

## Child Labour-The Socio Economic Aspect

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### Abstract

*Child Labour has become one of the worst problem in our country it is important to understand the value of child otherwise it will spoil our nation as they are the future of it. No nation can develop if the children are not shaped as useful citizen and protected from hazards of social disparity. The main cause of child labour is population. Population is increasing day by day and sources of income are getting less day by day. Poor and illiterate parents force their children to work and earn their livelihood they believed more hand will earn more money so they give berth more child than one. Due to lack of education they do not understand the true facts. They do not send their children to school. They think it is the useless thing. Government of India running several schemes like, Mid-day meal, free and compulsory education to children, Kanya Vidhya Dhan to attract children towards the school. Government has also taken several steps legal and administrative to address child abuse. Through this Article, the author wish to bring into the notice of the parents not to send their children for Labour and provide them all the possible facilities and opportunities required for all over development of his/her personality.*

**Keywords:** *Mid-day meal, free and computer education to children, Kanya Vidhya Dhan, Weaker section, Domestic work, Hazardous child labour, Agriculture labour*

### PAPER/ARTICLE INFO

RECEIVED ON: 15/01/2014

ACCEPTED ON: 30/06/2014

Reference to this paper  
should be made as follows:

Deepa Singh Yadav,  
Prakash Chand Gopalan  
(2014) "Child Labour-The  
Socio Economic Aspect" *Int.  
J. of Trade and Commerce-  
IIARTC*, Vol. 3, No. 1, pp.  
88-95

## **1. INTRODUCTION**

It is important for everyone on earth to work because without doing any work we cannot survive our life and consume the facilities provided by the nature. But in the case of a child, he should not be engaged to work more than his strength. It will create obstruction in his development and would be dangerous for normal development of child and this results various deformities. The welfare of state is based on the well-being of the children of a country. Great poet **Milton** has said that "Child shows the man as morning shows the day" rest like a large tree, hidden in a small seed, which provide no shadow and protection to the environment in a similar way a great and developed personality is hidden in a child who would be important person for our nation building obviously children need special care because of their immaturity and incapacity to look after themselves.

**According to Hon'ble Mr. Justice P.N. Bhagwati -**

Before industrial revolution and urbanization the children used to work with their parents and family as helping hand only not as a wage-earner and such work was not hazardous for health and usual development of child and by this they used to learn the fundamentals of the work which would be helpful for securing their future. There is a difference between child-work and child-labour.

Child work is a work which child use to as in helping their parent where he learn certain skill for securing their future and it does not create obstacle in his upbringing, health, education and usual development

## **2. OBJECTIVES OF THE STUDY**

- To make aware to the people that child is the weaker section of our nation so should not be exploited.
- To provide suggestions as better strategies to be adopted and implemented to eradicate child labour.
- To study the contribution of the government in this regard.

## **3. ECONOMIC ASPECTS OF CHILD LABOUR**

Poverty is the root cause of child labour in India, which are due to various reasons like, unequal distribution of inequitable distribution of amenities on regional basis encouraging migration of labour and non-payment of minimum wage to adult worker etc. Economic compulsions compel the poor parents to put their children under the risk of inhuman exploitation. Our county is agrarian and all most 80% of the population depends on agriculture but land holdings are so small which are not viable for substantial livelihood for the family.

## **4. SOCIOLOGICAL SOCIAL ASPECTS OF CHILD LABOUR**

Parental incapitation and lack of awareness, educational backwardness and ignorance of the labour alcoholic fathers send their children in the labour market for the sake of their own pleasure and comfort unorganized sectors prefer to employ child labour for various reasons and to earn more profit by paying less wage to child labour became they are less status conscious also possesses activeness, agility, quickness and adoptivity.

#### **5. CAUSES OF CHILD LABOUR IN INDIA**

- Lack of awareness
- Population explosion
- Dowry system
- Economic reasons
- Profit motive tendency of the employers.
- Misfortune of few children and families and lack of social security.
- Public apathy towards this social evil.
- In effective implementation of laws.
- Flaws in the laws.
- Increasing urbanization and industrialization widespread unemployment.
- Breaking up of joint family.

