



Child Labour in India: A Perspective Study of Children's Rights

Asmin Sultana

Abstract: The issues of child labour is a major challenge for our country, the child labourers are working in agriculture, brick kiln, construction, stone breaking, hotel, restaurant, animal husbandry manufacturing, and household work even though they are self employed. There are many factors behind the issues of child labour which lead to decrease physical, social, moral and mental development of children. And we needed to solve these issues for future human development. The migrant child labour is also visible all over India in this matter, abandoning their schooling in the process. The ignorance of schooling, that it is a violation of children's human rights, or because they have no choice, having been forced to work by circumstances arising from poor household conditions. The primary focus of this study is on the scenario of child labour in India, the numerous factors of the problem, the constitutional provisions, laws, child rights programs, and recommendations for resolving the issue. India is a welfare state, and the Constitution of India provides provision for children's rights. Besides, there are legal provisions for children rights, but in reality, these are often needed for equal implementation.

Keywords: child labour, factor, children rights and constitutional provision, Legislation and policies, recommendation.

Introduction:

The Children of a nation are the future of any society and the greatest gift to humanity and childhood is a crucial and formative period of humanity development. Mahatma Gandhi said, "If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children. But given the rise in child labour in India, the future of children seems to be dark. The dilemma of child labour must be accepted as a human right problem. It encompasses not only "the rights of the child, "but also a wide range of entitlements spanning the entire spectrum of rights, including at least social, cultural, and economic rights.

Child labour is a serious threat to the future of human society all over the world. Child labour is defined as work that abuse children physically, morally, or prevents them from receiving an education. Child labour is defined “any children under the age 14 who is required forced to work on regular basis to earn livelihood. Child labour has been one of the atrocious and extensive forms of violations of human rights worldwide. It is a global human rights concern. Child labour is now considered from a humanitarian and human rights perspective. In a civilized society child labour is actually a serious human rights violation against a subset of children.

According to the United Nations Convention on the Rights of the Child, 1989, Article 3 rightly stated that the nation’s children are supremely important assets and declares that all the children are born with fundamental rights, including rights to survive, development, protection and participation.

Factories Act 1948 “A person below the age of 14 years is to be considered as child. Therefore any physical labour undertaken by a child either under compulsion or voluntarily in authorized or unauthorized sector qualifies to be called as child labour”.

Kailash Satyarthi expresses his view against all form of child’s rights violations and said that “there is no bigger sin than renounce their childhood and their dreams. We have to keep the dream intact in the eyes of the children for a better future.” It is an irony that at an age when they should go to school and play, a large number of children ends up being exploited as child labour.

History of Child labour:

Child labour is not a new phenomena or experience. It is existed in every part of the world since ancient time. In modern time child labour issues emerged and become common during the time frame of the industrial revolution. First began in Britain but later expanded to the rest of Europe and North America approximately 1750- 1850 child are involved the rise of the ‘factory system’ in manufacturing. According to British house of commons report 1922, “there are factories, no means few in number, nor confined to the smaller mills, in which serious accidents are continually acquiring, and in which, not withstanding, hazardous portion of the machinery are allowed to remain unfenced.”

International labour organization (ILO) was form in 1919, and the world began to address the issues of child labour and adopted standards to eliminate it. The number of children in labour has risen to 160 million worldwide, and increase of 8.4 million children in the last four years with millions more at risk due to the impacts of COVID-19, news report by the (ILO AND UNICEF).The highest number of child labourers is in the Asia-Pacific region, but a huge number of child labourers, as a proportion of the child population, are found in Sub-Saharan Africa (ILO).

Objective of the Study:

- To find out scenario of child labour in India and explore various factors and challenges associated with the violation of child rights in India.
- To explain the role of constitutional provisions, cases and legislation and policies in reducing child labour for the protection of children rights
- To determine the best measures we can follow to end child labour.

Review of Literature

The study of child labour is an important topic. There have been several studies on the problem of child labour in India. Most of the literatures being reviewed described the global scenario of child labour or the scenario in India in general. It would be important to review some such works and publications as are relevant to our present research.

