

AN ANALYSIS OF THE PROBLEM AND OBSTACLES ASSOCIATED TO INDIA'S CURRENT CHILD LABOUR LAWS

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Abstract:-

If we want to instill real peace in this world and wage a real war against conflict, we must start with the little ones. Nelson Gandhi Child work is a major problem in India since early labour market participation during a child's formative years means skipping out on a proper education, which reduces the child's chances of earning more money in the future. Child work is a complicated issue that has its roots mostly in poverty. Additionally, this social blight has lethal repercussions for the country as a whole. 3.6% of India's labour force is made up of people under the age of 14. Approximately 85% of people work in traditional agriculture, 9% work in manufacturing, services, and repairs, and 0.8 percent work in the service industry. Urban areas are seeing an increase in the use of minors as domestic servants. Children are frequently forced to work without food or for extremely low pay, which is fully unregulated and resembles slavery. Child domestic servants have experienced physical, sexual, and emotional abuse. The justification for domestic work is frequently that parents have sent their kids to these houses for both care and employment. In India, eradicating child labour is a top priority that is being carried out at the local level. Along with domestic and international organizations, a sizable number of non-governmental and volunteer organizations are active in this process. This essay aims to present a scenario in which child labour increases and different difficulties. The nation that have developed as a result of this specific issue are also elaborated. The steps that must be taken to solve these issues are suggested. Finally, we draw the conclusion that the suggested approach might be considered worthwhile in resolving the issues brought about by child labour.

Keyword:- abuse , child labour , poverty , development

Introduction:-

A kid is anyone who has not reached the age of fourteen, according to the kid Labour (Prohibition and Regulation) Act of 1998. Part II of the legislation forbids minors from working in any of the professions mentioned in Part A of the Schedule, which include, among other things, domestic labour, dhabas and hotels, catering at railway establishments, construction work on the railway or anywhere near the lines, plastics manufacturers and auto garages. As mentioned in Part B of the Schedule, which includes, among other things, beedi manufacturing, tanning, soap manufacturing, brick kilns, and roof tile units, the act also forbids children from working in sites where these

operations are being carried out. In a workshop where the occupier is working with members of his family or in a school that has received government recognition or assistance, these restrictions do not apply.

The term "child labour," according to the International Labour Organization (ILO), is frequently described as work that robs children of their childhood, their potential, and their dignity, and that is detrimental to their physical and mental development. It refers to work that is hazardous to children in terms of their mental, physical, social, or moral development. It also interferes with their education by denying them the chance to attend class, forcing them to leave early, or requiring them to try to balance school attendance with excessively heavy work. There is now no widely agreed definition of child labour because it has been defined differently over time.

In India, the definition of child work as it related to age varied from year to year under various laws. Children under the age of 14 are prohibited from working in factories under the Factories Act of 1948. within any factory. The Mines Act of 1952 specifies a 15-year-old minimum age. The Plantations Labour Act of 1951 specifies 12 years.

Since around ten years ago, child work has been a topic of intense discussion around the globe, with many diverse points of view. Child labour, however, is not just a modern issue, according to economic historians, sociologists, and anthropologists. Development economists contend that a significant improvement in the socioeconomic standing of the populace in industrial countries also contributed to this departure. According to this claim, child labour symbolizes a stage in the growth process that economies must go through.

But in recent years, there has been a resurgence of opposition to child employment, this time on the basis that it causes the children physical, moral, and psychological harm as well as the loss of youth. Recent discussions on human rights, human capital development, and international labour standards have sparked these disputes. There is a claim that child work is a reality in underdeveloped nations since there is a supply and demand for it. Children are typically put to work by their parents because of issues including poverty, inequality, societal norms, credit-land-labor market flaws, high fertility, and unexpected employment scenarios.

Children's extra money improves their dietary standards, allows their siblings to finish their education, and increases their skill level and work prospects in the future. Producers, on the other hand, demand child labour due to the significantly lower salaries given to children. Consequently, there is child labour. The prevalence of child labour is considered as a necessary evil or an inevitable fact. The issue of child work presented a severe impediment to the development process in the developing economies, despite several strict labour laws. India's national child labour policy was enacted by the government in 1987.

Literature review:-

Since quite some time, child labour has been a major concern in development economics (see ILO 2002). A sizable number of studies on child labour have been conducted abroad.

