

A CRITICAL ANALYSIS OF CHILD LABOUR IS A SOCIO – ECONOMIC PROBLEM

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ABSTRACT

Common sense understanding of the Issue is that child labour results from Poverty. There are also claims that Child labour perpetuates poverty. While it is Accurate that most of the working children come from the poorer segments of the Population, there are also additional demographic Factors related to it. Therefore, this paper aims to explore child labour and identify the general socio-Economic conditions of child labourers. Primarily concentrated on this Analysis to examine the challenges faced by Child labourers in their workplaces in the study Area. Eradicating Poverty is merely the initial step on the path to Ending child labour. Adequate education For the children and prohibiting child labour Will contribute to enhancing the success of the Nation.

Keywords: Child Labour; Literacy; Health; Education

INTRODUCTION:

Children are the most significant gift to Humanity, and childhood represents a crucial and formative phase of human development, as it carries the potential for the future growth of any society. Children raised in an environment conducive to their intellectual, physical, and social well-being mature into responsible and productive members of society. Every Nation connects its future to the current state of children. By undertaking tasks when they are too young for the job, children unnecessarily diminish their present welfare and their future earning potential, either by limiting their future choices or by impairing their own future individual productivity. In situations of extreme economic hardship, children are compelled to abandon educational opportunities and accept jobs that are typically exploitative, as they are often underpaid and work in hazardous conditions. Parents make the decision to send their child to work as a desperate response to unfavourable economic circumstances. Thus, it is not surprising that impoverished households predominantly have their children begin

working at an early age. One of the troubling aspects of child labour is that children are put to work at the cost of their education. There is a significant impact of child labour on school attendance rates, and the duration of a child's workday is inversely related to his or her ability to attend school. Child labour restricts children's right to access and benefit from education, denying the essential opportunity to go to school. Consequently, child labour undermines children's health and safety and adversely affects their overall well-being.

MEANING OF CHILD LABOUR:

Child labour denotes the employment of minors in any tasks that rob children of their childhood, hinder their capacity to attend regular school, and that pose mental, physical, social, or moral risks and harms.

Defining child labour is not as clear-cut and uncomplicated as it might seem, since it involves three challenging-to-define terms: "child," "work," and "labour."

In the realm of child labour, a practical definition of a "child" could be someone under

the general age threshold of fifteen years or, in specific cases, fourteen years, as established by the minimum age convention, 1973 (no. 138). According to ILO (1983), "child labour involves children entering into adult responsibilities too early, working lengthy hours for little compensation in environments harmful to their health and their physical and mental growth, often separated from their families, and regularly lacking meaningful educational and training prospects that could lead them toward a better future."

DEFINITIONS OF CHILD LABOUR:

The phrase 'child labour' is utilized as an equivalent for 'employed Child' or 'working Child.' However, child labour can be defined as that segment of the child population which participate in work either paid or unpaid. To understand the term child labour, it is very essential to understand the meaning of the word "Child". General meaning of this word is, that child is who cannot understand the technicalities of law or who is mentally or physically not mature. Child is undoubtedly a minor but all minors are not children. The word child is defined in various enactments and referred to differently for different purposes. Therefore, the Child Labour Act, 1986 clarified, identified and defined the term 'child' to mean one who has not completed the age of 14 years. For clarity, it may be noted that minor is one who has not completed the age of 18 years and the child is one who has not completed the age of 14 years. The Oxford dictionary defines the term child as a young human being below the age of full physical development.

According to the Convention on the Rights of the Child 1989, "a child refers to any human being under the age of eighteen years unless, according to the law applicable to the child, adulthood is reached earlier." Likewise, The Children Act, 1960 defines a child as a boy who has not reached the age of eighteen years. Under the Juvenile Justice Act, a child is defined as any individual who has not turned eighteen years of age. The Immoral Traffic (Prevention)

Act 1956 characterizes a child as a person who has not yet reached the age of sixteen years. Additionally, the Plantation Labour Act, 1951 specifies that a child is a person who has not completed his fifteenth year. Child labour encompasses children who are prematurely living adult lives, toiling long hours for minimal pay in conditions harmful to their health and to their physical and mental development, sometimes isolated from their families, often lacking access to meaningful education and training opportunities that could lead to a better future for them.

