



Child Labour in India – Issues and Challenges

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Abstract

This paper explains the problems of child labour, the causes and nature of child labour, various types of child labour, magnitude of child labour and Provisions provided by the constitution etc. The paper also explains the various measures taken by the Government for safeguard of child labour and elimination strategies adopted in various plans. The problem of child labour continues to pose a challenge before the nation. Government has been taking various pro-active measures to tackle this problem. However, considering the magnitude and extent of the problem and that it is essentially a socio-economic problem inextricably linked to poverty and illiteracy, it requires concerted efforts from all sections of the society to make a dent in the problem. According to the 2011 Census, there are five million children fewer than Census 2001. The drop in the 0-6 age group from 163.8 million to 158.8 million marks a negative growth of 3.08 per cent, Registrar General of India and Census Commissioner Chandramouli said while releasing the report. Education is a key to preventing child labour and has been one of the most successful methods to reduce child workers in India. This includes expanding education access to schooling, improving the quality and relevance of education, addressing violence in schools, providing relevant vocational training and using existing systems to ensure child workers return to school.

Keywords: Magnitude, Strategies, Elimination, Hazardous and Harmful

Introduction

The problem of child labour continues to pose a challenge before the nation. Government has been taking various pro-active measures to tackle this problem. However, considering the magnitude and extent of the problem and that it is essentially a socio-economic problem inextricably linked to poverty and illiteracy, it requires concerted efforts from all sections of the society to make a dent in the problem. According to the Census 2001 figures there are 1.26 crore working children in the age group of 5-14 as compared to the total child population of 25.2 crore. There are approximately 12

lakhs children working in the hazardous occupations/processes which are covered under the Child Labour (Prohibition & Regulation) Act i.e. 18 occupations and 65 processes. As per survey conducted by National Sample Survey Organisation (NSSO) in 2004-05, the number of working children is estimated at 90.75 lakh. As per Census 2011, the number of working children in the age group of 5-14 years has further reduced to 43.53 lakh. It shows that the efforts of the Government have borne the desired fruits.

Way back in 1979, Government formed the first committee called Gurupadswamy Committee to study the



issue of child labour and to suggest measures to tackle it. The Committee examined the problem in detail and made some far-reaching recommendations. It 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. The Committee felt that in the circumstances, the only alternative left was to ban child labour in hazardous areas and to regulate and ameliorate the conditions of work in other areas. It recommended that a multiple policy approach was required in dealing with the problems of working children.

Based on the recommendations of Gurupadaswamy Committee, the Child Labour (Prohibition & Regulation) Act was enacted in 1986. The Act prohibits employment of children in certain specified hazardous occupations and processes and regulates the working conditions in others. The list of hazardous occupations and processes is progressively being expanded on the recommendation of Child Labour Technical Advisory Committee constituted under the Act.

The causes and nature of child labour

The factors that contribute to child labour – including “hazardous” child labour – include the poverty and illiteracy of a child’s parents, the family’s social and economic circumstances, a lack of awareness about the harmful effects of child labour, lack of access to basic and meaningful quality education and skills training, high rates of adult unemployment and under-employment and the cultural values of the family and surrounding society.

Often children are also bonded to labour due to a family indebtedness. Out of school children (OOSC) or those children at risk of dropping out can easily be drawn into work and a more vulnerable to exploitation. Girls, especially those from socially disadvantaged groups, tend to be at a higher risk of being forced into work.

Other reasons for children being forced into work:

- Poverty and a lack of livelihood options lead to a child’s “need” to contribute to the family income,
- Due to conflicts, droughts and other natural disasters, and family indebtedness,
- Rural poverty and urban migration also often exposes children to being trafficked for work.

Children are employed because they are cheap and pliable to the demands of the employer and not aware of their rights. The risks that these children face can have an irreversible physical, psychological and moral impact on their development, health and wellbeing.

Types of child labour: A recent change

The types of child labour have changed in recent years due to enforcement of legislation, awareness amongst buyers about child exploitation, and international pressure. Child labour is now more invisible because the location of the work has changed from the more formal setting of factories, to business owners’ homes. There has also been an increasing involvement of children in the home-based and informal sectors.

Children are engaged in manual work, in domestic work in family homes, in rural labour in the agricultural sector



including cotton growing, at glass, match box and brass and lock-making factories, in embroidery, rag-picking, beedi-rolling, in the carpet-making industry, in mining and stone quarrying, brick kilns and tea gardens amongst others.

