



CHILD LABOUR IN INDIA

By Md. Aftab and Devansh Goyal
From School of law, University of Petroleum
and Energy Studies

Abstract:-

Now day's Child Labour is a major issue which is increasing day by day in all over the world. We can say that millions of children are confined or engaged in child labour. They are not able to enjoy their childhood as well as not able to take care of their health. Children's who are trapped in child labour don't get time to dream for a better life. Because they do not able to get rid from their worst situations which they all are suffering. In a research by the World Bank and the "International Labour Organization" states that 168 Million children between the age of 5 to 17 years are engaged in the child labour. If we talked about India only Census states that 12.9 million children's are trapped in child labour in which approx. 7.6 million children's are boys and remaining are girls between 7 to 17 years. Majority of children's are working in many firms, industries and factories like Cotton mills, Brick mills, Domestic services etc.

Some more concepts are also linked with the concept of Child Labour like Child Trafficking and Child Abuse. Children's are used in different forms such as labourers, child soldiers etc. More than 22% of the children are working as a child labour and performing hazardous works.

The main reason of child laboring is the lack of education. People who all are living in rural areas those who have no proper education put their children in different jobs through which they earn more money.

Introductions :-

As we know children's are the beautiful gift to human beings and Infantile is a significant and sensitive stage of human development as it holds the possible to the future development of any society. Children who are brought up in an atmosphere, which is helpful to their intellectual, physical and social health, grow up to be responsible and creative members of society.

Children were expected to works with their parents in their businesses or other works as well as in their household works also.¹

- By accomplishment work when they are too young for the task, children excessively decrease their present well-being or their future income earning competences, either by reducing their future external choice sets or by shrinking their own future individual productive competences. Under risky economic distress, children are forced to sacrifice educational chances and take up jobs which are mostly unfair as they are usually underpaid and engaged in dangerous conditions. Parents choose to send their child for engaging in a job as an anxious measure due to poor economic conditions.²
- It is consequently no wonder that the poor households mainly send their children to work in early ages of their life. One of the disturbing facts of child labour is that children are sent to work at the expenditure of education. There is a robust consequence

¹ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019),

<https://blog.iPLEaders.in/judicial-view-on-child-labour/>

² labour.gov.in/sites/default/files/WorkingGroup12...



of child labour on school presence rates and the length of a child's work day is harmfully associated with his or her capacity to attend school. Child labour limits the right of children to access and advantage from education and denies the important opportunity to attend school. Child labour, therefore, prejudices children's education and unfavorably affects their well-being and security.³

Historical Aspect of Child Labour:-

- On the past of the child labour, a retrospective look shows that it is not a new phenomenon. However child labour was in one form or the other in many cultures, its nature, sizes and magnitude have diverse dependent on the current socio-economic structure of civilization. The wide-ranging nature of children's work requires to be related to contrary perceptions of childhood in various social organizations, at different time phases⁴. Previously, the exercise of child labour was found in outdated cultures and later it became inherent in capitalistic society. In earlier times, child labour occurred only as an extension of the home. Children were part of a social organization where members pooled their labour for survival.⁵ The nature of work was non-hazardous and it was practiced with the basic

aim of passing on outdated skills. Weiner also expressed the same view that the traditional idea was that children should be mixed to contribute to the maintenance of the family. During such procedure of socialization "the child grew to physical and knowledgeable maturity without ill-treatment and almost without being exploited and was simultaneously equipped for adult⁶.

- In India, in the agriculture area child labour has a consistently always works. Children as well as their care takers used to perform their tasks at the farms. All over that, the duty of taking income to feed and to take care of their animals gives the responsibility to their children. This work was hard and intense⁷. It did not provide a proper theme for their future work. Some schools don't provide facilities in most of the towns and in small villages. The people who were living there earn money by working on their fields. By this is called as their training period. At the time of the appearance of the Britishers many child ill-treatment developed in India⁸. As the Industrial sector was set up so the child work made a force to work in a brutal condition without any wages. There are many laws against child labour which were passed under the Employment of Children Act of 1938.⁹

Laws related to child labour:-

³ labour.gov.in/sites/default/files/WorkingGroup12...

⁴ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf

⁵ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf

⁶ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf (last visited Aug 16, 2020).

⁷ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019), <https://blog.ipleaders.in/judicial-view-on-child-labour/>

⁸ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019), <https://blog.ipleaders.in/judicial-view-on-child-labour/>

⁹ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019), <https://blog.ipleaders.in/judicial-view-on-child-labour/>



- According to Article 23 of the Indian Constitution any type of forced labour is forbidden.
- Article 24 states that a child under 14 years cannot be employed to do any dangerous work.
- Article 39 states that “the performance and healthcare of the people who are working, male and female, and the particular age of a child is not abused”. In the same manner, Child Labour Act (Prohibition and Regulation) 1986 prohibits children under the age of 14 years to be employed in dangerous manufacturing and processes. **In Francis Coralie Mullin V. Union territory Of Delhi:** In this case that court states that the Article 21 of the Constitution of India balances the protection of health and strength of children’s, male and female etc. versus misuse. As per the court the event and the duties for their young ones to make or develop a healthy way in order of freedom and a proper infrastructure and environment as well as educational benefits also¹⁰.

