

CHILD LABOUR IN INDIA

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INTRODUCTION

Children are the greatest gift to humanity and childhood is a very crucial stage of human life where all the development takes place. When children are brought up in an environment which is favorable to their physical, intellectual, social and emotional growth and development, they become responsible and productive members of the society. In India, it is strongly believed that children are the future citizens of the country and their status, capabilities and wisdom will create the country's future. When they are engaged in labor activities at a young age, their present welfare and the future income generating capabilities get reduced. Normally, when there is extreme economic distress, then the children relinquish their educational opportunities and get employed in exploitative and hazardous jobs. Poor parents do send their children to work because of their poor economic conditions and this is done at the expense of education. Due to child labor the attendance of the children within the schools is low, children's safety and health gets affected by child labor and on the whole working in early years may give them some financial assistance but the intellectual, emotional and social development of the child gets adversely affected (CL, 2013).

LEGISLATION FOR CHILD LABOR IN INDIA

The labor legislations in India, including protective legislation for children have been greatly influenced with the result of various principles and recommendations adopted by International Labor Organization. Besides constitutional provisions, there are several legislative enactments which provide legal protection to children in various occupations (CL, 2013).

The Children (Pledging of Labor) Act, 1933

The Employment of Children Act, 1938

The Minimum Wages, Act 1948 and rules made there by the government

The Factories Act, 1948

The Plantations Labor Act, 1951

The Mines Act, 1952

The Merchant Shipping Act, 1958

The Motor Transport Workers' Act, 1961

The Apprentices Act, 1961

The Atomic Energy Act, 1962

The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

The Shops and Establishment Act in Various States, and

Child Labor (Prohibition and Regulation) Act, 1986

NATIONAL LEGISLATION AND POLICIES AGAINST CHILD LABOR

The Constitution of India through various articles preserved in the Fundamental Rights and the Directive Principles of State Policy, lays down that: (ILO, 2004).

1. No child below the age of 14 years shall be employed to work in a factory or mine or in any other hazardous employment (Article 24).
2. The State shall direct its policy towards securing the health and strength of workers, men and women and the gentle age of children are not abused and that they are not forced by economic necessity to enter the jobs which are unsuitable to them (Article 39-e).
3. Children should be provided with opportunities and conditions to develop in a healthy manner and in conditions of freedom and dignity; childhood and youth of the country should be protected against moral and material abandonment (Article 39-f).
4. The State shall endeavor to provide within a period of 10 years from commencement of the Constitution for free and compulsory education of all children until they complete 14 years of age (Article 45).

CAUSES OF CHILD LABOR

Child labor is a socio-economic problem; parents who are economically deprived do send their children to work in order to supplement their income. Main reasons that create circumstances for a child to work as a laborer are as follows: (Ali, 2012).

1. Socio-economic backwardness.
2. Poverty
3. Illiteracy
4. Unemployment
5. Overpopulation
6. Lack of educational facilities
7. Ignorance on the part of the parents regarding the significance of education
8. Ignorance regarding the effect of labor on the lives of children at an early age
9. Lack of interest on the part of the Government.

CHALLENGES ENCOUNTERED DUE TO CHILD LABOR

The few major challenges that are encountered due to child labor have been stated. Child labor affects children morally, physically and mentally due to the challenges which have been stated as follows: (Ali, 2012).

Violence Against Children – Mostly in families, children are neglected by their parents, caretakers provide harsh treatment to them, and within employment employers abuse them sexually. The problem of physical, emotional and sexual abuse of children has been largely increasing within the country and it has failed to draw the attention of the government, sociologists and psychologists. It has been considered as a serious problem but measures have not been implemented to solve or eradicate this problem. The term “child abuse” is used in concern of those children who have received serious physical injury caused unruly rather than by accident. Child abuse will not be considered valid unless it includes non-physical acts such as mental injury, neglect and ill-treatment of the child. Child abuse can be physical, emotional and sexual.

Street Children - Street Children are a symbol of the urban social melancholy. They are among the most vulnerable categories of urban Indian children, and can be seen on street crossings, pavements, underneath flyovers, railway platforms, bus stations, parking lots, markets and other public places. They are called street children because they spend a substantial amount of time of the day on the street for employment, shelter, companionship, loitering around or simply pleading for money. These children have never been to school or have dropped out of school after a short while. Around 90 per cent have ties with their families and 10 per cent are on their own, these being mainly those who have been abandoned or have escaped from maltreatment, abuse, neglect, family breakdown, or miserable poverty. Centrally sponsored program for grant-in-aids have been launched for the street children. Some international NGOs have also provided assistance with project grants. There have been services to look into the needs of these children who require care and protection because even they have the right to lead a good, well-organized life.

