

## **A Critical Analysis On Child Labour In India**

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### **Abstract**

Child labour refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school, and that is mentally, physically, socially or morally dangerous and harmful. This practice is considered exploitative by many international. Legislations across the world prohibit child labour. The Nation bears the deadly consequences of this curse of the society. Children under fourteen comprise 3.6 per cent of the total labour force in India. Nearly Eighty-five percent are engaged in the traditional agricultural sector, less than nine per cent in manufacturing, services and repairs and about 0.8 per cent are in factories. Child labour is work that harms children or keeps them from attending school. Around the world and in the U. S., growing gaps between rich and poor in recent decades have forced millions of young children out of school and into work. A growing circumstance is using children as domestic workers in urban areas. The conditions In which children work is completely unregulated and they are often made to work without Food, and very low wages, resembling situations of slavery. There are cases of physical, Sexual and emotional abuse of child domestic workers. The argument for domestic work is Often that families have placed their children in these homes for care and employment. The Elimination of child labour is a priority and is being implemented at the grass roots level in India. A large number of non-governmental and voluntary organizations are involved in this Process along with national and international organizations. Various policy options are considered, including those which improve the incentives to education relative to labor, remove constraints to schooling, and increase education participation through legislation.<sup>1</sup>

### **Introduction:**

### **Historical Background:**

Child labour refers to the exploitation of children through any form of work that deprives children of their childhood, interferes with their ability to attend regular school, and is mentally, physically, socially and morally harmful. Such exploitation is prohibited by legislation worldwide, although these laws do not consider all work by children as child labour; exceptions include work by child artists, family duties, supervised training, and some forms of child work practiced by Amish children, as well as by indigenous children in the Americas. Child labour forms an intrinsic part of pre-industrial economies. In pre-industrial societies, there is rarely a concept of childhood in the modern sense.<sup>2</sup>

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<sup>1</sup> The child labour(prohibition and regulation) Act,1986

<sup>2</sup> <https://study.com/academy/lesson/child-labor-in-india-history-laws-facts.html>

<sup>3</sup>Children often begin to actively participate in activities such as child rearing, hunting and farming as soon as they are competent. In many societies, children as young as 13 are seen as adults and engage in the same activities as adults. The work of children was important in pre-industrial societies, as children needed to provide their labour for their survival and that of their group. Pre-industrial societies were characterised by low productivity and short life expectancy; preventing children from participating in productive work would be more harmful to their welfare and that of their group in the long run. In pre-industrial societies, there was little need for children to attend school. This is especially the case in non-literate societies. Most pre-industrial skill and knowledge were amenable to being passed down through direct mentoring or apprenticing by competent adults. In pre capitalist society, the work place of the child was often confined to the family environment as relationships were very informal and the child was not exposed to hazardous environment. Work was considered as the Central aspect of their socialization and training. This conception, however, underwent a dynamic change with the advent of capitalism in industrialization in several European countries particularly England industrial revolution took place first during the 18<sup>th</sup> Century and child labour designated as a social problem. This concern development of industrialization gave a new turn of the history of making and brought a change in the over all socio-economic order. In ancient India trade with children of downtrodden did exist. Kautilya in his book Arthashastra noted that the trade of children as slaves was not prohibited in mlechhas as they were backward and uncivilized. Thus, in ancient India the child labour did exist. However, this problem has been aggravated in recent years, because their number has increased considerably and their economic position is miserable. The World's population of working children has yet to be counted accurately. Because it is often, illegal and clandestine, child labour lies beyond the reach of conventional labour statistics. The International Labor Organization estimates that 215 million children between the ages of 5 and 17 currently work under conditions that are considered illegal, hazardous, or extremely exploitative. Underage children work at all sorts of jobs around the world, usually because they and their families are extremely poor. Large numbers of children work in commercial agriculture, fishing, manufacturing, mining, and domestic service.

