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CHILD LABOUR & GOVERNMENT POLICIES IN INDIA



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ABSTRACT

Child labour is an unfortunate reality in many of the world's poorer countries. It is a complex reality, a burning problem and a universal phenomenon. It is a chronic and deep-rooted problem, peculiar to developing countries, especially India. It is, in fact, a betrayal of child's rights as a human being and an offence against civilization. Child labour today figures to an astounding 250 million and India holds the dubious distinction of harbouring the largest number of children in servitude. As per Government figures, 185,000 child domestic labourers and another 75,000 children in dhabas etc. out of total number of 12.59 million child labourers exist in the country. However, non-government figure claim that 60 million children are employed full time, including 10 million in dhabas and another 10 million children as domestic help workers (Kaushik: 2008).

KEYWORDS : *Child Labour , Government Policies , civilization.*



INTRODUCTION :

The child labour can be said as that situation of any child, when he or she has to engage in various labour activities, imposed by the family or social pressure, when the child faces physical or mental pressure which is against the sole interest of the child without having social and moral values. Child labour and child worker are of different meaning. Child worker is related to economical requirement, for which a child is forced to work for his family need.

On the other hand, child labour is associated with works which are done by the child for which the child is not interested and unable to perform as per his physical and mental health is concerned. This is against the betterment of the child, and disagreeable to his mental, physical and social well being. This is completely appearing to be a social barrier towards his overall development and progress as a member of the human society.

Child labour is global phenomenon. According to International Labour Organization (ILO), almost one billions children are working as child labor for their survival. Approximate 250 million children between ages 5-14 years work in developing countries- at least 120 million on a full time basis. Data compiled by Child Relief and You (CRY) reveals that India has 17 million child labourers --- the highest in the world. Of these, 19 % are engaged in household work, 85% of working children are in the unorganized sectors. (Jindal, 2008). The number of child labour in India was estimated at 15.1

million in 1975. The National Statistical Survey (NSS) 32nd round (1977-78) estimated child workers in the age group of 5 and 14 at being 16.25 million in 1978. During 1983 the Planning Commission projected the number of child workers 17.4 millions. The findings of the Operation Research Groups, Baroda came up with an estimate of 44 million working children in India. The Balai Data Bank, Mania estimated that about 11 million child workers existed in India. According to the Labour Force and Planning Commission, the number of child labour went up to 3.76 lakh in 1995 and by the year 2000 there could be a threefold rise to 25 million. The UNICEF report (1997) reveals that of the 250 million child labour sufferers in the world, over one third is in India. Among the children about 75% of the child labourers are working in homes and hotels. A 1995 report by the Government appointed Commission on Labour Standards and International Trade (LSIT) reveals that child labour has been increasing at the rate of 14% a year of India (Roona: 2008). According to the Ministry of Labour Annual Report, 1996-97 in India, Andhra Pradesh ranks 1st i.e. 11.2% followed by Karnataka (8.7%). Kerala is at the bottom of the list. Orissa occupies 3rd position with 8.31 lakhs child workers in 1994 (Patro: 2004).

Child labour is economically unsound, psychologically disastrous, physically dangerous and ethically a matter of great concern. The phenomenon of child labour is deep rooted in socio-economic stratification, restricted job opportunities and prevailing poverty situation in rural India. It is a social malady and one of the greatest social malaises which vibrates towards the underdevelopment of the economy without supporting qualitative population growth (Saroff: 2004). The hazards suffered by the child workers are of no one's concern. Among the main hazards is the health hazard which causes the following diseases in various occupations.

- (1) Tuberculosis and bronchitis.
- (2) Muscle atrophy
- (3) Weakening and malformation of bones.
- (4) Eye diseases
- (5) Stunted growth
- (6) Finger Arthritis
- (7) Damage to the finger nails, and
- (8) Excessive fatigue and malnutrition effects functioning of endocrine glands (Vaikunthe: 2008).