The Employment of Children Act, 1938 banned the employment of any child who has not reached the age of 14 in any workshop or process. Additionally, The Minimum Wages Act, 1948, defines a child as a person who has not turned 15 years old. The Right of Children to Free and Compulsory Education Act, 2009 describes a child as a male or female individual between the ages of six and fourteen. Based on these definitions, it is argued that there is inconsistency in defining a child's age. The definition of the term child varies across different laws. Similarly, like the term 'child,' the definition of child labour is also not consistent globally. The differences in how researchers define 'child' and 'Child Labour' stem from varying social perceptions. Franci's Blanchard, the Director General of the International Organisation, notes that "a first problem is one of the definitions inherent in the notions of 'child work' and labour". Child labour is seen as a financial necessity for impoverished households, with the exploitative aspects of children's work linked to the profit-maximizing motives of businesses, where children endure long work hours, receive low wages, and are denied educational opportunities. Nevertheless, a working child, who is under the age of 14 and is compensated either in cash or in kind, is typically regarded as a child labourer. When the pursuit of wages or involvement in self or family support directly or indirectly conflicts with the goals of growth and education, it results in child labour. Child labour encompasses children who

are forced to live adult lives prematurely, toiling long hours for minimal pay under conditions harmful to their health and physical and mental development, often separated from their families, and frequently missing out on meaningful educational and training opportunities that could provide better futures for them.

WHAT IS CHILD LABOUR?

Some forms of employment provide valuable, positive impacts on a child's growth. Employment can assist children in understanding responsibility and acquiring specific abilities that will aid them and society as a whole. Frequently, work serves as a crucial source of income that helps support children and their families.

Nevertheless, worldwide, millions of children engage in highly dangerous labour in detrimental environments, jeopardizing their health, education, personal and social development, and even their lives. These are some of the situations they endure:

- Full-time employment from a very young age
- Hazardous work environments
- Overly long working hours
- Exposure to psychological, verbal, physical, and sexual abuse
- Forced to work due to circumstances or individuals
- Limited or no wages
- Living and working on the streets in poor conditions
- Inability to break free from the cycle of poverty—no access to education

HISTORICAL ASPECT OF CHILD LABOUR:

The phenomenon of child labour in India or in any nation across the globe is a long-standing issue. In India's pre-industrial, agricultural society, children served as helpers and wage earners in family occupations that were determined by heredity, under the kind guidance of adult family members. The workplace functioned as an extension of the

household, and work was defined by personal, informal relationships. The tasks and technologies involved in that work were straightforward and non-dangerous. In India, child labour has predominantly occurred within the agricultural sector. Children and their parents commonly collaborated on the farms. Additionally, the responsibility of taking the cattle out to graze was consistently assigned to children. Although this work was demanding and exhausting, it did not negatively impact their future opportunities. Education was often inaccessible in many villages, and the majority of employment remained within the agricultural sector. Therefore, this work acted as a form of training for what lay ahead. The historical record has shown the prevalence of child labour during various periods, marking its ongoing existence throughout history.

TYPES OF CHILD LABOUR:

Child labour is a concept that requires careful examination: it cannot be applied indiscriminately but encompasses a range and diversity of situations in which children engage in work. Child labourers partake in the following types of work.

- **Child labour:** Refers to those children who are engaged in paid or unpaid work in factories, workshops, establishments, mines, and in the service sector, such as domestic work. The Ministry of Labour, Government of India, has utilized the term "child labour" solely in the context of children involved in "hazardous" work. Consequently, children who do not participate in "hazardous" work are not classified as child labourers and are regarded as engaging in child work.
- **Street children:** Children who reside on and off the streets, including shoeshine boys, ragpickers, newspaper vendors, beggars, etc., are identified as street children. Most children have some form of home to return to in the evening or at night, whereas street children are entirely alone and reliant on their

employers. They reside on the pavements, at bus stations, and in railway stations.