#### **Incidents:**

- **Meatpacking**

Early August 2008, Iowa Labour Commissioner David Neil announced that his department had found that Agriprocessors, a kosher meatpacking company in Postville which had recently been raided by Immigration and Customs Enforcement, had employed 57 minors, some as young as 14, in violation of state law prohibiting anyone under 18 from working in a meatpacking plant. Neil announced that he was turning the case over to the state Attorney General for prosecution, claiming that his department's inquiry had discovered "egregious violations of virtually every aspect of Iowa's child labour laws". Agriprocessors claimed that it was at a loss to understand the allegations. Agriprocessors' CEO went to trial on these charges

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<sup>3</sup> Jaiswal P. child Labour a sociological study, New Delhi Shipra Publication, 2001

in state court on 4 May 2010. After a five-week trial he was found not guilty of all 57 charges of child labour violations by the Black Hawk County District Court jury in Waterloo, Iowa, on 7 June 2010.

- **GAP**

A 2007 report claimed some GAP products had been produced by child labourers. GAP acknowledged the problem and announced it is pulling the products from its shelves.[168] The report found that GAP had rigorous social audit systems since 2004 to eliminate child labour in its supply chain. However, the report concluded that the system was being abused by unscrupulous subcontractors. GAP's policy, the report claimed, is that if it discovers child labour was used by its supplier in its branded clothes, the contractor must remove the child from the workplace, provide them with access to schooling and a wage, and guarantee the opportunity of work on reaching a legal working age. In 2007, The New York Times reported that GAP, after the child labour discovery, created a \$200,000 grant to improve working conditions in the supplier community.

- **Silk weaving**

A 2003 Human Rights Watch report claimed children as young as five years old were employed and worked for up to 12 hours a day and six to seven days a week in the silk industry. These children, HRW claimed, were bonded child labour in India, easy to find in Karnataka, Uttar Pradesh, and Tamil Nadu. In 2010, a German news investigative report claimed that non-governmental organisations (NGOs) had found up to 10,000 children working in the 1,000 silk factories in 1998. In other locations, thousands of bonded child labourers were present in 1994. After UNICEF and NGOs got involved, the child labour figure dropped drastically after 2005, with the total estimated to be fewer than a thousand child labourers. The report claims the released children were back in school.<sup>4</sup>

### **Literature Review:**

Review of literature gives a clear as what is relevant for the researcher in order to get real findings and so it is necessary to review important books and other documents. For this research work, this chapter presents about review on child labour and related other documents by different scholars. Review of literature aids researcher in determining the discoveries that have been made in the relative topics and further the new contribution and prepositions can be made if necessary. It in fact provides the strong foundation for advancing a comprehensive theoretical framework. Thus, here some of them are reviewed.<sup>5</sup>

UN (1959) General Assembly in 1959 adapted the Declaration of the Right of child which specified that "mankind owes to the child the vest it has to give" and the child shall in no case,

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<sup>4</sup> Dorman P" Child Labour in Development Economies, Geneva: ILO-IPEC working paper, 2001

<sup>5</sup> Child Labour: Dimensions and Determinants by Upadhyay

be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Hull (1981) suggests that children work must be sit in an institutional -cultural dimensions of the context to portray accurately the socio behavior and to avoid simplistic interpretations of the variables which have been greatly narrowed and formalized for purpose of analyze. Thus, the structure, institutions and components of a society seem to be responsible for the use of child labour in a society.<sup>6</sup>

Standing and Rodgers (1981) concluded that social institutions and proverty as well as illiterate are the factors resulting in to the use of child labour. All three factors seem to be separate. But they are jointly creating environment to child to be labour ushering their dismal life. These factors have nexus each other.

UNDP (1993) According to Human Development Report Nepal -1993, Child laborers are among the worlds most exploited workers. Hundreds of millions of children work in fields and factories, on Street corners and in garbage dumps all over the world. Most do some form of work from their earlier years, helping around home.

