observed. In primary schools have just one teacher to teach students across all Classes After its independence from colonial rule, India has passed a number of constitutional protections and laws on child labour. The dawn of India in the Fundamental Rights and the Directive Principles of State Policy prohibits child labour below the age of 14 years in any factory or mine or castle or engaged in any other us employment (Article 24). The constitution also envisioned that India shall, by 1960, provide infrastructure and resources for free and compulsory education to all children of the age 6 to 14 years.

Nanda studies that Child labour is a very common global problem across the globe, to a lesser or greater degree, visible or invisible, admittedly or otherwise child labour exists. India is one of the examples of a nation plagued by the problem of child labour and they explained the magnitude, causes and consequences of child labour and steps taken by the state as well as Central Government.

CAUSES OF CHILD LABOUR:

For much of human history and across different cultures, children less than 17 years old have contributed to family welfare in a variety of ways. UNICEF suggests that poverty is the big cause of child labour. The report also notes that in rural and impoverished parts of developing and undeveloped parts of the world, children have no real and meaningful alternative. Schools and teachers are

unavailable. Child labour is the unnatural result. BBC report, similarly, concludes poverty and inadequate public education infrastructure are some of the causes of child labour in India.

Between boys and girls, UNICEF finds girls are two times more likely to be out of school and working in a domestic role. Parents with limited resources, claims UNICEF, have to choose whose school costs and fees they can afford when a school is available. Educating girls tends to be a lower priority across the world, including India. Girls are also harassed or bullied at schools, sidelined by prejudice or poor curricula, according to UNICEF. Solely by virtue of their gender, therefore, many girls are kept from school or drop out, than providing child labour

The (ILO) and Spreading Smiles through Education Organisation (OSSE) suggests poverty is the greatest single force driving children into the workplace. Income from a child's work is felt to be crucial for his/her own survival for that of the household. For some families, income from their children's labour is between 25 to 40% of the household income.

According to a 2008 study by ILO, among the most important factors driving children to harmful effect is the lack of availability and quality of schooling. Many communities, particularly rural areas do not possess adequate school facilities. Even when schools are sometimes available, they are too away, difficult to reach, unaffordable or the quality of education is so poor that parents wonder if going to school is really worthwhile. In government-run primary schools, even when government-paid teachers do not show up 25% of the time. The 2008 ILO study suggests that illiteracy resulting woman resulting from a child going to work, rather than a quality of primary and secondary school, limits the child's ability to get a basic educational grounding which would in normal situations enable them to acquire skills and to improve their prospects for a decent adult working life. An older report published by UNICEF outlines the issues summarized by the ILO report. The ICEF report claimed while 90% of child labour in India is in its rural areas, the availability and quality of schools is reported: in rural areas of India, claims the old UNICEF report, about 50% of government funded primary schools that exist do not have a building, 40% lack a blackboard, few have books, and 97% funds for these publicly funded school have been budgeted by the government as salaries for the teachers and administrators. A 2012 Wall Street Journal article reports while the enrollment in India's school has dramatically increased in recent years to over 96% of all children in the 6-14 year age group, the infrastructure in schools, aimed in part to reduce child labour, remains poor - over 81,000 schools do not have a blackboard and about 42,000 government schools operate without a building with makeshift arrangements during monsoons and inclement weather.

Biggeri and Mehrotra have studied the macroeconomic factors that encourage child labour. They focus their study on five Asian nations including India, Pakistan, Indonesia, Thailand and Philippines. They suggest that child labour is a serious problem in all five, but it is not a new problem. Macroeconomic causes encouraged widespread child labour across the world, over most of human history. They suggest that the causes for child labour include both the demand and the supply side. While poverty and unavailability of good schools explain the child labour supply side, they suggest that the growth of low

paying informal economy rather than higher paying formal economy-called organized economy in India - is amongst the causes of the demand side. India has rigid labour laws and numerous regulations that prevent growth of organized sector where work protections are easier to monitor, and work more productive and higher paying. The unintended effect of Indian complex labour laws is the work has shifted to the unorganized, informal sector. As a result, after the unorganized agriculture sector which employs 60% of child labour, it is the unorganized trade, unorganized assembly and unorganized retail work that is the largest employer of child labour. If macroeconomic factors and laws prevent growth of formal sector, the family owned informal sector grows, deploying low cost, easy to hire, easy to dismiss labour in form of child labour. Even in situations where children are going to school, claim Biggeri and Mehrotra, children engage in routine after-school home-based manufacturing and economic activities. Other scholars too suggest that inflexibility and structure of India's labour market, size of informal economy, inability of industries to scale up and lack of modern manufacturing technologies are major macroeconomic factors affecting demand and acceptability of child labour.