Work is often gender-specific, with girls performing more domestic and home-based work, while boys are more often employed in wage labour. In general, the workload and duration of the working hour's increases as children grow older. Getting accurate, detailed information about children working in different sectors is a major challenge because, in many cases, children work in informal sectors such as agriculture, and in urban settings in restaurants, motor repair workshops and in home-based industries.

Challenges to ending child labour

Child labour is not uniform. It takes many forms depending upon the type of work that children are made to do, the age and sex of the child and whether they work independently or with families. Due to this complex nature of child labour, there is no one strategy that can be used to eliminate it.

Combating child labour requires long term co-ordinated action which involves many stakeholders and the government. This includes educational institutions, mass media, NGOs and community-based organizations as well as trade unions and employers. It is important that the attitudes and mindsets of people are changed to instead employ adults and allow all children to go to school and have the chance to learn, play and socialize as they should.

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workers in India. This includes expanding education access to schooling, improving the quality and relevance of education, addressing violence in schools, providing relevant vocational training and using existing systems to ensure child workers return to school.

Magnitude of Child Labour:

Extent of Child labour in the World:

Child labour is a global phenomenon. The ILO estimated that the number of working children in the age group of 5-14 in developed countries is 250 million; of whom at least 20 million are working full time of these 61 percent is in Asia, 32 percent in Africa and 7 percent in Latin America. Child labour accounts for 5.2 percent of the total labour force in India as against percentages of 27.3 in Turkey, 20.7 in Thailand, 19.5 in Bangladesh, 18.8 in Brazil, 16.6 in Pakistan, 12.4 in Indonesia, 11.5 in Mexico, 8.2 in Egypt and 6.6 in Argentina.

Extent of Child labour in India:

According to available statistics, there has been a fall in the overall population of working children during 1981-91. Of the total population of 685 million in 1981, the number of working children was 13.6 million which works out about 2 percent of the total population. In 1991, out of total population of 838.6 million, the number of working children was 11.28 million which works out to only 1.34 percent.

According to the 2001 census, there are 12.6 million children under the age of 14 engaged in child labour. This is surely a conservative estimate. The government estimates also do not



acknowledge the millions of children working in agriculture. Civil society places the number of child labour at a more realistic 40 million or so.

Approximately 70 per cent of children in child labour are in agriculture. Owing to the labour intensive nature of cotton production, the use of child labour in cotton fields, especially for cross-pollination, has increased over the years. Children working in cotton fields are continuously exposed to poisonous pesticides. Apart from the health effects such as headaches, nausea and respiratory ailments borne out by various studies, children working in cotton fields are deprived of schooling. Working long hours in the field means that children cannot attend school regularly or even if they are enrolled, invariably drop out at some point.

According to the 2011 Census, there are five million children fewer than Census 2001. The drop in the 0-6 age group from 163.8 million to 158.8 million marks a negative growth of 3.08 per cent, Registrar General of India and Census Commissioner Chandramouli said while releasing the report. The number of boys has dropped 2.42 per cent and that of girls 3.80 per cent. The decline in growth of children's population has come in spite of supplementary nutrition schemes run by the government. With a budget of about Rs 10,000 crore, the Integrated Child Development Scheme (ICDS) under the Women and Child Development Ministry caters to children of this age group. Those aged three and less is given a take-home ration and those between three and six are given nutritional food in

the form of morning snacks and then served hot cooked meals.

Magnitude of Child Labour across States

There is across the board decline in the incidence of child labour in the Southern and Western Indian States and UTs between 1991 and 2001. However, there has been an increasing trend in the Eastern and North Indian States and UTs. While the Kerala and Tamil Nadu stories are well known, it is heartening to see that the state of Andhra Pradesh, that had a dubious distinction of having the largest child labour force in the country, shows very remarkable reduction in work-force participation, along with a dramatic increase in the enrollment of children in school. Surprising is the case of Himachal Pradesh, which has shown significant increases in school attendance and in literacy levels. However, there is a dramatic increase in the percentage of children in the age-group 5-14 years who are classified as workers, both main and marginal.

Legislative Provisions

Legislative Provisions Prohibiting and Regulating Employment of Children

- As per the Child Labour (Prohibition & Regulation) Act, 1986 "child" means a person who has not completed is 14th year of age.
- The Act prohibits employment of children in 13 occupations and 57 processes contained in Part A & B of the Schedule to the Act (Section 3).
- Under the Act, a Technical Advisory Committee is constituted to advice



- for inclusion of further occupations & processes in the Schedule.
- The Act regulates the condition of employments in all occupations and processes not prohibited under the Act (Part III).
 - Any person who employs any child in contravention of the provisions of section 3 of the Act is liable for punishment with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs 10,000 but which may extend to Rs 20,000 or both. ((Section 14).
 - The Central and the State Governments enforce the provisions of the Act in their respective spheres.

