

# Child Labour Issues and Challenges

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## **Abstract :**

*Considerable differences exist between the many kinds of work children do. Some are difficult and demanding, others are more hazardous and even morally reprehensible. Children carry out a very wide range of tasks and activities when they work. Not all work done by children should be classified as child labour that is to be targeted for elimination. The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities - often at a very early age.*

**Keywords :** Labour, Child Labour, Development, Deprive.

Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as being something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life. Whether or not particular forms of "work" can be called "child labour" depends on the child's age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

Over the past two decades India has put in place a range of laws and programmes to address the problem of child labour. UNICEF and its India partners are working together to ensure that children are protected from work and exploitation which is harmful to their development. They are working to ensure that children remain in economically stable family homes and get the opportunity to go to school and be educated. Child labour cannot be dealt with in isolation. It is intrinsically linked to socio-economic factors. More specifically, UNICEF has also initiated work with employers and the private sector to assess and address the impact of their supply chain and business practices on children.

The factors that contribute to child labour - including "hazardous" child labour - include the poverty and illiteracy of a child's parents, the family's social and economic circumstances, a lack of awareness about the harmful effects of child labour, lack of access to basic and meaningful quality education and skills training, high rates of adult unemployment and under-employment, and the cultural values of the family and surrounding society.

Often children are also bonded to labour due to a family indebtedness. Out of school children (OOSC) or those children at risk of dropping out can easily be drawn into work and are more vulnerable to exploitation. Girls, especially those from socially disadvantaged groups, tend to be at a higher risk of being forced into work.

Other reasons for children being forced into work:

- ❖ Poverty and a lack of livelihood options lead to a child's "need" to contribute to the family income.
- ❖ Due to conflicts, droughts and other natural disasters, and family indebtedness
- ❖ Rural poverty and urban migration also often exposes children to being trafficked for work.
- ❖ Children are employed because they are cheap and pliable to the demands of the employer and not aware of their rights. The risks that these children face can have an irreversible physical, psychological and moral impact on their development, health and wellbeing.

#### **Types of child labour: A recent change**

The types of child labour have changed in recent years due to enforcement of legislation, awareness amongst buyers about child exploitation, and international pressure. Child labour is now more invisible because the location of the work has changed from the more formal setting of factories, to business owners' homes. There has also been an increasing involvement of children in the home-based and informal sectors.

Children are engaged in manual work, in domestic work in family homes, in rural labour in the agricultural sector including cotton growing, at glass, match box and brass and lock-making factories, in embroidery, rag-picking, beedi-rolling, in the carpet-making industry, in mining and stone quarrying, brick kilns and tea gardens amongst others.

Work is often gender-specific, with girls performing more domestic and home-based work, while boys are more often employed in wage labour. In general, the workload and duration of the working hours increases as children grow older. Getting accurate, detailed information about children working in different sectors is a major challenge because, in many cases, children work in informal sectors such as agriculture, and in urban settings in restaurants, motor repair workshops and in home-based industries.

### **Challenges to ending child labour**

Child labour is not uniform. It takes many forms depending upon the type of work that children are made to do, the age and sex of the child and whether they work independently or with families. Due to this complex nature of child labour, there is no one strategy that can be used to eliminate it.

Combatting child labour requires long term co-ordinated action which involves many stakeholders and the government. This includes educational institutions, mass media, NGOs and community-based organizations as well as trade unions and employers. It is important that the attitudes and mindsets of people are changed to instead employ adults and allow all children to go to school and have the chance to learn, play and socialize as they should.

Education is a key to preventing child labour and has been one of the most successful methods to reduce child workers in India. This includes expanding education access to schooling, improving the quality and relevance of education, addressing violence in schools, providing relevant vocational training and using existing systems to ensure child workers return to school.

### **India's 2011 census showed that:**

- ❖ There were more than 10.2 million "economically active" children in the age group of five to 14 years - 5.6 million boys and 4.5 million girls,
- ❖ Eight million children were working in rural areas, and 2 million in urban areas.
- ❖ Although in rural settings the number of child workers reduced from 11 million to 8 million between the 2001 and 2011 censuses, over the same period, the number of children working in urban settings rose from 1.3 million to 2 million,

## THE POLICY FRAMEWORK SURROUNDING CHILD LABOUR

The key international laws dealing with child labour include the UN Convention on the Rights of the Child 1989 (CRC) and the International Labour Organization (ILO) conventions on the Minimum Age for Admission to Employment of 1973 (ILO Convention 138) and on the Worst Forms of Child Labour of 1999 (ILO Convention 182).

