

Child Labor an emerging Social Problem in India: A Theoretical Discourse

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ABSTRACT

Indian society from times immemorial is based on caste system and those who lie at the top of the caste hierarchy are socially respected and those who lie at the bottom of caste hierarchy are socially exploited. The upper caste people are holding good government positions because of being educated. The lower caste people mostly work in the informal sector and this sector has almost no social security provision from the government side. Workers in informal sector are living a life of extreme poverty. The problem becomes more severe when children are forced to work in informal sector. It is matter of fact that child labor in India is a serious social problem and it has been recognized by the government of India too. In India children are engaged with different types of work and are working under hazardous conditions. Today in India, there are more than 4.3 million children as per census 2011 who are spending their childhood in earning money in different sectors like agriculture, industries and so on, by sacrificing their precious childhood instead of going to school and receiving quality education. Child labor is a problem which revolves around poverty, lack of access to education and social exclusion. Children are employed by the employers on fewer wages and are forced to work for long hours. The government of India has taken too many initiatives in order to solve the problem of child labor. However so far the present magnitude of child labor is concerned, it can be said that the situation is still alarming and demands more concrete efforts in order to curb this social problem. So the present research paper will throw light on child labor in India and governmental response to it. Further the research paper will highlight the loopholes in governmental policies with respect to child labor.

Key words: Child Labor, India, Poverty, Constitutional Provisions, Social Exclusion.

INTRODUCTION

Child labor has become an issue for the entire world. Both educationists as well as policy makers consider child labor as most vulnerable section of the society because of being forced to work under hazardous conditions. Child labor not only affects their health but also affects their schooling. Being employed in different sectors, children are not in a position to attend school which is very much necessary for their overall development and thus lowers human capital, leading to a reduction in lifetime earnings that can perpetuate across generations (Basu & Tzannatos, 2003). The meaning of child labor is very simple, it denotes to employ child in any work that did not allow child to enjoy their childhood, creates problem for schooling and that is dangerous for a child

socially, physically, morally and mentally. Through out the world and in the U. S., growing gaps between rich and poor in recent decades have forced millions of young children out of school and into work. As per the International Labor Organization there are about 218 million children between the age group of 5-17 that are working as child labor all over the world. Child labor enables business man to save a lot of money, as child labor is cheap and easily available and is able to exploit child badly. This happens mainly because of their parent being poor and helpless. Poor economic condition of parents accelerates the growth of child labor in the country. (Parvathamma, 2015). As per the International Labor Organization convention No. 138, the minimum age convention, a minimum age of entry into work shall not be less than the age of completion of compulsory schooling and in any case shall not be less than 15 years. International Labor Organization convention No. 182: "Worst forms of child labor" in article 1 spells out to take immediate and effective measures to prohibit and eliminate the worst forms of child labor as a matter of urgency. The meaning of child labor signifies the meaning as," child means innocence and labor means toil and hard work (Sekar, 2017).

Many conventions have been made in order to stop child labor throughout globe and all these conventions have spoken a lot about child rights and their protection but the hard reality is this that all these rights exist only on papers because millions of children throughout the globe are still working because of poverty. These children are suffering from culture of poverty and this poverty has become their faith due to unequal distribution of rights. Human rights exist only for those who are economically sound and they have only a right to live a luxurious life. For poor people only meager steps from time to time are taken in order to show these poor people that we care a lot about you.

II.METHODOLOGY

The present research paper is primarily based on secondary data. The data for the research paper has been collected from books, research papers, articles and official government records.

Definition of Child Labor as per International Labor Organization:

The International Labor Organization (ILO) defines child labor as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. This refers to work that: is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work (ILO, 2012).

Child Labor definition in India:

The child labor (prohibition and regulation) act 1986 prohibited employment of children below 14 years in 18 occupations and 65 processes. After the amendment in 2016, the child and adolescent labor (prohibition and regulation) act 1986 provides for complete ban on employment or work of children below 14 years in any occupation.

Though the definitions about child labor as put forth by the international labor organization and Indian legislation appears to be very appealing and attractive but the question is do we need a definition of child labor or we need to solve it completely. So far my understanding is concerned the answer should be that we need to solve this problem in spite doing different amendments in the existing child labor laws. Amendments will not help because amendments exist on papers only. Need of the hour is to curb this social problem completely. Laws are not bad but they should be implemented properly.

