

#ShramNahiShiksha

#श्रमनहींशिक्षा



Status of Child Labour in India

Prepared By:

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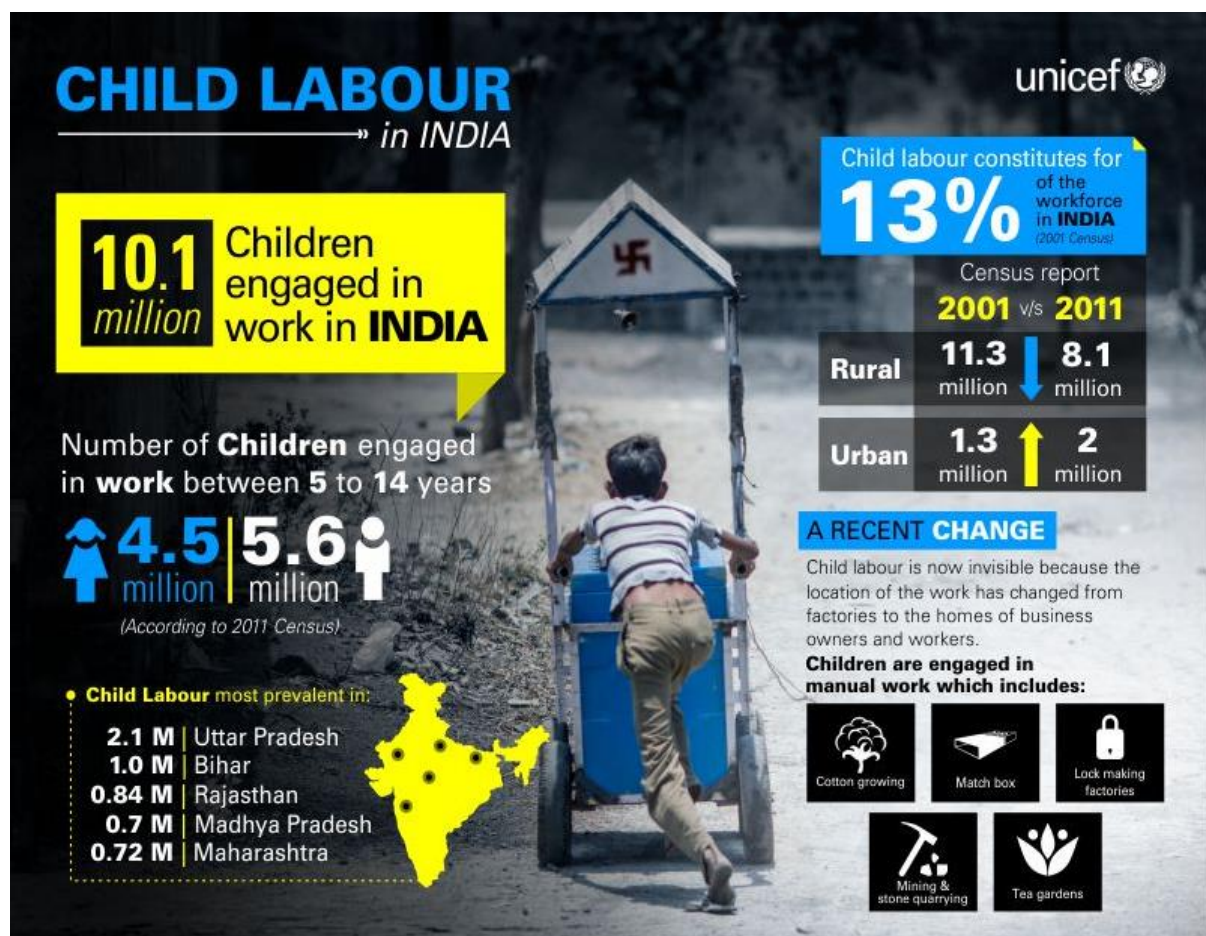
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Introduction

The World Day Against Child Labour was first established in the year 2002 by the International Labour Organisation (ILO) with an objective to draw constant attention to the issue of child labour and to revise and revisit our strategies to eliminate child labour. It has been 19 years since 2002, the World Day Against Child Labour is observed on 12 June every year. The United Nation General Assembly while acknowledging the magnitude of child labour, unanimously adopted a resolution declaring 2021 as the International Year for the Elimination of Child Labour, and has asked the ILO to take the lead in its implementation.¹

India, as a growing economy and aspiring world power, has shown its support to such appeals by adhering to the international frameworks and instruments. Accordingly, the country has taken several steps to bring change to its legal and policy framework. But have those measures been effective? How far we have come forward to address the issue of child labour in current times? As we advance to mark another World Day Against Child Labour and International Year of Child Labour, it is the high time we examine our efforts to eradicate child labour in our country.



