

GLOBAL CRISIS: CHILD LABOUR ISSUES, WHAT IS THE TAKE OF INDIAN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

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Abstract

Child labor is defined as work that "deprives children of their youth, their potential, and their dignity, or is injurious to their physical and mental development," according to the International Labor Organization. This is a social even and still these problems are not at all eradicated. Poverty is one such step which makes children to enter into employment force and they are adhering to work in factories, hotels, restaurants, etc. This is one of the most controversial issues which the whole world is battling with it. Like other country, India too have laws laid down on Child Protection Act, but the ground reality is that it is still very dismissal in nature. My article is based upon the doctrinal Research. The content has been read from Articles, journals, authentic Websites and all the facts and figures are provided with help of Government websites for the authentic Information.

Research questions:

- What are the causes of the Child labour?
- What laws the Government of India and International Organizations laid to eradicate child labor from the Society?

Introduction

Government appointed the first group, the Gurupadswamy Committee, in 1979 to investigate the issue of child labour and provide solutions. The Committee looked into the issue in depth and issued some broad recommendations. It was noted that as long as poverty persisted, completely eliminating child labour would be difficult, and that any attempt to do so through legal means would be impractical. In the circumstances, the Committee believed that the only option was to prohibit child labour in hazardous areas while both regulating and improving working standards in other areas. It is the socio- economical Problem and the situation needs to be tackled on the

high alerting point. After 75 years of Independence and still the condition is same and child labor is still not eradicated from the society.

Census 2001 report

According to Census 2001 data, there are 1.26 crore working children between the ages of 5 and 14, out of a total kid population of 25.2 crore but according to the 2011 census 10.1 million children are involved in child labour out of which 5.6 million are boys and rest are girls, but to the notice 2020 report speaks about 152 million children are involved as labour. The number of working children is projected to be 90.75 lakh, according to a survey performed by the National Sample Survey Organization (NSSO) in 2004-05. According to Census 2011, the number of working children aged 5 to 14 years has decreased to 43.53 lakh. It demonstrates that the government's efforts have yielded the expected results. In India, Children are totally banned from doing hazardous stuff but still they are being employed.

Child Labour in India

According to the Report published in February, 2019 by the United Nations it reported:

- Between 2015 and 2018, the conviction rate for reported violations of the Child Labor Act was 25%.
- For the period 2015-2018, 6032 cases of child labor law violations were reported, with 6032 reaching the point of prosecution.
- Children below 14 years of age are engaged in Children Labor; almost 80% of children in India are involved as child labor.

Reasons for children not going to school

The governmental policies, individuals' contributions and NGO's efforts but the hard reality is that Child labour is still not eradicated in the society.¹

- Many children are either disabled or their unhealthy to go to school, now here a point arrives that because of deprivation of health the children are not able to get the education properly. One cannot say that all children are involved as child labour, according to the report provided by the NFHS-I, 1192, In Andhra Pradesh around 8% of the children from the age group of 5 to 14 years are disabled.
- Illness due to hazardous work or due to poverty causing malnutrition is another cause that children are not able to get proper schooling.²
- Schools, not workplaces, are where children belong. Child labour deprives children of their right to attend school and perpetuates poverty intergenerational. Child labour is a significant impediment to education, hurting both attendance and academic achievement. Child trafficking is also linked to Child Labour in society; it has a negative impact to the society for a short as well as the long term.³

According to the ILO report, 2011 there are about 10.1 Million children involved as a child labour

Analysis of the 2001 and 2011 Census report: % of the working children in 2001 in rural areas were around 5.9 but in 2011, the working children in rural areas were around 4.3, another part is that in 2001, working children in urban areas were 2.1% but in 2011, the working children were around 2.9%, now let's calculate and we receive data as children between the age group of 5 to 14 years of age in 2011 were 12.7 million. Another source we got from ILO which tells maximum children are involved as agricultural labourers.

¹ Tripathi Shilpa The Indian Journal of Political Science Vol. 71, No. 2 (APR. - JUNE, 2010), pp. 469-480 (12 pages), Indian Political Science Association

² Venkatanarayana. M , *Economic and Political Weekly*, Vol. 39, No. 38 (Sep. 18-24, 2004), pp. 4219-4221 (3 pages), *Economic and Political Weekly*

³ Child Labour and Exploitation (<https://www.unicef.org/india/what-we-do/child-labour-exploitation>)

States with highest incidence of child Labours are: Uttar Pradesh -21.5%, Bhar-10.7%, Rajasthan-8.4%, Mahashtra-7.2% and Madhya Pradesh-6.9%.⁴