Constitutional Provisions

Article 21 A

Right to Education: The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

Article 24: Prohibition of employment of children in factories, etc.

No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.

Article 39: The State shall, in particular, direct its policy towards securing:

(e) that the health and strength of workers, men and women, and the tender

age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

THE POLICY FRAMEWORK SURROUNDING CHILD LABOUR

The key international laws dealing with child labour include the UN Convention on the Rights of the Child 1989 (CRC) and the International Labour Organization (ILO) conventions on the Minimum Age for Admission to Employment of 1973 (ILO Convention 138) and on the Worst Forms of Child Labour of 1999 (ILO Convention 182).

India has not ratified either of the two ILO conventions and also made a reservation to article 32 of the CRC at the time of ratification stating that it would apply the article in a progressive manner, according to its national legislation and international commitments, especially in relation to the minimum age.

National Policy on Child Labour

- The National Policy on Child Labour, August 1987 contains the action plan for tackling the problem of child labour. It envisages:
 - A legislative action plan
 - Focusing and convergence of general development programmes for benefiting children wherever possible, and
 - Project-based action plan of action for launching of projects for the



welfare of working children in areas of high concentration of child labour.

In pursuance of National Child Labour Policy, the NCLP Scheme was started in 1988 to rehabilitate child labour. The Scheme seeks to adopt a sequential approach with focus on rehabilitation of children working in hazardous occupations & processes in the first instance. Under the Scheme, after a survey of child labour engaged in hazardous occupations & processes has been conducted, children are to be withdrawn from these occupations & processes and then put into special schools in order to enable them to be mainstreamed into formal schooling system.

Strategy for elimination of child labour in Xth Plan

Keeping in view the policy of the Government as laid down in the National Agenda and Prime Minister's directions in the National Conference on Child Labour, the evaluation studies carried out by the VVG NLI and the approach defined in the working paper for the Tenth Plan, the strategy adopted during this Plan period aims at bringing qualitative changes in the scheme for elimination of child labour. The details are as follows:

- Policy and programmes for elimination of child labour would be continued in a more focused, integrated and convergent manner.
- Focused and reinforced action to eliminate child labour in the hazardous occupations by the end of the Plan period.

- Expansion of the NCLPs to additional 150 districts during the Plan.
- Ensuring that the NCLPs have a focused time frame of 5 years with clearly defined targets.
- Linking the child labour elimination efforts with the scheme of Sarva Shiksha Abhiyan of the MHRD an attempt to ensure that small 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. Increased efforts to provide vocational training to the older children.
- Strengthening of the formal school mechanism in the endemic child labour areas in the country both in terms of quality and numbers in such a manner as to provide an attractive schooling system to the child labour force and its parents so that motivational levels of both the parents and such children are high and sending these children to school becomes an attractive proposition.

□ Convergence with the ongoing schemes of the Dept. of Education, Rural Development, Health and Women & Child Development would be critical for the ultimate attainment of the objective of elimination of child labour in a time bound manner.

- Large-scale involvement of the voluntary organizations at the district level to assist in the running of the NCLP schools. The attempt during this Plan would be to encourage the running of the rehabilitation schools only through accepted and committed NGOs so that the Government machinery is not burdened with running of such school.

Suggestions



The Government should take proper effective steps to decrease the population and provide employment to the parents of child labour. Necessary measures should be taken to educate the children. Provided the necessary sufficient funds to the organizations working for the education and removal of child labour. There should be effective implementations of child protective laws. There should be necessary prosecution of child labour defaulters. The involvement of Government, policy makers, trade unions and non-governmental organizations and to tackle the child labour by forming advisory committees at block level should be there. The authorities should not bend before the pressure of the politicians while tackling the problems of child labour.

Conclusion

At present, in spite of policy of the government regarding removal of child labour. The various steps taken in this direction and the laws passed about it haven't controlled the ongoing child labour. This is possible only with the co-operation of all sections of the society and the law enforcement agencies and by removing or minimizing the causes of child labour. Government has accordingly been taking proactive steps to tackle this problem through strict enforcement of legislative provisions along with simultaneous rehabilitative measures. State Governments, which are the appropriate implementing authorities, have been conducting regular inspections and raids to detect cases of

violations. Since poverty is the root cause of this problem, and enforcement alone cannot help solve it, Government has been laying a lot of emphasis on the rehabilitation of these children and on improving the economic conditions of their families. The main thrust should be on controlling the population of the country, education of the children and providing sufficient funds for its removal from the gross domestic product of India.

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