Role of Panchayat members in mitigating child labour:-

Make awareness about the ill-treatment of child labour, Inspire parents to send their children to school Make an surroundings where children stop employed and get registered in schools instead Safeguard that children have adequate services accessible in schools Inform industry owners about the laws barring child labour and the consequences for violating these laws

Activate Balwadis and Aanganwadis in the community so that working mothers do not leave the duty of younger children on their older brothers Inspire Village Education Committees (VECs) to improve the conditions of schools.¹¹

Approaches to Protect Children:-

Child labour cannot be eliminated at a stroke. Professional training and non-formal teaching can provide important support to children for involuntary work due to socioeconomic reasons. But the final goal must be to abolish child labour. Act against child labour can be undertaken on a wide-ranging front-social, economic and political-with administrations, employers, trade unions and NGOs working together with each other.¹²

Prohibitive Approach:-

This method comprises mainly law making measures. All governmental and non-governmental policies are mainly based on this method and tracked by others, as suited to their regional conditions. However the laws, by-laws and guidelines are made conferring to the nature and intensity of the problem. The past of child labour in West also shows that legislative method is one of the actual and successful means to deal with the issue.¹³

Preventive Approach:-

This method mostly planned to remove the fundamental social and economic dissimilarities that generate child labour. It

¹⁰ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019), <https://blog.ipleaders.in/judicial-view-on-child-labour/>

¹¹ vikaspedia.in/.../child-labour

¹² CHAPTER-I CHILD LABOUR: AN INTRODUCTION,

http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf

¹³ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf



deals with the physical change in terms of socio-economic behavior, particularly through improvements. It, consequently, may not be instantly fruitful¹⁴

Rehabilitative Approach:-

This method deals straight with individual children who are already in the labour marketplace. It purposes to remove the maximum numbers of child labourers in the dangerous working situations, by providing them and their relatives an alternate support. This method is mainly for the children in problem at in conditions and plans under this category could be undertaken by any of governmental or NGO.¹⁵

Classification of Children's Activity:-

Children are involved in widespread range of working in both rural and urban areas. In urban areas they are institute in both organized and unorganized sectors or formal or informal sectors, working in both visible and invisible nature of work. These child laborers are measured as unskilled labour with imperfect physical power.¹⁶

- 1. Domestic non-monetary work:-** It comprises domestic non-monetary work, they place those children who frequently work within the family, E.g. cleaning, cooking, washing, child care, etc. This is self-employment and is usually time widespread.
- 2. Non-monetary and non-domestic work:-** Children involved in this group includes non-monetary and non-domestic work and are

frequently found in the poor agricultural or rural economies. In such activity, children are measured as a part of family activity. Usually, girl workers belong to this group. This category comprises activities like tending of livestock, guard of crops from birds and animals, hunting, get-together, weeding and taking care of younger sister and brothers. This work is also time exhaustive and is often blended with domestic work.¹⁷

- 3. Work in the non-agrarian environment:-** It includes artist production, small-scale production, manufacturing and services. This category includes the work in urban sectors.
- 4. Bonded labourers:-** Children of this group works as bonded labourers and are promised by their parents in lieu of obligation. Though law eliminates the practice of bonded labour, still the occurrence of the exercise is noticed in a number of studies mainly in rural areas.¹⁸

Studies conducted by UNICEF categories child's activity in two ways based:-

On nature of work and the relation of child with their family during the activity.

(a) Grouping of child's work in relation to children's communication with their family.

- During the working period. UNICEF classified it into three categories :-
 1. Within the family
 2. With the family but outside the house
 3. Outside the family.
- The first group comprises work in handicrafts, cottage industries,

¹⁴ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf

¹⁵ CHAPTER-I CHILD LABOUR: AN INTRODUCTION, http://shodhganga.inflibnet.ac.in/bitstream/10603/14982/7/07_chapter%201.pdf

¹⁶ Child Labor: Child Labor: Types, Causes, Consequences, ITS PSYCHOLOGY (2017), <https://itspsychology.com/child-labor/>

¹⁷ Child Labor: Child Labor: Types, Causes, Consequences, ITS PSYCHOLOGY (2017), <https://itspsychology.com/child-labor/>

