



Extension of Child labour in India

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Abstract:

Childhood is an important stage of human development as it holds the potential to the future of any society. Children who are brought up in an environment which is helpful to their intellectual, physical and social development will go on to be responsible and productive part of the society. Thus every society links its future to the present status of its children. But unfortunately, due to various reasons, they are side tracking out of prosperous growth of their childhood. This paper attempts to summarize the magnitude of child labour an Indian perspective. An attempt has been made to study the government policy documents and list down the actions as proposed and implemented by Indian government in the 11th 5 year plan which has just ended in 2012. Some suggestions collected by the author, from academicians and also from the policy and plan documents about the way of eradicating the problems, are summarized in the paper.

Key words: *Childhood, child labour, poverty, Human Resource, suppression*

1. Child labour in India

As per 2011 Population Census, children in the age group of 0-14 constituted about 4353247 and there has been a gradual decline in the share of population in the age group 0-14 from 41.2 to 38.1 per cent during 1971 to 1981 and 36.3 to 29.5 percent during 1991 to 2011 (table 1). According to 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. According to Uppal and Kaur (2008) "the range of incidence of child labour in India is from about 14 million to about 100 million. Every fourth child in the age group of 5-15 is employed. The figures released by the non-governmental agencies are much higher than those of the State. It is estimated that over 20 per cent of the country's GNP is contributed by child labour.

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 11 Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh. Thus, the segment of child population varies across states depending on the TFR. It has seen that the Proportion of children in the population has implications for the incidence of child labour.

According to a survey conducted by Ministry of Human Resource Development, regarding the children of 6 to 14 years do not attend school, 8.15 per cent children in Uttar Pradesh, 8.67 per cent in West Bengal, 8.63 per cent in Madhya Pradesh, 10.88 per cent in Jharkhand, 28.75 per cent in Daman and Diu, 7.47 per cent in Uttaranchal, 8.91 per cent in Bihar and 14.74 per cent in



Table 1. The State wise distribution of working children in the age group of 5-14

Sn o	State/UT	1971	1981	1991	2001	2011
1.	Andhra Pradesh	1,627,492	1,951,312	1,661,940	1363336	404851
2	Assam	239,349	NA	327598	351416	99512
4	Bihar	1,059,359	1,101,764	942,245	1,117,500	451590
5	Haryana	518,061	616,913	523,585	485,530	53492
6	Himalaya Pradesh	71384	99624	56438	107774	15001
7	Jammu & Kashmir	70,489	258,437	NA	175,630	25528
8	Karnataka	808,719	1,131,530	976,247	822,615	249432
9	Kerala	111,801	92,854	34,800	26,156	21757
10	Madhya Pradesh	1,112,319	1,698,597	1,352,563	1,065,259	286310
11	Maharashtra	988,357	1,557,756	1,068,427	764,075	496916
12	Chattisgarh	NA	NA	NA	364,572	63884
13	Manipur	16,380	20,217	16,493	28,836	11805
14	Meghalaya	30,440	44,916	34,633	53,940	18839
15	Jharkhand	NA	NA	NA	407,200	90996
16	Uttaranchal	NA	NA	NA	70,183	28098
17	Nagaland	13,726	16,235	— 16,467	45,874	11062
18	Orissa	492,477	702,293	452,394	377,594	92087
19	Punjab	232,774	216,939	142,868	177,268	90353
20	Rajasthan	587,389	819,605	774,199	1,262,570	252338
21	Sikkim	15,661	8,561	5,598	16,457	2704
22	TamilNadu	713,305	975,055	578,889	418,801	151437
23	Tripura	17,490	24,204	16,478	21,756	4998
24	Uttar Pradesh	1,326,726	1,434,675	1,410,086	1,927,997	896301
25	West Bengal	511,443	605,263	711,691	857,087	234275
26	A & N Island	572	1,309	1,265	1,960	999
27	Arunachal Pradesh	17,925	17,950	12,395	18,482	404
28	Chandigarh	1,086	1,986	1,870	3,779	3135
29	D&N Haveli	3,102	3,615	4,416	4,274	1054
30	Delhi	17,120	25,717	27,351	41,899	26473
31	DamanandDiu	7,391	9,378	941	729	774
32	Goa	NA	NA	4,656	4,138	6920
	Gujarat	NA	NA	4,656	NA	250318
33	Lakshadweep	97	56	34	27	28
34	Mizoram	NA	6,314	16,411	26,265	2793
35	Pondicherry	3,725	3,606	2,680	1,904	1421
	Total	10,753,985	13,640,870	11,285,349	12,666,377	4353247