Various Government Act to Reduce Child Labour:

- (1) The Children (Pleading of Labour) Act, 1993
- (2) The Plantation of Labour Act, 1951
- (3) The Employment of Children Act, 1983
- (4) The Apprentices Act, 1961
- (5) The Beedi and Cigar Workers (Conditions of Employment)
- (6) The Factories Act, 1984
- (7) The Mines Act, 1952
- (8) The Merchant Shipping Act, 1958
- (9) The Motor Transport Workers Act, 1961
- (10) Atomic Energy Act, 1962
- (11) The Shops and Establishment Act
- (12) Dock Workers' Regulations and Employment Act, 1948
- (13) Contract Labour (Regulation and Abolition) Act, 1970
- (14) The Juvenile Justice Act, 1986

- (15) Juvenile Justice (Care & Protection of Children) Act, 2000.
- (16) Hindu Adoption and Maintenance Act, 1956
- (17) Probation of Offenders Act, 1958
- (18) Orphanages and other Charitable Homes (Supervision and Control) Act, 1960
- (19) Banded Labour System (Abolitions) Act, 1976
- (20) Child Marriage and Restraint Act, 1979
- (21) Immortal Traffic (Prevention) Act, 1979
- (22) Parental Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- (23) Persons with Disabilities (Equal Protection of Rights and fully Participation) Act, 1994
- (24) The Prohibition of Child Marriage Act, 2006

Duration of Work Hours under Act:

| Act | Work Hours |
|--|------------------------------|
| 1) The Factories Act | 4.5 hours/day |
| 2) The Minimum Wages Central Rules under the Act | 4.5 hours /day |
| 3) The Mines Act | 4.5 hours/day |
| 4) The Motor Transport Workers Act | 6 hours /day |
| 5) The Plantation Labour Act | Not more than 40 hours /week |
| 6) The Shops and Establishment Act | 30-42 hours /week |

Duration of Work at Night under Act:

| Act | Work hours |
|---|----------------------|
| 1) The Employment of Children Act | 10.00 pm – 7.00 am |
| 2) The Mines Act | 6.00 p.m. -6.00 am |
| 3) The Motor Transport Workers Act | 10.00 pm -6.00 a.m. |
| 4) The Apprentices Act, 1961 | 10.00pm -6.00 am |
| 5) The Beedi and Cigar Workers (Conditions of Employment Act, 1966) | 7.00 pm – 6.00a.m |
| 6) The Shops and Commercial Establishment Act | State wise variation |

Various Policies in favour of Children:

- (1) The National Policy for Children, 1974
- (2) National Policy on Education, 1986
- (3) National Policy on Child Labour, 1987
- (4) National Nutrition Policy, 1993
- (5) National Health Policy, 2002
- (6) National Charter for Children, 2004
- (7) National Plan of Action for Children, 2000

Constitutional Safeguards for Indian Children:

Article- 15 & 15 (1): The state shall prohibit discrimination against any citizen on the grounds of religion, race, caste, sex. Nothing in this article prevents the State from making any special provision for women and children.

Article-21A: The State shall provide free and compulsory education to all children of the age 6- 14 years in such manner as the State may, by law determine.

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 (f): The State to ensure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom 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 six years.

Article- 243 G: It provides for institutionalization of child care by seeking to entrust programmes of women and child development to panchayat (item 25 of Schedule 11)

Child Welfare Schemes:

- (1)The Integrated Child Development Scheme (ICDS)
- (2)Nutrition Programme for Adolescent Girls.
- (3)A National Nutrition Mission
- (4)The Pulse Polio Immunization Programme
- (5)The National Rural Health Mission Scheme
- (6)The Right of Children to Free and Compulsory Education (RTE), 2010
- (7)The Sarva Siksha Abhiyan Scheme (SSA), 2010
- (8)The Mid-day Meal Scheme
- (9)The National Programme on Education for Girls at Elementary level (NPEGEL)
- (10)The Kasturba Gandhi Balika Vidyalaya Scheme (KGBV)
- (11)The Schemes for Providing Quality Education in Madrasas (SPQEM)
- (12)Model School Scheme (2008)
- (13)Rastriya Madhyamika Sikshya Abhiyan, (2009)
- (14)Inclusive Education for Disabled (2009)
- (15)The Integrated Programme for Street Children
- (16)Bachpan Bachao Andolan
- (17)Employment Assurance Scheme
- (18)District Primary Education Programme (DPEP)
- (19)Area Intensive Education Programme (AIEP)
- (20)National Literacy Mission (NML)
- (21)Joyful Learning
- (22)Beti Bachao, Beto Padhao Programme (BBBP0)
- (23)Early Child Care Education Centers (ECCE)
- (24)Mahila Samakhya (Education for Women's Equality)

