

## CHILD LABOUR IN INDIA: CAUSES, CHALLENGES AND LEGISLATIONS TO COMBAT THE MALAISE

RASHMI GAHLOWT

Assistant Professor, Department of Mass Media, Usha Pravin Gandhi College of Management,  
Vile Parle(W). Mumbai, Maharashtra, India

### ABSTRACT

*Child labour continues to be a problem even today in many parts of the world. These children are mostly inhabitants of poor undeveloped nations of South America, Africa and Asia. They live in harsh conditions with almost no access to education. The income earned by them, however minimal, is necessary to feed and clothe their families who are dependent on them. The families have no other option but to push their children to work in various informal industrial and agricultural sectors in order to make ends meet. They are simply not aware of the harm this does to their young children nor is there an orientation to send these children to school instead. The Government of India has taken a lot of legal initiatives in order to address this serious issue of child labour. The National Human Rights Commission (NHRC) has been proactively involved in the eradication of this malaise plaguing Indian society. India is also a participant in the United Nation's International Program on Elimination of Child Labour (IPEC) under the aegis of ILO. The present paper will look at the various causes which lead to child labour, the international and national legislations that are in place to eliminate this glaring menace and the steps which must be taken in order to abolish child labour in the country.*

**KEYWORDS:** Child Labour, International and National Laws, Socio-Economic Issues, Sectors Employing Child Labour

### INTRODUCTION

According to the Government of India census of 2011, are 2 crore or 20 million children are working as labours in various sectors across the country. An overwhelming majority of this number is employed in the rural areas of the country in weaving, farming, livestock rearing and fisheries. The children are employed mostly in informal sectors. India has always been a supporter of constitutional and statutory steps taken by international communities which are pertinent for elimination of child labour. The constitution of India has included provisions for compulsory, elementary education. Labour commissions have been formed to look into the related issues and suggest concrete applicable recommendations.

Child labour is a complicated manifold problem arising chiefly from poverty. The formulations and strategies to combat child labour have fallen short in the face of socio economic constraints and forces that drive child labour in the country. Legislations are laws are very much in place yet India is struggling to abolish this problem. India has the largest number of children working as labourers in India. They are employed in quarries, mines, farms, rag picking and as domestic servants. Most of these children started working since the tender age of 5 and 6 and they never had a chance to attend school Poor families, especially those of rural and semi urban areas force the children into working in informal sectors. More children translates into more working hands hence the concept of contraception or family planning simply does not figure into this scheme of things. Most of the families below poverty line who have taken debts from money

lenders sometimes are driven to engage their young children as bonded labourers in order to pay off debts, sometimes working up to 18 hours a day. As bonded labours, children are sold to the buyer or the moneylender like any other object or commodity for a fixed period of time. The child is made to work as per the wishes of the buyer and is treated as collateral security.

Article 39 of the Directive Principles of State Policy states that “the state shall in particular direct its policy towards securing...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 vocations unsuited to their age or strength, that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

The National Policy on Children was adopted and implemented by India in 1974. Following this, the Indian Government also signed United Nation’s international conventions to eliminate the problem of child labour in India. India ratified UN convention on the rights of the child in 1992. India also signed the World Declaration on the survival, protection and development of children.

International Laws to curb child labour are several and the United Nations is the organisation taking most initiatives for the betterment of the child. The Universal Declaration of Human Rights, 1948, states that under article 25, that childhood is entitled to special care and assistance this principle was included in the Declaration of the Rights of the Child in 1959. The International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights also made special provisions for the care of children. The International Labour Organization (ILO) has put forth universally applicable standards and guidelines to abolish child labour. The International Program on the Elimination of Child Labour (IPEC) is a global program which was initiated by the ILO in 1991. India became a signatory in 1992. It is a long term objective of the IPEC to stop the practise of child labour completely. IPEC India has been an active supporter of more than 160 Action programs undertaken for abolition of child labour. The Indian government in a collaborative effort with United States government and the ILO has started a USD 40 million project with a view to eliminate child labour in the worst affected states of Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and Delhi. The project is named INDUS and its thrust areas include withdrawing over 1 lakh children from various labour sectors, rehabilitating them and eventually send them to schools.

Nationally too, there a number of legislative frameworks to assist and care for children. Some of them are as follows:

- The Apprentices Act, 1861
- The Child Labour Act, 1986
- The Child Marriage Restraint Act, 1929
- The Children (pledging of labour) Act, 1929
- Children Act, 1960
- The Guardian and Wards Act, 1890
- The Hindu Minority and Guardianship Act, 1956

- The Hindu Adoption and Maintenance Act, 1956
- The Immoral Traffic (Prevention) Act, 1956
- Juvenile Justice Act, 1986
- The Orphanages and other charitable Homes (supervision and control) Act, 1960
- Probation of offenders Act, 1958
- Reformatory schools Act, 1857
- The women's and children's institutions (licensing) Act, 1956
- The young persons (Harmful publications) Act, 1956

According to Non-Government Organizations the actual figure is much higher than the official 2 crore. The International Labour Organization estimates that 218 million children ages 5-17 are working as child labour globally. According to United Nation's estimates, it would cost USD 760 billion over a 20-year period to end child labour. This includes taking care of rehabilitated children's education and health

It is an even worst case scenario with trafficked children. Children from rural Nepal, are mostly recruited to work in carpet or weaving factories but are later trafficked into the sex industry. A report put forward by the International Confederation of Free Trade Unions, states that there are almost 60 million children working in India's agricultural, industrial and commercial sectors. The report makes an introspective point that India's prospering economy takes advantage of these child labourers to help its growth and to fill its coffers.

Children below 14 years of age account for as much as 4 percent of the total labour force in the entire country. As many as 85 percent of the total figure work in traditional agricultural activities. Around 9 percent of child labourers are employed in manufacturing, services and repairs. Less than one percent work in factories. The socio-economic causal factors of child labour are poverty, lack of compulsory education, parents being ignorant about adverse effects of child labour, the lack of implementation of laws banning child labour, non-availability and non-accessibility of schools, and child labour being cheap some factors which lead to child labour.

Agricultural and industrial sectors end up saving a lot of money on labour because employing child labour is relatively cheaper for them. Children are most easily exploited as they do not understand their rights and end working in inhuman conditions for maximum number of hours during the day at minimum of wages. Child labour in urban India is mostly seen in in restaurants, roadside stalls and in factories such as matches, fireworks and explosives, glass and bangles, beedi-making, carpet-making, lock-making, brassware, export garment units, gem polishing, slate mines, leather units, building and construction, brick kilns and as helpers to mechanics, masons, carpenters, painters, plumbers, cooks and such.

According to the surveys and data provided by independent NGOs children working as labourers are physically, emotionally and sexually abused and work all seven days a week. The Child Labour Act of 1986 implemented by the government of India rendered child labour illegal in many states and it also set the minimum age of employment at 14 years. Most employers take advantage of this and end up employing children as young as 10 and saying that they are 14. It becomes very difficult to implement laws against child labour in face of crippling poverty. June 12 is observed as World Day against Child Labour. Signing and handing over the petitions to prime minister asking for a ban on all forms of

employment of children under the age of 14 and seeking amendments to the child labour law is not enough. Ground realities need to be confronted first. The elders of the family need to be employed so that there can be a steady sum of money coming to household regularly and children stay put in schools.

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