Source: Compiled from Census Reports of government of India



Manipur do not attend school. According to the 1969 figures of 'Indian Labour Commission' about 90 per cent of child labour came from the rural areas, 76 per cent of these children are engaged in agriculture and includes domestic work and services.

2. A unique factor in India is that a significant number of these children are bonded labourers. Recent news reports highlight that there is increasing number of causes of child labour in homes. It is observed that in Delhi only one million of city's 14 million population are child workers. A recently enforced Child Labour Act which ban on child labour in homes come into effect in last month but for those who work 15-hour days in the confines of urban homes, the law doesn't hold out much hope as just — observed in a new case about three children confined and tortured as domestic help, are rescued in Faridabad, but the new law banning child labour cannot even ensure they get a temporary shelter, then who will provide the protection to children working for their earnings. Still there is no strong and effective machinery that can ensure the safety of child labour.

Magnitude of Child Labour in India

Census data shows that there is a decline in the absolute number as well as the percentage of main workers of children (age group 5-14) to total population in that age group, from 4.3 percent in 1991 to 2.3 percent in 2001. But there was a substantial increase in marginal workers in every category of worker irrespective of sex and residence. As a result, despite the number of main workers declining from 9.08 million in 1991 to 5.78 million in 2001, the total number of children in the work force increased. A large part of the increase

was accounted for by the increase in marginal workers, which increased from 2.2 million in 1991 to 6.89 million in 2001. Main and Marginal workers put together, the work participation rate (WPR) of children in the 5-14 age group has declined from 5.4 percent during 1991 to 5 percent in 2001. The trends between 1991 and 2001 of declining main child workers along with increasing marginal workers may indicate the changing nature of work done by children. There is a general trend of marginalization of labour force in the country and this is also reflected in the Census figures. This is to be seen in the context of decelerating employment growth in general in the economy during the last decade that is characterized as an era of globalization.

According to a UNICEF report, World's Children 2006, India has the largest number of working children and 17 per cent of them are under the age of 15. Girls aged 12-13 are the preferred choice of 90 per cent households. Nearly 32 per cent of the total children are engaged in various activities. Only 4.04 per cent of total children engaged in economic activity out of them 53.73 per cent are boys and remaining are girls. 18.84 per cent of children are neither at school not at work and out of them 52.43 per cent are girls and rests of them are boys. The children attending domestic duties more than 90 per cent of them girls and the domestic workers from boys are very limited. In the house hold services also girls take place more than 87 per cent. In the total work force 51.76 per are boys and 48.24 per cent are girls (table 2)



Table 2: Children of Age Group (5-14 years) working in various activities

Sl	Activities participated by children	Number of Children (in 100's) in various activities by gender wise		
		Boys	Girls	Total
1	Children engaged in "economic activities"	52967 (4.19) [53.73]	45618 (3.87) [46.27]	98585 (4.04) [100.00]
2	Attended domestic duties only	3770 (0.30) [9.20]	37208 (3.16) [90.80]	40978 (1.68) [100.00]
3	Domestic duties plus free collection of goods, tailoring, weaving for HH only	3178 (0.25) [12.28]	22693 (1.93) [87.72]	25871 (1.06) [100.00]
4	Children at Work	59915 (4.74) [36.22]	105519 (8.96) [63.78]	165434 (6.77) [100.00]
5	Attending schools	925350 (73.20) (56.04)	725964 (61.61) [43.96]	1651314 (67.61) [100.00]
6	Children neither at work nor at school	218889 (17.32) [47.57]	241255 (20.48) [52.43]	460144 (18.84) [100.00]
	TOTAL	1264069 (100.00) [51.76]	1178257 (100.00) [48.24]	2442326 (100.00) [100.00]

Source: Compiled from UNICEF report, Worlds Children 2006. Note: Figures in parentheses are percentage to column total. Figures in bracket are percentage to row total.

