

## **Child Labour in India: Present Position and Legislative Framework**

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### **Abstract**

Child labour deprived the children from their childhood and harmful to their physical and mental development. Poverty, lack of good schools and growth of informal economy are considered as main causes of child labour in India. Article 24 of the Constitution of India in the Fundamental Rights and the Directive of State Policy prohibits child labour below the age of 14 years in any factory or mine or castle or engaged in any other hazardous employment. Additionally, various laws and the Indian Penal Code, such as the Juvenile Justice (care and protection) of Children Act-2000, and the Child Labour (Prohibition and Abolition) Act-1986 provide a basis in law to identify, prosecute and stop child labour in India. Despite all above, this social evil still exist in Indian society. The aim of this paper is to examine the effectiveness of existing legislative framework to identify, prosecute and stop the child labour in India.

**Keywords:** Child Labour, Hazardous, Prosecute, Indian Penal Code, Legislative Framework

### **Introduction**

Child labour is the practice to deprive children of their childhood, their potential and their dignity and engaged them in economic activity, on part or full-time basis. The practice is harmful to their physical and mental development. In other words it refers to work that is mentally, physically, socially or morally dangerous and harmful to children. Poverty and inadequate public education infrastructure and growth of informal economy are considered as main reason of child labour in India.

Unicef defines child labour differently. A child is involved in child labour activities if between 5 to 11 years of age, he or she did at least one hour of economic activity or at least 28 hours of domestic work in a week, and in case of children between 12 to 14 years of age, he or she did at least 14 hours of economic activity or at least 42 hours of economic activity and domestic work per week.

India's Census 2001 office defines child labor as participation of a child less than 17 years of age in any economically productive activity with or without compensation, wages or profit. Such participation could be physical or mental or both. This work includes part-time help or unpaid work on the farm, family enterprise or in any other economic activity such as cultivation and milk production for sale or domestic consumption. Indian government classifies child laborers into two groups: Main workers are those who work 6 months or more per year and marginal child workers are those who work at any time during the year but less than 6 months in a year.

The 1998 national census of India estimated 12.6 million child labour out of a total child population of 253 million in the age group of 4-15 years. The census of India 2001 found about 13 million child labour under 14 years of age. The 2011 national census of India found 4.35 million child labour out of 259.64 million total child population in the age group of 5-14 years. Despite the persistent efforts to eradicate it, child labour is still pervasive. The child labour problem is not unique to India rather. In 2000, an estimated 211 million children aged 5 to 14 worked worldwide or about 17.6% of the children in that age group.

Indian law specifically defines 64 industries as hazardous and it is a criminal offence to employ children in such hazardous industries. In 2001, an estimated 1% of all child workers, or about 120,000 children in India were in a hazardous job. Notably, Constitution of India prohibits child labour in hazardous industries (but not in non-hazardous industries) as a Fundamental Right under Article 24. UNICEF estimates that India with its larger population has the highest number of labourers in the world under 14 years of age, while sub-saharan African countries have the highest percentage of children who are deployed as child labour. International Labour Organisation (ILO) estimates that agriculture at 60 percent is the largest employer of child labour in the world, while United Nation's Food and Agriculture Organisation estimates 70% of child labour is deployed in agriculture and related activities. Outside of agriculture, child labour has been observed in almost all informal sector of the Indian economy.

Companies including Gap, Primark, and Monsanto have been criticised for child labour in their products. The companies claim they have strict policies against selling products made by underage children, but there are many links in a supply chain making it difficult to oversee them all. In 2011, after three years of Primark's effort, BBC acknowledged that its award-winning investigative journalism report of Indian child labour use by Primark was a fake. BBC apologized to Primark, to Indian suppliers and all its viewers.

In a list of goods produced by child labour or forced labour which is issued by U.S. Department of Labour in December 2014, India figured among 74 countries where significant incidence of critical working conditions has been observed. Unlike any other country, India was attributed 23 goods the majority of which is produced by child labor in the manufacturing sector.

