

## Child Labour: A Curse on Humanity

Meenu Bala<sup>1</sup>, Dr. Geetika Sood<sup>2</sup>

<sup>1</sup>Research Scholar, <sup>2</sup>Research Guide

<sup>1,2</sup>Chandigarh University, Mohali, Punjab, India

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### ABSTRACT

Child labour especially persuasive problem throughout the world. It's a social problem of greater magnitude than other related problems. The burden of work may become too great while its educational and social role can become a threat to their health and development. It is a complex problem whose roots are deeply embedded in cultural, social, economic, structure and tradition. Today child has been defined differently by different agencies.<sup>1</sup> It is exploitation of a children as they receive low wages and work for long hours under condition that are likely to damage their health as well as physical and mental development. In ancient period slaves of tender age were on for doing low work. And in medieval it was quit rampant and rulers encouraged it with an intention to make only traffic in child slaves.

This paper identify to introduction of child labour before independence, after independence, introduction, definition, cases, effects includes.

**Keywords:** Child Labour, POVERTY, SOCEITY

### INTRODUCTION

Children are the most precious gift of God. They are universally recognized as one of the important greatest assets and the future of every nation is associated with the prospects of its children. Such prospective children ought to be raised in an environment wherein sustained opportunities of education and training are accessible, conducive to their social, moral and physical development.

<sup>2</sup>They are the most valuable assets of the nation and their importance in nation building process cannot be undermined. Children of today are the potential citizens of tomorrow. The quality of life they enjoy today would ultimately determine the quality of future population of the nation.<sup>3</sup> Basically, children are like mirror who reflect the future image of a nation.<sup>4</sup> A child is an asset as well as a liability to the parents, society and to the nation as a whole. It is quite shocking that these blooming flowers are neglected.

<sup>1</sup> Sheelu Srivastava, "Child Labour As A Socio-Economic Problem in India", in Mahaveer Jain and Sangeeta Saraswat(ed.), Child Labour from Different Perspectives, Manak Publications, Pvt. Ltd., Delhi, 2006, p.

<sup>2</sup> Nirmala Krishnamoorthy, *Children in India-A Legal Perspective*, Ministry of Information and Broadcasting, Government of India, 2009, p. 1.

<sup>3</sup> Ashhad Ahmad, *Child Labour in India- A politico-Legal Study*, Kalpaz Publications, Delhi, 2004, p. 21.

<sup>4</sup> Abdul Majid, *Legal Protection to Unorganised Labour*, Deep and Deep Publications Pvt. Ltd, New Delhi 2000, p. 42.

Due to certain forces and circumstances children are compelled to work in the early stages of their childhood which does harm to the child and the society both.<sup>5</sup> Child Labour is a pervasive, grave and extensive problem throughout the world, especially in developing countries. India is the biggest example and a nation plagued by the problem of child labour. Child labour in some form or the other has always existed in societies all over the world. The countries like India, Pakistan, and Bangladesh have the world's the no of child labourers. The problem of child labour is a burning problem of the world. From time immemorial it had been a concern of the social reformers, the priests, the legislators, the jurists, the philosophers, the politicians and economists etc.<sup>6</sup> The practice of children being exploited and forced into labour, thus depriving them of education, which is so crucial to their personal development is an issue of major concern.<sup>7</sup> In simple words, child labour is commonly understood as work for children that results in their exploitation in some perceptible way, physically, mentally, morally or by restricting their access to

<sup>5</sup> M.S. Raj and D.J. Chauhan, "Child Labour in India: Causes, Magnitude and Way-out", in Raj Kumar Sen and Asis Dasgupta (ed.), Problems of child Labour in India, Deep and Deep Publications, New Delhi, 2003, p. 18.

<sup>6</sup> S.S. Chinna, *Child Labour, Problem and Policy Implications*, Regal Publication, New Delhi, 2009, p. 1.

<sup>7</sup> Ibid.

education.<sup>8</sup>In comparison to the developed countries, the incidence of child labour in Asian countries is very high. The countries like India, Pakistan and Bangladesh have the world's largest number of child labourers.

Developed countries have also this problem, though its intensity varies. There are also different forms of exploitation of children other than employment in various kinds of occupations. Across the world, to a less or greater degree, visible or invisible, admittedly or otherwise, child labour exists. Though child labour is widely condemned due to the implications it has on children and society, it persists and is quite expensive in many third world countries like India in comparison to the developed countries of the world.<sup>9</sup>In most of the developing countries, parents depend upon their children.