Four fundamental problems are addressed in theoretical and empirical research on child labour:

- (a) What contributes to child labour?
- b) What impact child labour has on human development;

- c) how different policies affect the amount and types of child labour; and
- d) how child labour affects the economy.

These three are, nonetheless, very closely related to one another. The majority of theoretical studies discuss the causes of child labour, how it affects the economy, and how various policies are meant to affect child labour decisions.

Basu and Van's (1998) groundbreaking work in this area is to be commended. Lieten and Ben (2001), Grootaert and Kanbur (1995), Anker (2000), Bhalotra (2000), Basu (1999), Galli (2001), Jafarey and Lahiri (2002), Rammohan (2000), and Rosati and Deb (2002) are only a few examples of other significant works.

In addition to identifying patterns and magnitudes of child labour, empirical research assess the veracity of various theoretical hypotheses put out regarding its sources, effects, and policy sensitivity. These include Weiner (1991), Ravallion and Wodon (2000), Addison et al. (1997), Ray (2000a, 2000b), Ashagrie (1993), Grootaert and Patrinos (1999), Bhalotra and Heady (2003), Beegle et al. (2003a, 2003b), Goldin and Katz (2003), Edmonds (2004a, 2004b), and Bourguignon et al. (2003).

The following authors have published empirical studies in the Indian context: Chaudhuri and Wilson (2000), Ray (2000c), Cigno and Rosati (2000), Burra (1995), Mishra (2000), Chandrashekar (1997), Weiner (1991), Majumdar (2001), and Reddy (2000).

Children who are "working" as wage earners, or those who are in the labour market, have been the subject of the majority of these studies. Due to the neglect of both economic and non-economic home tasks undertaken by children, this undervalues the role that children play in the economy (and society), particularly that of girls. These responsibilities are by no means minor, as Nowhere Children who are neither in school nor the working force are far more prevalent in developing nations than child workers.

Objectives:-

- 1) To shed light on India's child labour problem and its effects.
- 2) To identify the best ways to end child labour at its source.

Research methodology:-

The majority of the study's methodology was a literature review and secondary data collection via census surveys, reports, newspapers, journals, articles, websites, etc.

DISCUSSIONS:

1. CHILD LABOUR: A HISTORY

By dividing it into three perspectives—ancient, mediaeval, and modern—the issue of child labour in India might be better understood.

a) CHILD LABOUR IN THE ROMAN PERIOD

When it comes to child work in ancient India, it can be argued that it took the form of young slaves. Child slaves were commodities that could be bought and sold. To some extent, parents' obligations

were so frequently tied to working for the landlord at such low salaries that it produced circumstances where children may be paid to labour in fields. Together with their parents, they remained as bonded labour at the landlord's home in order to pay off or reduce the debt that their parents had borrowed from the landlord. However, kids assisted their parents with household chores and family crafts. They picked up the abilities by watching and taking part in these activities. Small and marginal economic units are a necessary characteristic of a society that is primarily rural. Slaves, hired labourers, and unskilled workers all had worse financial situations. When he worked in the agricultural sector, the child was in the same situation. It has been shown that child labour was widespread in ancient India and could be seen in a variety of occupations where they were employed by wealthy landowners to perform tasks that were either directly or indirectly related to their agricultural sector.

b) CHILD LABOUR IN THE MEDIAEVAL PERIOD

Child labour was not an anomaly during the mediaeval era. The fragmentation of holdings was caused by increased land pressure. Growing families had to search beyond self-improvement to get food. A group of labourers who were not proprietors of land emerged and were frequently bound to the great landowners. These workers employed their kids to assist in their commercial endeavours. Rarely did the country craftsman labour alone. The majority of occupations were established by inheritance, and young children were exposed to their ancestral craft. In mediaeval India, child work was still prevalent on a huge scale, and even the ruling class encouraged it in order to traffic in children as slaves. The child in question was found to be a slave as a child, and as the rulers made no effort to end this practice, the child was constantly used for their own gain.

c) CHILD LABOUR IN MODERN PERIOD

Children have traditionally been employed in commercial endeavors. Children were worked in guild and trade vocations in pro-capitalist and communist regimes, including India. In these societies, work connections were casual and the workplace served as an extension of the home. The young youngster grew up and found employment within the family, performing tasks that were not dangerous or challenging. Work had a significant role in their socialization and education. However, this idea underwent a significant transformation with the emergence of capitalism and industrialization in the 18th century, and child work started to be recognized as a societal issue. The family-based economy was crushed by the fresh forces of capitalism. Farmers were estranged from their place of employment since a lot of labourers were displaced as a result of mechanization in agriculture. They eventually started working for pay. Extreme poverty prompted the need to integrate the child into the workforce; parents' lack of alternative career opportunities and kids' lack of access to school facilitated this process.

