

# **CHILD LABOUR IN INDIA: PROBLEMATICS AND POLICY INTERVENTIONS**

*Dr. Manjula Upadhyay*  
*Associate Professor*  
*Department of Economics*  
*A.P. Sen Memorial Girls Degree College, Lucknow*  
[manjulaupadhyay74@gmail.com](mailto:manjulaupadhyay74@gmail.com)

## **Abstract**

Children are assets of any nation and wealth of future. Childhood is important because their personality is framed in the socialization process. They should be given appropriate care for survival and healthy development. The genesis of child labour lies in the multi-faceted complex process of self sustained socio-economic retardation. Thus, the issue of child labour has occupied paramountcy in the ongoing debate on inclusion of 'social clauses' under the domain of World Trade Organisation (WTO). It is against this back-drop that the present paper focuses on the problematic of child labour, and policy interventions and therapeutics.

**Keywords:** child labour, International labour Organisation, Right to Education, policy interventions, constitutional safeguards

## **Introduction:**

The International Labor Organization (ILO) defines child labor as "work situations where children are forced to work on a regular basis to earn a living for themselves and their families, and as a result they remain backward educationally and socially in a situation which is exploitative and harmful to their health and to

their physical and mental development. The children are separated from their families, often deprived of educational and training opportunities and they are forced to lead prematurely adult lives (ILO)". The worst forms of child labor are those situations where children work more than nine hours in a day; earn less than a minimum wage or no wages at all; work in hazardous conditions for health and safety; have no access to education; and, work outside of their family's home.

ILO estimates show that approximately 250 to 300 million children work around the world. Of these the largest concentration is in the age-group of 5 and 14 years, are located in Asia (61%), Africa (32%) and Latin America (7%). Child labour also exists in developed countries such as the USA, UK, Italy, Portugal and Spain. However, developing countries cannot afford to take trade measures against them. The child labour prevalent in developing countries is a complex socio-economic phenomenon. Adopting boycott of goods by developed countries aggravates the problem rather than help in finding solutions.

### **Methodology:**

Secondary data has been collected through literature material researched from academic books, articles, news and research reports on child labour, poverty, education and public health of child labour. Peer reviewed online resources and academic articles written by different sources have been used in this paper to analyse the problems, challenges, policy interventions with regard to child labour policies.

### **Objectives:**

- (a) To assess the problems of child labour in India
- (b) Analyze demand and supply side factors responsible for child labour
- (c) Outline policy interventions and other safeguards to protect child labour

### **Genesis of Child Labour:**

Children are at risk due to breakdown of extended family or joint family as they provided kinship safety nets. The sanctions both domestic and international can backfire as child labour is a consequence of poverty, illiteracy, ignorance, low income, unemployment, low standard of living and social

backwardness. The most important cause being poverty which forces parents to send their children to seek employment to supplement low family income. The problem is also related to wage rate and working hours of adult workers. Inadequate wages of adult workers force such workers to employ their children for some wages. There are no regular or definite provisions for social security for unemployed and poor families in third world countries which forces the parents to send their children to the labour market. Consequently, it reduces the level of adult employment, besides adversely impacting wage rates thereof. The resulting poverty encourages parents to send their children to work, leading to a vicious circle which is strengthened through the limited access of the poor to nutrition, health, education and skill. It has been observed that children thrown out of work due to sanctions tempt into crime and prostitution to survive.

Number of myth related to child labour perpetuate it, such as they should be trained at the right age or they will never learn a skill, must be trained in a profession appropriate to their background and class. Children are suited for particular works due to their nimble fingers and it is natural and desirable function of the family unit.

Participation of children in labour activities reduces the potential for children's participation in schools and educational development. Children from poor families do not have access to education compared to those from well to do families. Even if the infrastructure for education is available, children are not able to avail of such facilities due to direct and indirect cost of schooling which results in denial of qualification for skilled jobs. As per the census 2011, India has over four million working children in the age group of 05-14. Child labour in urban areas in the country has increased by 53 percent over 2001-2011. There are many evidences which show strong linkages between economic factors like country's economic structure and status, globalisation, poverty, illiteracy and child labour. According to ILO 168 million children are working in some form to be child labour globally and in India one every eleven children is working. Child Labour becomes a critical issue since main employers of child labourers are usually their own parents.

Poor and illiterate are inclined to have more children and they believe in "more hands more income". If we assess in economic terms the opportunity cost of sending children to school is quite high therefore they are not interested in sending their children to school. The benefits of child labour outweigh the costs of schooling.

