

## **A STUDY ON STATUS OF CHILD LABOR IN INDIA**

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### **Abstract**

"Why must we bear the cost of poverty? Poverty was brought about by grownups, not by us. This may be the emotion of any youngster who is made to work while they should be in school, as opposed to their peers who are born into families who can support them financially. This essay aims to illustrate the challenges that this social evil pose in the way of growth. Child labor is the single most harmful impediment on the way to accomplishing the goal of development. The goal of this study is to define and clarify the idea of child labor, the various forms it can take, as well as the factors that contribute to its prevalence. This report also describes worldwide efforts to end child labor and the part Indian legal systems play in preventing it. Of course, the system is the source of the issue, but people's attitudes are also a major factor. Many of the adults who speak out against child labor in India have at least one child working for them in their home or place of employment. People need to understand what a waste of talent and significant barrier child labor is to a nation's growth.

**Keywords** – Child labor, Employment, Education, Right, Poverty, Growth

### **Introduction**

Not every employment performed by children falls under the category of child labor that needs to be eradicated. Participation by children or teenagers in job that doesn't harm their health, their personal growth, or interfere with their education is typically seen as positive. This covers tasks like helping their parents around the house, working with a family company, or earning pocket money after school and on breaks. These kinds of activities benefit children's growth and the wellbeing of their families; they provide them knowledge and experience and serve to get them ready to be contributing adults in society. Viruru, R. (2008).

Millions of children worldwide are forced into child labor, which robs them of their youth, health, and education and consigns them to a life of squalor and deprivation. Of course, there is employment that kids do that is neither damaging nor exploitative to support their families. However, a lot of kids are trapped in unsuitable jobs for kids, which is a grave violation of their rights. Ramanathan, U. (2009).

The typical physical, intellectual, emotional, and moral development of a kid is hampered by child labor. When children carry heavy weights or are made to adopt abnormal attitudes at work for extended periods of time, they risk permanently deforming or disabling their bodies. Children are more vulnerable than adults because they have lower illness resistance and are more susceptible to radiation and chemical risks. Jain, S. (2013).

According to recent estimates based on statistics from UNICEF, the ILO, and the World Bank, 168 million children between the ages of 5 and 17 worldwide are working as minors, or about 11% of all children. More than half of all child laborers, or 85 million in total, engage in hazardous work that directly jeopardizes their health, safety, and moral development. Although Asia and the Pacific have the biggest absolute number of child laborers, Sub-Saharan Africa continues to have the highest incidence of child labor, with more than one in five children working there. Millions of them endure the cruellest types of child labor, such as forced labor, bonded labor, child soldiering, sexual exploitation, or being employed by adults in illegal operations like drug trafficking. Pinto, A. (2016). They include slavery and slavery-like behaviors. When it comes to sheer numbers, Asia and the Pacific tops the list (with about 78 million children, or 9.3% of the total population), while Sub-Saharan Africa continues to have the greatest rate of child labor (59 million, or over 21%). Worldwide, agriculture continues to be the industry with the highest prevalence of child laborers (98 million), but issues with the practice also exist in the service (54 million) and industrial sectors (12 million). The informal economy is determined to be where this is most prevalent. ILO estimates that there are 10.1 million working children in India between the ages of 5 and 14. (Census-2011).

The prevalence of child labor is influenced by a number of interconnected factors. Poverty has child labor as both a cause and a result. Children are forced into the labor force by their families' financial hardship. Some families use child labor as a source of additional cash, but

many also rely on it to survive. They pass up the chance to go to school, which further entrenches household poverty through generations while delaying social and economic advancement. Child labor prevents children from obtaining the knowledge and training necessary to have possibilities for respectable employment as adults. The existence of child labor in India is mostly due to inequality, a lack of educational opportunities, a sluggish demographic transition, customs, and cultural expectations. The kind and amount of work that children do is influenced by their age, sex, ethnicity, caste, and level of affluence. Children continue to end up working in the informal economy and in agriculture. Kaletski, E., & Prakash, N. (2016).

### **Defining Child Labor**

Work that robs children of their childhood, their potential, and their dignity and is detrimental to their physical and mental development is frequently referred to as "child labor." It refers to labor that: prevents children from attending school; forces them to leave school early; or forces them to try to balance school attendance with overly long and heavy work. It also refers to work that is psychologically, physically, socially, or morally risky and damaging to children.

Not every job performed by children should be considered child labor that needs to be eradicated. Participation by kids or teenagers in job that doesn't harm their health, their personal growth, or interfere with their education is typically seen as positive. This covers tasks like helping their parents around the house, working with a family company, or earning pocket money after school and on breaks. These kinds of activities benefit children's growth and the wellbeing of their families; they provide them knowledge and experience and serve to get them ready to be contributing adults in society. Subbaraman, S., & von Witzke, H. (2016).

The worst types of child labor, on the other hand, involve the enslavement of children, their separation from their families, their exposure to dangerous situations and diseases, and/or their abandonment to fend for themselves on the streets of big cities - frequently at a very young age. Whether or not a certain type of "job" qualifies as "child labor" depends on the kid's age, the nature and duration of the work, the working environment, and the goals that various nations have. The solution differs between nations, as well as within sectors within nations. Agarwal, P. K., & Pathak, A. C. (2015).

