

Child Labour and Migration: Rural Children in Urban Centres

Juhi Naseem¹, Dr. Gurmeet Singh²

¹Research Scholar, Faculty of Legal Studies, MJP Rohilkhand University, Bareilly

²Professor of Law, K.G.K College, Moradabad

ABSTRACT

In developing nations, labour migration from rural to urban areas is widespread, the prime reason being poverty. To earn a better living, the migrants leave their villages and come to the cities in search of work; resulting in the dropping out of their children from school. The present paper sheds light on the children who are worst affected by migration to urban areas and are also compelled to drop out and work as child labourers. Thus, the overall development of these children is next to impossible as they are debarred from getting an education by their parents as it is their fundamental right embedded under Article 21-A inserted by the 86th Amendment Act, 2002 to get compulsory education. The paper tries to suggest ways and means that need to be looked into to get rid of this malpractice.

Keywords: Labour migration, rural, urban, child labour, malpractice

INTRODUCTION

“Every Child without discrimination of any kind, irrespective of the child’s or his/her parents or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status is born with the same rights” (Article 2.1, UNCRC) including “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” (Article 32, UNCRC)

This mandate of the United Nations Convention on the Rights of Child urges the State parties to protect children from child labour. However, the driving forces behind child migration are multi-dimensional and differ from region to region. Migration can be triggered by economic factors, cultural factors as well as personal factors. Unemployment in rural areas and poverty could be the main economic factors whereas gender discrimination and the threat of marriage at an early age might be the cultural factors behind child migration in India. Climate change, natural calamities and seasonal floods are the other external factors that are responsible for child migration in India. Many children voluntarily choose to migrate to big cities to gain more opportunities but not all children are trafficked into child labour. Those who end up working as child labourers tend to work as domestic helpers, in agriculture farms or hotels, *dhabas* and restaurants. Some of them work in bus stations and railway stations as tea pickers. According to the report of the International Labour Organisation, approximately 80,000 children are working as tea pickers in India.

National Commission on Labour (1966-1969)

The First National Commission on Labour was set up on 24th December 1966 under the chairmanship of

Justice P.B. Gajendragadkar. It submitted its report after a detailed examination of all aspects of labour problems, both in the organised and unorganised sectors.

The Gurupadswamy Committee on Child Labour (1979)

In 1979, the Government formed a committee to study the issue of child labour and to suggest measures to tackle it.

The Sanat Mehta Committee (1984)

In 1986, as a prelude to the Child Labour (Prohibition and Regulation) Act, the Sanat Mehta Committee reiterated the recommendations of the Gurupadswamy Committee.

Evidence from various studies has shown that migrant child workers are vulnerable to exploitation by their employers. They often experience maltreatment.

Child Labour (Prohibition and Regulation) Act, 1986

The act prohibits the entry of children into hazardous occupations and regulates the services of children in non-hazardous occupations.

Child Labour (Prohibition and Regulation) Act, 2016

The Act forbids hiring minors under the age of 14 and teenage workers in processes and occupations which are hazardous. It also stipulates severe penalties for violation of the Act.

According to the Census 2011, 19.76 million migrant children in the age group of 0-14 years were involved in child labour, it is important to ensure the effective implementation of the Child Labour (Prohibition and Regulation) Amendment Act, of 2016 as well as Right to Free and Compulsory Education Act,2010. (Census 2011)

In India, under the syndrome of ‘*pardesh chalo*’ (let’s move to a foreign land for livelihood) a huge mass of rural males (more than 100 million) and females (14.4 million) in India move for work each year spend 1–6 months away from the village (NSSO, 2010; Table 15, p. 235). Such temporary seasonal migrants contribute about 10% to the national GDP (Deshingkar & Akter, 2009) but have not got due attention (see further Roy Archana, 2015, page 20)

Evidence suggests that migrant child labourers often receive less pay for work for longer hours and face high death rates at work in comparison to local child labourers. (In the tobacco industry in Kazakhstan, migrants often earned 1.5-2 times less than local workers. See IPEC: Child labour in tobacco and cotton growing in Kazakhstan: rapid assessment report, Geneva, ILO, 2006, p. 12)

AREAS	Involvement of Boys and Girls as Child Labourers
1. Dhabas/ restaurants and hotels	Boys are more involved rather than girls
2. Domestic work	Girls are more involved rather than boys
3. Construction work	Boys are more involved rather than girls
4. Spinning/ weaving	Girls are more involved rather than boys
5. Paan/ bidi and cigarette making	Boys are more involved rather than girls
6. Carpet making	Boys are more involved rather than girls
7. Jewellery making	Boys are more involved rather than girls
8. Vehicle and automobile repairing	Boys are more involved rather than girls

9. Brick kilns	Boys are more involved rather than girls
10. Agarbatti, dhoopbatti and detergent	Equal involvement of boys and girls

Involvement of child labourers in different occupations, based on gender

As per Census reports, U.P, M.P, Andhra Pradesh, Bihar and Maharashtra are the top states where child labour is more prevalent than other states. The highest jump results in the state of Uttar Pradesh i.e., from 12% to 21% from 1971 to 2011.

Way Forward

The 2009-2010 nationwide survey found that child labour had reduced to 4.98 million children (less than 2% of children in the age group of 5-14 years of age). (Niti Nagar, a critical analysis of child labour in India, page 17). This data reveals that there have been rectifications in the malpractice of child labour but more attention is required to be put on the activities that result in the curb of child labour. Laws and policies in the fields of migration, children's rights, education, health care and child labour should pay specific attention to both internal and international child migrants (ILO's International Programme on the Elimination of Child Labour, page 3)

Migrant children of working age should join or access trade unions, which can serve as a better tool for their protection. Clarity regarding the division of law enforcement roles and responsibilities in the informal economy should be enhanced, along with clarity on the complementary roles that the police, labour inspectorates, social workers and civil society can play in protecting young migrant workers. Further research and analysis need to be conducted regarding the correlation between migration and child labour. Research standards need to incorporate attention to child participation and methods that make migrant children (disaggregated by age and sex) and the potential exploitation of migrant boys and girls more visible in data-gathering exercises (i.e. incorporate a focus on child migration in MICS data gathering and national surveys on child labour, poverty, IDPs, fertility, etc.). To reduce social exclusion and thus improve access to basic services is important to address the lack of birth registration of the estimated 51 million currently unregistered children who are by default vulnerable to exploitation, in particular, if they migrate (see Article 7 of the UN CRC and paragraph 16 (a) of ILO Recommendation No. 146)

Systems should be put in place to monitor recruitment agencies and labour inspection mechanisms should be sensitised to child migrants and issues concerning child labour, especially at destination in types of work where migrants predominate.

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