

## CHILD LABOR IN INDIA: PROBLEM AND PROSPECTS

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Children are gifts of God. They are blooming flowers of the garden. It is, therefore, a duty on the part of each member of society to protect those flowers from each and every kind of damaging effect. The energy, genius and mental faculty of every child should be properly channelised, trained and educated for the socio-economic and politico-cultural growth of the country. It is also the birth right of every child, who cries for justice from every nook and corner of the globe. Many studies have shown that help and assistance to the children in family trade, business and occupation, family, agricultural operations and domestic service has been the normal feature in a lower strata and weaker section of the Indian society. In lower and lower middle class, children are forced to join the jobs unsuited to their mental health and physique. In spite of joining school and blooming in full they become vulnerable to low paid wage-earners, the child labor.

Child labor is a universal phenomenon. From time immemorial child labor has always existed under different names. Poverty, unemployment, under-employment, lack of social protection, large family, illiteracy and ignorance bad habits of a family's bread earners, child as cheap labor, absence of compulsory schooling illness, disablement of death of wage earner in the family are some of the causes and compulsions of child labor in India and in many other countries of the world.

The term 'child labor' is, at times, used as a synonym for employing child or working child.

The children, who are engaged in the employment at the age of 14 years of below the age of 14, deprived them the opportunities of development, are called child labor. Generally there are two kinds of child labor% traditionally to assist in work done by their parents and works done by the children outside the family for kind or cash remuneration to raise the income of the family. According to V.V. Giri, "the term child labor is commonly interpreted in two different ways: First, as an economic practice and secondly, as a social evil".

According to ILO (1983), "Child labor includes children prematurely leading adulteries, working long hours for low wages under condition damaging to their health and to their physical and mental development, sometimes separated from their families frequently deprived of meaningful education and training opportunities that would open up for them a better future."

Hence, child labor is any work within or outside the purview of the family that threatens the health and mental development of the child by denying him or her fundamental as well as non-fundamental rights.

### WHO IS A CHILD?

It is difficult to ascertain the meaning of the term 'child' precisely because the available literature on this subject indicates that the term 'child' is used variously for various purposes.

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In its general connotation, this term stands to mean the offspring of a male and female. According to the Webster's New world Dictionary child means an infant baby, an urban offspring, a boy or girl in the period before puberty, a son or a daughter, a descendant, one regarded as immature to childish, or a product.

## **MEANING AND CONCEPT OF CHILD LABOR**

According to Haks, the chairman of the U.S. Nature Child Labor Committee, the term 'child labor' is generally used to refer, "any work by children that interfere with their full physical and mental development, the opportunities for a desirable minimum of education and of their needed recreation." It also is seen as, children prone to accidents, often fatal, at work sites, and children chained to looms in dark mills. Currently the term is used in a pejorative sense, suggesting hateful and exploitative.

In reality, children do a variety of work in widely divergent conditions. At one end of the continuum, the work is beneficial, providing or enhancing a child's physical, mental spiritual, moral or social development without interfering with schooling, vacation and rest. At the other end, it is palpably, destructive or exploitative. There are vast areas of activity between these two poles, including work that need not impact negatively on the child's development.

Fyfe attempts to provide a distinction by differentiating between "child work" and "child labor". The former is seen as permissible and the later as exploitative.

"Clearly, not all work is bad for children, there is little doubt that many children welcome the opportunity to work, seeing in it the site of passage to adulthood work, which does not detract from other essential activities for children, namely leisure, play and education, is not child labor, Child labor is work which

immunizes the health and development of children."

According to the convention of the Rights of the child (Article 32), the state party recognises the right of the child to be protected from economic exploitation and from economic exploitation and from performing any work that is likely to be hazardous or harmful to the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral and social development."

Child labor therefore is the work, which involves some degree of exploitation i.e. physical, mental, and economic. It denies the joy to children and access to social opportunities (like education), which eventually impairs the personality and creativity, the evolution and growth of full being and the health, and mental development of a child. The problem of child labor therefore, does not constitute the age of child, but its exploitation and abuse. The perception of what constitute exploitation, abuse can be very subjective as it is not easy to differentiate between the socialization aspects of a child's activity and its exploitive aspects.

UNICEF has classified child work into three different categories:

### **WITH THE FAMILY**

In which children are engaged without pay in domestic/ households, tasks, agricultural, pastoral works, handicrafts/ cottage industries etc.

### **WITH THE FAMILY BUT OUTSIDE THE HOME**

In which children do agricultural/ pastoral work which consist of (several full-time) migrant labor, local agricultural work, domestic services, construction work and informal occupation e.g. Laundry/ recycling of waste-employed by other and self-employed.

