

Child Labour

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Children have always been taken for granted although reams of documents have been churned out by international and national agencies trying to better the child's tomorrow. Despite all the words written, promises made and conventions signed, too little has changed. A good proportion of children throughout the world, especially in India, forms a part of the toiling masses – destitute, deprived and disadvantaged. Millions of them work in fields and factories, on street corners and in garbage dumps, in private houses and in 'public' houses. Most do some work from their earliest years, helping around the home or running errands. With a low level of education and rundown sense of social responsibility, such children can do much harm to society if they are not treated as equal to others and given equal protection and opportunities to develop to the best of their potential.

The existence of child labour in India is a complex reality, a social crime, a crime against humanity. It is a symptom, however, not the disease. It is but natural that one may be tempted to ask why the problem still exists.

Poverty is the principal and parent cause for the prevalence and persistence of child labour. Large number of dependent children, parental illiteracy, unstable and poor income, and few income-generating assets are the more likely reasons for children ending up working rather than studying. Some studies reveal higher incidence of child labour in poor single-parent families. However, many children work not entirely because of poverty but because of pressure from parents who themselves sit idle or demand extra income to satisfy their various addictions. Ineffective laws and, more often, lack of political will to implement them also contribute to the problem. The inspection machinery is not efficient and in many cases the parents are reluctant to support the relevant programmes of the Government because of their socio-economic compulsions. Child labour is preferred by many employers mainly because it is cheap, and comes without any liability. Sometimes, the parents also offer their children to work for an employer in lieu of a loan or debt.

The constitutional vision (Article 45) of 'universal' and 'compulsory' education for all children up to the age of 14 is till today an illusory mirage. Parents consider it prudent to send their non-school-going children to work and earn. The

principle of 'spare the rod, spoil the child' being largely followed by school teachers, repulsive methods of teaching and many social discriminations at village schools result in a great number of drop-outs; these are naturally pushed into the labour market, rural or urban. Lastly, the increasing industrialisation and urbanisation and soaring materialistic aspirations have also a say in this respect.

The phenomenon of child labour is not, however, new or recent. Even a long time back children were being sold and purchased as slaves to the rich. Poor children were also employed in well-to-do houses. Generally, parents would involve their children in their own professions. In the Gurukul system of education, the students were asked to perform various tasks for their teachers like begging for food, collecting fuel and milking cows, though it was all a vital part of their learning. Exploitation of children at work or making them work at the expense of education has always attracted the flak of sensible people. According to Manusmriti and Arthashastra the king was to make education of every child compulsory. Despite that, children would do some work either at home or in the field along with their parents. Kautilya prohibited the sale and purchase of children.

Child labour in its present form made its appearance around the mid-19th century when modern industries were introduced in India by the British. Disintegration of indigenous self-sufficient village economies, and sub-sequent scarcity of food and soaring prices compelled the villagers to migrate to the new industrial centres for livelihood. The employers found children more sincere and easier to bully into harder work than their elders; they could also be paid less. The magnitude of child labour gradually began to grow, especially in deep mines, factories and plantations. Simultaneously their conditions of work became more inhuman, more pathetic. Many philanthropists began to denounce the modus operandi of employers and the exploitation and abuse of children. This resulted in the First Factory Act (1881) which laid down that children between the ages of 7 and 12 years could not be made to work for more than nine hours a day. (Today the hours seem astoundingly hard!) Since then several constitutional and administrative measures have been taken at international and national levels to ameliorate the conditions of child labour and

to ultimately eradicate it. Both the Indian Constitution and the International Labour Organisation believe that a human child should be given opportunities to enjoy the pleasures of learning and play at least till he or she completes 14 years of age. But these remain pious wishes.

The fields employing children include agriculture fishing, hunting, plantation, manufacturing, maintenance, construction and transport industries, trade and other services. The main pockets of child labour concentration in India are bidi manufacturing centres, restaurants and dhabas, lock-making, carpet industry, match and fire-works factories, diamond and other precious stones polishing centres, glass and brassware industries, bangles and hosiery manufacturing centres, and almost all the tribal areas. Very often one comes across the pathetic sight of children rootling in garbage dumps for rags, paper and plastic pieces. Small children are engaged in various activities like patty vending, shoe-shining and selling newspapers at dangerous road crossings. The abodes of most of them are either streets and pavements or squalid and unhygienic slums.

India has more child workers than any other country and the incidence is on the increase. According to the Asian Labour Monitor, every third household in India has a working child, every fourth child in the age-group of 5-15 is employed and over twenty per cent of the country's GNP is the contribution of child labour. According to one estimate, there are around 50 million child labourers in India. Such children are denied opportunities for growth, development, learning, health care, recreation and deprived of much-needed love. They are forced instead to step into the world of adult work with child wages. They are the only kind of workers who have no representatives of their own in legislatures, who have no union, hence no unrest, no demands for better facilities or wage-hike. As a result, they are the most low-paid and uncared-for workers in the labour market.