¹ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_713925/lang--en/index.htm

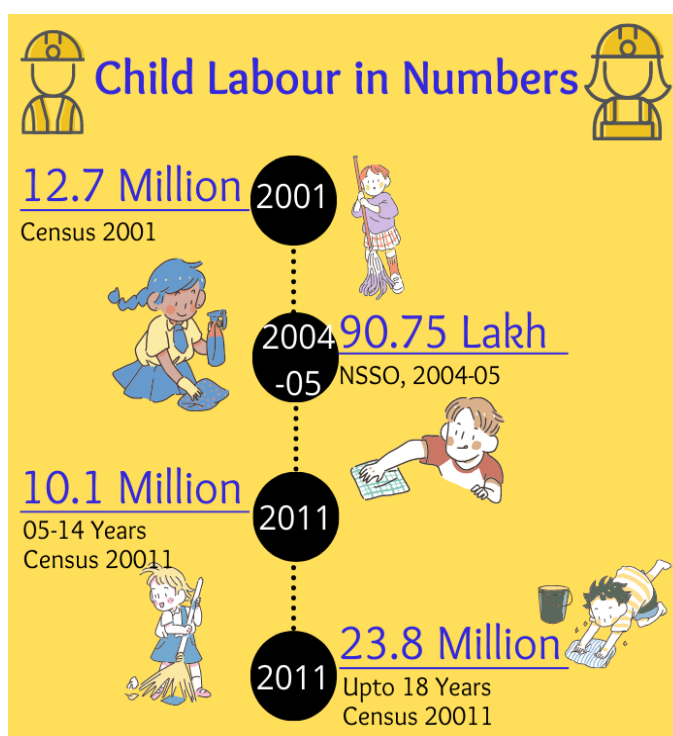
Five Years of CLPRA: What Do the Numbers Tell Us?

*“At first glance, the Child Labour (Prohibition and Regulation) Amendment Act, 2016, seems progressive. It prohibits “the engagement of children in all occupations and of adolescents in hazardous occupations and processes” wherein adolescents refers to those under 18 years; children to those under 14....**However, on careful reading, the new Act suffers from many problems.**”*

----- “A Law that Allows Child Labour”; August 10, 2016; *The Hindu*

In 2016, when the regressive amendments were introduced to the Child Labour (Prohibition & Regulation) Act, 1986 (CLPRA); many activists and experts raised concerns over the provisions which weakened the existing legislation. On the eve of the World Day Against Child Labour, 2021, it is the right time to measure those concerns as it has been five years since the amendments to the Child Labour Law was brought into force.

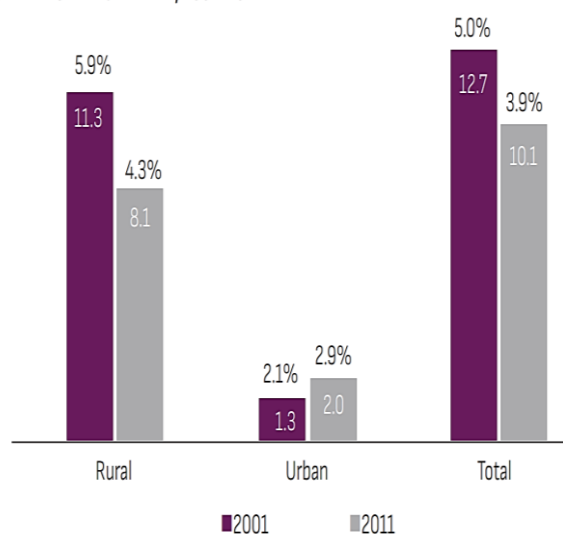
Historically, child labour has been much more prevalent in our society as against shown in numbers and data. In terms of available data at national level, Census 2011 is the last set of data available as far as child labour is concerned.



