

THE PROBLEM OF CHILD LABOUR IN INDIAN SOCIETY**¹Arjumand Syed, ²Dr. Kusum Pal**¹Student (LLM), UILS, Chandigarh University, Gharuan, Mohali , India.²Associate Professor, UILS, Chandigarh University, Gharuan, Mohali, India.**ABSTRACT**

In India the problem of child labour is a serious issue. At an age when they are meant to enjoy, we often notice them working as workers in many fields. To struggle with the challenges posed to them by poverty they often sacrifice their future for the sake of survival to existence. Children working as labour are deprived from their basic fundamental rights. The conditions under which they are made to work possess great threat to human life. Most often children are made to work without proper food and wages even in some cases they are abused which result in severe loss of their dignity.

INTRODUCTION

“If we are to teach real peace in this world and if we are to carry on a real war against war, we shall have to begin with the children.” Mahatma Gandhi

Children are highly respected creature of God and considered as a blessing to the humanity. Religious teachings often reveal that children are never burden on any society rather they acts a pillars to build the society. If one wants to predict the future of any nation it can be examined by the facts that how good the facilities are provided by that particular nation in framing the future of children. The endless desire towards money has led to the division among humans into various classes where rich enjoys and labour section of the society suffers the most particularly the child labors. In a developing country like India the burning issue of child labour is a serious obstacle in way of development which must be resolved efficiently by framing laws that will provide complete safety to children. Child labour is defined as any activity which deprives childhood of children by involving him or her in various economic activities on a part time or full time basis. The root cause behind the growth of child labor is the void that exists between rich and poor. Children are being used by many industries as source of income as they serve in most of economic sectors like construction fields, hospitality services, transport sector, etc. Every single child is a ray of hope and no parent wants their children to grow up as workers but due to fear of hunger they are left out with no other options. Child labor completely destroys that phase of life where everyone wants to play without worries so that childhood is always cherished with positivity not with burdens that a particular person has carried.¹

WORST FORMS

1. Child slavery –It is one of the most inhuman acts that have ever been witnessed. Mind of child will never accept something like child slavery as the time progresses child as slave develops mental disorder and depression which may have adverse effect on life of child.

2. Child prostitution-

It is the serious challenge which acts as a major threat to the dignity of child and must be tackled with strict laws. Lots of violations related to the basic human rights of children exist but nothing is more painful than exploiting them for sexual purpose.

3. Illicit activities-

It involves illegal crimes using children as a medium or main source like buying of stolen goods, robbery, etc. Usually children are forced to perform such tasks by creating pressure on them that they will be killed or their family will die out of hunger. Some children get so deeply involved in criminal activities during their adolescence age that they treat it as a way to gain respect .

¹ Ashhad Ahmad, Child Labour In India, Kalpaz Publications, Delhi 2004

CAUSES

Child labour is a big curse for our society and number of reasons exist which act as driving force in order to encourage the promotion of child labour. Very often it is being observed that poverty is primary source which build strong foundation of social evils like child labour. Secondary sources that led to child labour are huge in number and notable among them include illiteracy, gender inequality, child marriage, restricted goals and lack of awareness.²

- **Poverty –**

It is an only dominating aspect contributing to the children working as labour in many areas instead of enjoying and getting a decent education. Due to the limited availability of resources in poor family children are often treated as a source of income. Children who belong to underprivileged families usually come out of their houses in search of work in order to support younger siblings and parents when the expenses of family are more than income.³ It is massive trouble in developing countries like India where parents are not able to make sufficient earnings due to lack of employment and education so that they can send their kids to schools for education. Instead of educational institutions you will find kids being employed in mines or hawking in the streets. Thus we can conclude that no child want to grow up like a labour but the circumstances compel to so.

- **Illiteracy-**

The importance to schooling and achieving dreams can be understood only when society is educated. Every child has potential and sufficient time to attain the goal of being successful and responsible citizen if the family is supportive and well aware. But in most of the cases it has been observed that illiteracy make it very hard for people to realize the value of education. Uneducated people are of views that education is just meant only for high class people which is not in the range of poor sections of society.⁴ Thus weaker sections of society never support their children in field of education they develop more interest in sending them to work places rather than to schools. Kids who must have pen and copy in their hands are made to hold construction tools and act as source of income to family at early stages of life.

