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Child Labour in India: Antecedent, Consequences and Preventive Measures

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ABSTRACT

The burgeoning of the country is exclusively based on the status of the child. The child labour is one of the lingering problems the country is facing from many decades and still ongoing issue for many countries. Globally many countries has taken initiative to eradicate the child labour and implement certain law but still child labour is existing. India is one of the developing country which is on top to force child labour. The problem of child labour is not confined to particular sector it is existing all over the sectors and industries. The future of country is in the hands of children so childhood plays very pivotal role in human development. The problem of child labour found in both rural and urban areas. The main cause which gives rise to child labour is unemployment in the extended family. The children who are engaged in labour force they are not aware of their rights and privileges available for them and the educational scheme of Government. The child labour prevents physical, mental and emotional development of children. Despite unceasing efforts of government through implementation, policies and programmes, the intricacies of child labour has entrenched in society.

Keywords: Child labour, Burgeoning, Government, unemployment, Policies.

I. INTRODUCTION

The issue of children's rights has become one of the most prominent topics for discussion in the current era . It is undeniable that children continue to be a marginalised minority group when it comes to the recognition of their human rights and social justice. The primary cause of this gap is that children are not yet considered a full- fledged political creature. They are typically vulnerable in terms of physical, mental, and economic capabilities. In this era of fast globalisation prioritising the protection of a child's rights at every stage has become less important. This not only impacts the entire value system but also their current social and economic requirements. Undoubtedly the future of humanity is significantly reliant on children. However there has been a limited and narrow minded approach in integrating kids into the broader social and political discourse. 'Child labour ' refers to employment of children who has

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not attained prescribed age in the eyes of law to do work. They are doing work under pressure or in coercion to fulfill basic necessities of life. Children are a valuable asset to humanity and childhood is a period of fragile human growth that has the potential for the future development of any community. Wordsworth famously stated, “ The child is the father of man”. Nehru believed that the child is the most valuable resource of the nation. Children are the future of society each and every child have the entitlement to experience the Joys of childhood. Children from all societies have always engaged in economic pursuits, providing assistance to their families reside in many locations such as residences ,farms and commercial establishments. Not all forms of labour are detrimental to children certain actions have a beneficial impact on their surroundings. Child labour becomes an extreme form of wrongdoing when a child is forced to work beyond their physical capabilities causing them great distress. Despite the existence of legislation against child exploitation, children persist to be exploited as inexpensive workforce. The authorities inability to enforce child labour protection regulations is the reason behind this issue.

(A) Meaning of child

The Constitution of India does not include a specific definition for the term ‘ Child ‘.As per **Article 1 of the United Nations Convention on the Rights of the Child 1989**, a child is defined as anyone who is under the age of eighteen . The legal definition of a child varies depending on the intended objective. In India there are several legislations that provide specific definitions of the term ‘child based on it’s intended purpose. According to the **Indian Majority Act of 1875**, individuals reach the age of majority at eighteen years old . However, if a juvenile has a guardian appointed for their person and property or if their person and property or if their property is under the supervision of the court of wards the age of majority is twenty-one years old. According to the **Child Labour (Prohibition and Regulations) Act, 1986** a child is defined as an individual who is below the age of fourteen. According to the **Child Marriage Restraint Act of 1926** , a child is defined as a male who is under the age twenty -one and the girl who is under the age of eighteen. According to the **Juvenile Justice (Care and Protection) Act of 2000**, a ‘ juvenile ‘or ‘ child ‘ is defined as an individual who is below the age of eighteen.

(B) What defines child labour ?

