

CHILD LABOUR - A CURSE TO INDIAN SOCIETY

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Abstract:

*India, as all developing countries is plagued with the problem of rampant 'Child Labour' being employed even by established companies either directly or indirectly. Children are employed in various industries be it textiles,garments or jewelry related industries or small road-side shops and hotels. Frequently we see sting operations conducted by NGOs exposing how child workers are used even by multi-national textile companies indirectly through outsourcing of tasks.The usage of children as domestic help is the most rampant urban abuse of children as labourers. A recent rescue of a child working as a domestic help was carried out in Delhi. The report states that the child was made to drink urine, kept naked in the bathroom, was singed with frying pans and hit with brooms. The article shows how child labour is treated in India and the torture they have to face.*

KEYWORDS:

child labour, socio economic, children.

INTRODUCTION

India currently has an estimated 2.4 mn child workers as per the 68th NSS survey[i]. If we include the part time workers[ii], this number shoots up to 3.22 mn. The working children are primarily boys who carry the burden of the patriarchal social construct in their roles as protectors/ providers of the family and at that young age have to shoulder the responsibilities of the family. Still India has [special schemes](#) for education and development of a girl child and not for a boy child. Child Labour, consisting of children below 14 years of age, is defined by the International Labour Organisation (ILO) as the type of work performed by children that deprives them of their childhood and their dignity, which hampers their access to education and acquisition of skills and which is performed under conditions harmful to their health and their development . Children are the greatest gift to humanity and the same gift is being misused for personal gains as child labour. They constitute 36% of India population but a large majority of children in the age group of 5-14 years continue to remain in distress and turmoil. One in every five children below the age of 14 is a labourer. The flower (Child) withers before it blossoms. Child labour is more a rural phenomenon than an urban phenomenon. Due to acute poverty poor families residing in rural areas send their children to urban areas for bread and butter. In urban areas, to survive in a cutthroat competition, manufacturers have lowered the real wages for adult workers in order to employ child workers on low wages. The problem is very much vast in its dimension. Children are forced to work in the most hazardous, unhygienic conditions, where they are vulnerable to many severe health problems.

CAUSES OF CHILD LABOUR

In a country like India where over 40 percent of the population is living in conditions of extreme

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poverty, child labour is a complex issue. Following are some of the causes of child labour. First Extreme poverty is the chief cause of child labour. The children either supplement their parents income or are the only wage earners in the family. Second Child labour is deliberately created by vested interest to get cheap labour. Third Low level of parental education is also an important factor in determining the incidence of child labour. Fourth A majority of parents prefer to send their children to work rather than to school at the school-going age, primarily on account of their need for a supplementary income.

**MEASURES TO COMBAT CHILD LABOUR**

Child labour is a universal problem and as a citizen of India we must strive to take stern actions against child labour.

**Role of NGOs:** NGOs have an important role to play in the elimination of child labour. Government does not have the infrastructure to reach every section of the society and particularly the millions who work and live in remote areas. NGOs can act as a bridge between hard-to-reach areas and the government.

**Role of Media:** The role of media in elimination of child labour is one of the most important components of the process of total human development. The media should expose defaulting firms or business houses that clandestinely employ children and violate laws relating to child labour. The government should give certain monetary or if need be non-monetary incentives to the families that live Below Poverty Line (BPL) to avoid child labour so that their children can be sent to school. Effective state intervention to eliminate inequities, including class and caste barriers to employment and other opportunities in areas such as health and education, will put an end to child labour.

**RIGHTS OF CHILDREN UNDER INTERNATIONAL LAW**

The concept of equality of all human beings, as embodied in the Universal Declaration of Human Rights of 1948 stipulates under Article 25 para 2 that childhood is entitled to special care and assistance. The above principle along with other principles of the Universal Declaration concerning child were incorporated in the Declaration of the Rights of the Child of 1959. The International Covenant on Civil and Political Rights under Articles 23 and 24 and the International Covenant on Economic, Social and Cultural Rights under Article 10 made provisions for the care of the child. However the International Labour Organization (ILO) provides universal standards and guidelines. The ILO, a specialized agency of the UN, aims to provide guidance and standards for labour practices around the world. The International Convention and other international instruments, which deal with the subject of child labour are as follows:

1. Convention on the Rights of the Child, 1989.
2. Worst Form of Child Labour Convention, 1999; and
3. Worst Form of Child Labour Recommendation

The International Program on the Elimination of Child Labour (IPEC) is a global program launched by the International Labour Organization in December, 1991. India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with ILO. The MOU that expired on 31.12.1996 has been extended from time to time and has recently been extended till 31st December, 2006. The long-term objective of IPEC is to contribute to the effective abolition of child labour. IPEC-India has, during the period 1992-2002, supported over 165 Action Programs.