III. CHILDREN LABOR IN INDIA

Child labor is a serious social problem found all over the world and this problem is mostly associated with socio-economic condition of the people. Poverty is the root cause child labor because poor people are not in a position to provide education to their child. It is a matter of fact that to some extent developed countries have got control over child labor because developed countries have got control over poverty and population explosion. Further, Economic development is of very high standard in those countries. This does not mean that there is no child labor in developed countries; even at present to some extent child labor is found in developed countries too. In the developing and underdeveloped nations the problem of child labor is very serious because these nations along being poor in economic terms have no control over population explosion. The child labor is a measuring parameter for the economy of a country and a black spot on the face value of the so-called modern and civilized society. So far India is considered there are about 4.35 million children engaged in child labor. Though there are other sources too and as per their view the number is even higher. As per their estimate there are about 38 million children between the age group of 6 to 13 years engaged in child labor. (Alex George and Sameet Panda, 2015). It is a fact that the number might be far higher given that children between 13 and 18 doing hazardous work are excluded from the second estimate provided above; and migrant children are unlikely to be included in the statistics gathered through the census (Bharadwaj, 2008).

India is talking about convergence, convergence with the developed nations of the world. There is no doubt that India has shown good performance in all sectors especially after adopting the policy of liberalization in the year 1991. But the question is, liberalization, privatization and globalization for whom, is it for the those people who were already rich and are becoming richer day by day or for the poor people of the country whose percentage is very high as compared to rich people in India. India's gross domestic product is definitely going vertically ahead but the poor people are still facing extreme problems because of poverty. Liberalization has affected only the elite class of Indian society and to a small extent middle class also but what about the lower class, who were *poor before liberalization policy and are still poor. This poverty has prompted them to engage their children with work. This work at an early stage of life has made the life of these children very miserable. This poverty has become culture for them and this culture of poverty is passing form generation to generation. Children working at present in India are those whose parents were and are living a life of poverty. Reality is this that children of poor families start working at an early age because of having no other alternative.*

Child labor is self-explanatory it simply means employing child (not mature in the eyes of law) in any kind of labor. All has been created by the God and every individual has a natural and constitutional right to live a happy life in all respects. Same is the case with children. Every child is a gift of God-a gift must be nurtured with care

and affection, within the family and society. But unfortunately this seems to be true only in writing and reading; people nowadays are so avaricious that they always look for the opportunities of profiteering. The code of child centeredness was replaced by neglect, abuse, and deprivation this is how our society has grown. Though we can criticize for the policies and the way how the government is trying to bring down this growing issue and ultimately nothing seems to be brought down. It was 10.75 million in 1971 and it grew up to 12.67 million in 2001; despite various laws and regulation, this curse of child labor still exists. However officially government is showing that there was a radical change in child labor in the census year 2011 which has come down to 4.35 million, still it was very high and much more child laborers remains unnoticed and does not become the part of the total count. Child labor will lead to the serious problem in future, if we want cheap labor today, uneducated, and inefficient workforce will be our tomorrow, not only this the long working hours and the hazardous working environment is great health impact on child and can lead to the deadly diseases . Child labor in India is predominant in three sectors – agriculture, industry, and the service sector. As of today, the agriculture sector accounts for over half of the country's child workers (Government of India Ministry of Home Affairs, 2011).

Though official records are showing that there is a decline in the number of child labor in India but still the percentage is very high. Those steps which the government of India has taken for the protection of child labor have not benefitted all the children. India has huge corruption and the funds which the government releases for the protection of children are not utilized properly. The misuse of government funds ultimately affects the children belonging to poor families. Misuse of funds is the result of corruption and corruption forces children belonging to poor families to work in those situations which ultimately damages their physical and mental health. Children in India are working in different sectors of informal economy and at some places children work under unhygienic cognitions. They are exposed to toxic chemicals and dust which ultimately affect their health.

- **Factors responsible for child labor in India:**

Child labor problem in has multiple reasons. Firstly it the failure of government to stop child labor because the laws which are framed for the protection of children are not implemented properly and secondly funds which the government releases for the children belonging to poor families does not reach to every one. How ever the most important reasons of child labor in India are mentioned below.