BONDED CHILD LABOUR:

Bonded child labour is a system of forced, or partly forced, labour under which the child, or usually child's parent enter into an agreement, oral or written, with a creditor. The child performs work as a kind repayment of credit. In this 2005 ILO report, debt-bondage in India emerged during the colonial period, as a means to obtain reliable cheap labour, with loan and land-lease relationships implemented during that era of Indian history. These were regionally called Hali, or Halwaha, or Jaura systems: and by colonial administration the indentured labour system. These systems included bonded child labour over time, claims the ILO report, these traditional forms of long-duration relationships have declined.

In 1977, India passed legislation that prohibits solicitation or use of bonded labour by anyone any one including children. Evidence of continuing bonded child labour continue. A report by the Special Reporter to India's National Human Rights Commission, reported the discovery of 53 child labourer in 1996 in the state of Tamil Nadu during a surprise inspection. Each child or the parent her taken an advance of Rs. 10,0000 to 25,0000. The children were made to work for 12 to 14 hours day and received only Rs. 2 to 3 per day as wages. According to an ILO report, the extent of bonded child labour is difficult to determine, but estimates from various social activist groups range up to 350,000 in 2001. Most of the laboures come from lowest strata of the society, such as SCs, STs and agricultural laboures.

Despite its legislation, prosecutors in India seldom use the Bonded Labour System (Abolition) Act of 1976 to prosecute those responsible. According to one report, the prosecutors have no direction from the central government that if a child is found to be underpaid, the case should be prosecuted not only under the Minimum Wages Act, 1948 and the Child Labour (Prohibition & Regulation) Act, 1986, the case should include charges under the Bonded Labour Act of India. The few enforcement actions have had some unintended effects. While there has been a decrease in children working in factories because of enforcement and community vigilance committees, the report claims poverty still compels children and poor families to work. The factory lends money to whoever needs it, puts a loom in the person's

home, and then the family with children works out of their homes, bring finished product to pay interest and get some wages. The bonded child and family labour operations were moving out of small urban factories into rural homes.

CONSEQUENCES OF CHILD LABOUR:

The presence of a large number of child labourers is regarded as a serious issue in terms of economic welfare. Children who work fail to get necessary education. They do not get the opportunity to develop physically, intellectually, emotionally and psychologically. In terms of the physical condition of children, children are not ready for long monotonous work because they become exhausted more quickly than adults. This reduces their physical conditions and makes the children more vulnerable to disease. Children in hazardous working conditions are even in worse condition. Children who work, instead of going to school, will remain illiterate which limits their ability to contribute to their own well being as well as to community they live in. Child labour has long term adverse effects for India.

To keep an economy prospering, a vital criterion is to have an educated workforce equipped with relevant skills for the needs of the industries. The young labourers today, will be part of India's human capital tomorrow. Child labour undoubtedly results in a trade-off with human capital accumulation. Child labour in India are employed with the majority (70%) in agriculture. some in low-skilled labour-intensive sectors such as sari weaving or as domestic helpers, which require neither formal education nor training, but some in heavy industry such as coal mining.

According to the International Labour Organisation (ILO), there are tremendous economic fits for developing nations by sending children to school instead of work. Without education, children do not gain the necessary skills such as English literacy and technical aptitude that will increase their productivity to enable them to secure higher-skilled jobs in future with higher wages that will lift them out of poverty.

CONCLUSION

India is sadly the home to the largest number of child labourers in the world. The census found an increase in the number of child labourers from 11.28 million in 1991 to 12.59 million in 2001. M.V. Foundation in Andhra Pradesh found nearly 400,000 children, mostly girls between seven and 14 years of age, toiling for 14-16 hours a day in cottonseed production across the country of which 90% are employed in Andhra Pradesh. 40% of the labour in a precious stone cutting sector is children. NGOs have discovered the use of child labourers in mining industry in Bellary District in Karnataka in spite of a harsh ban on the same. In urban areas there is a high employment of children in the zari and embroidery industry.