Borah (2022) this research paper presents an ethnographic description, using a sociological perspective and particular attention to child rights, children's experiences in char area in Assam. The char areas are generally backward in terms of health and education infrastructure, transport network, and communication facilities, the children living in the area are adversely affected by their surroundings, resulting in the violation of various rights of children. It implies, on the one hand, that the children are exercising agency to choose to do the household chores, help in their family business, but, on the other hand, it shows their dissatisfaction with the kind of life they live like marriage at an early exercising agency to choose to do the household chores, help in their family business, but, on the other hand, it shows their dissatisfaction with the kind of life they live like marriage at an early age, working as domestic labour, staying away from home. The limitations or research gaps in the research paper is focusing on the char area and domestic labour issues but much factor responsible for child labour and their rights.

(Tikhute) The purpose of the paper is to look at regional trends in India's crime against children

Singh and Parihar (2015) Growing prevalence of child labour it appears that children's futures are dark. Also, it's effects on health, safety and education of the child. This study is mainly based on Saharsa District of Bihar. Weston (2005) Child labour is a human rights problem. When child labor is seen as a situation from which children are entitled to be free, rather than only a choice for which it is necessary to create legally binding but relatively readily reversible rules, there is an opportunity that would not otherwise exist for mobilization and empowerment. When it comes to child labor, a rights-based approach raises the needs and interests of the children to those of society societal goods with accompanying claims of legitimacy in the legal and political spheres.

Bhuyan (2017) Child labour has been seen as a sociological and economic phenomenon. The country's dominant economic system of production heavily influences the interaction between children and work. Children's economic role changes as a result of changes in the labor force's composition brought about by changes in the economic system and method of production. Children are so increasingly engaged in industry, as well as in residential and commercial settings, since industrialization and the possibility of paid labor State of child workers in India mapping trends (UNICEF) Samantroy, Sekar, and Pradhan Child labour is not a homogenous group and children are engaged in a variety of activities: paid/unpaid, self-employed/wage-employed, domestic works/industrial works, migrant/non-migrant, etc. some of these areas of work can be hazardous others might be just a learning experience for children. In India's rural areas 'Child labour' refers to work that is mentally, physically, socially or morally harmful to children; prevents them from attending school; obliges them to leave school early; necessitates that they try to fit in school attendance with unduly lengthy and demanding employment.

Even though the studies under evaluation had certain methodological, theoretical and limited focus issues of the studies under review. They have unquestionably provided very valuable insight and information into the magnitude of the menace of child labour in india. These studies help us comprehend the nature of the issue and important factors that contributed to the epidemic of child labour in our culture, such as social information, economic background, child rights, literacy levels, etc.

Methodology:

The study is to identify and find child labour in India and perspective study of children rights. The methodology involved is the collection of secondary data from the sources like census report, e-book, thesis, journal articles, research paper, many online sources the constitution of India's website, ministry of labour & employment of India's website, various Acts relation with child labour and data was analyzed.

Child Labour in India

In India, child labour has always been a problem it inhibits children's healthy growth. As a child, s/he is the future of the India but s/he facing a serious problem of child labour through a long period. The issue of child labour is serious and major worry for the entire world as well as for our country. Though historically, in every stage of development children took part in economic activities, the child labour has been identified as a problem in recent times. It is said that child labour is a result of the conflict of development of a child (Raj, 2010, p. 19)

In south Asia, the highest incidence of child labour is to be found in India. The problem of child labour is enormous in India where a huge number of children start work from as early as 5 year of age. Child labour exists and there is regional variation in its spread across the country. Estimates of child workers differ widely from one source to another depending upon the deferential use to identify a worker and method being used to estimate the total workforce (Bhuyan 2017). The issues of child labour is a major challenge to our country, with many children under the age of fourteen working in agriculture, brick kiln, construction, stone breaking, hotel, restaurant, animal husbandry manufacturing and household work . According to Indian government report, there are 20 million child labourers in the country, but other agencies claim that it is 50 million.

