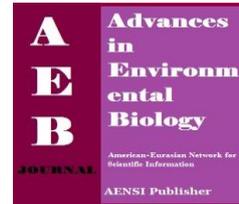




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Child Labor in India: Challenges and the Ways Forward

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ABSTRACT

Despite the global attention to the child rights, there are many challenges forward and the execution of labor right in practice has been faced many challenges along with many pitfalls. Among the countries that already experience child labor issues, India is notable. Regardless of many attentions from the authorities' side, the child labor in India faces many problems yet to be resolved. Many regulations have been passed from Indian legislation till now but, there are many challenges and pitfalls forward. This paper looks to the situation of labor right and child labor in India.

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INTRODUCTION

In the Constitution of India from 1950, articles 14-16, 19(1)(c), 23-24, 38, and 41-43A directly concern labour rights. Article 14 states everyone should be equal before the law, article 15 specifically says the state should not discriminate against citizens, and article 16 extends a right of "equality of opportunity" for employment or appointment under the state. Article 19(1)(c) gives everyone a specific right "to form associations or unions". Article 23 prohibits all trafficking and forced labour, while article 24 prohibits child labour under 14 years old in a factory, mine or "any other hazardous employment".

Articles 38-39, and 41-43A, however, like all rights listed in Part IV of the Constitution are not enforceable by courts, rather than creating an aspirational "duty of the State to apply these principles in making laws".^[1] The original justification for leaving such principles unenforceable by the courts was that democratically accountable institutions ought to be left with discretion, given the demands they could create on the state for funding from general taxation, although such views have since become controversial. Article 38(1) says that in general the state should "strive to promote the welfare of the people" with a "social order in which justice, social, economic and political, shall inform all the institutions of national life. In article 38(2) it goes on to say the state should "minimise the inequalities in income" and based on all other statuses. Article 41 creates a "right to work", which the National Rural Employment Guarantee Act 2005 attempts to put into practice. Article 42 requires the state to "make provision for securing just and human conditions of work and for maternity relief". Article 43 says workers should have the right to a living wage and "conditions of work ensuring a decent standard of life". Article 43A, inserted by the Forty-second Amendment of the Constitution of India in 1976,^[2] creates a constitutional right to codetermination by requiring the state to legislate to "secure the participation of workers in the management of undertakings".

A brief statistics:

It is difficult to monitor the current number of children engaged in child labor. This is because the Indian Government does not collect or analyze current data regarding child labor. Collecting information is difficult because people know child labor is against the law and they do not want to get into trouble (Devi 1985, 37). Many official figures continue to be based on information gathered in 1981 (HRW 1996, 122). UNICEF estimates that there may be "from seventy-five to ninety million child laborers under the age of fourteen" (HRW 1996, 122).

What are children doing in terms of work?

The 1981 Census of India (cited in Nangia 1987, 72) divided child labor into nine industrial divisions.

- I. Cultivation,
- II. Agricultural Labor,
- III. Livestock, Forestry, Fishing, Plantation,

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- IV. Mining and Quarrying,
- V. Manufacturing, Processing, Servicing and Repairs,
- VI. Construction,
- VII. Trade and Commerce
- VIII. Transport, Storage and Communication, and
- IX. Other Services

Table 1.1 shows the percentage distribution of child workers by these industrial divisions in 1981. Human rights organizations tend to focus on the manufacturing types of child labor because most children in these situations are bonded laborers. Bonded laborers work in conditions similar to slavery in order to pay off a loan, and for children this is usually a parent's debt (HRW 1996, 2). Estimates place the number of bonded child laborers in India at close to one million [International Labor Organisation (ILO) 1992, 15].

Causes of child labor in India:

Child labor is a source of income for poor families. A study conducted by the ILO Bureau of Statistics found that "Children's work was considered essential..." (Mehra-Kerpelman 1996, 8). In some cases, the study found that a child's income was between 34 and 37 percent of the total household income. This study reveals that a child's income is important to the livelihood of a poor family. However, there is a questionable side to this study because the parents of the child laborers gave the answers to the survey. Parents want to support their decision to end their children to work by saying that it is essential. Still, they are probably right; for most poor families in India, other sources of income are hard to find. There are no social welfare systems and no easy way to get a loan/

The role of poverty:

The percentage of the population of India living in poverty is high. In 1990, 37% of the urban population and 39% of the rural population were living in poverty (ILO 1995, 107). Poverty has an obvious relationship with child labor (Mehra-Kerpelman 1996, 8). Families need money to survive; children are a source of additional income. According to Nangia, 63.74% of child laborers said that poverty was the reason they worked (1987, p. 174).

The combination of poverty and the lack of a social security network form the basis of an even worse type of child labor – bonded child labor. For the poor, there are few sources of loans of any type – and even if there are sources available, few Indians living in poverty qualify. For a small amount parents exchange their child's labor for money (HRW 1996, 17). Since the salary of a bonded child laborer is less than the interest on the loan, the loan grows. It is impossible for the poor to pay off such loans (HRW 1996, 17) and the child must continue to work until the loan is repaid.

