
CHILD LABOUR- AN ISSUE OF EXPLOITATION DAMAGING THE FUTURE

DR.K.PALANI

Abstract: All civilized societies should strive to protect the rights and liberties of their children. It is because of the fact that children are the future of any nation. But despite this significant role of children, their rights are mostly violated. They are denied even the basic human rights. Of all the human rights violations against the children, child labour is one of the worst forms. Children are made to work in hazardous environment and many a times their very life is at stake. They are denied the basic right to health and education. They are denied the joys and privileges of childhood. Despite the commitment of the international community and the national governments to eradicate child labour, there are still millions of children who are deprived of their basic rights. The issue is of a very serious nature as it hinders the future progress and development of nations worldwide.

The paper explains the nature of the issue explaining its magnitude and complex nature. It explains the Indian scenario focussing on the efforts made by the nation to eradicate child labour. The paper also analyzes the causes and factors that lead to the employment of children despite laws and legislations against such employment. Measures to secure the rights of the child and steps to be taken to eradicate child labour are also discussed. The study is descriptive in nature and secondary data has been relied upon. The basic sources of data are books, magazines, journals and websites.

Keywords: Children, exploitation, oppression, rights.

Introduction: Children are considered to be the greatest assets of a nation. It is they who decide the future of the world. The welfare and progress of communities depend largely upon the well-being of its children. But unfortunately, millions of children worldwide are deprived of the joys of childhood. They are employed in hazardous environments and their life is constantly at risk¹. These children are denied the basic right to education, health, leisure and recreation. All these result in serious damage to the health and psychology of the child. They fall easy prey to sexual and psychological abuse and are treated ruthlessly by the greedy employers². Child labour is a global issue and exists in varying degrees and magnitudes. Though children belonging to both the genders are affected, ILO has revealed that the conditions of girl children are more pitiful. Despite these evil effects child labour remains one of the most neglected human rights issues of our times. Mere enactment of laws and legislations and initiation of schemes and policies cannot eradicate child labour³. It requires an integrated and comprehensive approach to address this issue because the term child labour covers a variety of circumstances in which children work. There are the child labourers who do paid or unpaid work in mines, factories etc, street children, that is, rag pickers, beggars etc, children who work as bonded labourers, children who work day long with their parents, sacrificing their education, children who suffer sexual exploitation and also the migrant children⁴. Also, the exploitations faced by the children are many and varied. Children are forced to work beyond their physical capacity in hazardous environment, paid very meagre wages and most im-

portantly they are denied opportunities for education, rest and recreation and all these affect the very psychology of the child⁵. Most importantly, the development of the nation is at stake because the issue affects those who are expected to build the nation in the future.

Child Labour- The Indian Context: The developing nations like Indian continue to host a large number of child labourers in the world. According to the 2001 Census, 12.7 million children were economically active in the age group of 5-14 years. Though recent surveys suggest that the number has decreased, there are still millions of children who suffer. But, however situations are still alarming in the case of Eastern and Northern States⁶. The Constitution of India, more specifically, the fundamental rights, prohibits the employment of children in hazardous environment. The Directive Principles of State Policy directs the State ensure that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Also, understanding the magnitude and complexity of the issue, the National Policy on Child Labour was announced in the year 1987. This policy aimed at stricter enforcement of laws and legislations pertaining to the eradication of child labour. The policy was further strengthened through the initiation of the National Child Labour Project Scheme in 1988 to rehabilitate the poor child labourers. Initially 12 child labour endemic districts were identified and children were withdrawn from work and enrolled in special schools. Apart from education, these children were also given stipends, vocational trainings and regular health check-ups were also conducted. The Central

and the State Government together with their respective Ministries have been trying to effectively implement the scheme. But however, State Monitoring Committees have not been set up in most states and this impedes the effective implementation of the scheme. The major thrust to the programme came with the landmark Supreme Court Judgement in 1996 (M.C.Mehta vs State of Tamil Nadu). The judgement addressed the pitiful conditions of also those children who were employed in non-hazardous occupations. It ordered the withdrawal of children working in hazardous occupations and enrolling them in appropriate institutions. It also issued guidelines on the employment of atleast one adult member of the family of the child so withdrawn. The offending employer was also to make monetary contributions into a corpus fund, the interest from which will be used to financially support the child's family. Further, the 10th Plan expanded the coverage of the scheme from 100 to 250 districts⁷. Thus, India has taken efforts to tackle the issue but ineffective implementation of laws, failure of government machineries, inappropriate policies and schemes and lack of support from people have led to the efforts not being very successful.