These children not only perform important work in house or outside it but in many cases they are the main or only source of support for parents in their old age. In most of the developing countries, parents depend upon their children. These children not only perform important work in house or outside it but in many cases they are the main or only source of support for parents in their old age.<sup>10</sup>

Today, the incidence of child exploitation has posed a serious threat to the world. It has been a perennial social evil of the country and no suitable remedy has been traced out so far to curb this menace. No doubt, the child exploitation is legally prohibited but in reality, it is rare to see an occupation where children are not exploited.<sup>11</sup>Child labour is found in poor as well as wealthy economies.<sup>12</sup>

#### **Definition of Child and Child Labour**

**According to the Children Act, 1960** The Child means a boy who has not attained the age of 18 years.

**According to the Child Labour (Prohibition and Regulation) Act, 1986**, a "Child" is a person who has not completed his 14 years of age.

**According to The Convention on Right of Child 1989**, A child means any human being below the age of 18 years unless, under the law applicable to the child, majorities attained earlier.

**According to the Juvenile Justice Act, 2000** child means any person who has not completed 18 years of age

**The Right of Children to Free and Compulsory Education Act 2009** defines child as a male or a female child up to the age of 6 to 14 years.

<sup>8</sup> RashmiBothra, "Rehabilitation of Child Labour: Tracing the Legislative Intent", Labour and Industrial Cases, Vol. 2, 2008, pp. 129-133.

<sup>9</sup> Id, p. 4.

<sup>10</sup> B.K. Sharma and VishwaMittar, Child Labour in Urban Informal Sector, Deep and Deep publications, New Delhi, 1990, p. 11.

<sup>11</sup> ParasDiwan, *Child and Law*, Punjab University Publication, Chandigarh, 1985, p. 441.

<sup>12</sup> Cathryne I. Schmitz. Elizabeth Kimjin Trover and Desi Larson (ed.), *Child Labour: Global View*, 2004, p. 1.

#### **Definition of Child Labour**

**According to the children (Pledging of labor) Act, 1933**, The is a person who is under the age of 15 years.

**According to the Minimum wages Act, 1948**, That person who has not completed 14 years of age.

**According to the Child Labour (Prohibition and Regulation) Act, 1986**, a "Child" is a person who has not completed his 14 years of age.

**As laid down in the Constitution of India**, no one below the age of 14 is allowed to work in any factory or mine or engaged in any other hazardous employment.

#### **Child Labour before Independence**

Child labour is an unfortunate product of industrial revolution originated in England and embraced not only other industries in independent countries but also the colonies captured by imperial powers during the period from 1760 to 1860. It is the story of one hundred years, which gives an account of increased wealth, increased productivity with the help of machines, profit oriented activities of factory owners, migration of poor serfs and artisans from rural areas and hundreds of children who became victims of new capitalist's economy.<sup>13</sup>Children were exploited by such industrialist at large scale. These children used to work sixteen hours a day-from 5 am to 9 pm. History of child labour in factories during the 19th Century gives us dreadful events of their poor conditions, about the serfs in labour market sent by landlords as well as growing richness of the millions.<sup>14</sup>

The industrialisation leads to migration of labour including child labour from rural to urban areas to employers of factories, mines etc. who exploit child labour to minimize their costs and maximize profits.<sup>15</sup> The Indian elite were joined by the middle classes, and together they perpetuated their erstwhile colonialists' tradition of sourcing household help from the much poorer majority, and in a derogatory manner. Sadly this practice of having servants that has travelled into coeval times has not precluded the employment of children.<sup>16</sup> Large scale exploitation of children in India began with the arrival of British. Just as the case was in Britain, the new industrialists started hiring children who were forced to work in inhuman conditions. Many laws against child labour were passed namely, Employment of Children Act of 1938, Factories Act, 1981, The Children (pledging of Labour) Act, 1933 etc. These attempts at legislation failed as they failed to address the root cause of the child labour in India. Poverty until and unless the people were brought out of poverty, it was impossible to take the children out of the labour force.<sup>17</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> PratibhaGoyal, *Little Hands That Work*, PBG Publications, Ludhiana, 2005, p. 9.