According to 2005 Government of India NSSO (National Sample Survey Org.), child labour incidence rates in India is highest among Muslim Indians, about 40% higher than Hindu Indians. Child labour was found to be present in other minority religions of India but at significantly lower rates. Across caste classification, the lowest caste Dalit children had child labour incidence rates of 2.8%, statistically similar to the nationwide average of 2.74%. Tribal populations, however, had higher child labour rates at 3.8%.

Further even after passing Bonded Labour System (Abolition) Act of 1976, evidence of continuing bonded child labour continue. A reporter to India's National Human Rights Commission reported the discovery of 53 child labourers in 1996 in the state of Tamil Nadu during a surprise inspection. Each child or the parent had taken an advance of Rs. 10, 0000 to 25, 0000. The children were made to work for 12 to 14 hours a day and received only Rs.

2 to 3 per day as wages. According to an ILO report, the extent of bonded child labour is difficult to determine, but estimates from various social activist groups range up to 350,000 in 2001.

Despite its legislation, prosecutors in India seldom use the Bonded Labour System (Abolition) Act of 1976 to prosecute those responsible. According to one report, the prosecutors have no direction from the central government that if a child is found to be underpaid, the case should be prosecuted not only under the Minimum Wages Act, 1948 and the Child Labour (Prohibition & Regulation) Act, 1986, the case should include charges under the Bonded Labour Act of India. The few enforcement actions have had some unintended effects. While there has been a decrease in children working in factories because of enforcement and community vigilance committees, the report claims poverty still compels children and poor families to work. The factory lends money to whoever needs it, puts a loom in the person's home, and then the family with children works out of their homes, bring finished product to pay interest and get some wages. The bonded child and family labour operations were moving out of small urban factories into rural homes.

### **World's data on child labour**

Recent figures from the International Labour Organisation (ILO) show that:

1. Globally, 1 in 6 children work
2. 218 million children aged 5 - 17 are involved in child labour world wide
3. 126 million children work in hazardous conditions
4. The highest numbers of child labourers are in the Asia/Pacific region, where there are 122 million working children
5. The highest proportion of child labourers is in Sub Saharan Africa, where 26 per cent of children (49 million) are involved in work.

There has often been a tendency to focus on the visible forms of work, such as children who work in hazardous conditions, but this can obscure many other ways in which children work. Rural working children, for example, are mainly engaged in agricultural activities and collecting water, fuel and fodder. In many countries, poor girls work as domestic servants for richer families. Almost everywhere, children, especially girls, perform unpaid work for their families. Work done in the home or in family enterprises does not necessarily make it easier or more acceptable. About seventy per cent of child labour worldwide is reportedly found in agriculture, with many children engaged in forced and hazardous activities. According to the Food and Agriculture Organisation (FAO), these children are often obliged to work long hours, use sharp tools designed for adults, carry loads too heavy for their immature bodies and operate dangerous machinery.

### **The Extent of child labour in South Asia**

According to region wise estimates by the Bureau of Statistics, International Labour Office (ILO), the child labour distribution (under- 15 years) in Asia was 72.3 per cent in 1990 of the total world child labour while in Africa it was 21.3 per cent. Percentage of total world child

labour in Europe and Oceania region is negligible i.e. only 0.1 per cent. Participation rate of economically active children between 10 and 14 years of age in South Asian countries in 1995 was 55.1 percent in Bhutan, 15.18 per cent in Nepal, 30.18 per cent in Bangladesh, 17.67 per cent in Pakistan and 14.37 per cent in India. The problem of child labour is much more in Asia than any other regions of the world. Among the Asian countries it is India which has the highest numbers of 44 million child labourers giving it the largest child workforce in the world. It is said that roughly, out of 5 children below the age of 14 years one child is a labourer, which means 20 per cent children are labourer.

### **Review of Literature**

Basu and Van (1998) proved that a poverty trap may emerge from the interaction effect between wages and child labour. Parents would like to keep their children from working but they cannot unless wages are sufficiently high. Interestingly, by sending their children to work, they further depress wages, making child labour and poverty persistent.