Issues and Challenges: The issues related to child labour begin with the very definition of the term. Most developing countries consider as child labourers only those children who are employed in hazardous activities. Those children who work in non-hazardous environment are just perceived to be doing child work. This narrow definition of the term neglects millions of children who desperately need the assistance of the government to overcome their misery⁸. The socio-economic backwardness resulting in poverty, illiteracy, unemployment, demographic expansion, social prejudices and lack of political will are the most prominent factors leading to the employment of children⁹. Population explosion is also a major reason where the government finds it difficult to support the large population with the available natural resources¹⁰.

The problem of child labour, thus, is directly connected with the poverty and illiteracy of the masses. The benefits of unemployment allowances, supply of grains through public distribution system and such other measures do not reach those who truly need it. The existing welfare schemes to eradicate poverty and unemployment are not assessed regularly by the government. Many a times, they become outdated and fail to serve their purpose. The efforts to make better the social and economic conditions of the poor and backward castes have not been very successful. Land reform programmes have not been able to bring a positive change in the lives of the landless farmers who escape starvation by sending their children to work. Lack of credit facilities to the poor and the ineffective functioning of the rural co-operatives are also

issues to be addressed¹¹. Also, the provisions of the legislations against child labour are lopsided and do not cover certain sectors. The departments involved in enforcement lack co-ordination and their machineries are mostly inadequate¹².

The Way Forward- Suggestions: The analysis of the roots of this issue enables us to understand that child labour is mostly the result of adult workers in the unorganized sector not being paid well. So the adults in the family do not have a choice but to send their children to work¹³. So the approach of the government in eradicating child labour should be all-comprehensive, taking it account all issues responsible for the employment of the child. If the government intends to do away with the issue of child labour, it also has to take steps to solve the problem of poverty and unemployment. Poor parents cannot be blamed for sending their children to work because it is only the child's meagre earnings that save the family from starving. Also depriving the child of the income without ensuring job opportunities to the adult members of the family is nothing but being unfair. Therefore, the eradication of poverty becomes a primary requisite for the eradication of child labour¹⁴. Apart from introducing new schemes to eradicate child labour, the already existing schemes should be properly implemented and the area of coverage should be expanded. The already existing Child Labour Act should be amended to make it more comprehensive¹⁵. In the case of already existing schemes and programmes, there should be proper follow-ups to measure the success of the programmes and to ascertain the issues in its implementation¹⁶. In disputes relating to the age of the child employed, the onus of burden of proof should rest on the employer instead of prosecuting agencies¹⁷. The central and the state governments should link up the processes of poverty alleviation, health care and elementary education in a unified manner to eradicate child labour. Now with the implementation of the Right to Free and Compulsory Education Act, 2009, the governments and the NGO's can work hand in hand, withdrawing children from work and enrolling them in age-appropriate class after special training. Systematic training, appropriate curriculum and teaching-learning materials are also important to retain children in school¹⁸.

The government should also engage in dialogues with the trade unions for the preparation of an institutional framework where together they can work on improving the conditions of work and subsequently in eradicating child labour. A comprehensive rural health care system should also be in place. The Panchayati Raj Institutions should also be involved in this task as statistics point out that the majority of child labourers belong to the rural areas. So these local bodies can take up the task of enlightening the

rural masses on the negative consequences of child labour and the significant role of education in eradicating the same. Mass media can also play a positive role creating awareness and social consciousness among people against child labour¹⁹. Judiciary can issue directives to governments on stricter and effective implementation of laws and legislations pertaining to child labour. It is the duty of the judiciary to protect the children by safeguarding their basic human rights and punishing those who violate them with appropriate penalties²⁰. Judicial activism and Public Interest Litigations can also help address such socio-economic evils²¹.