With globalisation adopted in 1991 thereon growth of Indian economy has risen but it has increased inequalities in society, rich is becoming richer but the condition of poor is not improving at the same rate. It was expected that due to globalisation and improved economic conditions earning opportunities of poor will increase and this will serve as substitute for the child's income thereby child labour will reduce. But it has not improved the parental income in such a way that they do not send their children to work. Thus globalisation has not helped child labour situation in India much.

According to social scientists there are many factors which are responsible for child labour such as over population, illiteracy, unemployment, poverty, customs, traditional attitude, migration, industrialization, urbanisation. Apart from these factors there are some other factors also. There are loopholes in the labour legislations not covering agriculture and small scale industries sector. Children themselves are not able to raise their voice because of their age most of the time not aware that something wrong is done and are not aware of their rights, someone else has to come forward and raise voice for them, have family pressure and safeguards for prevention of child labour are not implemented effectively.

### **Child Labour in Carpet Industry in Eastern UP:**

There are 6 leading carpet suppliers in the world market: Iran, China, India, Pakistan, Nepal and Turkey. Iran ranks number one followed by China. India ranks number three in terms of value but number one in terms of volume. India is having stiff competition from China, Iran and Pakistan on quality as well as on prices. Recently, Nepal and Turkey have also emerged as competitors to the Indian exporters. International concern for the carpet weavers reached a

peak in April 1995, when children rights activist Iqbal Masih a twelve year old ex-carpet weaver in Pakistan was murdered.

The history of carpet weaving in India dates back to 1500 A.D. when Mughal emperor Akbar brought some Persian carpet weavers to his palace in Agra. India specializes in its intricate designs with natural and traditional motifs and colour combinations. They are considered the best in quality and design. India carpets are renowned the world over for their exquisite designs, subtle elegance, attractive colour and workmanship. The magnificence of Indian carpet weaving has increased India's carpet exports and placed it prominently in the international carpet map. There is no denying the fact that India's future lies not in import substitution but in export promotion because savings promoted through foreign exchange earnings will only give long run solution to the problem of foreign exchange. According to the new classical theory of comparative costs, a country will specialise in the production and export of that commodity in which relatively larger amount of its abundant factors are used. Since India is a labour abundant economy, it has competitive edge in international market in labour intensive commodities. One of the labour intensive industry is carpet industry, which is a flourishing industry. The demand for carpets in high income group countries is very high indicating that income elasticity of demand for carpet is very high. The export of carpets from India in 1947-48 amounted only to Rs. 3.27 crore which increased to Rs. 1237 crore in 1992-93. Nearly 90 percent hand knotted carpets are exported and only 10 percent are used in domestic market.

The share of carpet industry in Bhadohi is about 80 percent in the total export of carpets. The major importers of carpets are USA, Germany, Saudi Arabia and other gulf countries. Nearly 6 lakh people are earning their livelihood by this industry. The estimated child labour in carpet industry in Bhadohi is about 50 thousand whereas it is 1,50,000 in Kashmir and 30 thousand in Jaipur. It is believed that child labour is indispensable for carpet industry to survive in the international market. Adult fingers and machines are no substitutes for children fingers as they work with easy flexibility. Hence, if the export drive is to succeed, child labour is bound to be there in the carpet industry not only because it is available at cheap rates but chiefly because it cannot be dispensed with. In carpet industry children sit in a cramped space for

long hours, inhaling wool fibres and dust, this become prove to emphysema and tuberculosis, cuts in fingers and hand. Poverty is the main culprit which forces them into such situation.

### **Analytics and Problematic:**

The magnitude of child labour is declining in India. NSSO data suggest India's child work force during 2009-10 to be over 9 million as against 21.5 million in 2003. 66<sup>th</sup> Round of NSSO working children has decreased from 90.75 lakhs in 2011-2012 to 49.6 lakhs. Then also child labour is a crucial problem for India and is complex. Hindi belt such as Bihar, Madhya Pradesh, Jharkhand, Rajasthan and Uttar Pradesh constitute 1.27 crore working children in the country, engaged in both hazardous and non hazardous occupation and processes. According to 2011 census state wise distribution of working children in 5-14 age group show Andhra Pradesh with 13.6 lakh child labour stands second in the national list after U.P. Either children are less enrolled in schools or their absenteeism and drop out is a problem. Boys provide financial income for the family and girls perform household activities.