#### **6. SECTOR WHERE CHILD LABOUR ARE USED**

Involvements of child labour are in different sectors such as various industries, establishments, processes and occupations:

- Domestic work
- Hazardous Industry
- Agriculture
- Commercial sexual exploitation
- Packing Industry
- Mining and quarrying

#### **7. INTERNATIONAL CONCERN FOR THE PROTECTION OF THE RIGHT OF CHILDREN**

The genesis of the international recognition of the right of children, after First World War, began with the adoption of **Geneva Declaration of Rights of child in 1924 to the League of Nations**<sup>1</sup>. Later on the same was also recognized in the **Universal Declaration of Human rights**<sup>3</sup> in 1948 under which the international community pledged themselves to achieve and to promote, "special protective care and assistance to children". India is the first country where the ILO-IPEC worked to develop the convergence model to eliminate child labour.

International labour organization took part in the III Global Conference and child labour to bring together representation from government, social partners, society regional and International organizations to share policies and experiences in the global first against child labour.

#### **8. ILO REPORT NOTES PROGRESS IN REDUCING CHILD LABOUR<sup>4</sup>**

The **International labour organization**, ILO says that the target of eliminate the worst forms of child labour will not be met by 2016, even though the global number of child labourers, was reduced by one-third between 2000 and 2012.

A newly released ILO report states that 168 millions minors spread over world-wide and still being forced to engage in child labour.

The study says that the process of reduction of child labour is not going fast enough and that more action is needed.

11% of the world's children are being forced to engage in child labour, with more than half doing work that endangers their health safety and moral development.

"In Asia also and other parts much of world child Labour remains hidden, **explained Simrin Singh , an ILO specialist on child labour in the Asia pacific**" Certain forms of child labour are not well captured such as child domestic work.

Singh said positive factors have supported the improvement including better government policy and awareness, adding that Indonesia, the Philippines as well as India and China have taken steps to implement significant social protection plans.

#### **9. INDIAN LAWS AND CONSTITUTIONAL PROVISIONS**

There are various laws to prohibit child labour in India, Government has also taken several large and administrative steps to address child abuse.

- i). **The Juvenile Justice (Care and Protection of Children) Act, 2000** as the principal legislation for the protection of children. This Act was amended in 2006 to ensure better care and protection for children and aims to enhance the protective environment for vulnerable, neglected and abroad children by providing them care and protection.
- ii). **A Special Law the Protection of Children From Sexual Offences Act-2012** has been made to protect all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography which came into force on 14 Nov. 2012.
- iii). **National Commission for protection of child Right (NCPCR)**-was established in 2007 under the commission for protection of child rights. This is a major step towards the protection of rights of children in the country.
- iv). **The Child Labour (Regulation and Prohibition Act, 1986**-Prohibits employment of children below the age of 14 years in notified hazardous occupations and processes.
- v). **Implementation of the Integrated Child Protection Scheme**-for children in difficult circumstances and for vulnerable children since 2009.
- vi). **National Child Labour Project Scheme and Grant-in-Aid** was introduced and implemented for rehabilitation of child labour withdrawn from hazardous processes.
- vii). **Mid-day Meal Scheme**-If provides free lunch to children of primary and upper primary classes with the object of improving nutritional status of children, encouraging poor children to attend school more regularly. According to the government it is the world's largest school feeding programme reaching out about 12,00,00,000 children in over 12,65,000 schools and Education Guarantee Scheme (EGS) centres across the country.
- viii). The factories Act 1948
- ix). The Mines Act 1952
- x). The Minimum wages Act 1948

#### **10. PROTECTION OF CHILDREN UNDER CONSTITUTION OF INDIA<sup>5</sup>:**

There are some special provisions to protect the child from being exploited. These are as follows:

- A. Article 15(3) enables the state to make special provisions for children.
- B. Article 21 provides protection of life and personal liberty. No person shall be deprived of his life and personal liberty except according to procedure established by law.

In case **Francis Cralie v/s Administrative of Delhi**<sup>6</sup> Court has interpreted that right to live includes right to live with human dignity.

