

A SOCIO – ECONOMIC ANALYSIS OF CHILD LABOUR IN INDIA

Pramod Kumar Agarwal^{#1}, Dr. Anil Chandra Pathak^{*2}

[#]Research Scholar,

^{*}Assistant Professor, Department of Commerce,

Jamshedpur Worker's College, Jamshedpur, Jharkhand, India.

¹Email: radharaman_das@yahoo.com

Abstract - Children of the world are innocent, vulnerable and dependent. They are all curious, active and full of hope. Their life should be full of joy and peace, playing, learning and growing. Their future should be shaped in harmony and co-operation. Their childhood should mature, as they broaden their perspectives and gain new experience. Abandoning the children, excluding good foundation of life for them, is a crime against humanity. The children cannot wait till tomorrow; they grow everyday; along with them grows their sense of awareness about the surroundings. Tomorrow is no answer; the goal of their present care, protection and Rehabilitation is the need of the hour. We have already dealt with the Rights assured to them by the Constitution, the Directive Principles and the Convention on the Right of the Child. Child labor cannot be totally eradicated by legislation alone, unless supplemented by socio-economic and educational upliftment of the underprivileged section of the society. It was seen most prevalent (80%) among 11-13 year age group. It increases with decreasing parental socio-economic status. A little less than half (46.7%) of the child laborers had to work for more than 6 hours a day. Average duration of work is 6.1 days per week. There is a need to protect girl child, advocate reduction in family size and promote parental education/economic empowerment in order to reduce the urge on children to perform economic roles.

Keywords: Child laborers, working conditions, working environment

INTRODUCTION

Children are the greatest gift to humanity and Childhood is an important and impressionable 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 conducive to their intellectual, physical and social health, grow up to be responsible and productive members of society. Every nation links its future with the present status of its children. By performing work when they are too young for the task, children unduly reduce their present welfare or their future income earning capabilities, either by shrinking their future external choice sets or by reducing their own future individual productive capabilities. Under extreme economic distress, children are forced to forego educational opportunities and take up jobs which are mostly exploitative as they are usually underpaid and engaged in hazardous conditions. Parents decide to send their child for engaging in a job as a desperate measure due to poor economic conditions. It is, therefore, no wonder that the poor households predominantly send their children to work in early ages of their life. One of the disconcerting aspects of child labor is that children are sent to work at the expense of education. There is a strong effect of child labor on school attendance rates and the length of a child's work day is negatively associated with his or her capacity to attend school. Child labor restricts the right of children to access and benefit from education and denies the fundamental opportunity to attend school. Child labor, thus, prejudices

children's education and adversely affects their health and safety.

The International Labor Organization (ILO) defines child labor as "work situations where children are forced to work on a regular basis to earn a living for themselves and their families, and as a result they remain backward educationally and socially in a situation which is exploitative and harmful to their health and to their physical and mental development. The children are separated from their families, often deprived of educational and training opportunities and they are forced to lead prematurely adult lives (ILO)". The Factories Act of 1948 states that any work undertaken by children that interferes their full physical development, their opportunities for desirable minimum of education or their need of recreation by a child below 14 years under either compulsion development or their desirable opportunities for a child voluntarily in an organized or unorganized minimum of education, termed as 'child labor' (The Factory Act 1948). The worst forms of child labor are those situations where children work more than nine hours in a day; earn less than a minimum wage or no wages at all; work in hazardous conditions for health and safety; have no access to education; and, work outside of their family's home. Children are the future of the nation, they are vulnerable due to their age and physical power and they cannot make plan for their future and cannot understand the result of any work. So they should be protected from exploitation and should be given opportunities for their physical and mental development. Hence the protection of children is the responsibility of the nation. The Indian constitution also makes safe guards for the children from their exploitation and to eliminate child labor from our society. Indian constitution makes provisions for the children, such as Article-24 provides that child below the age of 14 years shall not be employed to work in any factory or mine or engaged in any hazardous employment. Government of India is also

committed to ensuring protection, rights and development of children in our country to overcoming this target government has enacted various legislations such as which prohibit children from working in the particularly hazardous and dangerous activities Child Labor Prohibition and Regulation Act 1986.

