



Child labour in Indian society

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Abstract

Children are the greatest gift to humanity and childhood is an important stage of intellectual, physical, social and emotional development but the child labour restricts their right to access and benefit from education and denies attending school. Child labour prejudices children's education and adversely affects their health and safety. As per Child Labour (Prohibition and Regulation) Act, employment of children below 14 years is prohibited in notified hazardous occupations and processes (at present 18 hazardous and 65). Child labour is a complex and contentious issue. Millions of children work in outrageous and exploitative conditions that are clearly dangerous to them. India is one of the top countries where the percentage of labour force constitutes 'child labour' is very high. In recent years, A lot of attention has been paid to child labour from the Government, social scientists, voluntary organizations, etc. The Constitution of India also guarantees protection of the rights of children. Despite social consciousness and many prohibitions, the number of child labour is increasing. There are also many social factors of child labour such as inadequate family income, large families, poverty, illiteracy etc. Therefore, the issue of child labour needs to be looked into not only by the Legislature, the Executive and the Courts, but also to the social reformers, research and educational institutions of the NGO who look after the development and development of the nation. Child labour cannot end overnight because its roots are very deep. Laws should be strictly implemented to prevent child labour.

Keywords: rescue, rehabilitation, education, employment

Introduction

Child labour refers to the employment of children in any job that is harmful to their development and can include to there development and can include working on farm, in factories, or in mines. Child labour is most common in law-income countries and among the world's poorest population. It has been linked to a number of harmful outcomes including poor educational attainment, exploitation, and even death. In developed countries, the prevalence of child labour tends to be lower. However, there are still some children working in hazardous jobs such as mining and agriculture. Many of these jobs involve long hours and exposure to toxic substances and can have serious health consequences including lung damage, hearing loss, and cancer. There are also risks of injury or death while working with heavy machinery or vehicles. These types of job are particularly dangerous for children who are not physically mature enough to handle them safely. Children who work in these environments are at an increased risk of contracting infectious diseases like malaria. Children who work experience less access to food, education, health care, and adequate housing than other people their age. Most child workers live in poverty and cannot afford nutritious meals or quality shelter. They are also more likely than the general population to be hungry or malnourished because they have less income available for food purchases. They may also miss valuable learning opportunities due to the demands of work. These disadvantages can lead to poorer performance in school as well as higher rates of absentee.

What does UNICEF say about child labour?

Child labour is a phenomenon which exists in almost every social class. It is a problem that not only affects children but their families as well. As one of the most prevalent causes for poverty, it has serious implications for international development and human rights organization like UNICEF (United Nations International Children's Emergency Fund) have been trying to find ways to combat this problem through education and advocacy.

They also mention that "Child labour is any work which is either forced or performed in hazardous conditions by a child. The international labour organization considers this to include all forms of forced or performed in hazardous all forms of forced or compulsory labour (employing children under the age of 14) and all forms of work or service which deprives children of their childhood, i.e. work which is likely to be harmful to their physical or mental development." UNICEF says that "child labour is a serious violation of the rights of children, and is one of the primary causes of poverty. It denies a child's right to have access to education and thereby deprives her/him from participating in the development of his /her country. Child labour is not just a problem in poor countries. It affects children throughout the world".

Why does child labour happen?

Children are most often involved in child labour because their parents or guardians consider it 'normal' for children to work, and sometimes for children's own survival and that of their families. When talking about child labour, it is important to understand it from the perspective of the children, families and communities themselves. Below are some of the root causes which make children particularly vulnerable to child labour.

Poverty

'Poverty is certainly the greatest single force driving children into the workplace.' When families cannot afford to meet their basic needs like food, water, education or health care, they have no choice but to send their children to work to supplement the household income. Poverty is considered as one of the most important causes of child labour as it is linked to other driving factors including: low literacy and numeracy rates, lack of decent work opportunities, natural disasters and climate change, conflicts and mass displacement. Poverty and child labour form a vicious cycle, without tackling one, we cannot eradicate the other.

Lack of access to quality education

'The availability and quality of schooling is among the most important factors.' School needs to be a welcoming environment, with appropriate class sizes, a curriculum designed for the local context, and affordable for rural communities. Getting children into school and out of harmful work is one thing but keeping them there a means creating quality education accessible for all.

