

CHILD LABOUR: - THE WORST FORMS IN INDIA

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Abstract

Child Labour, in general, means the employment of children in any work with or without payment. Every child out of school in the age group of 5 to 14 years, children who are paid in work, children who work outside the homes or children who in hazardous industries can be said to be child laborers. The children of today are the future of tomorrow, the statement assumes special significance of children between (0-14 years) comprise one third of the total population in the country. Every child, on provision of a conducive and an enabling environment, may blossom into an ever fragrant flower, to shine in all spheres of life. This reminds us of the onerous responsibility that we have to mould and shape their present conditions in the best possible way.

Keywords: - Child Labour, Magnitude, Worst Forms, Laws, Suggested Measures.

Introduction

Child labour is a global phenomenon. Children reflect the health of a nation, If they are educated, informed, disciplined .The problem of child labour is a gigantic, complex and delicate issue. This harsh reality is fostered by socio-economic factors such as grinding poverty, population growth and illiteracy. [1]The world recognizes it as a burning problem warranting international attention. Undoubtedly, this increased attention is due to the fact that child labour has serious social, moral, economic and demographic implications for children, households, societies and the world.

Therefore, the elimination or reduction of child labour has been the aim of democratic governments in different parts of the world. The children have rights like other human beings, to be respected with regard to their integrity, dignity, interest and opinions. But significantly most of the children in India are deprived of even the basic human rights guaranteed to them. It has been observed over decades that, poverty forces poor families to send their children to work, the micro level poverty within the family is the major factor behind the prevalence of child labour which results in a serious problem the world is facing nowadays.[2] Child labour can leave many severe consequences on children and their families. When children work, it does not mean as a standard, they support their families economically, neither all of them get paid for their work since many of them work as bonded labour or as slaves. In addition to that, they face many problems which may cause permanent damage to their childhood. Illiterate and ignorant parents do not understand the need for wholesome proper physical, cognitive and emotional development of their child. They are themselves uneducated and unexposed, so they don't realize the importance of education for their children.[3] Children usually work to contribute and provide financial support to their families. Their health is often ignored by their parents or they may not be aware about their children's health. However despite all the efforts, child labour and the factors that influences the incidence of child labour continues to be prevalent. According to Stein and Davies, child labour means any work by children that interferes with their full physical development, the opportunities for a desirable minimum education and for their needed recreation.[4]

Magnitude of Child Labour in India

According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years. The number was 11.3 million during 1991 and 10.7 million in 1971, thus showing an increase in the number of child laborers. Millions of children are engaged in hazardous situations or conditions, such as working in mines, working with chemicals and pesticides in agriculture or working with dangerous machinery. They are everywhere but invisible, toiling as domestic servants in homes, laboring behind the walls of workshops, hidden from view in plantations. The fact remains that there should be a minimum age for the entry into work force whether it be for wages or for a living, or otherwise.[5]The recent round of the National Sample Survey (NSSO) estimates suggests that the child labour in the country is around 8.9 million in 2004/2005 with a Workforce

participation rate of 3.4 country is around 8.9 million in 2004/2005 with a Workforce participation rate of 3.4 percent.[6]

All India	1991			2001		
	Boys	Girls	All	Boys	Girls	All
5 to 9	0.9	0.9	0.9	1.5	1.4	1.4
10 to 14	10.9	9.9	10.4	8.8	8.5	8.7
5 to 14	5.7	5.1	5.4	5.1	4.9	5.0

Source: census of India 2001. [7]

State-Wise number of Child Labour in the age group of 5 to 14 years as per 2001 census

Sl. No	Name of the State/UT	2001	Serial. No	Name of the state/UT	2001	Serial. No	Name of the state/UT	2001
1.	Andhra Pradesh	1363339	13	Manipur	28836	25	West Bengal	857087
2.	Assam	351416	14	Meghalaya	53940	26	Andaman & Nicobar Island	1960
3.	Bihar	1117500	15	Jharkhand	407200	27	Arunanchal Pradesh	18482
4.	Gujarat	485530	16	Uttaranchal	70183	28	Chandigarh	3779
5.	Haryana	253491	17	Nagaland	45874	29	Dadra & Nagar Haveli	4274
6.	Himachal Pradesh	107774	18	Orissa	377594	30	Delhi	41899
7.	Jammu & Kashmir	175630	19	Punjab	177268	31	Daman and Diu	729
8.	Karnataka	822615	20	Rajasthan	1262570	32	Goa	4138
9.	Kerala	26156	21	Sikkim	16457	33	Lakshadweep	27
10.	Madhya Pradesh	1065259	22	Tamil Nadu	418801	34	Mizoram	26265
11.	Maharashtra	764075	23	Tripura	21756	35	Pondicherry	1904
12.	Chhattisgarh	364572	24	Uttar Pradesh	1927997	36	Total	12666377

Worst forms of child labour in India

The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) calls for “immediate and effective measures to secure the prohibition of the worst forms of child labour as a matter of urgency”. The worst forms are defined as:

- All forms of slavery, or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced labour, including forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.
- The use, procurement or offering of a child for prostitution, for the production of pornography or for pornographic performances.
- The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties.
- Work which, by its nature or circumstances in which it is carried out, is likely to harm the health, safety or morals of children, such harmful work to be determined by national authorities.[8]

