



## CHILD LABOR AND SOCIETY: A DETRIMENTAL SITUATION

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### ABSTRACT

*Child labor perpetuates poverty, unemployment, illiteracy, population growth, and other social problems.<sup>1</sup>*

-Kailash Satyarthi

All children are the valuable assets of a particular country and no country on the globe can ignore the responsibility to ensure the proper growth and development of them as their future lies with them. Ironically the problem of child labor exists throughout the world. Even according to the 2002 estimates of the International Labor Organization (ILO)<sup>2</sup> around 246 million children aged 5-17 years are working worldwide; or we can say around one-eighth children are exposed to the worst forms of child labor which may deteriorate their physical moral well-being and mental health. The situation in India is exacerbating. Despite hectic planning, legislation, welfare programmes, and administrative action in the past few decades, a large majority of the *Indian Children* continue to remain in turmoil and distress. Most families neglect them caretakers thrash them and are then sexually abused by employers in work-place. Child

labor continues to flourish in both rural and urban India. Though this problem of physical, emotional, and sexual abuse of children is increasing in India, it has failed to capture the attention of sociologists, psychiatrists and social workers. The public and the government are also yet to recognize this child labor as a serious problem. This paper tries to probe the nature, extent, magnitude and impact of Child labor worldwide and further gives a brief comparison with the situation of child labor and violation of child rights in India and also analyses the issue of human rights violation of children through child labor in India. The paper also makes an attempt to locate the significance of Child rights & concludes with some measures from a strategic perspective to curb the increase of child labor in India.<sup>3</sup>

KEYWORDS - CHILD LABOR, ABUSE, INTERNATIONAL LABOR ORGANIZATION, CHILD RIGHTS.

### INTRODUCTION

#### I. Meaning, Context and Purpose

##### What is child labor?

As per the International Labor Organization, child labor refers to the 'work that deprives children of their potential, dignity and childhood and which is harmful to their physical and mental development.'

It defines such 'work' that;

- Is physically, mentally, morally or socially harmful and dangerous to children;

<sup>1</sup> Quote by Kailash Satyarthi, available at: <http://www.wiseoldsayings.com/child-labor-quotes/> last seen on 20/02/2019

<sup>2</sup> ILO statistics, available at: <https://www.ilo.org/global/lang--en/index.htm> last seen on 20/02/2019

<sup>3</sup> Basics of child labor, available at: <https://ijest.journals.yorku.ca/index.php> last seen on 20/02/2019



- Interrupts with their schooling by;
- Depriving them of the opportunity to attend school;
- Mandating them to leave school prematurely;
- Requiring them to combine school attendance with excessively heavy and long work.

About past two decades the Government of India (GOI) has come up with many measures to curb and combat child labor in the country. Based on the principles enshrined in the *Indian Constitution*, one major legislation against child labor was introduced in 1986. The ends of the resultant *National Child Labor Policy (1987)* (which focused on rehabilitating children who are working in hazardous occupations) were a more strict enforcement of relevant and required legislation, the amalgamation of child labor issues into the development strategies of different ministries and departments and project based action plans in areas with high concentrations of hazardous occupations. This was based on the recommendations of the committee in 1986 which enacted *The Child Labor Prohibition and Regulation Act 1986*.<sup>4</sup> It outlines where and how children can work and where they cannot. The provisions of the act are meant to be acted upon immediately after the publication of the act, except for *part III* that discusses the conditions in which a child may work. Part III can only come into effect as per a date appointed by the Central Government (which was decided as 26th of May, 1993).

<sup>4</sup> Indian legislations for child labor, available at; <http://childlineindia.org.in/Child-Labour-Prohibition-and-Regulation-Act-1986.htm> last seen on 20/02/2019

It further calls for the establishment of the Child Labor Technical Advisory Committee (CLTAC) which is basically responsible for advising the government about additions to the scheduled lists.

## II. Objects and Reasons for the Child Labor Prohibition and Regulation Act 1986

- ban the employment of children, i.e, those who have not completed their fourteenth year, in specified occupations and processes;
- lay down a procedure to describe modifications to the Schedule of banned occupations or processes;
- regulate the conditions of work of children in employments where they are not prohibited from working;
- lay down enhanced penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
- to obtain uniformity in the definition of 'child' in the related laws.<sup>5</sup>

*After the commencement of this Act, the Central Legislature has made few substantial amendments in the provisions of the 1986 Child Labor Act in July 30 2016 due to which it is called as 'Child and Adolescent Labor (Prohibition and Regulation) Act, 1986'.<sup>6</sup>*

The provisions of the said Act completely prohibits the employment of a child labor

<sup>5</sup> Reasons for CLPRA, available at; [https://labour.gov.in/sites/default/files/act\\_3.pdf](https://labour.gov.in/sites/default/files/act_3.pdf) last seen on 21/02/2019