As compared to the Census 2001, India did achieve some marginal success in 2011 by reducing the child labour by 20 per cent. But at the same time, it is significant to highlight that the reduction of 20% was achieved in one decade. It is a matter of concern that the Government of India did not conduct any survey after Census 2011 to evaluate the success of its strategy to reduce child labour. Moreover, the regressive changes in the CLPRA were done without conducting any research. A minute analysis of the available child labour data reveal that a greater number of children in the age group of 5-14 years are engaged in agricultural labour in rural India.²

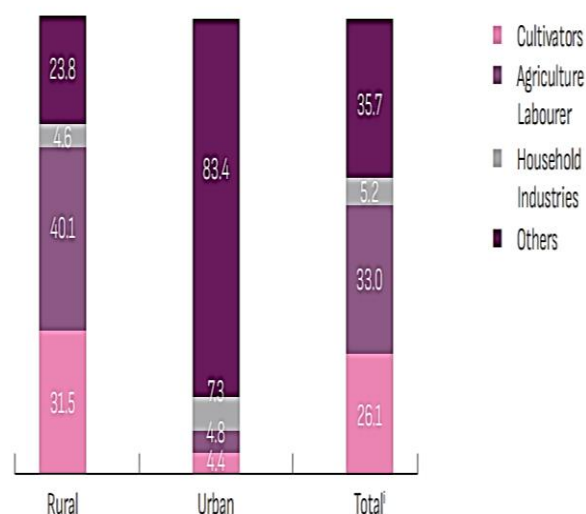
² “Rethinking Child Labour”; Basu Prabir; “India’s Children Continue to Challenge Our Conscience”; HAQ: Centre for Child Rights; <https://www.haqcrc.org/publication/indias-children-continue-to-challenge-our-conscience/>

CHILD WORKERS IN INDIA, 2001-2011



Incidence in percentage and magnitude in numbers (Million)

CHILD WORKERS (MAIN+MARGINAL) IN MAJOR SECTORS IN INDIA, 2011 (IN PER CENT)



Some Key Facts About Child Labour in India

- A total of 10.1 million children in the age group of 5-14 years are involved in some kind of labour.³
- Proportion of child workers in the 5–9 years age group increased from 14.6 per cent in 2001 to 24.8 per cent in 2011.⁴
- While 14.2 per cent of main child workers were in the 5–9 years age group in 2001, the numbers increased to 25.6 per cent in 2011.⁵
- Children between 14-17 years engaged in hazardous work account for 62.8% of the India's child labour workforce, 10% of whom are hired in family enterprises.⁶
- As per Census 2011, 0.26 percent of all migrant children in the age group of 0-14 years are engaged in work/ employment while an additional 0.05 percent are engaged in business.⁷
- Children up to 18 years constitute 5 per cent of the total workforce, with those up to 14 years being 2.1 per cent and children between 15 and 18 years amounting to 2.83 per cent.⁸
- The proportion of marginal workers who were students had increased from 2.5 million in 2001 to 3.5 million in 2011. While 36.2 per cent of the marginal workers were students in 2001, the same figure stood at 60.3 per cent in 2011.⁹
- The actual figures would be still higher as migrant children and children of migrant families are unlikely to be included in full measure in the Census.¹⁰

³ Census 2011

⁴ ibid

⁵ ibid

⁶ "World Report on Child Labour 2015: Paving the way to decent work for young people"; https://www.ilo.org/ipec/Informationresources/WCMS_358969/lang-en/index.htm

⁷ Child Migration Report 2020; <https://www.unicef.org/india/media/3421/file/Child-migration-India2020.pdf>

⁸ "State of Child Workers in India: Mapping Trends"; UNICEF & V.V. Giri National Labour Institute

⁹ Census 2011

¹⁰ ibid

- As per ASSOCHAM, about 4.5 lakh child labours between the age group of 10-14 are observed to be engaged in various e-waste (electronic waste) activities, without adequate protection and safeguards in various yards and recycling workshops around country.¹¹
- As per a survey conducted by the National Commission for Protection of Child Rights (NCPCR) and Terre Des Homes, more than 22000 children are employed as child labourers in the mica mining areas of Jharkhand and Bihar.¹²

NCPCR takes note of child labour at Delhi NCR's landfills 'irresponsible' e-waste dumps

PTI October 14, 2020 17:59 IST; By Kishor Dwivedi

New Delhi, Oct 14 (PTI) The National Commission for Protection of Child Rights (NCPCR) has taken cognizance of reports of the involvement of child labour at landfills where e-waste is "irresponsibly" dumped and will ensure action against the offenders, its senior official said on Wednesday. NCPCR chairperson Priyanka Kanoongo said the apex child rights' body is seized of the issue, highlighted by a recent industry report and non-government organizations (NGOs) working on related matters.