Laws on Child Labour

There are both central Laws as well as the State laws for the child labour. At an International level there are convention, treaties and recommendations which are signed among the state members. In the matter of ILO, India follows the convention set by the ILO for protection of children to involve as labour. According to the ILO, they have 18 conventions and 16 recommendations. But on the other hand as I already mentioned above India follow the path of ILO, so Indian laws and ILO conventions mainly deal with 4 major laws:

- Medical examination of Children
- Minimum age for employment of Children
- Maximum hours of work
- Prohibitions of night work

Causes of Child Labour: Most writings on child labour lack a theory, but it are difficult to find any such theory which tells the true dimensions of child labour

- ✓ Lack of educational resources: There are most number of children from rural areas including villages as well as from Urban areas were there no proper educational facilities are compel to leave school because of financial problems. They are no able to afford the fees of the school. Children are compelled to live without the opportunity to learn. And such compulsions might occasionally lead kids into India's child labour trap.
- ✓ Irrelevant and non attractive school to curriculum: There are many schools in rural areas which are registered on paper but don't hold any classes in school. According to the Report by Teach India it tells that Grade 5 student are not able to read the Grade 2 class text, because of lack of educational facilities. Teachers

⁴Child Labor in India, ILO https://www.ilo.org/wcmsp5/groups/public/---Asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_557089.pdf

alone will not be able to solve this crisis; we will also need excellent school principals to support them, informed parents to stay involved in the teaching-learning process in schools, visionary bureaucrats and politicians to create an environment that allows principals and teachers to thrive, active civil society leaders to hold stakeholders accountable, and committed co-workers.⁵

- ✓ Discrimination: We are still living in the society where girls are not allowed to receive education and still believe they are less powerful than men. Girls are found working with their parents in labourer homes.⁶
- ✓ Curse of Poverty: To my opinion the child labour is still not eradicated from our society is because of Poverty. Due to poverty, parents are unable to pay for their children's education and must force them to work from a young age. In reality, they have experienced the heartbreak of losing loved ones to poverty on numerous occasions. Their small children are sent to work in industries, homes, and stores. But due to this reason the children's mental and physical development are shattered and because of which they lose their childhood.
- ✓ Social and economic backwardness: Parents don't send their children to school and they are trapped into the zone as child labour, In spite of sending to school the children from their young age are involved into employment. Due to illiterate, the parents are not aware of the government schemes for child education. Poverty and unemployment provide a compulsive basis for rural households to engage children in diverse chores. In fact, the feudal zamindari system, as well as its remnants, continues to exacerbate India's child labour problem.

According to the study by different countries, it still shows that poverty and child labour are simultaneously linked with each other. The theory of poverty is applicable to child labour. Lack of education condemns to the worst employment prospects as adults.⁷

⁵ Teach for India <https://www.teachforindia.org/education-crisis>

⁶ Lal Suresh , Child Labour in India : causes and consequences , May 2019 International Journal of Science and Research (IJSR) 8(5):2199-2206

⁷Helen Sekar, "Ensuring their Childhood", V.V. Giri National Labour Institute , New Delhi, 2001

One word: Poverty: Due to Poverty in certain groups of people, Parents often are forced to consider whether they should send their kid to Government schools where opportunities are Nil and No one care's other than one time Free Meal that too very bad one or use their kids as additional labour to earn a little more income so as to rest of the family members could also have a second meal on the Table for the day.

Common Example: Child labour: kids helping in Tea stalls and other local Dhabas. Girl Children helping mother's in Janitorial Working Houses.

These Common problems lead to major child labour issues were major countries like African countries and China end up purchasing these kids for money to parents in poverty and use kids for hard Labour work. It starts with Poverty and end with poverty. No parents want to see their kids work at small age but when there are no opportunity in slums and no way out with major hunger and Poverty issues and lack of knowledge. Child labour happens if these things are not controlled after all.

Girl Child Labour

The fact sheet has been picked from the Andhra Pradesh Child rights Advocacy Foundation: They recorded that around 246 million girls worldwide has been involved as child labour. The online news channel named www.infochangeindia.org gives the data that in the year 1971 in India reported that 10.7 million children were domestic workers or 4.7% of the total child population and 5.9% of the total labour force. According to the census of the year 1991, India had 11.28 million child labourers, whereas the International Labour Organization counted 23.2 million working children in the same year. Unofficial sources estimate that there are even 100 million children in India who are working in hazardous conditions. ⁸The National Labour Institute indicates that 74.4 million children are neither enrolled in schools nor accounted for as child labourers. Its opinion is that these children are all potential child labourers.⁹ According to the reports girl child are being allotted difficult tasks and they are being paid less even. The girl child labour is involved in the areas like household works, agriculture work, bonded labour and