Poor access to decent work

'Children who were involved in child labour often lack the basic educational grounding which would enable them to acquire skills and to improve their prospects for a decent adult working life.' If young people cannot access work which is safe, with social protection, fair pay, equality for men and women and which provides a space for workers to express their opinions, they often have no choice but to do work which is hazardous. When children above the minimum working age are doing hazardous work, this is also considered child labour.

Limited understanding of child labour

'The view that work is good for the character-building and skill development of children.' When families do not understand the dangers of child labour, and how these impacts on the health, safety, well-being and future of their child, they are more likely to send their children to work. Some cultural beliefs and social norms can also be drivers of child labour.

Natural disasters and climate change

'In rural areas, farmers who see their crops destroyed on account of climate changes have no other choice but to send their children out to work.' The effect of natural disasters and climate change is one which is becoming of increasing concern. Rural families who depend on reliable seasons for farming are particularly vulnerable to altered patterns of rainfall, soil erosion, or extreme weather. When crops are destroyed or farming struggle to make a living and are more likely to send their children to work in neighbouring farms.

Conflicts and mass migration

'There is a strong correlation between child labour and situations of conflict and disaster' According to the ILO children make up more than half of the total number of people displaced by war. These children are particularly vulnerable to forms of exploitation, including child labour, due to an increase in economic shocks, a breakdown of social support, education and basic services, and disruption of child protection services. The incidence of child labour in countries affected by conflict is almost twice as high as the global average. Children are also vulnerable to becoming involved in armed conflict, this is considered one of the Worst Forms of Child Labour.

Fighting Child Labour

SDG Goal 8.7 calls for the elimination of all forms of child labour by 2025. With 152 million children involved in child labour worldwide, we still have a long way to go. Programmes and policies which take into account the voices of the communities where child labour occurs, and the root causes, can advance real and sustainable progress in the fight against child labour.

Constitutional Provisions and Safeguard of child rights

The Constitution of India contains the provisions in respect of children under Part III i.e. Fundamental Rights, and Part IV of the constitution, i.e. Directive Principles. The provisions are as follows;

Article 14: Equality before law, i.e. equal treatment and Protection under law. All children in similar circumstances are required to be treated in a similar manner, and if not so treated, such treatment can be challenged on the ground of discrimination and arbitrariness.

Article 15(3): Permits the State to make special provisions for women and children. Special enactments made for the benefit of children cannot be struck down on the ground of discrimination.

Article 19(1): Guarantees citizens of India the right to freedom of speech and expression, to form an associations or unions, to move freely throughout the territory of India, etc. Under Indian law, child labour is prohibited only

in factories, mines or other hazardous employment; therefore there is no blanket ban on employment of children. Though children form part of the labour force they are not permitted to unionise and fight for their rights as workers.

Article 21: This article guarantees the right to life to all persons. The Supreme Court has interpreted "right to life" to include right to food, clothing, adequate shelter, and other basic necessities of life. Article 21(A): The article 21A states that there must be a free and compulsory education to all children of age of six to fourteen years.

Article 22: Provides for safeguards upon arrest, and states that a person should be produced before the nearest Magistrate within 24 hours of arrest. A juvenile in conflict with law or a child in need of care and protection should be produced before the Competent Authority established under the Juvenile Justice [Care and Protection of Children] Act 2000 within 24 hours of having been picked up by the police.

Article 23: Prohibits trafficking in human beings and forced labour. Any contravention of this provision is punishable under law.

Article 24: Prohibits the employment of a child below 14 years in any factory or mine or any other hazardous employment.

Article 39(e) & (f): The State is required to ensure protection of children of tender age from abuse, and from entering vocations unsuited to their age and strength. Children are also to be provided with equal opportunities and facilities to develop in a healthy manner. The State is to further ensure that childhood and youth are protected against exploitation and abandonment.

Article 41: The State is required to take steps to secure Educational opportunities and facilities. Article 44: The State is to endeavour to secure for all citizens a uniform civil code. A uniform civil code implies a uniform legal framework for adoption of a child applicable to all religions. Article 45: The State is to take measures to ensure free and compulsory education for all children till they attain 14 years of age.

Article 47: The improvement of public health and the raising of the level of nutrition is a primary duty of the State.