Factors contributing to the rise in child labour:-

Child labour has many different types of causes. So, a number of issues, including the employment of children, can be implicated. There is easy access to child work with few restrictions

on businesses. Child labour is mostly caused by poverty, which is the main factor. Children are permitted to work at low-paying jobs by their poor parents in order to supplement their income. Children are forced to work at low-paying jobs due to their extreme poverty and unemployment. As a result, the impoverished parents' thoughts are greatly influenced by their financial obligations, and they are willing to work together with their children's employers to break the law and expose their kids to the dangers of inhumane exploitation. As soon as feasible, and much better if they end up supporting the family financially, parents want their children for themselves. Early adultization causes children to marry and have children at younger ages, increasing their families' and the country's obligations.

a) Due to their low labour costs, many firms choose to hire children. Additionally, youngsters are more obedient, extremely adaptive, and less problematic.

b) Dropouts from school .

c) The death of an income-generating family member.

d) In India, there is no government-sponsored programme for family allowance.

e) No general system of mandatory education up to a certain age.

f) The sluggish development of labour law protections.

g) Disregarding the rules in place to protect children.

h) The loss of parents.

i) A drunken father or any adult male family member wasting money on alcohol, etc. Child labour can occasionally be caused by social structures in society. The caste system in our nation is a defining feature of the social structure. The members of low castes and oppressed groups are supposed to work for the upper castes. As a result, they are denied their aspirations.

J) India's exploitative socioeconomic system and underdeveloped economy are the main causes of the issue of child labour in that country. The causes of this abomination include ignorance, a lack of employment prospects, and other socioeconomic institutions. Our society does not value mass awareness, which is another problem.

INDIA'S GOVERNMENT IS TAKING MEASURES TO PREVENT CHILD LABOUR :-

It was the first policy document to address the needs and rights of children.

a. National Policy for Children, 1974. :-

Children were seen as the nation's most valuable resource. The strategy seeks to advance the implementation of the UN Declaration of Rights and the provisions for children in the constitution. It describes the resources that the state should offer to ensure a child's full physical, mental, and social development before, after birth, and during their growing years.

b. National Policy on Education, 1986:-

"Special emphasis on the removal of disparities and to equalize educational opportunity," was demanded, particularly for Indian women, Scheduled Tribes (ST), and Scheduled Caste (SC) populations. In order to attain these goals, the policy advocated for increasing scholarships, adult education, hiring more teachers from the SCs, providing incentives for low-income families to bring their children to school regularly, creating new institutions, and offering housing and

services. The NPE demanded a "child-centered approach" in primary education and started "Operation Blackboard" to transform primary schools across the country.

c. National policy on child labour 1987:-

It outlines the action plan for addressing the issue of child labour. National Policy on Child Labour, 1987. It called for the creation of two types of legislative action plans: a project-based plan of action for the beginning of initiatives for the welfare of working children in regions with a high concentration of child labour; and a legislative action plan emphasising and bringing together general development programs for children's benefit wherever practicable.

d. The National Nutrition Policy from 1993 :

-It was introduced to address the issue of undernourishment. Utilizing both direct (short-term) and indirect (long-term) interventions, it seeks to solve this issue in the areas of food production and distribution, health and family welfare, education, rural and urban development, woman and child development, etc.

e. American National Population Policy, 2000:

The national population policy of 2000 seeks to elevate the position of Indian children. Free was highlighted. It placed a strong emphasis on universal childhood immunization against all diseases that may be prevented by vaccines, 100% registration of births, deaths, marriages, and pregnancies, a significant decrease in the infant mortality rate and maternal mortality ratio, among other things.

f. The National Health Policy for 2002:

The fundamental goal of this policy is to ensure that the majority of the people of the nation has a satisfactory standard of health. The strategy is to improve the infrastructure in the current institutions and develop new facilities in underserved areas in order to increase access to the decentralized public health system. A greater emphasis is placed on ensuring that people across the social and geographic spectrum of the nation have more equitable access to health services.

g. The National Charter for Children (NCC), published in 2003, :-

It emphasises the constitutional requirements pertaining to the welfare of children as well as the role of civil society, communities, and families, as well as their responsibilities in providing for the basic needs of children. The NCC makes special note of the wellbeing of particular populations, including street children, girl children, children in BPL households, BPL children, children in child care schemes, and children in educational courses designed to prevent exploitation. It guarantees every child their inalienable right to grow up healthy and happy, addresses the root causes that obstruct children's healthy growth and development, and awakens the conscience of the community in the larger societal context to protect children from all forms of abuse while bolstering the family, society, and the country.

According to the Charter, the State and community must take all reasonable steps to ensure and preserve the survival, life, and liberty of every child. According to the Charter, the State and community must make every effort to give teenage children the education and skills they need to be prepared to become contributing members of society.

h) NPA 2005:-

In an effort to promote children's wellbeing, the Government of India developed the National Plan of Action for Children (NPA), 2005. The NPA has many key areas of focus, but the ones related to child protection are: > Completely abolishing female infanticide, female feticide, and child marriage; ensuring the survival, development, and protection of girls; > Addressing and upholding the rights of children in challenging situations; Ensuring that all children have access to legal and social protection from all forms of abuse, exploitation, and neglect.

Different Central Ministries carry out the numerous Schemes and Programs under the direction of the national policies. They are attempting to address the problems pertaining to the general wellbeing of children by working both separately and jointly. Periodically, the State and UT governments also carry out a number of projects aimed at enhancing the lives of children. Important Programs for Children's Health: Periodically, the State and UT governments also carry out a number of projects aimed at enhancing the lives of children.

Important Programs for Children's Health: -

- 1) Integrated Child Development Service Scheme
- 2) Integrated Child Protection Scheme
- 3) National awards for child Welfare.
- 4) National Child Awards for xceptional Achievements.
- 5) Rajiv Gandhi Manav Seva Awards for Service to Children.
- 6) Balika Samridhhi Yojna.
- 7) Nutrition Programme for Adolescent Girls
- 8) Early Childhood education for 3-6 age group children.
- 9) Welfare of working children in need of Care and Protection
- 10) Child line services
- 11) Rajiv Gandhi National Crèche Scheme for children of working mothers.
- 12) UJJAWALA: A Comprehensive Scheme for Prevention of trafficking and Resue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation
- 13) Sarva Shiksha Abhiyan
- 14) National Rural Health Mission
- 15) Rajiv Gandhi Scheme for empowerment of Adolescent Girls - SABLA.
- 16) Dhana Lakshami – Conditional Cash Transfer for Girl Child with insurance cover .
- 17) National Commission for Protection of Child Rights

CHILD LABOUR: RECOMMENDATIONS FOR ENHANCEMENT

The primary duty is first and foremost for each and every one of us to live in society. The beginning is at home. Never assign duties to a servant who is too young. Give the boys on the streets some money. Get those who wish to assist them together. Form social groupings. Provide children with food, housing, and education. If everyone works from home as much as feasible, a result might be

achieved. Never subject a child to labor-intensive, demanding work in the industry. Raise your voice in opposition to these individuals and boycott them. Inform them of the laws against crimes such as child labour. Make others aware of the situation. Step forward, accept accountability, and form your own opinions.

Secondly, governments have a significant impact. Initially, laws prohibiting child labour should be created and vigorously enforced against those who force minors to perform labor-intensive tasks. Children should have access to food, shelter, education, and all other necessities provided by their governments. The freedom of a youngster ought to equal his or her freedom in paradise. Recall that kids can be used as tools by criminals to commit crimes. The governments of a nation ought to be aware of this and take the appropriate action.

Last but not least, the world has gone global. To reduce child labour, the many international organizations can take action to increase public awareness. By offering children free education through the education for all plan and applying pressure to the government to uphold the law to provide required By offering free education under the education for all initiative and applying pressure to the government to enact laws that supply the necessities for children's wellbeing, they can assist children in their financial needs. It will be simple to end children's illness thanks to the combination of the aforementioned bodies. Children are the embodiment of purity and innocence. If you are a true person, your heart should melt with compassion when you witness people sleeping in the street with an empty stomach. We young people speak up. Improve the state of this planet for the coming generation.