⁸ 9/4/2012 InfoChangeIndia.org

⁹ Girl Child Labour in India <https://www.wikigender.org/wiki/girl-child-labourers-in-india-an-invisible-issue/>

domestic labour. In my opinion they even face systematic physical and sexual exploitation. In India, over 80% of the children are involved in rural areas and 20% in the urban areas. In comparison to a female urban child labourer, who also works in the informal and unorganized sector, which includes small scale cottage enterprises and factories, a rural girl child labourer is primarily engaged in agriculture and home duties. In both urban and rural regions, the girl child labourer can be seen doing domestic work and prostitution.¹⁰

Child Labour Legislative Regulations in India

According to the 1986 Act, passed by the Parliament of India, child means a person who is below fourteen years of age. An Act to prohibit the engagement of children in certain employment and to regulate the conditions of work of children in certain other employments.¹¹ Adolescents between the age group of 14-18 years of age cannot be employed in any hazardous work, if found so the offence will be dealt has cognizable offence and attract the jail for 6 months and can even extend up to 2 years and penalty can range between 20,000 rupees to 50,000 rupees depending upon the level of the offence. Adolescents can work in non-hazardous activities and processes under the Child Labour (Prevention and Regulation) Amendment Act. According to Section 3 of Child and Adolescent Act, 1986, there are few occupations in which a child below 18 years of age cannot be employed. Few such occupations include as follows:

- Handloom Industry
- Slaughter House
- Work related to handling of toxic substances
- Circus
- Diving
- Work related to manufacture of fibre-glass
- Carpet industry
- Work related to Tanning
- Wool-cleaning

¹⁰ UN System in India: Position Paper on Child Labour, 1998, 20

¹¹ The Child Labour (Prohibition and Regulation) Act, 1986

- Work related to manufacturing of slate pencils
- Work related to Mica- cutting and slitting, etc.

If an adolescent is hired, the employer must meet the following requirements:

- Each day's work period should be set so that no single period or piece of work exceeds three hours. After working for three hours, the adolescent must have a rest period of at least one hour.
- An adolescent's total working time per day, including time spent waiting for work, cannot exceed 6 hours per day.
- Adolescents are not permitted to work between the hours of 7 p.m. and 8 a.m.
- Adolescents cannot be forced to labour extra hours.
- At any given moment, adolescents are not permitted to work in more than one establishment.
- Every week, adolescents must be given a full day of vacation.¹²

Provisions of the Indian Constitution

- Article 21(A), the Right to Life, states that the state must provide free and obligatory education to all children aged 6 to 14.
- Article 24 of the Indian Constitution states that no child under the age of 14 shall be employed in any factory, mine, or other dangerous occupation.
- Article 39-e directs the state to implement policies that protect men and women's health and strength, as well as children's tender age.
- Article 39-f mandates that the state adopt policies to guarantee that children have enough opportunities to develop their faculties.

National Child Labour Project Scheme

¹² Child Labour laws and Regulations in India <https://www.indiafilings.com/learn/child-labour-law-regulations-in-india/>

To rehabilitate child labour in the country, the Central Government has launched the "National Child Labour Project (NCLP) Scheme." Objective behind is to eliminate child labour from the society. This act has been laid down for the children who are below 14 years of age and the children below 16 years of age working in the hazardous occupations. The Ministry of Labour and Employment, as well as state governments, are jointly responsible for ending child labour. This programmed is implemented in areas where there is a lot of child labour. The project is implemented at the district level by the dedicated District Project Society (DPS) established for the NCLPS. Government of India is working on this project on child labour monitoring, tracking and reporting system.

Bachpan Bachao Andolan: It has been marked has one of the biggest campaign movements in India for the rights of children. Its objective is to end bonded labour, child labour and human trafficking. This scheme is benefitted to around 88,000 kids all around India.

Legislations: In India, there are numerous laws in place to protect children from mental, physical, and sexual exploitation. The Juvenile Justice Act, revised in 2015, and the Child Labour Act, amended in 2016, are the two most important and recent ones. Take a look at the numerous systems and laws in place in India:

- **The PENCIL portal** is an online platform that was created to improve child labour monitoring and reporting. The Child Labor Act gave birth to this website.
- **The Child Labour (Prohibition and Regulation) Act** is the primary law controlling India's efforts to reduce child labour. It was updated in 2016, and the following are the important provisions:
 1. It prohibits all minors under the age of 14 from working in any occupation, whether hazardous or not.
 2. Children may only work to support their families, in a family company or as a kid artist, during school hours or during holidays.
 3. The term "adolescent labour" was first used.
 4. A fund for child and adolescent labour has been established, into which all fines and penalties will be placed.
 5. The penalties have been tightened.