### **Why stop Child Labour**

In order to prepare children for good labor in adulthood—i.e., work that is satisfying and beneficial to society—we must first ensure that they have a decent upbringing. The economic viability and social cohesion of society are severely weakened, and the possibilities for its longer-term growth are jeopardized, when children are employed in situations that are detrimental to their education, health, morals, and dignity. Very exploited children are more likely to grow up to be illiterate adults with stunted physical and mental development who have little chance of escaping the cycle of poverty into which they were born or making a positive contribution to society.

Likewise, it will be unlikely for their offspring to do so. The quality of a nation's human resources is crucial to its prosperity in today's competitive world; tolerating the worst types of child labor is incompatible with the enormous investments in its people that any civilization must make in order to safeguard its future. Even if child labor had any short-term economic benefits, they must be evaluated against the long-term development potential loss it causes for a country.

### **Prevalence in India on Child Labor**

Child labor is not a recent occurrence in India. It has existed in some form or another since the beginning of time and has occasionally changed. The factory and industry started to replace handicrafts as urbanization and industrialization took hold in the early 19th century. Agriculture was increasingly automated. Landless laborers were created as a result. And as a result, a continuous flow of rural poor people moved to urban areas in quest of work. On the other hand, factories needed inexpensive, accessible labor. Because they were less expensive and less demanding than adults, who might be more demanding and hence harder to manage, children began to be employed on farms and in factories. Children are selected because they are not unionized, are simple to control, can be mistreated, and may be abused without fear of repercussions. Francavilla, F., & Claudia Giannelli, G. (2010).

Children are also more adapted for professions like producing bricks, weaving carpets, spinning silk, etc. They are vulnerable since they are so inexpensive and have little chance of engaging in collective bargaining, which has led some businesses to use and abuse child labor. In

metropolitan regions, a significant portion of the population employs youngsters as domestic employees. Children are frequently forced to work without food and for extremely low salaries, which is fully unregulated and resembles slavery. There are many instances of child domestic servants being physically, sexually, or emotionally abused. The justification for domestic work is frequently that families have sent their kids to these houses for childcare and jobs, but the truth is considerably more nuanced. Das, S. (2012).

In the agricultural industry or helping their families in brick kilns and stone quarries, children who are linked to their family or who inherit a debt from their parents are frequently found. Individual child pledge is on the rise, and it frequently results in the trafficking of kids to cities to labor in factories rather than local production facilities. The majority of bonded laborers in India are migratory workers, which exposes them to greater exploitation. Also, the majority of them belong to marginalized tribal communities or low caste groups like "Dalits" (Scheduled Castes) (Scheduled Tribes). Bound children working as slaves are extremely vulnerable to physical and sexual abuse, and neglect can even result in death. They frequently have mental and psychological problems, making it difficult for them to master many social or survival skills. Kumar, G. (2013).

### **Status of Child Labor in India**

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The number of children working in the age range of 5 to 14 years old was 1.01 crores, according to the 2011 Census published by the Government of India. The systemic issues that

encourage child labor, such as poverty and inadequate enforcement and regulation, persist, despite the fact that this is an improvement above the 1.26 Crores census statistic from 2001.

**Table 1.1: Number and Percentage of Working Children in 2001 and 2011**

Year	Percentage of working children (5-14)			Total number of working children (5-14) (in millions)		
	Rural	Urban	Total	Rural	Urban	Total
2001	5.9	2.1	2.0	11.4	1.3	12.7
2011	4.3	2.9	3.9	8.1	2.0	10.1

**Source:** Census of India, 2001 & 2011.

**Table 1.2: Distribution of working children by type of work in 2011**

Area of work	Percentage	Numbers (in millions)
Cultivators	26.0	2.63
Agricultural labourers	32.9	3.33
Household industry workers	5.2	0.52
Other workers	35.8	3.62

**Source:** Census of India, 2011.

Despite the fact that children work everywhere in India, some states have noticeably greater rates of child employment, and the type of work is rapidly changing. In India, 3.9% of children under the age of 14 worked as children in 2011. Nonetheless, the percentage was significantly higher in several states, like Sikkim (8.5%), Nagaland (13.2%), and Himachal Pradesh (10.3%). Nationwide, the proportion of working children decreased from 5% in 2001 to 3.9% in 2011, although the form of employment underwent a more significant change. Child labor is typically focused on farms around the world, and this is especially true in India, where 60% of working children are involved in activities related to agriculture. Yet, as more kids are working in jobs other than farming in India, the number of child farmers has decreased. The percentage of children working outside of agriculture increased to 40% between 2001 and 2011.

Naturally, non-farm child labor is most common in big cities, but it is also widespread in states that are agricultural, like Punjab and Haryana. There are several additional states where a sizable percentage of children work in non-farm jobs, including West Bengal, Kerala, and

Tamil Nadu, Eastern Uttar Pradesh, the area around Delhi, and Jammu and Kashmir saw the biggest increases in non-farm child labor between 2001 and 2011.