The Govt. of India and the US Department of Labour have also initiated a US\$ 40 million project aimed at eliminating child labour in 10 hazardous sectors across 21 districts in five States namely, Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and NCT of Delhi. This project, popularly known as INDUS, is being implemented by ILO. An estimated 80,000 children will be withdrawn and rehabilitated through this project. Support activities will also be directed to 10,000 families of former child workers. On 20 November 2009, the global community celebrates the 20th anniversary of the adoption by the United Nations General Assembly of the Convention on the Rights of the Child, the unique document that sets international standards for the care, treatment and protection of all individuals below age 18.

**RIGHTS OF CHILDREN UNDER NATIONAL LAWS**

India has all along followed a proactive policy in the matter of tackling the problem of child labour. India has always stood for constitutional, statutory and development measures required eliminating

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child labour. The Indian Constitution has consciously incorporated provisions to secure compulsory universal elementary education as well as labour protection for children. Labour Commissions in India have gone into the problems of child labour and have made extensive recommendations. The Constitution of India, too provides certain rights to children and prohibits child labour. Such provisions are as follows:

1. No child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous work.
2. State, in particular, shall direct its policy towards securing that the health and strength of workers, men and women and the tender age of the children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength.
3. 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 exploitations and against moral and material abandon.
4. The state shall endeavor to provide, within the period of 10 years from the commencement of the Constitution, free and compulsory education for all children until they complete the age of 14 years.
5. The state shall provide free and compulsory education to all children between the ages of six to 14 years in such a manner as the state may by law determine
6. Who is parent or guardian to provide opportunities for education to his child or the case may be, ward between the age of six and 14 years.

There are a wide range of laws, which guarantee to a substantial extent the rights and entitlement as provided in the constitution and in the UN convention. Some of them are given below:

1. The Apprentices Act, 1861
2. The Child Labour Act, 1986
3. The Child Marriage Restraint Act, 1929
4. The Children (pledging of labour) Act, 1929
5. Children Act, 1960.
6. The Guardian and Wards Act, 1890
7. The Hindu Minority and Guardianship Act, 1956
8. The Hindu Adoption and Maintenance Act, 1956
9. The Immoral Traffic (Prevention) Act, 1956
10. Juvenile Justice Act, 1986
11. The Orphanages and other charitable Homes (supervision and control) Act, 1960
12. Probation of offenders Act, 1958
13. Reformatory schools Act, 1857
14. The women's and children's institutions (licensing) Act, 1956
15. The young persons (Harmful publications) Act, 1956

Apart from these laws mainly concerning children, there are a host of related welfare and criminal laws, which have beneficial provisions for the case, and protection of children. Even the laws relating to commerce, industry and trade have protective provisions beneficial to children. The first Act in India relating to child labour was the Enactment of Children (Pledging of Labour) Act of February 1933. The child of today is the future of our country. So the investment made on children is an asset for the future of our country. As a child is not a vase to be filled, but a fire to be lit, they should not be exploited by engaging them in employment in tender age but they should be given all necessary amenities and support so that they become responsible citizens of the nation and make the world a happier place to live in. Children under fourteen constitute around 3.6% of the total labour force in India. Of these children, nine out of every ten work in their own rural family settings. Nearly 85% are engaged in traditional agricultural activities. Less than 9% work in manufacturing, services and repairs. Only about 0.8% works in factories.

In 1979, Government formed the first committee called Gurupadswamy Committee to study the issue of child labour and to suggest measures to tackle it. The Committee examined the problem in detail and made some far-reaching recommendations. It observed that as long as poverty continued, it would be difficult to totally eliminate child labour and hence, any attempt to abolish it through legal recourse would not be a practical proposition. The Committee felt that in the circumstances, the only alternative left was to ban child labour in hazardous areas and to regulate and ameliorate the conditions of work in other areas. It recommended that a multiple policy approach was required in dealing with the problems of working children.

