



### CHILD LABOUR IN INDIA: A BRIEF SURVEY

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#### Abstract

The paper throw an adequate light on multifaceted views on problematic areas of child labour prevails in the society. The study has tried to established a cause effect relationship of steady growth of child labour in the cities and metropolitan regions of India. In order to check this problems various government and non-government organizations have been taking some of curative measures to overcome this problem, so that every child should get a privilege for getting freedom from child labour and may acquire good education for becoming human resource for Indian society. It is therefore, become imperative to protect the children's right at any cost, so that the future of the children of country through some of preventive and curative measures.

**Keywords:** Child labour, cause effect relationship, role of government non-government organizations (NGO's), human resource.

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## Child labour in india

The children are future of country. It is because of the children are considered as a wealth of nation. The development of the nation is exclusively based on the status of the child. Child is very important for the development of the society. It is also true that this is one of the vulnerable group in the society. It is therefore, the children are an integral part of society. All these make obligatory on everyone to protect and provide various safeguards to the children. It is our prime duty to provide care and protection for the children as they are innocent. In deed, there are various social evils associated with children. Amongst all, the child labour is one of major problems.

Child labour system, which is prevailing in almost all the developing and underdeveloped countries. India is one of the countries, where in large number of children below the age of 14 years working in various organizations. If there is no proper distribution of working among the member of the society, then children automatically forced to do work for their survival. In any country protection of children and prime importance. It is therefore, become a responsibility to provide healthy atmosphere to the children to their fullest physical and mental development rest on all the civilized society.<sup>1</sup>

### **Child labour:**

Child labour is works that harms children or keeps them away from attending the school. The various problem arising in social, economic and political condition is one of the major reasons for growth of this problem. The international labour organization estimates that 246 million between the age of 5 to 17 currently work under conditions that are considered illegal, hazardous or extremely exploitative.<sup>2</sup>

According to Kofi Annan quoted, U.N. Secretary General child labour has serious consequences that stay with the individual and with society for far longer than the years of childhood.<sup>3</sup> The issue relating to child labour has given significance at national and international level. The term child labour is used for employment of children below a certain age which is considered illegal by law and custom.<sup>4</sup> The stipulated age varies from country to country and government to government. Child labour is global

phenomenon which is considered exploitative and inhuman by many international organizations.

Child labour as defined by international labour organization, refers to work that leads to deprivation of one's childhood and education opportunities. Unfortunately due to socio-economic and cultural problems the code of child centeredness was replaced by neglect, abuse and deprivation, particularly in poverty afflicted sections of the society.

Child labour is a one of pressing problem in India. Its prevalence is evident in the child work participation rate, which is more than that of other developing countries. The international covenant civil and political rights under article 23 and 24 the international covenant on economic, social and cultural rights under article made provision for the care or the child.

However, the international labour organization (ILO) provides universal standards and guidelines. The ILO a specialized agency of the UN, aims to provide guidance and standards for labour practices around the world.

1. Convention on the rights of the child, 1989.
2. Worst form of child labour convention, 1999.
3. Worst form of child labour recommendation.

The international program on the elimination of child labour (IPEC) is a global program launch by the international labour organization in December 1991. India was the first country to join it in 1992, when she has signed a memorandum of understanding (MOU) with ILO. The government of India and the US department of labour have also initiated a US \$ 40 million project aimed at eliminating child labour in to hazardous sectors across 28 districts in five states namely Maharashtra, Madhya Pradesh, Tamilnadu, Uttar Pradesh and NCR Delhi.

The definition of child as given under child labour (prohibition and regulation) act of 1986 defines child means a person who has not completed his fourteen years of age so by this definition the question of child labour is solved.

The formulation of a new National child labour policy, the enactment of child labour, the adoption of the convention on the rights of the child and other legislations governing problems of child labours have all formed a part of this process.

Corresponding initiatives were taken in the related area was formulated which incorporated a separate component for working children.<sup>5</sup> It is the objective of this paper to examine whether the legal framework available in this country can make an impact on the child labour situation. Particularly, the present paper aimed to understand the issue of child labour in Indian context.

### **Child labour as Economic practice**

There are two assumptions which have broadly influenced governments policies in respect of child labour. The harsh reality of child labour arise out of the fact that in the present state of development in the country, many parents on account of poverty, have to send their children to work in order to supple their income and income derived from the child labour, however, to do work is essential to sustain the family.

Meaning thereby that the child labour as an economic practice signifies employment of children in gainful economic occupation with a view to adding to the income of family

### **Child labour as a social evil**

The second assumption is that there is a distinction between child labour and exploitation of the child labour. It has been widely accepted that a certain amount of child labour will persist under the family environment which is not exploitative. This is not only inevitable but also desirable too. At the same time, there are other forms of child work such as in hazardous occupations, factories and other occupations, factories and other organized establishments which are reprehensible and should not be allowed to continue.<sup>6</sup>

Child labour, however, is the opposite of child work. Child labour hampers the normal physical, intellectual, emotional and moral development of a child. Children are

less resistant to diseases and suffer more readily from chemical hazards and radiation than adults.

