

## **Child Labour and Laws in India: Myth or Reality**

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### **Introduction**

Despite rates of child labour declining over the last few years, children are still being used in some severe forms of child labour such as bonded labour, child soldiers, and trafficking. Across India child labourers can be found in a variety of industries: in brick kilns, carpet weaving, garment making, domestic service, food and refreshment services (such as tea stalls), agriculture, fisheries and mining. Children are also at risk of various other forms of exploitation including sexual exploitation and production of child pornography, including online.

Child labour is work carried out children that harms them or exploits them in some way - physically, mentally, morally, or by blocking their access to education. While progress has been made around the world in the fight against child labour, there's still a long way to go.

There is no universally accepted definition of child labour. Varying definitions of the term are used by international organisations, non-governmental organisations, trade unions and other interest groups. There are also varying opinions about who exactly counts as a child. While international conventions define children as people aged 18 and under, individual governments - and indeed, different cultures - may define "children" according to different ages or other criteria.

Therefore, to avoid confusion, when writing or speaking about "child labour", it is best to clarify exactly what is meant. According to the ILO (International Labour Organization), child labour is work carried out by children under the age of 18 that in any way exploits them, causes them mental, physical or social harm, or places them in moral danger. It is work that interferes that blocks their access to education and “deprives them of their childhood, their potential and their dignity”.

"A total of 152 million children – 64 million girls and 88 million boys – are in child labour globally, accounting for almost one in ten of all children worldwide. Nearly half of all those in child labour – 73 million children in absolute terms – are in hazardous work that directly endangers their health, safety, and moral development.”

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On the African continent, almost 20 percent of children aged 5-17 work, compared to around 8 percent in Asia Pacific and 5 percent in the Americas. Moreover, approximately 4.3 million of these children suffer in so-called 'unconditional' worst forms of child labour, which include forced and bonded labour, slavery, the use of children in armed conflict, the trafficking of children and commercial sexual exploitation.

Although there is a steady decline in child labour, and things are moving in the right direction, the challenge is still huge and progress remains too slow, with 100s of millions of children still trapped in child labour in 2020.

### **What Do Child Labourers Do?**

According to the ILO, 70.9 percent of child labourers work in agriculture. Other industries that frequently rely on child labour include manufacturing, mining, quarrying, construction, domestic service and general service such as in retail, restaurants and hotels.

However, most children in child labour are not in an employment relationship with a third-party employer. Instead, they work on family farms and in family businesses. More than two thirds of all child labourers work within their family unit, while just 27 percent are in paid employment.

It is generally thought that boys become involved in child labour more often than girls, although exact figures on this can be difficult to estimate, with girls much more likely than boys to shoulder responsibility for household chores, a form of work not considered in the child labour estimates. As UNICEF states: "Although aggregate numbers suggest that more boys than girls are involved in child labour, it is estimated that roughly 90 percent of children involved in domestic labour are girls."

### **What Are Myths About Child Labour**

#### **1. Child labour is only a problem in low-income countries**

In fact, child labour - including hazardous forms of work - can be found in many countries. In the US, for example, underage workers are often employed in agriculture, with a high proportion of them coming from either immigrant or ethnic-minority families. Working in farms, they are exposed to extreme heat, sharp tools and heavy machinery as well as toxic pesticides. A US government report from 2018 revealed that half of work-related deaths among children in the US occur in agriculture.

#### **2. Child labour will disappear when poverty disappears**

Eradicating poverty is the very first of the 17 Sustainable Development Goals and because child labour is so often a result of situations of extreme poverty which force parents to employ their children in order to earn extra money, achieving that goal would surely have an impact on the issue of child labour. However, the complexity of the issue requires a multi-level approach and child labour can and must be eliminated independently of poverty reduction.

### 3. Most child labourers work in sweatshops

Images of products made by children in sweatshops to be sold cheaply to rich customers in the Global North is a compelling symbol for child labour, but in fact only a small proportion of all child workers are thought to be employed in export industries. According to UNICEF, most of the world's child labourers are "actually found in the informal sector - selling on the street, at work in agriculture or hidden away in houses — far from the reach of official labour inspectors and from media scrutiny."

### 4. Boycotting brands is the only way to stop child labour

Boycotting certain brands and products is one important aspect of tackling child labour, but doing so will only affect export sectors, which are relatively small exploiters of child labour. UNICEF suggests a more comprehensive strategy against child labour: an integrated approach by governments, international organizations, civil society, private sector and children, which involves providing access to basic services, strengthening national child protection systems and promoting social change.