Conclusion:

It is apparent that there has been a decline in child labour cases in India recently. Still, 40 million youngsters miss school, of which 6 million are employed outside the home. One of the main issues is that there are a lot of Nowhere Children who are not attending school or working. Examining the likely contributing causes, poverty becomes apparent as an essential but not sufficient condition for the flourishing of child labour. Poverty contributes to children not attending school, but it does not always force them into the workforce. Children seem to be forced into the workforce only when other, complementing causes, such as a dearth of educational resources, are present.

Undoubtedly, the human element is becoming increasingly significant in the context of educational infrastructure, but the physical component is still significant as well. An essential role that educational infrastructure is noted to play in this regard is that it can help eradicate child labour if educational infrastructure is expanded spatially, with a focus on basic education. The assumption that we have, overall, somewhat transcended the period of severe physical infrastructure scarcity—that is, the lack of school buildings and other essential facilities—concerns educational infrastructure. Nowadays, the human element—that is, the availability of teachers—is thought to be the primary source of the bottleneck. As a result, the primary responsibility is to guarantee that schools have a sufficient number of employees and that teachers have enough time to attend to each student. Additionally, this will draw and keep young students in schools while also making

learning entertaining. The way that schools operate needs to be changed as well, as informal institutions established under various Sarva Shiksha Mission (SSM) programmes are frequently found to be quite successful at bringing out-of-school children under the purview of education. It's interesting to note that SSM is to blame for the rising percentage of kids attending educational institutions under subsidiary status over time. They may have found comfort in the unconventional class schedule and informal teaching style, which allows them to attend lessons even after completing their assigned tasks. A strategy like this will fulfil children's right to an education without sacrificing their more general right to (earn and) live.

Reference :-

- 1) Basu, Kaushik and Pham Hoang Van (1998) -"The Economics of Child Labour," American Economic Review, Vol. 88. No. 3 (September). pp.412-427.
- 2) Beegle, Kathleen, Rajeev Dehejia, and Roberta Gatti, (2003a) – "Why should we care about child labor? The education, labor market, and health consequences of child labor", Policy Research Working Paper Series 3479, The World Bank.
- 3) Bhalotra, Sonia and Christopher Heady (2003) - "Child Farm Labor: The Wealth Paradox," World Bank Economic Review, Vol. 17. No. 2, pp.197-227.
- 4) Burra, Neera (1995) - Born to work: Child labour in India, Oxford University Press, New Delhi.
- 5) Chandrashekar, C.P. (1997) - "The economic consequences of the abolition of child labour: An Indian case study", Journal of Peasant Studies, Vol. 24, No. 3, 1997, pp. 137-179.
- 6) Chaudhuri, D.P. and E.J. Wilson (2000) – The Challenge of Child Labour in Rural India: A Multi-Dimensional Problem in Need of an Orchestrated Response", University of Wollongong Working Paper, No 2000-2: Australia.
- 7) Galli, Rosanna (2001) – The economic impact of child labour", Decent Work Research Programme Discussion Paper DP/128, ILO. International Institute of Labour Studies, Geneva, 32 p.,2001.
- 8) Grootaert, Christiaan and Ravi Kanbur (1995) – "Child labour: An economic perspective", International Labour Review, Vol. 134, No. 2
- ILO (2002) - Every Child Counts: New Global Estimates on Child Labour, ILO, Geneva.
- 9)Jafarey, Saqib and SajalLahiri (2002) - "Will trade sanctions reduce child labour? The role of credit markets", Journal of Development Economics, Vol. 68, No. 1,2002, pp. 137-156.
- 10)Majumdar, Manabi (2001) - "Child labour as a human security problem: Evidence from India", Oxford Development Studies, Vol. 29, No. 3, 2001, pp. 279-304.
- 12)Mishra, Lakshmidhar (2000) - Child labour in India, Oxford University Press, New Delhi.
- 13)Rammohan, Anu (2000) The interaction of child labour and schooling in developing countries: A theoretical perspective", Journal of Economic Development, Vol. 25, No. 2, 2000, pp. 85-99.