Child Trafficking - Human trafficking is the world’s third largest crime. In India the volume of human trafficking has been prevalent; in 2007 the numbers of cases registered were 3991 which decreased to 3029 in 2008; and to 2848 in 2009. Almost 60% of victims of trafficking are below 18 years of age. Mostly girls are trafficked for sexual purpose and to work as domestic laborers. The number of children trafficked worldwide for sexual exploitation or low-priced labor on an annual basis is 1.2 million. Approximately 150,000 women and children are trafficked from South Asia every year and for most of them India is a country of origin and destination. In some of the cases, women and girls are trafficked to other countries as well through India. It is estimated that nearly 5000 to 7000 Nepalese girls are trafficked into India for sexual exploitation (Ali, 2012).

CATEGORIES OF CHILD LABOR

The categories of child labor include the range and kind of circumstances in which children work. The categories of child labor have been stated as follows: (NCPCR, 2001).

Child Labor – Under this group comes those children who are doing paid or unpaid work in mines, factories, establishments, workshops, stores or in the service sector such as domestic labor. The Ministry of Labor, Government of India has employed the term child labor only for children who are engaged in hazardous jobs.

Street Children – The children who live on and off the streets, they work as rag-pickers, beggars, shoe-shine boys, clean the vehicles that wait at traffic signals, or as newspaper vendors. These street children reside on street crossings, pavements, underneath flyovers, railway platforms, bus stations, parking lots, markets and other public places. They are at the mercy of their employers or the police. They have no permanent base and are often on the move.

Bonded Children – These are the children who have been pledged by their parents for trivial sums of money or those who work to pay off the inherited debts of their fathers. In some states this is an acute problem. Bonded children are difficult to assist because they are unattainable; if a merchant has brought them, or a middle class housewife has paid for them they cannot escape and have to spend their lives in servitude.

Working Children – These are the children who are part of family labor in agriculture or in home-based work. If children work 12-14 hours a day along with their parents at the cost of their education, it is same like working for their employers. This is the largest category of children who are out-of-school and are working full time. Girls are expected more by their parents to take up work which is completely inconsistent to their strengths and abilities.

Children used for sexual exploitation – Thousands of children, both boys and girls have been exploited to serve the sexual craving of men from all kinds of social and economic backgrounds. Sexual exploitation mainly takes place in factories, workshops, streets, bus stops, railway stations and homes where children work. Children are powerless to resist any form of abuse by their employers, either as perpetrators or intermediaries. Through sexual exploitation, the physical health of the children gets affected; there is danger of HIV/AIDS and sexually transmitted diseases and psycho-social damage caused makes it one of the most hazardous forms of child labor.

Migrant Children – In India, millions of families which usually belong to scheduled castes, scheduled tribes and other backward classes are forced to leave their homes for several months every year in search for better livelihoods. Children are forced to drop out of schools and they are normally employed at worksites; migrations are large and growing and numbers of children who are below 14 years of age also do get affected by migration.

Children engaged in household activities – Large number of children especially girls are engaged in household activities, some are employed as domestic helps for wages, some work in their own houses which is not normally seen as an economic activity. The work duties that they perform are taking care of younger siblings, cooking, cleaning and other household activities. If children are not sent to schools and are forced to work in the house, they would ultimately join the labor force as one of the above categories of child labor.

GOVERNMENT POLICIES AND PROGRAMS

In pursuance of India's development goals and strategies, a National Child Labor Policy was adopted in 1987 following the Child Labor (Prohibition and Regulation) Act, 1986. The national

policy restates the directive principle of state policy in India's Constitution. It determines to focus general development programs to benefit children wherever possible and have project based action plans in areas of high concentration of child labor engaged in wage/quasi-wage employment (CLP, n.d.).

The Ministry of Labor and Employment has been implementing the national policy through the establishment of National Child Labor Projects (NCLPs) for the remedy of child workers since 1988. Initially, these projects were industry specific and aimed at rehabilitating children working in traditional child labor widespread industries. A renewed commitment to fulfill the constitutional mandate resulted in enlarging the domain of the NCLPs in 1994 to rehabilitate children working in hazardous occupations in child labor prevalent districts. The strategy for the NCLPs includes the establishment of special schools to provide non-formal education and pre-vocational skills training; promoting additional income and employment generation opportunities; raising public awareness, and conducting surveys and evaluations of child labor (CLP, n.d.).

