

## CAUSES AND ISSUES RELATED CHILD LABOUR IN INDIA

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### ABSTRACT

It is undisputed that taking work and extracting labour from a child, takes away their normal imagination power and talent destroy their creativity and energy. Such state of affairs deprives them from getting education, hindering their mental as well as physical growth on whom destiny of the nation depends at large. Study of International Labour Organizations and other agencies clearly indicates that large numbers of children are at risk due to job hazards in the tender age and childhood, which become curse on a civilized society. In the words of Mr. M.P. Joseph, the then National Programme Co-ordinator IPEC —the employment of child labour is an intolerable disrespect for human dignity and enormous waste of human resources. There is need for concerted multi-frontal action to combat this unbearable social evil. International Organizations and the Constitution of India together played a vital role in combating the problems of children and child labour. But there are various general enactments touching the miseries and solutions of children and child labour at workplace or otherwise. It is expedient to have a look on such provisions relating to children and child labour which are directly or indirectly in operation to eradicate the issues and challenges in the way to protect children from exploitation.

**KEYWORDS:** International Labour Organization, Constitution of India, Child Labour, Exploitation, Protection, Prohibition and Regulation, Employment

### INTRODUCTION

Child labour has been a major concern in the world because it affects the children both mentally and physically and it also destroys the future of children. Child labour is one the serious issue not only in India but also in other developing countries. It is widely prevalent in developing countries because of poverty .it is a great social problem because children are the hope and future of a nation. There were many laws enacted to prohibit child labour but they are ineffective. According to 2017 statics India is one of the leading countries in Asia has a whopping 33 million children employed in various forms of child labour. Let me explain the major laws enacted to prohibit child labour and their impacts on society under the following sub heads.We as a human being can understand better that practically it is not possible to evolve or to introduce a full proof system in the enactments, especially in the present fast changing society. It is also not possible to assess the future events and incidents in the society, as such the flaws in the laws are natural phenomena and people try to avail the benefit of such flaws in their favour and sometimes through morbid interpretation people try to avail the benefit which is also an important cause of employment of child labour. Clever employers try to interpret the provisions in their favour in flouting the laws on the subject. So, for the abuses of child labour system are concerned; it is palpable to all sensitive citizens of the country which may broadly be classified in three categories i.e., Physical Abuses, Social Abuses and Economic Abuses. Physical Abuses of Children in the clutches of agents, middlemen, contractor as well as unreasonable employers of unorganized sectors are beaten and physically assaulted and tortured by various ways. They are made to starve, hampering the physical and mental growth and also made to work in most unhygienic conditions for longer hours without rest and leisure. Girl child workers are not being provided privacy and become victim so sexual harassment. They are made to suffer malnutrition and various contagious and other diseases. In hazardous processes and occupations, very often the children are exposed to dangerous chemical, dust, fumes and gases etc., causing various abnormalities in usual human development. Social abuses of children in present scenario of globalization, liberalization and fierce competitiveness, the tender aged children are being used as forced labour for drug trafficking, sex tourism trade for illicit arms and ammunitions, smuggling of goods and for the sale of narcotics and for organ trade. Apart from these activities children are also being used for pick pocketing, begging

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and for various other criminal activities. Due to isolation and long separation from parents and other family members, such children suffer from mental agony, tension and anxiety creating a barrier for their future well-being and ultimately multi-dimensional exploitation. Due to continuous contact with narcotics and drugs, the children themselves become addict and habitual for using liquor, opium, ganja, charas and similar types of other drugs which makes them socially criminal. Economic abuses of children in view of the causes of this social evil, the economic exploitation and abuses to child labour and their families are obvious in terms of non-payment or less payment of wages, delayed payment, rough quality and underweight ration in lieu of wage, unauthorized and illegal deduction from the wage, charging interest on advance, poor and inhuman working conditions and service conditions and charging the commission on wage if employed or engaged through contractor or agents. The overall condition of children is not good and above that the condition of child labour is much worse so in order to protect them the several initiatives were taken by the government and still more the government is trying hard on its part to grab this evil and eradicate it from the root but it is realized that efforts made till date are not sufficient for this problem.

