

Child Labour: A Symptom of Disease

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Abstract

In this paper, the term “*child labour*”, its related causes, human rights violations, provisions under the Indian Constitution and the Act of 1986, problems and prospects in the Indian context have been discussed.

KEYWORDS: Child labour, human rights, Constitution

▪ Introduction

Child labour is a curse upon society, a malady wrecking the economic backbone of a country. The phenomenon of child labour is a symptom of disease and is consequence of exploitative system, operating at the national and international levels, lopsided development, uneven resource ownership, correlating of large-scale unemployment among the nations. It is of a matter a fact that children are the future of the nation and thus they should be given adequate opportunity and facility for developing themselves into good citizens. Children in India and elsewhere in the world have not been given proper attention and are being exploited by the people for the accomplishment of their selfish ends. They have been exploited more or less in all periods, though varied in nature and dimension depending on the existing socio-economic structure of the society. Poverty, caste, tradition, size of the family, labour scarcity, wage rate, ignorance, schooling facilities, *etc.*, are the major factors of occurrence of child labour. As the problem of child labour is a global phenomenon, it exists in almost all the countries of the world, the difference if any, is only of degree and form. But it is very saddening to note that India is one of the nations of the world which has the unique distinction of being a large employer of child labour. A plenty of legislations have been made to prohibit the employment of children but it is still rampant in India. Therefore, the gravity of the situation and pervasive nature of the problem has attracted the urgent attention of all-social and political organizations, social scientists, activist groups and governments of the world including India.

In this paper, the term “*child labour*”, its related causes, human rights violations, provisions under the Indian Constitution and the Act of 1986, problems and prospects in the Indian context have been discussed.

▪ Concept of “*Child Labour*”

The term “*child labour*” is generally used to refer “*any work by children that interferes with them in their full physical development, the opportunities for a desirable minimum of education and of their needed recreation*”. The practice of

child labour in India or in any other country of the world is an age-old phenomenon. In pre-industrial agricultural society of India, children worked as helpers and learners in hereditarily determined family occupations under the benign supervision of adult family members. The work place was an extension of the home and work was characterized by personal informal relationships. The task and technology that work involved were simple and non-hazardous. Children aged between 4 to 14 years doing work on family farms or in occupations without wage or in factories, farms outside home for wages constitute child labour. Now-a-days child labour is a widespread phenomenon. It is not only confined to work on family farms or in traditional family jobs and occupations, but it has also extended to other fields.

Radical changes, however, occurred on social economic front with the advent of industrialization and urbanization under the impact of the newly generated centrifugal and centripetal forces; there was unbroken stream of the rural people migrating to urban centres in search of livelihood. As a result, the children were in a situation where they had to earn for themselves as well as for the families. Family based economy was destroyed and work now exposed the child to unhealthy environment. The child's ability to grow and to develop into a mentally and physically sound adult was severely restricted.

▪ **Strategy for Elimination of Child Labour**

It may be recalled here that the **Indian Constitution** in its chapter on Directive Principles of State Policy,¹ declares that “*no child below the age of 14 years shall be employed in any factory or mine or engaged in any other hazardous employment*”. However, actually the problem of child labour began to receive some serious attention only after the UNO Declaration of 1979 as the International Year of the Child. It is surprising that while the Indian Constitution was adopted as far back as in 1950, it was only in 1986 that the **Child Labour [Prohibition and Regulation] Act** was promulgated. Despite the constitutional vow and the enactment of the 1986 Act, a large multitude of children in India continue to be involved in various hazardous and non-remunerative occupations.

Abolition of child labour in India is not an easy job and mere enactments of child labour abolition laws will not guarantee the attainment of the desired goal. There are hosts of factors that can easily render the existing laws blunt and ineffective. A fundamental problem relates to the definitional aspect of child labour. On the other hand, the poor parents, having no other assets, themselves treat their children as assets rather than liabilities. Rather than sending their wards to school, they prefer to associate their children in whatever income-earning activities that may be available before them. In most cases, these activities turn out to be petty income-earning and/or niggardly paid activities. Often the rate of payment is not the parent's concern; the absolute income earned by the children is the major deciding factor.