UNICEF classifies the hazards of child labour into three categories namely physical, emotional, social and moral. There are number of legislations prohibiting employment of children below fourteen and fifteen years in certain specified employments. However, no procedure is laid down in any law for deciding in which employments, occupations, or the process the employment of children is banned.

But there is law to regulate the working conditions of children in those employment which children are not prohibited from working and working under exploitative conditions.

- **Incidences which we can refer as a child labour**

Following are the issues which can recognize as a child labour

- Is mentally, physically, socially or morally dangerous and harmful to children :
- Interferes with their schooling by :
- Depriving them of the opportunity to attend School.
- Obliging them to leave School prematurely of
- Requiring them to attempt to combine school attendance with excessively long and heavy work.

**Reasons behind child labour**

- I) The combination wide spread poverty and the lack of a social security Network.
- II) Lacking of effective education policy.
- III) Unemployment or underemployment of the parents and guardians of the child.
- IV) Child labour are always better than adult worker (cheaper labour)
- V) Homelessness
- VI) Population explosion, traditional occupations.
- VII) Parental attitude.
- VIII) Lack of minimum wages.

### **Strategy to be adopted during the tenth plan for elimination of child labour**

- i) Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the plan period.
- ii) Expansion of NCLPs to additional 150 districts during the plan.
- iii) Ensuring that the NCLPs have a focused time frame of 5 years with clearly defined targets.
- iv) Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan to ensure that small children are mainstreamed to the formal education system through the rehabilitation centre's.
- v) Strengthening of the formal school mechanism in the area of child labour in the country provide an attractive schooling system to the child labour force.
- vi) Effective provision for healthy care for all children would be made.
- vii) Implementation of the child labour (prohibition & Regulation) Act would be made more effective way.
- viii) The monitoring system would be ameliorated with the close involvement of the state government to ensure to get the desired results within limited period.
- ix) Main focus on consistent awareness generation through print, folk and electronic media.
- x) Schemes and programmes are aimed at eliminating the child labour within specific period.
- xi) Extensively involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools.

### **Various issues regarding child labour in India**

Issues of child labour in India are of great magnitude compared to other developing countries of the world.

- National progress;
- Productive efficiency ;
- Social security;
- Education;
- Sexual exploitation;

- Juvenile justice;
- Health care;
- The wage structure of adults ;
- Illiteracy and ignorance of parents.

IMOVGRG, however, points out that India faces major shortages of schools, classrooms and teachers particularly in rural areas, where 90 percent of child labour problem has been observed.

### **Child labour laws in India**

After India's independence from colonial rule, India has adopted a number of provisions constitutional of India in the fundamental rights and directive principles of state policy prohibits child labour below the age of 14 years in any factory or mine or engaged in any other hazardous employment (Art L4). The constitution also envisioned that India shall by 1969 provide infrastructure and resources for free and compulsory education to all children of the age six to 14 years.

**The factories Act of 1948** : the Act prohibits the employment of children below the age of 14 years in hazardous occupations identifies in a list by the law.

The mines Act of 1952 the Act prohibits the employment of children below the age of 18 years of age in a mine.

The mandates free and compulsory education to all children ages 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantage groups and physically challenged children.

India a hag formulated a national policy on child labour in 1981. This policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. In 1988, this led to the national child labour project (NCLP) initiative.

**Causes of child labour :-**

The UNICEF report also notes that in rural and impoverished parts of developing and underdeveloped parts of the world. Child labour is the unnatural result. A Bachpan Bachao Andolan (BBC) reports, similarly concludes poverty and inadequate public education infrastructure are some of the causes of child labour in India.

According to a 2008 study by ILO among the most important factors driving children to harmful labour is the lack of availability and quality of schooling.

The majority of the child labour which accounts 17% directly engaged in agricultural activities. The other low skilled labour intensive sectors such as domestic helpers, which require neither formal education nor training. On the other hand, where the children have been noticed to employ in the heavy industries like coal mining industries etc.

According to ILO minimum age convention of 1973, Child labour refers to any work performed by children under the age of twelve non-light work done by children within the age group of 12-14 and hazardous works by children within the age group of 15 to 17.

According to U.S report, 'In India, most of the childrens are working in the Agricultural. Despite some of preventive and curative measures; taken by government and non-government organizations, the exploitation of the children's are still going on almost strata of society.

**Forms of Child Labour:-**

It has been observed that the children, usually work in such as the streets, vending food and other goods, repairing vehicles and tyres, rag picking, shoeshining, and begging, construction and domestic service. It has also been observed that the children are also engaged in manufacturing such as matches manufacturing, bricks making, carpet weaving, glass making, fire works, footwear making and other metal goods.

The majority of such children are trafficked within the country, often Nepali and Bangladesh girls and Indian girls from rural areas are trafficked for commercial sexual exploitation in major urban centre such as Mumbai, Kolkata and New Delhi.

In 1999, ILO helped to lead the worst forms convention 182 international law prohibits worst forms of Child labour, defined as all forms of slavery and such as child trafficking, forced labour.

