

Child Labour in India- An Overview

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Abstract

The prevalence of child labour is one of the most important problems confronting the world at large, especially developing countries such as India. In many cases, child labour is mainly necessitated by economic compulsions of the parents. The main reason which gives rise to child labour is widespread unemployment and underemployment among the adult poor strata of the population, inter alia, due to sharp growth of population. Large families with low income and often lack of educational facilities, illiteracy and ignorance of parents about the importance of education as well as about the impact of labour on the health of their children are some of the reasons which breed child labour. Over the years, however, global consciousness about the seriousness of the problem has created. The constitution of India also committed to the protection and promotion of the welfare considerations over the economic ones. Therefore, series of committees and commissions have been appointed by the Government of India either specifically on the question of child labour, which gives us insights into the problem and to give suggestions to alleviate this problem. Policies of modern governments in relation to child labour and child development must be pragmatic and comprehensive.

Keywords: Organised sector, unorganised, sector, poverty, unemployment, illiteracy, labour legislation.

Introduction

Children in Indian society has always been a topic less spoken or discussed. Children in every society have always been taken as the greatest gift to humanity. Childhood is an important stage of human development as it holds the potential to the future development of any society. Children who are brought up in an environment, which is helpful to their intellectual, physical and social development go on to be responsible and productive part of the society. If we are to engage the children in to work when they are too young for the task, we are unduly reducing their present welfare or their future income earning capabilities, either by shrinking their future external choices or by reducing their future individual productive capabilities. Generally, it is said that due to economic problems children are forced to forego educational and other development opportunities and take up jobs which mostly exploit them as they are usually underpaid and engaged in hazardous

conditions. Parents send their child for a job as a desperate measure due to poor economic conditions. It is therefore no wonder that the poor households represent the largest segment contributor of child labour. One of the key aspects of child labour is that children are sent to work at the expense of education. There is a strong effect of child labour on school attendance rates and the length of a child's work day is inversely associated with their capacity to attend school. Child labour restricts the right of children to access and benefit from education and denies the fundamental opportunity to attend school. Child labour, thus, prejudices children's education and also adversely affects their health and safety.

Who is a Child –

International Labour Organization (ILO) states, the term child labour is best defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school or experience healthy childhood. ILO states that child labour may be defined in different ways, and different definition would yield different estimates of child labour. According to ILO, children or adolescents who participate in work that does not affect their health and personal development or interfere with their schooling, is not child labour; rather it may generally be regarded as being something positive. Such harmless work includes activities such as helping their parents at home, assisting family or earning pocket money outside school hours and on holidays. Such kinds of activities may contribute to children's development by providing them with skills and experience, and help to prepare them to be productive members of society during their adult life. UNICEF definition of child labour is different. A child is involved in child labour activities if between 5 to 11 years of age, he or she did at least one hour of economic activity or at least 28 hours

of domestic work in a week, and in case of children between 12 to 14 years of age, he or she did at least 14 hours of economic activity or at least 42 hours of economic activity and domestic work per week. UNICEF in another report says, "Children's work needs to be seen as happening along a spectrum, one end being destructive or exploitative work and beneficial work - promoting or enhancing children's development without interfering with their schooling, recreation and rest' being the other end. And between these two end there are vast areas of work that may or may not negatively affect a child's development." iii In India , The Child Labour (Prohibition & Regulation) Act, 1986 has defined the child as anyone who is "a person who has not completed his fourteenth year of age" The law further has defined the establishment for employment as, "The "establishment" includes a shop, commercial establishment, work-shop, farm, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment".

The Child Labour (Prohibition & Regulation) Act, 1986 states that employment in hazardous industries is prohibited, Such industries are classified into 13 occupations and 57 processes. In the last 5 years, the number of hazardous processes listed in the schedule of the Act has increased from 18 to 57 and occupations from 7 to 13. Also as per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter a vocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all the children in the age group of 6-14 years. India's Census 2001 office defines child labour as participation of a child 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 laborers into two groups: Main workers are those who work 6 months or more per year. And marginal child workers are those who work at any time during the year but less than 6 months in a year.

Child Labour in India

It is estimated that India has the largest number of child labourers in the world. According to the Census 2001, there were 1.27 cr. economically active children in the age-group of 5-14 years. The number was 1.13 cr. during 1991 (Population Census).

Their distribution in some major hazardous occupations is given below:

Number of child workers (5-14 years) engaged in Hazardous Occupations as per 2001 Census

- 1 Pan, Bidi & Cigarettes -252574 2
2. Construction -208833
- 3 Domestic workers -185505
- 4 Spinning/ weaving- 128984
- 5 Brick-kilns, tiles -84972
- 6 Dhabas/ Restaurants/ Hotels/ Motels- 70934
- 7 Auto-workshop, vehicle repairs- 49893
- 8 Gem-cutting, Jewellery -37489
- 9 Carpet-making -32647
- 10 Ceramic -18894
- 11 Agarbati, Dhoop & Detergent making- 13583
- 12 Others- 135162
- Total -1219470

Causes for the Child Labour

The various government studies and policy statements and also as per different social and economic scholars the following are some of the major reasons for the problem of child labour in India. This issues become very evident from the plans of the government being targeted towards solving these issues.