3. Magnitude of Child Labour across Major States in India

As per the Census data (table 3.3.) the trend on the magnitude of child labour is not uniform across the country. There is broad decline in the incidence of child labour in the Southern and Western Indian States and UTs between 1991 and 2001. However, there has been an increasing trend in the Eastern and North Indian States and UTs. There is an increase in the absolute magnitude of child labour between 1991 and 2001 in the states of Uttar Pradesh, Bihar, Rajasthan, Punjab, Haryana, Himachal Pradesh and Madhya Pradesh. If we combine the bifurcated states from Madhya Pradesh, Uttar Pradesh and

Bihar the increase in magnitude is much more than what is seen in the divided states. It is heartening to see that the state of Andhra Pradesh, that had a dubious distinction of having the largest child labour force in the country, shows reduction in magnitude of child labour and work participation rates along with a dramatic increase in the enrollment of children in school. However, Andhra Pradesh is the second largest state in terms of magnitude by 2001 Census.

4. Major causes of child labour Poverty the main reason for child labor

Poverty can be termed as the main reason for child labor in India. Though the country has achieved commendable



progress in industrialization, the benefits of the same have not been effectively passed on to the lower strata of society. The disparities in income have progressively increased more so after the opening up of the Indian Economy from the late 80s. People who had the resources became richer by employing the poor who were readily available as cheap labor. The average earnings of a poor industrial worker is still about 2 dollars per day even in suburban areas around Mumbai and other metropolitan cities of India. In order to keep costs down even large companies employ unorganized workers through contractors who get uneducated and unskilled and semi-skilled people at very low wages.

This helps the industries to keep their labor costs down at the cost of the poor laborers. In effect what happens is that the children of these poor unorganized laborers have to find some work to help run the family. They cannot afford to go to school when they do not have food to eat and when their other brethren go hungry. Hence children from such deprived families try to work as domestic servants, or in factories that employ them and remain uneducated and grow up that way becoming perennial victims of this vicious cycle of poverty and suppression.

Fatalist attitude of the poor towards life

Most of the people belonging to the lowest strata of society in India have a fatalist and submissive attitude towards life. They do not believe that their lot can be better.

High population leading to break neck competition for jobs

The industrialists in India have been successful in taking advantage of this disadvantage faced by job seekers. Due to

high population the job seekers not in a position to bargain a higher wage. As a result the poor remain poor working for low wages.

Illiteracy and lack of education

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

Irresponsible attitude of employers

A general sense of irresponsibility towards society is seen the employers in India who are least bothered as to how their employees survive. In spite of being aware of the high cost of living and inflation they are least bothered and least ashamed to pay wages which are much below sustenance levels. Also if the employers were responsible they in the first place would not employ children at all.

5. Child Development in 11th Five Year Plan 2007 to 2012

The child development approach in the Eleventh Plan is to ensure that children do not lose their childhood because of work, disease, and despair. It is based on the understanding that the rights of all children, including those who do not face adverse circumstances, must be protected everywhere and at all times so that they do not fall out of the social security net.



The essence of the Eleventh Plan strategy for Women Agency and Child Rights is summarized as essence of the Approach -recognition of the right of every woman and child to develop to her/his full potential and recognition of the differential needs of different groups of women and children. Need for inter sectoral convergence as well as focused women and child specific measures through Ministry of Women & Child Development. Partnership with civil society to create permanent institutional mechanisms that incorporate the experiences, capacities and knowledge of VOs and women's groups in the process of development planning.