- **Bonded children:** Children who have been either sold by their parents for meager sums of money or those labouring to repay their fathers' inherited debts. Bonded children are often the hardest to help due to their inaccessibility. If the carpet owner has purchased them, they are unable to escape. If the middle-class housewife has financed them, they are unable to flee. If the village landlord possesses them, they will live in servitude until they marry and can subsequently sell their own children.
- **Working children:** Children who are engaged in family labor in agriculture and home-based work. If children work 12-14 hours a day alongside their parents at the expense of their education, their circumstances mirror those of children employed by others. In fact, children, especially girls, are anticipated to shoulder work responsibilities by parents in a manner that is excessively disproportionate to their capacities and strengths. This is the largest group of children who are out-of-school and working full time. Here, we discover the greatest percentage of girls working at the expense of their education.
- **Children used for sexual exploitation:** Numerous young girls and boys full fill the sexual desires of men from every social and economic stratum. There are many direct connections between the commercial sexual exploitation of children and various forms of exploitative child labour. Factories, workshops, street corners, railway stations, bus stops, and homes where children labour are common venues for sexual exploitation. Children are particularly powerless to resist abuse from employers, whether as perpetrators

or intermediaries. The physical and psychosocial harm inflicted by commercial sexual exploitation renders it one of the most perilous forms of child labour.

- **Migrant children:** India confronts a significant challenge with "distress seasonal migration." Millions of families are compelled to leave their homes and villages for several months each year in search of livelihoods. These migrations necessitate that families withdraw from schools, thereby closing off the sole opportunity to disrupt the cyclical nature of poverty across generations. At work sites, migrant children are inevitably employed. Many industrial and agro-industrial sectors such as brick-making, salt production, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, and rice mills predominantly rely on migrant labour.
- **Children engaged in household activities:** Besides children who are paid (either bonded or otherwise) as domestic helpers, a significant number of children (particularly girls) work within their own homes, involved in what is typically not regarded as "economic activity." These children care for younger siblings, cook, clean, and perform other household tasks. As discussed in the literature on women's work, such tasks should be acknowledged as 'work.' Moreover, if such children are not enrolled in school, they will ultimately enter the labour force as one of the aforementioned categories of child labour.

CHILD LABOUR LAWS IN INDIA:

Compared to other nations, child labour is more common in India. Among 179 million children, 90 million in the age range of 6 to 14 years are working and do not attend school. This accounts for 50% of the children engaged in child labour in our country. Since 1933, several

laws have been enacted in India to regulate child labour. These laws encompass:

1. **Minimum Wages Act, 1948:** The State Government establishes minimum wages that must be paid to workers/labourers, including child labourers. The government determined wages based on the type of work and the category of workers.
2. **The Plantation Labour Act, 1951:** This Act forbids the employment of children under the age of 12 years; however, a child older than 12 years can only be employed if a designated doctor provides a fitness certificate for that child.
3. **The Mines Act, 1952:** This Act states that no child should be present in locations where mining work is taking place, and no child should be employed for such activities.
4. **The Merchant Shipping Act, 1958:** This Act prohibits the employment of individuals under 14 years of age on a ship, with the exception of training ships. Additionally, a person under 18 years of age cannot be assigned as trimmers under this Act unless certain specific conditions outlined in this Act are met.
5. **The Apprentices Act, 1961:** A child must reach the age of 14 years and meet the educational and physical fitness requirements before they can engage in apprenticeship training.
6. **The Indian Factories Act, 1948:** No child below 14 years of age shall be employed in any factory. Furthermore, there are regulations that a factory must adhere to if employing pre-adults aged 15-18 years.
7. **The Child Labour (Prohibition and Regulation) Act, 1986:** No child under the age of 14 years shall be hired for any hazardous work listed by law. This list is elaborated in the article and was revised in both 2006 and 2008.

8. **The Juvenile Justice (Care and Protection) of Children Act, 2000:** Any individual who employs a child in any hazardous work or utilizes the child as bonded labour shall be subject to punishment under this Act.

