



LEGISLATIVE BAN OF CHILD LABOR: A HARSH QUESTION IN INDIA

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Abstract: Child labor is a big challenge for us because upbringings of children require care and attention. They are future of our country. Scholars argued that banning child labor and their immediate withdrawal from the labor market at any cost would be sufficient to eradicate it, while opponents found pervasive effect of increasing it further. Therefore, ban on child labor is an important issue and to further the research it requires more investigations. In this study we conducted a survey of 327 households and obtained qualitative data through interview schedule with the local Anchal Proadhan, Police Officer, Head Master, Post Master, Officers, respectable persons of the locality to find out the justifications for its banning. Using simple statistical tools, we found that parents and children are in favor of combining work with study and they straight away rejected legislative ban on child labor for their survival and earning livelihood, thereby contributing to the answer of harsh question. The important implications of this study is for the policy makers to understand the issues of child labor, whether its ban would be right.

Index Terms - Ban, Child labor, Earning livelihood, Survival, and Upbringings.

I. INTRODUCTION

During December 2009, this researcher was walking at Domkal, found a number of bare footed poor children between the ages 5-8 years were collecting sticks and twigs (Fig.1). They were compelled by the situation for earning livelihood at this tender age when their body has not fully developed and muscles are agile. The scenario is unchanged till to-day. They are still found to clean floor in running trains, working in brick fields, serving in *Dhaba* (road side eateries), or engaged as domestic servants even after government's mandate for banning such works. Is this child labor? Statistical Information and Monitoring Programme on Child Labor (SIMPOC) and Convention on the Rights of Children (CRC)



Fig.1: Children Collecting sticks and twigs at Domkal

defines child labor as any work done by the children under the age of 18 years which is exploitative, hazardous, and unsuitable for their age. While Indian legislation, Child Labour (Prohibition and Regulation) Act' 1986 permits doing light work with the aid of their family members in family enterprises. This motivates the researcher to study on banning child labour.

Again in December 2019 at Siliguri, we found some children between the ages 8-10 years were engaged in child labour picking rags in bare hands (**Fig.2**) from a dumping ground near Kadamtala Post Office and lifting load (**Fig.3**) that was disproportionate to their age and capabilities. Even the educated persons are seen throwing litters, rags, etc. there and the poor children are attracted to collect plastics or garbage materials in such a dangerous place. It indicates that the number of child labour are not reducing though the government data reflects that the child labour is declining. Similar cases are also found till today not only in the metropolitan cities like Delhi, Bangalore, Kolkata, Chennai, Hyderabad but other urban and suburban areas.



Fig.2: Children picking rags at Kadamtala, Siliguri

Colleague experienced similar incident when she went to a Mall at Silchar. It was 22.00 hours, after attending wedding ceremony, she wanted to take fast food for her elder son, who was at home for preparation of his examination, she was shocked to see a young boy operating the lift, appeared to be of 12 to 13 years. He had dry face in winter and he was hiding his face behind the side of the lift. While she enquired about age, being shy and embarrassed, he replied 22 years and was reluctant to talk. She was thinking how to help such children, offered him to contribute, but he denied to accept. She wondered what compelled him to reject her contributions? In another incident also a boy



Fig.3: Children engaged in lifting load

approached her for domestic work, saying he was 18 years, she wanted to verify his age proof from school records, the boy scared but she advised him to continue studies. She also promised to pay the boy three thousand rupees, which he sought to continue his studies. The next day the boy came and said his father did not agree to accept money from others and he left. She still wondered why did the boy do so?

II. REVIEW OF LITERATURE

The argument of this paper may be summarized as firstly we argued into the causes of child labour and secondly estimation of child labour that emerged over time to understand the definition of child. Next, we argued for the remedies of child labour and consequently we discussed our results and finally conclusions.

Parental poverty and illiteracy (Srivastava, 2019), are the dominant cause for child labor. Due to poverty parents are unable to borrow money (Cigno, 2004) for their children's education. Ultimately parents send them to labour market. Other causes, inter-alia, include deprivation and exploitation (Mizen et al., 1999), ignorance, traditions, fertility (Cigno & Rosati, 2001), large family size, (Poncdek & Souza, 2007), lack of nearby schools and support (Ávila, 2007), cultural belief (Delap, 2010), unavailability of water and electricity (Guercello et al., 2004), and greediness of the employer. Uncertain returns to human capital (Pouliot, 2006), credit constraints (Balland & Robinson, 2000), quality of schools (Mitra & Ray, 2000) and low return from children's education (Bhalhotra, 2000), is also responsible for child labour. Poverty of the family push them to labor market, and the greedy employer pulls them due to cheap labour rate for making profits. This raises a harsh question whether children should be allowed to work or it should be banned immediately. The protagonists are in favor of banning child labor, not allowing them to work and they must be withdrawn from the labor market immediately at any cost. But the antagonists are in favour of allowing them to work, they should combine work with study for earning livelihood and survival of their family, as their withdrawal from the labor market may push their family at stake. It is also documented that the school dropout rate increased the child labour (Tang et al., 2018).