International Pronouncements which have bearing on Child Labour:

- (1)The Universal Declaration of Human Rights (1978)
- (2)The Convention for the Suppression of the Traffic in persons and of the exploitation of the Prostitution of others, 1949
- (3)The Supplementary Convention on the Abolition of Slavery, 1956
- (4)The International Convention on Human Rights, 1966
- (5)The UNICEF Resolution on children in especially difficult Circumstances, 1986
- (6)The European Community Resolution on Child Labour, 1987
- (7)The UN Convention in the Rights of the Child , 1989

National Authority for Elimination of Child Labour (NAECO):

Under the chairmanship of Union Labour Minister, the National Authority for the Elimination of Child Labour (NAECO) was set up on 1st October, 1994 with the following functions.

- (i) To lay down the policies and programme for elimination of child labour particularly in hazardous employments.
- (ii) To monitor the progress of implementation of programmes, project and schemes for elimination of child labour.
- (iii) To co-ordinate implementation of child labour elimination related projects.

Elimination Child Labour in Hazardous Occupations (ECHO):

On August 15, 1994, the Prime Minister announced the programme of Elimination Child Labour in Hazardous Occupations through special educational inputs, better enforcement of Laws, health care nutritional and stipend inputs in addition to vocational training. The ECHO project is targeted at 11 states which together account for nearly 90% of the child labour population of the country (Tripathy & Bisoyee: 2004).

National Child Labour Projects (NCLPs)

The Ministry of Labour has been implementing the scheme of National Child Labour Projects (NCLPs) since 1988 for the rehabilitation of child labour. The major activities undertaken under the NCLP are:

- (i) Vocational training
- (ii) Supplementary Nutrition
- (iii) Granting Stipends
- (iv) Providing Health care ect. to children withdrawn from employment (Pyal: 2008).

International Labour Organization's (ILO'S) International Programme for the Elimination of Child Labour:

The International Programme on the Elimination of Child Labour is a global programme launched by the International Labour Organization in December 1991. India was the first country to join it in 1992 when it signed a Memorandum of understanding with the ILO. The long term objective of IPEC is to contribute to the effective abolition of child labour. Its immediate objectives are:

- (1) Eliminating of the capability of ILO constituents and Non Government organizations to design, implement and evaluate programmes for child Labour Elimination.
- (2) To identify interventions at community and national levels which could serve as models for replication, and
- (3) Creation of awareness and social mobilization for securing elimination for child labour (Dani : 2008).

International Programme for Elimination of Child Labour (IPEC):

It was established in 1992 with an objective to enhance the capacity of ILO constituents and NGOs to design, implement and evaluate programme to create awareness and social mobilization for securing child labour elimination. Besides, IPEC also undertakes district support programmes, sensitizes Trade Unions and their workers against employment of child labour, conduct research on child labour, and organizes training for labour inspectors and NGO personnel's on various aspects of child labour (Tripathy & Bishoyi:2006).

National Resource Centre on Child Labour (NRCCL):

The United Government with the help of UNICEF has set up NRCCL involving several hundred NGOs. This centre is intended to activate and supplement all programmes taken up by ILO under its International Programme on Elimination of Child Labour (IPEC) and by other foreign agencies. In 1997, NRCCL organized a national seminar on implementation of child labour project. Some important recommendations made at the seminar are:

- (1) Enforcement of child labour laws in child labour endemic areas,
- (2) Convergence of services for economic upliftment of the parents of the affected children.
- (3) Introduction of joyful learning in schools.
- (4) Regular health check up of the affected children who are now attending schools (Pattnaik, Satyanarayan and Bedi, Dalit Sing , The Menace of Child Labour – Needs for an Integrated Approach, Kurukshetra, December 1998)

Labour Ministers Conference:

In July 1997, State Labour Minister's conference at New Delhi decided that the first step to secure 100 percent ban on child labour would be ensuring that no child in the age group between 6 to 14 years went to work. The conference also emphasised that making right to education a fundamental right would work as an effective prohibitory arrangement against child labour (Tripathy & Bishoyi :2006).