¹⁸ Child Labor: Child Labor: Types, Causes, Consequences, ITS PSYCHOLOGY (2017), <https://itspsychology.com/child-labor/>



domestic/household tasks, farming, rural work, etc without remuneration. In such types of activity children are worked with their relatives and measured as a part of them as in the piece rate system. The work measured as a part of their exercise in their childhood. Generally children work with their family.¹⁹

- The second group comprises those children who are involved in farming rural work which contains of (seasonal/full time) migrant labour, local farming work, domestic service, manufacture work and informal works. In these works, children are working purely with the aim of economic help and as in the case of second factor; these works are measured as exercise for their future forecasts. Some children were working with their family members instead of inside the house they are working outside their house for money.
- Children belonging to third group are involved in altered types of work, outside the family, who are more unequal by nature. This group comprises bonded work, traineeship, skilled trades (carpet, embroidery and brass/copper work), industrial or unskilled works or coalfields, domestic work, commercial work in shops and restaurants, begging, prostitution and pornography. Such insensitive work is humiliating for them. The last category involves those children's those who are working as a hard worker like Shoe shining, Car washing, Recycling of garbage, Running shops, Selling newspapers, etc.²⁰

(b) Areas identified by UNICEF where children are involves like:-

- a- Forced and bonded labour.
- b- Sexual manipulation.
- c- Industrial.
- d- Farming of Agricultural land.
- e- Road work.
- f- Domestic Service.
- g- Work for the family and Girls' work.

Percentage of child Labour in India

Child labour hinders children from achieving the talents and learning they need to have chances of respectable work as a mature. Discrimination, absence of educational chances, slow demographic transition, societal and national prospects all donate to the determination of child labour in India. The ILO involvement is that steady financial development, admiration for labour values, respectable work, worldwide education, social safety, knowing the needs and privileges of the children — together help tackle the origin reasons of child labour. As per Survey 2011, the total child inhabitants in India in the age group (5-14) years is 259.6 million. Of these, 10.1 million (3.9% of total child inhabitants) are occupied, both as 'chief worker' and as 'peripheral worker'. In adding, more than 42.7 million children in India are out of education in school.

Though, the good news is that the occurrence of child labour has reduced in India by 2.6 million among 2001 and 2011. But, the failure was more noticeable in rural areas, though the number of child workers has

¹⁹ Child Labor: Child Labor: Types, Causes, Consequences, ITS PSYCHOLOGY (2017), <https://itspsychology.com/child-labor/>

²⁰ Child Labor: Child Labor: Types, Causes, Consequences, ITS PSYCHOLOGY (2017), <https://itspsychology.com/child-labor/>



enlarged in urban areas, signifying the rising demand for child workers in unskilled jobs. Child labour has dissimilar consequences in both rural and urban India.

Rescued child labour in India

Around 175,000 children in India have been detached or saved from work and given provision since 2016, government data shows.

State authorities infrequently categorize saved child workers as sufferers of bondage due to unpredictable evidences and a lack of individuality documents or evidence of dependence, activists.

The United States' yearly Trafficking in Persons (TIP) report — available last week — said that the misidentification of bonded labor cases as child labor was an issue in India.

“States reject the appearance of fused people ... it surges their effort, and makes them (saved workers) qualified to rights,”

Yet a older labor official said the state could not pleasure every case connecting saved child workers as bondage given many children worked part-time as national help or in shops, and were often stimulated to do so by their parents.

Consequence of child Labor:-

The child who works as child labor will have no chance of development in his life.

- Children who are working as child labor don't have time to complete their schooling. They generally hold up behind in educations or totally stop their education before even finishing high school. It is difficult to escape from this sticky sequence and once anybody falls into this sequence, their life will be change completely. The economy and growth

of the country faces lot of difficulties if children are not correctly educated. Children who starts working at primary stage have little parent looking after them so they are first target for unlawful work. Children working as child labor are simply habituated to drugs and thereby change their whole life.

- In **TMA Pai Foundation v. Association of India (2002)**, "The court states that, it is the most important and main functionable duty of a parents for providing proper duties to their young one 'less than age of 14 years. In consummation of this changes in the part of educational institutions it as a central right, the Parliament has ordered the Right of Children to Free and Compulsory Education Act, 2002 which makes changes for nothing and obligatory training to all the children's of the age of 6 to 14 years²¹".

The moral and ethical provision necessary for children at the tender age is out of box query for child labor

Some steps taken by the government to resolve the social problem:-

Government must take severe actions against the people who are accountable for child labor (brokers and people who employed children) and make their laws that can resolve this difficulties from ground level.