- **Child Labour International Conventions:** the International Convention on the Rights of the Child (ICRC) recognizes the right of every child to be protected from economic exploitation and from performing work that is hazardous or harmful to their health and development or that interferes with their education. It also requires governments to set a minimum age for employment and to provide for appropriate hours and conditions of employment. (Article 32.1.)¹³ The Convention laid down by the International Labour Organization and adopted by the number of countries, these conventions prohibit child labour and they are the most important convention to eradicate child labour from our society. States accept their obligation to protect children in other parts of the world by ratifying these conventions. Especially in high-risk areas where global corporations operate. As a result, we anticipate countries enacting appropriate legislation and regulations to meet this commitment. On a national level, as well as within regional organizations and globally. In the International Labour Organization it is already mentioned that Goal Target 8.7 deals with eradication of child labour.
- 2021 has been declared as the year of International Year for elimination of child labour: On June 10, a report was being published by ILO and UNICEF jointly. According to the published report by them, there are around 160 million children in the world as child labour. According to the published report most of the children are involved in agricultural sector. Due to the Covid -19 the situation has been worsened as around child labour could rise by 8.9% by the end of 2022 due to the poverty.¹⁴

Can India End Child Labour?

According to my opinion “No”. As the Indian Government has not banned child labour and neither made education compulsory. This Content has been somewhat taken from Myron Weiner, according to her report even the children are involved in carpet industries, glass factories, etc like in the area of Firozabad, etc. According to the report of the Operations Research Group, they conducted a study which reveals children working full time as child

¹³ International Treaties and Agreements <https://stopchildlabour.org/international-treaties-and-agreements/>

¹⁴ 2021 Global Estimates on Child labour <https://stopchildlabour.org/5-takeaways-from-the-2021-global-estimates-on-child-labour/>

labour, whether they are paid wages or not it depends upon owners of the factories, restaurants, etc. In India, these types of children are more than 44 million.¹⁵ There are most of the Children who are not able to read and write. The government's statement: goal is to reduce, not abolish, child labour.

ILO Declaration on Fundamental Principles

- Freedom of Association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced or compulsory labour
- The effective abolition of Child labour
- The elimination of discrimination in respect of employment and occupation.¹⁶

COVID -19: threat to Child

However, researchers think that the COVID-19 epidemic might erase decades of progress on this issue, thus a global commitment to eradicate child labor is urgently needed today. School closures on a large scale, as well as the economic hardships that many families are experiencing, may lead to children who are at risk of missing out on an education engaging in unsafe labor. Because of the lack of early nourishment and mid-day meals for underprivileged children, school closures have harmed their growth and development. During the time of pandemic, children are very much into vulnerable conditions as there was a threat to their life and even their future was at risk because they can be trafficked or compelled into child labour, teenage girls were being married off during the time of lockdown. This is the first step toward poverty; children suffer from exclusion, marginalization, abuse and even violence.

¹⁵ Myron Weiner *India International Centre Quarterly* Vol. 16, No. 3/4 (MONSOON 1989/WINTER 1989), pp. 43-50 (8 pages) [India International Centre](#)

¹⁶ Ratnam Venkata C.S *Indian Journal of Industrial Relations*, Vol. 35, No. 4 (Apr., 2000), pp. 461-485

Conclusion

As we already aware India's demography is all about three-dimensional jigsaw puzzle, Government needs to take steps and control population and adopt for one child policy and reap the demographic dividend. As there is a foundation named as Kailash Satyarthi Children's foundation, its mission is to end violence against children, including child trafficking, child abuse and child labour. To my opinion more such foundation, schemes needs to be formed so as to eradicate child labour, slavery, etc from the society. There are proper laws needed to eradicate child labour, as laws are available but there needs to be proper checks and balances. Forced child labour requires urgent action needed from the side of Indian Government as well as International organizations. This new amendment, at first glance, appears to be stronger and better for children than the previous legislation, and it moves closer to international law. While it is true that child labour regulations have never been adequately enforced, the major issue with this new legislation is the mindset that behind it.

Allowing parents to engage their children in "family business" limits a child the ability to break out from the family's line of work, to explore, and to determine his or her own path in life. It's like if you put bars on your legs and then wonder why you can't run! Still in my opinion at last proper checks and balances needs to be maintained.