A number of other papers have proposed alternative channels through which child labour may perpetuate poverty in both static and dynamic set-ups. The interaction of child labour with social norms (Lopez-Calva, 1999), fertility and human capital accumulation (Hazan and Berdugo, 2002), coordination failures between firms and households (Dessy and Pallage, 2001), income inequality (Swinerton and Rogers, 1999) and imperfections in credit markets (Baland and Robinson, 2000) have all been stressed. A common feature of most of the theoretical papers on child labour is the existence of multiple equilibria. That is, depending on the initial conditions, the economy may end up in a “good” (i.e. low child labour participation) equilibrium or conversely, in a “bad” equilibrium.

For much of human history and across different cultures, children less than 17 years old have contributed to family welfare in a variety of ways. unicef suggests that poverty is the big cause of child labour. The report also notes that in rural and impoverished parts of developing and undeveloped parts of the world, children have no real and meaningful alternative. Schools and teachers are unavailable. Between boys and girls, Unicef finds girls are two times more likely to be out of school and working in a domestic role. Parents with limited resources, claims unicef, have to choose whose school costs and fees they can afford when a school is available. Educating girls tends to be a lower priority across the world, including India. Girls are also harassed or bullied at schools, sidelined by prejudice or poor curricula, according to unicef. Solely by virtue of their gender, therefore, many girls are kept from school or drop out, then provide child labour.

The International Labour Organisation (ILO) and Spreading Smiles Through Education Organisation (OSSE) suggests poverty is the greatest single force driving children into the workplace. Income from a child's work is felt to be crucial for his/her own survival or for that of the household. For some families, income from their children's labour is between 25 to 40% of the household income.

According to a 2008 study by ILO, among the most important factors driving children to harmful labour is the lack of availability and quality of schooling. Many communities, particularly rural areas do not possess adequate school facilities. Even when schools are

sometimes available, they are too far away, difficult to reach, unaffordable or the quality of education is so poor that parents wonder if going to school is really worthwhile. In government-run primary schools, even when children show up, government-paid teachers do not show up 25% of the time. The 2008 ILO study suggests that illiteracy resulting from a child going to work, rather than a quality primary and secondary school, limits the child's ability to get a basic educational grounding which would in normal situations enable them to acquire skills and to improve their prospects for a decent adult working life.

An albeit older report published by Unicef outlines the issues summarized by the ILO report. The Unicef report claimed that while 90% of child labour in India is in its rural areas, the availability and quality of schools is decrepit; in rural areas of India, claims the old Unicef report, about 50% of government funded primary schools that exist do not have a building, 40% lack a blackboard, few have books, and 97% of funds for these publicly funded school have been budgeted by the government as salaries for the teacher and administrators.

Similarly, a 2012 Wall Street Journal article reports while the enrollment in India's school has dramatically increased in recent years to over 96% of all children in the 6-14 year age group, the infrastructure in schools, aimed in part to reduce child labour, remains poor over 81,000 schools do not have a blackboard and about 42,000 government schools operate without a building with makeshift arrangements during monsoons and inclement weather.

Biggeri and Mehrotra have studied the macroeconomic factors that encourage child labour. They focus their study on five Asian nations including India, Pakistan, Indonesia, Thailand and Philippines. They suggest that child labour is a serious problem in all five, but it is not a new problem. Macroeconomic causes encouraged widespread child labour across the world, over most of human history. They suggest that the causes for child labour include both the demand and the supply side. While poverty and unavailability of good schools explain the child labour supply side, they suggest that the growth of low paying informal economy rather than higher paying formal economy - called organized economy in India is amongst the causes of the demand side. India has rigid labour laws and numerous regulations that prevent growth of organised sector where work protections are easier to monitor, and work more productive and higher paying. The unintended effect of Indian complex labour laws is the work has shifted to the unorganised, informal sector. As a result, after the unorganised agriculture sector which employs 60% of child labour, it is the unorganised trade, unorganised assembly and unorganized retail that are the largest employer of child labour. If macroeconomic factors and laws prevent growth of formal sector, the family owned informal sector grows, deploying low cost, easy to hire, easy to dismiss labour in form of child labour. Even in situations where children are going to school, claim Biggeri and Mehrotra, children engage in routine after-school home-based manufacturing and economic activity. Other scholars too suggest that inflexibility and structure of India's labour market, size of informal economy, inability of industries to scale up and lack of modern manufacturing technologies are major macroeconomic factors affecting demand and acceptability of child labour.

