



Exploring the Causes of Child Labour, its Consequences and Prevention Measures

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ABSTRACT

Children are the future of any society and in turn they shape the world's future. That is why the issue of child labour is an area of concern for all policy makers, social scientists, researchers and the judiciary. The problem of child labour has been one of the major issues to be tackled in any economy. Almost all the countries whether developed, developing or underdeveloped are facing one or another issue related to child labour. But, the issue of child labour in the worst form has been seen in some of the developing and underdeveloped countries. In fact, a child labourer not only lacks the basic necessities of life, but is also forced to spend a major part of the day working in inhuman and unhealthy conditions for a miserable pittance.

In this paper we explore the various causes, types, consequences and prevention measures taken by the government. We also explore provisions in the constitution as well as legal measures against child labour.

Keywords: Child labour, poverty, The Factory Act , Child Labour Act

1. Introduction

Children are usually forced to do adult work to provide financial help to their families. The working conditions are poor and children are usually suffering from physical, emotional, and sexual abuses. They work long hours every day and are unable to attend school, which is their fundamental right.

Child labour is a concrete manifestation of violations of a range of rights of children and is recognized as a serious and enormously complex social problem in India. Working children are denied their right to survival and development, education, leisure and play, an adequate standard of living, opportunity for developing personality, talents, mental and physical abilities, and protection from abuse and neglect. Notwithstanding the increase in the enrolment of children in elementary schools and increase in literacy rates since 1980s, child labour continues to be a significant phenomenon in India.

2. Concept Of Child Labour

Encyclopaedia of Social Science defines child labour as “When the business of wage earning or of participation in itself or family support conflicts directly or indirectly with the business of growth and education the result is child labour.”

According to Second National Law Commission on Labour, “Children out of home, away from family, working for wages and the place of work unfriendly and unsuitable for their wellbeing are child labour.” On the other hand, Census of India covers a wider definition and says, “Any child engaged in productive work, with or without compensation, wages or profit is child labour.”

Differently from the above definitions, the Government of Andhra Pradesh defines, “All children out of school are child labour.” The definition explains that being out of school is equal to the worst form of child labour. It may be termed as ‘hazardous’, ‘intolerable circumstances’ and ‘harmful to the overall growth and development of the child’. The Government has notified Education Department as the nodal department to deal with the elimination of child labour.

UNICEF suggests, “Children’s work needs to be happening along a continuum, with destructive or exploitative work at one end and beneficial work – promoting or enhancing children’s development without interfering with their schooling, recreation and rest- at the other. And between these two poles are vast areas of work that need not negatively affect a child’s development.”

According to ILO, child labour is a work that deprives children of their childhood, their potential and their dignity, and one that is harmful to their physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, or work whose schedule

interferes with their ability to attend regular school; or work that affects in any manner their ability to focus during school or experience a healthy childhood.

The ILO suggests that, children or adolescents who participate in work that does not affect their health and personal development or interfere with their schooling, is not child labour; rather it may generally be regarded as being something positive. Such harmless work includes activities such as helping their parents around the home, assisting family or earning pocket money outside school hours and over holidays. These kinds of activities may contribute to children's development by providing them with skills and experience, and help to prepare them to be productive members of society during their adult life.

It is clear from all the definitions, that child labour must be prohibited but child work should be appreciated. Whether or not particular forms of "work" may be called "child work" depends on the child's age, the type and hours of work performed, the conditions under which it is performed, and the objection pursued by individual countries. The answer varies from country to country, as well among sectors within countries.

3. Constitution Mandate

The constitution is the law of the land. Our constitution framers were aware about the problem of child labour and compulsory education of children, so they prohibited child labour in certain employment as a fundamental right under Article 24 and issued many Directive Principle of State Policy in Part IV. They made provisions under Article 45, by stating that the State will make the provisions for free and compulsory education for every child below the age of 14 years within 10 years from the implementation of the constitution. Unfortunately, it took 52 years to make it a fundamental right under the constitution. The 86th constitutional amendment has inserted Article 21A to recognize the right to free and compulsory education for children between the ages of 6 to 14. The constitutional provisions are as follows:

Article 15(3) - The article provides guarantee of right to equality without any discrimination; but on the other hand, empowers the State to make the special provisions relating to children, which will not be violative of right to equality.

Article 21- No person shall be deprived of his life or personal liberty, except according to procedure established by law. The supreme court held that 'life' includes freedom from exploitation and the right to live with a dignified life.

Article 21A - The State shall provide free and compulsory education to all children of the age of six to fourteen years, in such manner as the State may, by law, determine. The supreme court directed that where children are allowed to work, in such establishments, it is the duty of the employer to make provisions for the education of child labourers.

