



Policies and Programmes on Child Labour in India

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Abstract

1. Introduction

In all societies irrespective of caste, race or area children occupied a very important position. A Child is the bud of future citizen of a country. Child labour is necessitated by economic compulsions of the parents and in many cases of the children. Widespread unemployment and underemployment among the adult poor are the main reason which has given rise to child labour. The major reason for hiring children viz., children's are easier to manage because they are less aware of rights, less complaining, more trust worthy, less troublesome and no problems of unions. Employment of children of less than 14 years is strictly prohibited in India, still due to different reasons such as poverty, poor economic support to families, family disorganization, etc, it is still prevailed. The child labourers are facing many of the problems such as lower wages, longer working hours, ill health, poor psychological development, exploitation, sexual harassment, etc. So, the present study is based on secondary data which encompasses policies and programmes taken by the authorities to curb the child labour menace in India.

Child labour is a very pertinent issue affecting the society. Child labour is a global problem. It was originated in 13th century in Europe. In Indian society this is prevalent since the Ancient age as it is mentioned in Kautilya's Arthashastra. Though before and after independence, some Legislative measures are taken, but still in India child labour continues to exist in huge numbers.

According to Census Report, 2011, India has total 82 lakhs population of working children whose age ranges between 5 to 14 years. These are the main reasons for more number of Child Labours in India. Poverty, lack of basic education of the parents, culture, large family, child abuse by family members, poor implementation of laws and presence of alcoholic or physically challenged family members.

It is mentally, physically, socially or morally dangerous and harmful to children; as it interferes with their schooling by depriving them from the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school



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attendance with excessively long and heavy work. Combining work with attending school results poor attendance and reduced educational achievements. But, at the same time to some extent labour provides child the capital to afford education. On the other hand, insufficient schooling hour, low motivation of the teachers and irrelevant curricula also affect children inversely for schooling.

According to the UNICEF, there are about **10.1 million children employed in child labour in India in 2019**. That amounts to approximately 13% of our workforce, or in other words, 1 in every 10 worker in India is a child; a child who is guaranteed protections under the Indian Law, and guaranteed an education and mid-day meals, till the age of 14. A new report by UN indicates that a significant share of child labour and human trafficking in global supply chains occurs at their lower tiers, in activities such as raw material extraction and agriculture, making due diligence, visibility and traceability challenges.

Definition of Child:

- **The Child Labour (Prohibition and Regulation) Act, 1986** defines a child as a person who has not completed fourteen years of age.
- **The Factories Act, 1948 and Plantation Labour Act 1951** states that a child is one that has not completed fifteen years of age.
- **The Juvenile Justice (Care and Protection of Children) Act, 2000** has changed the definition of child to any person who has not completed 18 years of age.
- **POCSO Act 2012** defines a child as any person below eighteen years of age.

Child Labour:

UNICEF has categorized child work into three categories:

- **Within the family:** Children are engaged in domestic household tasks without pay.
- **Within the family but outside the home:** Example- agricultural labourers, domestic maids, migrant labourers etc.
- **Outside the family:** Example- commercial shops in restaurants and jobs, prostitution etc

Data for India:

- Between 2015 and 2018, authorities were able to attain conviction in **only 25 per cent of the cases where a violation of the Child Labour Act** was recorded.
- In February 2019, a study revealed that **10,826 cases of violation of the Child Labour Act** were reported across the country in the past four years. Of these, only 56 per cent cases (6,032) went to the stage of prosecution.
- Among states, **Odisha had the most number of violations (4,517)** - nearly 42 per cent of the national figure. This was followed by Uttar Pradesh (1,416), Telangana (747), Punjab (898) and Gujarat (422)
- The census for 2011 entails that over **80 per cent of children below 14 years of age engaged** in child labour are based in rural areas.
- The Census 2011 data revealed that **53.69 lakh children aged 5-14 years were working** as agricultural labourers and cultivators in India.
- The overall number of child labourers (marginal and main workers put together) was estimated to be around 1.3 crore.
- **International Labour Organisation (ILO)** in a report on child labour in India said while the nearly 4 per cent of India's child population (5-14 years) is working as child labour (either main worker or marginal worker)

2. Where are Children Working in India?

Child labourers in India are working in different sectors. Majority of them are working in Agriculture, Forestry and Fishing. The details of the child labourers who are working in various sectors are summarised in the table – 1.

