Child Labour in India: A Profile

Hasibul Rahaman*

Child labour refers to the abuse of the labour of children who are either too young to work, or are of working age but work under conditions that subject them to risk. It is an adverse reality that children worldwide are often forced to undertake work that is physically, psychologically and morally damaging to them. If we willing damage their future than the development as whole will obviously stop as because today’s child is the future of the country. Now the time has come to think that how to escape from this kind of social problem.

[Keywords: Child labour, Population, Socio-economic profile, Age, Category]

1. Introduction

In many countries children lives are plagued by armed conflict, child labour, sexual exploitation and other human rights violations. Children living in rural areas have fewer opportunities to obtain good quality education. They have less access to services than children living in cities. The UN Convention on the Rights of Children (CRC) (Article 38) has explicitly prohibited person under age 18 being recruited into the armed forces or direct participating in hostility. In spite of this special provision under CRC, many countries still involve children below 18 years in hostilities.

Child labour keeps children out of school and is a major barrier to development. To make the anti child labour law a reality, poverty and unemployment need to be eliminated. Unless the standard of living improves at the lower levels of the society, children will be forced to work. Many middle and upper class families do not hesitate to engage young boys and girls to help them with

* Assistant Professor, Department of Sociology, Haldia Government College, P. O. Debgog, Distt. Purba Medinipur-721657, West Bengal (India) E-mail: <hasibulsociology@gmail.com>
household cores. The middle class family feels by employing a child below 14 years they are helping poor families to increase their earnings for daily livelihood.

According to the Census definition of India a child worker is one who works for the major part of the day and is below the age of 14 years. There is no agreement about the definition of ‘child’. The UN Convention on the ‘Right of Child’ sets the upper age at 18. According to the International Labour Organization (ILO) a new generation of children is being deprived of the chance to take their rightful place in the society and economy of the 21st Century. The ILO has proposed that ‘child labour’ will disappear in a decade. If this happens well and good. But in reality the situation is worsening. One in eight children in the world is exposed to the worst forms of child labour which endanger children’s physical, mental health and moral well being.

Child labour refers to the exploitation of the labour of children who are either too young to work, or are of working age but work under conditions that subject them to risk. It is an unfortunate reality that children worldwide are often forced to undertake work that is physically, psychologically and morally damaging to them. Nonetheless, not all work performed by children is classified as child labour. In fact, some light work that does not interfere with the child’s development, their education, or health, such as helping parents around the home, or earning pocket money outside of school hours or on holidays, can be a positive experience for children.

The term child labour therefore does not generally apply to children between the ages of 12-14 that engage in light work or to children between the ages of 15-17 who work in non-hazardous conditions.

Child labour is a cause and consequence of poverty and education and training is crucial to breaking this cycle. At the same time, interventions on education and training must be integrated with other interventions to effectively remove children from hazardous work. This includes measures which address poverty and underdevelopment, inadequate health and social policies, weak labour market institutions, inadequate legislation and an inadequate enforcement of laws. Both supply side factors such as the role of poverty in compelling parents to send their children to work, and demand side factors such as the way a society organizes its production processes help determine the extent to which children engage in child labour. Social exclusion mechanisms are another strong factor that keep children out of school leading them to work. In many cases, children in the worst forms of child labour belong to the most discriminated strata of society in terms of ethnicity and culture. Displacement resulting from a health crisis, violent conflict, civil strife or natural disaster leaves children with few alternatives. Child labour is exacerbated by an increasing demand coupled with an increasing supply of child labour from poor families especially in rural areas.

Child labour has long been recognized as a major obstacle to achieving decent work. In 1992, the ILO launched its International Programme on the Elimination
of Child Labour (ILO-IPEC) to provide technical cooperation to member States in finding solutions to this problem. We are making progress in the fight to eliminate child labour, however there are still many children who enter the workforce too soon.

2. Objectives and Methodology

The paper has an attempt to highlight a general scenario of the term of child labour as a social problem in Indian perspective and it is completely based on secondary sources which are analyzed by using the sociological tools and techniques.

3. Age of the Child

According to the Convention on the Rights of the Child article (i) defines “The child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”.

The Indian Penal Court (IPC) defines the child as being 12 years of age.

Indian Traffic Prevention Act 1956 defines a “Minor” as a person who has reached the age of 16 years.

Section 376 of IPC which punishes the perpetrators of the crime of rape defines the age of consent to be 16 years of age.

Section 82 and 83 of the IPC states that a child under the age of 7 years cannot be guilty of an offence and further a child under 12 years is not considered to have attained sufficient maturity to have an understanding of the nature of the Act and the consequences of his conduct.