Article 23- Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this prohibition shall be an offence punishable in accordance with law.

Article 24 - No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39(e) - The State shall direct its policy towards securing the health and strength of the tender age of children so that they are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 39(f) - The State shall direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity; and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 - The State shall endeavour to provide early childhood care and education for all children until they complete the age of fourteen years.

Article 51A(k) - It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six to fourteen years.

4. Causes Of Child Labour

4.1 The curse of poverty

The main reason for child labour is poverty. Most of the country's population suffers from poverty. Due to poverty, parents cannot afford the studies of their children and make them earn their wages from a tender age. In fact, they are well aware of the grief of losing their loved ones to poverty many times. They send their small children to work in factories, homes and shops. They are made to work to increase the income of their poor families at the earliest. These decisions are taken only for the purpose of eking out a living for their family. But such decisions shatter children's physical and mental state as they lose their childhood at an early age.

4.2 Lack of educational resources

Even after so many years of our country's independence, there are instances where children are deprived of their fundamental right to education. There are thousands of villages in our country where there are no proper facilities of education. And if there is any, it is miles away. Such administrative laxity is also responsible for child labour. The worst sufferers are the poor families for whom getting their children educated is a dream.

Sometimes the lack of affordable schools for the education of poor children leaves them illiterate and helpless. Children are forced to live without studying. And sometimes such compulsions push them into the trap of child labour.

4.3 Social and economic backwardness

Social and economic backwardness is also the main reason for child labour. Socially backward parents do not send their children to receive education. Consequently, their children are trapped in child labour. Due to illiteracy, many times parents are not aware of various information and schemes for child education. Lack of education, illiteracy and consequently the lack of awareness of their rights among them have encouraged child labour. Also, uneducated parents do not know about the impact of child labour on their children. The conditions of poverty and unemployment give rural families a compulsive basis for engaging children in various tasks. In fact, feudal, zamindari system and its existing remnants continue to perpetuate the problem of child labour.

4.4 Addiction, disease or disability

In many families, due to addiction, disease or disability, there is no earning, and the child's wages are the sole means of family's sustenance. Population growth is also increasing unemployment, which has adverse impact on child labour prevention. So, parents, instead of sending their children to school, are willing to send them to work to increase family income.

4.5 Poor compliance of laws

In modern society, laws stipulate that citizens have the right to receive good education, avail good health services and take care of their health. Every citizen has the right to play the game he enjoys, and enjoy all the means of entertainment, and when he grows, to obtain employment where he can earn well and contribute to society and nation. But in the absence of proper compliance of the laws, child labour is continuing. It can be prohibited only by strict adherence to the related laws.

4.6 Lure of cheap labour

In the greed of cheap labour, some shopkeepers, companies and factory owners employ children so that they have to pay less to them and it amounts to employing cheap labour. Shopkeepers and small businessmen make children work as much as elders, but pay half the wages. In the case of child labour, there is less chance for theft, greed or misappropriation of money too.

With the development of globalization, privatization, and consumerist culture, the need for cheap labour and its linkage with economic needs of poor families have encouraged child labour.

4.7 Family tradition

It is a shocking but a bitter truth that in our society it is very easy to give child labour the name of tradition or custom in many families. The culture and traditional family values play their role in increasing the problem of child labour at the voluntary level. Many families believe that a good life is not their destiny, and the age-old tradition of labour is the only source of their earning and livelihood.

Small businessmen also waste the lives of their children in the greediness of perpetuating their family trade with lower production costs. Some families also believe that working from childhood onwards will make their children more diligent and worldly-wise in terms of future life. They believe that early employment will give rise to their children's personal development, which will make it easier for them to plan their life ahead.

4.8 Discrimination between boys and girls

We have been conditioned into believing that girls are weaker and there is no equal comparison between boys and girls. Even today, in our society, we will find many examples where girls are deprived of their studies. Considering girls weaker than boys deprives them of school and education. In labourer families, girls are found to be engaged in labour along with their parents.

5. Consequences Of Child Labour

It is believed that child labour is the consequence of social inequality, attitude of the privileged class, lack of employment opportunities, poverty and most important lack of parental motivation. The consequences of child labour may be basically categorized into three categories, namely- consequences on the child, consequences on the society and consequences on the nation.

Major consequences of child labour on the child may be considered as –

It robs his childhood; deprives him of his fundamental right to education; hurts its dignity; exploits him- physically economically, mentally and emotionally; decreases age of child; brings low physical growth; brings early adulthood; brings poor health; abets juvenile delinquency; brings low

physical growth; suppresses mental development; develops vices; such as – smoking, tobacco chewing, taking alcohol, gambling, etc.; and deprives him of many other rights as a child.

