CHILD LABOUR IN INDIA: CAUSES, IMPACTS AND PREVENTIVE MEASURES

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Abstract

Children are the future citizens of the nation and their adequate growth is the topmost priority of the nation. Children around the world are engaged in a large number of activities classified as work. These ranges from harmless, even admirable, to activities like helping at home, physically dangerous and morally objectionable people. Child labour is a complex and contentious issue. Millions of children work in outrageous and exploitative conditions that are clearly dangerous to them. India is one of the top countries where the percentage of labour force constitutes ‘child labour’ is very high. In recent years, a lot of attention has been paid to child labour from the Government, social scientists, voluntary organizations, etc. The Constitution of India also guarantees protection of the rights of children. Despite social consciousness and many prohibitions, the number of child labour is increasing. There are also many social factors of child labour such as inadequate family income, large families, poverty, illiteracy etc. Therefore, the issue of child labour needs to be looked into not only by the Legislature, the Executive and the Courts, but also to the social reformers, research and educational institutions of the NGO who look after the development and development of the nation. Child labour cannot end overnight because its roots are very deep. Laws should be strictly implemented to prevent child labour.

Keywords: Child Labour, Constitution, Dangerous, Laws, Social factors, Government.

INTRODUCTION

Children are the greatest gift to humanity and childhood is an state of vulnerable human development as it has the budding for future development of any society. "The child is a father of man," Wordsworth said. Nehru considered that "The child to be the greatest asset of the nation". The child is usually a person who is less than 14 years of age and develops less, immature and cannot understand the consequences of any work and is not aware of his rights. Children are the future of the society. Every child has the right to enjoy his childhood. Children of every society have always participated in economic activities; Children help their families at home, in farms, in shops, etc. Not all work is bad for kids. Some activities make a positive contribution to their development, prepares them for their future tasks and helps pass traditional skills from one generation to another. Therefore, difference is there in child work and child labour and it helps to pass the traditional skills from one generation to another. The pre-permissible falls under the category of work whereas later it is under exploitative. As committee on child labour observed that, "Labour becomes an absolute evil in the case of child when he is required to work beyond his physical capacity, when heaves of employment interfere with the education, recreation and rest, when his wages are not proportionate with the quantum of work done, and when the occupation in which he is engaged endangers his health and safety". Still, it is not easy to draw a sharp line between destructive and beneficial child labour. Most of the child labour fall into a grey area in these two extremes.

DEFINITIONS OF CHILD LABOUR

"(i). Children who are engaged in work unsuitable for their capacities as children or in work that may jeopardize their health, education or moral development and whose age is below 14 years. Children who practice and engage in economic activities, on a part or full-time basis. (ii). The practice deprives children of their childhood and is harmful to their physical and mental development and (iii). Child labourers constitute a group of working children who are either too young to work or are engaged in hazardous activities- that is, work that is potentially harmful to their physical, social, psychological or educational development." The term "child labour" is frequently defined that "work deprives children of their childhood, their potential and their dignity, and that is detrimental to physical and mental development. It refers to the work that: socially or morally, mentally, physically dangerous and harmful to children; and interferes with their schooling: - by depriving them of the opportunity to attend school; - By forcing them to leave school prematurely; Or - by requiring them to try to combine school attendance with excessively long and heavy work."

CAUSES OF CHILD LABOUR

It is an unfortunate reality that children around the world are often forced to start work that is physically, mentally and morally harmful. Child labour is a violation of human rights and is considered a "necessity evil" in a poor economy like India. This hinders the normal, physical, mental, moral and emotional development of child labour. Child labour is essentially a problem of development. The concept of child labour leads to confusion as it is guided by various individual views. It refers to a child's employment in cartable businesses or national contributions to family income. Child labour is generally interpreted in two
different ways, namely economic evil and social evil. Economic evil embodies the employment of children to earn for them and their families, while the social evil reference prevents children from disrupting development educationally.  