Eliminating Child Labour

Child labour as such is not illegal in India except in specific hazardous occupations. With effect from October 2006, the Ministry of Labour has included domestic work and employment in *dhabas*, tea stalls, and restaurants in the schedule of prohibited occupations under the Act. As a result a large number of children may be laid off, especially in metropolitan cities and big towns. It will be necessary to take adequate measures for the protection, rehabilitation, and education of these children.

6. RECOMMENDATIONS

In world economies where child labour has been eradicated, multi-pronged strategies were used. Stringent laws were made making child labour illegal. Also the educational system was strengthened so that children removed from work could go to school. Milind Pande, Project Director,

MIT School of Telecom, Pune (2013) has given various suggestions and recommendations as mentioned below.

A New Definition of Child Labour

An analysis of the situation of child labour in India shows that children are working in different sectors across the country. Given the varied situations in which children are working, strategies for the elimination of child labour need to be inclusive and nonnegotiable.

One of the most important changes that is needed is removal of the artificial distinction between 'child labour' and 'child work'.

Amendment to the Child Labour (Prohibition & Regulation) Act 1986

Enforcement of the law is a key strategy. But in the case of the Child Labour (Prohibition and Regulation) Act 1986, there are a number of loopholes, which makes the law ineffective. The Act must be non-negotiable and to do so it is suggested that the word "Regulation" should be removed so that child labour abolition becomes non-negotiable. Similarly the penal provisions must be enhanced, employment of child labour must be deemed as a cognizable offence with imprisonment to the offending employer. So that a clear message is given that child labour will not be accepted.

A New Policy for Child Labour

A lot of changes have been done since the child labour policy 1986. But a further relook of all the laws and policies is urgently needed. Consistency in the constitutional and legal provisions pertaining to children's rights is critical and required.

National Child Labour Programme (NCLP)

The current National Child Labour Programme (NCLP) needs to be revamped. NCLP schools must be converted into Transitional Education



Centres (TECs) which are both non-residential and residential. It is very important that the guidelines for TECs are very flexible, adapting to the local situation. It is envisaged that 45 lakh children would be benefited by this arrangement. It was envisaged in the 11th plan that 3 lakh children would benefit from this.

Migrant children

The NCLP needs to recognize the special situation of migrant child labourers. These could be children who have run away from home or children who migrate seasonally with their families. Given the extent of intra-state migration, educational centers have to be strengthened and the involvement of the local NGOs has to be done.

Social Mobilisation

Given that eradication of child labour is not an easy task, preventive strategies are more sustainable in the long run. One of the major preventive strategies, which must feature in any national child labour eradication policy, is the role of social mobilization and community participation. It is vital to ensure that children stay at home and go to formal schools rather than leave home to work full time.

Social Mobilizes

Child labour is spread across the country; in dispersed villages and slums. The eradication of child labour cannot be the function of labour department alone. There has to be a movement which ropes in the society and the members of the society must be given a legal or official status. As proposed in the 11th plan Labour department needs to have a cadre of youth volunteers who can be trained as 'Social Mobilizes' who will be responsible for withdrawing children from work as

well as monitoring school dropouts and children with irregularity of attendance.

Survey of child labour

It is necessary that the government commissions research and surveys on different aspects of child labour in the country. This is important as to effectively abolish child labour it is necessary to remove the artificial distinction between 'child labour' and 'child work'

Correction of Anomaly of Age of the Child in India as per Different Laws

Recognizing everyone below the age of 18 as children and respecting their rights was an important 11th 5 year plan initiative. The challenge is to amend all legislations and laws to ensure a uniform definition of children, as stipulated under UNCRC and JJ Act. The Child Labour Act and related legislations like The Factories Act, 1948, the Mines Act, 1952, the Plantation Labour Act, 1951, the Merchant Shipping Act, 1958, the Motor Transport Workers Act, 1961, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, The Bonded Labour System (Abolition) Act, 1976 continue to *prohibit employment of children under the age 14 years only*. The ITPA, 1956 draws heavily from the Indian Penal Code 1860, which define a child as someone who is less than 16 years of age under ITPA as well. As per different laws there are different definitions and meanings to child and child labour which needs to be corrected and a uniform legal definition has to be made.



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