Cigno et al. suggest the government planned and implemented land redistribution programs in India, where poor families were given small plots of land with the idea of enabling economic independence, have had the unintended effect of increased child labour. They

find that smallholder plots of land are labour-intensively farmed since small plots cannot productively afford expensive farming equipment. In these cases, a means to increase output from the small plot has been to apply more labour, including child labour.

### **Child labour Acts and Laws in India**

Widespread child labour may slow economic development in a number of ways, and legislation reducing child labour might break such a poverty trap. Section 12 of India's Child Labour (Prohibition and Regulation) Act of 1986 requires prominent display of '**child labour is prohibited**' signs in many industries and construction sites in local language and English. After its independence from colonial rule, India has passed a number of constitutional protections and laws on child labour. Article 24 of the Constitution of India in the Fundamental Rights and the Directive of State Policy prohibits child labour below the age of 14 years in any factory or mine or castle or engaged in any other hazardous employment. Article 21-A and Article 45 of 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. Additionally, various laws and the Indian Penal Code, such as the Juvenile Justice (care and protection) of Children Act-2000, and the Child Labour (Prohibition and Abolition) Act-1986 provide a basis in law to identify, prosecute and stop child labour in India. India has a federal form of government, and child labour is a matter on which both the central government and state governments can legislate. The major national legislative developments include the following:

**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.

**The Mines Act of 1952:** The Act prohibits the employment of children below 18 years of age in a mine. **Bonded Labour System (Abolition) Act of 1976**

**Bonded Labour System (Abolition) Act of 1976:** In 1977, India passed legislation that prohibits solicitation or use of bonded labour by anyone, of anyone including children.

**The Child Labour (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.

**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.

**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.



Further, India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project initiative. This legal and development initiative continues, with a current central government funding of 6 billion, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India.

Many NGOs like Bachpan Bachao Andolan, CARE India, Talaash Association Child Rights and You, Global march against child labour, RIDE India, Childline etc. have been working to eradicate child labour in India. Pratham is India's largest non-governmental organisation with the mission 'every child in school and learning well.' Founded in 1995, Pratham has aimed to reduce child labour and offer schooling to children irrespective of their gender, religion and social background. It has grown by introducing low cost education models that are sustainable and reproducible.

### **Sector-wise Position of Child Labour in India**

#### **Diamond Industry**

In 1997, The International Confederation of Free Trade Unions claimed that child labour was prospering in the diamond industry in Western India, where the majority of the world's diamonds are cut and polished while workers are often paid only a fraction of 1% of the value of the stones they cut. In the year 1999, the International Labour Organisation co-published a report with Universal Alliance of Diamond Workers, a trade union. The ILO report claimed that child labour is prevalent in the Indian diamond industry. International Confederation of Free Trade Unions (ICFTU) in a separate 1997 press release observed that child labour continued to flourish in India's diamond industry. Not everyone agreed with these claims. The South Gujarat Diamond Workers Association, another trade union, acknowledged child labour is present but it is not systematic, is less than 1% and against local industry norms. Local diamond industry businessmen too downplayed these charges.