State wise total number of working children in the age group of 5-14 years as per Census 2001 and Census 2011 are as under:

Sl	Name of state/ UT	No. of working children in the age group of 5-14 years	
		Census 2001	Census 2011
1.	Andamn & Nicobar Island	1960	999
2	Andhra Pradesh	1363339	404851
3.	Arunachal Pradesh	18482	5766
4.	Assam	551416	99512
5.	Bihar	111750	451590
6.	Chandigarh U.T.	3779	3135
7.	Chhattisgarh	364572	63884
8.	Dadra and Nagar H.	4274	1054
9.	Daman & Diu U.T.	729	774
10.	Delhi U.T.	41899	26473
11	Goa	4138	6920
12.	Gujarat	485530	250318
13.	Haryana	253491	53492
14.	Himachal Pradesh	107774	15001
15.	Jammu & Kashmir	175630	25528
16.	Jharkhand	407200	90996
17.	Karnataka	822615	249432
18.	Kerala	26156	21757
19	Lakshadweep UT	27	28
20.	Madhya Pradesh	106529	286310
21.	Maharashtra	764075	496916
22.	Manipur	28836	11805
23.	Meghalaya	53940	18839
24.	Mizoram	26265	2793
25.	Nagaland	45874	11062
26.	Odisha	377594	92087
27.	Pondicherry UT	1904	1421
28.	Punjab	177268	90353
29.	Rajasthan	1262570	252338
30.	Sikkim	16457	2704
31.	Tamil Nadu	418801	151437
32.	Tripura	21756	4998
33.	Uttar Pradesh	1927997	896301
34.	Uttarakhand	70183	28098
35.	West Bengal	857087	234275
	total	12666377	4353247

*Source- Census 2001 & 2011

Child Labour in the age group of 5-14 years as per Census 2001 and Census 2011 both rural and urban India:

Year	Percentage of working children (5-14)			Total number of working children (5-14) in millions		
	Rural	Urban	total	Rural	Urban	Total
2001	5.9	2.1	5.0	11.4	1.3	12.7
2011	4.3	2.9	3.9	8.1	2.0	10.1

*Source- Census 2001 & 2011

All over India, Uttar Pradesh, Bihar, Rajasthan, Maharashtra, and Madhya Pradesh constitute nearly 55% of total child labour in India.

States	Percentage	Numbers (In million)
Uttar Pradesh	21.5	2.18
Bihar	10.7	1.09
Rajasthan	8.4	0.85
Maharashtra	7.2	0.73
Madhya Pradesh	6.9	0.70

* Source- Census 2001 & 2011

There are 259.6 million children in India between the ages of 5 and 14 as of the 2011 census. 10.1 million of them, or (3.9% of all child population) are employed, either as “major worker” or as ‘marginal worker’. Moreover, about 42.7 million children in India are out of school. In however, there has been a 2.6 million decline in the number of child labour cases between 2001 and 2011. Child labour has different ramifications in both rural and urban India.

Factors leading to child labour

Child labour is not one single factors, multidimensional factor can lead child labour issues. The main cause of child labor are believed to be poverty and lack of property, a lack of education, ignorance and illiteracy, slow and ineffective legislation laws, family size, cheap commodity, high fertility rates, lower levels of earning of adults backwardness and disaster.

Poverty: Poverty is the main factor behind the child labour. Poverty come from less income and less property of family parents are struggling to provide basic needs like food, shelter, and clothing in this matter child is forced to work and earn at a very early age. A large number of migrant children are seen working in big cities like Delhi, Bombay, and madras. In a survey found that 81% children were migrants in Bombay. According to Child Rights You India, Reducing poverty is a necessary step towards tackling the root cause of child labour.

Lack of Education:

There are still situations where children are denied their fundamental right to an education. There are thousands of villages in our country where there are inadequate educational facilities. And it’s miles away, if there is any. Such administrative negligence is also responsible for child labour in India. Education is the key to transforming lives, and every child has rights to education. But all over India, quality education is not accessible, and many children in India do not have access to proper schools. Also the ignorance of parents towards education results in lack of education of the child, and she or he has no another options but to work and earn his living.

Illiteracy- According to the CRY organization, one out of three child labourers in India is illiterate. Though Right to Education is a fundamental right guaranteed by the constitution of India to each citizen of India. Many child labourers in India are those who didn't even complete their basic school education or those who didn't even enter a school. When every child will start getting education then there will be a hope for a decreasing number of child labourers in India.