i. Poverty

The issue of poverty is a very relative and pertinent concept. According to a report released by the United Nations in February 2015, about 30 million people are still in extremely poor condition in India, which is one of the 1/3 rd of the world's total extreme poor people. However, it is not yet enough condition for the occurrence of the child labour in India to analyze the issue. In other words, the relationship between child labour and poverty is very important in any place and time. But it still For example, in our country, 252-300 million people are in starvation, which has internal relationship with the land and other productive assets of the families involved in child labour. It is known that only 4% of the land in the lower half of the rural household in India and 27-30% are tenants and agricultural labourers. Approximately 70 per cent of our population remains below the minimum level of income, which has increased the magnitude of child labour. Thus, due to extreme poverty, parents are unable to invest not only in the development of their children, they are also reluctant to support them and want them to become a source of income for the family as soon as possible. Poverty causes diseases or other forms of disabilities, which often causes imbalances in family budgets and forced poor parents to send their children to work. The committee on child labour says in its report that "chronic poverty is the factor responsible for the prevalence and perpetuation of child labour."[14]

ii. Child Labour a Cheap Commodity

With the advent of industrialization, the trend among employers is less quick on artists and more benefits. So, there were a large number of enrolment of children in a large number of factories in each country, which were paid very low wages, they were overworked and they were made to work under terrible conditions. Child labour is exist not because children are more competent workers, but because they can be hired for less money. Thus, preference for child labour by many employers is mainly due to the fact that it is cheap. Safe and without any problem. Child labour is not only very cheap, but also hassle-free because children cannot organize their own movement and being minors; The membership of trade unions is not opened for them. Neither can they demand any overtime, nor medical and other benefits. In this country, very young children are engaged for domestic work because they are very cheap. Middle-class families fall within low-income groups, especially boys and girls aged 8 to 14 years prefer to work in their homes as domestic servants and some pocket money for food. However, these employers, educated in the formal sense, appear to be the least concern for these children and then conscious hardly. Employers also find children more suited for discipline and control. They can be coaxed, warned, pulled and punished for default without endangering relationship.

iii. Large Family Size

A family, which is big in size with low income, cannot lead a happy life. As a result, family members cannot get better education, entertainment, health care and opportunities to grow into a healthy family environment. On the other hand, a family, which is limited in size and well-planned, assures all possible development opportunities for its member and helping them to protect themselves from the insecurities of life, This indicates that the nuclear family, which holds a low number of hand help, is producing a higher number of children. Large families with relatively low incomes may not have happy perceptions in their minds. As a result, they cannot protect and encourage their children's childhood. If a family is limited and well planned, there will be no scope for sending children to the labour market and the children can be carefully educated. Illiterate and innocent parents think the opposite. Thus, if the parent's family size is small, they can provide all the facilities that are necessary for mental, physical and social development to their children. But, unfortunately, poor and illiterate parents think otherwise. They think that when God has given the body, he will feed him. They also consider three or four children better than having just one or two. For them, more children mean more income. They argue that while every human body has just one mouth to eat, it has two hands to feed it. But, they forget.

iv. Compulsory Education

Education is that factor, which leads to human resource development which includes a better and sustainable and valuable natural upbringing for all. The primary objective of the education system is to provide knowledge skills and to transmit certain values equally important. The resulting education package will vary economically in all countries and cultures. Child labour, in another dimension, has observed that the limited number of schools, their absence, the clash of school time and agricultural operations, and the cost of schooling as well as its limited nature of providing jobs opportunity to enter the labour market facilitates the route of children belonging to the state class. Children are ready to receive education, but only with the consent of the owners and parents. They have a very strong concern about fees and other expenses on education so they want it as free and near their home. Out of 140 million rural children in the age group of 5-14 years, more than 86 million rural children have not been enrolled in the school register. About 62% of children in rural areas are not present in primary schools. Whereas Article 45 (Directive Principles of State Policy), states that “The state shall endeavor to provide” within a period of 10 years, from commencement of this constitution for free and compulsory education for all children until they complete the age of 14 years.” Compulsory schooling for children as a part of assimilative measure is however, found deceptive. As such, the phenomenon of child labour is the product of such indifference to education. So this phenomenon of child labour is the product of this indifference to education.
v. Backwardness