India has not ratified either of the two ILO conventions and also made a reservation to article 32 of the CRC at the time of ratification stating that it would apply the article in a progressive manner, according to its national legislation and international commitments, especially in relation to the minimum age.

### Related national legislations:

Child Labour (Prohibition and Regulation) Act (1986), "to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments" (preamble of the CLPR Act). It excludes a section of toiling children in the unorganized sectors including agriculture, as well as household work.

National Policy on Child Labour (1987), with a focus more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.

Juvenile Justice (Care and Protection of Children) Act 2000 (the JJ Act) and amendment of the JJ Act in 2006: includes the working child in the category of children in need of care and protection, without any limitation of age or type of occupation. Section 23 (cruelty to juvenile) and Section 26 (exploitation of juvenile employee) specifically deal with child labour under children in need of care and protection.

The Right to Education Act 2009 has made it mandatory for the state to ensure that all children aged six to 14 years are in school and receive free education. Along with Article 21A of the Constitution of India recognizing education as a fundamental right, this constitutes a timely opportunity to use education to combat child labour in India.

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### Indian legislation protects children from exploitation:

The Child Labour Prohibition Act 1986 bans the employment of children below the age of 14 in many professions, such as domestic labour, and in the hospitality trade for example in roadside dhabas (restaurants), restaurants, hotels, motels and spas. It does not ban child labour in agriculture.

- ❖ The Right to Education Act 2009 ensures all children 6-14 years have the right to free and compulsory education.
- ❖ The Indian Constitution ensures the right of all children 6-14 years to free and compulsory education; prohibits forced labour; prohibits the employment of children below 14 years in hazardous occupations; and promotes policies protecting children from exploitation.
- ❖ Whoever employs a child or permits a child to work is punishable with imprisonment from three months to one year or with fine no less than INR 10,000-20,000 rupees or with both.
- ❖ The Juvenile Justice (Care and Protection of Children) Act 2000 defines child as being below 18 years of age. Under the Convention on the Rights of the Child (CRC), ratified by India in 1992, all children have the right to be protected from work that is dangerous, or that might harm children's health or education.

Ironically, despite this huge array of laws, there seems to be no improvement in the working conditions of the child labourers and employers also freely flout the provisions of the Act covering the prohibition of child labour.

It needs to be highlighted that the violation of these provisions means a deprivation of the basic human rights and demeaning the childhood of the children. The law also isn't

National Labour Project (NCLP) is one of the major programmes implemented throughout the country under which seven child labour projects were set up in the year 1988. Rehabilitation is also one of the major policies that have been adopted by the government of India to reduce the incidence of child labour in India.

Unfortunately, the concerned authorities are unable to combat the rising cases of child labour because of varied reasons. They fail to establish the correct age if the child due to the lack of birth proofs and at times fake proofs. Not much is being done on creating the awareness among people. Even if efforts are being made, they cater to a limited population and the endurance among the authorities is not visible. A lot of laxity can be observed during the conduct of awareness programmes. There is still a need to address the issue on global platforms time and again with stringent policy framework in place.

More than 200 million children worldwide are still in child labour and a staggering 115 million at least, are subject to its worst forms. As per the National Census 2011, India has 10.1 million child labourers in the age group of 5 to 14.

10.13 million child labourers between 5-14 years in India (2011 Census data)

Child labour in 2011 has decreased by around 20% from 2001 Census Figures

There are 22.87 million working children in India between 15-18 years.

As per 2011 Census, 1 in 11 children are working in India (5-18 years)

80% of the child labour in India is concentrated in rural areas

168 million children are estimated to be engaged in Child Labour around the world (ILO, 2012) that means every 17th working child in the world is in India

### Child Labour and Poverty

Poverty and economic shocks clearly play an important if not a key role in determining the market for child labour. Child labour in turn contributes to the perpetuation of poverty. For example, recent empirical findings by the World Bank from Brazil demonstrate that early entry into the labour force reduces lifetime earnings by some 13 to 20 per cent, increasing significantly the probability of being poor later in life.

However, poverty in itself is not a sufficient explanation of child labour, and it certainly fails to explain some of the unconditional worst forms of child labour.

### References

1. Child Labour in India - Rights, Welfare and Protection by Dipak Das, 2011
2. Government of India, Planning Commission, Working Group for Social inclusion of Vulnerable Group like Child Labour and Bonded and Migrant Labour in the 12th Five Year Plan (2012-17)
3. Basu, K. and P. H. Van (1998). "The Economics of Child Labor," *American Economic Review*, 88, 412

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