Article 51(c): The State is to respect international law and treaty obligations. The Government of India and the State Governments are obligated to the commitments contained under the Convention on the Rights of the Child. Parliament has supplemented the safeguard of child rights by passing several legislations to employment of children below the age of 14 years in any factory, the Mines Act of 1952 which prohibits the employment of children below 18 years of age in a mine, and the Child Labour (Prohibition and Regulation) Act of 1986(amended in 2012) which prevents children below the age of 14 being employed anywhere, except in non-hazardous family enterprises or the entertainment industry.

Historically, the Judiciary has played a pivotal role in guarding the constitution, and it has played a similarly integral role in enforcing child rights. There have been several important cases where the judiciary has played a proactive role in preventing the employment of children and forced labour.

Case Laws

In the case of People's Union for Democratic Rights v. Union of India, the Supreme Court observed that it was a clear breach of Article 24 of the Constitution to employ children below the age of 14 in construction work. The court proceeded to prohibit any kind of violation of Articles 23 and 24 and further laid emphasis on strict observance of fundamental rights by private individuals and spoke strongly against any form of forced labour. The Supreme Court, in the case of Bandhua Mukti Morcha v. Union of India & Others, took into cognizance the employment of children in the carpet manufacturing industry in Mirzapur, Uttar Pradesh. It instructed the District magistrate to conduct raids, and subsequently got 144 children, who were under the forced custody of the owners, released. In the case of Sheela Barse & Others v. Union of India, under the direction of the Supreme Court, children who were being exposed to chemical fumes and coal dust from working near furnaces in the glass industry were released from their employment. In the landmark case of M.C. Mehta v. State of Tamil Nadu, the Supreme Court gave directions to the government to eliminate child labour, which included the conducting of surveys for the identification of working children, ensuring the withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions. In cases where a child was withdrawn from work, the Supreme Court directed the Government to ensure that at least one adult member of the child's family receives employment.

The Worst Forms of Child Labour

Slavery and similar issues such as the trafficking of children, debt bondage, serfdom, children in armed conflict

Slavery is where one person is owned by and made to work for another person without having any say over what happens to them. Slaves are held against their will from the time of their capture, purchase, or birth, and are not allowed to leave or to refuse to work.

Child trafficking is the illegal trading (buying, selling and movement) of children for labour or sexual exploitation. Children are trafficked for many reasons, including forced labour, prostitution and recruitment as child soldiers and beggars.

Debt bondage is forced labour, where work is exchanged to pay off loans that people cannot pay off with money or goods. For example, a poor family may hand over their child to someone to pay off their debt, and that child will have to work for years until the debt is cleared.

Serfdom is when a person is forced to live and work on land belonging to another person, often with little or no pay.

Forced labour is when someone is made to work against their wishes. For example, Children in armed conflict are forced to fight or to work as cooks, porters and messengers. These children are abused and exploited, often being forced to kill or maim other human beings.

The sexual exploitation of children (prostitution, pornography and pornographic performances)

Sexual exploitation is the mistreating, abusing and/or taking advantage of someone for personal gain and profit, by involving them in prostitution or commercial sexual activity. Prostitution is the exchange of sexual activities for money.

Children around the world, girls and boys, are exploited sexually, used by adults for sex or used in sexual images (pornography) or performances. They may be bought and sold into marriage, prostitution or slavery – in both developing and industrialized countries. Children are also kidnapped and then trafficked across borders and then sold to be prostitutes in foreign countries.

This form of child labour has serious short and long term consequences. Children are at a high risk of physical abuse, malnutrition and sexually transmitted diseases. It is extremely difficult for children to get out of this situation and very hard for them to deal with what they have experienced physically and mentally.

The involvement of children in illicit activities, for example, the production and trafficking of drugs

Illicit activities are illegal activities or crimes.

Producing and trafficking drugs is an illicit activity that often involves children. Trafficking is illegal trading (buying or selling). Children might do this against their will or with the belief that this will give them status and money. Children who produce or traffic drugs are at great risk of abuse and many also become addicted to drugs at a very young age.

