
THE EXPLOITATIVE NATURE OF CHILD LABOUR

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Introduction

Child labour is defined by the International Labor Organization (ILO), a UN subsidiary, as "work that deprives children of their youth, their potential, and their dignity, and that is injurious to their physical and mental development."

Child labour can be found in a variety of industries, including agriculture, manufacturing, mining, and domestic work (i.e. prostitution). Children are coerced into child labour for a variety of reasons, including migration, emergencies, a lack of suitable work, and poverty, which is the most affecting factor. 2017 (UNICEF)¹.

Why is child labour happening

Poverty is one of the leading causes of child labour, since it is linked to a number of other variables such as low literacy and numeracy rates, a lack of decent employment options, natural catastrophes and climate change, conflicts, and mass relocation. Poverty and child labour are inextricably linked; if we don't address one, we won't be able to address the other. Families who are unaware of the dangers of child labour and how they affect their child's health, safety, well-being, and future are more likely to send their children to work. Child labour can also be influenced by cultural ideas and social conventions. 'Farmers in rural areas who are seeing their crops devastated due to climate change have no choice but to send their children to work.' Natural catastrophes and climate change are two issues that are growing increasingly concerning. Agricultural families who rely on predictable seasons are particularly vulnerable to changes in rainfall patterns, soil erosion, or extreme weather. Families struggle to make a livelihood when crops are lost or farming land is wrecked, and they are more inclined to send their children to work on neighboring farms.

'There is a clear link between child labour and conflict and disaster circumstances.' According to the International Labour Organization, children account for more than half of all persons

¹ <https://www.humanium.org/en/child-labor-in-india/>

displaced by war. Due to increased economic shocks, a breakdown of social support, education, and basic amenities, and disruption of child protection services, these children are more exposed to types of exploitation, including child labour. Child labour is nearly twice as common in conflict-affected nations as it is in the rest of the world. Children are also at risk of being drawn into armed conflict, which is considered one of the Worst Forms of Child Labor.²

Report by UNICEF

According to Census 2011 data, India has a total of 10.1 million child labourers, with 5.6 million boys and 4.5 million girls. Globally, 152 million children – 64 million girls and 88 million boys – are projected to be working as children, accounting for about one out of every 10 children.

Despite the fact that child labour rates have decreased in recent years, children are still subjected to some of the most severe kinds of child labour, including as bonded labour, child soldiers, and human trafficking. Children work in a range of industries in India, including brick kilns, carpet weaving, garment manufacturing, domestic service, food and refreshment services (such as tea shops), agriculture, fisheries, and mining. Schools, not workplaces, are where children belong. Child labour deprives children of their right to attend school and perpetuates poverty intergenerational. Child labour is a significant impediment to education, hurting both attendance and academic achievement.

Child labour and exploitation continue to be a threat to national economies, with serious short and long-term implications for children, including denial of education and deterioration of physical and mental health.³

Findings by report of 2020

India made moderate progress toward eliminating the worst forms of child labour in 2020. The national government spent \$13.5 million during the reporting period to expand Anti-Human Trafficking Units from 332 to all 732 districts, as well as offer extra training and resources to existing units. In conjunction with civil society organizations, the Government of Karnataka developed detailed standard operating procedures on human trafficking in March 2020. Sex

² <https://www.eclt.org/en/news/child-labour-causes>

³ <https://www.unicef.org/india/what-we-do/child-labour-exploitation>

trafficking, child beggary, child labour, and bonded labour are all covered by the standard operating procedures.

In September 2020, the Occupational Safety, Health, and Working Conditions Code was passed, which contained workplace safety regulations for children aged 14 to 18. Children in India, on the other hand, are exposed to the most heinous forms of child labour, such as garment manufacturing, stone quarrying, and brickmaking. Children are also involved in the manufacture of thread and yarn, which is a hazardous job. India also fails to meet the international threshold prohibiting non-state armed groups from recruiting soldiers. During the reporting period, no illegal shelter homes were shut down, according to research. According to research, complicit government officials were not held accountable for assisting in the operation of unlawful shelter homes, as no criminal proceedings were filed against them in 2020. Prohibitions on hazardous labour do not apply to all occupations in which children work for long periods of time in hazardous or unhealthy conditions, and fines for employing minors are insufficient to dissuade infractions. The government also refused to make information about its efforts to enforce labour laws and criminal laws public.⁴

India: the fight against Child Labour

With over 40 million child workers, India has one of the highest rates of child exploitation in the world. Child labour accounts for 23% of GDP, with 30 million children living on the streets and 100 million not attending school.

Many households in the Tamil Nadu region, one of India's poorest, work in rice mills and brick manufacturers in semi-slavelike conditions. They live in makeshift dwellings on the construction site with no running water or power. The children do not attend school, but instead labour alongside their parents to contribute to the family's economic well-being. Millions of people survive on less than a dollar a day: poverty and wretchedness are at the basis of child exploitation. Cesvi has been running two Houses of Smiles in Tamil Nadu since 2005, where orphans, children from low-caste households, and child labourers receive day and night care, schooling, clothes, and medical attention.

In 2016, the Houses welcomed 48 orphans, with 840 children receiving schooling and 60 adolescents completing job-training courses.