1. Poverty

The first and the fore most cause of child labor is poverty. Poverty can be termed as the main reason for child labor in India. Children born in poor families are unlucky because poverty snatches childhood from children, their education and health too and because of poverty they start working at an early age. Though the country has achieved commendable progress in industrialization, the benefits of the same have not been effectively passed on to the lower strata of society. In order to keep costs down, even large companies employ unorganized workers through contractors, who get uneducated and unskilled and semi-skilled people at very low wages. This helps the industries to keep their labor costs down at the cost of the poor laborers. In effect, what happens is that, the children of these poor unorganized laborers have to find some work to help run the family. They cannot afford to go to school when they do not have food to eat, and when their other brethren go hungry. Hence, children from such deprived families try to work as domestic servants, or in factories that employ them, and

remain uneducated and grow up that way becoming perennial victims of this vicious cycle of poverty and suppression.

2. High competition for jobs

Children belonging to poor families are always misused because of being poor. In the Indian society poor are exploited ruthlessly. The big industrialists in India know that because of poverty and hunger, poor people can be easily utilized to do any kind of work. As child labor is cheap and easily available, the industrialists take advantage of this situation and employ children in industries under harmful conditions on fewer wages. The industrialists in India have been successful in taking advantage of this disadvantage faced by job seekers. Due to high population, the job seekers are not in a position to bargain a higher wage. As a result, the poor remain poor working for low wages.

3. Illiteracy and lack of education

Illiteracy is the result of poverty, due to poverty poor are not in position to receive education and remain illiterate. Illiteracy is a situation when a person is not able to read and/or write. This is when the person is not in a position to get even primary education. Lack of education is another aspect which is a result of poverty and lack of information. An uneducated person is one, who is generally unaware of things which an average person is required to know. Such people are normally unaware of their human rights and the rights of their children too. The children of such people normally become child laborers.

4. Irresponsible attitude of employers

Employers have concern with their profit only and in order to increase profit, they exploit the children like any thing and force them to work under such conditions which are not in any way safe for a child. The employers did not consider children as human and treat them as animals and just focus on their profit. A general sense of irresponsibility towards society is seen among the employers in India, who are least bothered as to how their employees survive. In spite of being aware of the high cost of living and inflation, they are least bothered and least ashamed to pay wages, which are much below sustenance levels. Also, if the employers were responsible, they in the first place would not employ children at all. The following are some of the situations in which children are engaged in work: Agriculture- children working long hours, and under severe hardships on the fields. They are also exposed to the hazards of working with modern machinery and chemicals; hazardous industries/occupations-like glass making, mining, construction, carpet-weaving, zari-making, fireworks, and others, as listed under the Child Labor Act; small industrial workshops and service establishments; on the streets- rag-pickers, porters, vendors etc; Domestic work- largely invisible and silent, and hence face higher degree of exploitation and abuse in the home of employees (The Hans India, 2014).

We are saying proudly that we are humans and care for each other but the hard reality is this that we are humans only by name; in reality most of us have forgotten humanity. Humanity teaches us ethics about how to treat others especially those belonging to poor families. Humanity has gone out of our hearts and because of this our hearts have become so hard that we least bother about what is happening with our children in our society and that too in front of our eyes.

- **Four sectors were child labor is highest in India**

While India ratified the United Nations Convention on the Rights of the Children in 1992, firmly establishing that we stood against child labor, the decades that followed have made it an even more pressing issue. Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra are India's biggest child labor employers, hiring over half of India's total child labor market. Tens of thousands of children work 14-16 hours a day, with scant access to water and nutrition, in a variety of professions. However, there are four sectors where child labor is found in majority and these sectors are not in any way safe for children to work because of lack of proper working environment.

1. Garment industry

Child labor runs rampant in India's garment industry, hidden away in small, owner-operated enterprises or home setups. A Save the Children's report on the garment industry in Delhi (2015) found that the Capital's 8000 plus garment laborers experience loud noise, poor lighting, poor ventilation and sharp tools. 36 percent of home workers are never paid. The report opened Delhi's eyes to the practice and made the city realize that the city needed government, civil society, communities and industries to come together and end the practice.

2. Brick kilns

India's brick kilns traditionally have used child laborers, with children assisting their parents, working long hours and neglecting their education. Save the Children's Brick Kiln Project sees volunteers provide children immediate access to education, facilitating their mainstreaming into formal education via their Bridge Course Centre (BCC). 70 schooling centers across factories have given children a ray of hope, and those who support a Non Governmental organization (NGO) like Save the Children have engaged factories to operate with a zero child labor policy. This has helped 16,000 children escape a future of building bricks.