Child Labour refers to engaging children in prohibited work and activities which are socially and morally undesirable. Worst form of child labour means children in slavery, child trafficking, commercial and sexual exploitation, hazardous child labour and involving them in illicit activities. Poor families in developing countries send their children to work to increase family income. If it is left to the notion that child labour will reduce in due course of time due to higher growth standard of living will improve and parent will then send their children to school instead to work it will take a lot of time and childhood of many children will be crushed in due course. Assessing the socio economic factors it is seen that punitive methods are not wise and for speedily solving the problem educational system should be improved, financial incentives be given to poor families so that they send their children to school and alleviation of child labour should be made policy goal in such a manner so that it is practical and applicability is good. Keeping in mind present conditions of the country child labour cannot be totally abolished but these children should be protected from health hazards, abuse and exploitation, working conditions should be improved

and regulated. This menace can only be abolished through combined efforts of parents, government, community, non-government and voluntary agencies  
**(Bharti Shalini and Agarwal Shalini)**

From the tender age of four to five their parents send them to work thus by the time they acquire adulthood they may be sick, deformed, stunted growth both physical and mental, look exhausted and may look old by the age of forty. They being working since tender age could not feel essence of life, it kills their ability to innovate since childhood doing same work tirelessly not able to think in broader perspective as their counter parts of good families. Inequalities in society is not only negatively impacting present situation but also have further perpetuation. Policy interventions should be speedy, targeted, adopt direct and indirect methods to overhaul the society reducing poverty and inequality. Most of the children are working under some form of compulsion either from parents on expectations related to caste or economic necessity. Many children have to work because their parents have taken money from money lender though may be meager amount but is not in a condition to pay back due to poverty, they offer their children to work for employer/money lender who mostly works hard for long hours and may be ill treated like slaves. Imagine the pathetic situation and mental trauma child faces. This can pass from one generation to another if the loan and interest is not repaid. It is termed bonded child labour. While India leads the world in the number of bonded child labours, debt servitude is a significant problem in Pakistan and Nepal as well. Human Rights watch reports apart from South-Asia forced labour is also seen in Kuwait, Brazil, Thailand and the Dominican Republic. Condition of girl child labour is worse than male child as they are given lesser wages as is the case of women getting less than men and are subject to gender specific forms of abuse from their employers including sexual abuse. Girls apart from working as child labour have to do household chores, take care of her younger brothers and sisters this put a heavy workload on them. Thus the conditions for female child labour are even worse.

Work which is more than 9 hours in a day and which is harmful for the physical and mental health and in hazardous condition is called worst labour and labour which is not harmful for health and work not more than 14 hours in a week and is not in hazardous condition is called normal labour. The international

labour organization ILO defines child labour as "work situations where children are forced to work on a regular basis to earn a living for themselves and their families and as a result they remain backward educationally and socially is a situation which is exploitative and harmful to their health and to their physical and mental development. The children are separated from their families often deprived of educational and training opportunities and they are forced to lead prematurely adult lives."

Violence against children termed as child abuse is usually classified into three categories that is: physical, sexual and emotional. Street children are most vulnerable and can be seen in street crossing, pavements, underneath flyovers, railway platforms, bus stations, parking lots, markets and other public places. They either do not go to school or dropout.

Poverty is the root cause of child labour since low family income they are seen as contributor to family income rather than benefactor. If family size is big then also number of child labour increases as the parents are not able to manage the demands of a large size family. And in that also boys may be enrolled in school not working and girls may work, it depends on the child's age, gender and involvement in household chores. Orphaned children have no option than to work for his/her siblings. Traditional and cultural factors believe that skills should be learnt in early age to excel in future. Corruption slows down social and economic growth increasing poverty or not able to alleviate poverty because the financial resources allotted are drained off and do not reach the targeted group. It negatively affects children also depriving basic services such as health care, education and infrastructure. Labour inspectors are also bribed to hire underage children (UNDP 2012). War, Natural disasters also create situations which aggravate the problems of poverty, thus child labour and trafficking.

**(Osment Lana)**

There is a conflict between goal of foreign exchange earnings and understanding the "Harsh Reality" of the use of child labour as the western countries claim it to be violation of Article 32 of "Convention on the Rights of the Child" adopted by the General Assembly of the United Nations on 20<sup>th</sup>



November, 1989. They have passed bills to put a ban on the import of carpets from developing countries including India.