## **What Causes of Child Labour**

Poverty is widely considered the main reason that children work in jobs that are exploitative and inappropriate for their age. But there are other reasons as well, including:

- family expectations and traditions
- limited access to compulsory, accessible education and day care
- public opinion that downplays the risk of early work for children
- employers that do not uphold workers' and children's rights
- limited opportunities for women in society
- irregular monitoring and weak enforcement of relevant laws
- local laws that include a lot of exemptions

- globalisation and an emphasis on low labour costs in order to supply consumers who demand low-cost products

"The parents of child labourers are often unemployed or underemployed, desperate for secure employment and income. Yet it is their children - more powerless and paid less - who are offered the jobs." These are the words of UNICEF in their 1997 "Roots of Child Labour" report, i.e. children in paid employment are put there because they are easier to exploit and are cheap labourers.

According to the UNICEF, there are about 10.1 million children employed in child labour in India today. That amounts to approximately 13% of our workforce, or in other words, 1 in every 10 worker in India is a child; a child who is guaranteed protections under the Indian Law, and guaranteed an education and mid-day meals, till the age of 14.

India has been trying to combat this blight since before it became a republic, with the passing of the Employment of Children Act, 1938. While primitive, it was evident that even under an extractive colonial regime, it was understood that the use of children in the production process was anathema. Post-independence, the Factories Act, 1948 and the Mines Act, 1952, banned the practice of using children below the age of 14 and 18, in their respective production processes.

This set the tone for the Child Labour (Prohibition and Regulation) Act of 1986 which prevents the employment of children below the age of 14 years in life-threatening occupations identified in a list by the law and finally the Juvenile Justice (Care and Protection) of children Act of 2000 made the employment of children a punishable offence.

The JJ Act came into force shortly after India ratified the Convention on the Rights of the Child (CRC), in 1992 and made the offence punishable with imprisonment from three months to one year or with fine no less than INR 10,000–20,000 rupees or with both.

The Right to Education Act, passed in 2009, was supposed to go beyond punishing people for child labour to creating a conducive environment for building the capabilities of all Indian children, so that they could have a complete education and enter the workforce out of choice and not compulsion. However, even after all this; child labour continues to be the norm in a lot of industries.

## **Evolving nature of child labour**

With the onset of urbanization, while child labour has fallen in the rural regions, it has only increased in the urban, and child labour numbers have climbed from 1.3 million in 2001 to 2 million in 2011. More worryingly, these numbers (as terrible as they are) might not paint the whole picture, as millions of children labourers remain invisible, employed in homes as domestic help, and paid wages that are nowhere near those stipulated by Indian Law

Work here continues, to be gendered with the UNICEF noting that girls are often deployed in household domestic labour while boys are sent out to the fields and into the mines. A study by Oxfam further corroborated these findings, in their study of the sugarcane farmers of Uttar Pradesh, where it was found that labour contractors were selling children as labour to small scale farmers, because they were cheaper to feed and didn't need to be paid.

In several cases, child labour has looked like modern day slavery, with children only being fed enough for their subsistence and receiving little to no other compensation for their work. Children spend their lives working for the same household, with work hours only increasing as they grow older, and as a result grow up stunted, and with health problems.

## **Conclusion**

Many children in hazardous and dangerous jobs are in danger of injury or even death. Between 2000 and the year 2020, the vast majority of new workers, citizens and new consumers — whose skills and needs will build the world's economy and society — will come from developing countries. Over that 20-year period, some 730 million people have joined the world's workforce — more than all the people employed in the most developed nations in 2000. More than 90 percent of these new workers will be from developing nations, according to research by Population Action International.

In order to fairly and adequately meet the needs of this growing workforce and not rely on child labour, a few things must be prioritised, namely:

increased family incomes

education — that helps children learn skills that will help them earn a living

social services — that help children and families survive crises, such as disease, or loss of home and shelter

family control of fertility — so that families are not burdened by children that they cannot afford to care for

But real change requires a collaborative effort and a shared belief that it is “preventable, not inevitable”. The responsibility falls equally on the shoulders of governments, businesses and individual consumers.

Unfortunately, no amount of legislation passed from the halls of Delhi, is going to kill this culture and the process needs to start at our own homes and tea stalls. Choosing to educate children and cutting off support from organisations and institutions that deploy child labour is an important first step and while one could go on and list out several more, considering our history with the phenomenon, let's just take it from there.