NGOs and experts have earlier raised concerns over the engagement of children who work as rag pickers in landfills in Delhi-NCR and are often exposed to e-waste dumped at these sites, where discarded mobile phone components, among others, are an increasing contributor to waste.

"The country has laws which make it clear that engagement of children in rag-picking itself is a crime, it is a cognizable offence. The law states if e-waste is disposed irresponsibly even on a road and if a child picks it up, then it becomes a cognizable offence," Kanoongo told PTI, citing relevant sections of the laws. "We are seized of an ASSOCHAM report and other inputs which highlight the problem of exploitation of children in e-waste. The NCPCR had been working on this... to ensure action against offenders," he said.

On reports regarding "irresponsible" e-waste disposal by mobile phone makers, including China-headquartered Oppo, Kanoongo said, "Whether Oppo or any other brand, principal accountability of the firms will be fixed for irresponsible disposal of e-waste." Oppo, which has a major facility in Noida and allegedly has its e-waste disposed "irresponsibly", declined to comment on PTI's queries regarding the issue. Sources, however, said its e-waste is disposed through a vendor based in Modinagar near Meerut, a mechanism practiced by several companies that use a third-party agency for such disposal....

- **Source:** <https://www.theweek.in/wire-updates/national/2020/10/14/des30-ncpcr-landfills.html>

¹¹ "Over 4.5 lakh child labours engaged in e-waste activities in India: ASSOCHAM study"; The Economic Times; April 21, 2014; <https://economictimes.indiatimes.com/news/politics-and-nation/over-4-5-lakh-child-labours-engaged-in-e-waste-activities-in-india-assochem-study/articleshow/34043490.cms?from=mdr>

¹² The NHRC was in manner forced to undertake a study in 2019 after Tdh, an organization working on child rights, came out with its own on presence of Child Labour within the Mica mines of Bihar and Jharkhand. The NHRC report revealed that close to 5000 children had to drop-out from schools due to compulsions of being employed as labourers in the mines. The number given by NHRC were far less as compared to what Tdh study had revealed where around 22000 children were working in these very mines. For more details please refer: 5,000 Children Abandon Studies to Work in Mica Mines of Jharkhand, Bihar. Url: <https://thewire.in/education/5000-children-abandon-studies-to-work-in-mica-mines-of-jharkhand-bihar>

Laws and Policy: Is Implementation the Real Gap?

Child labour has been addressed in the Constitution of India, laws, policies and plans of the government of India. The plans and policies have laid down goals that have shifted over the years, and still remain to be achieved. The issue of child labour also finds its relevance in the international legal framework and instruments.

National Policy Framework

National Policy for Children, 2013	National Plan of Action for Children, 2016
<ul style="list-style-type: none">- Ensure that all out of school children such as child labourers, migrant children, trafficked children, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners, etc. are tracked, rescued, rehabilitated and have access to their right to education.- Facilitate concerted efforts by local governments, non-governmental organisations/ community based organisations to map gaps in availability of educational services, especially in backward, child labour intensive areas, areas of civil unrest, and in situations of emergency, and efforts for addressing them.	<ul style="list-style-type: none">- Sub-objective 2.3: Promote affordable and accessible quality education up to the secondary level for all children.-Sub Objective 3.1: Create a caring, protective and safe environment for all children to reduce their vulnerability in all situations and to keep them safe at all places.-Sub-objective 3.2: Legislative, administrative, and institutional redressal mechanisms for Child Protection strengthened at National, State and district level

The seriousness towards the issue of child labour goes beyond the Policy Framework as the Constitutional and Legal Framework elaborately covers the issue. There are eight different legislations that address the issue of child labour directly or indirectly, apart from the constitutional guarantees. But most specifically, the CLPRA (as amended in 2016) provides special safeguards to children engaged in some or the other form of labour.