<sup>6</sup> Child and Adolescent Labor Act, available at; <https://singhania.in/child-labour-act-2016-india-child-labour-act-amendments/> last seen on 21/02/2019



that is; a child who comes below the age of 14 years, who is employed in an establishment whether hazardous or not. It says that a child can only work to help his family and this can be extended as in- as a child artist after school hours or during vacations. This Act even comes up with a new concept of '*adolescent labor.*'<sup>7</sup> An adolescent is a person who comes under the age category of 14-18 years. This amendment provision allows the employment of such adolescent labor except in hazardous places or occupations so as to prevent 'Hazardous Child Labor.'

Hazardous Child Labor is verily defined under Article 3(d) of the International Labor Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, 1999<sup>8</sup> as;

*' work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children'*<sup>9</sup>

Regarding the main reasons for the enactments of such legislations is that, the future of a nation lies in how it treats its children who will actually lead the nation in coming generations and therefore it becomes

<sup>7</sup> Definition of adolescent labor, available at; <http://www.mondaq.com/india/x/602434/employee+rights+labour+relations/> last seen on 21/02/2019

<sup>8</sup> Age group for child labor, available at; <https://www.ilo.org/ipec/facts/WorstFormsofChildLabour/Hazardouschildlabour/> last seen on 21/02/2019

<sup>9</sup> Definition of hazardous child labor available at; [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_413175.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_413175.pdf) last seen on 22/02/2019

the moral duty of every citizen of the country to ensure that the childhood of our children is safeguarded and not ruined with instances like that of child labor in India which arise out of poverty and helplessness.<sup>10</sup>

### III. Types of Child Labor in India

#### 1. Industrial Child Labor

Industrial sector in India is the largest employer of children underneath the legitimate age of 18. Roughly, more than 10 Million youngsters between the age category of 5 to 14 years are working in small or informal industries, including around 4.5 Million young girls. Small enterprises like clothing industry, block furnace, horticulture, firecrackers businesses, jewel enterprises and so forth, establish probably the biggest employer of such children.

#### 2. Domestic Child Labor

It includes both boys and girls who are employed by wealthy families for managing their everyday chores. Nearly 10% of children in India are domestically employed. Poverty being the main factor for such labor of these children.

#### 3. Bonded Child Labor

Such labor means when a child is forcibly employed to pay off a debt of his parents or a guardian. The number of bonded child labors has considerably declined in recent past due strict government legislations and supervision which ban it due to which it slowly goes into remote places.

<sup>10</sup> Need for child labor legislations, available at; <https://www.indiacelebrating.com/social-issues/child-labour-in-india/amp/> last seen on 22/02/2019



#### IV. India and International Labor Organization (ILO)

Since India has been a founding member of the ILO (founded in 1919), the responses to the International Labor Standards has always been positive. Child Labor is considered a socio-economic problem, which needs sustained efforts for a long period of time for resolving it. The Government of India is following a sequential approach which concerns the children working in hazardous occupations or processes and has adopted a multi-criteria strategy for eradication of child labor which is:

1. A legislative action plan in the form of Child Labor (Prohibition & Regulation) Act, 1986.
2. Project-based action plan in areas of high concentration of Child Labor under National Child Labor Project Scheme.
3. Focus on general development programmes for the benefit of the families of Child Labor.

The Government of India is even implementing **National Child Labor Project (NCLP)** which focuses on the rehabilitation of children from such work. Under this project, children are withdrawn from their work and are enrolled in special schools where they are provided education, nutrition, vocational training, healthcare etc. Additional to this, the government of India has taken a significant step by making the Right to Education as a Fundamental Right for children under the Indian Constitution.<sup>11</sup> Other related National legislations are;

**Juvenile Justice (Care and Protection of Children) Act 2000 (the JJ Act)** and amendment of the JJ Act in 2006 which includes the working child under the category of children in need of care and protection, without any limitation of age or type of occupation. *Section 23* (cruelty to Juvenile) and *Section 26* (exploitation of juvenile employee) specifically deal with child labour under children in need of care and protection. .