Table -1
Child Labour Working in India in 2019

Sector	Percentage of Child Labour in each state
Agriculture, Forestry and Fishing	62%
R S,T U R- Arts, Entertainment & Recreation S-Other Service Activities T- Activities of Households as Employers undifferentiated Goods & Services U- Activities of extra territorial Organisations Bodies	26%
Manufacturing	6%
Construction	4%
Others	2%

Source: DHNS Digital Journalism Bengaluru, March 7th 2020.

Table 1 reveals that 62% of the children working in Agriculture, Forestry and Fishing, 26% of them are working in Arts, Entertainment & Recreation, Other Service Activities, Activities of Households as Employers undifferentiated Goods & Services, and Activities of extra territorial Organisations Bodies, 6% of them working in Manufacturing, 4% of them working in construction industries and 2% of them working in other sectors.

62% Children in Agriculture, Forestry and Fishing. The percentage of different states are; 18.1% in Uttar Pradesh, 11.5% in Bihar, 11.1% in Rajasthan, 8.8% in Madhya Pradesh, 6.8% in Maharashtra, 6.2% Andhra Pradesh, 5.1% in Jharkhand, 4.7% in Gujarat, 4% in Karnataka and 3.8% in Odisha.

Table – 2
Top 10 states of child labour in India in 2019

Name of the State	Percentage of Child Labour in each state
Uttar Pradesh	21.49
Bihar	10.75
Rajasthan	8.38
Maharashtra	7.19
Madhya Pradesh	6.91
Andhra Pradesh	6.64
West Bengal	5.43
Gujarat	4.57
Karnataka	4.16
Jharkhand	3.95

Source: DHNS Digital Journalism Bengaluru, March 7th 2020.

Table 2 narrate. The top 10 states where magnitude of child labour is high. Out of top 10 states, Uttar Pradesh stood first with 21.49 percentage, the state of Karnataka is in 9th place and Jarkhand is at 10th place. Over 50 percentage of working children in India are in 5 states-Uttar Pradesh, Bihar, Rajasthan, Maharashtra and Madhya Pradesh.

3. Causes of Child Labour:

- **Poverty:** Due to poverty, parents cannot afford the studies of their children and make them earn their wages from a tender age. They are made to work to increase the income of their poor families at the earliest.



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- **Lack of educational resources:** There are thousands of villages in our country where there are no proper facilities for education. And if there is any, it is miles away.
 - **Administrative Laxity:** Administrative laxity is also responsible for child labour. The worst sufferers are the poor families for whom getting their children educated is a dream.
 - **Addiction, disease or disability:** In many families, due to addiction, disease or disability, there is no earning, and the child's wages are the sole means of family's sustenance.
 - **Rising Population Growth:** Population growth is also increasing unemployment, which has an adverse impact on child labour prevention.
 - **Sexual Exploitation:** In 2005, a study was conducted by the National Human Rights Commission of India (NHRC) found that India was **fast becoming a source, transit point and destination for traffickers of women and children for sexual and non-sexual purposes.**
 - **Illegal Activities:** Children, over adults are often chosen to be trafficked for illegal activities such as begging and organ trade, as they are seen as more vulnerable.
 - **The lure of cheap labour:** In the greed of cheap labour, some shopkeepers, companies and factory owners employ children so that they have to pay less to them and it amounts to employing cheap labour.

4. Consequences / Effects on Child Labourers:

- **Loss of Quality childhood:** Child labour leads to loss of quality childhood as children will be deprived of the opportunity to enjoy the amazing experiences that come with being young.
- **Health Complications:** Due to poor working conditions and undernourishment, child labour leads to health complications. Working in places such as mines and badly conditioned factories may result in lifetime health issues for children employed to work in these places.
- **Mental trauma:** Issues such as bullying, sexual exploitation, and unfavorable working hours may result in mental trauma in these children.
- **Illiteracy:** Children that are employed do not have the time to go to school. The lack of education and illiteracy makes them individuals with limited opportunities as far as employment is concerned.