The experience gained by the government in running the NCLPs over several years resulted in the continuation and expansion of the projects during the Ninth Five-Year Plan (1997-2002). Around 100 NCLPs were launched across the country to recuperate children working in hazardous industries such as glass, brassware, locks, carpets, slate tiles, matches, fireworks, and gems. The Central Government made a budgetary allocation of Rs 2.5 billion for these projects during the Ninth Five-Year Plan (CLP, n.d.).

The Government of India has enlarged the exposure of the NCLPs to an additional 150 districts and increased the budgetary allocation to over Rs 6 billion during the Tenth Five-Year Plan. Children within the age group of 5-9 years were registered directly under the Sarva Shiksha Abhiyan or the Education for All Movement commenced under the 10th Five Year Plan. Further, those in the age group of 9-14 were admitted to special schools under the NCLP schemes. Besides this, constituents of healthcare and vocational training were also enhanced. Most significantly in 2001-02 the Government launched the Sarva Shiksha Abhiyan or the Education for All Program which is an effort to universalize elementary education. This program aims to achieve the goal of universal elementary education of acceptable superiority by 2010 (CLP, n.d.).

EFFORTS TO OVERCOME CHILD LABOR

1. National Policy for Children 1974 – This policy stands as the basis for several policies and programs that have been initiated to address the needs of the children. The policy laid down that state shall provide sufficient services towards children both before and after birth and during the growing stage for their complete physical, mental and social development, the policy emphasized the need for the measures of the balanced growth of children; they shall be protected against neglect, mistreatment and exploitation.
2. The National Human Rights Commission (NHRC) – This commission scrutinizes the child labor situation within the country through special reporters, visits by members, sensitization

programs and workshops, launching projects, interacting with the associations, agencies, non-government organizations and state governments to ensure that every effort should be made to eradicate child labor. It is believed that one of the measures is to provide free and compulsory education should be provided for the children up to 14 years of age to solve the problem of child labor.

3. Elementary Education as a right to every child – Education has been considered as the key element for reducing child labor; the country should make investments in this field for its secure and sound future. In India, elementary education has been taken seriously and is a matter of consideration. When children will go to school, they will not get engaged in full time work or in any hazardous employment.
4. Ensuring right to food even for street children – Malnutrition amongst children is the biggest problem that the country is facing, it is common not only in urban areas but also in rural. Children because of this problem are facing health, development and learning problems, their earning capacity gets reduced, they are unable to accomplish something for themselves; it is higher among females as compared to males. Food requirement is stated to be the primary requirement; access to safe, healthy, dietary needs would enable children to live healthy and an active life. Right to food should be made accessible even for children who reside on streets.
5. World Day Against Child Labor - The National Commission for Protection of Child Rights is commemorating World Day against Child Labor on 12 June, 2012. The main objective behind this was that children should be awarded justice and child labor should be completely eliminated.
6. National Child Labor Project (NCPL) - National Child Labor project which commenced with 12 districts only, has been progressively extended to various parts of the country with the coverage of 271 districts in 21 states, which is contributing to a significant extent in elimination of child labor.
7. Day Care for children – It is required to establish day care centers where parents could leave their children during their working hours. It is difficult to take care of young children especially those who are below 6 years of age, while on job, hence in urban as well as rural areas, day care facilities should be established with basic health care, nutrition and social requirements of the children (Ali, 2012).

CONCLUSION

In India, the problem of child labor has been prevalent; there have been existence of many categories where children work as child laborers. On the other hand, there have been a large number of programs, efforts and schemes that have been initiated by the government of India to make provision of child welfare, to overcome child labor and to avoid the dire consequences that labor factors may incur upon a child's life. When people are unaware of the importance of education, they

are ignorant and they undergo financial problems, these lead to child labor. There have been various schemes and programs such as NCLP, Education for All, NHRC and so forth that have been making an attempt to abolish child labor. It involves a lot of hard work to do for the welfare of the poor, ignorant, silent and unaware children. Child labor will always incur challenges upon the life of the child, but policies, programs and efforts have been implemented to reduce this problem and hence have a safe and pure society.

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