Family size: large family size is another factor in child labour, In India many family have more than two child or families income is very low, which lead to lack of health care and opportunities to grow into a healthy family environment. As a result, the child's access to food and other facilities is limited. Work as a child labour.

Backwardness and Disaster: According to GNF, India has been one of the poorest countries in the world, and estimated 37.6 per cent of the people in the country are considered to be poor. The statistical global distribution data for child labour clearly shows that backwardness is significant factors influencing the intensity of child labour. Disaster is also reason behind the child labour. For example, in Assam, many families are displaced by disaster and move from one place to another for household income with their parents, and children help their parents in this matter. They depart from their educational institution

Slow and ineffective legislation laws:

There are many laws and policies regarding child labour, but some of those laws still lack enforcement. According to CRY India actively advocates for stronger legislation, actively participating in policy discussion to ensure that the legal framework is robust and comprehensive, leaving no room for exploitation.

The Circumstances they face:

- Effect on studies
- Life and work on the street in impoverished conditions.
- Deficiency of nutrients
- Adverse effect on health
- Premature death and long term impairments
- Limited pay or no pay
- Subjection to physical, mental and sexual abuse
- Full time work at a very early age and excessive working hours

Children rights and constitutional provisions:

The UNCRC states that children's rights are fundamental freedoms and entitlements that should be afforded to all persons under the age of eighteen regardless of race, colour, gender, language, religion, origins, wealth, birth, status to all people everywhere. The constitution in India provides certain rights to the children. These rights are mentioned below

Article 14: The Constitution of India

In this article, mention right to equality, right to equality, which means all are equal on the basis of caste, race, religion, sex, place of birth or any of them and ensuring equality before law and equal protection of laws.

Article-15 & 15(1): The Constitution of India

This article protects citizens from discrimination on the basis of religion, race, caste, sex, or place of birth. The article also states that special accommodations can be made for women, children, and the underprivileged.

Article -21 A: The Constitution of India

This is an important article in our constitution that ensures the right to education, free and compulsory education to all children of the age 6- 14 years as a fundamental right in a way that the state may, by legislation, specify.

Article-24: The Constitution of India

Article 24 protects the rights of children; it is prohibited for any child under the age of fourteen to work in a mine, factory, or other hazardous employment.

Article 39 (e): The Constitution of India

This article's main concerns include the preservation of the health and strength of workers and children against forcible abuse.

Article-39(f): The Constitution of India

This article related to opportunities for the healthy development of children. The state is responsible for providing the necessary resources for people to grow up in a healthy way, with freedom and dignity, and without being exploited both morally and materially.

Article-45: The Constitution of India

The article mentions provision for early childhood care and education to children below the age of six years.

Article 46: The Constitution of India

This article also promotes the educational and economic interest of weaker sections.

Article 47: The Constitution of India

The state's obligation is to improve nutrition and the quality of life and to enhance public health.

Case laws

There are some cases that are important for children rights.

MC Mehta V. State of Tamil Nadu

This is a historic judgment on child labour that elaborates on the situation of child labour in India. In this case, it highlighted the relation between poverty and child labour and also the state's lack of fervor in addressing the issue and its inability to completely eradicate child labour. The judgment also considered potential solutions to eradicate child labour.

People's Union for Democratic Rights vs. Union of India

This is an important judgment that included the prohibition against forced labour and minimum wage. The children under the age of 14 who were engaged by the mines to perform hazardous labour could be harmed. It is the responsibility of the respondents of the Union of India, Delhi Developmental Authority and Delhi Administration- to ensure that the contractors follow this obligation. In this case, the Supreme Court also ordered the State Government to modify the Employment of Children Act, 1938.

Bandhua Mukti Morcha V. UOI:

This is a public interest litigation case that directed the state of Uttar Pradesh to stop using child labor in the carpet industry, to issue welfare directives that forbid child labour under the age of 14, and to give children access to health and education facilities in an effort to put an end to child labour. In this case, the court addressed how safeguarding children's rights to health care, education and development which ensuring democratic advancement.