About 1.5 million people are employed in the diamond industry, mostly in the unorganized sector and claims the ILO report, exact number of child labourers in India's diamond and gem industry is unknown; they estimate that child labourers in 1997 were between 1,000 to 2,000 out of this 1.5 million total workers. The ILO report claims the causes for child labour include parents who send their children to work because they see education as expensive, education quality offering no real value, while artisan work in diamond and gem industry to be more remunerative as the child grows up. Further, a more recent study from 2005, conducted at 663 manufacturing units at 21 different locations in India's diamond and gem industry, claims incidence rates of child labour have dropped to 0.31%.

#### **Fireworks Manufacture**

The town of Sivakasi (Tamil Nadu) is known for its Fireworks and matchsticks industries. In 1989, Shubh Bhardwaj reported that child labor is present in India's fireworks industry

having poor safety practices. Child labour is common in small shed operation in the unorganized sector. Only 4 companies scaled up and were in the organized sector with over 250 employees; the larger companies did not employ children and had superior safety practices and resources. The child labour in small, unorganized sector operations suffered long working hours, low wages, unsafe conditions and tiring schedules. In 2011, Sivakasi was having over 9,500 firecracker factories employed about 150,000 people and produced almost 100 percent of total fireworks output in India.

A more recent 2002 report by International Labour Organization claims that child labour is significant in Tamil Nadu's fireworks, matches or incense sticks industries. However, these children do not work in the formal economy and corporate establishments that produce for export. The child labourers in manufacturing typically toil in supply chains producing for the domestic market of fireworks, matches or incense sticks. The ILO report claims that as the demand for these products has grown, the formal economy and corporate establishments have not expanded to meet the demand, rather home-based production operations have mushroomed. This has increased the potential of child labour.

### **Silk Manufacture**

A 2003 Human Rights Watch report claims children as young as five years old are employed and work for up to 12 hours a day and six to seven days a week in silk industry and are often paid less than Rs 10 per day. These children, claims, are bonded labour; even though the government of India denies existence of bonded child labour. These silk industry child labour are easy to find in Karnataka, and Tamil Nadu. In 2010, a German news investigative report claimed that in states like Karnataka, non-governmental organisations had found up to 10,000 children working in the 1,000 silk factories in 1998. But today, after UNICEF and NGOs got involved, child labour figure is drastically lower, with the total estimated to be fewer than a thousand child labourers. The released children were back in school, claims the report.

### **Carpet Weaving**

Siddhartha Kara finds about 20% of carpets manufactured in India could involve child labour. He notes, "determining the extent to which the hand-made carpet supply chain from India to the U.S.A. is tainted by slavery and child labour requires an additional exercise in supply chain tracing." Kara's study also finds variation in child labour practices between ethnic and religious groups. Kara and colleagues report highest level of child labour carpet operations from Muslim community and the presence of debt bonded child labourers in Muslim villages.

### **Domestic Labour**

Official estimates for child labour working as domestic labour and in restaurants is more than 2,500,000 while NGOs estimate the figure to be around 20 million. The Government of India expanded the coverage of The Child Labour Prohibition and Regulation Act and banned the employment of children as domestic workers and as workers in restaurants, dhabas, hotels, spas and resorts effective from 10 October 2006.



## **Coal Mining**

Despite laws enacted in 1952 prohibiting employment of people under the age of 18 in the mines primitive coal mines in Meghalaya using child labour were discovered and exposed by the international media in 2013.

## **Reason of Child Labour in India**

On the basis of the different studies conducted so far it is concluded that the main reason of child labour in India are:

- Poverty
- Lack of proper and good infrastructure of school
- Unorganised and informal economic sector
- unorganised trade, unorganised assembly and unorganized retail sector
- Small and marginal holding of agriculture land
- Lack of modern manufacturing technologies
- Labour laws and numerous regulations that prevent growth of organised sector
- Educating girls tends to be a lower priority, kept from school or drop out and then provide child labour.

