

# An Analytical Study on the Impact of Child Labour Legislations in Preventing Child Labour in India

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## ABSTRACT

The purpose of this study is to have a in-depth analysis of the impact of child labour legislations in preventing child labour in India. When children are made to work when they are too young to work, study, or enjoy their infancy, this is known as child labor. It implies a lost or deprived childhood that results in child exploitation in a variety of ways, including mental, physical, social, and sexual. It is the responsibility of society, nonprofits, and legislators to end the deplorable practice of child labor in India. Not all Indian children are fortunate enough to have a happy childhood. Many of them are compelled to work in deplorable situations where their suffering has no end. Despite the fact that child labor is prohibited by law, children are still used as slaves and cheap labor. The article sheds light on factual and legal scenario of child labour in India, action taken against child labour, conditions of girl child laborers and how it has become a stigma in Indian society.

**Keywords:** Child Labour , children, child legislations

## INTRODUCTION

A country cannot have a future if its children lack trust. Due to the nation's history and sociocultural background, children have historically received less attention or discussion in Indian society. The child's supposition is to lay the foundation for a country's future civilization as concepts are built. Children shouldn't be working as because it is dangerous or unfavourable for the policies of the country. Whether or whether a child's job qualifies as child labour depends on the child's age, the hours and nature of the work, and the circumstances under which it is carried out. But millions of young people are employed in hazardous conditions. According to the report, India is one of the top countries with a very high proportion of "child labour" in the workforce. Like others, India has formulated laws to reform and end all forms of child labor since its inception as a free country, but the reality remains very grim. child labor in India is addressed by the Child Labor Act 1986 and the National Child Labor Project. Today, there are more than 11.24 million children in India who spend their childhood studying, carpet weaving, diapering, domestic work, agriculture and countless other occupations instead of going to school.

Child labour is a serious problem that has long affected Indian society. The International Labour Organisation (ILO) said that approximately 12.9 million youngsters in India are working and working in

dangerous industries. Despite several laws and constitutional clauses criticising and outlawing child employment, it appears that hiring young children to work in jobs that have been shown to be harmful to their mental, physical, and emotional health is still a common practise. The problem has been made worse by discrepancies in how children are valued by employers, parental misinformation, poor application of laws, and other factors. There is no greater violence than denying our children's ambitions, as Nobel Laureate and child rights activist Kailash Satyarthi once said. Every person who is younger than 18 is considered a child, as defined by the United Nations Convention on the Rights of the Child (UNCRC). Since the General Assembly of the United Nations adopted the Declaration of Child Rights on November 20, 1949, it has been emphasised how crucial it is to protect children's rights to holistic development and protection from exploitation and trafficking. Research on this topic of child labour in India has revealed that there is a complete lack of uniformity in the number of working hours allotted and the minimum wages provided. Norms like fixation of set of hours of work, night work, and rest interval are not properly maintained. Poverty is undoubtedly a major factor in compelling children to engage in laborious activities. Gender differentials also affect the incidence of child labour in India.

## REVIEW OF LITERATURE

Basu, K. According to the International Labour Organization's Bureau of Statistics, at least 120 million children between the ages of five and fourteen worked full-time for pay in 1995 (ILO 1996; Kebebew Ashagrie 1998), according to the author's article. Many of them laboured in hazardous and unclean conditions for more than ten hours each day. This problem is not new. The working child has contributed to economic life in many different regions of the world and over the course of history. Children have worked in factories in large numbers, especially since the industrial revolution, which occurred in Europe and America around the middle of the nineteenth century.

Basu, K., & Van, P. H. The authors explain if parental concerns about survival rather than parental self-interest are the primary cause of child work as a widespread problem, the rationale for banning it is substantially weaker. The premise that child and adult labor may be swapped in production together with these assumptions about parental decision-making, however, could result in two different labor market equilibrium situations, one where children work and the other where adult wages are high and children do not. This conclusion is made in the paper, which also discusses the implications for policy.

Bhargava, G. These days, the problem of child labor is very urgent. It poses a serious threat to the emerging countries of the third world. Child labor is one of the essential components of the labor force whose exploitation by employers has degraded humanity. Child laborers are bonded laborers who are exploited like slaves by employers in violation of human rights, which is a terrible stain on the entire community. On a global scale, this societal ill has attracted attention.