Juvenile justice Act 2002 defines a male minor as being below 16 years and a female minor as being below 18 years of age

From the above statements, it could be seen, in the Indian context the age of an Individual in order to be determined as a “Child” is not uniformly defined. The consequences of this are that it offers various gaps in legal procedures which are used by the guilty to escape punishment.

4. Child Population

As per 2001 Population Census, children in the age group of 0-14 constituted about 360 million and accounted for 35.3 percent of total population. Children in the 5-14 age group constituted about 251 million and accounted for 24.6 percent of the population. Though there is an increase in the absolute number of children, the proportion of children in the total population is declining between1991 and 2001. By Census of India projections, the proportion of children (0 to 14) has further come down to 32.1 percent during 2006. Elementary school age children (5 to 14) in the total population constituted 241.7 million accounting for 21.7 percent of the total population. The reduction in the proportion of children is attributed to drastic
reduction in the Total Fertility Rate (TFR) in many of the major states, especially in Kerala, Andhra Pradesh, and Tamil Nadu, Maharashtra and Gujarat. On the other hand TFR remains high in some of the major states like Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh. Thus the segment of child population varies across states depending on the TFR. In the Context of Contemporary Agrarian Crisis that the Proportion of children in the population has implications for the incidence of child labour. Number of empirical studies on child labour has associated large family size with high incidence of child labour (VVGNLI, 1999). The demographic approach to child work has provoked a lively debate on the causal relationship between high fertility and the utility of children for the rural household. Fertility behaviour is also related to various social and cultural factors. The results of these debates have so far been inconclusive. In India for example, the States that have experienced rapid decline in TFR have witnessed decline in the intensity of child labour. In contrast to this the states in Northern India where the trends in fertility decline have been rather slow the incidence of child labour has in fact increased between 1991 and 2001. Within India, Kerala State, where the fertility rate is lowest, has achieved highest literacy rates in the country and the incidence of child labour is negligible. Thus, the changes in the demographic structure in many states provide a positive ground towards elimination of child labour.

**Table-1 : All India Child Labour Population according to 2011 Census**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Main Workers</th>
<th>Marginal Workers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>5-9</td>
<td>1108808</td>
<td>1066910</td>
</tr>
<tr>
<td>Total</td>
<td>10-14</td>
<td>3244439</td>
<td>2808324</td>
</tr>
<tr>
<td>Total</td>
<td>4353247</td>
<td>3875234</td>
<td>8228481</td>
</tr>
</tbody>
</table>

5. **Indian Scenario of Child Labour & Legislation**

According to the UN Study about 150 Million children of age group five to 14 are working in various industries in India. They are found working in road-side restaurants, tea stalls and shops, at construction sites and in factories. Girls suffer labour exploitation to such a degree that million of girls die before they reach the age of 15. They are paid a pittance as low as Rs.20 per day and many live in shops or work places where they are subjected to various forms of exploitation. Besides the work they are abused physically, mentally and sexually by the scurrilous task masters.

Mafia gangs bring children for “Begging” in urban cities. A child beggar of aged between five and ten collects the maximum. With a burn scar or decapitation they can earn more. As they grow older their earnings decrease. As a consequence they graduate to be big-time traders involved in drug peddling, pick pocketing, robbery and prostitution. A child beggar will only be paid 10% of his earnings of
Rs.300 to 500 a day. If he fails to meet the target fixed by the contractor he is punished brutally. The girls by the time they reach 13 years switch over to prostitution.

Begging is used as a profession by antisocial elements forcing children in begging. Begging is prohibited in some cities of India by local governments.

The Indian government ratified the UN Convention on the Rights of the Child in 1992 and introduced various pieces of legislation to curb child labour. The Labour Ministry of India has imposed a ban on children under age 14 from working as domestic help in hotels. Under this law any employment of children under 14 will invite imprisonment up to two years and a fine of Rupees twenty thousand. India has also banned employment of children in hazardous industries including the manufacture of fire crackers, carpet making, glass making etc. under Child Labour Act 2002

Although India has the second largest child population in the world, there is no single unified separate legislation to deal with all the offences against children.

It is high time India introduced an all encompassing common act to safeguard the rights of a child.

6. **Categories of Child Labour in India**

Child labour is a term that needs to be unpacked: it cannot be used in a sweeping manner but covers a range and variety of circumstances in which children work.