### **International law on child labour**

The extent and content of international child labor standards must be taken into consideration since they serve as the foundation and framework for both international and national preventive measures and punitive action. The next section looks at which international treaty norms, as defined by the ILO and UNICEF, forbid exploitative child labor and what obligations they place on states. It should be remembered that conventions are enforceable against parties who have ratified them. While not legally obligatory, declarations and suggestions about conventions may serve as significant updates and clarifications. Kumuda, D. (2014).

Over the years, the ILO has repeatedly reaffirmed the significance of child protection and the elimination of child labor. The ILO approved no less than eleven agreements and ten guidelines regarding the minimum age for access to the workforce between 1919 and 1973.

### **United Nations Convention on the Rights of the Child, 1989**

The UN General Assembly unanimously approved the Convention on the Rights of the Child on November 20, 1989, and it went into effect on September 2, 1990. 155 India was one of the 194 states that have ratified the Convention as of this writing. The 54 articles of the Convention outline the civil, political, economic, social, and cultural rights that all children worldwide are entitled to and address every area of a child's existence. It also highlights how governments and adults must cooperate to ensure that all children may exercise their rights. Rammohan, A. (2014).

Every child has the right to be safeguarded from economic exploitation, from working in jobs that are dangerous or detrimental to their health and development, or that interfere with their education, according to the International Convention on the Rights of the Child (ICRC). Governments must also establish a minimum age for employment and establish suitable working hours and conditions. (See Article 32.1).

Regardless of their race, gender, religion, language, skills, or any other status, every child has rights. The Convention must be viewed as a whole because all the rights are interconnected and equal in importance. Equal significance is given to the rights to recreation and play (Article



31), freedom of expression (Article 13), and protection from violence (Article 19), as well as the right to education (Article 28).

### **Indian Domestic Law on Child labour**

Children who labor in India are protected against exploitation by a profusion of national legislation, some of which date back to the 1930s. The most significant and comprehensive of these laws, the Bonded Labour System (Abolition) Act of 1976, forbids all forms of financial bondage, including the use of children, and calls for government intervention and rehabilitation of the bonded worker. It is further distinguished from the other laws by the absence of any exemptions from compliance, which effectively renders many of India's other labor laws inoperative. Sadly, enforcement is not always ensured by the absence of loopholes. The extremely low rate of implementation of the Bonded Labour System (Abolition) Act of 1976, the Child Labour (Prohibition and Regulation) Act of 1986, and the other protective laws that apply in different situations to the position of the bound child laborer, betrays the laws' intentions.

Also, according to the Indian Criminal Code (IPC), crimes such as rape, extortion, assault, causing great bodily harm, kidnapping, abduction, and wrongful confinement are punishable by up to ten years in jail as well as fines. In addition to the aforementioned, the Juvenile Justice (Care and Protection of Children) Act, 2000, was passed to consolidate and amend the law relating to juveniles in conflict with the law and children in need of care and protection. It does this by ensuring that children receive the proper care, protection, and treatment by meeting their developmental needs and by adopting a child-friendly approach in the adjudication and disposition of cases in the best interest of children and for their ultimate rehabilitation. The Child Welfare Committee (CWC), which has the authority to make decisions on children in need of care, is established under this law in each district. This covers child labor, runaways, abandoned children, children in danger, etc. By this law, a Juvenile Justice Board (JJB) is also established for kids who have legal issues. There are several observation/shelter homes available, all of which are managed by the CWC. A child who has been rescued from child labor must appear before the CWC for further instructions, which may include recording the child's statement, giving the go-ahead to file a FIR, sending the child to a shelter home for care,



appointing a counsellor, creating an "individual care plan" for the child, and overseeing the care plan creation process. Krishan, G. (2013).

### **Conclusion**

Children are viewed as the country's future. As a result, they need to be well safeguarded from any danger. Kids should receive the required attention and love, be given space to grow up, receive an education, and receive other benefits in accordance with their legal rights. Instead of bricks, they should be holding books. Toys and other indoor or outdoor games like football, cricket, etc. should be played by them. Instead of going to the mines or factories, they ought to go to school.

Several NGOs are working in this area to guarantee that all Indian children receive the fundamental rights outlined in the 1992 United Nations Charter of Children's Rights. The rights to survival, protection, development, and participation are considered fundamental rights. Textile, hand-knotted carpet, silk, brassware, construction, glass, footwear, gemstone polishing, fireworks, etc. are a few of the industries that use child labor. Industrialists and businesses typically favor child labor because it provides them with effective work at a reasonable price. In order to raise awareness about child labor, April 30 is observed as Anti-Child Labor Day throughout India.

As a result, the government has been proactively tackling this issue by strictly enforcing legal requirements and implementing rehabilitation programs at the same time. The proper implementing authorities, the state governments, have been undertaking routine inspections and raids to find instances of breaches. The government has been placing a lot of focus on the rehabilitation of these youngsters and on improving the financial circumstances of their families because poverty is the core cause of this problem and enforcement alone cannot help fix it.

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