Even after four decades of Independence, India has been one of the poorest countries in the world in terms of both the GNF and the per capita income. According to an estimate, 37.6 per cent of the population lives below the poverty line. On the one hand, the concentration of money is increasing and, on the other hand, there is a corresponding pauperism, quasi-proletariat ion and unemployment. Thus, child labour is the product of such a continuing situation. Backwardness and stagnation are once again evident from the statistical world distribution data of child labour as an important factor for the intensity of child labour. This shows that 90% of child labour is concentrated in the world's under developed. Since child labour is a socio-economic phenomenon, it is generally believed that illiteracy, ignorance, low wages, unemployment, lack of living standards, deep social prejudice and appalling backwardness on the part of the country. etc. are all, many and collectively, the root cause of child labour.

Officially stating that, "child labour is no longer a means of economic exploitation, but the economic need of parents and in many cases the need of the child." Prof. Gangrade believes that child labor is a product of such a factor, traditional attitude, lack of school or reluctance of parents to send children to school, urbanization, industrialization, and so on.  

IMPACTS OF CHILD LABOUR

Child labour includes working children under a certain minimum age. This practice has been going on for a long time and is the worst form of child exploitation. Consequences of child labour are not only limited to harm a child’s physical and mental health but also it deprives him of basic rights as guaranteed by our constitution such as right to education, development and freedom.

i. Negative Impact on the Health

Children are working in hazardous export oriented industries such as brassware, lock making, glass blowing, lead mining and stone excavation firework, match works, electroplating, Beedi rolling, glass blowing. These are places that have a serious negative impact on the health of the child working there as long as they start touching their adolescence, they are already suffering from many life-threatening diseases.

ii. Impact on Studies

Child labour not only negatively affects a child's health, but it also negatively affects her ability to receive schooling and perform academically. When children are forced to work by their families, they now have time to attend school. While there are a significant number of children going to school and working, work can have a negative impact on their studies.

iii. Permanent Disabilities and Premature Death

As per the data provided by UNICEF, it is estimated that about 250 million children in the age group of 5-14 years are working in child labour worldwide and this figure is steadily increasing. The ILO (ILO) has awarded that about 165 million children between the ages of 5 and 14 years are involved in child labour. Many of these children work for long hours, and often have poverty-related health problems in dangerous conditions, malnutrition, fatigue; Anemia increases the risk and consequences of work-related hazards and can lead to permanent disability and premature death.

iv. Deficiency of Nutrients

Deficiency of Vitamin B-complex, Iron, and protein in child labourers is in very large scale and there is a negative impact on physical development, mental and intellectual development, causing disorders in biochemical functions and irregular secretion of hormones (adrenals, corticoids, sex hormones, and growth hormone). Most of the child labour suffers from handicapped, malnutrition emotional imbalance, behavioural problems, night blindness, weak yellow form, stunted growth, cracked lip and mouth corners, malnutrition and failure of child growth etc.

RIGHTS OF CHILDREN UNDER INTERNATIONAL LAW

i. The Universal Declaration of Human Rights 1948 stipulated under paragraph 25 paragraph 2 that childhood is entitled to special concern and support. Along with other principles of the Universal Declaration relating to children, the above principles were incorporated in the Declaration of Rights of the Child of 1959.

ii. Under articles 23 and 24, the International Covenant on Civil and Political Rights and the International Agreement on Economic, Social and Cultural Rights - Article 10 provided for child care.

iii. The International Labour Organization (ILO) - The International Labour Organization is committed to eliminating the worst forms of child labour and also gradually other forms. This is the first Child Labour Conference which has prohibited the work of children below the age of fourteen years in industrial establishments. Protection of children against exploitation in employment is one of the major concerns of the Convention. It has been completely moved into 19 conferences. The worst form of the International Labour Organization's Child Labour Conference, 1999 (No. 182), Minimum Age Convention, 1973 (No. 138), Minimum Age Recommendation, 1973 (No. 146) and International Programme for The Elimination of Child Labour (IPEC), which provides universal standards and guidelines, is a special is the UN agency, which provides guidance and standards for labor
practices around the world. The another international instrument i.e. Convention on the Rights of the Child, 1989 is also protect the child.  