1. Poverty
2. Lack of education
3. Economic uncertainties
4. Indebtedness
5. Employment (or lack of employment)
6. Landlessness at rural areas for majority of the population
7. Weak policy of legal framework

8. Weak social awareness

Government Initiatives in India – Legislation, Policy, Programmes and other Interventions The Constitutional guarantees are reflected in the policies, plans, laws and schemes on child labour. As per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all the children in the age group of 6-14 years. Child Labour (Prohibition and Regulation) Act (1986) was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour. Some of the significant initiatives are

- a) National Commission on Labour (1966-1969),
- b) The Gurupadaswamy Committee on Child Labour (1979)
- c) The Sanat Mehta Committee (1984).
- d) National Policy on Child Labour was formulated in 1987
- e) National Plan of action for children 2005

The three components stated in the National Policy on Child Labour are:

- (a) Legislative Action Plan emphasizing strict and effective enforcement of legal provisions relating to Child Labour,
- (b) Focus on General Development Programmes for benefiting children and their families, and
- (c) Project-based Plan of Action focusing on areas with high concentration of child labour through implementation of National Child Labour Project.

To address the demand and supply factors including cheap and docile labour, poverty, illiteracy, indebtedness, unemployment and landlessness, that contribute to the prevalence of child labour, Government of India follows a multipronged strategy which involves strong enforcement of legal provisions relating to child labour with simultaneous efforts towards

rehabilitation of children and by making efforts of raising the income levels of parents through linkages with the employment and income generation programmes and other poverty alleviation programmes of the Government. With the objective to implement the multi-pronged strategy the National Child Labour Project (NCLP) was first initiated in 1988, as a part of a larger Plan of Action arising out of the National Child Labour Policy. The National Child Labour Project has been strengthened by several major initiatives at national, state and district level in the country aiming at elimination of child labour. The main thrust of this scheme has been to reduce the incidence of child labour in the pockets of their concentration. Providing education through special schools and subsequently bringing them in regular schools are the major activities under the NCLP at the ground level. The working children are identified through surveys conducted by the independent agencies, and inspections conducted by the Labour Department. On the basis of their reports, children are withdrawn from labour force. These children are enrolled in the special schools which provide formal/non-formal education, vocational training, supplementary nutrition, monthly stipend, regular health check-up, etc., and are subsequently mainstreamed in formal education or self-employment within a period of six months to three years of their enrolment in the special schools.

Conclusion

The National Plan for Children 2005 would be a very good document for eradicating the child labour from India. The goals of the plan were,

- 1. To eliminate child labour from hazardous occupations, and progressively move towards complete eradication of all forms of child labour.
- 2. To protect children from all kinds of economic exploitation. The plan had clearly defined the objectives and strategies for achieving the abovementioned goals.
- 3. To ensure regular and systematic enumeration of all child labour.
- 4. Institute a rights-based uniform definition of child labour and bonded child labour in existing labour laws.
- 5. To expand the list of hazardous occupations to facilitate progressive elimination of all forms of child labour.

6.To universalise and accelerate school enrolment, attendance and retention so that children are prevented from being employed as labour.

7.To intensify and implement strategies to protect children from economic exploitation.

8. To take immediate and effective measures to prohibit and eliminate child labour and to provide for the rehabilitation and social integration of the rescued children.

9 To prevent and prohibit trafficking of children for the purpose of labour including domestic service and other informal sectors.

Strategies

1 Country-wide survey to ascertain the existence, prevalence and nature of child labour in both the organised and un-organised sectors.

2 Effectively enforce child labour regulatory legislation and rehabilitation of working children through enrolment in schools, bridge courses of education/life skills training etc.

3 Link the child labour elimination efforts with education measures to ensure that all children in the age group of 5-8 years get directly linked to school and the older children are mainstreamed to the formal education system through the rehabilitation centres.

4 Ensure convergence of national poverty eradication and developmental programs aiming at prevention and progressive elimination of all forms of child labour.

5 Educate society not to employ children or economically exploit them.

6 Safeguard the health, safety and developmental rights of working children with interim protective measures.

7 Ensure involvement of committed voluntary organizations at the district level to assist.

8 Introduce bridge schools for all working children after which they have to be enrolled in the formal schools.

9 Develop mechanisms to ensure that children, presently working in the informal sector including domestic service, have access to basic nutrition, clothing, education and protection from all forms of abuse and neglect.

10 Ensure prevention of trafficking of children for domestic work and their sexual exploitation and

physical and mental abuse and neglect. Establish a system for reporting of such incidents.

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