National Policy for Children, 1974:

National policy for children, 1974 was adopted on 22nd August 1974 in order to address the emerging challenges relating to child rights. An advisory and Drafting Committee had been formed for the purpose. Trust areas of the policies are:

- Reducing Infant Mortality Rate
- Reducing Maternal Mortality Rate.
- Reducing Malnutrition among Children.
- Achieving 100 percent civil registration of births.
- Universalisation of early childhood care and development and quality education for all children.
- Achieving 100 percent access and retention in schools including pre-schools.
- Complete abolition of female foeticide, female infanticide and child marriage and ensuring the survival development and protection of the girl child.
- Improving water and sanitation coverage both in rural and urban areas.
- Securing for children all legal and social protection from all kinds of abuse, exploitation and neglect.
- Complete abolitions of child labour with the aim of progressively elimination all forms of economic exploitation of children.
- Monitoring, review, reform of policies, programmes and laws to ensure protection of children's interest and rights.
- Ensuring child participation and choice in matters and decision affecting their lives (Satpathy, Yojana, November 2012).

Child Labour (Prohibition and Regulation) Act, 1986:

The Child Labour Prohibition and Regulation Act, 1986 is an outcome of various recommendations made by a series of committees such as National Commission on Labour, 1969,

Gurupadsaswamy and Sanat Mehta. The provision for imposition of access on the employers was also done away with; the Bill in its true form intended to –

1. Basic employment of children i.e. those who have not completed their 14th year in specified occupations and process.
2. Lay down a procedure to decide modifications to the schedule of banned occupations and /or processes.
3. Regulate the condition of work of children in employment they are not prohibited from working.
4. Lay down enhanced formalities for employment of children in violation of the prohibitions of the Act and other Acts which forbid the employment of children.
5. To obtain uniformity in the definition of child in the related laws (Reddy: 2007).

Task Force on Child Labour:

A Task Force on Child Labour has been set up on the recommendations of the Central Advisory Board on Child Labour under the chairmanship of Dr. L.N. Siglivi to recommend the institutions and mechanism necessary for implementing the Child Labour (Prohibition and Regulation) Act, 1986 and Legal Action Plan contained in the National Child Labour Policy. The recommendations of the Task Force comprise three categories viz.

- (1) General recommendations,
- (2) Recommendations on the Child Labour (Prohibitions and Regulations) Act, 1986.
- (3) Recommendations on the National Policy on Child Labour .

The recommendations of the Task Force are now under the examination by the government.

Central Advisory Board on Child Labour:

The Central Advisory Board on Child Labour was constituted on March 4, 1981. The following are the terms of reference of the Board:

- Review the implementation of the existing legislation administered by the Central Government.
- Suggest legislative measures as well as welfare measures for the welfare of working children.
- Review the progress of welfare measures for working children.
- Recommend the industries and areas where there must be a progressive elimination of Child Labour (Dani, 2008)

Child labour Technical Advisory Committee:

Under Section 5 of the Child Labour (P&R) Act 1986, the Government of India is empowered to constitute a Child Labour Technical Advisory Committee for the purpose of addition of occupation and processes in the Schedule to the Act. (Dani: 2008).

Project- based Plan of Action:

Under the project based plan of action, 10 projects were proposed to be taken up in areas of child labour concentration, which are as follows:

1. The Match industry in Sivakasi, Tamil Nadu.
2. The Precious Stone Polishing Industry in Jaipur, Rajasthan
3. The Glass Industry of Ferozabad, Uttar Pradesh.
4. The Brassware Industry in Moradabad, Uttar Pradesh.

- 5.The Handmade Carpet Industry in Mirzapur – Bhadohi, Uttar Pradesh
- 6.The Lock Making Industry in Ailgarh, Uttar Pradesh
- 7.The Slate Industry in Markapur in Andhra Pradesh
- 8.The Slate Industry in Mandasaur in Madhya Pradesh
- 9.The Diamond Polishing Industry in Surat, Gujarat
- 10.The Handmade Carpet Industry in Jammu and Kashmir.

The following actions will be taken in each of these areas,

- a)Stepping up the enforcement of Child Labor (Prohibition and Regulation) Act, 1986, the Factories Act, 1984, the Mines Act, 1952, and such other acts within the project area, if necessary special enforcement staff will be created for the purpose.
- b)Coverage of families of child labours under the income/ employment generation programme under the overall aegis of anti poverty programme.
- c)Formal and non- formal education of child labour and stepping up programme of adult education for the parents of the working children.
- d)Setting up of special schools for the child workers where provisions of education, vocational training, supplementary nutrition, healthcare, etc. will be made available. If necessary, stipends will be given to children taken out from forbidden employments, to compensate their loss in earnings.
- e)Creation of awareness, through social activist groups and by other means, so as to educate, and convince people regarding the undesirable aspects of child labour (Tripathy & Bishoyi : 2006).