Child is not 'exploited labour' in India only but all over the world. Industrial countries also have a substantial child work force. In USA which claims to be champion of protection of rights of child, there was 250 percent rise in violation of child labour laws between 1983-90. Pakistan has million of bonded child labourers. In India, about 4.2 percent of children are child labour which amounts to 1.68 percent of the total population. India accounts about quarter of world's child labour population. They are used in match and crackers industry in Shiva Kashi (TM), Brassware industry in Moradabad (UP), Tea plantations (Assam and West Bengal), Slate industry (AP and MP), Diamond and Pearls industry (Gujarat), Locks industry in Aligarh, Bangles industry in Ferozabad. In beedi industry long hours exposure to tobacco causes growth deformities, lung diseases and tuberculosis. The silver workers suffer frequent burns on their hand and arms, the leather workers exposed to toxic chemicals, gem stone polishers subject to cuts and toxic contamination unsanitary work place also leads to many diseases.

Besides, 80 percent of child labour is engaged in agriculture. If social clause in WTO is imposed in indian context, India will not be able to export a single blade or glass, what to speak of carpets. However, since 1811 till today several labour laws have been announced to protect child labour against abuse and exploitation and ensure their balanced development in the condition of freedom and dignity. There is a constitutional protection in India under Article (24), Article (39), Directive Principles of State Policy. But it is said that enforcement of child labour legislations are very weak in India. But the traders of carpets of Bhadohi claim that there is no exploitation of child labour. If it was so, why would the child labour come from the states of Bihar, Orissa and even from Nepal to work here? The carpets are not manufactured by manufacturers but in houses of weavers who are scattered in nearby villages. Thus, carpet industry in Bhadoi removes 'disguised unemployment' and generates sufficient income to tackle the problem of poverty. These children are not in so much miserable conditions as they work under the patronage of their own people. The

only injustice with them is that their work is under-estimated and they are deprived of formal education and skill training.

### **The Therapeutics:**

While formulating any policy there should be thorough investigation of factors which give rise to demand for child labour. One of the vital factors constituting the demand for child labour is low wages. The other factors which encourage employers to employ children are their flexibility, fragility and more susceptibility to exploitation. Child labour is unregulated and unlawful, hence he cannot join any trade union and therefore their employers are much relaxed. Their tender age and least liabilities are another asset to the employer who can keep the child labour at work place or engage him for longer hours. However, the supply side factors should also be looked into which maintain constant inflow of children into labour market. High growth rate of population resulting in large families, abject poverty, low family income, low wages of adults, diseases, natural calamity in the area, old debt, orthodox attitude, extravaganza in superstitions, customs, dowry, death in family, absence of culture of sending children to school, uninteresting and non rewarding education system, unfaithful implementation of laws regarding child labour and compulsory education are some of the major factors constituting supply of child labour. Employment and working conditions should also be analysed. Thus, we see that child labour is an economically compulsion necessary in developing countries. However, their problems should be mindfully dealt with and their exploitation should be prevented. What we indeed need is to implement a comprehensive policy package which may ensure protection of the socio-economic interests and welfare of child labour. Hence, India should adopt a 'holistic' approach to deal with the complex problem of child labour.

Multipronged efforts should be implemented to end child labour adopting both persuasive and mandatory means. In depth training should be provided to district officials charged with enforcement of the act, as directed by the Supreme Court in *Neerja Chaudhary vs. State of Madhya Pradesh*, 1984. Scheduled Castes and Scheduled Tribes Commission should be actively involved in the process of identifying releasing and rehabilitating bonded child laborers.

Transparency should be maintained by maintaining records regarding children released from bondage and about their rehabilitation in school, vocational training or other alternative measures subsidies and incentives given to industries should be linked to compliance with latest child labour laws. Public awareness campaign should be carried out regarding prohibition of child labour. The convention on rights of child which India has ratified guarantees the children the right of freedom of association. So the Trade Union Act must be amended to allow children to form and participate in trade unions. Banning importing of goods in which child labour is involved by foreign countries, stopping fund from International agencies is not the solution it will make conditions of children worse.

### **Policy Interventions**

Indian constitution makes provisions for the children, such as Article-24 provides that child below the age of 14 years shall not be employed to work in any factory or mine or engaged in any hazardous employment. They are often mistreated and work for prolonged hours, in very bad conditions. This can affect their health physically, mentally and emotionally. These children work for their survival and their families. (the government of India implemented a child labour law in 1986(The Child Labour Prohibition and Regulation Act) the legislation sets a minimum age for employment of children at fourteen years and forbid child labour in dangerous sectors. The Government prohibits forced and bonded child labour but is not able to enforce this prohibition. The Child Labour Prohibition and Regulation Act does not forbid child labour but consider about regulating it, the vast majority of children under the age of fourteen are working in family farms or doing households (Venkatarangaiya Foundation;2005). India has a number of child labour projects which have been implemented to help children from hazardous occupations and provide them an education. children are normally unregistered as employees and working in very poor and dangerous conditions without social protection. Article 21 of the Constitution of India guarantees the right to life and liberty. The Indian Supreme Court has interpreted the right of liberty to include, among other things, the right of free movement, the right to eat, sleep and work when one pleases, the right to be free from inhuman and degrading treatment, the right to integrity and dignity of the

person, the right to the benefits of protective labor legislation, and the right to speedy justice. The practice of bonded labor violates all of these constitutionally-mandated rights.