The regressive amendment to the child labour legislation has made it difficult to identify the children involved in various unorganised sector labour workforce. The provision which allows children to assist their family enterprises after school hours and during vacations has made children vulnerable more than ever. Moreover, the loosely drafted definition of family enterprises has made situation more exploitative for children as there is no robust monitoring mechanism in place for the proper implementation of the amended CLPRA. A closer look into the aspect



Laws Related to Child Labour

- **The Children (pledging of Labour) Act 1933**
- **The Factories Act, 1948**
- **The Plantation Labour Act 1951**
- **The Mines Act 1952**
- **The Beedi and Cigar Workers (Conditions of Employment) Act, 1966**
- **The Bonded Labour System (Abolition) Act 1976**
- **The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 amended in 2016**
- **The Juvenile Justice (Care and Protection for Children) Act, 2015**

of inspection into child labour cases have also been decreasing every year, leave alone the low number of prosecutions and convictions in such cases. The situation becomes much more serious if one is to take into account the children who have been able to come out of child labour.

Information received from Chief Labour Commissioner (Central) regarding enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in the central sphere			
Information from Chief Labour Commissioner (Central) in respect of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	2016-17	2017-18	2018-19
No. of Inspections Conducted	2265	3826	4586
No. of children rescued	0	0	0
No. of Violations detected	610	1966	1325
No. of Prosecutions Launched	0	0	27
No. of Convictions made	0	0	0
Fine imposed/ fund raised	0	0	0
No. of convicted persons sent to jail	0	0	0
<i>Source: Annexure referred to in reply to parts (a) to (d) of Lok Sabha unstarred question no. 108 for 18.11.2019 regarding child labour</i>			

Information received from State Governments regarding enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 in the State Sphere			
Information from State Governments in respect of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	2017	2018	2019
No. of Inspections Conducted	269451	280595	338696
No. of children rescued	2751	3013	3650
No. of Violations detected	4184	2171	1636
No. of Prosecutions Launched	1944	1677	1168
No. of Convictions made	700	701	690
Fine imposed/ fund raised	8227400	7336036	2451390
No. of convicted persons sent to jail	7	9	9
<i>Source: Annexure referred to in reply to parts (a) to (d) of Lok Sabha unstarred question no. 108 for 18.11.2019 regarding child labour</i>			

The abovementioned data highlights towards the need to strengthen the inspections and prosecution of cases under the CLPRA.

The NCLP project since its inception in 1988 has managed to rescue around 1.2 million children which tells about how child labour escapes from the eyes of the state and manages to reproduce its presence across sectors.¹³

¹³ Shihabudeen Kunju S, *12.8 Lakh Children 'Mainstreamed' Through National Child Labour Project: Minister*. Url: <https://www.ndtv.com/education/12-8-lakh-children-mainstreamed-through-national-child-labour-project-nclp-minister-2135694>.

No. of children rescued/withdrawn from work, rehabilitated and mainstreamed under National Child Labour Project (NCLP) scheme during the last four years, State-wise

State/UTs	2014-15	2015-16	2016-17	2017-18
Andhra Pradesh	346	716	814	203
Assam	60	9693	434	915
Bihar	14028	2656	0	2800
Chhattisgarh	10173	0	0	0
Gujarat	892	0	0	187
Haryana	2583	0	40	0
Jammu & Kashmir	0	10	0	0
Jharkhand	2989	3450	334	2014
Karnataka	2519	1984	681	679
Madhya Pradesh	7879	7472	4442	11400
Maharashtra	3804	2177	1692	5250
Odisha	21315	1900	0	0
Punjab	290	880	592	994
Rajasthan	3349	8476	630	105
Tamil Nadu	4492	4089	2850	2855
Telangana	2691	1810	1431	2137
Uttar Pradesh	16277	0	3066	0
West Bengal	22689	13763	13973	17899
Uttarakhand	145	0	0	0
Nagaland	436	0	0	197
TOTAL	116957	59076	30979	47635

Source: Annexure referred to in reply to Part (D) of Lok Sabha starred question No.116 for 11.02.2019 by Prof. Richard Hay, Hon'ble MP Regarding 'Child Labour'