**11. BHANDHUA MUKTI MORCHA CASE**<sup>7</sup>

Court has declared that abuse of tender age of Child is bad and illegal.

**12. CHAMELI SINGH V/S U.P. STATE**<sup>8</sup>

The scope of social justice is widened and it is observed that the component of right to live includes right to food, water, decent environment, education medical and justice shelter.

Article-23, provides prohibition of forced labour and traffic in human being.

Article-24, provides prohibition of employment of children below 14 years in factories.

Article-39 (e) provides that the health and strength of workers, men and women and the tender age of children are not abused and they are not forced to work in unsuited conditions for economic necessity.

Article-39 (f) provides children are 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.

**13. PROVISIONS UNDER INDIAN PENAL CODE, 1860**<sup>9</sup>:

Section 82 act of child under 7 years of age

Section 83 act of child above seven and under 12 of immature understanding.

Section 363 A- Kidnapping or maiming a minor for purpose of begging

Section 366 A- Procurement of minor girl.

Section 366 B -Import of girls from foreign country.

Section 369 -Kidnapping or abducting child under 10 years with intent to steal from its person.

Section 372 -Selling minor for purpose of prostitution.

Section 373-buying minor for purpose of prostitution.

**14. PROVISIONS UNDER CODE OF CRIMINAL PROCEDURE, 1973**<sup>10</sup>

Section 125, order of maintenance of wives, children and parents :- Maintenance of the minor child (legitimate or illegitimate) whether married or not unable to maintain itself and even after attaining majority when such child is by reason of any physical or mental abnormality or injury unable to maintain itself.

**Section - 160 : Police Officer's Power to Require Attendance of Witness :**

No male persons under the age of 15 years or women shall be required by any police officer making investigation to attend as witness at any place other than the place in which such male person or women resides.

**Section- 437 :** When bail may be taken in case of none-bailable offence in case of a person under the age of 16 years or a women or sic or infirm.

**15. INDIAN CONTRACT ACT, 1872**<sup>11</sup>

Section - 11 of the Contract Act says that the person contracting must be major, meaning thereby that person below the age of 18 years, being minor is not competent to contract. Therefore, the guardian being competent to look after the welfare of minor child is competent to contract for the labour of his child. A clear inference can be drawn that it is the parent or guardian who compels

the child to work for gain either to bring up the child as he has no means to maintain or for his own.

#### **16. BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976<sup>12</sup>**

This act is not directly concerned with the child labour the entire object of this Act is to protect the interest of poor, unorganized and to check the miseries of the ill-fated persons, deprived of basic human needs and are compelled for beggar and forced labour.

An important case regarding child labour in India is **M.C. Mehta case** (1996)<sup>13</sup> in which Hon'ble S.C., directed the Union and Government to identify all children working in hazardous processes and occupation, to withdraw them from work, and to provide them with quality education. The court also directed that a child labour Rehabilitation-cum-Welfare fund be set up using contribution from employers who contravene the child labour act.

Additionally, in 1993, the Supreme court in **Unni Krishnan V/s State of Andhra Pradesh**.<sup>14</sup> ruled that each child has the right to free education until he or she completes the age of 14 years. Article-21A which was incorporated into the constitution reflects the standards to protect child from bonded labour.

**17. IN 2005 THE M.V. FOUNDATION, AN NGO<sup>15</sup>** working on child rights brought a public interest litigation petition which argues that child labour upto the age of compulsory education is unconstitutional and is a negation of rights Under article-21A which provides for compulsory education upto the age of 14. This case is still pending before the Supreme Court notably. However, under this case the court has asked the government to file a status report on the implementation of **Sarva Shiksha Abhiyan** a government programme providing free and compulsory education to all children.