## **Consequences of Child Labour**

The presence of a large number of child labourers is regarded as a serious issue in terms of economic welfare. Children who work fail to get necessary education. They do not get the opportunity to develop physically, intellectually, emotionally and psychologically. In terms of the physical condition of children, children are not ready for long monotonous work because they become exhausted more quickly than adults. This reduces their physical conditions and makes the children more vulnerable to disease. Children in hazardous working conditions are even in worse condition. Children who work instead of going to school, will remain illiterate which limits their ability to contribute to their own well being as well as to community they live in. Child labour has long term adverse effects for India.

To keep an economy prospering, a vital criteria is to have an educated workforce equipped with relevant skills for the needs of the industries. The young labourers today will be part of India's human capital tomorrow. Child labour undoubtedly results in a trade-off with human capital accumulation. Child labour in India are employed with the majority (70%) in agriculture, some in low-skilled labour-intensive sectors such as sari weaving or as domestic helpers, which require neither formal education nor training, but some in heavy industry such as coal mining.

According to the International Labour Organisation (ILO), there are tremendous economic benefits for developing nations by sending children to school instead of work. Without education, children do not gain the necessary skills such as English literacy and technical aptitude that will increase their productivity to enable them to secure higher-skilled jobs in future with higher wages that will lift them out of poverty.

### **Government Policies and Programmes**

National Child Labour Policy was adopted in 1987 following the Child Labour (Prohibition and Regulation) Act, 1986. It resolves to focus general development programmes to benefit children wherever possible and have project based action plans in areas of high concentration of child labour.

The Ministry of Labour and Employment has been implementing the national policy through the establishment of National Child Labour Projects (NCLPs) for the rehabilitation of child workers since 1988. The strategy for the NCLPs includes the establishment of special schools to provide non-formal education and pre-vocational skills training; promoting additional income and employment generation opportunities; raising public awareness, and conducting surveys and evaluations of child labour.

The experience gained by the Government in running the NCLPs over several years resulted that during the Ninth Five-Year Plan, around 100 NCLPs were launched across the country to rehabilitate children working in hazardous industries such as glass and bangles, brassware, locks, carpets, slate tiles, matches, fireworks, and gems. The Central Government made a budgetary allocation of Rs 2.5 billion for these projects during the Ninth Five-Year Plan. The Government of India has expanded the coverage of the NCLPs to an additional 150 districts and increases the budgetary allocation to over Rs 6 billion during the Tenth Five-Year Plan. Children in the age group of 5 - 9 years were enrolled directly under the Sarva Shiksha Abhiyan commenced in 2001-02. Further, those in the age group of 9 - 14 were admitted to special schools under the NCLP schemes. Besides this, components of healthcare and vocational training were also augmented.

Schemes for Children under the 10th Five Year plan include the Planning Commission's Integrated Programme for Street Children which aims to prevent the destitution of children and engineer their withdrawal from streets by providing facilities like shelter, nutrition, health care, education, recreation and protection against abuse and exploitation. Accordingly to the Government, during the 10th Five Year Plan, over 200,000 children benefitted from this..

The strategy outlined for the 11th Five Year plan includes expanding the NCLP scheme to ensure universal enrolment of children in the 6 - 14 age group to cover those in the hard-to-reach segment. It also includes substantial improvements in the quality and standard of education and teacher training. Another notable Government initiative under the 11th plan is to amend all laws to recognize everyone under the age of 18 as children and to take appropriate measures to protect their rights accordingly.

In September 2009, IPEC launched a Convergence Project against Child Labour which covers 5 States - Bihar, Gujarat, Jharkhand, Madhya Pradesh and Orissa. The project will demonstrate effective convergence-based models for elimination and prevention of child labour including trafficking/migration of children in each state.

Further, a number of national institutions such as the V.V. Giri National Labour Institute (VVGNI) and the National Institute of Rural Development (NIRD) and some state level institutes have played an important role in the areas of training and capacity building of government functionaries, factory inspectors, officials of panchayati raj institutions, NCLP project directors, and heads of NGOs. These institutions have also made a significant contribution in the areas of research and surveys, awareness raising and sensitization, thus bringing the discussions on this issue to the forefront.