Children who are indulged in labour that is inappropriate for their abilities as children or that may endanger their well – being, education, or ethical growth and who are under the age of 14. Child labour indulged to the involvement of children in economic activities, whether on a part – time or full- time basis. The habit of depriving children of their childhood is detrimental to

their physical and mental well – being. The phrase “ child labour “ refers to the employment of children in work that is exploitative, hazardous, or detrimental to their physical, mental or social development. Child labourers are a cohort of underage individuals that are either too young to be employed or are involved in hazardous activities refers to tasks that have the potential to cause harm to an individual’s physical, social, psychological, or educational well- being. **The International Labour Organization (ILO)** defines child labour as the exploitation of children, depriving them of their youth, potential, and dignity and also creating detrimental effects on their physical and mental growth. Child labour include activities that provide cognitive, physical, societal, or ethical hazards to children as well as work that obstructs their regular school attendance or undermines their capacity to focus or have a wholesome upbringing. Child labour has been classified by United Nations Children’s Fund (UNICEF) into three distinct categories:

- Children participate in unpaid domestic works within the family.
- Children participate in family work but beyond the confines of the household for instance, agricultural labourers, domestic servants, migrant workers, and so forth.
- Children participate in labour work beyond familial boundaries for instance commercial establishments such as restaurants as well as activities like prostitution.

II. THE ISSUE OF CHILD LABOUR IN INDIA

Regrettably, India holds the unfortunate distinction of having the highest number of child labourers globally. ³An emerging trend is the utilization of minors as domestic labourers in urban regions. The working conditions for minors are entirely unregulated, and they are frequently subjected to labour without sustenance, receiving meagre compensation that closely resembles slavery. Instances of physical, sexual, and emotional maltreatment of child domestic labourers have been reported. A recent statement from the Ministry of Labour has demonstrated child domestic work, as well as the employment of minors, tea stalls ,and restaurants as “ hazardous “ vocations. According to the Census data from 2001, there are 1.26 crore children aged 5 to 14 who are involved in labour, out of a total child population of 25.2 crore. According to a poll done by the National Sample Organization (NSSO) in 2004 – 05 , the estimated number of children engaged in employment is 90.75 lakh. According to the Census of 2011 , the population of children aged 5 – 14 who are employed has plummet to 43.53 lakh. In 1979 ,the government established the Gurupad swamy group, the first group specifically tasked with

³ Hasnain Ali &Mr Samsuddin Khan (2012) ,The overcoming of Child Labour in India: In Perceptive of Constitutional and Legislative Framework, IJAR 57- 62.

researching child labour and formulating methods to combat it. The committee conducted a comprehensive analysis of the issue and developed a set of lengthy suggestions. It is pertinent to note that as long as poverty persists, completely eradicating child labour would be challenging, and so any endeavour to eliminate it through legal means would not be a feasible solution. The committee concluded in report to prohibit the employment of children in dangerous locations and to establish regulations and improvements for working conditions in other areas. A multifaceted policy strategy is necessary to address the issues concerning child labour. **The Child Labour (Prohibition and Regulation) Act** was established in 1986 in accordance with the suggestions put forth by the Gurupad Swamy committee. According to this Act, the employment of children was forbidden in treacherous areas and it also sets regulations for working conditions in other occupations. The child Labour Technical Advisory Committee, created under the act consistently proposes the inclusion of further perilous activities and procedures to the existing list. In 2016 , **The Child labour (Prohibition and Regulation) Amendment Act 2016** was enacted, rendering it unlawful to engage minors below the age of 14 in any form of employment. The legislation also incorporated rules to forbid the hiring of juveniles (aged 14 -18) in perilous occupations and processes outlined in the schedule. The incidence of child labour in India plummeted by 2.6 million individuals between the years 2001 to 2011. The drop is particularly evident in rural regions, but there has been an outpaced in the number of child labourers in urban areas, suggesting a rising need for child workers in low skilled occupations.

III. WHAT ARE THE FACTORS CONTRIBUTING TO CHILD LABOUR IN INDIA?

There are plethora numbers of causes that are leading minors children to do work. Child labour is often caused by factors such as poverty, societal standards, limited employment options for adults, family migration and emergencies. Here are several primary factors that contribute to children's heightened susceptibility to child labour.