Based on the recommendations of Gurupadaswamy Committee, The Child Labour (Prohibition

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and Regulation) Act, 1986 was passed. This Act prohibits the employment of children below the age of 14 in factories, mines and in other forms of hazardous employment, and regulates the working conditions of children in other employment. Sec.3 of this Act imposes prohibition on employment of children in Dhabis, restaurants, hotels, motels, tea shops, resorts, spas or other recreational centre's etc. Recently, child labour is totally banned by the government with free education and other facilities to the child up to the age of 14. The list of hazardous occupations and processes is progressively being expanded on the recommendation of Child Labour Technical Advisory Committee constituted under the Act.

## PROBLEM OF CHILD LABOR IN INDIA

Child labour and its problems are intimately related to the extreme poverty. They belong to the families of total have-nots who do not have any other means to raise their income except the human asset to invest a bid to supplement it. These children as such contribute to the pool income of the family to fulfill their needs. This is the story of child labor in all the poor developing and underdeveloped countries of Africa a Asia including India. Even after sixty-three years of independence our country has not been able to afford any relief to the poor. The economic policies of India have never been oriented to fulfill the aspirations on people and provide them with the basic needs to survive. That's why child labour and its problems are very much neglected in the country ail national level. There are many angles to look over these problem including human rights considerations and development of human resources etc. An international pressure has also been mounting to prohibit child labour in the industry. As a matter of fact, the plight of child labour has been extremely miserable due to sheer exploitation by the vested interests in domestic industrial and agricultural sectors. In a UNICEF report it is revealed I about one million children coming from all over the world have bi subjected to sexual abuse for commercial purpose. In the world conference on abuse of children, held in Stockholm, it has been pointed out that it is very difficult to work out any data pertaining to child-abuse under existing circumstances.

According to an authentic report of a UN body, thousands of children have been employed in Italy in a leather industry. While in Portugal, young girls are employed in domestic services and clothing industry. In per cent of the children below 15, are working in miserable bans and more than 30 per cent are employed illegally. In USA, 28 percent of the children are working in inhuman conditions. In India, the child labour has been in employment in all the industries hazardous or non-hazardous. The existing "Employment of labour (Prohibition and Regulation) Act of 1986" provides for iron of child labour in hazardous industries and hazardous positions and regulates their employment in the non-hazardous The state governments are empowered to determine the hazardous and non-hazardous industries, But the actual position is that all the state governments have not been able to do so as yet. The child labour Act is applicable up to 14 years of age. There are so many industries the age of the child labour has been shown higher than the actual one on the basis of statements of their guardians or the fake affidavits. It is simply because the parents/guardians do not want elimination of their wards from their employment because of their poverty, limited income and ever increasing cost of living.

According to a survey of child labour undertaken on orders of the Supreme Court of India, the total number of such labour in India is 5, 00,000 as on record. Out of it, Orissa is on top employing 2.15 lakh children in industries. It may be noted in this connection that the pressure is being mounted at the international level for elimination of child labour from the industry by imposing curbs on Indian goods. Indian Government holds the view that it cannot be eliminated overnight but in a phased manner. For this purpose a new act is being brought up repealing the Act of 1986. For the implementation of this Act it is necessary to amend the constitution also to make it a fundamental right of the child in the age group of 6-14 years to get need-based education. The Government has recently warned the international organizations and the western countries that in no way the child labour problem be connected with the trade or any other such issues as it is not desirable to compromise over the matter and is considered a challenge to India's sovereignty.

## CONCLUSION

Child labour is an international evil. It requires cumulative efforts to wipe it out. Toiling long hours for a pittance, these little breadwinners accept exploitation as a way of life. The government on this front has also taken a few steps. The International Labour Organization (ILO) launched the International Programme for Elimination of Child Labours in 1991 and India was the first to join the same in 1992. But still the problem persists due to poor implementation of the plans and programmes. The need of the hour is to expand the machinery for enforcing the various laws on child labour. There is a plethora of laws but nothing can eradicate child labour unless there is awareness among parents and children, which will go a

long way in saving the future of millions of working children in India.

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