In India children are engaged in worst forms of child labour in different forms. Child laborers are divided in four major sectors. These are: cultivators, agricultural laborers, manufacturing in household industries and others which includes construction workers etc. At the national level, most of the child labour involved in an unorganized sectors where these children are losing their childhood. [9] Children work in agriculture, producing

crops such as rice, hybrid seeds and picking cotton. Children who work in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides. Children in India also work under hazardous conditions manufacturing a variety of products, quarrying stone and other materials, breaking stones, and polishing gems .[10] Work in industries: This work can be regular or casual, legal or illegal, as part of the family or by the child on his own for an employer. It includes carpet weaving, gemstone polishing, making garments, chemicals, glassware, fireworks, matches or a range of other products. These tasks expose the children to hazardous chemicals that can lead to poisoning, respiratory and skin diseases, radiant heat, fire and explosions, eyesight and hearing damage cuts, burns and even death.[11] Slavery and forced labour: It is most commonly found in rural areas. It is also frequently linked to the oppression of ethnic minorities and indigenous peoples. Children are often also drawn into armed conflict, forced to be soldiers or to work for armed forces. Prostitution and child trafficking: It is one of the worst forms of child labour. The dangers faced by children are extreme and range from moral corruption to sexually transmitted diseases to death.[12] Children in manufacturing make matches, bricks, carpets, locks, glass bangles, fireworks, cigarettes, incense sticks, footwear, garments, hand-loomed silk fabric, leather, and brassware. Children spin thread/yarn, embroider, sew beads to fabric and stitch soccer balls. Many children manufacture goods in the informal economy, increasingly doing so in home-based production.[13] In addition to working long hours in cramped spaces with poor lighting and inadequate ventilation, children in manufacturing may be exposed to harmful chemicals and dangerous machinery and tools. Such occupational hazards are known to cause joint pain, headaches, hearing loss, skin infections, respiratory problems, and finger deformities.[14] Service industries that employ children include hotels, food service, and certain tourism-related occupations. In these sectors, children are vulnerable to physical violence, mental trauma, and sexual abuse. [15] Children work on the street selling food and other goods, repairing vehicles and tires, scavenging and rag picking. Children are also found working in construction and domestic service. In 2012, a Government official estimated that 4 million children work in domestic service across. [16]

Laws and Regulations on the Worst Forms of Child Labor

In India, the human rights as enshrined in the fundamental rights and directive principles of constitution of India (Article's 15, 21, 21-A, 23, 24, 39) advocates elimination of child labour. Articles 11, 21,32,33,36 of the Convention protect children from sexual exploitation, abduction, sale and trafficking. [17] According to the Child Labor Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour workday with a 1-hour rest period, at least 1 day off per week, and no night or overtime work. [18] During 2012, the Government continued to implement the National Policy on Child Labor, which lays out concrete actions for combating hazardous child labor for children under age 14, including implementing legislation and providing direct assistance to children. The MOLE's National Skills Development Policy includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor. The Child Labor Prohibition and Regulation Act bars children under age 14 from 18 hazardous occupations and 65 hazardous processes, such as handling pesticides, weaving carpets, breaking stones, working in mines, and domestic service.[19] The Factories Act bars children under age 14 from working in factories. Employing children under age 14 in a hazardous occupation or process can lead to fines and imprisonment. Additionally, the Government must either compensate the family of the child or find employment for an adult member of the family. However, gaps remain in legal protections for working children. The lack of a national minimum age for employment increases the likelihood that very young children may engage in activities that jeopardize their health and safety. The minimum age for hazardous work is not consistent with international standards and may likewise jeopardize the health and safety of young people ages 14 through 17. Additionally, the labor law does not cover large segments of the economy, including family businesses. [20] In 2012, the Cabinet worked to address legal gaps by proposing legislation to Parliament to prohibit work for children under the age of 14 and to proscribe hazardous work for children under 18. The new legislation would also increase penalties for violations of the law related to child labor. [21]

The Bonded Labor System (Abolition) Act outlaws bonded labor in India and provides for district-level vigilance committees to investigate allegations of bonded labor and release anyone found in bondage. The Act also provides

for rehabilitation assistance payments for released bonded laborers. Persons found using bonded labor may be fined and face imprisonment. In April 2013, the Criminal Law (Amendment) Act was passed, which amended the Indian penal code to protect children and adults from being trafficked into exploitative situations, including forced labor situations. Penalties include fines and up to lifetime imprisonment. There is no compulsory military service in India. [22].

Suggestions to Overcome

The Govt. should take proper effective, practical steps 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 *provide free and compulsory education to encourage parents to send children to school and reduce the dropout rate, removing barriers to girl children, make sanitation system for girls, reduction* reducing direct and indirect costs of schooling, as poor families often cannot afford school fees and other related costs, ensuring that children have access to a school and a safe, quality learning environment creating financial incentives to encourage families to send their children to school and ensuring that economic policies and poverty reduction strategies give proper attention to getting children into school and creating decent work for adults.

Conclusion

At present, inspite 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 Parental ignorance regarding the bad effects of child labour, the ineffectiveness of child labour laws in terms of implementation, non-availability and non-accessibility to schools are some of the other factors which encourages the phenomenon of child labour. It is also very difficult to immature minds and undeveloped bodies to understand and organize themselves against exploitation in the absence of adult guidance. The main thrust should be on education of the children and providing sufficient funds for its removal from the bottom level of India.

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