<sup>16</sup> Retrieved from [www.guardian.co.uk](http://www.guardian.co.uk), last visited on 15-01-2019

<sup>17</sup> id,p7.

work in inhuman conditions. Many laws against child labour were passed namely, Employment of Children Act of 1938, Factories Act, 1981, The Children (pledging of Labour) Act, 1933 etc.<sup>18</sup>

Before independence, British Government also made a lot of efforts by bringing various legislations, along with their suitable amendments relating to employment of children in various sections, but the same failed to achieve its goal for the elimination of the evils of child labour.<sup>19</sup>

### Child Labour after Independence

After independence, No change was observed in the child labour scenario of India immediately after independence.<sup>20</sup> During the twentieth Century, the concept of children's rights emerged and the focus shifted from the welfare to the right based approach and this transition from welfare to right based approach in the Government and civil society is evolving with time. This shift in approach is primarily concerned with issues of social justice, non-discrimination, equity and empowerment. In the right based approach, children are viewed as citizens, entitled to all that has been promised to them under the Constitution of India and United Nations Child Rights Charter 1989. The Consciousness relating to child welfare is also reflected under various provisions of Indian Constitution.<sup>21</sup>

**In 1987 the Government of India adopted the national Child Labour policy. Apart from this policy, many acts have been enacted by India before and after independence.**

- The Indian Factories Act, 1881;
- The Indian Factories Act, 1891;
- The Factories Act, 1911;
- The Indian Factories (Amendment) Act, 1922;
- The Tea District Emigrant Labour Act, 1933;
- The Children (Pledging of labour) Act, 1933;
- The Indian Mines (Amendment) Act, 1935;
- The Employment of Children Act, 1938;
- The Factories Act 1948;
- The Minimum Wages Act, 1948;
- The Plantation Labour Act, 1951;
- The Mines Act, 1952;
- The Merchant Shipping Act, 1952;
- The Apprentice Act, 1952;
- The Motor Transport Workers Act, 1961;
- The Bidi and Cigar Works (Condition of Employment) Act, 1966;
- The Contract labour (Regulation and Abolition) Act, 1970;
- The Radiation Protection Rules, 1971 under the Atomic Energy Act, 1962;
- The Child Labour (Prohibition and Regulation) Act, 1986;
- The Juvenile Justice (Care and Protection of Children) Act, 2000;
- The National Commission for the Protection of Child Rights Act, 2005; and
- The Right to Education Act, 2009.

<sup>18</sup> The Children (pledging of Labour) Act, 1933 etc.<sup>18</sup>

<sup>19</sup> Profulla Hazarika, Child Labour in India, Akansha Publishing House, New Delhi, 2004, p. 1

<sup>20</sup> Id, p. 7.

<sup>21</sup> Nuzhat Parveen Khan, Child Rights and the Law, Universal Law Publishing Co., New Delhi, 2012, p. 4.

### CAUSE OF CHILD LABOUR

#### Poverty

The most important cause of child labour is widespread poverty. Poverty compels the parents to send their children to seek employment. Disease and other contingencies may need extra money and the employment of children is resorted to as easily accessible method to fetch in that money. The Institute of Public Opinion conducted a survey in 1969, which showed "that 41.2 per cent of Indian population was under poverty line. Half of these belonged to the Scheduled Castes and Tribes. In villages a vast majority of agricultural labour belongs to these communities."<sup>22</sup>

The problem of child labour is inter related to the problem of living of adult worker. This very inadequacy in wage of adult compels them to send their children to do some work in return of some compensation and employer also takes the benefit of this weakness by providing work to their children on low wages. The report of the International Labour Organisation (I.L.O.) also indicates that this problem of child labour is not the problem of itself but is it the problem of maintenance of child and the living wage of the adult wage earner so that they should maintain their family at adequate standard.<sup>33</sup> This child labour, by and large, is a problem of poor and destitute families, where parents have to depend on the earnings of their children.

#### Illiteracy and Ignorance of Parents

In India, the lower socio-economic groups of population are illiterate. They only think about the present time which is their sole concern and worry. They never think of future. They are fully satisfied with they gain by the earning of children. It is ignored by them that their children may participate even an educational opportunities, but child labour deprives the children of all the educational opportunities and minimises their changes for vocational training. It also affects their health and they are converted into laboures of low wages for all their lives.<sup>23</sup>

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#### Large Family

Large families with comparatively less income cannot have the happy nations in their mind. As a result, they cannot give sheltered childhood to their children. If a family is limited and well planned there will be no question of sending their children to the labour market and the children can be carefully educated.