- **Indulgence into Crime Field:** Uneducated/ Unguided children who work in society sometimes get influenced by criminal activities and commit crimes at a low age.

5. How to Eliminate and Stop Child Labour In India

Abolition of child trafficking, elimination of poverty, free and compulsory education, and basic standards of living can reduce the problem to a great extent. The World Bank and International Monetary Fund can help in eradicating poverty by providing loan to the developing countries.

Strict implementation of labour laws is also essential in order to prevent exploitation by parties or multinational companies. Lot many amendments are required in the present child labour prohibition law in order to implement strict measures to control the situation. The minimum of age of fourteen years needs to be increased to at least eighteen. The list of hazardous activities which are present in the law needs to include more occupations which have been left out of the purview of the hazardous activities.

Let's learn how to stop and solve the problem of child labour in India:

- To prevent child labour, incidence of poverty needs to be reduced first, so that poor people do not have to send their children to earn their bread and butter.
- Spreading literacy and education is a potent weapon against the practice of child labour in India, because illiterate persons do not understand the implications of child labour.
- Another way to stop child labour in India is to eliminate or rein in unemployment. Because of inadequate employment, many families cannot afford to meet all their expenses. If employment opportunities are increased, they will be able to let their children read and write and become worthy citizens.
- To stop child labour in India, we will have to first change our own thinking. We have to ensure that first of all, we do not keep any child at work in our own home or office. We have to remember that we are not doing any favour to children of tender age by paying them money in exchange of their labour, but we are rather playing with their future.
- We also need to spread awareness about child labour in India, so that people can understand that child labour is messing with the future of the country. They will have to understand that there is no future for India if its children are weakened mentally and physically through the practice of child labour.
- The common man should take up a resolve that he will not buy any items from the shops where a child is employed as labour. Also, if we come across such instances, we should



complain to the police or other agencies, about it. The common citizen should prevent child labour from taking place in society. In this way, the general public can help in the prevention of child labour in India.

- There are laws prohibiting child labour in our country. If we notice any case of child labour, then we should immediately go to the nearest police station and register our complaint. We must raise our voice against the stonehearted who employ child labour in India.
- We can also dial 100 to register a complaint against child labour. We can also dial the telephone service number 1098 started by the government to register complaints against child labour.
- We will have to play the role of a conscious customer. Many times we go to the market and shop for our necessities, without knowing that there may be child labour practice behind the texture of that stuff. Why not form a habit from today that whenever we purchase any goods, we ask the shopkeeper about the technique used in their manufacture. Most shopkeepers may not know the answer to this question, but we can take one step from our side. We can create a sensible environment in the society by these inquiries. And say No to the use of something made of child labour. It may seem a little odd, but this can bring a big change in our society.
- Let the parents of the children know the consequences of child labour. If we find any child labour somewhere near us, first we should talk to the family of that child. Empathizing with their conditions, we should tell them about the bleak future of their child in case of continuance of this practice.
- Owners of factories and shops should take a vow that they will not force any child to do labour and stop other people from doing the same.
- To prevent child labour in India, we need proper implementation of laws that prescribe strict punishment to vendors, shopkeepers and mill owners in case they engage children on cheap wages.
- There should also be more robust and stricter laws for child labour in India, so that the people fear from employing any child labour.
- Poor parents should pay full attention to the education of their children because today the government is providing free education, food, and even medicines in certain schools.
- They should not make any difference between boys and girls. By this practice, the number of girl child labour in India can be reduced to a great extent.

Table – 3
The following
Number of Children who were rescued or withdrawn from work, rehabilitated and mainstreamed under the NCLP scheme

YEAR	Number of Children who were rescued or withdrawn from work, rehabilitated and mainstreamed under the NCLP scheme
2015-16	59,076
2016-17	30,979
2017-18	47.635
2018-19	50,284
2019-20	46,198

Source: NCLP Report 2019.

Table 3 reveals that despite of the various Acts and measures by the Government, the trend of child labours goes on increasing. The highest number of child labourers were rescued or rehabilitated in 2015-16 followed by 2018-19, 2017-18, 2019-20 and 2016-17.

6] Constitutional Provisions, National Legislation . Measures to access to Right to education among child labourers.