### **Recent Initiatives Taken by the Government**

Recently, the Union Cabinet of India approved the Child & Adolescent Labour (Prohibition) Act on *August 28, 2012* putting a blanket ban on employing anybody below 18 years in hazardous occupation. However, it will allow employing children only between 14-18 years in non-hazardous industries like forest gathering, child care etc. After that the government amended child labour laws allowing children below 14 to work in family businesses and the entertainment industry (excluding circuses) to create “a balance between the need for education for a child and reality of the socio-economic condition and social fabric in the country.” The amendment also introduced a new definition of “adolescents”—children between 14 and 18 years of age—and barred them from working in any hazardous industry.

There is no penalty provision for parents for the first offence but repeat offenders may be subject to a monetary fine with the likelihood of imprisonment. However, the employer would be liable for punishment even for the first offence. Employing a child below 14 years in any kind of occupation is set to become **a cognizable offence**, punishable with **a maximum three years imprisonment or fine up to a maximum of Rs. 50,000**. The 14-year bar will not apply if children are helping the family in fields, forests and home-based work after school hours or during vacations, or while attending technical institutions. The provision will help poor families. This is a crucial step taken by the Government towards ending child labour in India. “It is a remarkable victory for the vibrant civil society today and a major step towards ending all forms of child labour. We have been advocating and demanding for more than a decade to bring all forms of child labour under this legislation and for a stronger child labour law in consonance with the ILO's child labour conventions. Child Labour Free India Campaign, by BBA and Global March has strongly encouraged and demanded given below amendments in the Child Labour Act, all of which have been accepted by the government:

S.No.	Demands	Approved
1	All forms of employment should be prohibited for children up to the age of completion of education in accordance to the Right to Education Act;	All forms of child labour prohibited for children under 14 years of age
2	Employment of children up to 18 years of age in any hazardous occupation or processes or any economic activity which is dangerous for children must be prohibited in conformity with the Juvenile Justice (Care and Protection of Children) Act 2000;	Children between 14 and 18 years prohibited in hazardous work
3	Child Labour should be made cognizable and non-bailable offense under law and punitive actions against offenders should be made more stringent and time-bound;	Child labour is now a cognizable offense
4	An effective national programme with sufficient resource allocation for comprehensive rehabilitation of child labourers and also for clear monitoring and accountability framework must be in place;	Government working towards a comprehensive rehabilitation, monitoring and accountability framework
5	India should reiterate its new role as a leader in global economy by immediately ratifying ILO Conventions No. 182 on the worst forms of child labour and the No. 138 on the minimum age of employment at the earliest.	Ratification hurdles cleared, and government has indicated that ratification is now in pipeline

### Recent Position of Child Labour in India

According to International Labour Organization's World Report on Child Labour 2015 and CRY recent analysis of the Census 2011, 10 hard-hitting statistics on the issue of child labour in India are given below:

- 1) One in every 11 children in India is working.
- 2) Child labour has been decreasing at an abysmal rate of 2.2% per year from 2001 to 2011, as per an analysis of census data by non-governmental organization CRY (Child Rights and You).
- 3) 80% of working children are based in rural areas and three out of four of these children work in agriculture, as cultivators or in household industries, most of which are home-based employments.
- 4) More than half of the 5.5 million working children in India are concentrated in five states—Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra.
- 5) Adolescents doing hazardous work form 20.7% of those employed in this age group, while almost 25% of adults work in hazardous conditions.
- 6) Adolescents between 15 and 17 years of age doing hazardous work form 62.8% of the overall child labour population.
- 7) Nearly 10% of adolescents working in hazardous conditions are working in family enterprises.
- 8) 56% of the working adolescents are no longer studying. And 70% of those in hazardous conditions are not studying.
- 9) More boys (38.7 million) than girls (8.8 million) are involved in hazardous work.

10) While the incidence of hazardous work among adolescents is highest in Nicaragua, the number of adolescents in hazardous work is greatest in India (2.4 million).