## **OUTSIDE THE FAMILY**

In which children are employed by others in bonded works, apprenticeships, skilled trades (carpet, embroidery, brasses, copper work) industrial unskilled occupations/ mines, domestic work, commercial work in shops and restaurants, begging, prostitutions and pornography.

## **PRESENT PROBLEM OF CHILD LABOR IN INDIA**

The fact is that most of the activities where children are employed do not come under the purview of the Factories Act, for various reasons and hence are outside the purview of such restrictive legislation. But even with the new laws it has been a difficult exercise to contain the employment of the children for the sheer lack of popular will to prevent the oppression of the child workers in our society. Most of them are employed in the unorganized sector and in places difficult to reach. This is so because society still finds not voice to articulate the rights of the citizen and also their duties. And in caste based occupational pattern, it has been to the advantage of capital to consistently utilize the benefit of the carpet weavers or the glass makers or the large, abundant, surplus, pauperized agrarian landless in their ventures. To evade rules they have resorted to methods, such as, putting out to the households and other difficult to trace methods of organizing home based production. The problem also stems from the fact that the state is not operating on the role of welfare work for its citizenry, by providing its future generation with basic necessities to become a potential high skilled work force in the course of such training and education. Besides this, the fact that the child worker come from families that do not have much to say in the kind of life they provide to their offspring, owing to their fragile economic and social status adds to the vulnerability a large number of the poor living

below the poverty line, making up for their much required budgeting of subsistence lives by employing the young ones in some unorganized and casual work. Besides the lack of will on the part of the state, it was found in the course of our engagement with labor rights, that labor officer in one of the industrial townships was housed in the landing of a building. In such circumstances what can we hope from the enforcing agencies of the state who themselves are in such a power-less situation today? At the same time we are not saying they did things when they had the power and the resources to do so. This is an era of social change. Social activists and social reformers are directing their attention towards mankind in the context of development and progress. The many evils that plague society is being questioned and reformation are being sought. Today the issue of child labor is gaining importance.

Child labor is not a new phenomenon India. From ancient times, children were required to do some work either at home or in the field along with their parents. The problem of child labor could be seen in the form of child slavery that was owned by then rich class of people for doing low and ignoble works. The harsh reality of ancient India was that children of slaves were born as slaves, lived as slave and died also as slaves unless the master was pleased to manumit them. The study of Sir Henry Maine reveals that child slaves could be purchased like commodity. The parents used to sell the services of their children to earn their livelihood. However, we find in Manu Smritis and Arthshashtra that kind made education to every child, boy or girl, compulsory and Kautilya prohibited the trade of children, who purchased and converted to slaves by some peoples.

Frankly admitting, the problem of child labor manifests itself on two different forms. Firstly, the child labor is used without any

remuneration and secondly, it is paid mere subsistence wage. The children who work without wages are mainly those engaged in family enterprises besides those engaged in family farms and other family enterprises besides those who have been handed over to the unscrupulous exploiters in discharge of an obligation and those who had been separated from their parents owing to object poverty and destitution. The child workers have to work for 12-16 hours a day. All the reporters on child labor also indicated that the wages paid to the children are exploitatively low. As the child workers are paid extremely low wages it results in malnutrition on the one hand and hard physical labor on the other which subjects the child workers to constant detour in the terms of health the shortens his life span in the long-run. Exploitatively low wages compel him to resort to social evils such as stealing, snatching and pick pocketing. However, today, the incidence of child labor has posed a serious threat to the world particularly to the nation. It has become a major perennial social evil of our country and no suitable remedy has been traced out so far to curb the menace. No doubt child labor is legally prohibited but in reality it is to see an occupation whose children are not employed.

### **SUGGESTIONS TO IMPROVE THE CONDITIONS OF CHILD LABOR**

1. Children must get right to education so that they do not engaged in child labor.
2. The parents of the child laborers must attached with some special scheme to ameliorate their poverty as parents are found to be the motivators in many incidence of child labor.
3. There is urgent requirement to aware the child his/ her parents as well as the person employing child to work.
4. Those who are habitually engaged in employing child labor must be penalized

with strict legal provisions.

5. There must be proper rehabilitation of the child so that he do not involve in the child labor in the future course of time.
6. Children who are really need for immediate job for the fulfillment of the responsibilities of their families must be involved in some skill enhancement program so that they could get some good job after they attain the age of 18 years.
7. There must be a mechanism like childline 1098 at every town and district so that child could get immediate emergency help.
8. The labor and police department along with administration of the area must work in synergy to get rid of the problem of child labor from the city.
9. There must be frequent capacity building program for police specially the Anti Human Trafficking and Special Juvenile Police Unit.
10. There must be trained, educated and apolitical child welfare committee at every district.

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