CONSTITUTIONAL SAFEGUARDS IN INDIA

The constitution of India carries important expression of the attitude of the State towards children, Article-15 (3) of the constitution authorizes the state for the making any special provision for women and children. Article-21 no person shall be deprived of his life or his personal liberty except according to procedure established by law. Article-21A - The state shall provide free and compulsory education to all children of the age of 6-14 years in such manners as the state may, by law, determine. Article -23- traffic in human being and beggar and other forms of forced labor are prohibited and any contravention of this position shall be an offence punishable in accordance with the law. Article-24 provides that no child below the age of 14 shall be employed to work in any factory or mine or engaged in any other hazardous employment. Article 39 (E) proclaims that the State shall its policy towards securing that the health forced by economic necessity to enter avocations unsuited to their age or strength. Article 39 (E) enjoins that childhood and youth are to be protected against exploitation, against moral and material abandonment. In Article-45 the constitution provide free and compulsory education for all children until they complete the age of 14 years. The general provisions under Article, 38, 42, 43, 45 and 47 of Directive Principles of State Policy, although do not deal directly with child welfare but provides strategy for indirectly promoting welfare of children. Article-38 (1) provides that the State shall strive to promote the welfare of the people by securing and

protecting as effectively, as it may secure a social order in which justice, social, economic and political shall be ensured. Article-42 and 43 provide for securing just and human conditions of work and hold out a promise that the State shall endeavour to secure, by suitable legislation, economic organization or in any other way, for all workers, a living wage with specified conditions of work ensuring a decent standard of life and full employment of leisure and social and culture opportunities. This definitely includes child laborers in widest sense. Article-46 makes provisions for promotion, with special care of the educational and economic interest of SC and STs and other weaker sections of the society. Article-47 lays emphasis on raising standard of living of people by the State. These also include children in their purview. While assessing the progress and implementation of these provisions, it is noteworthy that child labor is increasing day by day.

LEGISLATIVE PROVISIONS FOR PROTECTION OF CHILD LABOR

The Factories Act of (1881) was the first law to define child and to prescribe prohibitory regulations for employment of children below 7 years of age. The Factories Act, (1911) prohibited employment of children in dangerous occupations and working during night hours. The first Convention of ILO, compelled amendment of the Act in (1922), to rise the minimum age of child to 15 years. However, children below the age of 12 years were prohibited for employment. The age rose to 13 years in 1935 under the Act. The Factories Act, (1948), prescribes prohibitory regulations for employment of children below 14 years of age in any factory. India Mines Act, (1952) prohibits employment of children below 16 years in any underground mines. Plantation Labor Act, (1951) prohibit the employment less than age of 12 years. The Motor Transport Workers Act (1961) absolutely

prohibits employment of children in motor transport. The Shops and Commercial Establishments Acts of different States, also prohibit employment of children in the shops hotels, dhabas, street shops and commercial places. Those young persons who are employed, these legislations are careful about their health. While restricting the night work, they provides for medical fitness certificates by the young persons. Also, the parents who satisfy their economic needs lie about the age of their children. Besides the above legislations, The Apprentice Act, (1961), The Beedi and Cigar Workers (Conditions of Employment) Act, (1966), The Atomic Energy Act, (1962) and Contract Labor (Regulation and Abolition) Act, (1970) these Acts provide that employment of children is a punishable offence. As required by ILO Convention and as envisaged in National Seminar on Employment of Children in 1975, to prevent exploitation of children, Indian Government felt to enact a single Act to deal with prohibition of child labor.

The Child Labor (Prohibition and Regulation) Act was enacted in 1986. The Act prohibited employment of children below the age of 14 years in certain occupations and processes. These include the transport of passengers, goods and mails and other hazardous work in railways and ports, the process like Beedi making, cement manufacturing, manufacturing of matches and explosives, mica cutting, soap manufacturing, wool cleaning and building and construction industries. The 3rd part of the Act provides for regulations of conditions of work by prescribing minimum working hours, prohibiting work at night, prohibiting overtime work, and weekly holiday. Also, the Act provides measures for health and safety of child workers. It emphasized on maintenance of a register having details of children if employed by any organization. While prohibiting employment in certain occupation and processes, the law legalized employment of children in other cases.