The magnitude and nature of child labour varies from country to country and from place to place. Moreover, it depends upon the definition of child. It is, therefore, very difficult to make any suitable policy by the government and international organizations for its eradication without having the estimated number.

In India, according to Child Labour (Prohibition and Regulation) Act' 1986 "child" means a person who has not completed his fourteenth year of age. These children are permitted to work in occupations and workshops with the aid of their family members. Yet, the UN Convention on the Rights of the Child 1989, adopted by the General Assembly, confers freedom and rights to the children and they need to be protected from economic exploitation and doing any work that is hazardous or hamper education or harmful to their health or social, mental, physical, moral or spiritual development. In next few paragraphs, we will discuss about the estimation of child labour, remedies and investigate about the banning of child labour.

The census of India 2011 estimates 4.35 million (including 8.22 million marginally working children between 3-6 months) working children between the ages 5-14 years in the country, 0.23 million children are working in the state of West Bengal, in capital the city Delhi alone more than 26000 children are working. International Labor Organization (ILO), in 2000, estimates about 352 million unfortunate working children in the world, ages between 5-17 years, are employed in various form of commercial activity. The estimation of child labour, therefore, depends upon the methodology adopted and the definition of child. It is seen that the number is varied widely.

The Government of India hosted National Child Labor Project (NCLP) in various districts for its eradication, recent census data revealed that the number of child labor is decreasing, but the deplorable fact is that the district administrations are unaware of such project that may be the reason for large number of child laborers in this planet. This fact attracted the writer of this paper to speak and document the problem for the benefits of the children and the society. The readers may contribute the ways for eradication of child labor because they will feel proud of doing something great for the society. The law of return will pay them in long run. The readers may also think for suitable solutions for its eradication. One of the solution found by a Researcher that the improvement in economic conditions of the households may reduce child labour while the awareness of the households may increase child labour because they feel that education of the children in India will not solve their economic conditions (Pal et al., 2011). Yet, Maharatna (1997) found population control regulation and providing family control tools to the poor households at an affordable price may eradicate child labour, while Chamarbagwala (2004) found that the child labour may decline if the children realize the prospect of joining high skill jobs after education.

III. METHODOLOGY

This study is based on primary and secondary data. Primary data were collected from the field with the help of interview schedule and the secondary data were collected from the government records, documents of gram-panchayat, etc. Both qualitative

and quantitative data were collected from the focus group and the households having at least one children. There are 1345 households in the village of Ramna Etbar Nagar, out of which 327 households were selected randomly without replacement. Simple tools of statistical methods are used to find out the results. We also collected qualitative data from the Anchal Prodhan, Head Master, Police Officer, Post Master, respectable persons of the locality regarding banning of the child labour.

IV. RESULTS AND DISCUSSIONS

The results showed 95.40 percent of parents and 97.60 percent of children are in favor of combining work with study. But 4.60 percent of parents and 2.10 percent of children are in favor of study only, their perception of work and study is depicted in Fig.4. A large number of children, 84.40 percent, are satisfied with their works but did not share any reason for their satisfaction in doing handloom work. It is also found that 94.50 percent of