3. Agriculture

2011 Census data shows that the agriculture sector might be India's biggest buyer of child labor. Children are hired for everything from cotton and cottonseed production to sugarcane, soybean and paddy transplantation, and work long hours for low pay and poor living conditions. Save the Children has protected 8 lakh children living in cotton communities in the states of Punjab, Haryana and Rajasthan, after freeing 65,000 children from child labor in a pilot project across 1,866 villages of Gujarat and Maharashtra. Thousands of farmers pledged for child-labor free processes.

4. Fireworks

India's fireworks sector is one of the biggest, yet most well-hidden employers of child labor. It has been repeatedly noted in Sivakasi, the South Indian town that is famed across India for matches and fireworks. These children work long hours, especially during India's festive season, in cramped conditions. Direct exposure to chemicals used in fireworks harms their lungs, skin and triggers ailments in the future. With hidden child labor, small manufacturers of both licensed and unlicensed fireworks are able to keep costs low and make large profits.

As in India 92 percent of the total work force is working in informal sector, as a result children are largely found in this sector. Child labor can be easily spotted in India's unorganized sector. children are hired as cheap and fast workers in tea shops, dhabas, small shops, and as personal servants and errand boys. After the unorganized agriculture sector, it is the unorganized, informal sector which is the biggest child labor employer. The largely family owned informal sector prefers child labor for low costs and 'easy to hire, easy to fire' outlook towards children. Even school going children work in after-school as home-based laborers.

• Child labor laws in India

After independence from colonial rule, India has passed a number of constitutional protections and laws on child labor. The Constitution of India in the Fundamental Rights and the Directive of State Policy prohibits child labor below the age of 14 years in any factory or mine or castle or engaged in any other hazardous employment (Article 24). The constitution also envisioned that India shall, by 1960, provide infrastructure and resources for free and compulsory education to all children of the age six to 14 years. (Article 21-A and Article 45) India has a federal form of government, and child labor is a matter on which both the central government and country governments can legislate, and have. The major national legislative developments include the following:

1. The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.
2. The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine.
3. The Child Labor (Prohibition and Regulation) Act of 1986: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.
4. The Juvenile Justice (Care and Protection) of Children Act of 2000: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage.
5. The Right of Children to Free and Compulsory Education Act of 2009: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children (Bharati, and kesara, 2014).

It is a fact that constitution of India has framed too many laws for the protection of children and to some extent these laws have proven fruitful for millions of children in India and because of these laws poor children in India are provided free and compulsory education. Not only this, adequate steps have been taken in order to provide balanced diet to children. The result of all these steps is that millions of children in India have been saved from various types of exploitations. But the change is very little with respect to child labor in India, still millions of children are working under health hazardous conditions and no one is coming forward in order to save them. Those who employ child on work give least care to laws because they know no one can raise voice against them. If this is not the case then why millions of children in front of government eyes are still working in different sectors of informal economy.

• Important Schemes for Well- being of Children

The Government of India has framed a lot of schemes for children. The list of those schemes is mentioned below.

- Integrated Child Development Service Scheme.
- Integrated Child Protection Scheme.
- National awards for child Welfare.
- National Child Awards for Exceptional Achievements.
- Rajiv Gandhi Manav Seva Awards for Service to Children.
- Balika Samridhi Yojna.
- Nutrition Programme for Adolescent Girls.
- Early Childhood education for 3-6 age group children.
- Welfare of working children in need of Care and Protection Childline services.
- Rajiv Gandhi National Creche Scheme for children of working mothers.
- UJJAWALA : A Comprehensive Scheme for Prevention of trafficking and Rescue.
- Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation.
- Sarva Shiksha Abhiyan.
- National Rural Health Mission.
- Rajiv Gandhi Scheme for empowerment of Adolescent Girls – SABLA.
- Dhana Lakshami – Conditional Cash Transfer for Girl Child with insurance cover.
- National Commission for Protection of Child Rights.

All the schemes above have been launched by the government of India for the protection and upliftment of poor children. The above schemes appear to be very good but the questions then why all children have not been benefitted by these schemes. Need of the hour is to curb the corruption first from the society and then a solid mechanism should be developed in order to check that no child is being employed in any sort of work. If India wants to progress, for that purpose India needs a skilled manpower and in order to achieve this goal, India has to save children from all sort of exploitations. Compulsory free education and balanced diet should be provided to all the children living below poverty line.