Unni Krishnan Vs Andhra Pradesh:

The judgment in this case is that children have a fundamental right to free education up to the age of 14. The Court must be highlight Articles 41, 45, and 46 they must use these articles to interpret the provisions of the right to education.

Neeraja Chaudhary Vs State of Madhya Pradesh :

The Supreme Court of India stated in this case that provisions for the rehabilitation of the child labourers and bonded labourers should be made available in addition to their rescue.

Sheela Barse Vs Secretary, CAS and Others:

The Supreme Court held in this case that if children of today do not grow properly, the future of the country will be dark. The future of the nation rests on providing children with the right upbringing and education so they can become decent citizens.

Legislation and policies on Child Labour:

The Government of India has taken proactive steps towards prevention and elimination of child labour. A number of measures were also taken in this regard at both the state and central level.

The Factories Act 1948, is one of which has provisions for the constitution of a Child Labour Committee in every factory. This committee ought to include employers, workers, representatives committee is responsible for regulating and controlling employment also forbids employment of children who have not under the 14 years.

The child labour (prohibition and regulation) Act of 1986, a child is defined as someone who has not yet reached the age of 14. This act governs not only the working hour of children but also their working circumstances, and it prohibits children from hazardous occupations and regulate the services of children in non-hazardous occupations.

The Juvenile Justice (care and protection) of children Act, 2000, is based on the rights of the child. It applies the principle of restorative justice i.e. to put a situation back in equilibrium after a criminal incident rather than simply meting out punishment. The primary objective of this system is to focus on the preventing crimes and injustices against juveniles. Its amendment in the year 2006, stated that, "any working child under the age of eighteen years is a 'child in need of care and protection' this Act also designates the child welfare Committee (CWC) as the proper body to prosecute employers that hire minors for work that is against the law.

The Child Labour Amendment Prohibition and Regulation Act, 2016 and The Right to Education Act 2009 have paved the way for ratification of ILO's two core conventions. Convention No 138 states that the potential age at which children can start work should not be below the age of compulsory schooling and children's must be at least 15 years old to begin working, unless they are in impoverished countries where there may be an exemption. Convention No. 182 forbids hazardous work that could endanger children's physical, mental or moral health. It seeks to end the worst types of child labour for those under the age of 18

In India there are many constitutional provision, policies, laws and legislation addressing the child labour issues. This problem is extremely complex and deeply interwoven into the socio-economic structure, such policies and laws have to be backed by an adequate social infrastructure open to interventions amid the evil practice of child labour.

Recommendations to stop child labour:

To protect the children rights and eradicate child labour as a grassroots problem, some recommendations are below

- The child labour is primarily caused by poverty. It is essential to enhance programs and policies to eliminate poverty and make sure that they are implemented correctly.
- Education is the key to human resource development in this matter, and quality and compulsory education is important to eradicate child labour. For example industrial revolution it was possible to eradicate child labour in Europe due to a combined mandate of eradicate child labour and implementing compulsory education.
- While it is often recognized that protecting children is important, the rehabilitation of children who are impacted and abused require our utmost attention. Although laws like POCSO appears to provide victims and their families with rehabilitation and compensation, the fact is that these laws are grim and often allow the families and the victims to turn hostile and stop cooperating.
- India has established a comprehensive and rigorous legislative framework to safeguard children, however, much attention needs to be given to the implementation starting at the very grassroots level. Sometimes it results from carelessness in adhering to procedural obligation, causing severe unfairness to the majority of innocent people.
- Spread awareness program like Media, NGO and Government campaigns which help to eradicate child labour because it's likely that people avoided committing crimes out of concern for a social boycott.

CONCLUSION:

Children are an indispensable part of a future-developed society. If society does not solve child rights or child labour issues, then we don't call it a development society. All over India, we have seen many child labor issues as human rights violations. Children are assets of a future society, so we have needed to develop their fundamental rights and DPSP rights like social, economic, political, and civil rights, which are ensure the physical, social, moral and mental development of children. There for people cooperation must be paired with government efforts. Establishing a multi-level agency comprising government, civil society, NGOs, social workers at all levels_ from the central, state and to the local, grassroots level is necessary to develop and carry out plans to end child labour.

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