UNICEF (1994) ascertained that in the third world countries child labour has emerged as a critical and major problem as a result of rapid population growth. For survival more and more children are being pushed in lobour mark for financial betterment. In terms of the size of the population involved, child labour is probably the issue that involves the largest number of children. The good news is that the overall pattern of child labour reduction has been maintained: the more harmful the work and the more vulnerable the children involved, the faster the decline. However, a staggering 115 million are still exposed to hazardous work, a proxy often used for the worst forms of child labour. The report breaks down data by age and gender. Progress was greatest among children aged 5-14, where the number of child laborers fell by 31 percent. Child labour among girls decreased considerably (15 million or 15 percent). However, it increased among boys (by 8 million or 7 percent). What is more, child labour among young people aged 15 to 17 increased by 20 percent, from 52 million to 62 million.<sup>7</sup>

### **Abuse of child domestic workers:**

Child abuse is harm resulting from intentional human action. The most fundamental attribute of child abuse is that it is harmful to the child and detrimental to his/her well-being. There is also an important difference between unintentional and intentional harm. "It has been observed that what is so destructive about child abuse and neglect (as opposed to other forms of injury) is that the betrayal of the child's trust leads to defective socialization." (3) Child abuse is correlated with unemployment and poverty. "Rates of abuse and neglect can be thought of as indicators of the quality of life for families, and maltreatment can be viewed as a symptom, rather than a cause, of difficulties in family and individual functioning."

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<sup>6</sup>References on child labour and minor industry 1916-1924

<sup>7</sup> Steinberg, L., Catalina, R. And Dooley,D. " Economic Antecedent of child Abuse and Neglect "Child Development"

- **Physical Abuse**

Studies from countries around the world suggest that a large number of children suffer physical punishment in their homes, and it is estimated that up to 1 billion children aged 2–17 years have experienced physical, sexual, or emotional violence or neglect during the past year. Physical abuse can range from minor bruises to severe fractures or death as a result of punching, beating, hitting, shaking, or otherwise harming a child.

- **Emotional Abuse and Neglect**

Emotional abuse is behavior that impairs a child's emotional development or sense of self-esteem. It may include threats, constant criticism, as well as withholding love, support, or guidance. Neglect is a pattern of failing to provide for a child's basic physical and emotional needs. Neglect is a very common type of child abuse, and according to Child Welfare Information Gateway, more children suffer from neglect than from physical and sexual abuse combined.<sup>8</sup>

- **Sexual Abuse and Child Prostitution**

Child prostitution "involves offering the sexual services of a child or inducing a child to perform sexual acts for a form of compensation, financial or otherwise." Worldwide, approximately 1 million children are forced into prostitution every year, and it is estimated that the total number of child prostitutes is as high as 10 million. "Generally children do not commit child prostitution but the adults who engage in prostitution or offer a child's sexual services to others force them. It is estimated that at least 1 million girls worldwide are lured or forced into this scandalous form of child exploitation. Child prostitution is more frequent in developing countries such as Brazil and Thailand where more than 200,000 children are exploited. "Sexual Health: Child prostitutes are at a high risk of contracting HIV. HIV infection rates in prostituted children range from 5% in Vietnam to 17% in Thailand. One study reports that 50-90% of children rescued from brothels in Southeast Asia are infected with HIV. Prostituted children are also at a high risk of acquiring other STDs. For example, one study found that child prostitutes have STD rates in Cambodia of 36% and in China of 78%, compared to the 5% yearly incidence of STDs in adolescents worldwide."<sup>9</sup>

**Causes:**

Lack of meaningful alternatives, such as affordable schools and quality education, according to ILO, is another major factor driving children to harmful labour. Children work because they have nothing better to do. Many communities, particularly rural areas where between 60–70% of child labour is prevalent, do not possess adequate school facilities. Even when schools are

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<sup>8</sup> The Factories Act, 1986

<sup>9</sup> <https://www.scirp.org/journal/paperinformation.aspx?paperid=68374>

sometimes available, they are too far away, difficult to reach, unaffordable or the quality of education is so poor that parents wonder if going to school is really worth it.<sup>10</sup>