### **Child Labour**

"Child" as defined by the child labour (prohibition and regulation) Act 1986 is a person who has not completed the age of 14 years. As a layman we can understand that Child labour is the practice of having children engage in economic activity, on a part or full time basis. Every child is considered as a gift of God, it must be nurtured with care and affection with in the family and society. But unfortunately, due to the socio-economic problems children were forced to work in industries, leather factories, hotels and eatery. The child labour is not an isolated phenomenon it is coupled with socio economic problem of the society so in order to eliminate child labour first we should focus on socio economic issues of the society. It is in the hands of administrative. It should bring effective measures to eliminate child labour.

### **CAUSES OF CHILD LABOUR**

#### **Poverty**

Poverty is one of the main causes of child labour. In developing countries poverty is one of the major drawbacks and the children were considered as helping hand to feed their families, to support their families and to support themselves. Due to poverty, illiteracy and unemployment parents are unable to send them to schools, instead the children were asked to help them in running a family so that the poor parents send their children for work in inhuman conditions at lower wages.

#### **Debts**

The poor economic conditions of people in India force them to borrow money. The illiterate seek debt from money lenders during emergency situation. At later point of time, they find themselves difficult in paying back the debts and interest, as a result the debtors were made to work for money lenders and then debtors drag their children too in assisting them so that the debts could be paid off.

#### **Professional Needs**

There are some industries such as the bangle making industry, where delicate hands and little fingers are needed to do very minute work with extreme excellence and precision. An adult's hands are usually not so delicate and small, so they require children to work for them and do such a dangerous work with glass. This often resulted in eye accidents of the children.

### **RIGHTS OF CHILDREN UNDER INTERNATIONAL LAW**

- **Universal declaration of human rights 1948** stipulates under Article 25 para 2 that childhood is entitled to special care and assistance. The above principles along with other principles of universal declaration concerning child were incorporated in the declaration of the rights of the child of 1959.
- **International covenant on civil and political rights** under Articles 23 and 24 and international covenant on economic, social and cultural rights under Article 10 made provision for the care of the child.
- **International labour organisation (ILO)** provides universal standards and guideline, a specialized agency of UN, aims to provide guidance and standards for labour practices around the world.
- **Convention on the rights of the child, 1989** is another international instrument which protects the child.

### **RIGHTS OF CHILDREN UNDER NATIONAL LAWS**

India has also taken effective measure under national level. In order to eliminate child labour, India has brought constitutional, statutory development measures. The Indian constitution has consciously incorporated provisions to secure compulsory elementary education as well as the labour protection for the children. Labour commission in India have gone into the problems of child labour and have made extensive recommendations. The constitution of India, too provides certain rights to children and prohibits child labour such provisions are as follows:

1. No child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous work.
2. state in particular shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of the children are not abused and that citizen are not forced by economic necessity to enter vocations unsuited to their age or strength.
3. Children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and the dignity and that childhood and youth are protected against exploitations and against moral and material abandon.
4. The state shall endeavour to provide, within the period of 10 years from the commencement of constitution, free and compulsory education for all children until they complete the age of 14 years.
5. The state shall provide free and compulsory education to all children between the ages of 6 to 14 years as such a manner as the state may by law determine.
6. Who is parent or guardian to provide opportunities for education to his child or the case may be, ward between the age of six and fourteen years.

There are wide range of laws, which guarantee the substantial extent the rights and entitlement as provided in the constitution and in the UN convention.

Some of them are given below:

1. The apprentices Act 1861
2. The child labour Act 1986
3. The child marriage restraint act 1929
4. The children (pledging of labour) Act 1929
5. Children Act 1960
6. The guardian and wards Act 1890
7. The Hindu minority and guardianship Act 1956
8. The Hindu Adoption and maintenance Act 1956
9. The Immoral Traffic (prevention) Act 1956
10. Juvenile justice Act 1986
11. The Orphanages and other charitable Homes (supervision and control) Act 1960
12. Probation and offenders Act 1958
13. Reformatory schools Act 1857
14. The women's and children's institutions (licensing) Act 1956
15. The young persons (harmful publications) Act 1956

### **CURRENT SCENERIO OF CHILD LABOUR**

India is one of the leading countries in Asia has a 33 million children employed in various forms of child labour. It is shocking that world's largest democracy is yet to ratify the Minimum age convention 1973 (No 138) of the International labour organisation (ILO) that lays down ground rules for employment of minors across the globe. World day against child labour on June 12 is an ILO sanctioned holiday first launched in 2002 with the objective to raise awareness and activism to prevent child labour under the above convention. An estimated 150 million children are involved in child labour worldwide as per UNICEF data.