Major consequences of child labour on the society may be considered as-

It creates perpetuation of poverty in child labour families; reproduction of child labour in the families of a child labour; weakening of trade unions; helping in accumulation of wealth in the hands of few employers; increase in adult unemployment; early marriage (abets child marriage) and more children; child trafficking; migration; illiteracy; economic inequality; spreading addiction from childhood, etc.

Major consequences of child labour on the nation may be considered as-

It defames the nation (as number of the tenders and agreement at international level have been cancelled on the ground of involving child labour); effects exports; hindrance in respect of making compulsory elementary education and campaign for spread of literacy; barriers to the enforcement of minimum wages; increases unskilled, illiterate and weak human workforce; increases death rate of children; increases national illiteracy rate; etc.

6. Types Of Child Labour

Poverty, illiteracy and other social conditions push children into the labour market. These children are deprived of love, care, protection and healthy development. Instead, they are exploited, abused and condemned to live in an uncongenial environment. The forms of exploitation and types of abuse widely differ according to the nature of the job the child has taken up within and outside his house. So, according to the nature of the jobs, we can divide child labour in the following three categories:

1. Child labour in Organised Sector,
2. Child labour in Unorganised Sector,
3. Self-employed children.

6.1 Child Labour In Organised Sectors

BEEDI MANUFACTURING : Though the Beedi and Cigar Conditions of Employment Act, 1966 prohibits the employment of children below the age of fourteen years in any industrial premises, but child labour is prevalent in beedi manufacturing. Children roll beedis and assist adult workers by clearing and cutting the leaves and closing the ends. Studies have shown that children involved in beedi manufacturing show definite symptoms of chronic bronchitis and suffer from anaemia. There is significant indication to suspect a high incidence of tuberculosis among the beedi workers. The children involved in beedi making, start smoking at an early age and become habitual smokers. Sometimes these children also start taking drugs with beedis.

As per the data of the study on child abuse, amongst the total number of working children, 7.8% children were working in beedi rolling. Among these 83.33% were girls. Out of all children working in the beedi rolling industry, 47.92% were in the age group of five to twelve years, 25% in the age group of thirteen to fourteen years and 27.08% in the age group of fifteen to eighteen years. Within each of these age groups, from the percentage of boys and girls, it can be observed that there were a very large number of girls working in the beedi rolling sector. Almost half of these were in the age group of five to twelve years. The impact on the health and development of these children is a matter of concern. Out of the total children working in beedi rolling, 14.04% reported physical abuse by employers. Among these, 91.94% were boys. Further age wise breakup of physically abused children by the employer showed that 53.23% of these boys were from the age group of five to twelve, 20.97% in the age group of thirteen to fourteen years and 25.81% in the age group of fifteen to eighteen years.

GLASS AND BANGLES INDUSTRY : A large number of children who work in glass bangle industries work in furnaces with temperatures up to 1400 centigrade. They are usually employed in Jurai (joining the end), Chhatai (sorting), Kotai (ingraining different patterns with the help of an abrasive wheel). The decoration of bangles with bills is done by girls and women.

The glass and bangle factories run for about eight months in the year and work only at night. Children between the age eight to fourteen years of age constitute one fifth of the total labour force employed in the industry and are paid low wages. The high temperature inside the factory makes working during summers miserable. A large number of cases of asthma and bronchitis are reported each year. The life span of these child workers is reduced because of the intense heat and dust. According to doctors of Firozabad, 90% of the workers contract pneumoconiosis, a condition which leads to tuberculosis. In fact, Firozabad has the highest incidence of tuberculosis in the state of Uttar Pradesh. These young children also suffer from various eye diseases.

MATCH AND FIREWORK INDUSTRY: Children working in match and firework factories inhale toxic fumes while mixing chemicals. They also suffer high degrees of intense heat and run the risk of being awfully burnt and injured in fire accidents. Children who stamp frames on the metal sheets also suffer heat, toxic fumes and excessive strain on the arms and shoulders, while they remove and place the heavy fringes with great rapidity. Delay of a second can cause the entire frames to grip in roaring flames resulting in instant death of the child.

LOCK INDUSTRY: A large number of children working in the lock industry work on hand press, on buffing machines, polishing rusted metal pieces in electroplating workshops and in spray painting units. Most children involved in this work suffer from tuberculosis and other upper respiratory tract diseases. Workers in electroplating plants complain of breathlessness, asthma and acute headaches.