- **Gender inequality-**

Even though it has been proven that females are giving tough completion to male in every field of life but still the old traditions exist in our societies where girl child is treated as a burden on shoulders of family especially poor ones. She is not given the same opportunities that are available to male. Girls are made to quit schools and compelled to work either to support family in domestic households or work as labour in factories. Nobody is worried about the fact that if a mother is educated it will influence society in positive sense.⁵

- **Limited dreams-**

When a child takes birth in a poor family then most of parents never dream about their kid of becoming engineer or doctor. They feel that their kids are meant to be workers like them and can achieve goals of becoming professionals thus providing boost to child labour.

- **Increased demand of unskilled labour**

Most of the industries need unskilled labour to run their projects and children being easily available at cheaper rates serve as low cost labour wowners of the factories.⁶ The owner of such industries promotes child labour for purpose of making sufficient money.

CONSTITUTIONAL AS WELL AS LEGISLATIVE PROVISIONS

In comparison with many other developing countries India serves as largest home to child labour. Children being the priceless possessions of nation those have to handle with great concern so that future of India will be in safe hands. Many commissions were made to sit very frequently so as to develop laws that will put an end to child labour along with its core

² Chandragupt, S.Sanon, Working Children:A Sociological Analysis,APH Publishing Corporation, New Delhi, 1998

³ Child labour causes in india available at <https://www.savethechildren.in/resource-centre/articles/child-labour-causes-in-india> (visited on april 25, 2020)

⁴ Ahuja S, Social Problems In India , Rawat Publications, New Delhi 1999

⁵ Mutrhy ,T, Child Labour In India:Causes Consequences And Cures,RBSA Publications 1990

⁶ Mendelievich, And Elia, G: Children At Work, St Martinis Press, USA 1980

cause. The framed rules and regulations upon which our country runs are directly or indirectly linked to promote the welfare of children and important among them are discussed under following headings.

- **Guaranteed safety**

It shows the concern of makers of constitution regarding welfare of children and women by making such changes in laws that remove all sorts of discrimination faced by children and women. Article 15(3) allows the state to make all required changes to promote welfare of children.⁷

- **Right to education**

Education is the only way that can fill the void of social evils like child labour. Therefore it is important that every single child is sent to school so the constitutional (86th change) act 2002 gave birth to art(21A) which makes it compulsory to educate children as it was included as basic right being citizens.

- **Right against exploitation**

Most of the children are exploited by their parents due to worst economical conditions. Not only this but to a great extent many factory owners use small kids to get their work done at very cheap rates. So in order to overcome such issues article 23(1) came into existence not only for children but also include adults which put complete ban on forced labour.

- **Protection under article 24-**

It safeguards the children from working in hazardous conditions in order to prevent their health conditions from severe damage due to release of many toxic gases at working sites.

It further orders that any children below 14 years old shall not be involved in labour activities.⁸

- **Protection under directive principles-**

Article 39(e) and (f) direct the state to make such policies that will help in keeping children of tender age away from such works that does not suit them as per age and capacity. It encourages states to build healthy atmosphere both socially and economically so that child of tender age will grow up with freedom and dignity.⁹

- **Compulsory and free education-**

It is included in article 45 whose objective is that states shall provide free of cost basic necessary to all children up to 14 years of age so that they can get rough idea in differentiating between what is good and bad for future.

- **Right to equity-**

It is one of the basic rights which are included in article 14 which say all are equal in front of law and no one is superior than law. It means that no favoritism will be done on the basis of age, colour, sex, class etc

- **Education for weaker sections**

With the huge increase in fees of schools and colleges it has added to the miseries of poor sections of our country as they are not able to educate their children. To overcome such issues faced by backward class of our society article 46 of constitution acts as big relief by directing the states to take care of both educational and economical needs of poor sections.¹⁰

CHILD LABOUR DATA ANALYSIS IN INDIA

- The world labour day is celebrated on every on 12th June. International labour organization declares it as holiday every year with a hope that it will create awareness among people about the hardships faced by children while working as labours. After analyzing the data related to child labour we can sum up to a concrete conclusion that we have not attained the goals which we should have achieved if we could have taken the pain felt by child labours in real sense.¹¹

⁷ H.M. Seervai (ed.), *Constitutional Law of India* 293 (Universal Book Traders, Delhi, 1999).