On the other hand, Article 2 of the Minimum age (industry) convention of the ILO, 1919 which has been ratified by India does not allow children under 14 to be employed in any public or private industrial undertaking, does not even apply for India. According to a Livemint report, the government last year amended child labour laws to allow children below 14 to work in family businesses and the entertainment industry (excluding circuses) in order to create "a balance between the need for education for a child and reality of the socio-economic condition and social fabric of the country". Not only that amendment also modified the definition of adolescents- to children between 14 and 18 years of age and barred them from working in any hazardous industries only.

## **KEY STATISTICS OF CHILD LABOUR**

In every 11 children in India works to earn a living, according to statistics by action Aid India There are five states which are India's biggest child labour employers Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra, as per data given out by save children NGO. National capital Delhi is responsible for a share of 1 million child labour alone.

A recent analysis by CRY of census data in the country shows that the overall decrease in child labour is only 2.2 per cent year on year, over the last 10 years. Also, it has revealed that child labour has grown by more than 50 percent in urban areas. There are 33 million child labourers between the ages of 5 - 18 years in INDIA as per census 2011 data and 10.13 million between the ages of 5- 14 years. Considering that there is 444 million children India under the age of 18, they form 37 percent of the total population in the country. Therefore, the child labourer in the country in real figures boils down to 10,130,000 kids involved various occupations across the hazardous sectors and this is only data from six years ago.

## **Drawbacks**

The main cause of child labour is higher poverty level. These children have no choice other than working as a labour in the factories child labour for these children is survival. if they don't work they will die of poverty and hunger. They are the future of India. None of these children have the privilege to going to school and being able to go to a house at the end of the day. The child labour is prevalent at a large scale in the country. In Punjab it is found in hotels, restaurant, tea stalls, for which the administrative authorities, parents, educationalist, police officials and employers of public authority is responsible. There is lack of implementations of child laws. Since politicians and other authorities ignore it and the various departments for the labour laws fails to implement the laws properly. Laws remain merely on the paper for which the lack of control of population and increasing unemployment are the major causes and politicians fear to tackle these problems in view of their vote banks.

## **Remedies**

The remedy is only in the hands of the government, it should take necessary steps to eradicate poverty through employment to the parents of the child labour. Necessary practical steps should be taken to educate the children. The government should allocate the necessary funds to educate and nurture the poor children. The violators of child labour laws should be punished accordingly.

## **CONCLUSION**

The problem of child labour is an intolerable disrespect for human dignity. To combat with this unbearable social evil, the International Labour Organisation and Government of India, along-with social thinkers and reformers have tried to eliminate the child labour system from the globe. To convert this dream into reality various enactments are made, since the inception of I.L.O. various surveys have been conducted time to time, and on the basis of the reports, various Commissions and Committees have been constituted to suggest the measures and to get active participation and Co-operation of the society in combating this social evil of child labour problem and exploitation. The Constitution of India has also given due emphasis to eliminate this social evil. Over and above the Apex Court, as well as the High Courts has given valuable mandate and direction on issue of this social evil. The role of National Human Rights Commission on the issue of child labour and related problems cannot be forgotten. International Programme on the Elimination of Child Labour (IPEC), National Child Labour Project (NCLP) and recently INDUS Child Labour Project, which is a Technical Co-operation Project of Government of India, Ministry of Labour and Department of Education and the United States, Department of Labour, are still in aid to eliminate the child labour system from India as well as from the globe gradually. To get rid of this problem several amendments were made in the above stated laws and still the work is in progress towards the aim of child labour free India as well as world so that we can say one day with high head that we did it what we dreamt for our children to give in legacy. There are many laws and regulatory departments for child labour, yet it is ineffective in controlling ongoing child labour. This is possible only when there is a cooperation of all the sections of the society and the law enforcement agencies and by removing or minimizing the causes of child labour. The main thrust should be on controlling the population of the country, education of the children and providing sufficient funds for its removal from the gross domestic product of India.

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