In order to overcome the prevailing problems with the children, it became imperative to execute the measures in an effective way. The problem like abolition of Child labour and exploitation in various fields (Agriculture, Industries, mines and tea stalls etc. Secondly, the role of NGO's for elimination of child labour in India. In India the practice of child labour exists mainly because of the caste system in the society. During pre-independence period, only the upper caste Indian have been given the opportunity to get education, whereas the lower caste people remained poor and uneducated. That is why the literacy rates among down trodden always kept lower in the society.

However, India is one of the largest democratic countries in the world. It has been declared that the right to education as fundamental right in the constitution, but nonetheless the country faces a major problem of child labour. Though the major cause of child labour in India, is like in many other countries poverty other causes include over population, illiteracy and lack of awareness among the masses have cumulatively given rise to the steady growth of deprivation of child's rights resulted in manifold growth of child labour in the society. The population of India has a considerable impact on the nations per capita income.

Non-Governmental Organization (NGO's) should play a significant role for identifying child labourers and counseling to settle them. The people, who employ child labourers, should be strictly punished under the child protection and women and development act under the Indian Constitution. The International programme on elimination of child labour (IPEC) is global programme launched by the International labour Organisation in 1991. India was the first country to join it in 1992, when it signed a memorandum of understanding (MOU) with ILO.

India has always stood for Constitutional, statutory and development measures required eliminating child labour. The Indian Constitution has consciously incorporated provision to secure compulsory universal elementary education as well as labour protection for children. The labour Commission in India, too provides certain rights to children and prohibits child labour.

- Art. 14 of Constitution of India, too provides certain rights to children and prohibits child labour.
- No Child below the age of 14 years shall be employed in any factory or mines or engaged in any other hazardous work. (Art. 15)
- Children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity that childhood and youth are protected against exploitations and against moral and material abandon. (Art. 17)
- The state shall provide free and compulsory education to all children between the age of six to 14 years in such a manner as the state may by law determine (Art.19).

In the initial days first act in India relating to child labour was enactment of children (pledging of labour) act of Feb.1933. The child of today is the future of our country. As a child is not a vase to be filled, but a fire to be lit, they should not be exploited by engaging them in employment in tender age but they should be given all necessary amenities and support so that they become responsible citizen of the nation and make the world a happen place to live.

Of these children nine out of every ten of work in their own rural family setting. In 1979, government formed the first committee called gurupadswamy committee to study the issue of child labour and suggest measures to tackle this problem. The committee observed that as long as poverty continued, it would be difficult to totally eliminate child labour and hence, any attempt to abolish it through legal recourse would not be a practical proposition.

On the basis of some of recommendations of Gurupadswamy committee , the child labour (prohibition and Regulation) act, 1986 was passed. The act prohibits the employment of children below the age of 14 in the factories, mines and in other forms of hazardous employment. According to art. 23 recently child labour is totally banned by government with free education and other facilities to the child up to age of 14.

According to 2001 census, It is estimated that there are 185,595 children, who employed as domestic workers are trafficked by placement agencies operating in the states like Orissa, Jharkhand, Uttar Pradesh, Bihar and Assam. Govt. of India has formulated a National Policy of child Labour as early as 1981 and was probably the first among the developing countries to have such a progressive policy.

According to International labour Organization (ILO), a new generation of children is being deprived of the chance to take their rightful place in the society and economy of the list century. All section of the society need to work together to stop misuse and abuse of children NGO's have to come forward and diagnose the problem in a better way.

On this fronts there are numerous of problems which have played a significant role.

## **CONCLUSION**

Child labour is one of major problem which affect the socio-economic and physiological aspects of an individual as well as a community as a whole this problem is being increased by many folds during different successive periods. Various studies show that the main cause of this problem is prevailing poverty in the low strata of society. In order to overcome this problem, various government and non-government organizations have been taking preventive and curative measures from time to time. There are various acts and laws have also been laid down by the Indian constitution for taking as a combating measures for this crucial issue. It often fails with out proper peoples active participation. There are some of vested interests which often prove a 'wet-blanket' to implement at grass root levels.

It is expected to pave the way to implement the children's rights policy in a effective way. The policy makers are supposed to fill up the gap between policy

formulation and policy implementations for eradicating. The children labour from every strata of society in India.

### **Suggestions**

- I) An effective implementation of child labour legislations and practical and right strategy and alternatives to over come this evil, and solve the problem of child labour in a sustainable way.
- II) To impart training and education in the society to over come the problem of child labour.
- III) Special social Development programme should be implemented for assistance of domestic workers.
- IV) Organizing the awareness programme for preventing the children from employment.
- V) Amendment and revision of social security legislation governing child labour.
- VI) Control on population growth to eliminate poverty which is basic cause of child labour issues.
- VII) It require 'constant vigil' on industrialist, who usually discriminate on the ground of sex, age, religion etc.
- VIII) An Adequate health services for the children belong to low strata of society.
- IX) Need to provide training and education to the child workers from time to time.

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