Indirect support was extended for such an evil practice which should be totally prohibited irrespective of the nature of employment. Protection of children from sexual offence Act, 2012, has several features that are child centered.

BASIC CAUSES OF CHILD LABOR

Child labor is a socio-economic problem. Parents for the reason of poverty have to send their children in order to supplement their income derived from child labor, however meagre are essential to sustain the family.

The major reason that creates the circumstances for a child to work as a child labor includes the following.

- Socio-economic backwardness
- Poverty
- Illiteracy
- Unemployment
- Over population
- Lack of education facilities
- Ignorance of parents about the importance of education.
- Ignorance of impact on children of labor.
- Government apathy

Different Social Scientists believes that child labor is a product of such factors as customs, traditional attitude, and lack of school or reluctance of parents to send their children to school, urbanization, industrialization, migration and so on. In addition to the above mentioned factors responsible for child labor, there are several other causes too. Firstly, the provisions of the protective labor legislations are lopsided and do not cover agriculture and small-scale industries. Secondly, the enforcing machineries, which are provided by the state governments, are inadequate almost everywhere and fail to check up on child labor. The children are mostly silent listeners or non-listeners of the policies and programmes meant for them and hence, their problems are not properly realized, for which nobody pays serious attention to their plights

and the safeguards extended for the prevention of child labor are not implemented effectively. Economic Globalization is equally responsible for the growth of child labor.

The magnitude of child labor in India has been witnessing enormous decline in the last two decades, both in terms of magnitude and workforce participation rates. Evidence drawn from the National Sample Survey data suggest that India's child workforce during 2009-10 was estimated at little over nine million (9.07 million) as against twenty-one and half million (21.55 million) in 2003. During this period, the number of child employment has declined sharply by 12.48 million. There is considerable fall in child workforce is observed among boys than girls. The corresponding fall in boys and girls workforce during 2003 to 2009- 10 is observed to have decreased from 12.06 to 4.76 million, and 9.49 to 4.31 million, respectively. In effect, the gender difference that existed between boys and girls (adverse against boys) during the early 1990s has almost dissipated in recent years, the difference being slowed down from 2.57 million to roughly 0.45 million. However, in absolute numbers, the problem is large. As per the Census 2011, there are 1.26 crores economically active children in the age-group of 5-14 years. It was 1.13 crores in the 2001 Census.

As per NSSO survey 2009-10, the working children are estimated at 49.84 lakh which shows a declining trend. As per the Global Report on Child Labor published by International Labor Organization last year, the activity rate of children in the age group of 5-14 years is 5.1 per cent in Latin America and Caribbean Region, which is the lowest in the world. In the Asia-Pacific Region, it is 18.8 per cent. In comparison to that, the activity rate of children in India, as per 2011 census is 5 per cent.

PRESENT SCENARIO

According to the Indian Census of 2001, there are 11.28 million working children under the age of fourteen years in India. According to the Government, this has decreased from 1.25 crore (Census 2011) to 90.75 lakhs in 2011-12 and recently to 49.6 lakhs (66th Round of NSSO) as revealed from the Annual Report of Yojana, 2012. Child labor is still a major problem in India. The Hindi belt, including Bihar, Madhya Pradesh, Jharkhand, Rajasthan and Uttar Pradesh, account for 1.27 crore working children in the country, engaged in both hazardous and non-hazardous occupations and processes. Over 19 lakh child laborers in the 5-14 age group are in Uttar Pradesh. Rajasthan accounts for over 12.6 lakh workers followed by Bihar and Jharkhand with over 11 lakh and Madhya Pradesh with 10.6 lakh. However, according to the 2011 census, in state-wise distribution of working children in the 5-14 age group, Andhra Pradesh with 13.6 lakh child labor stands second in the national list after UP. The labor Law implemented by Government of India, the Legislation stipulates for imprisonment up to one year and penalty up to a maximum of Rs. 20,000 for employing child labor. But statistics show that only 1360117 inspections are identified under the child labor law since its inception in 1986 out of which barely 49092 prosecutions have been launched and only 4774 employers have been convicted. (Yojna: Nov.2012)