(A) Indigence

Poverty is undeniably the primary factor compelling children to engage in labour. When families are unable to afford essential necessities such as water, education, food or basic necessities they are compelled to have their children engage in labour in order to augment the household income. Poverty is widely recognized as a primary catalyst for child labour, as it is associated with various contributing variables such as poor levels of literacy and numeracy, limited access to quality employment occurrences of natural catastrophes and climate change as well as conflicts and large – scale migration of populations. The relationship between poverty

and child work is a self – perpetuating circle addressing one issue is necessary to eliminate the other.

a. Inadequate availability of high – quality education

The accessibility and calibre of education are paramount. An ideal educational institution should foster a hospitable atmosphere maintain optimal student teachers relations and remain financially accessible to rural populations. Ensuring that children are enrolled in school and not engaged in hazardous labour is a necessary step but maintaining their attendance requires the establishment of accessible and high-quality education for everyone. The education plays a very momentous role in everybody life ,by education we can defeat any problem. But issue arise that education is very expensive and children of rural areas cannot afford that high education so they are forced to do labour work.

b. Lack of Awareness

Awareness is one of the major problems where parents are not aware what the consequences can be of labour work. The children who are engaged in labour work they are mentally, physically and psychologically harassed. For the awareness in the recent years according to reports government has taken initiative to do campaigns specifically in rural areas.

c. Development of Informal Economy

The informal economy comprises of microenterprises and individuals that are self-employed. Child labour regulations are challenging to police in the informal sector which is why it frequently hires kids.

d. Gender Inequalities

Gender discrepancies play a key role in child labour as girls in particular frequently experience discrimination and are more prone to engaging in unpaid household work. This denies children the chance to acquire an education and experience the Joy's of childhood. India is dedicated to rectifying gender imbalances by fighting for gender equality, empowering girls through education, and fostering a more fair society for all individuals.

e. Conflict and mass migration

Instances of conflict and large-scale migrations whether caused by internal conflicts, natural calamities, or economic volatility, disturb families and subject children to the harsh realities of labour. During such circumstances children frequently encounter a lack of adequate support network. India is dedicated to assisting children in conflict-ridden regions and during large-scale migrations by offering vital services, counselling, and educational opportunities with the

goal of reconstructing their lives.

f. Natural disasters and climate change

Marginalised populations are disproportionately impacted by natural disasters such as floods, droughts and other climate – related phenomena. Environmental problems leading to the loss of families livelihoods compel children to engage in laborious activities to provide support to the family.

g. Demand for cheap labour

The persistent existence of child employment is sustained by the demand for inexpensive labour in many sectors such as agriculture, manufacturing, and domestic services. Employers may potentially exploit youngsters who are frequently uninformed of their rights or lack the ability to protect themselves as a means to reduce expenses.

IV. CONSEQUENCES OF CHILD LABOUR

The repercussions experienced have a wide- ranging influence on the child, society, and the nation as a collective entity. Children are susceptible to unintentional and other forms of harm when working. Therefore, it is imperative to safeguard children in order to mitigate the enduring social, economic, and physical consequences that may afflict them throughout their lives. The consequences of child labour include;

- Common child injuries and abuses include cuts ,burns ,lacerations ,fractures, fatigue, dizziness, extreme worries , and nightmares.
- Sexual abuse specifically the exploitation of girls by adults, rape, prostitution, involuntary pregnancy, abortion, sexually transmitted diseases and HIV/ AIDS, substance misuse and alcoholism.
- Child labourers are frequently deprived of educational chances resulting in a deficiency in fundamental literacy skills which in turn restricts their future prospects and perpetuates the cycle of poverty.
- ⁴In stunted development it hampers the typical progression of childhood development resulting in youngsters being deprived of opportunities for play ,social contact, and emotional well-being, so impeding their physical, cognitive, and emotional advancement.
- Human capital loss occurs when children are deprived of education and opportunities

⁴ Dr. Ch. Ramana Rao (2015), Child Labour and Education in India, JBMSS 83-91.

for skill development leading to decrease in their potential human capital. This hampers the country's ability to effectively compete on a global scale and accomplish long-term development objectives.