**The Right to Education Act 2009** has made it mandatory for the state to ensure that all children under the age group of 6 to 14 years should be in school and receive free education. Along with *Article 21A of the Constitution of India* recognizing education as a fundamental right, this constitutes a timely opportunity to use education to curb child labor in India.<sup>12</sup>

#### V. Approaches to eliminate Child Labor

There can be many measures and approaches to actually eliminate child labor such as:

##### 1. Basic education

Basic education is a valuable legacy of our freedom. Free and compulsory primary education for all children up to the age of 14 years is a constitutional obligation. The elementary education system enrolls 136 million children today as compared to only 22.3 million children in 1951. Education or literacy contributes to socio-cultural consciousness and concerns for such issues as women, health, welfare, personal and social hygiene, child care, protection of

<sup>11</sup> India and ILO <http://ncpcr.gov.in/showfile.php?lid=129> last seen on 23/02/2019

<sup>12</sup> Unicef and child labor in India, available at: <http://unicef.in/whatwedo/21/child-labour>. Last seen on 23/02/2019





children from health hazards, nutrition and their mental development. *Dr. Myron Weiner*, who is the UNICEF representative of India; says that child labor can only be eliminated or curbed in India if government ensures that elementary education is made compulsory and there are enough teachers and schools as well as an appropriate action plan is being followed.<sup>13</sup>

## 2. Trainings

Youth volunteers, school teachers, gram panchayats, officers of labor department and others, all must be given training about child labor and their respective roles in abolition of child labor. Training modules should be prepared on the issue of education and child labor. All the participants must have a legal literacy and have a full knowledge of children's rights and their entitlements, the role of various departments, and awareness of the schemes and programs meant for children.<sup>14</sup>

## 3. Constitutional Safeguards

The Constitution of the Republic of India was drafted with a view, among other things, to protect the interest of its children-both through the Fundamental Rights, and the Directive Principles of State Policy whereas several other provisions.<sup>15</sup>

## 4. Abstain from employing a child as a domestic help or labor

<sup>13</sup> Indian legislations, available at:[http://shodhganga.inflibnet.ac.in/bitstream/10603/66187/12/12\\_chapter%204.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/66187/12/12_chapter%204.pdf) .last seen on 24/02/2019

<sup>14</sup> Measures taken to avoid child labor, available at: <http://ncpcr.gov.in/showfile.php?lid=66>. Last seen on 24/02/2019

<sup>15</sup> Avoiding child labor, available at: <https://blog.timetoswipe.com/5-steps-stop-child-labour-india/> last seen on 24/02/2019

This can be a biggest step one can do to curb child labor. In India people employ children for petty works in shops and garages like helper, cleaner etc. As per United Nations development report 40% of domestic help in Mumbai are under-15 girls. Most people justify such employment of children by reasoning that they provide them better life as compared to what they would have been living in their homes which should be avoided.

## 5. Report to police when you see child labor

Whenever a person witnesses any kind of child labor in force he/she should immediately report it to the police and should make use of the required legislations for the same. This will ensure that the child gets timely help and gets rescued instead of being exploited.

**Other steps could be-** to encourage children to take up education instead of work; universalization of early development and childhood care as well as quality education for all children, provision for a legal and social protection from all kinds of abuse, neglect and exploitation; abolishing child labor with the aim of eliminating all forms of economic exploitation of children; monitoring the review and reform of programmes, policies and laws to ensure protection of the interests and rights of children; focusing on better coordination at national, state, district levels targeting elimination of child labor and protocols should be formulated for the rescue and rehabilitation of child laborers.<sup>16</sup>

<sup>16</sup> Steps taken by Indian government to curb child labor, available at:

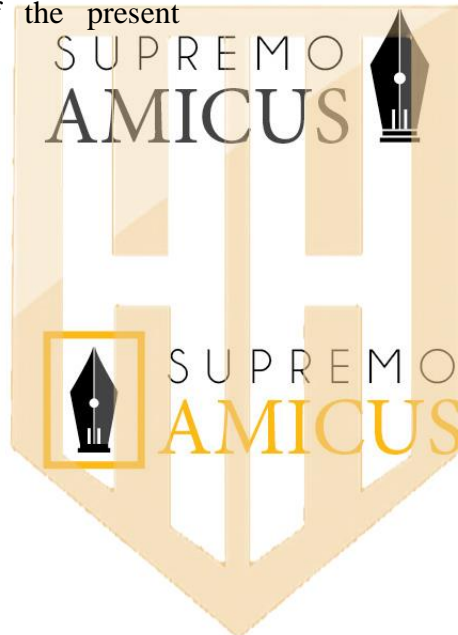


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**VI. Conclusion**

India looks ahead on the establishment of new social order which will be free from all sorts of exploitation. Children being our precious and supreme assets shouldn't be ignored for anything concerning their development, survival, participation as well as protection. However, in a country with a large number of population, vast disparities, social conflict and turmoil, the challenge to attend to all their rights becomes even greater.<sup>17</sup> The rights of children should be a matter of great concern all the citizens because the children constitute one of the most vulnerable sections of the present along with the future society.

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<https://ijcst.journals.yorku.ca/index.php/ijcst/article/viewFile/39705/35953> last seen on 24/02.2019

<sup>17</sup> <https://www.ncbi.nlm.nih.gov/pubmed/12698932>