**Child Labour**: Those children who are doing paid or unpaid work in factories, workshops, Establishments, mines and in the service sector such as domestic labour. The Ministry of Labour, Government of India has employed the term ‘child labour’ only in the context of children doing ‘hazardous’ work. It has been observed from Indian Context the main categories of child labor are Street Children, Bonded Children, Working Children, Children used for sexual exploitation, Migrant children and Children engaged in household activities etc.

» **Street Children**: Children living on and off the streets, such as shoeshine boys, rag-pickers, newspaper-vendors, beggars, etc. The problem of street children is somewhat different from that of child labour in factories and workshops. For one thing, most children have some sort of home to go back to in the evenings or nights, while street children are completely alone and are at the mercy of their employers. They live on the pavements, in the bus stations and railway stations. They are at the mercy of urban predators as also the police. They have no permanent base and are often on the move. So their problem is more acute than that of children working in a factory and living at home.

» **Bonded Children**: Children who have either been pledged by their parents for paltry sums of money or those working to pay off the inherited debts of
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their fathers. Bonded child labour is an acute problem in some states. Bonded children are in many ways the most difficult to assist because they are inaccessible. If the carpet owner has bought them, they cannot escape. If the middle-class housewife has paid for them, they cannot run away. If the landlord in the village owns them, they will spend their life in servitude till they get married and can, in turn, sell their children.

» Working Children: Children who are working as part of family labour in agriculture and in home-based work. If children are working 12-14 hours a day along with their parents at the cost of their education, their situation is similar to that of children working for other employers. In fact children, particularly girls, are expected to take on work burdens by parents in complete disproportion to their strengths and abilities. This is the largest category of children who are out-of-school and are working full time. And it is here that we find the largest percentage of girls working at the cost of education.

» Children used for Sexual Exploitation: Many thousands of young girls and boys serve the sexual appetites of men from all social and economic backgrounds. Direct links between the commercial sexual exploitation of children and other forms of exploitative child labour are numerous. Factories, workshops, street corners, railway stations, bus stops and homes where children work are common sites of sexual exploitation. Children are especially powerless to resist abuse by employers, either as perpetrators or intermediaries. Village loan sharks often act as procurers for city brothels, lending money to the family which must be paid back through the daughter's work. Almost all such children are betrayed by those they trust and end up with their trust abused. The physical (health, danger of HIV/AIDS, sexually transmitted diseases) and psycho-social damage inflicted by commercial sexual exploitation makes it one of the most hazardous forms of child labour.

» Migrant Children: India faces a huge challenge with “distress seasonal migration”. Millions of families are being forced to leave their homes and villages for several months every year in search of livelihoods. These migrations mean that families are forced to drop out of schools, something that closes up the only available opportunity to break the vicious cycle generation after generation. At worksites migrant children are inevitably put to work. All evidence indicates that migrations are large and growing. The number of children below 14 years of age thus affected, may already be in the order of 9 million. Migrant populations overwhelmingly belong to Scheduled Caste, Scheduled Tribes, and Other Backward Castes. They comprise the landless and land poor who possess the least amount of assets, skills or education. Studies reveal that the majority of migrant labour is to be found in states like Andhra Pradesh, Rajasthan, Karnataka, Gujarat, Tamil Nadu and Maharashtra. Almost all major states appear to be affected by
migration, although to varying degrees. Many industrial and agro-industrial sectors like brick-making, salt manufacture, sugar cane harvesting, stone quarrying, construction, fisheries, plantations, rice mills and so on run largely on migrant labour.

» **Children Engaged in Household Activities:** Apart from children who are employed for wages (either bonded or otherwise) as domestic help, there are a large number of children (especially girls) who are working in their own houses, engaged in what is not normally seen as “economic activity”. These children are engaged in taking care of younger siblings, cooking, cleaning and other such household activities. As seen in the literature on women’s work, such activities need to be recognized as ‘work’. Further, if such children are not sent to school, they will eventually join the labour force as one of the above categories of child labour.

7. **Socio-economic Profile**

The important characteristic of child labour in India is that about 90 percent of the working children are concentrated in the rural areas. They not only work in farm sector but also in various non-farm activities in rural areas. The same trend is reflected in Census as well as NSSO data. This is also a reflection of narrow jurisdiction of the law which focuses only on visible forms of child labour in urban areas. Further they remain as reservoir of cheap labour supply to be migrated to urban areas along with their families in the event of any distress in rural areas. Thus, the problem of child labour in India is essentially a rural problem. As per 2004-05 NSSO data, out of 9.07 million child labourers, 12.16 million were in rural areas. Though there is a declining trend in the general magnitude of child labour in India, the concentration of child labourers in rural areas continue. Data on NSSO estimates on rural-urban magnitude of child labour is presented in Table below (NCLP Report, 2011-2012).