<sup>22</sup> National Institute of Public Co-operation and Child Development (NIPCCDP-Seminar Recommendations.)

<sup>23</sup> Jinesh Chandra Kulshereshtia, *child labour in India*, Ashish Publishing House, New Delhi, 1978; p.18ort of I.L.O. quoted in the book 'Need for Children' published by UNICEF, p.144.

<sup>24</sup> Jane Addam *Child Labour and Panperism*,(1903), p. 117.

Illiterate and unpolished parents think just contrary to this, thus if parents have a small size family, they can provide all facilities to their children which were necessary for their mental, physical and social growth.

### **Child Labour is Cheap**

With the advent of industrialism, there came a tendency among the employers to have quick and more profits at low costs. Hence, in every country there was an employment of children in large number –in factories, who were paid very low wages, were subjects to excessive hours of work and were made to work under terrible conditions..

Employers have developed ancient 'commodity approach' towards these working children. At present, too, employers think that a lot of work can be done by the children in their Workplaces and their labour of children is very cheap in comparison to that of men. In fact, it ensures them more 'margin of profit over less investment.

**Jerome Davis started that**, "besides the compulsion of poverty within the family, is the stimulus of the manufacturer who desires to secure cheap labour and more profit."<sup>25</sup>

Child labour exists not because children are able workers but because they can be had for less money. Thus preference for child labour by many employers is mainly due to the fact that it is cheap, safe and without any liability. All the reports on child labour also indicates that the wages paid to the children are exploitatively low.

### **Absence of scheme for family allowance**

In India there is absence of schemes for family allowances, as can be given to families so that people may have adequate standard and may not be forced to send their children to the labour market

The amount which is paid to widows as compensation or pension is too insufficient to maintain their family without the help of their children's income. Thus poverty is the root cause for child labour. Kurukshetra has maintained poverty, absence of scheme of family allowance, large family, cheaper rates of child labour, absence of compulsory education, illiteracy and ignorance, slow process of protective labour legislation and inadequate inspecting machinery as the causes of child labour<sup>26</sup>

### **EFFECT OF CHILD LABOUR**

Child labour has given rise to a number of socio-economic problems. It is beyond doubt that children are forced by circumstances to do labour in tender age when they should have been in school. The mere fact that it is not the work but labour that children are concerned to do has manifold repercussions for them, the family and for the society as a whole. In the context of child workers themselves, harmful effects of child labour can be seen in the form of their improper physical development, varied kinds of illness and physical deformities, damage to central nervous system, inability to express view, etc.

<sup>25</sup> Jerome Davis, *Workers Problems and Modern Industry*, Codicate Press, London, p.117.

<sup>26</sup> Jinesh Chandra Kulshreshtra, *Child Labour in India*, Ashish Publishing House, New Delhi; pp.12-19.

### **Illiteracy and Ignorance of Parents**

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parents force their children to take up employment because their own earning power is low.

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### **Absenteeism and job dissatisfaction**

It was told by some sampled employers that longer hours of work, bad working conditions, absence of recreational facilities, monotony etc., kills the initiative to work and thus leads to high rate of absenteeism and job dissatisfaction. Hence in addition to reducing the earnings of child labour, it also gives a set back to the quality and quantity of the work.

### **Maltreatment of children**

Very often in the name of apprenticeship, the child labour is made to perform some menial type of jobs, unrelated to the skill which they want to learn. Scrubbing the floor, cleaning the rooms, washing household utensils, fetching milk and asking them to undertake chores are but a few examples of this kind exploitation.

**Health hazards** The most worst effect of child labour is that it leads to physiological and psychological deformities of the child. The longer hours of work, bad and unhygienic working conditions and sitting in wrong postures lead to retarded growth, orthopedic diseases (like hypnosis, scoliosis etc.) respiratory problems, Cardio and gynaec problem (in case of female workers). Impact on Psychology is more prominent. The working children feel insecure and suffer from and inferiority complex. As such, their physical and mental growth suffers and thus nation on the whole loses a vast potential of human resource.<sup>27</sup>

### **Bad working conditions**

During the course of field survey, it was observed that with the sole exception of domestic services, all other activities and jobs in the unorganized sector of Kashmir division are carried out in muddy, dirty and dark work sheds .