- **Macroeconomics**

Macroeconomic causes encouraged widespread child labour across the world, over most of human history. They suggest that the causes for child labour include both the demand and the supply side. While poverty and unavailability of good schools explain the child labour supply side, they suggest that the growth of low-paying informal economy rather than higher paying formal economy is amongst the causes of the demand side. Other scholars too suggest that inflexible labour market, size of informal economy, inability of industries to scale up and lack of modern manufacturing technologies are major macroeconomic factors affecting demand and acceptability of child labour.<sup>11</sup>

- **Cultural:**

Some view that work is good for the character-building and skill development of children. In many cultures, particular where the informal economy and small household businesses thrive, the cultural tradition is that children follow in their parents' footsteps; child labour then is a means to learn and practice that trade from a very early age. Similarly, in many cultures the education of girls is less valued or girls are simply not expected to need formal schooling, and these girls pushed into child labour such as providing domestic services.<sup>12</sup>

### **Research Objectives:**

- Creation and strengthening of partnerships and networking between non-State actors, government policy-making institutions, agencies and local authorities, private companies, local communities, child ombudspersons at local, national and/or international level.
- Promotion of children's educational attainment.<sup>13</sup>
- To examine the applicability of various labour laws on socio-legal status of women workers in lock industry, hicks thermometers industry, brick kilns industry in Aligarh and footwear industry, construction industry in Agra and to see how far and to what extent they are being observed by these industries.<sup>14</sup>
- Enhancement of socio-economic safety nets for families and communities, including policies on prevention and reintegration of victims of child labour.
- To find out the wage variation between child labour and adult labour in the hotel and restaurants.

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<sup>10</sup> U.N convention On prohibition of child labour 1909

<sup>11</sup> Child labour in India by Narendra Shukla

<sup>12</sup> Child labour amendment and prohibition act, 2016

<sup>13</sup> Labour and Industrial Laws

<sup>14</sup> <https://www.scirp.org/journal/paperinformation.aspx?paperid=68374>



### Research Hypothesis:

In this regard, numerous questions came in the mind of researcher, which inspire her to made the following hypothesis:<sup>15</sup>

- Whether constitutional provisions, beneficial labour laws, national and international commitments, protective measures and judicial pronouncement are sufficient to provide protection to women worker or not? If sufficient, then why they are not being effective and problems of working women by way of exploitation, discrimination and dismal working conditions are continued?<sup>16</sup>
- What is the impact of Indian labour laws on socio-legal status of women workers in lock industry, hicks thermometers industry, brick kilns industry in Aligarh and construction industry, footwear industry in Agra? Besides this, what are institutional deficiencies in the protective legal framework and the functional problems in its implementation which frustrated the implementation of labour laws?<sup>17</sup>
- Whether women workers have awareness about laws and their rights?
- Whether working conditions of women workers in selected industries are miserable and exploitative in nature?

### The expected outcomes of the study are:

- Wages depend on age of child labour and family education.
- Most of child labour comes from poor family background.
- Child labour is a global malady.
- Most of the employed children are socially backward and economically poor.
- The terms and conditions of employment are unfavorable to children and are mostly exploitative.
- The earnings of the children are very meager.
- Economic instability of the families is mainly responsible for children taking up employment.
- Though the success rate in combating child labour, a complex problem, is slow, yet it does not undermine the efforts made so far.<sup>18</sup>

### Results:

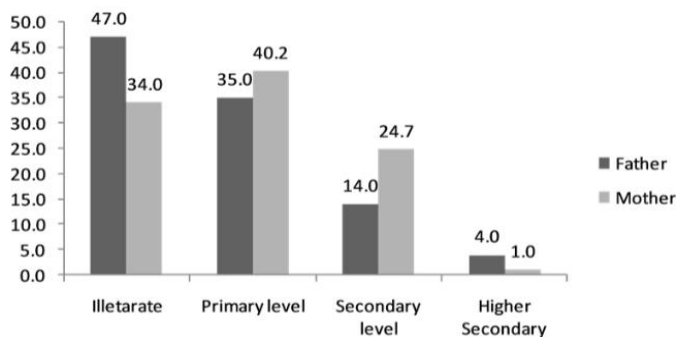
Among the 112 children interviewed, 81 were boys and 31 were girls. Minimum age we found was 10 years. Majority of the children (59%) are in the age group 16 – 17 years, while 12.5% of children were at age group between 10 – 12 years.