Conclusion: Thus, the issue of child labour does not affect only the children. It affects the society at large.

References:

1. Dr.Narendra Shula, Mrs.Sushma Pandey, Child Labour: Dimensions and Determinants, (Aavishkar Publications, Jaipur, 2013), p 55 & 56.
2. Dr.Narendra Shula, Mrs.Sushma Pandey, p 60.
3. C.K.Shukla, S.Ali (ed), Child Labour and the Law, (Sarup & Sons, New Delhi, 2006), p 1-3.
4. Dr.R.N.Tripathi (ed), Challenges of Child Labour in Rural India, (DPS Publishing House, New Delhi, 2012), p 75-77.
5. B.K.Singh, Child Labour, (Adhyayan Publishers and Distributors, Delhi, 2006), p 7.
6. Dr.R.N.Tripathi (ed), p 70-72.
7. Dr.R.N.Tripathi (ed), p 78-82.
8. Dr.R.N.Tripathi (ed), p 75.
9. Dr.Narendra Shula, Mrs.Sushma Pandey, p 118.
10. Dr.Narendra Shula, Mrs.Sushma Pandey, p 101.
11. Tapan Kumar Shandilya, Shakeel Ahmad Khan, Child Labour- A Global Challenge, (Deep & Deep Publications Pvt Ltd, New Delhi, 2006), p 167-173.
12. Dr.Narendra Shula, Mrs.Sushma Pandey, p 119 & 120.
13. B.K.Singh, p 6.
14. B.K.Singh, p 9 & 10.
15. Dr.Narendra Shula, Mrs.Sushma Pandey, p 119-123.
16. Mamta Rajawat, Child Labour-The Indian Perspective, (Kilaso Books, New Delhi, 2004), p 230.
17. Dr.Firoz Ahmed, Child Labour in India- A Story of Endless Exploitation, (Raj Publications, New Delhi, 2010), p 315-325.
18. Dr.Narendra Shula, Mrs.Sushma Pandey, p 119-123.
19. Dr.Dipak Das, Child Labour in India- Rights, Welfare and Protection, (Deep & Deep Publications Pvt Ltd, New Delhi, 2011), p 193-198.
20. C.K.Shukla, S.Ali (ed), p 120.
21. Gopal Bhargava, Child Labour, Vol II, (Kalpaz Publications, Delhi, 2003), p 505-507.
22. Tapan Kumar Shandilya, Nayan Kumar, Navin Kumar, Child Labour Eradication, Deep & Deep Publications Pvt Ltd, New Delhi, 2006.
23. C.K.Shukla, S.Ali (ed), Child Labour: Socio-Economic Dimensions, Sarup & Sons, New Delhi, 2006.
24. Dr.Narendra Shula, Mrs.Sushma Pandey, Child Labour: Dimensions and Determinants, Aavishkar Publications, Jaipur, 2013.
25. Dr.R.N.Tripathi (ed), Challenges of Child Labour in Rural India, DPS Publishing House, New Delhi, 2012.
26. C.K.Shukla, S.Ali (ed), Child Labour and the Law, Sarup & Sons, New Delhi, 2006.
27. B.K.Singh, Child Labour, Adhyayan Publishers and Distributors, Delhi, 2006.
28. Tapan Kumar Shandilya, Shakeel Ahmad Khan, Child Labour- A Global Challenge, Deep & Deep Publications Pvt Ltd, New Delhi, 2006.
29. Mamta Rajawat, Child Labour-The Indian Perspective, Kilaso Books, New Delhi, 2004.
30. Dr.Firoz Ahmed, Child Labour in India- A Story of Endless Exploitation, Raj Publications, New Delhi, 2010.
31. Dr.Dipak Das, Child Labour in India- Rights, Welfare and Protection, Deep & Deep Publications Pvt Ltd, New Delhi, 2011.
32. Gopal Bhargava, Child Labour, Vol II, Kalpaz Publications, Delhi, 2003.

Dr.K.Palani/Associate Professor/Department of Political Science/
Madras Christian College/Tambaram/Chennai- 600059/