Child labour

As per International Labour Organisation (ILO), child labour is defined as work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development.

Child Labour in India and its Elimination

Child labour is a major socio-economic problem faced by India. It is a multi-dimensional problem with grave consequences for the country, impacting whole of the Indian society. As per 2011 census, the number of working children in the age group of 5-14 years has been reduced to 43.53 lakh or 5% in 2011 from 3.6% in 2001.

Child labour is a major hindrance in the path of development of our country. ILO 2016 data indicates that there are 152 million working children in the world between 5-17 years, of which 23.8 million children are in India. Therefore, 16% of the working children (or every 6th working child) in this age group is in India. It has also been found that the issue of child labour is more prevalent in rural areas because of more vulnerability and lack of efficient mechanisms. Child labour is both a cause and effect of poverty. It impedes children from gaining the skills and education during early childhood and it also denies them the opportunity of decent work as an adult.

Constitutional Stance on Child Labour

**Fundamental Rights:**

**Article 21A** - Right to Education - The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.

**Article 24** of the Indian Constitution prohibits employment of children below the age of 14 in factories, mines, and other hazardous employment.

**DPSP:**
Article 39 - The state shall direct its policy in securing that the health and strength of workers, men, and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Legislative provisions

India has passed a number of laws on child labour since Independence to strengthen its resolution to solve the problem of child labour.

- Government formed the first committee called Gurupadswamy Committee in 1979 to study the issue of child labour and to suggest measures to tackle it. The Child Labour (Prohibition & Regulation) Act was enacted in 1986 based on the committee’s recommendation. The Act prohibited the employment of children in certain specified hazardous occupations and processes and charted out the regulations for the working conditions in others.
- The Act was recently amended in 2016. Its various provisions are:
  - A complete prohibition on employment of children below 14 years in all occupations and processes
  - Linking the age of the prohibition of employment with the age for free and compulsory education under Right to Education Act, 2009
  - Prohibition on the employment of adolescents (14 to 18 years) in hazardous occupations or processes
  - Making stricter punishment for the employers contravening the provisions of the Act
- The 1986 Act also resulted in the formulation of a National Policy on Child labour in 1987 for a holistic approach towards the issue of child labour.
- In 1996, the need to identify working children and rehabilitate them was re-asserted by the Supreme Court of India in MC Mehta v/s State of Tamil Nadu case.
- In 2017, PENCIL portal was launched to implement the National Child Labour Project in 1988.

International Co-operation

India is an active member of International Labour Organisation. India also became the first country to join IPEC (International Program on the Elimination of Child Labour) in 1992.

In 2017, India had set a landmark in the direction of eliminating child labour by
ratifying 2 ILO conventions - no. 138 - minimum age convention and no. 182 - worst form of child labour convention. Convention 138 or Minimum Age Convention requires the ratifying states to design and implement a national policy to ensure abolition of child labour and to progressively raise the minimum age for admission to employment while convention 182 or Worst Forms of Child Labour Convention requires the country to take immediate action to prohibit and eliminate the worst forms of child labour. India is also committed to the Sustainable development goals and Target 8.7 of the SDGs call to end child labour in all its form by 2025.

What needs to be done?

Child labour in India is a result of multitude of factors including inequality, lack of educational opportunities, slow demographic transition and wide income gaps. Age, sex, ethnicity, caste and deprivation affect the type and intensity of work performed by the children. As major child labour employment is in the agriculture and informal sector - decentralised actions are bound to yield better results against child labour.

According to ILO, stable economic growth, respect for labour standards, decent work, universal education, social protection, recognizing the needs and rights of the children - can together help tackle the root causes of child labour.

India known for its demography throughout the world, needs to give more attention to trace children out of child labour and direct them towards formal education and skilling. Relief and rehabilitation mechanism for the trafficked and vulnerable children must be strengthened. Awareness should be created and strict action must be taken against people employing child labour. Labour laws must be enforced with more rigour involving equal empathy and responsiveness from the society.

The CRUX:

- Decline in number of working children – 5% in 2001 to 3.9% in 2011
- SDG goal 8.7 – To end child labour in all forms by 2025

Need:

- To invest in research, surveys and assessments on child labour.
- To build a strong nexus between the discourse on SDGs and on eliminating child labour
- Involving the private sector to ensure that child labour is effectively eliminated in their supply chains