Children are also involved in other crimes as defined in national laws, such as buying stolen goods, shoplifting, robbery, hijacking cars, theft and burglary. They may be forced with threats and violence to take part in criminal activities, or be under pressure to find money for their survival and that of their family. Some children get involved in crime through gangs, or because they think this is a way to obtain respect.

Street children, runaways or children living in poverty are also used in organized beggary. Children are sometimes even intentionally disfigured to attract more money from passersby, and they may be beaten if they don't manage to collect enough money.

Children involved in illicit activities are often exposed to violence, which can severely affect their mental and physical development. In addition, they may not develop good social skills and are much more likely to suffer from depression, alcohol and drug addictions and identity difficulties and become juvenile delinquents.

Work which is likely to harm the health, safety or morals of children

Work which could harm children's health or well-being and/or expose them to danger is also a "worst form of child labour".

This could be working in a dangerous environment, such as in a mine, where children risk death or injury from tunnel collapses, accidental explosions or rock falls. In industry, the children may be exposed to dangerous chemicals and substances, so burns and serious injury are common. They may also be exposed to toxic substances such as mercury and lead, and can develop chronic health conditions such as silicosis (a respiratory disease in the lungs). Agricultural work also presents great dangers, especially where children have to work with dangerous tools and equipment or with chemical substances, like pesticides for crops. Much of the time, the children have either no safety equipment, or it is adult equipment, which does not fit properly and does not provide proper protection.

Many types of work are physically harmful to children, especially when done for long periods of time. For example, children may have to sit bent over in one position, or crawl in small spaces which can cause disfigurement, spinal injuries and difficulty walking straight. This could be work such as sewing footballs or clothes, breaking bricks and rocks for road building, making matchsticks, crawling through a mine, making bricks. Or they might constantly be bent over from carrying loads that are too heavy.

Furthermore, child labourers are involved in hazardous work when they are exposed to all types of weather conditions (e.g. scorching hot sun, hard rain) and may not have shoes or adequate clothing. They can easily develop coughs and catch pneumonia or other illnesses.

Children are also exposed to hazardous work when the workplace is unsanitary, poorly lit and poorly ventilated. This is also true when clean drinking water, health services and schools are unavailable, especially in the more remote areas. In these conditions, children are more at risk of catching illnesses and disease. All of these types of work interfere with a child's education, as most children have neither the time, nor the energy, to attend school. Their families rely on the little wages the children make to survive.

Strategies to End Child Labour

1. Stakeholders must take responsibility

Children do not work because they want to, and parents would ideally much rather see their children receive an education. Child labour is socially accepted when people see no other option but to send their children to work. Governments must abide by internationally accepted agreements, companies must employ adults instead of children and – importantly – consumers must not buy goods produced by child labour.

2. Increased access to education

Removing children from child labour does not mean that they will automatically attend school. Schooling can be expensive, or of very poor quality, and so some parents think sending their children to work is the obvious alternative. Both large and smaller businesses can make their contribution by raising awareness about the importance of education in their workplaces, communities, industries or sectors.

3. Provide support for children

Children are also at greater health and safety risk in the workplace for a number of reasons:

- Lack work experience – children are less able to make informed judgments.
- Want to perform well – children are willing to go the “extra mile” without realising the risks.
- Learn unsafe health and safety behaviour from adults.
- Might not be carefully trained and supervised.

4. Improve Economic Growth

As many as 7.8 million Indian children are forced to earn a livelihood even if they also attend school. Many of these children drift away from the path of education completely and get end up in child labour. This means a country has a lack of formally educated adults who can contribute to the process of nation-building and to the country’s economic growth.

5. Engage with the Sustainable Development Goals

We know that the 17 Sustainable Development Goals (SDGs), adopted in 2015, will only succeed if we work towards the goals together. The sub-Saharan African region is among those affected by situations of extreme poverty, state fragility and crisis, and by natural disasters and population displacements associated with global climate change, which in turn are known to heighten the risk of child labour.

Conclusion

The problem of child labour continues to pose a challenge before the nation. Government has been taking various proactive measures to tackle this problem. However, 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 society to make a dent in the problem. The social evil of child labour can be brought under control, if each individual takes responsibility of prevailing child labour. Each and every citizen should be aware of their responsibilities and should take corrective measures to stop child labour, so that we can have a better and developed India. Child labour can be controlled if the government functions effectively with support of the public.

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