**Table-2 : Estimate of Trends in India’s Child Labour by Rural-Urban, 1983-2009/10 (in millions)**

<table>
<thead>
<tr>
<th>Year (Round)</th>
<th>5-9</th>
<th>10-14</th>
<th>5-14</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rural</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94 (50th Round)</td>
<td>1.13</td>
<td>11.03</td>
<td>12.16</td>
</tr>
<tr>
<td>1999-00 (55th Round)</td>
<td>0.6</td>
<td>8.05</td>
<td>8.65</td>
</tr>
<tr>
<td>2004-05 (61st Round)</td>
<td>0.26</td>
<td>7.18</td>
<td>7.44</td>
</tr>
<tr>
<td>2009-10 (66th Round)</td>
<td>0.2</td>
<td>4.0</td>
<td>4.2</td>
</tr>
<tr>
<td><strong>Urban</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94 (50th Round)</td>
<td>0.12</td>
<td>1.52</td>
<td>1.64</td>
</tr>
<tr>
<td>1999-00 (55th Round)</td>
<td>0.07</td>
<td>1.32</td>
<td>1.39</td>
</tr>
<tr>
<td>2004-05 (61st Round)</td>
<td>0.08</td>
<td>1.44</td>
<td>1.52</td>
</tr>
<tr>
<td>2009-10 (66th Round)</td>
<td>0.02</td>
<td>0.68</td>
<td>0.7</td>
</tr>
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</table>
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<table>
<thead>
<tr>
<th>Combined</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1993-94 (50th Round)</td>
<td>1.27</td>
<td>12.59</td>
<td>13.86</td>
</tr>
<tr>
<td>1999-00 (55th Round)</td>
<td>0.63</td>
<td>9.5</td>
<td>10.13</td>
</tr>
<tr>
<td>2004-05 (61st Round)</td>
<td>0.35</td>
<td>8.72</td>
<td>9.07</td>
</tr>
</tbody>
</table>

Source: Derived from Respective Unit Level Records of NSS, (Collect from NCLP Report, 2011-2012.)

8. Measures to stop Child Labour

A million dollar question has arisen in regard to stop this social problem but no specific answer. All sections of the society need to work together to stop misuse and abuse of children. Stakeholders to tackle these issues include:

1. National Governmental agencies.
2. Non governmental organisations (NGOs).
3. People’s forums.
4. Corporate entities.
5. Individual social service activists.

Let us analyze why child labour is in existence in spite of various pieces of legislation.

Poverty is the major cause for children being sent to work. The percentage of the Indian population living in poverty is high. It is estimated 37% of the urban population and 39% of the rural population is living in poverty. Poverty has an obvious relationship with child labour. The hardships arising out of abject poverty coupled with vices like drugs and alcoholism compel illiterate families especially in rural areas to initiate their children into back breaking work under tiring and sometimes dangerous conditions. The childhood of many children is shattered in the sinks of city hotels, dusty construction sites, hazardous factories and in waste heaps.

The second reason, especially in India, is lack of educational facilities is in some parts of rural India e.g. Bihar, West Bengal etc. where abject poverty still exists.

The third reason is the migration of adult labour with their children to urban towns where construction work is booming and plenty of job opportunities exist for poor families including children who are exploited and paid poor wages.

Abject poverty and the lack of social security network systems are the basis of an even harsher type of child labour - bonded child labour. The bonded labour system is still prevailing in some states of India where poor peasants who owe money to land owners agree to give their children as bonded labour for long periods. In return they receive a one time payment or waver of their loans.
Influential mafia groups are also engaged in trafficking children from remote rural areas to affluent towns. The children are then forced into labour and begging. Girls are forced into prostitution.

9. Conclusion

Magnitude of child labour as reported by official sources show a declining trend. Though this is a welcome trend, the problem is with the inadequacy of coverage in the official statistics. Given the context of globalization and declining employment growth in the country, the reduction in the magnitude of child labour shown in NSSO 61st round (2004-05) could be due to reduction in general employment. However, there is need for policy advocacy on properly defining child labour from a child rights perspective in the official sources of data. Already many suggestions are made towards improving the scope of defining child labour by academics. At the same time efforts to make education compulsory up to secondary level will go a long way in addressing the issue of older children who complete their elementary education but unable to access high school education. Finally the mind set up of the people has needed to change to stop this social problem.

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