1. Constitutional provisions:

- Through various articles enshrined in the **Fundamental Rights and the Directive Principles of State Policy**, lays down that:
- No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment (**Article 24**);
- The State shall provide free and compulsory education to all children of the age six to 14 years. (**Article 21 (A)**)
- The State shall direct its policy towards securing that the **health and strength of workers, men and women and the tender age of children** are not abused and that they are not forced by economic necessity to enter vocations unsuited to their age and strength (Article 39-e)



- Children shall be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth shall be protected against moral and material abandonment (**Article 39-f**);
- The State shall endeavor to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years (**Article 45**).

2. National Legislations:

- **National Commission for Protection of Child Rights (NCPCR):** It was established by an Act of Parliament, thus is a statutory body. The commission works under the aegis of Ministry of Women and Child development, GoI.
- The commission established with an objective to ensure that **all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective** as enshrined in the Constitution of India and the UN Convention on the Rights of the Child.
- **PENCIL for Child Labour:** It is an online portal has launched for the better monitoring & reporting system to ensure effective implementation of the provisions of the amended Child Labour (Prohibition & Regulation) Act 1986 and **National Child Labour Project scheme**.
- **National Child Labour Project:** NCLPS is a central sector scheme where 100% of the funding is provided by the Government of India through the Ministry of Labour and Employment.
- **The NCLP Scheme seeks:** To eliminate all forms of child labour through
 - Identification and withdrawal of all children in the Project Area from child labour,
 - Preparing children withdrawn from work for mainstream education along with vocational training;
 - Ensuring convergence of services provided by different government departments/agencies for the benefit of child and their family;
- **The scheme focuses on:**
 - All child workers below the age of 14 years in the identified target area.
 - Adolescent workers below the age of 18 years in the target area engaged in hazardous occupations / processes.
 - Families of Child workers in the identified target area
- **POCSO Act:** The POCSO Act is a gender-neutral Act which has been enacted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. The act also prohibits child sex labour.



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- **Child Labour (Prohibition and Regulation) Act (1986)**, “to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employment” (preamble of the CLPR Act).
 - **National Policy on Child Labour (1987)**, with a focus more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.
 - **Amendment to the Juvenile Justice Act of 2000**: Amendment to the Juvenile Justice Act of 2000 was amended in 2015 with a provision allowing for Children in Conflict with Law (CCL) to be tried as adults under certain circumstances.
 - It defines a child as someone who is under age 18. For a CCL, age on the date of the offence is the basis for determining whether he or she was a child or an adult.
 - The J S Varma Committee stated that it was not inclined to reduce the age of a juvenile from 18 to 16. The amendment was made in 2015.
 - **The Right to Education Act of 2009** has made it mandatory for the state to ensure that all children aged six to 14 years are in school and receive free education.
 - **Along with Article 21A of the Constitution of India** recognizing education as a fundamental right, this constitutes a timely opportunity to use education to combat child labour in India.
 - **Draft National Child Protection Policy:**
 - The Child Protection Policy aims to protect the children in the country from violence, exploitation, abuse and neglect.
 - The draft policy has been placed by the Ministry of Women and Child Development (WCD) on its website to invite comments from stakeholders until January 4.
 - It is the first policy dedicated to the protection of children, an area that until now was only a part of the broader National Child Policy, 2013.
 - The Supreme Court had earlier directed the **Central Bureau of Investigation(CBI)** to investigate allegations involving 17 shelter homes for children, destitute women, beggars and senior citizens in Bihar following the case of sexual abuse of more than 30 girls in a shelter home in Muzaffarpur in the State.
 - The apex court had also asked the Centre to consider framing a national policy on the protection of children.
 - **Child Labour (Prohibition and Regulation) Amendment Act, 2016:**
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- The central legislature of India had promulgated a legislation **Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 ("CL Act")** to regulate the child labour practices in India.
 - The central legislature has made **substantial changes** in the provisions of the CL Act in the year 2016 and the said amendments have been made **effective from July 30, 2016**.
 - **A complete prohibition** has been imposed on employment of child labour (i.e. a person **below the age of 14 years**) in any establishment whether hazardous or not.
 - A child is **permitted to work only to help the family**, in a family enterprise or as child artist after school hours or during vacations.
 - The amendment has introduced the concept of **adolescent labour** for the first time.
 - The number of **hazardous occupations** and processes has been reduced from 83 to only 3.
 - The offenses under the Act have now been made **compoundable and cognizable** notwithstanding the provisions of the Criminal Procedure Code.
 - The CL Act provides for **rehabilitation of children** and adolescent who have been victims under the provisions of the CL Act.
 - It provides for setting up of the **Child and Adolescent Labour Rehabilitation Fund** in which all the amounts of penalty have to be realized.
 - **Liability** has been affixed to the parents and guardian of the affected child/children separately from the employers.
 - The Act provides for increased **penalty and imprisonment** which shall not be less than 6 months and may extend up to 2 years and fine which may vary between Rs.20, 000 to Rs. 50,000.
 - The concept of equality of all human beings, as embodied in the **Universal Declaration of Human Rights of 1948**.
 - The above principle along with other principles of the Universal Declaration concerning child was incorporated in the Declaration of the Rights of the Child of 1959.
 - The **International Covenant on Civil and Political Rights** under Articles 23 and 24 and the **International Covenant on Economic, Social and Cultural Rights** under Article 10 made provisions for the care of the child.
 - The **International Program on the Elimination of Child Labour (IPEC)** is a global program launched by the International Labour Organization in December 1991.
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- India was the first country to join it in 1992 when it signed a Memorandum of Understanding (MOU) with ILO.
- The long-term objective of IPEC is to contribute to the effective abolition of child labour. IPEC-India has, during the period 1992-2002, supported over 165 Action Programs.