9. **The Right of Children to Free and Compulsory Education Act of 2009:** Every child under 14 years of age must receive free and compulsory education. In order to implement this Act effectively, 25% of seats in every private school are reserved for children from disadvantaged backgrounds and for physically challenged children.

10. Additional Acts include:

- Children (Pledging of Labour) Act, 1933.
- Employment of Child Act, 1938.
- The Motor Transport Workers Act, 1961.
- The Atomic Energy Act, 1962.
- State Shops and Establishment Acts.

Children under the age of 14 years are prohibited from working in a factory, as is explicitly stated in Article 24 of the Indian Constitution and Section 67 of the Factories Act, 1948.

The Directive Principle of State Policy under Article 45 of the Indian Constitution guarantees free and compulsory education for all children until they reach the age of 14 years.

CONSTITUTIONAL PROVISIONS FOR CHILD UPLIFTMENT:

Various constitutional provisions exist for the upliftment of children such as:

Article 21A: Right to Education

Article 21A of the Indian Constitution asserts that free and compulsory education must be made available to all children aged 6 to 14 years. Free and compulsory education must be offered in a manner prescribed by the State and in a manner defined by law.

Article 24: Ban on the hiring of children in factories, etc.

Article 24 of the Indian Constitution mandates that no child under the age of 14 years shall be

employed in any dangerous factories, occupations, or industries.

Article 39: The State shall particularly aim its policy at ensuring

Article 39(e) of the Indian Constitution emphasizes that in the factories or industries where labourers are employed, employers should not exploit the health and strength of workers, whether they are men, women, or young children. It also states that citizens should not be compelled to undertake any employment that is inappropriate for their age, health, or strength due to economic circumstances.

ROLE OF SOCIETY IN CHILD LABOUR:

In society, child labour is influenced by various factors such as poverty, lack of education, population, and industrialization. If there is overpopulation, there will be an increased number of family members that will result in a higher demand for food; thus, to support their family, children are compelled to work, making them victims of the greed of factory owners. If overpopulation occurs, there will be insufficient food, leading to malnutrition, inadequate education, high birth rates, unemployment/underemployment, unequal distribution of wealth, low income, minimal savings and investments, lack of technology, and ultimately, low productivity.

With industrialization, large factories are established that not only require more labour but also tend to favour child labour. Due to a lack of education, parents do not grasp the significance of education and send their children to work considering their family circumstances.

Society significantly contributes to the increase in child labour because, despite being aware of the detrimental effects of child labour and its negative impact on a child's life, they still prefer employing young children in large numbers, not only out of ignorance regarding minimum wages but also due to a lack of awareness about their rights and responsibilities, which

benefits employers. Employers make these children work for extended hours while paying less. To shield children from this wickedness, societal attitudes that prioritize personal benefits in every situation must transform. One should not always focus solely on personal gains, but rather consider saving a child's life instead of worsening their situation through one's own actions.

CONCLUSION:

Child labour remains an ongoing issue for the country. Various steps have been taken by the Government to actively address this issue of child labour. Nonetheless, due to socio-economic challenges such as poverty and illiteracy, which are the primary causes of child labour, it cannot be resolved without the collective efforts of all members of society. If every individual takes accountability for child labour, then this issue can be resolved, allowing us to achieve a better and more developed India. If the public backs the initiatives of the Government, then the issue of child labour can be significantly mitigated. It is crucial to raise awareness about the dangers of child labour and help people realize that it is essential for a child to grow and experience their childhood, as they are the future of our nation.

REFERENCE:

- 1) <https://journals.pen2print.org/index.php/ijr/article/download/1353/1280>
- 2) <https://www.scribd.com/document/45081552/Child-Labour-in-Tamil-Nadu>
- 3) http://www.ijcrm.com/publish_article/edition_5/B0150717.pdf
- 4) <https://blog.ipleaders.in/child-labour-laws-in-india/#How to stop child labour>
- 5) <https://www.scribd.com/document/542569339/Child-Labour-in-the-State-of-Tamil-Nadu-with-Special-reference-to-Sivagasi-District>