Boateng, P. Together, the three main international conventions on child labor—the United Nations Convention on the Rights of the Child (1989), Worst Forms of Child Labor Convention (No. 182), and Minimum Age to Employment Convention (No. 138)—set the legal parameters for child labor and provide the legal framework for national and international action against it. Although lobbying efforts are the most frequent type of intervention, it might be difficult to attribute convention ratification and law implementation to any one organization or campaign. Despite this, the International Labor

Organization (ILO) continues to dominate this industry because to its extensive presence, monetary backing, and partnerships at the international, regional, and national levels.

Kaur, N., & Gulati, S. Child labor is a serious problem in developing nations everywhere since it inhibits children's physical and mental growth. Although numerous laws banning child labor have been passed, they haven't been able to solve the issue. Children are robbed of their youth and sense of dignity when poverty and child labor coexist; these two factors also have an impact on children's health, education, and, most significantly, their ability for growth. It clearly conflicts with the notion of human development, which lays a strong emphasis on enhancing human lives and well-being and measures progress using the three criteria of economic prosperity, educational attainment, and physical and mental health.

Khanam, R. This study examined child labor trends, patterns, and policy choices in Bangladesh, focusing in particular on the 1990s. It was shocking to learn that while child labor has been on the decline worldwide and in other South Asian countries like India and Pakistan, it has been increasing in Bangladesh. The increasing prevalence of child employment in Bangladesh is mostly due to the inadequacy or non-applicability of the country's present child labor laws. This study suggests that a mix of policies might be successful in reducing child labor.

Mohapatra, S., & Dash, B. In India and other countries, it has been recognized that "child labor" is a social problem. A lot of dreadful realities, such as poverty, illiteracy, unemployment, low salaries, ignorance, social prejudices, outdated traditions, a low standard of living, backwardness, superstition, and the low status of women, have contributed to the horrifying practice of child labor. The prevalence of child labor is one of the largest problems facing the entire world, especially growing nations like India. The financial demands of the parents usually necessitate the employment of children. Widespread underemployment and unemployment among the adult underemployed strata of society are the main reasons of child labor, together with the rapid population growth.

### **OBJECTIVES OF THE STUDY**

- To understand the factual scenario of Child labour in India
- To examine the impact of the legislations in relation to child labour
- To investigate the likely causes of child labour in India.
- To determine the degree to which a child's rights have been violated.
- To suggest changes to the implementation strategy in an effort to stop the developing threat.

### **RESEARCH METHODOLOGY**

This is an analytical study; data collected through secondary source.

### **RESULTS AND DISCUSSION**

The study begins with the analysis that millions of children are employed in hazardous conditions. India is one of the top countries with a very high proportion of "child labour" in the workforce. India has formulated laws to reform and end all forms of child labor since its inception as a free country, but the reality many children are forced to work.

## FACTUAL SCENARIO OF CHILD LABOUR IN INDIA

Child Labor Concerns Decreased Appeared mainly in the 20th century. Women and Child Labor Report Study group representing the working committee [Study Group 2001]. It shows the side of children who work unacceptably long hours each day. Children have to work in narrow trenches in mines where adults cannot crawl. They are made to work in the carpet industry for long, tiring hours and without adequate payment. Various studies have proved many toughest statistics on child labor in India:

- a) In India 1 in every 11 child is working to meet their basic needs
- b) 80% of working children live in rural areas, and 3 out of 4 of them work in agriculture field, as farmers, or in the domestic industry.
- c) More than half of 5.5 million working children in India are concentrated in five states –Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, Maharashtra.
- d) Young people with hazardous jobs make up 20.7% of t's workforce.
- e) Nearly 25% of adults work in hazardous environments.
- f) Youth between the ages of 15 and 17 performing hazardous work. They make up 62.8% of the total child labor population. Q. Nearly 10% of young people working in hazardous environments work to meet the needs of their family.
- g) 56% of working youth are no longer studying. and 70% of the youth working in hazardous environment are not studying.
- h) Boys (38.7 million) are more involved in hazardous work than girls (8.8 million).