Article 23 of the constitution prohibits the practice of debt bondage and other forms of slavery both modern and ancient: Article 24 prohibits the employment of children in factories, mines, and other hazardous occupations. Together, Articles 23 and 24 are placed under the heading "Right against Exploitation," one of India's constitutionally-proclaimed fundamental rights.

Article 39 requires the state to "direct its policy toward securing":

(e) that the health and strength of workers... and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment."

India in 2017 ratified two core conventions of International Labour Organisation (ILO) on Child Labour – a global commitment to end the worst form of Child Labour and to ensure minimum basic education for children. It relates to Convention 138 with regard to admission of age to employment and Convention 182 with regard to worst forms of child labour. Central Government has enacted a new law - Child Labour (Prohibition and Prevention) Amendment Act 2016 which bans employing children below 14 years of age in all occupations and processes. It also prohibits employment of adolescents (14-18 years of age) in hazardous occupations. The Law, however, is not applicable for a child working in films, advertisement or television industry. Children can help in their domestic enterprises only after school hours. It has also linked age of employment for children to the age of compulsory education under Right to Education Act (RTE), 2009. India has thus ratified six out of eight core ILO Conventions. Those countries which have ratified ILO conventions have to periodically report every four years thus it becomes obligatory for government to make progress.

The penalty for employing a child is imprisonment between six months and two years and a fine of Rs. 20,000 to 50,000 or both. This was three months to one year and fine of 10,000 to 20,000 earlier.

In the Eighth Five Year Plan a separate centrally sponsored programme of grant-in-aid for street children was launched NGOs are also provided grants by some State Governments to help street children. Child line services are also provided to the emergency needs of children. Child trafficking is also a serious crime against children and mostly girls are trafficked for sexual purpose. The number of children trafficked worldwide for sexual exploitation or cheap labour on an actual basis is 1.2 million

National Policy for children 1974 recommends that state shall provide adequate services towards children both before and after birth and in growing stage for their full physical, mental and social development and protecting them against neglect, cruelty and exploitation (**D.R. Sachdeva 2003**). National policy on child labour adopted in 1987 outlining action plan for dealing with the problem of child labour. The National Human Rights Commission NHRC also monitors child labour situation in the country as it leads to the denial of basic human rights of children. The Commission NGOs to provide non-formal education of child labourers especially such schools/training centres are functioning in the carpet producing districts of India. Public view regarding child labour issues has also improved. Elementary Education through Right to Education has been made Fundamental Right. National Child Labour Project (NCLP) initiated with 12 districts extended to various parts of the country with the coverage of 271 districts in 21 states of the country for elimination of child labour (**Ali Hasnain and Khan Samsuddin**)

## **References**

- Agarwal Pramod Kumar and Pathak Anil Chandra 'A Socio-Economic Analysis of Child Labour in India' in Lakshya Journal of Science and Management Vol.1 Issue 1 (Jan-June 2015)
- Bharti Shalini and Agarwal Shalini "Physical and Psychological Hazards Faced by Child Labour – A Review Article" is IOSR Journal of Humanities and Social Science Vol.13, issue 6/July-Aug 2013/pp.29-33
- Sachdeva DR Social Welfare Administration in India, Kitab Mahal Publication, Allahabad, Fourth Edition 2003, pp 319-320)

- Ali Hasnaim and Khan Samsuddin. "The overcoming of Child Labour in India: In Perspective of Constitutional and Legislative Framework" in Journal of Business Management and Social Sciences Research Vol. 1 No.3, Dec 2012.
- Osment Lana "Child Labour: The Effect on Child , Causes and Remedies to the Revolving Menace" Thesis Department of Human Geography, University of Lund Sweden.
- ([www.hindu.com/new/national/India - ratifies - core-convention “India ratifies Core Conventions to Clamp down on Child Labour”](http://www.hindu.com/new/national/India-ratifies-core-convention-India-ratifies-Core-Conventions-to-Clamp-down-on-Child-Labour))
- ([https://www.youthkiawaaz.com/2016/11/economics of child \(labour in India\).](https://www.youthkiawaaz.com/2016/11/economics-of-child-labour-in-india))