### Conclusion

The child labour problem is not unique to India rather about 217 million children work worldwide, many engage full-time. However, child labour is a major problem in India like other developing countries mainly due to poverty, lack of good schools for better education, unorganized economic sector, small land holding for farming, more use of traditional technologies in industrial sector, less effectiveness of labour laws etc. However, Government of India is continuously making efforts through legislative amendments to curb this social evil of child labour from our country. The Government has also passed the Right to Education Act, 2009 to make the elementary education compulsory for every child till he/she attains the age of 14 years. Naturally it will help to reduce the child labour upto 14 years. Children between 14 and 18 years will not be allowed to work in hazardous industries. The fresh legislation proposes a complete ban on child labour up to 14 years in any organization, big or small. A number of non government organizations (NGOs) are also working continuously in this direction. Social legislation may also play a crucial role in the economy acting as an "equilibrium shifter". Whether in the form of child labour bans or compulsory schooling laws, legislation allows economies stuck in the "bad" equilibrium to break free from the poverty trap. It is general perception that child labour laws are supposed to increase the costs and reduce the growth rate only of industries that were initially employing children or in other words child labour laws reduced the short-term growth rate of industries that were highly dependent on child labour. However, putting complete ban on child labour will help to increase the efficiency of human being and their income in the long run and ultimately contribute more in the GDP of the country due to availability of skilled labour force. On the basis of this study, it is concluded that despite the existence of number of Child Labour Acts and Laws in India, effective results have not been achieved to prohibit the child labour mainly due to lack of proper implementation of these child labour laws as well as lack of social awareness in Indian society. Thus, Government should do more in this direction to get effective results.

### References:

- Basu, Kaushik and Van, Pham Hoang (1998), 'The economics of Child Labour', *American Economic Review* 88, Vol. 3, June.
- Moehling, Carolyn (1999), 'State Child Labour Laws and the Decline in Child Labour', *Explorations in Economic History* 36.
- Swinnerton, Kenneth A. and Carol Ann Rogers (1999); 'The Economics of Child Labour: A Comment', *American Economic Review*, Vol. 89, No. 5
- Dessy, Sylvain and Stephane Pallage (2001), 'Child Labour and Coordination Failures', *Journal of Development Economics* 65, No. 2.
- Age Structure And Marital Status India Census 2001

Trattner, William (1970) , *Crusade for the Children: A History of the National Child Labour Committee and* Tripathi, Shruti (2008), 'Child Labour as an Institution in India' (February 4, 2008).

The eradication of child labour in the United States in the early twentieth century: Lessons for developing economies, **Juan Manuel Puerta**, 02 August 2008

"Child labor - causes". ILO, United Nations. 2008.

"Other Initiatives Against Child Labour in India". International Labour Organization. Retrieved 21 October 2009.

"National Legislation and Policies Against Child Labour in India". International Labour Organization. Retrieved 21 October 2009.

"India- The big picture". UNICEF. Retrieved 19 October 2009.

"Annual Report 1999-2000". National Human Rights Commission, Govt of India. 2000.

"India: Freeing the Small Hands of the Silk Industry". (Germany). 2010.

"National Legislation and Policies Against Child Labour in India". International Labour Organization - an Agency of the United Nations, Geneva. 2011.

"Initiatives towards Elimination of Child Labour – Action Plan and Present Strategy". Ministry of Labour, Government of India. 2011.

Age Data C13 Table (India/States/UTs), Final Population - 2011 Census of India

"Child Labour - ILO". ILO, United Nations. 2011.

"National Child Labour project". Ministry of Labour and Employment, Government of India. Retrieved 12 September 2011.

Labour and Employment Statistics Ministry of Statistics and Programme Implementation, Govt of India (January 2014), page 2

Nigam, Vrinda. "Laws related to child labour in India". *iPleaders*. iPleaders. Retrieved 31 March 2015.

"Constitution of India". *Vakilno1.com*. Government of India.

Wikipedia, the free encyclopedia

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