⁴ Bureau of International Labour Affairs <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/india>

Cesvi also hosts public awareness and information sessions on crucial topics including the right to an education. The Houses of Smiles are a vital resource where children and adolescents can feel safe and heard, as well as get treatment, psychiatric support, educational materials, and legal assistance.⁵

Role of panchayat members in mitigating child labour

- Generate awareness about the ill-effects of child labour,
- Encourage parents to send their children to school
- Create an environment where children stop working and get enrolled in schools instead
- Ensure that children have sufficient facilities available in schools
- Inform industry owners about the laws prohibiting child labour and the penalties for violating these laws
- Activate Balwadis and Aanganwadis in the village so that working mothers do not leave the responsibility of younger children on their older siblings
- Motivate Village Education Committees (VECs) to improve the conditions of schools.⁶

According to the report of ILO: There are approximately 10.1 million children who are child labourers from the age group of 5 to 14 years old.

National Legislations passed to remove Child Labour from the country: The Child Labour Amendment (Prohibition and Regulation) Act of 2016 and the Right to Education Act of 2009 have prepared the path for ratification of the International Labour Organization's two fundamental conventions.

1. The Convention No. 138 establishes a minimum age for minors to begin working not be under the age of obligatory schooling and, in any event, not be under the age of 15; Developing countries may be granted an exception.

⁵ <https://www.cesvi.eu/what-we-do/protection-of-infancy/india-the-fight-against-child-labour/>

⁶ <https://vikaspedia.in/social-welfare/women-and-child-development/child-development-1/resources-on-safe-childhood-for-panchayat-members/child-labour>

2. Convention No. 182 forbids hazardous work that endangers children's health. Health can refer to one's physical, mental, or moral well-being. Its goal is to eliminate the worst types of child abuse as soon as possible. Children under the age of 18 are subjected to child labour.

Ways to Remove Child Labour from the society:

- **Awareness Program:** Communities that are aware can better understand and respond to the problems that children face. Awareness also assures that communities take advantage of chances for growth, education, employment, and enterprise, resulting in a more socially and economically developed society with fewer children suffering. NGOs educate communities about the importance of children's rights through community events, sports, the arts, and theatre.
- **Stringent Laws:** Many cases have been filed under the recently enacted Protection of Children against Sexual Offenses Act (2012) and the Immoral Traffic (Prevention) Act, both of which have resulted in higher convictions, proving how legislation may effectively combat child trafficking. NGOs also collaborate with local and state officials to keep a close check on the implementation of pro-child legislation.
- **Enrolment of children in schools:** Generate funding so that children can be sent to school with better facilities.
- **Dissuading people from employing children in their homes, stores, factories, and other places:** When Indian firms openly exploit child labour in fields like retail, hospitality, and menial labour, it receives a resounding endorsement. Today, NGOs educate communities about reporting cases of child labour in companies and households, as well as sensitise trade organizations to prevent this social evil. Save the Children is credited with ensuring that India's largest IT market is devoid of child labour.
- **NGO involvement:** The NGO collaborates with state and national authorities, especially state police agencies, to prevent child abuse in states like Punjab, Delhi, Bihar, J&K, Jharkhand, West Bengal, and Assam, where children are particularly vulnerable.

Scenario of Child Labour in India

The Mines Act of 1952 is the fundamental piece of legislation governing mining and related operations. Child labour is expressly addressed under Section 40 of the Act. No mines in India can employ minors under the age of 18 according to Section 40. However, an exception has been made in the provision, which allows trainees under the age of 16 to work but only under professional supervision.

The Factories Act of 1948 - The Factories Act of 1948 is India's primary legislation governing factory regulation. A child under the age of 14 may not be worked in any factory in India, according to Section 67 of the Act. The Act also stipulates a number of restrictions and standards that must be met before a youngster over the age of 14 can work in a factory. Working hour limits and the production of a certificate of fitness are among the requirements.

The Child Labor (Prohibition and Regulation) Act of 1986 was enacted with the goal of prohibiting children under the age of 14 from working in specified vocations. The Act also governs working conditions in areas where children are permitted to work.⁷

Landmark Judgements

"Delhi High Court directs the Govt. of NCT of Delhi to come out with a proper scheme to address the issue of rehabilitation of these rescued children by providing some kind of economic help so that the parents or guardians do not force them to work as child labourers again to meet with their basic needs and to supplement their income for their basic survival," the Delhi High Court said in *Jayakumar Nat & Anr vs State Of NCT Of Delhi & Anr* on September 4, 2015.

On 11 November 2016, in *Court On Its Own Motion vs The State Of Jharkhand*, "Petitioner said nothing has been done with regard to settlement of the child labour and further the State has not disclosed anything as to how they will cope with this horrifying situation of child labour where Jharkhand High Court directs to file an affidavit about the stage of investigation which will also indicate that how many schemes have been implemented in the State of Jharkhand by the State of Jharkhand.

Conclusion

⁷ <https://contracteasily.com/blogs/current-scenario-of-child-labour-in-india/>

It is extremely depressing to see that child exploitation through employment and labour is still so widespread in India today. There are numerous laws that are enough for proper restitution, yet there has been no indication that the situation is being addressed. To fully rid India of this threat, a combined effort of increased governmental enforcement and citizen involvement would be required. It is worth noting that the judiciary played a critical role in the protection of child labour. The judiciary has always taken precautionary measures to protect them from their employers, such as limiting their working hours, providing medical care, and establishing a minimum wage. As stated in our constitution, the judiciary has also directed state authorities to create an environment in which the child can grow and develop his personality without fear of abuse.