7. The Road Ahead to Curb the Menace:

- **Free education:** Free education holds the key to eliminating child labour. It has already proved to be a success in many places around the globe and with more effort, the cases of child labour will greatly reduce.
- **Mid-day meals schemes:** Mid-day meals schemes can also be used as a motivating factor for children whose parents can barely afford a meal to learn.
- **Moral Polishing:** Child labour should not be entertained at all. It is legally and morally wrong. Children should not be allowed to provide labour at the expense of getting an education and enjoying their childhood.
- **Create demand for skilled and trained workers:** By creating the demand for skilled and trained workers, child labour cases will reduce since almost all child labourers fall under the unskilled worker category.
- **Awareness:** Creating awareness about the illegality of child labour can also help in stemming from the practice.
- **Empowerment of poor people:** The poor living standards and financial constraints sometimes make them unwilling participants in this vice. Empowering poor people through knowledge and income-generating projects would go a long way in reducing cases of child labour.

Apart from this, the following could be the best solution to prevent the lacunae of child Labour-

- To prevent child labour, the **incidence of poverty needs to be reduced first**, so that poor people do not have to send their children to earn their bread and butter.
- To prevent child labour, we need **proper implementation of laws** that prescribe strict punishment to vendors, shopkeepers, and mill owners in case they engage children on cheap wages.
- Parents **should not make any difference between boys and girls**. By this practice, the number of girl child labour can be reduced to a great extent.



- **Spreading literacy and education** is a potent weapon against the practice of child labour because illiterate persons do not understand the implications of child labour.
- **Identifying the root causes** which force families and communities to allow children to be engaged in labour. Addressing these underlying issues by interacting with parents, community leaders.

8. Conclusion

To overcome the problem of child labour, the State must come out with concrete policy decisions to prevent child labour and to promote these children to schools. This by way of various activities by providing new social security benefits, street and home workers should be covered from social security. Hazardous activities are to be given full protection, and the children should not be employed under any circumstances. The appropriate governments have to consider this issue with real spirit and implement the provisions effectively to eliminate child labour in various activities.

Special care should be taken to curb the menace of child labour. And Central and state government should take care to provide right to Primary education to Child labourers.

The role NGO Shall play role to eradicate child labour in different fields.. Parental Committee should be function more effectively in order to eradicate child labourer and make them cess access right to education.

Now, it is important for, as a society, to support the child, to facilitate access to a range of services including medical, legal, psychological and counselling support. Elimination of Child Labour is a responsibility of the whole society. Other stakeholders such as District Administrations, Local Communities, Civil Society Groups, NGO's, Academicians and Enforcement Agencies have an important role to play.

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