TABLE I
UNICEF Report on Working Children in India as on 2012

Particulars of Children	Children of the Age Group (5-14 Years)					
	Number of Children (in 100s)			Number of Children (in %)		
	Boys	Girls	Total	Boys	Girls	Total
Engaged in Domestic Duties	3865	37305	41170	00.30	03.15	01.67
Engaged in collection of goods, tailoring, weaving for households only)	3189	23714	26903	00.25	01.92	01.26
Attending Schools	926180	745816	1671996	72.98	61.45	67.44
Children at work	60017	116318	176335	04.73	08.93	06.75
Children engaged in economic activity	53806	45712	99518	04.18	03.86	04.02
Children neither at work nor at school	228398	251167	479565	17.26	20.42	18.80

Source : Annual Report of UNICEF, 2012-13

CHALLENGES

The below mentioned paragraphs, the Researcher presented few of the major challenges that encounter due to child labor which are as under:

A. Violence Against Children :

In most families, the parents neglect their children, caretakers batter them & in workplaces employers sexually abuse them, through this problem of emotional, physical & sexual abuse of children is increasing, it has failed to capture the attention of Sociologists and Psychiatrists in our Country. The public & the government also recognize it as a serious problem. Some studies limit the term "Child Abuse" to "Children who have received serious physical injury caused willfully rather than by accident". But no definition of child abuse can be considered valid unless it includes non-physical acts such as mental injury & neglect & ill treatment of a child. Child abuse is usually classified into three major types: Physical, Sexual and Emotional.

B. Street Children :

Street Children are a symbol of the urban social malaise. They are among the most vulnerable categories of urban Indian Children, and can be seen in 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 considerable part of the day on the street for employment, shelter, companionship, or loitering around. 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 object poverty. In the Eighth Five Year Plan (1992-97), a separate Centrally Sponsored Programme of grant-in-aid for street children was launched. Some state governments also provide grant-in-aid to NGOs for providing services of these children. Some International NGOs have provided assistance with project grants. In 1998, the government of India setup a 'child line India' in the country. The child line services respond to the emergency needs of children who require care and protection, and are in different circumstances. Because they have Rights for get the basic need for.

C. Child Trafficking :

Human trafficking is the world's third largest crime .In India the volume of human trafficking has increased; in 2010 the number of cases registered was 3991 which decreased to 3029 in 2011, and 2848 in 2012. Nearly 60% Of victims of trafficking are below 18 years of age. Mostly girls are trafficked for sexual purpose. The number of children trafficked worldwide for sexual exploitation or cheap labor on an annual basis is 1.2 million. Approximately 1,50,000 women and children are trafficked from South Asia every year and for most of them India acts as a country of the origin and destination. In some other cases women and girls are trafficked to

other countries via India. It is estimated that nearly 5000 to 7000 Nepalese girls are trafficked into India for sexual exploitation.

EFFORTS TO OVERCOME CHILD LABOR AT INDIAN LEVEL

A. National Policy for Children 1974 :

National policy for children as adopted on 22nd August 1974 stands as the basis of several national policies and programmes initiated in the last few decades to address the varied needs of the children, and is the policy frame for this plan. The policy laid down that state shall provide adequate services towards children both before and after birth and during the growing stage s for their full physical, mental and social development the policy emphasized the need for the measures of the balanced growth of children; children shall be protected against neglect , cruelty and exploitation. National policy on child labor was adopted in august 1987 contains the action plan for tackling the problem of child labor. It envisaged the legislative action plan and convergence of general development program for benefitting children wherever possible.