- NGO's should work entirely like identifying the child labor to allowing them to join in caring centers, which provide learning and thus provide hope to children.
- Make the awareness among parents of poor children about the significance of child education and educate them about the undesirable influences of child labor.
- In the case of **Ganesh Ram versus State Of Jharkhand And Ors (2006)**, the court states that "Any person below the age of 14 years is

²¹ Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019),

<https://blog.iPLEaders.in/judicial-view-on-child-labour/>



scheduled, penal order can be held or passed against the employer under the child labour (Prohibition and Regulation Act, 1986) but same as well no order was passed against the employee²².

Government should build organization and other facilities for obligatory education of children and they should implement all the international strategies about child labor.

- Lastly, children are future of any nation. If they are weak and not appropriately educated, it is not good for any nation and it can't grow. It is everybody's duty to shape up healthy children with good education and high ethical values²³.
- There is a proper legislation to prevent child prevent and to secure the life's of the children as well as prohibit mal practice of child labour.

Some are as follows:-

1. **The Factories Act of 1948:-** This act forbids the working or employment of the children who are under the age of 14 years in any particular firm or industries etc. The law also states that who can work in an industry and at what age and how do they perform their work.²⁴
2. **The Mines Act of 1952:-** This act also bars the children less than the age of 18 years are not able to work in the mines. Because it is

very dangerous for them to work in the mines areas which is also very harmful for their life's also. SO, as per this act it is not allowed to work their below the age of 18.²⁵

3. **The Child Labour (Prohibition and Regulation) Act of 1986:-** This acts states that "it is totally ban for the children to perform any type of hazardous work under the age of 14 years (work given by the law).²⁶
 4. **The Juvenile Justice (Care and Protection) of Children Act of 2000:-** In this act, it states that if any child found to work in any of the industries o in a firm less their age and also doing in any type of the hazardous work, then the person or the employer will be punishable with a prison term.²⁷
 5. **The Right of Children to Free and Compulsory Education Act of 2009:-** This act makes force of free learning system to all the children between 6 to 14 years. It also makes sure that 25% of seats in any of the private school shall be directive for physically disabled children's.²⁸
- In today's time some efforts taken by the government to reduce and to control the child labour. They introduced many of the Acts and Schemes which was mentioned above. Many states including Haryana have introduced the policy of child labour rehabilitation centre as well as welfare funds

²² Diva Rai, Judicial View on Child Labor in India - iPleaders Blog iPleaders (2019), <https://blog.ipleaders.in/judicial-view-on-child-labour/>

²³ Daily Alert, CHILD LABOR - NEGATIVE EFFECTS AND REASONS OF IT MY DAILY ALERTS (2013), <https://mydailyalerts.com/negative-effects-child-labor>

²⁴ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019), <https://blog.ipleaders.in/laws-related-child-labour-india/>

²⁵ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019),

<https://blog.ipleaders.in/laws-related-child-labour-india/>

²⁶ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019), <https://blog.ipleaders.in/laws-related-child-labour-india/>

²⁷ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019), <https://blog.ipleaders.in/laws-related-child-labour-india/>

²⁸ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019), <https://blog.ipleaders.in/laws-related-child-labour-india/>



at district level and separate labour cells are being formed to resolve the issue.

- Central government is also working on many of the National child labour projects in many states. “**Sarve shiksha Abhiyan**” has been presented in the year 2001 to deliver education to the deprived and hired children in all states.
- Ministry of women and child growth has been providing non-formal education and professional training. Some “**Anganwadies**” is also a very good step taken by the government for the welfare of children.²⁹

Conclusion:-

In India, in the agriculture area child labour has a consistently always works. Children as well as their care takers used to perform their tasks at the farms. All over that, the duty of taking income to feed and to take care of their animals gives the responsibility to their children. This work was hard and intense. It did not provide a proper theme for their future work. Some schools don't provide facilities in most of the towns and in small villages. The people who were living there earn money by working on their fields.

It will help or prevent the child labour if we aware the people regarding the negative impact of this as well as it will help the children a lot in favor of any activities. By doing this every person will get to know or understand how important and necessary for a child to grow and think out of the box as they are our coming generation who have to make our country (India) a developed nation. In spite of the many boundaries of the remaining proof of child labour, some overall assumptions may be strained. First, the service of very undeveloped children was

never general in British culture. Child labour under the age of 10 always shaped part of the existence plans and policies of the poor. The structure of 18th and 19th century Britain led to an amplified load of dependence between deprived families and premature hire might be clarified as a normal answer by families to mechanical dependence and widespread poverty. Child labour at unusually undeveloped ages was related particularly with lone-parent families, children, and teenagers lawfully in the care of community authorities. Such children were often sufferers of a disappointment of local wellbeing preparations to deliver satisfactory care to the poor.

²⁹ Amartya Bag, WHAT ARE THE LAWS RELATED TO CHILD LABOUR IN INDIA IPLEADERS (2019),

<https://blog.ipleaders.in/laws-related-child-labour-india/>