Even though poverty is cited as the major cause of child labor, it is not the only cause. Poor schools, a lack of schools, or even the expenses of schooling leaves some children with little else to do but work. The attitudes of parents also contribute to child labor; some parents feel that children should work in order to develop useful skills.

1) Indian Government and Child Labor:

Since its independence, India has made a commitment to work against child labor and government laws do not allow children to work under the age of 14 (Constitution of India cited in HRW 1996, 29). The Bonded Labor System Act of 1976 also ended forced labor by law and freed all bonded laborers (HRW 1996, 30).

In 1994 the Elimination of Child Labor Programme was designed which promised to end child labor by the year 2000. It promised children a one hundred rupee payment as well as one meal a day for attending school instead of working (Human Rights Watch 1996, 119-120). Where the funds for this program are is unknown. The government needs eight and a half billion dollars for the program over five years. (HRW 1996, 120).

All the policies that the Indian government has support the eradication of Child Labor but the problem remains. Enforcement is the key. No enforcement data for child labor laws is available. Officials should, but do not, collect statistics to monitor enforcement of the laws (HRW 1996, 131). Although the lack of data does not mean enforcement is nonexistent, the number of child laborers and their work participation rates show that enforcement, if existent, is ineffective.

Education and its effects on child labor:

What is the current state of education in India in comparison to other developing countries?

India's state of education is not effective enough to give basic literacy skills to the population. It has been observed that "the overall condition of the education system can be a powerful influence on the supply of child labor" (Grootaert and Kanbur 1995, 193). The 1991 Census of India shows that 64% of males and 39% of females were literate (The World Bank 1995, 113). India's primary –school completion rate of 38.0% was also lower than China's rate of 70% and Sri Lanka's rate of 90.8% (UNESCO cited in Weiner 1991, 159). Few

students are reaching fifth or sixth grade, and dropout rates support this conclusion. Rates measures by the Department of Education show that 3.5% of males and 39% of females drop out (Government of India cited in the World Bank 1995, 113). Why? One possible reason given by Nangia (1987) is that the family needs money and thinks school is a waste of time. This causes parents to take children from school and place them in the labor force (p.182). In this case, poverty and the inadequacy of the school system play significant roles in causing child labor, and also affect each other. Poverty forces high dropout rates, and so no matter how good schools are, school completion rates and literacy rates will still remain low.

Conclusion:

Child labor is a significant problem in India. Its prevalence is shown by child work participation rates which are higher in India than in other developing countries.

The major cause of child labor is poverty. Even though children are paid less than adults are, whatever income they earn is of benefit to poor families. In addition to poverty, the lack of adequate and accessible sources of credit forces poor parents to use their children as bonded child laborers. Some parents also feel that a formal education is not useful, and that children learn work skills through working. Another cause is poor access to education. In some areas, education is not affordable, or is found to be inadequate. With no other alternatives, children inevitably spend their time working.

The Constitution of India clearly states that child labor is wrong and that measures should be taken to end it. The government of India has set a minimum age of employment. This Act does not make all child labor illegal. Despite policies enforcement is a problem. If child labor is to be stopped in India, the government and those responsible for enforcement need to start doing their jobs. Policies without enforcement are useless.

REFERENCES

- [1] Goldman Sachs says reforms to create 110 mn jobs for economy in 10 yrs Business Today, March 2014
- [2] Goldman Thumbs Up for Gujarat Model The Times of India
- [3] "Employing Workers, 2011. data (based on input from ILO, OECD, local governments and private employers)". The World Bank. 2012.
- [4] <http://pib.nic.in/newsite/PrintRelease.aspx?relid=71533>.
- [5] <http://www.thehindu.com/news/national/minimum-wage-hiked-by-rs15/article1609572.ece>
- [6] <http://www.fairlabor.org/blog/entry/fair-labor-association-secures-commitment-limit-workers-hours-protect-pay-apples-largest>
- [7] Gordon, Li, Xu (12 August 2010). "Labor regulation, economic complexity, and the China-India gap". Hamilton University.
- [8] Adhvaryu, Chari and Sharma, 2009. "Firing costs and flexibility:evidence from firms employment responses to economic shocks". Yale University.
- [9] "IMF calls for urgent reform in Indian labour laws".
- [10] Kaushik Basu, Gary S. Fields and Shub Debgupta, "Retrenchment, Labor Laws and Government Policy: An Analysis with Special Reference to India". World Bank.
- [11] RC. Datta / Milly Sil. "Contemporary Issues on Labour Law Reform in India".
- [12] "Economic survey of India 2007: Policy Brief". Organisation for Economic Co-operation and Development.
- [13] "India Country Overview 2008". World Bank. 2008.
- [14] "A special report on India: An elephant, not a tiger". *The Economist*. 11 December 2008.
- [15] Gurcharan Das, 2006. "The India Model". Foreign Affairs.