B. The National Human Rights Commission (NHRC) :

The National Human Rights Commission (NHRC) has been deeply concerned about the employment of child labor in the country as it leads to denial of the basic human rights of children guaranteed by the Constitution and the International Covenants. The Commission monitors the child labor situation in the country through its Special Reporters, visits by members, sensitization programmes and workshops, launching projects, interaction with the Industry associations and other concerned agencies, coordination with the State Governments and NGOs to ensure that adequate steps are taken to eradicate child labor. The Commission believes that unless and until the reality of free and compulsory education for all up to the completion of the age of 14 years is realized, the problem of

child labor shall continue. The Commission has child laborers. A number of such schools/training centers are functioning in the carpet producing districts of India. There has also been a distinct improvement in the level of awareness among the general public about child labor issues.

C. Elementary Education as a Right to Every Child :

Investment for Education is investment for nation. Education is the most important investments that any developing country can make for its future. Education is the most effective tool for reducing child labor. But in India Elementary Education has been taken seriously and is a matter of consideration. This has been characterized by neglect of education of urban disadvantaged children, the girl child and disabled children and by low budgetary allocation. As a finding of continuous and persistence advocacy campaign, the Parliament Passed 93rd Constitution Amendment Bill 2001 to make education a Fundamental Right in India.

D. Ensuring Right to Food even for street children :

Malnutrition of children is one of the biggest public health problems facing the country. It adversely affects the growth and development of children including their learning ability, and the capacity to cope with the problem of daily living. Female children are more undernourished than male children. Malnourishment is also higher in rural areas. Action Aid estimates that 212 Million People Suffer from chronic hunger and undernourishment in India. India is ranked 67th among 84 developing countries in the Global Hunger Index for 2010 prepared by the International Food Policy Research Institute. Food is the first among the hierarchical need of human being. Therefore, Food Security should have the first charge on the available resources. Food Security is the “access of all people including children to sufficient, safe and nutritious food to meet their dietary needs and food preferences for

an active and healthy life” The Universal Declaration of Human Rights of 1948 that “everyone has the right to standard of living adequate for the health and well- being of himself and his family including food “ According to Ministry of Agriculture, in 2008 India has second largest arable land (184 Million hectors) and largest irrigated land of 55 Million hectors. The country is the largest producer of Wheat (72 Million Tones), largest producer of Pulses (15 Million Tones), Milk (90 Millions Tones), Spices and Tea.

E. National Child Labor Project (NCLP) :

National Child Labor project which began with number of 12 districts only, has been progressively extended to various parts of country with the coverage of 271 districts in 21 states of the country, which is playing an important role in elimination of child labor.

F. Day Care for children :

There is a need for Care Centers for children of working women in rural and urban areas. Concerning health, nutrition, and social development, childhood is a period of care. Most working women are in low paid jobs as casual workers or self-employed. In urban areas, a large number of women are employed in low-income service sector and processing industries. Their problems have been aggravated with the aggravating trend of nuclearization of families, leaving the parents with the responsibility to take care of their children, even while they are fighting their daily battle for survival. Women workers in the organized sector are legislatively entitled to create services to be provided by the employer. The number of women workers covered is, however, very small. Employers find ingenious ways to show that the numbers of workers are less than the minimum required to organizing a crèche. They also outsource the work to reduce their liability. Some are function under the charge of trained workers. Children are provided with supplementary nutrition and other facilities. In other cases, however, crèches are run only

in per functionary manner. Some autonomous bodies and government department have setup crèches for their employees. The Central Social Welfare Board and women and Child Development Ministry are providing assistance to Non- Government Organization to organize crèche services for children below 6 years from low income families.

CONCLUSION

There is a lot of provision added in the constitution of India for child welfare to overcome child labor and to avoid the situations that comes as a consequence of the child labor. At an International level, different organizations are also working for the same cause. But still there are a lot of efforts needed to create an environment which is free from child abuse. The recent data as discussed in the various sections of the paper indicate how far are we in eradicating child labor and how hard work we need to do for the welfare of the poor, ignorant and unheard children. In this paper we have proposed few major steps that may be proved worthy in reducing the child abuse, hence a safe and pure society.

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