

## Poverty and Child Labour in India

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### Introduction

Children of the world are innocent, vulnerable and dependent.

They are all curious, active and full of hope. Their life should be full of joy and peace. Not all children in India are lucky to enjoy their childhood. Many of them are forced to work under inhuman conditions where their miseries know no end. Children are forced to work in a completely unregulated condition without adequate food, proper wages, and rest. They are subjected to physical, sexual and emotional abuse. Poverty and lack of social security are the main causes of child labour. The increasing gap between the rich and poor.

### What Is Child Labour

The term 'child labour', is best 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, or work whose schedule interferes with their ability to attend regular school, or work that affects in any manner their ability to focus during school and clubs and sports, school or experience a healthy childhood. [https://en.wikipedia.org/wiki/Child\\_labour\\_in\\_India#Definition](https://en.wikipedia.org/wiki/Child_labour_in_India#Definition)

UNICEF defines child labour differently. A child, suggests UNICEF, is involved in child labour activities if between 5 and 11 years of age, he or she did at least one hour of economic activity or at least 28 hours of domestic work in a week, and in case of children between 12 and 14 years of age, he or she did at least 14 hours of economic activity or at least 42 hours of economic activity and domestic work per week. "Definitions: Child Protection". *UNICEF. 2012.*

### Legal Protection of Child Labour

The Child and Adolescent Labour (Prohibition and Regulation) Act of 1986: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008. In 2016, the Act was amended (not in force as of 30 July 2016) to prohibit employment of child below 14 years in all occupation (except for helping in non-hazardous family business and of child artists in the entertainment industry and sports). Further, adolescents between 14–18 years will not be allowed to work in hazardous industries and processes.\* "Child Labour (Prohibition and Regulation) Amendment Act, 2016" (*PDF*). *E-Gazette. Gazette of India*. Retrieved 31 July 2016.

The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine.

The Juvenile Justice (Care and Protection) of Children Act of 2015 This law made it a crime, punishable with a prison term, for anyone to keep a child in bondage for the purpose of employment.

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**International Labour Organization (ILO)**

India was one of the founder members of the ILO and was a signatory to the first Convention on the Prohibition of Child labour in 1919. The ILO has adopted 18 conventions and 16 Recommendations with regard to Child labour. Legislation relating to the regulation of Child labour concentrates on four basic issues, which are:-

- 1) Minimum age for employment of children,
- 2) A maximum period of work per day and forbidden work at night,
- 3) Prohibition of certain types of work for children, and
- 4) Medical examination of all working children.

**Provisions Under Constitution of India**

Article 39 (f) of the Constitution of India states 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. Right against exploitation is a fundamental right engrafted in Articles 23 and 24 of the Constitution of India. While Article 23(1) interdicts traffic in human being and Begar and other similar forms of forced labours and postulates further that 'any contravention of this provision shall be an offence punishable in accordance with law. Article 24 albeit prohibits engagement of any child below the age of 14 years in any factory or mine or employment of hazardous nature, is mired in silence as to civil and or criminal liability of the person, engaging a child below the age of 14 years for its infringement.\* *Anil Kumar Agarwal Vs. Assistant Commissioner, Mathura and others*, MANU/UP/0556/1998

Art-14 provides for equality in general. Art-21 guarantees right to life and liberty. Art-15 prohibits discrimination on the grounds of religious race, caste, sex or place of birth, or of any of them. Art-15(3) provides for special protective discrimination in favour of woman and child relieving them from the moribund of formal equality. It slates that "nothing in this article shall prevent the State from making any special provision for women and children".

Art- 38 enjoins the State to secure and protect, as effectively as it may, a social order in which justice - social, economic and political, shall inform all the institutions of national life. It enjoins, by appropriate statutory or administrative actions, that the State should minimize the inequalities in status and provide facilities and opportunities to make equal results.

Art-39(0) provides that the children should be given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity; and that childhood and youth are protected against exploitation and against moral and material abandonment.

Art- 46 directs the Slate to promote the educational and economic interests of the women and weaker sections of the people and that it shall protect them from social injustice and all forms of exploitation.

Art- 45 makes provision for free and compulsory education for children, which is now well settled as a fundamental right to the children upto the age of 14 years; it also mandates that facilities and opportunities for higher educational avenues be provided to them. The social justice and economic empowerment are firmly held as fundamental rights of every citizen.

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The old human history and across different cultures, children less than 17 years old have contributed to family welfare in a variety of ways. UNICEF suggests that poverty is the biggest cause of child labour. Between boys and girls, UNICEF finds girls are two times more likely to be out of school and

working in a domestic role. Parents with limited resources, claims UNICEF, have to choose whose school costs and fees they can afford when a school is available. Educating girls tends to be a lower priority across the world, including India. Girls are also harassed or bullied at schools, sidelined by prejudice or poor curricula, according to UNICEF. Solely by virtue of their gender, therefore, many girls are kept from school or drop out, then provide child labour

"Beyond Child Labour - Affirming Rights" (PDF). UNICEF. 2001

The 2008 ILO study suggests that illiteracy resulting from a child going to work, rather than a quality primary and secondary school, limits the child's ability to get a basic educational grounding which would in normal situations enable them to acquire skills and to improve their prospects for a decent adult working life. "Child labour - causes". ILO, United Nations. 2008

Initiatives against child labour in India [edit] In 1979, the Indian government formed the Gurupadswamy Committee to find about child labour and means to tackle it. The Child Labour Prohibition and Regulation Act was enacted based on the recommendations of the committee in 1986.<sup>[citation needed]</sup> A National Policy on Child Labour was formulated in 1987 to focus on rehabilitating children working in hazardous occupations.\*"Other Initiatives Against Child Labour in India". International Labour Organization. Retrieved 21 October 2009.

The Ministry of Labour and Employment had implemented around 100 industry-specific National Child Labour Projects to rehabilitate the child workers since 1988.\*"National Legislation and Policies Against Child Labour in India". International Labour Organization. Retrieved 21 October 2009.

### **Non-Governmental Organizations**

Many NGOs like Bachpan Bachao Andolan, ChildFund, CARE India, Talaash Association, Child Rights and You, Global march against child labour, RIDE India, Childline etc. have been working to eradicate child labour in India.

### **Conclusion**

Child labour is both an economic practice as well a social evil. Poverty compels the low income poor households to depend primarily on children's work. The absence of social safety nets increases the dependence on child labour. A number of careful attempts need to be taken to provide opportunities to students to avail education. More than 200 million children worldwide are still working as child labourers and a staggering 115 million at least, are subject to its worst forms. As per the National Census 2011, there are close to 10.1 million child labourers in India, in the age group of 5 to 14 years.

About 1.4 million child labourers in India in the age group of 7-14 years can't write their names, analysis of Census data by CRY- Child Rights and You reveals. This means one in three child labourers in the said age group are illiterate. The situation is also reflected in the state figures. While 45% of child labourers in Bihar are illiterate, in Rajasthan and Jharkhand the figure stands at 40%. Madhya Pradesh and Andhra Pradesh also have about 38% child labourers as illiterate.

\*<https://www.cry.org/issues-views/child-labour>.  
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