Poverty and lack of social security are the main causes of child labour. The increasing gap between the rich and the poor, privatization of basic services and the neo-liberal economic policies are causes major sections of the population out of employment and without basic needs. This adversely affects children

more than any other group. Entry of multi-national corporations into industry without proper mechanisms to hold them accountable has led to the use of child labour. Lack of quality universal education has also contributed to children dropping out of school and entering the labour force. A major concern is that the actual number of child labourers goes undetected. Laws that are meant to protect children from hazardous labour are ineffective and not implemented correctly.

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A growing phenomenon is using children as domestic workers in urban areas. The conditions in which children work is completely unregulated and they are often made to work without food, and very low wages, resembling situations of slavery. There are cases of physical, sexual and emotional abuse of child domestic workers. The argument for domestic work is often that families have placed their children in these homes for care and employment. There has been a recent notification by the Ministry of Labour making child domestic work as well as employment of children in dhabas, tea stalls and restaurants "hazardous" occupations

Child labour is highest among scheduled tribes, Muslims, scheduled castes and OBC children. The persistence of child labour is due to the inefficiency of the law, administrative system and because it benefits employers who can reduce general wage levels. HAO argues that distinguishing between hazardous and non hazardous employment is counter-productive to the elimination of child labour. Various growing concerns have pushed children out of school and into employment displacement due to development projects, Special Economic Zones; loss of jobs of parents in slowdown, farmers' suicide; armed conflict and high costs of health care. Girl children are often used in domestic labour within their own homes. There is a lack of political will to actually see to the complete ban of child labour.

Bonded child labour is a hidden phenomenon as a majority of them are for bonded labour means the employment of a person against a loan or debt on family of the child or the family as a whole. It is a form of slavery. Children who are bonded with their family or inherit a debt from their parents are often found in agricultural sector or assisting their families in brick kilns, and stone quarries. Individual pledging of children is a growing occurrence that usually leads to trafficking of children to urban areas for employment and have children working in small production houses versus factories. Bonded labourers in India are mostly migrant workers, which opens them up to more exploitation. Also they mostly come from low caste groups such as Dalits or marginalised tribal groups. Bonded child

labourers are at very high risk for physical and sexual abuse and neglect sometimes leading to death. They often are psychologically and mentally disturbed and have not learnt many social skills or survival skills.

In 2000 the ILO estimated 5.5 million children had been forced in labour in Asia, while the Bonded Labour Liberation Front placed 10 million bonded children in India alone. In 1998 the government of India labelled bonded child labour as a marginal problem with only 3000 or so cases. A survey in Tamil Nadu in 1995 found 125,000 bonded child labourers in the state alone. Child bonded labour in India is mostly in the agricultural sector but has in recent times been moving into other sectors as well such as beedi-rolling, brick kilns, carpet weaving, commercial sexual exploitation, construction, Greworks and matches factories, hotels, hybrid cottonseed production, leather, mines, quartiles, silk, synthetic gems, etc.

REFERENCES:

1. Basu K, Tzannatos Z. (2003), The Global Child Labor Problem: What Do We Know and What Can We Do? *World Bank Econ Rev.*; 17:147–73.
2. Yadav SK, Gowri Sengupta G. (2009), Environmental and occupational health problems of child labour: Some Issues and Challenges for Future. *J Hum Ecol.*; 28:143–8.
3. The Child Labour (Prohibition and Regulation) Act, 1986.
Hazardous work is defined by provisions of ILO Convention No.182 and ILO Convention No.138.
4. Neera Burra, (2009), Child Labour in Rural areas with a special focus on migration agriculture mining and brick kilns. *National Commission for protection Child rights* 19 October, 2009.
5. Mario Biggeri and Santosh Malhotra. (2007), Asian Informal Workers: Global Risks, *Local protection*
6. Cigno Rosti and Tzannatos.(2001), Child labour Nutrition and Education in Rural India. *Pacific Economic Review.* 4 (2001).
7. Cigno and EC Rosati. (2002), Child labour. Education and Nutrition in Rural India, *Pacific Economic Review.*
8. Constitution of India, Ministry of Law and Justice, Govt. of India.
9. UNICEF, Guide to the Convention on the Rights of the Child. 2006. [Last accessed on 2006]. Available from: <http://www.unicef.org/crc/>.
10. www.labdirodisha.gov.in-child labour
11. S. R. Chowdhury. (2013), Recession and child labor: A theoretical analysis Indian council for research on international economic relations.
12. National Plan of Action For Children (2005).
13. S. K. Nanda. (2019), A Critical Analysis on the Status of Child Labour in Western Odisha in India., *Int. Journal of Social Sciences*, 8(3) pp-79-86.