• Social Implications of Child Labor

India is having more than 92 percent work force working in informal sector with least social security provision. Informal workers are trapped with too many problems like, low wages and seasonal migration. Workers in informal sector have become the victims of poverty; due to poverty they are facing health and nutritional problems. Due to poverty they are not in a position to send their to school for receiving education and because of this problem children belonging to poor families begin to work at an early age. This problem has adversely affected the children working in different sectors of informal economy. Because of poverty millions of children in are suffering from malnutrition. The impact of hard work and working under hazardous conditions is very bad

on children. These children are not in position to take a balanced diet and lack of necessary nutrients in the body has created many health issues for them. Because of poverty these children are socially alienated. Child labor has snatched their right to childhood, right to education, right to achieve success in life, right to live freely and above all right to contribute to their family and contribute to India. In India rich are becoming richer day by day at the cost of children belonging to poor families. The rich people did not bother about health and education of these children, their concern is only with production of goods and for that purpose they can do any thing with children. Due to poverty children are the cheap source of labor available with in India market. Working at minor age not only affects their education but creates too many health problems for these children. The presence of a large number of child laborers is regarded as a serious issue in terms of economic welfare. Due to work, Children fail to get necessary education. As a result these children did not develop properly socially, physically, intellectually, emotionally and psychologically. As children are physically weak they are not in a position to work for long hours, because long hours work makes them tired as compared to adults. This physical weakness makes them more prone to various types of dangerous diseases. It can be said that those children who work, instead of going to school, will remain illiterate which limit their ability to contribute to their own well being as well as to community they live in. Child labor not only affects adversely child and their family members but have a negative impact on Indian society as whole. If India wants to become economically sound, for that India needs a skilled labor force which can work in different sectors. In order to achieve this goal, India has to stop child labor and must take steps to educate all the children. The young laborers today will be part of India's human capital tomorrow. The majority of child labor are employed in agriculture that is up to (70%). Some children are employed in low-skilled labor-intensive sectors such as sari weaving or as domestic helpers, which require neither formal education nor training. In short it can be said that their are numerous benefits for India by sending poor children to schools instead of work. The children belonging to poor families can not learn proper skills and technical aptitudes with out education, which can help them to get skilled jobs in future.

We are social beings and social means one who can understand the feelings of other person who is in any sort of problem and take immediate steps to solve his or her problem. Like wise it is the duty of every individual living in India that they should act like social beings not only act rather they should prove that they are best social beings on earth by way of protecting poor children form work and make them to realize that we are with you always. Definitely a happy and prosperous India will emerge were every one will be living for each other and will be ready to sacrifice anything for each other. To protect children we need this type of thinking.

IV.CONCLUSION

Social development is very important for economic development and for becoming socially developed India has to focus on all the social problems creeping in the county, particularly the child labor problem. Child labor is the most dangerous social problem in India. Children are real asset of our future and for the progress of our country. In order to progress India need to spend a huge amount on children, in order to protect then from being employed in any sort of work. Child labor is a complex issue in India which has deep roots. In order to solve the problem of child labor both the government and those capitalists who deploy children on work should come foreword and play their role effectively. If each and every individual living in India will perform their duties as

responsible citizens, definitely child labor will come to an end very soon. This needs a rational approach from both sides because we rational only then when we will be able to save and protect our children. In order to curb the child labor problem the government of India has framed many policies for the upliftment of children. The aim of all these policies is to protect children from working in hazardous conditions and provide them an equal opportunity to receive education, so that they can live a better life. In order to protect children from hazardous occupations both government and civil society has to play a vital role. Each and every citizen of India should perform their role as responsible citizen of India and they should try their level best to stop child labor. If we want to see our country developed in all fields, for that purpose both government and civil has to work together. The child labor problem has been solved to a large extent in India but still there are still millions of children worker under hazardous conditions. This problem can not be solved by non government organizations and civil society alone, government has to play an effective role. Curbing child labor needs a holistic approach from governmental side. Need of the hour is to protect our future by way of protecting children from exploitation. Children working in informal sector can become the victims of sexual exploitation, especially girl child, verbal abuse. So our children are in danger and we together need to protect them. Proper health care system, educational system and provisions of balanced diet should be further strengthen for all the children. By the enactment of the Right of children to Free and Compulsory Act 2009 (RTE Act), the government of India has made the right to education, a fundamental right for children. Every child in the age group of 6-14 years is to be provided free and compulsory education. This step has resulted in the enrolment of number of poor children in schools and has ultimately reduced the percentage of child labor in the country.

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