PREVENTIVE MEASURES

Constitutional Provisions

The constitution of India carries important expression of the attitude of the State towards children and several articles of Indian Constitution provide protection and provisions for child labour:  

i. "The State is empowered to make the special provisions relating to child, which will not be violative of right to equality".  

ii. "No person shall be deprived of his life or personal liberty, except according to procedure established by law".  

iii. "The State shall provide free and compulsory education to all children of the age of six to fourteen years, in such manner as the State may, by law, determine. Where children are allowed to work, in such establishment, it is the duty of employer to make provisions for the education of child labourers".  

iv. "Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this prohibition shall be an offence punishable in accordance with law".  

v. "No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment".  

vi. "The State shall, in particular, direct its policy towards securing the health and strength of 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".  

vii. "The State shall, in particular, direct its policy towards securing 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".  

viii. "The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years".  

ix. "It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or ward as the case may be, between the age of six and fourteen years".  

Legislative Provisions.

The State Governments, which are the appropriate implementing authorities, are conducting regular inspections to detect cases of violations. Since poverty is the root cause of child labour growth, the Government is putting a lot of emphasis on rehabilitation of these children and improving the economic condition of their families. A number of policy initiatives and programmers' have been initiated by the Government of India to tackle the problem of child labour which is rapidly increasing in India. The Government is taking proactive steps to tackle this problem by strictly enforcing the laws.


JUDICIAL APPROACH TO CHILD LABOUR

Unni Krishnan Vs Andhra Pradesh: "The Supreme Court in its judgment held that children up to the age of 14 had a fundamental right to free education".  

Neeraja Chaudhary Vs State of Madhya Pradesh: "In this case the Supreme Court of India stated that the Child Labourers should be rescued and provision for their rehabilitation should be made".  

U.P. Bandhua Mukti Morcha Vs Union of India: "In this case the Supreme Court of India stated that if no steps are taken under Bonded Labour System Act 1976 by the Government then it would be a violation of Article 23 of the Constitution. Article 23 states that children should not be forced to work at cheap wages due to their economical or social disadvantage".  

Sheela Barse Vs Secretary, Children Aid Society and Others: "The Supreme Court held, "If there be no proper growth of children of today, the future of the country will be dark. It is the obligation of every generation to bring up children who will be citizens of tomorrow in a proper way".

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M. C. Mehta Vs State of Tamil Nadu[19]: “The Supreme Court has not allowed children to work in a prohibited occupation. According to the judges, "the provisions of Article 45 in the Directive Principles of State Policy has remained a far cry and according to this provision all children up to the age of 14 years are sponsored to be in school, economic necessity forces grown up children to seek employment”.

CONCLUSION

The problem of child labour appears serious and involves various factors. The incidence of child labour in India is complex and deeply rooted in the society. The problem of child labour is a challenge before the nation. This practice is depriving them of livelihood and is detrimental to their physical and mental development. Poverty, unemployment, lack of good schools and development of the informal economy are considered important reasons for child labour. So, the problem of child labour is universal. As a possible solution to this chronic problem, the Central Government and the respective governments in the States will still have to prepare a more effective action plan under the guidance and supervision of the International Labour Organization and of the United Nations Organization. It is a challenge and long-term goal to eliminate all types of child labor in many countries. Especially in developing countries, it is considered as a serious issue these days. The Government of India has put in on various proactive policies towards eradication of child labour. There are a number of child labour projects in India which have been implemented to help and educate children from hazardous occupations. Every citizen should be aware of his responsibilities and take corrective measures to prevent child labour.

REFERENCES