- The physical and psychological ramifications result in escalated healthcare and social welfare expenditures for the country. It is imperative for governments to commit resources towards tackling these concerns hence reallocating monies from other crucial domains.

V. HOW TO PREVENT CHILD LABOUR IN INDIA?

Child work is an inexcusable offense that deprives youngsters of their youth. Notwithstanding the endeavours of the government and the implementation of strict legislation, the societal persists. The presence of child labour obstructs the advancement and development of a child and hampers the overall social and economic progress of a nation. Hence it is imperative that we unite and focus our endeavours in the appropriate course to eradicate child labour. Here are several strategies to combat child labour.

- **Enrollment more Children in school**

Proliferation in educational institutions have the ability to establish a conducive setting that promotes education for underprivileged children residing in your local community. Establishing libraries and common learning centers in your community through fundraising efforts can provide vulnerable children with opportunities for self-education and learning. Motivating the parents in the process of registering their children in school.

- **Know your laws**

Gaining a comprehensive comprehension of the Constitution and its function in safeguarding children is a crucial stride in the effort to avert child labour. Once you possess knowledge of the legislation you are well prepared to address the threat and notify those that employ underage labourers.

- **Discouraging individuals from hiring children for domestic, commercial, individual work etc**

Child labour is widely accepted in India by enterprises particularly in sectors such as retail, hospitality, and low-skilled jobs. NGO's currently raise awareness among trade organizations to eradicate this societal issue and inform community members about how to report cases of child labour in both enterprises and households. World vision India mandates that all vendors and partners sign a child safety policy that includes a commitment to not include minors in any

job activities. There should be equal participation from all the sectors and accentuate the government to promote online donations to support children's return to school.

- **Assisting non-governmental organisations to combat child labour**

India provides prompt assistance to children engaged in child labour and advocates for lasting societal transformation by influencing regulatory changes. The NGO's strives to guarantee that established policies are implemented effectively. The NGO's collaborates with state and national authorities specifically state police departments to prevent occurrences of child exploitation.

- **Fluency of laws or examining the law to combat child labour**

Examining and editing laws to ensure efficient enforcement is crucial for creating lasting positive impact in society. Research on child labour issues, government policy, and laws is necessary to provide a chance for important stakeholders such as the media, parliamentarians, people, and civil society members to advocate for policy changes at a higher level.

- **Corporate awareness and market revolution**

Research indicates that children work due to a need for inexpensive labour in the market and because adults lack suitable employment and sufficient income. There is a necessity to discourage the employment of children in homes, stores, factories etc . It is important to raise awareness among trade organisations to eradicate this social issue and educate the community about reporting cases of child labour in businesses and households.

VI. VARIOUS LAWS AGAINST CHILD LABOUR

Globally all the countries is facing problems of child labour but comparatively in India the cases of child labour is in proliferation. Currently 90 million children aged 6 to 14 are engaged in working instead of attending school. It accounts for 50% of children in our country engaged in child labour. India has implemented multiple laws since 1933 to regulate child labour. The law consist of :

(A)⁵Constitutional provisions combating child labour in India

- **Compulsory education**

Article 21(A) of the Indian Constitution mandates that all children aged 6 to 14 must receive free and mandatory education. This is one of way where cases of child labour can reduced due to stringent law.

⁵ INDIA CONST art 14, 23, 24 ,39 cl e

- **Prohibition of human trafficking and forced labour**

Article 23 prohibits human trafficking, begar, and any other type of forced work if anybody found violating this rule they can face legal consequences.