PRECIOUS STONE POLISHING INDUSTRIES: This industry also employs a huge number of children, all who are from slums and work in miserable conditions. The work is finalized by tycoons whose middle men prune children for pittance and swallow the profit they generate.

6.2 Child Labour In Unorganised Sector

A large number of children are engaged in the unorganised sector, for which no official record is available. There are certain jobs which may be considered non-hazardous for adults, but for child workers they may be hazardous occupations. Working in an unorganised sector may be safe for adults, but the fact that children are at the mercy of the employer and do not have the support of their parents or anyone else, puts them in a very weak bargaining position and consequently, in a hazardous situation.

WAYSIDE RESTAURANTS: Apart from industries and organised sector, children are very commonly working in these restaurants. These are safe vocations. However, children face perils while working around big furnaces, carrying trays of boiling tea or kettle containing boiling tea, he is sure to suffer burning, but the employer, instead of treating his burns, beats him for breaking the crockery. Young children employed in such restaurants are completely at the mercy of the employer. These children must work from early hours of morning till late in the night with or without intermittent rest for miserably low wages. There is no regulation of their diet and other living conditions. They must work most of the time in the open projects. It is a sad picture of sordid exploitation.

NEWSPAPER VENDORS AND COOLIES: Very often on roads, there are small children as young as six to ten years who stand at road crossings to sell newspapers and thereby expose themselves to hazards of traffic. Some of these young children also work as cobblers, porters and coolies at railway stations and at bus terminals. They are exposed to risk when they carry heavy loads on their back and heads.

CHILD CONSTRUCTION WORKERS: There are various statutes which prohibit child labour, as construction workers. But still many children are employed as construction workers. Article 24 of the Indian Constitution clearly says that no child below the age of fourteen years can be employed in the construction work. Construction industry is specified under Child Labour (Prohibition and Regulation) Act, 1986 as prohibited in the Schedule of the Act. The children engaged in construction works dig earth, carry heavy loads of mud and mortar, remove debris, prepare sorters, break stones and lift heavy iron rods. When a construction site changes, the families of construction workers must make shifts in housing structures. The work demands the hardest of physical labour which stunts the growth of the child and leaves no promise for future life.

CHILD DOMESTIC WORKERS: The child domestic work is a very common and traditional form of child labour. Their contribution to society is significant both socially and economically, but it is a violation of their fundamental rights and dignity. These children have no access to the protection of their human rights. Unlike other workers, they live behind closed doors, where no one witnesses their abuse and oppression. Child domestic workers and violation of their rights is nowadays becoming a focus of growing global concern.

The child domestic workers who work outside the family are amongst the most vulnerable and exploited human beings. They begin to work at an early age, shouldering excessive responsibilities, such as cooking, cleaning, washing, caring for kids or old and infirm persons, handling fuel or gas stoves, sharp tools, working for hours with no rest period, with little or no remuneration. They are deprived of access to education, play, love and affection of their family and friends.

The most distinguishing feature of child domestic workers is that it is most difficult to detect abuse compared to other forms of child labour. Child domestic workers generally remain within four walls of the employer's house and face all forms of exploitation which are invisible to the external world. Child domestic workers are often subjected to physical or verbal abuse for being intimidated and for gaining control by the employer. Children are also subjected to sexual abuse, emotional and psychological abuse and economic abuse. Under these circumstances, childhood generally transforms into adulthood under the employer's strict monitoring of the household tasks performed by them. Being confined to the employer's home deprives them of any physical, mental and economic growth.

6.3 Self Employed Child Labour

Apart from the aforesaid types of work, many children are employed as self-workers indulging themselves in various acts which may be risky for their health and safety.

RAG PICKERS: Rag picking is one of the most demeaning activities and destructive of the self-image of children working as labourers. The nature of their work environment is most unhygienic. These children often hail from poverty-stricken families residing in slums. A casual look at their physique and clothing reveals the extent of their poverty and deprivation. They scour dustbins and garbage dumping grounds for waste materials like paper rags, coconut shells, tin, iron, plastic, glass pieces and even leftover food. These children develop several kinds of skin diseases while collecting rusted iron pieces. They may become susceptible to tetanus. The sharp glass pieces lying hidden in the garbage may injure their bare foot and these injuries may develop into fostering wounds.

However, what they do as rag pickers has a bearing on the urban economy. As many production enterprises are based on the recycling of waste material, it would come to halt if their supply is stopped. Child labour as rag pickers is degrading as these children are subjected to treatment which is not suitable to their age. They are deprived of education. Even when they are very young, they must go forcefully to pick up broken glass pieces, tins etc. when they grow up a little, they continue to remain in this kind of job. They lose interest in studies. These children are susceptible to all kinds of acts whether legal or illegal, moral or immoral.