Of late, both the Central and the various State Governments have woken up to the problems of child labour in the country. Various NGOs are especially waging a battle in favour of child labour abolition. Even at the global level, some developed nations have hardened their stance on this issue—these developed countries are threatening to ban

1. Article 24 of the **Indian Constitution**.

exports from developing countries, which rely on utilization of cheap child labour. These countries are trying to stick to the clause that some particular exports from developing countries must come with a certified declaration from the appropriate authority that the products have no child labour content.

At the national level, apart from passing relevant Acts, the Central and State Governments have attempted to lure children from work places to schools by making primary education free and introducing mid-day meal scheme at the schools. At the state level, along with free primary education, books *etc.*, are being distributed free of cost at the primary school level. A large part of credit for forcing and inducing the governments in initiating steps against widespread use of child labour is due to some NGOs. In recent years, a number of NGOs has undertaken a crusade against the evils of child labour and have been largely responsible for spreading campaign on the issue among the masses.

But the existing socio-economic condition in India, mainly that of the rural masses and of the vast low-income population, the child labour cannot be stopped altogether. At this stage, a more pragmatic approach would be to strive to mitigate the plight of the child labourers in the immediate short run and to get rid of the vice in the long run, if not possible in the near future and work sincerely towards attaining a child labour free society.

However, it is an undeniable fact that, the government has failed to eliminate this dehumanization of childhood. It has also failed to launch compulsory education and 100 million children are still at work instead of going to school and around 10 million are working in hazardous industries. India has the biggest child population of 380 million in the world, plus the largest number of children who are forced to earn a living. It is pertinent to question that whether the Indian State is able to fulfil its constitutional obligations when the nation's children are sacrificing their childhood, unable to lead carefree, secure, happy and healthy life, which is their basic right?

The existence and perpetuation of child labour is a blot on the conscience of modern day civilized society. The child is born free and equal but often finds an uncertain future and becomes prey to exploitative set-up of the society. As admitted through the facts children are put to work at so tender an age, which requires care and affection the most and education to equip them and provide better opportunities to grow and become able citizens. Unfortunately, they are denied these opportunities and are untimely subjected to enter the work force. In India, we are faced with an ever rising child labour growth curve. Their number is swelling unabatedly and the problem has acquired dangerous dimensions.

Children are the future hope of society and are destined to play important role in shaping the destiny of the nation. But unfortunately they are a suffering lot subjected to toilsome work without having opportunities to grow. The remark sums up the sad plight of child labour:

“It is really sad to note that children in most of the developing countries are living miserable, cheerless lives, toiling endlessly to ward off starvation totally deprived of all comforts and opportunities for self-growth and development.”

The phenomenon of child labour robs the child of his youthful life, restricts the prospects of education, which can enable him to reach a higher level at a later stage of life, and, ultimately, it harms the progress and prosperity of the nation. It has been correctly stated:

“Starve a child of food, of affection, of freedom, of education and you produce an adult who is stunted as an individual and holds back progress towards development rather than accelerate it.”

This is exactly happening in our country when put to work at a tender age, it reduces physical growth of children, lowers their efficiency, scale of intellectual growth and ultimately their ability and thereby nation’s growth in future. Thus, child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful. It is inefficient utilization of labour power at a lowest productivity level, which precludes full development of children’s potentialities and ultimately harms economic development.²

Poverty is undeniably a major factor leading to child labour because children from poverty-stricken families are compelled to join labour force but equally important is the exploitative nature of the system. Due to poverty “parental authority” is misused. In this context **Marx** said:

“It was not the misuse of parental authority that created the capitalistic exploitation of children’s labour but on the contrary, it was the capitalist mode of exploitation which by sweeping away the economic base of parental authority made its exercise degenerate into a mischievous misuse of power.”