⁸ Ahmad m, child labour in Indian politics, a legal study, kalpaz publications, new delhi 2004

⁹ Naidu s. child labour among tribals, venkatesh prakashana, new delhi 2003

¹⁰ Kundur S, Social Changes In India, Sage Publications, New Delhi

¹¹ Statistics of child labour in india available at <https://www.savethechildren.in/articles/statistics-of-child-labour-in-india-state-wise>(visited on may 18, 2020)

- India is leading among all the Asian countries which have almost 33 million children employed in different forms of child labour which are of ages 15-18 years¹².
- Mathematically if we try to find out the ratio of child labour we will get the result as among every eleven children we have one working as a labour. i.e.(1:11)
- National capital of our country contributes one million child labour alone which is a state of shock.
- Five major states that are largest child labour employers include Uttar Pradesh, Bihar, Madhya Pradesh , Rajasthan, and Maharashtra
- According to the detailed analysis of census data done by a Child Rights and You CRY it is observed that decreasing trend in child labour has started following but at the other side population of child labour has increased by almost 50 percent.¹³
- It is noted that 80% of the children work in rural areas and 5 out of 6 are engaged in agricultural activities.
- On the basis of census reports it is calculated in terms of percentage that adolescents involved in risky jobs comprise 20.95%
- More number of boys is involved in hazardous work than girls.

SUGGESTIONS TO ELIMINATE CHILD LABOUR

- **Free Education**

Education is the most powerful tool which will result in elimination of child labour to a great extent in a country like India where child labour has build strong foundation. Parents who have shortage of money for school fees and send their children to work can make use of such opportunity to educate kids. Throughout the globe free of cost education has delivered better results in fighting with social evils like child labour.

- **Empowerment Of Poor**

Most affected people by child labour are the poor ones. Due to the low living standards and financial issues poor people take certain decisions which they never wish to take. Hence if we become successful in raising the way of living of poor sections then we could predict many positive changes in our society. Child labour is usually born in poor not in rich homes

- **Report Child Abuse**

Being responsible citizens whenever we notice any child labour is abused or harassed by employer it is our moral duty to raise our voices on behalf of them. We must inform higher authorities so that such cruel people who attack the dignity of children must be handled with strict law and order.¹⁴

- **Make Awareness**

Usually while creating awareness about the ill consequences of child labour such parents must be consulted who lack in knowledge of child development. It is often seen that poor parents are ignorant about the policies made by government for the prosperous future of children¹⁵. They must be fully informed with proper guidance that using special child policies made by various organizations they can secure life of children instead of motivating them to work as labours.

- **Support NGOs (nongovernmental organizations)**

With the growing population of our country it is very tough for government to look after every social issues so to reduce pressure on them many NGOs have been formed to fight with many social problems, our positive support to them will encourage them to deliver better results.

- **Mid-Day Meal**

Many poor families struggle a lot to get two times meal in a day. By introducing the schemes like providing nutritious food in schools during lunch time many parents who are poor enough to earn daily livelihood will encourage their children to attend schools. Once they frequently visit educational institutes child labour will be removed permanently.

¹² Govt of india ministry of labour and employment available at <https://labour.gov.in/childlabour/census-data-child-labour>

¹³ Statistical reports of child labour and you cry available at <https://www.cry.org/issues-views/child-labour> (visited on june 5,2020)

¹⁴ Bhatnager s , we and child abuse , DK publishers banglore 1999

¹⁵ Khuda D , Children In Urban Setting ,Sage Publication , New Delhi 2004

CONCLUSION

Child labour has gained huge fame in country like ours where continuous failure of government policies led to encouragement and promotion of work culture by small kids. Almost seventy percent of population resides in villages where it is too difficult to convince parents of poor kids related to severe worst results of child labour. The basic reason which has led to accumulation of child as worker is severe poverty and lack of education. It is impossible for a many poor parents to feed family with food and shelter unless support from child is taken to raise economical condition. If we consider ourselves as responsible citizens with high spirit of nationalism we must join hands together with government in fighting with evils like child work culture which acts as silent killer of our nation. Many platforms exist where we can highlight the issues faced by the poor which force them to contribute in making child labour. Not only this we must also put keen watch on increasing population of a country as we have limited sources of economy available. The problem of child labour will not be over in short span of time but our continuous efforts will reduce it to great extent. Firm confidence on ourselves that we will fight with all social evils should be our main motto of our life.