- **Child labour in factories is prohibited**

Article 24 explicitly prohibits the employment of children under the age of 14 in dangerous factories that may cause them lasting physical and mental damage to children.

- **Prevention of coercive influences**

Article 39(e) of the directive principles of state policy states that citizens should not be forced by economic necessity to work in jobs unsuitable for their age or physical abilities or to exploit the health and strength of vulnerable employees including men, women and children.

- **Fundamental Duty**

Article 51A(k) of the Constitution states that every individual including parents and guardians must ensure that children between the ages of 6 and 14 are provided with educational opportunities as part of the Directive Principles of State Policy (DPSP).

- **States obligation to improve nutritional standards**

Article 47 mandates the state to improve the quality of life, nutrition, and public health. Nutrition is one of the lingering problems that specifically in rural areas families is facing so they forced children to do work.

- **Prevention of exploitation**

Article 39(f) mandates the securities of children from exploitation and negligence. They should also have the opportunity and resources to mature in a healthy manner with freedom and dignity. The state has been tasked with raising the standards for living conditions, food quality, and public health.

(B) Child Labour (Prohibition and Regulation) Act 1986

Article 24 of the Indian Constitution prohibits the employment of children under the age of fourteen in factories, mines, other hazardous occupations. The Child Labour(Prohibition and Regulation) Act of 1986 defines a child as an individual who is below 14 years of age. The goal is to establish regulations for the working hours and conditions of juvenile labourers and to prevent their employment in dangerous industries.

(C) Child Labour (Prohibition and Regulation) Amendment Act, 2016

The government implemented the Child labour (Prohibition and Regulation) Amendment Act, 2016 on September 1,2016. The Amendment Act fully prohibits the hiring of children under the age of 14. The amendment restricts the employment of adolescents aged 14 to 18 in dangerous activities and procedures and it also governs their working conditions in cases when they are not forbidden. The amendment enforces harsher penalties for employers who violate the act by hiring children or adolescents making it a cognizable offence. The modification grants the competent government the authority to delegate authorities and responsibilities to a district magistrate as needed for enforcing the act effectively. The state action plan has been distributed to all the states/union territories to ensure the Act is implemented effectively.

(D) Child Labour (Prohibition and Regulation) Amendment Rules, 2017

After considerable engagement with stakeholders, the government of India decided to propose additional revisions to the act . The Child Labour (Prohibition and Regulation) Amendment rules include the following provisions :

- An extensive and detailed framework for the prevention, prohibition, rescue, and rehabilitation of child and teenage labourers.
- Understanding of matters concerning family enterprises.
- Protections for creative professionals or artists allowed to work under the act regarding their working hours and circumstances.
- Prescribed tasks and obligations for law enforcement authorities to guarantee efficient execution and adherence to the act.

VII. CONCLUSION

⁶ Despite the existence of numerous laws and regulatory departments addressing child labour they are unsuccessful in regulating its continuation. It can only be achieved by the collaboration of all the sectors of society and law enforcement agencies as well as by eliminating or reducing the root causes of child labour. The primary focus should be on population reduction, children's education and allocating adequate finances for its elimination from India's gross domestic product. The issue of child labour is complex and encompasses multiple elements. Child labour in India is a multifaceted issue strongly ingrained in society. Child labour is a significantly difficulty for the nation. The habit is causing people to lose their means of living and is harmful to their physical and mental growth. The growth of the informal sector is seen as a significant factor contributing to child labour. The issue of child labour is universal the central government

⁶ Agarwal. S (2017) : Impact of Child Labour on the Nutritional Level and Developmental, JTSE 1-4

and state governments may offer a remedy to this persistent issue. Eliminating all forms of child labour is a challenging long-term objective of every country. In underdeveloped countries this is currently viewed as a significant problem. The Indian government has implemented several proactive policies aimed at eliminating child labour. Every citizen should be conscious of their responsibilities and implement corrective actions to eliminate child labour.