### **CONCLUSION**

Child labour is very complicated issue, effecting human society all over the world .The child labourer endure miserable and difficult lives. They earn little and struggle to make enough to feed themselves and their families. They do not go to school, half of them are unable to learn the skill of literacy It is the matter of grave concern that children are not receiving the education and leisure which is important for their growing years, because they sucked into commercial and laborious activity which is meant for people beyond their years. The existence of poverty in different forms is one of the major and vital reasons behind this problem. Various kinds of cultural and social factors are embedded on poverty. The cultural analysis on poverty is most urgently required.

<sup>27</sup> Committee on Child Labour, Government of India, 1980(11-12)

Widespread poverty may leads to increase labour size of the family. Also, many cultural beliefs plays a vital role in increasing the family size. "it hardly of any use to talk about abolition of child labour which is not only unrealistic but is

also likely to do more harm than good to the millions of poverty stricken people in the county who are forced by their awfully poor economic condition to seek the help of their children to come out and work for their existence

## REFERENCE

- [1] Sheelu Srivastava, "Child Labour As A Socio-Economic Problem in India", in Mahaveer Jain and Sangeeta Saraswat(ed.), Child Labour from Different Perspectives, Manak Publications, Pvt. Ltd., Delhi, 2006, p.
- [2] NirmalaKrishnamoorthy, Children in India-A Legal Perspective, Ministry of Information and Broadcasting, Government of India, 2009, p. 1.
- [3] Ashhad Ahmad, Child Labour in India- A politico-Legal Study, Kalpaz Publications, Delhi, 2004, p. 21.
- [4] Abdul Majid, Legal Protection to Unorganised Labour, Deep and Deep Publications Pvt. Ltd, New Delhi 2000, p. 42.
- [5] M. S. Raj and D. J. Chauhan, "Child Labour in India: Causes, Magnitude and Way-out", in Raj Kumar Sen and AsisDasgupta (ed.), Problems of child Labour in India, Deep and Deep Publications, New Delhi, 2003, p. 18.
- [6] S. S. Chinna, Child Labour, Problem and Policy Implications, Regal Publication, New Delhi, 2009, p. 1.
- [7] Ibid.
- [8] RashmiBothra, "Rehabilitation of Child Labour: Tracing the Legislative Intent", Labour and Industrial Cases, Vol. 2, 2008, pp. 129-133.
- [9] Id, p. 4.
- [10] B. K. Sharma and VishwaMittar, Child Labour in Urban Informal Sector, Deep and Deep publications, New Delhi, 1990, p. 11.
- [11] ParasDiwan, Child and Law, Punjab University Publication, Chandigarh, 1985, p. 441.
- [12] Cathryne I. Schmitz. Elizabeth Kimjin Trover and Desi Larson (ed.), Child Labour: Global View, 2004, p. 1.
- [13] M. KoteswaraRao, "Trends of Child Labour in India" in M. KoteswaraRao (ed.), Exploited Children-A Comprehensive Blueprint for child labour Rehabilitation, Kanishka Publishers and Distributors, New Delhi, 2011, p. 3.
- [14] PratibhaGoyal, Little Hands That Work, PBG Publications, Ludhiana, 2005, p. 9.
- [15] Ibid.
- [16] Retrieved from [www.guardian.co.uk](http://www.guardian.co.uk), last visited on 15-01-2019.
- [17] Id, p. 7.
- [18] ProfullaHazarika, Child Labour in India, Akansha Publishing House, New Delhi, 2004, p. 1
- [19] Id, p. 7.
- [20] NuzhatParveen Khan, Child Rights and the Law, Universal Law Publishing Co., New Delhi, 2012, p. 4.
- [21] Institute of Public Opinion, Monthly Commentary on Indian Economic Condition, December, 1973
- [22] National Institute of Public Co-operation and Child Development (NIPCCDP-Seminar Recommendations.)
- [23] Jinesh Chandra Kulshreshtra, child labour in India, Ashish Publishing House, New Delhi, 1978; p.18ort of I.L.O. quoted in the book 'Need for Children' published by UNICEF, p.144.
- [24] Jane Addam Child Labour and Panperism,(1903), p. 117.
- [25] Jerome Davis, Workers Problems and Modern Industry, Codicate Press, London, p.117.
- [26] Jinesh Chandra Kulshreshtra, Child Labour in India, Ashish Publishing House, New Delhi; pp.12-19.
- [27] Committee on Child Labour, Government of India, 1980(11-12)