#### **17.1 National Sample Survey Report 2014**

The National Sample Survey Organization (NSSO), in a report put out in January 2014, "Employment and Unemployment Situation in India, 2011-12", has found that both in rural areas and urban areas, Gujarat has one of the highest percentage of child workers. The report should be a big blow on the state's powerful policy makers who have been claiming that Gujarat has negligible incidence of child labour. *Rajiv Shah takes a look*: The latest National Sample Survey (NSS) data, put out in January 2014, have revealed a stark reality: The proportion of child labour in Gujarat in both urban and rural areas is one of the highest in India. Calculated on the basis of usual status of employment, taking principal and subsidiary activities together, the NSS has found that, in urban Gujarat 2.2 per cent of children in the age-group 5-14 are in the workforce, which is higher than most Indian states, except West Bengal (12.6 per cent) and Uttar Pradesh (4.4 per cent). Things are worse in rural areas, where Gujarat's 4.3 per cent of children in the age-group 5-14 are the workforce, which is again higher than all major Indian states, except Jharkhand (6.7 per cent). An analysis of the NSS data suggest that there was a fall in child labour in Gujarat, from 3.6 per cent of the child population, as found in the NSSO's report of 2006 on the basis of the survey carried out the top Government of India statistical body carried out in 2004-05, to 2.2 per cent in the latest report, which is based on the NSSO's survey of 2011-12. A similar fall in the percentage of child workers can be seen in the rural areas - from 5.6 per cent in 2004-06 to 4.3 per cent in 2011-12. However, as the "Reference Note" on child labour, published by the Lok

Sabha secretariat in 2013 and meant for use to members of parliament, admits, fall in the percentage of child labour is an all-India phenomenon.

The "Reference Note" specifically says, "Evidence drawn from the National Sample Survey data suggest that India's child workforce during 2004-05 was estimated at little over 90.7 lakh as against 215.5 lakh in 1983. During this period, the number of child employment declined sharply by 124.8 lakh. There is considerably higher fall in child workforce among boys than girls. The corresponding fall in boys and girls workforce during 1983 to 2004- 05 is observed to have decreased from 120.6 to 47.6 lakh, and 94.9 to 43.1 lakh, respectively." As for 2009-10, it points out, "As per NSSO survey 2009-10, the working children are estimated at 49.84 lakh which shows a declining trend."

Quoting a Rajya Sabha unstarred question, the "Reference Note" says that in 2009-10, Gujarat had 3,90,687 child workers - 3,58,460 rural and 32,224 urban. This was, significantly, the highest among all Indian states. While no quantification of child workers in Gujarat has been made in the latest NSS report put out in January 2014, it can safely be assumed that things should have not changed. As against Gujarat's 3.5 lakh child labourers found in 2009-10, Bihar had 2.7 lakh, Maharashtra 2.6 lakh, Karnataka 2.2 lakh, and so on. The lowest number of child workers was in Kerala, merely 2,765, next lowest being Himachal Pradesh (7,391).

These facts have come to light at a time when a new bill is pending before the national Parliament which wants to include ban child labour up for those who reach 18 years of age. While NSS does not have separate figures for children between 15 and 18, it has found that in the age-group 15-19, i.e. those who should potentially be in high school and beyond up to the college, again, Gujarat has one of the highest percentage of workers. In rural areas, 33.4 per cent of children work, which is higher than all the Indian states. In urban areas, too, 21.3 per cent of the age group 15-19 work, which is again higher than all Indian states.

## **18. CONCLUSION AND SUGGESTIONS**

On every 14<sup>th</sup> Nov children day is celebrated on the birthday of 1<sup>st</sup> Prime Minister Pt. Jawahar Lal Nehru. We take oath, promise at large for the welfare development and protection of children but it is a ground reality that only promises and declaration cannot save to this very significant group of our future national asset. If we want to eradicate these heinous social problems we must to have concrete programmes and schemes with full devotion. And the implementation of those schemes and programmes is also prerequisite. To establish a garden future of the nation, children must be protected in every aspect-social, economical health, cultural to protect against child labour.

Some suggestion may be given to remove the black patch from the face of the society which are as under-

1. In urban and developed areas, special protection should be given to the children and there must be a clear cut provision for their education and moral upliftment.
2. Child labour should be contacted completely through law awakening and participation of people.
3. Special attention is needed to curb the problem of unemployment and poverty for this problem population explosion needs special attention, this will safeguard children from running the risk of trafficking and flesh-trading.

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