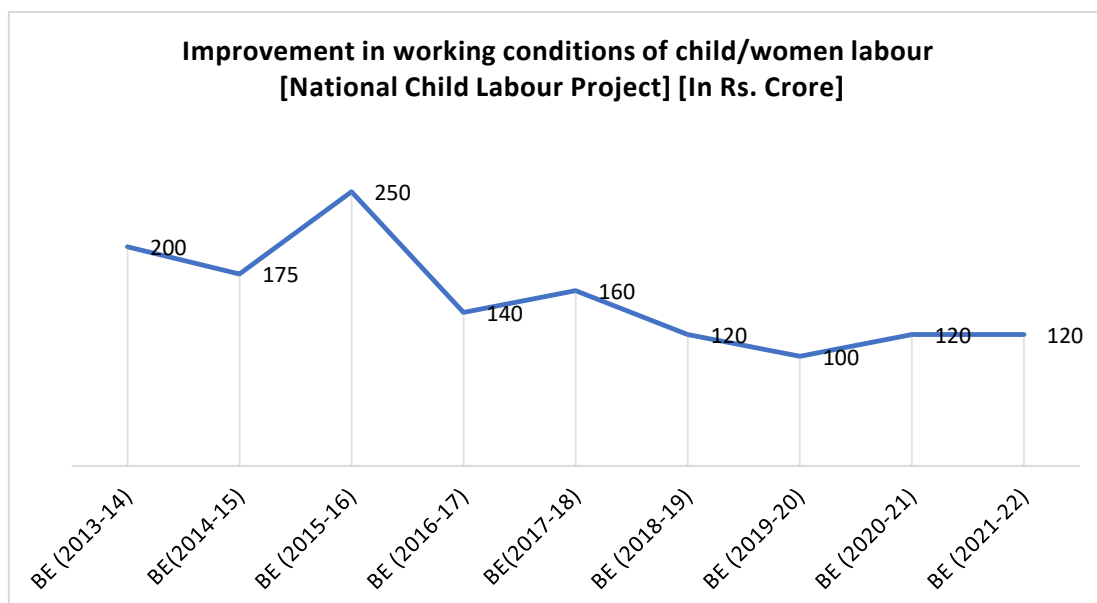
A similar dismal state of rescue is reflected by the PENCIL portal since its inception in 2017 which identified 1.7 lakh children who were employed as child labour and needed to be rescued.¹⁴ Amidst all of this the budgetary allocation towards NCLP has also seen a consistent decline from 2016-17 to 2017-18 and 2018-19 where 140 Crore, 160 Crore and 120 Crore were allocated respectively. The budget was further decreased in 2019-20 by 16% and the contribution towards PENCIL was also reduced.¹⁵

Even if one has to examine the efforts to curb child labour by government through the lens of financial resource allocation, the picture is very grim. A closer look at the allocations made towards the National Child Labour Programme (NCLP) in the Union Budget in last 9 years, starting from 2013-14 to 2021-22, the allocations have reduced and remained stagnant. This raises questions about the government's commitment over implementing the programme dedicated to reduce child labour over the years.¹⁶

¹⁴ PENCIL Portal. Url: <https://pencil.gov.in>.

¹⁵ Counterview Representative, *Decline in Union budget for eradicating child labour, encouraging girl child schemes*. Url: <https://www.counterview.net/2019/07/decline-in-union-budget-allocation.html>.

¹⁶ Budget Analysis by HAQ: Centre for Child Rights



Child Labour In The Times of COVID-19: A Pandemic Within A Pandemic

The COVID-19 health pandemic has resulted in significant negative economic and employment consequences that have had, and continue to have, major impacts on people's lives and livelihoods.¹⁷

According to the World Bank, in India, 12 million people have a chance of slipping below the poverty line due to pandemic-related job losses. Poverty is correlated to child labour; previous research has indicated that one percentage point increase in poverty leads to about 0.7 percent percentage point increase in child labour.¹⁸

Once the lockdown began to ease out in June 2020, factories reopened however due to financial losses they were on the lookout for cheap labour – children & adolescents! Due to reverse migration from urban centres, there was a shortage of adult labour. With impoverished families deep in debt, and their children not in school, many agreed to send their sons and daughters to work in garment factories, bangle-making sweatshops, farms and restaurants.¹⁹

The Childline help number in India carried out 3653 interventions for child labour across the states. Out of these 3653 interventions, 35% (1264) were for begging, 21% (763) were for activities categorized as hazardous, 14% (513) were working in restaurants, 10% (371) as domestic workers, 8% (286) in family units and 4% (156) as bonded labour. Recently, on 29 August 2020, a district task force in Ludhiana, Punjab, rescued 13 child labourers from two factories.

