

A CRITICAL ANALYSIS OF CHILD LABOUR IN INDIA

AUTHOR – SAMEER KHAN, STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY LUCKNOW

BEST CITATION – SAMEER KHAN, A CRITICAL ANALYSIS OF CHILD LABOUR IN INDIA, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (4) OF 2024, PG. 928-930, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Child labour is a serious problem from many decades and a challenge for many developing countries. It has existed over the centuries not only in the impoverished areas of developing countries but also in developed countries until the beginning of the 20th century. Many countries have enacted various laws and have taken serious initiative to eradicate child labour, yet still the problem is very widespread throughout the world. The problem of child labour appears in severe form and various factors are involved with it. The causes for the incidence of child labour in India are complex and deeply rooted into the society. Poverty seems to be the main cause. Child labour can be found in both urban and rural areas. However the vast majority of child labour occurs in rural areas since poverty is more rampant. Although many poor rural families struggle for a better life in urban areas, this pushes families to force their children to work in order to increase the family income and ensure survival. This paper analysis the various responsible factors for child labour and attempts to find out those areas where there is discrimination in child labour. In addition the objective of this paper is to make a critical analysis of child labour in India. The findings reveal that child labour was a serious evil for the developing country -India. But now as per census report 2011, The total number of working children in the country has declined from 1.26 crore as per the census 2001 to 43.53 lakh as per census 2011 which shows 65 percent reduction.

Keywords: child labour, forms, factors, discrimination, critical analysis

INTRODUCTION

For many years, child labour has been one of the biggest obstacles to social development. It is a challenge and long-term goal in many countries to abolish all forms of child labour. Especially in developing countries, it is considered as a serious issue these days. Child labour refers to children who miss their childhood and are not able to have the basic amenities which a child should have. Recently the International Labour Organization (ILO, 2013) estimated there are around 215 million children between the ages five to fourteen who work worldwide. They are often mistreated and work for prolonged hours, in very bad conditions. This can affect their health physically, mentally and emotionally. These children do not have the basic rights like access to school or health care. According to ILO (2013) the largest Numbers of child labourers are working in hazardous work and the total number of child workers is increasing, even though it is forbidden by law.

These children are vulnerable to diseases and they struggle with long-term physical and psychological pain. The main cause that induces children to work is poverty. These children work for their survival and their families (Mapaure, 2009). Some studies like Dessay and Pallage (2003) argue not all the work that children do is harmful or brutal. Some work may provide successful learning opportunities, such as babysitting or newspaper delivery jobs, but not if the work exposes them to psychological stress, like human trafficking, prostitution and pornographic activities. The international organizations have made great efforts to eliminate child labour across the world. Many countries have adopted legislation to prohibit child labour, nonetheless child labour is widespread throughout the world. It is not easy task for developing countries like India to achieve banning child labour.

(A) Meaning Of Child Labour :

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. Defining child labour is not as simple and straight forward as it may appear because it encompasses three difficult-to-define concepts “child”, “work” and “labour”. In the context of child labour, a working definition of a “child” may be a person below the general limit of fifteen years or in special circumstances fourteen years, set by the Minimum Age Convention, 1973 (No.138). According to ILO(1983), “child labour includes children prematurely leading adulteries, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that would open for them a better future.”

(B) Contemporary Definitions Of Child Labour

Child Labour is both a cause and a consequence of poverty – the international Center on Child Labour and education- (<http://www.knowchildlabor.org>). The term child labour has many definitions by different scholars. According to Suda(2011), the term child labour refers to when children is working in any type of work that is dangerous and harmful to children’s health or the work hinders their education. For Moyi(2011) child labour refers to low wages, long hours, physical and sexual abuse. According to Edmonds and Pavcnik(2005) child labour is viewed as

- **Street children:** - Children living on and off the streets, such as shoeshine boys, ragpickers, newspaper vendors, beggars etc. are called street children. Most children have some sort of home to go back to in the evening or nights, while street children are completely alone and are at the mercy of their employers. They

live on the pavements, in the bus stations and railway stations.

- **Bonded children:** - Children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of their fathers. Bonded children are in many ways the most difficult to assist because they are inaccessible. If the carpet owner has bought them, they cannot escape. If the middle-class housewife has paid for them, they cannot run away. If the landlord in the village owns them, they will spend their life in servitude till they get married and can, in turn, sell their children.
- **Working children:** - Children who are working as part of family labour in agriculture and in home-based work. If children are working 12-14 hours a day along with their parents at the cost of their education, their situation is similar to that of children working for other employers. In fact children, particularly girls, are expected to take on work burdens by parents in complete disproportion to their strengths and abilities. This is the largest category of children who are out-of-school and are working full time. And it is here that we find the largest percentage of girls working at the cost of education.
- **Children used for sexual exploitation:** - Many thousands of young girls and boys serve the sexual appetites of men from all social and economic backgrounds. Direct links between the commercial sexual exploitation of children and other forms of exploitative child labor are numerous. Factories, workshops, street corners, railway stations, bus stops and homes where children work are common sites of sexual exploitation. Children are especially powerless to resist abuse by employers, either as perpetrators or intermediaries. The physical and psychosocial damage inflicted by

commercial sexual exploitation makes it one of the most hazardous forms of child labor.

- **Migrant children:** – India faces a huge challenge with “distress seasonal migration”. Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that families are forced to drop out of schools, something that closes up the only available opportunity to break the vicious cycle generation after generation. At worksites migrant children are inevitably put to work. Many industrial and agro- industrial sectors like brick-making, salt manufacture, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, rice mills and so on run largely on migrant labour.
- **Children engaged in household activities:** – Apart from children who are employed for wages (either bonded or otherwise) as domestic help, there are a large number of children (especially girls) who are working in their own houses, engaged in what is not normally seen as “economic activity”. These children are engaged in taking care of younger siblings, cooking, cleaning and other such household activities. As seen in the literature on women’s work, such activities need to be recognized as „work“. Further, if such children are not sent to school, they will eventually join the labour force as one of the above categories of child labour.