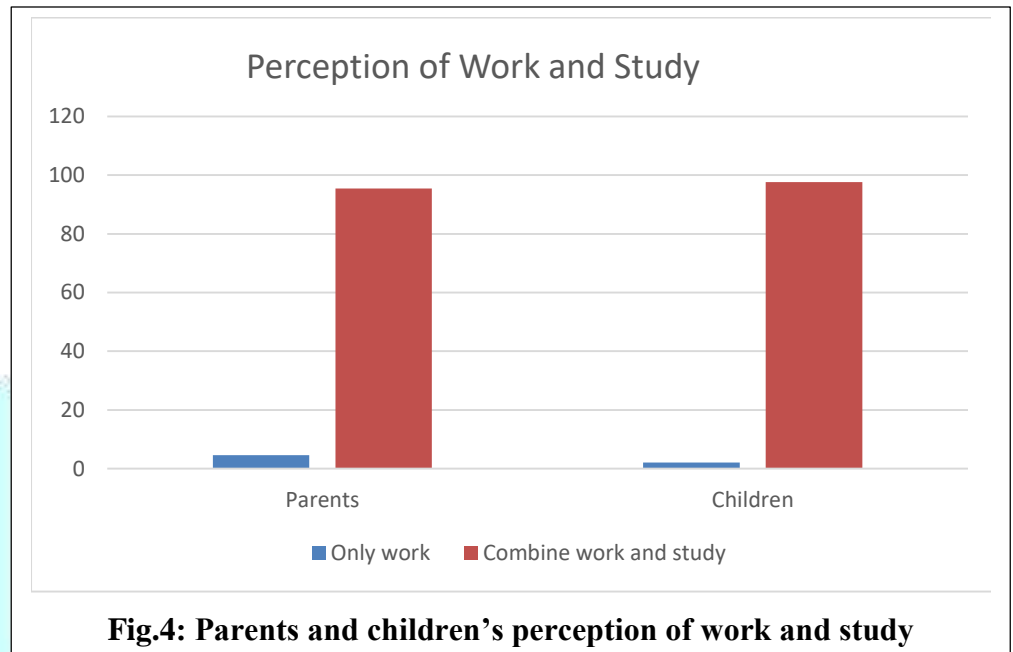


Fig.4: Parents and children's perception of work and study

children give up total income from handloom weaving to their parents for their family existence. Therefore, Basu & Van (1998) argued that banning child labor may be disastrous and they will be compelled to do more harmful work under less scrutiny. These are the reasons for the complex nature of the problem that attracts the attention of all the stakeholders. The solution can be visualized under the careful analyses of all aspects leading to it. However, we found that 62.70 percent of the households give priority of schooling to their daughters, and 99.10 percent parents did not make any gender discrimination.

Legislative ban on child labour is not the solution for its eradication, if they are not allowed to work they may end up as street vendor, cobbler, waiter in restaurant, or beggars and even prostitutes (Cigno et al., 2002). It is also welfare reducing (Belletini et al. 2003) to the poor households and subsidy is the right solution to reduce child labour. Benign legislative actions (Basu, 2003) may reduce child labour. However, respectable persons of that locality opined that legislative ban on child labour will not increase the income of parents. Moreover, to combat child labour the government must direct policy to create sensitivity program in consultation with all persons involved, highlighting the detrimental nature of engagement of children, create schools in the vicinity of the intense child labors areas, host various poverty mitigation projects, and if the children are disengaging from the commercial pursuit their family ought not manifestly be suffered.

V. CONCLUSIONS

To sum up, we cannot eradicate child labor within an overnight. The Government needs to execute various projects with full dedication and sincerity for its elimination. We should arrange awareness program with all the stakeholders involved, highlighting the dangerous nature of involvement of children in commercial avocation, establish institutes where the child labors are intense, introduce various poverty mitigation programs, if the children are disengaged from commercial avocation their family should not suffer. The government may also direct its policy for establishing 'safe residential home' for all child labour where they may be given absolutely free education on day scholar basis. The expenditure may be estimated at about Rs.110 billion per year. Yet, the government may introduce Education Guarantee Scheme (EGS), where the teacher must go to the group of working children

during convenient time. In short term, the expenditure may be huge but return in long term would be immense as these children would perform the leading role in creating new India free from corruption when they are adult. Before disengaging all children from the commercial activities, we must keep in mind about the harsh question that the deprived children are working for their existence, contributing economic growth of the country, and 95.40 percent of parents and 97.60 percent of children are in favor of combining work with study.

Child labor is a difficult issue in the developing economy. It hampers children's education and adversely affects their healthy growth as an independent individual having far reaching implications for the society. They are working at a long stretch of time for earning a meager amount. They are forced to live away from their parents, working in an unhygienic, unhealthy condition and forced to do hazardous activities. They are subjected to torture, exploitation by the employer, suffered from low vision, malnutrition, respiratory disease, deformity, and tuberculosis. These harsh issues may be handled delicately where simultaneous existence of child labour under hygienic healthy condition can be permitted with imparting education at convenient time and place so that economic need is sufficed with education as well as for healthy and educated India for tomorrow. The implications of this study is for the policy makers to understand the issues of child labor, whether should be banned.

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