## LEGAL SCENARIO OF CHILD LABOUR IN INDIA

According to the Constitution of India, no child below the age of 14 shall work in a factory or mine or do any other hazardous work. "Employing children in industry or business, especially when illegal or seriously unequal child labor is work that children should not do because of the risk and likelihood that the risk will cause injury or illness, and knowing how serious the harm can be. Today, India is the leading a country that employs 31 million children between the ages of 5 and 14 The world's largest democracy has not yet ratified the International Labor Organization's (ILO) Minimum Age Convention of 1973 (No. 138), which sets basic rules for the employment of minors worldwide According to UNICEF, there are about 150 million child labor Children regularly perform paid and unpaid work that is not harmful to them. However, they are classified as child labor if they are too young to work or are involved in hazardous activities that may endanger their physical, mental, social or educational well-being. In least developed countries, approximately one in four children (ages 5-17) engage in work that is considered harmful to their health and development. UNICEF says in another report that "children's work must be seen as occurring in different directions, with one end being destructive or unjust work and useful work - promoting or enhancing children's development without being disruptive, and the other end being school entertainment and recreation. And between these two extremes are vast fields of work that may or may not negatively affect a child's development.(Dr. G.L. Parvathamma, 2015)

The Supreme Court, in a landmark decision, declared free education for fourteen years as a fundamental right. The most typical feature of the constitution, concerning child development, comes in the form of Article 21A imposes on the State the obligation of free and compulsory provision education for all children from 6 to 14 years old. In addition, the 2002 amendment the Constitution includes Section 51-

A(k) making it a fundamental duty of parents provides education for children in the age group of 6-14 years old.

In the 1971 census report, it was expected that 12% of children were employed; however, by 1981, that number had increased to 13%. and it decreased to 11.28% after ten years. It was assumed that over the past few years, the civil society and the media had an impact on the attitudes of employers who used children. The situation has not significantly changed, despite the drive for universal education appearing to be one of the open attempts to enroll all children under the age of 14 in school. According to a 1983 survey, 42.49% of child workers in India's rural areas were engaged in agricultural work, and 37.45% were cultivators. Each state has a different level of child labor involvement. In fact, Andhra Pradesh, which accounted for more than 10.8% of all labor in India, had the highest rate. In fact, some microstudies reveal that attempts to increase the status of women in society in order to stop child labor practices failed. Similar to interventions through social labeling in specific workplaces that eliminated child labor practices, those very kids moved and began working in other unaffected areas. These empirical findings demonstrate that these working children are outside the legal system, and all attempts at intervention have failed. One of the causes appears to be the failure to adapt current policies to the shifting socioeconomic conditions.

Child labor is defined as any work done by kids that hinders their ability to fully develop physically, receive the minimal amount of education they should, or engage in the necessary recreation. Traditionally, a child who is working is one who is performing labor that is either paid or unpaid and is between the ages of 5 and 14.

### **ACTIONS TAKEN AGAINST CHILD LABOUR**

The statistics of child workers in India are in crores, which is again a sad realization, especially in light of the various child labor laws and constitutional requirements. The information may vary depending on different organizations. According to a report by the Labour Ministry, every fourth child who is between the ages of 5 and 14 is a child worker, and there is one child laborer for every three families. But it's not as if the Indian government hasn't taken any action to address this serious social dishonor; over the years, it has passed numerous pieces of legislation and constitutional requirements to address the issue of child labor. To name a few of them: Labour legislations:

- The Mines Act, 1952
- The Child Labour Act, 1986
- The Factories Act, 1948, a child is who has not over and done with his fifteen year of age.
- The Minimum wages Act, 1948, that individual who has not completed fourteen years of age is a child.
- The Right of Children to Free and Compulsory Education Act, 2009
- The Plantation labour act, 1951, a person who has not completed fourteen years of his age is a child.
- The Juvenile Justice (Care and Protection) of Children Act, 2000
- Article 24 provides: exactingly prohibits kids to work in risky environment
- Article 21, 45 gives the right to education to each and every one the children below the age of 14years.

- Article 39 declares the responsibility of the State to give the children a free facilities to expand in conditions of liberty and self-respect in a healthy way

The 1959 United Nations Declaration on the Rights of the Child includes India. India also takes part in:

- Development and Protection of Children.
- ILO Abolition of Forced Labour Convention (No. 105)
- UN Convention on the Rights of the Child (CRC)
- World Declaration on the Survival
- ILO Forced Labour Convention (No. 29)

While allowing children to participate in family-based work or familiar school-based activities, the Child Labor (Prohibition and Regulation) Act of 1986 forbids children from working in occupations related to travel, goods post transport by railway, mat weaving, ashes picking, cleaning of ash-pits, cement manufacturing, building operation, construction, cloth printing, dyeing, weaving, developed of matches, explosives and fireworks, catering establishments in remote areas, and other such occupations. The employment of children has therefore continued to be a problem. The protection arm of the law must be long and strong enough to ensure distributive justice to the adults of tomorrow.<sup>10</sup> The Policy aims to accept a gradual & chronological loom with a focus on the first case—treatment of children engaged in risky processes & occupations. The following is the action plan outlined in the policy to address this crisis:

1. Legislative action Plan for strict enforcement of the Child Labor Act and other labor laws to ensure that children are not employed in hazardous jobs and that the working conditions of children employed in safe areas are timely in compliance with the Child Labour Act's provisions. It also requires additional recognition of additional professions and procedures that are harmful to children's health and safety.
2. Concentrating on General Developmental Programs for Child Labor Benefit - The deed plan emphasizes the need to include these children and their families in a variety of poverty mitigation and employment cohort schemes of the Government since shortage is the primary cause of child labor.
3. Plan-based plans of action call for the beginning of projects in regions where child labor is a major concern. In 1988, the National Child Labor Project (NCLP) Scheme was introduced in nine of the nation's high-child labor-society districts. The proposal calls for the operation of special schools for children who are prohibited from working. These children receive formal and non-formal education, professional teaching with a monthly salary of Rs. 150, additional nutrition, and regular health checks in the extraordinary schools to prepare them for enrollment in regular conventional schools. The District Collectors receive funding under the plan to manage special schools for child labor. The majority of these schools are abandoned by the local NGOs.(Garrett, 2020)

## SCENARIO OF GIRLCHILD LABORER

There aren't many statistics on girl child labor, which can also be interpreted as proof that her work is invisible despite making a significant contribution to the family and society as a whole. Domestic and conjugal work is frequently not recognized as work in the global sense. Additionally, if a girl assists her mother in the home, it is typically not acknowledged because such work is regarded as being of a low rank and incompetent nature. Due to the preference for boys, their ability to climb hills is hindered by

their lack of formal education. She has limited options on the job market due to her lack of education and is only permitted to take on unskilled, low-paying jobs.

There are 145 million children working as children worldwide, according to a fact sheet on girl child labor from the Andhra Pradesh Child Rights Advocacy Foundation (A.P. CRAF). In other words, one in every five kids worldwide is involved in some sort of class-related work. Two categories can be used to break down this number. Children between the ages of five and fourteen are included in the first group. Of them, 93 million are employed and frequently subject to the worst types of child labor. Of them, 39% are female. The second category, which includes 69.2 million children between the ages of 14 and 18, includes young people in this age range. 42% of them are female.(Singh, 2019)

### **CHILD LABOR- A STIGMA ON THE FACE OF SOCIETY**

Child labor has a reputation for being harmful to children's mental and physical health as well as a violation of their fundamental rights. Despite the fact that the constitution prohibits children from working in factories, mines, and other dangerous occupations, many youngsters continue to work in restaurants and other public places. Child labor's primary cause is extreme scarcity. Similar to this, inadequate education and a society that is not vigilant are other causes. To end child labor, poverty must be eradicated, and awareness and education are essential. Policies and laws relating to child labor should not be limited to paper work in order to guarantee children's rights to nutrition, education, and strength.(Singh, 2019)

### **RECOMMENDATIONS**

- India has a strong legal system and it has all the possible legislations to protect the rights of children. What is important is that these legislations to be implemented even from the grass root level in an effective manner.
- The government has to actively address this issue by vigorously enforcing legal requirements and organizing quick-rehabilitation activities
- There is a need to make bigger the net of enforcement equipment required for enforcing various existing laws on child labour in the country
- State government which is the fitting implementing authority , should conduct regular inspections and raids to detect cases of violations

### **CONCLUSIONS**

The study's overarching goal was to gather information on the extent of employment and child labor among children aged 5 to 17 as well as on the types of work they perform, the latent risks associated with their employment, and the effects of employment on children's health and education. The research has generated reliable data for the development of the child guard policy and strategy. It also made it possible to compare the information from the earlier NCLS (2007) to the progress made toward finishing ILO Conventions 138 and 182. The survey has notably improved national proficiency in quantifying child labor in accordance with international standards. Despite the decrease in the rate of child labor, the country still has a high rate of both child labor and hazardous child labor. Regular inspections and raids are carried out by the state government, which is the appropriate implementing authority, to look for

instances of violations. Since scarcity is the crisis' primary cause, enforcement alone will not be able to resolve it.

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