Various Commissions on Child Labour:

(1)Royal Commission on Labour in India, 1931

Popularly known as Whitely Commission, the Royal Commission travelled all over British India, visited various industries and interviewed employers, workers and children. It is pointed out in the report of the commission that “children usually work five hour a day without any interval. In the smaller factories, hours of work often long and machinery unfenced: sanitation too is often defective.” It was observed that poverty undoubtedly included some parents to sweat their children.

(2)Labour Investigation Committee, 1944:

The Labour Investigating Commission, popularly known as Rege Committee, observed that child labour declined from the peak of 74,620 (5.3 percent of total employment) in 1923 to 9,403 (0.5 percent in 1939), but showed a slight increases during war time, As the data were unreliable, the committee concluded that “employment of children (up to 15 years of age) has gone down considerable since the beginning of the century “(Reddy: 2007).

(3) National Commission on Labour, 1969

Under the chairmanship of Gajendra Ghadkar, the commission directed to review the conditions of labour and suggests measures for them. The committee suggested that then working hours should be reduced; wages should be increased for child labour and recommended non- formal education to be given to children in factories.

(4)Gurupadaswamy Committee, 1979:

The Gurupadaswamy committee on Child Labour set up in 1979 was an additional evidence of the nation’s resolve to initiate concrete policy measures for the protection of working children (Reddy:

2007).

(5) National Commission on Rural Labour, 1991:

The Commission studied the problem of child labour. It recommended the enactment of Compulsory Primary Education Acts by States: creation of non – formal education centres ; enhancement of outlays for elementary education and guaranteed wage employment for parents of working children (Tripaty and Bishgoyi :2006).

Suggestions for Elimination of Child Labor:

It is very important for each and every member of the society to look for a right solution and take part to find out the real reason or cause for what the child labour is becoming a disease for the entire human society. There is no doubt that plenty of solutions will definitely come out with the combine positive efforts by the people of the society.

A. Government agencies, NGOs and people as a whole can take part and come forward with the complete solution for the removal of child labor from the society.

B. Education for the children as well as for the parents is very essential to understand the situation and upgrade their life style at par with the other sections of the society.

C. Fixing up of minimum age limit for employment of children will reduce the problem up to a great extent.

D. Fixing a minimum period of work per day and forbidding work at night also a good step which may be fruitful to solve the problem of child labor.

E. Prohibition of young person's as trimmers and stockers in vessels or ports should be taken very seriously to reduce the problems of discriminations.

F. A compulsory medical examination should be made available for children and young persons in sea.

G. Children should be provided with the right of education up to a certain age, and government and other agencies should take this very seriously to implement for the overall development of children.

H. Satisfactory schooling facilities should be made available for every school going children.

I. With regards to the worker's interest, it should be made mandatory for all employers to take steps for the intellectual, vocational and educational well-being and upliftment of a child worker.

Supreme Court Report:

A land mark in the history of child labour elimination measures is a Judgement of the hon'ble supreme court of India given on 10th December, 1966. The court directed that the children working in hazardous industries must be withdrawn and rehabilitated. The directives were also given in to improve the working conditions in non- hazardous employments. The hon'ble supreme court also proposed several measures to solve the problem of child labour such as free and compulsory education for children below 14 years of age, payment of compensation of Rs. 20,000 per child from the offending employers employing children in contravention of CLA, 1986 and a matching contribution of Rs.5000 by the state to compensate the family of the child against loss of income. This amount is to be deposited in a fund called Child Labour Rehabilitation cum welfare Fund (R. C. Agrawal: 2008).

CONCLUSIONS:

Child labour continuous to be a serious malady even after 69 years of independence and a number of constitutional and legal provisions in place and implementation of various programmes to

eradicate the menace. The initiatives taken for the eradication of child labour has proved to be a hollow exercise. The fact that the country is insensitive to child labour is a reality and there is no doubt about it, collective, comprehensive and systematic vision is required for the eradication of child labour its one analysis the issues it terms of socio-economic and political aspects (Chowdhury: 2008).

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