STREET CHILDREN: The term street children refer to children for whom the streets are their real home. Street children are generally homeless and without family. They live in situations where there is no protection, supervision or direction from responsible adults. Street children generally spend their entire days and often nights on the streets irrespective of weather conditions, privacy, health hazards etc. A close look at the work profile of the children reflects that 60% are involved in begging. Those who are vendors largely sell eatables, books, magazines, flowers and stationary at traffic signals, tourist spots and at religious places. Some children also work as porters and coolies. The whole day's earning from begging and vending is either taken away by the families or the anti-social network they must work for. Living or being in the streets all time is itself a violation of Child Rights. It is child abuse in its own sense. Their abuse is furthered when these children are abused by family members, caregivers, police and other adults.

7. Government Measures To Prevent Child Labour

In the very constitution of India provisions are made to protect the interests of children. Article 24 of the Constitution states that children below 14 years shall not be employed in any factory or in any hazardous unit.

The first Act to regulate the employment of children was the Factory Act of 1881, which forbids the appointment of children below 7 years. Second was the Indian Merchant Shipping act, 1923 which prevents appointing children below 14 in ships. A Commission was established in 1929 to fix the minimum age of child employment, on whose recommendation, the Child Labour Act 1933 was passed prohibiting employment of children below 14 years of age and no children can be pledged for the purpose of getting loan nor for repaying loan.

The Factory Act of 1948 provided some safeguards to child labourers in form of forbidding appointment of children below 14 years for work and fixes the duration of work at and half per day. Though these legislation were undertaken during British rule, they were not properly enforced. The plantation labour act, 1951 which forbids appointment of children below 12 years for plantation work. The mines act, 1952 which prevents the appointment of children below 15 years from working in deep mines. In 1986, the Parliament enacted the Child Labour Act (Regulation and Prohibition), The Act prohibits the employment of children below the age of 14 years in 16 occupations and 65 processes that are hazardous to the children's lives and health. These occupations and processes are listed in the Schedule to the Act. In October 2006, the Government included children working in the domestic sector as well as roadside eateries and motels under the prohibited list of hazardous occupations. More recently, in September 2008 diving as well as process involving excessive heat (e.g. working near a furnace) and cold; mechanical fishing; food processing; beverage industry; timber handling and loading; mechanical lumbering; warehousing; and processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries as well as the agate industry were added to the list of prohibited occupations and processes;

With the intention of removing the practice of child labour in total especially in the hazardous industries by the end of the 20th century, the central government constituted a "National Authority" on 2nd October 1993. The government decided to spend nearly Rs. 850 crores for the benefit of at least 2 million children out of a total of 17 million child workers. This institute intended to rehabilitate the child workers in at least 15000 schools spread over the whole nation. The institutions plan to give compensation to the families whose children are taken for hazardous work.

The Supreme Court of India in its judgment to a public interest litigation, dated December 10, 1996 has ordered setting up of a Child Labour Rehabilitation Welfare Fund to prevent the exploitation of children and to safeguard their economic interest and humanitarian rights. The Supreme Court also directed to pay compensation of Rs 20,000 by the offending employers for every child employed in hazardous occupations. As far as non-hazardous jobs are concerned, the court directed the state governments to establish an appropriate authority to ensure not more than 6 hours of work a day, and at least 2 hours of time for the child's education. The apex court also directed that the entire cost of education is to be borne by the employer.

The Cabinet Committee on Economic Affairs (CCEA) in their meeting on January 20, 1999 approved continuance of the scheme of National Child Labour Project (NCLP) during the Ninth Plan. The CCEA also approved the increase in the number of such projects from 76 to 100.

The Juvenile Justice (Care and Protection) of Children Act, 2000, this Act was last amended in 2002 in conformity with the UN Convention on the Rights of the Child covers young persons below 18 years of age. Section 26 of this Act deals with the Exploitation of a Juvenile or Child Employee, and provides in relevant part, that whoever procures a juvenile or the child for the purpose of any hazardous employment and keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable for fine. In some States, including Karnataka and Maharashtra, this provision has been used effectively to bring to book many child labour employers who are otherwise not covered by any other law and to give relief and rehabilitation benefits to a large number of children. This act was further amended in 2006 and 2010.

The Government's commitment to address the problem of child labour is reflected in the statement of National Agenda for Governance (1998), where it says that no child should remain illiterate, hungry/lack medical care and that measures will be taken to eliminate child labour.

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