<sup>15</sup> Jacobs, A. "Child labour", in Bulletin of comparative Labour Relations, No 37, 2000, The Hague; Kluwer Law International.

<sup>16</sup> Basu, K. "The intriguing relation between adult minimum wage and child labour," in The Economic Journal, Vol 110, No 462, (Mar 2000), Oxford: Blackwell Publishers.

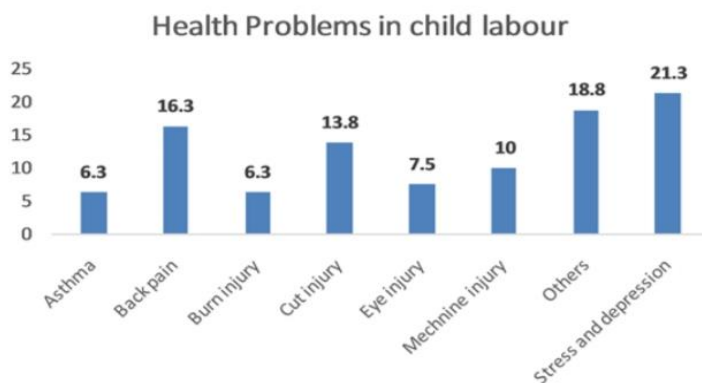
<sup>17</sup> Haspels N. and Michele Jankanish, editors. Action against Child Labour. Geneva: ILO, International Programme on the Elimination of Child Labour Geneva, 2000.

<sup>18</sup> The constitution of India



### Educational level of parents of child labour

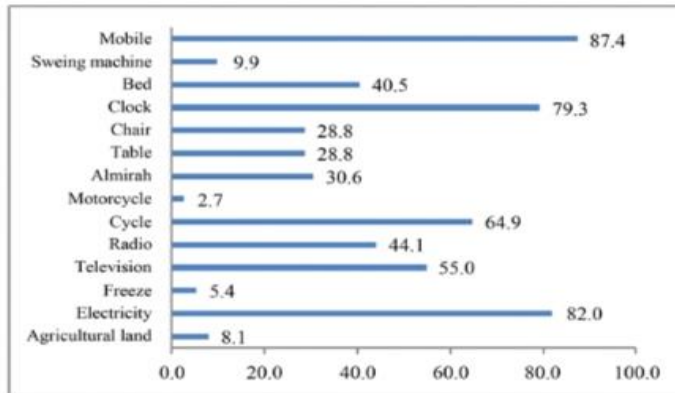
The mean age of the mothers of the child labor is  $35.6 \pm 6.2$  years with a range between 24 and 52 years. The mean age of the father was  $45.5 \pm 6.4$  years ranging between 33 to 57 years. A large number of mother (34%) and father (47%) were found illiterate, while 40.2% mothers and 35% father studied up to primary level.



### Health Problems in Child Labour

Over 71% of the children reported health problems ( $n = 80$ ). Stress and depression was found highest among other health problems (21.3%). A large number of the children suffered from back pain (16.3%), whereas injuries like burn, cut, eye and machine injury were common. However, around 19% of them had others different type of health problems like fever, discomforts, muscle crump, sprain, common cold, fever.





### Assets Status of child Labour at Home

Social characteristics of the children had shown that majority of the child labourers had mobile phone (87.4%), electricity (82%) and clock (79.3%) in their home. Only 8.1% the child labour had a piece of agricultural land to use. It had been explored that majority of the children (67.9%) were labour because they wanted to help their parents. In 8.9% cases, they were forced to work by their parents.

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