There are many who view problem in this way and link it with exploitative capitalist mode of production and working of capitalist system. It has been opined:

“Child labour, more truly, mirrors the character of the society and policy, including the nature of transition, than any other set of indicators.”

Thus the exploitative capitalist order perpetuates the problem.

The roots of the problem lie in the exploitative systems prevailing not only at the national level but also at the international level. At the national level the lopsided development process in the background of socio-economic structure results in marginalization of the poor, who are left with no option but use child labour as a survival strategy. And at the international level, the need for foreign exchange, on the one hand, and stiff competition for markets in the developed world, encourage the producers of export industries in the third world to use cheap and vulnerable child labour. Also, powerful multinational corporations use child labour directly or indirectly, to minimize cost of production and to maximize profits.

▪ **Recommendations to Solve the Problem**

On the basis of previous discussion, the following points may be considered useful for reappraising the strategy for preventing child labour as well as ameliorating their conditions:

2. *Child Labour: The Shame of a Nation*, Md. Reyzuddin and Shahnaz Mirza, **Child Labour: Different Dimensions**, M.S. Gupta, Madhav Books, at p. 147.

- There is a need to bring consciousness among the children so that they may be aware of their constitutional rights and get relief accordingly. This is again possible with the help of radio, television, spread of free and compulsory education and literacy campaign.
- The problem of child labour is directly connected with the poverty and illiteracy of Indian people. There should be every possible effort on the part of Government and NGO's.
- Further, supportive measures for child labour such as removal of poverty and unemployment ensuring minimum wages, meaningful education policy, medical and health support, proper nutrition, recreation and cultural activities, family planning, apprenticeship and vocational training facilities *etc.*, must be given much importance besides legislative measures.
- The raising of public awareness and supporting community action should be given top priority in any scheme concerning child labour.
- Government should implement such action plans in the areas where child labour concentration is much higher. These areas should get priority.
- Unemployment allowance, old-age pension and red-card schemes for supplying the grains at half price among the poor all should be properly and fairly implemented. Benefits should reach genuine and needy people.
- Poverty alleviation programmes should be formulated and implemented in a decentralized manner with the participation of people at the grass-root level through village *panchayats*, *panchayat samitis*, *zila parishads*, *etc.*
- In urban areas; slum dwellers, casual workers, small artisans, vendors, minority community people, SCs/STs and BCs of the population should be the main beneficiaries of anti-poverty programmes.
- Productivity may be augmented through land-based activities like minor-irrigation, dry farming, horticulture and even farm forest tree.
- Land reform programmes should be strictly implemented. Land to the landless must be provided as most of the families of child labour and landless.
- Since more than 80 percent people of the state still depend on agriculture, this sector should be developed in a proper way. It provides employment to a sizeable population.
- Child labour should not be under the jurisdiction of the Ministry of Labour. The rehabilitation programmes come under Education Department, Health Department, Rural Development Department, *etc.* Co-ordination with these departments is often a major hurdle. Therefore, child labour should be under the Ministry of Welfare because it would be better suited to deal with the problem in its various dimensions.
- Minimum Wages Act should be strictly followed and the act concerning it must be amended and reformulated to avoid loopholes in them.
- Apart from general education, vocational training should be imparted to the children to make them economically independent in their adulthood.

To sum up, a strong political will power and dedicated welfare activities are necessary to check this evil practice. There is the need for change in social attitude and in this context; mass media should be assigned a constructive role. This will

certainly help in reducing child labour and eliminate it through improving enforcing legislations, promoting school enrolment, raising public awareness, supporting community action and targeting hazardous environment. Last but not the least, the prevailing corruptions in the government machinery must be checked very effectively and properly otherwise our all efforts in elimination of child labour will be like filling a vessel which has a hole in it.

References:

1. Article 24 of the **Indian Constitution**.
2. **Child Labour: The Shame of a Nation**, Md. Reyazuddin and Shahnaz Mirza, **Child Labour: Different Dimensions**, M.S. Gupta, Madhav Books, at p. 147.