<https://journals.sagepub.com/doi/full/10.1177/0025802421993364>

¹⁷ <https://journals.sagepub.com/doi/full/10.1177/0025802421993364>

¹⁸ <https://www.orfonline.org/expert-speak/covid19-unemployment-implications-child-labour/>

¹⁹ <https://www.theguardian.com/world/2020/oct/13/covid-19-prompts-enormous-rise-in-demand-for-cheap-child-labour-in-india>

From Classroom to Labour...

Ravi, a 13-year-old boy from a small village in Chamarajanagar district of Karnataka was a bright student of seventh grade at the time when lockdown hit our lives in 2020. Ravi is the eldest child of four children of Shankara and Geeta.

Ravi's father and mother lost their job because of Lockdown. Initially they were somehow managed their life by donors. Even after the 2020 lockdown was over, his parents couldn't find a job. Eventually they decided to go to daily wage (kooli) work. But COVID-19 pandemic and second-time lockdown made it even harder for them to sustain. They found it difficult to sustain a family of six with the limited income through daily wage.

As a result, Ravi, a seventh-grader who was learning through an online class, had to quit his education. At the insistence of his mother, 13-year-old Ravi is now compelled to work as daily wage labourer alongside his parents. Now Ravi is still waiting with a ray of hope in his heart that someday he will be back doing what he loved the most- Studying !

The Voices of Distress: A Summary of Findings of CACL State Survey During COVID-19

Tamil Nadu:

- A survey conducted in 24 districts of Tamil Nadu revealed exponential increase in in the proportion of working children from 28.2% to 79.6%.
- Child labour increased to around 280% among the vulnerable communities as they had to work to financially support their families during the pandemic.
- Children were found to be working in bakery shops, book stalls, two-wheeler service workshops, newspaper distribution, ration shops, vegetable shops and as domestic helpers.
- More than 94% of children have said that the economic crisis at home and family pressure had pushed them into work.

Maharashtra:

- A survey conducted in 5 districts of Maharashtra highlighted that 65% children - mostly girls - work from home or help their parents in household chores.
- A significant 35% of children interviewed reported that they work for a living or as a support to their family.

Madhya Pradesh, Chhattisgarh:

- A Survey in 23 district of Madhya Pradesh and Chhattisgarh, where 662 children were interviewed, revealed that 86% of the respondent answered that they are working in

some type of economic activity which ranged from agriculture to working at hotel & shops, construction etc.

Uttar Pradesh:

- A survey conducted in four districts of Uttar Pradesh with the children of Scheduled Caste mainly *Musher* and *Harijans* and Other Backward Castes revealed that 22 percent of the children were working at home while 68 percent of the children were working outside.
- The nature of work was also varied – from brick kiln to housekeeping. Others included children who are engaged in the work of grazing cows, goats and buffaloes, woodcutting, waiter work, break stones.

All They Have is Hope...

Sahil, a 12-year-old boy along with his two younger sisters and parents have been visiting brick kilns in Uttar Pradesh for the last 3 years. Sahil had studied up to class 4 in a government school in his village and younger sister Sulekha used to go to Anganwadi. Krishna, the youngest 5-year-old sister, never had the opportunity to go to Anganwadi. Sahil's father now works at a brick kiln, where Sahil also helps him.

At the brick kiln, Sahil digs the soil, pours water for mud and mortar and moulds the bricks. However, Sahil does not like this work, but is compelled to work to sustain his family as the earning at the brick kiln is very limited to sustain a family. Year after year, Sahil continues to support his family with a hope that one day his family will move back to the village and he will be able to go back to school. During a conversation, Sulekha, the younger sister smiled and said *"I don't like to mould the bricks, I like to read and read and play"*.

Conclusion

The pandemic has caused devastation in India and the children seem to have suffered the worst. We need to accept that no pandemic, no economic crisis, and no extraordinary circumstances can ever justify children being exploited.²⁰

To reaffirm the urgency of achieving SDG 8.7, the year 2021 has been declared as the International Year for the Elimination of Child Labour. However, the lack of data on child labour is a giant road block in monitoring the implementation of the law and schemes and also to bring out any informed policy changes. Apart from strict implementation of CLPRA, rehabilitation of the children rescued out of child labour also need careful attention of policy makers. There are enough evidences which suggest that children have become prone to child labour due to COVID-19 first and second wave. With scientists indicating towards the possible third wave, the Government must devise methods of preventing more children from falling prey to child labour.

²⁰ <https://idronline.org/a-pandemic-cannot-justify-child-labour/>