Hard long hours of labour thwarts the children's world of imagination, and kills their creativity by thrusting them into a mechanised way of life. It chokes their mental and physical growth. Their tender mind and tiny limbs can hardly withstand the work-load they are subjected to. The result is disastrous. Soon, they start suffering from asthma, tuberculosis, rupture of ear-drums, skin diseases, besides of course even losing a limb or two while working. Some child workers even start taking country liquor, opium, marijuana and other drugs to ward off exhaustion. Their disturbed childhood also drives them to crime. India's juvenile crime rate is 3.1 per thousand persons. Sexual perversions and abuses are also witnessed among them as they willy-nilly become the fertile plain for evils like homosexuality, prostitution and indiscriminate sex to flourish. The whole system, the inequitable socio-economic-political ambience is responsible for the plight of children. They are being punished not for any fault of theirs but for that of their elders.

Faced with such an alarming problem, we have to act swiftly. Though the abolition of child labour is the ultimate objective of any sane society, one cannot ignore the ground realities. At present the thrust of effort is on amelioration of the conditions of child labour. The Indian Government's policy is to prohibit the employment of children in hazardous jobs and regulate their conditions of work in other occupations. The Constitution has made the protection of children below 14 years a guaranteed and enforceable fundamental right under Article 14 – "no child below the age of 14 years shall be employed to work in any factory or engaged in any other hazardous employment". According to Article 39 (e), the tender age of children should not be abused and citizens should not be forced by economic necessity to enter vocations unsuited to their age and strength. Article 39 (f) states that children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity so that childhood and youth are protected against exploitation. Article 45 calls for free and compulsory education for all children till the age of 14. Various safeguards for child labourers have been provided in the Factories Act (1948), the Mines Act (1950), the Plantation Labour Act (1951) and other Acts. In 1974, India adopted a resolution on National Policy for Children. In 1975, the Government introduced the Integrated Child Development Programme. The enactment of the Child Labour (Prohibition and Regulation) Act of 1986 has been the starting point of the Government's active intervention in this field. The second major initiative has been the formulation of the National Policy on Child Labour (1987). It aims at tackling the problem in a phased manner with a three-pronged strategy : amending the legislation to give it more teeth and strengthening the mechanism for its stricter enforcement; focusing on development programmes for the benefit of child labour; and initiating rehabilitation schemes for children withdrawn from employment and providing them education, health care and vocational training. At present there are 14 major legislative enactments to provide legal protection to children in various occupations.

Constitutional provisions and legislations alone, however, cannot combat the menace unless supplemented by comprehensive socio-economic programmes and educational uplift, and total change in the social psyche and attitude. The Government cannot be expected to achieve much on its own; it is essential to involve in the effort various voluntary organisations and the employers themselves who depend to a large extent on the child labour force. It would also be more purposeful to have a single ministry or department at the centre to deal with the problems of children in place of the existing multiplicity of authority: that would optimise the operational coherence and all-round economy. A joint committee of Parliament can also be set up to constantly review the policies and programmes regarding child labour. A strong parliamentary pressure group on behalf of this unrepresented constituency will be an institutional catalyst. At

the micro level, the working conditions of children can effectively be improved; holidays and medical help should be ensured. Atrocities – both mental and physical – perpetrated by employers should be detected and punished. And the debts of parents should not be visited on the heads of their children.

The legislative framework and policy perspectives on child labour have apparently been lopsided and have failed to mitigate the miseries of children. The programmes formulated for their betterment remain on paper for want of adequate funds and political will. Very little effort has been made to tackle the problem effectively. Neither parents nor employers have been penalised for exploiting children. Very few alternatives for vocationalising have been provided. Child labour is embedded in the social milieu and economic compulsions of India. The problem is far more complex than the do-good foreigners, the do-better Indian activists and the do-nothing Government realise. It can be solved neither by punishment nor by inducements alone. In a country fragmented by diversity of religious, cultural, social and ethnic backgrounds, it is imperative that the programmes cater to the felt needs of the people. This means that the process of change will be slow and until it is complete, India will have to live' with the problem. In the interim, mitigation is all one can hope for, but here the efforts must be sincere and steady.

The West may salve its conscience by banning carpet imports from India because of the tender hands that have suffered in making them. But a practical thought must be spared for the plight of the children if suddenly deprived of their livelihood. Crime, prostitution and destitution can hardly be a better fate than child labour.

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