

“CHILD LABOUR IN INDIA - A CRITICAL ANALYSIS”

-By **G. Satyanarayana**, P.G.D.F.E., M.A., M.S.W., M.L.

Principal P.S.R. Law College, Turangi, Kakinada

There is a saying that CHILD is the FATHER OF MAN but we do precarious little for our children for whom ostensibly all the Great Modern shrines are put.

Despite the above aphorism, we find millions of sad human faces of children in our industries in the form of child labour. They depict a sombre picture of our modern industrialism.

Concept :

Two meanings can be assigned to the words CHILD LABOUR. One is related to its static meaning and the other a dynamic one. According to static meaning, it connotes the Labour Power inherent in children. According to the dynamic meaning, it is the labour power of children being used as a factor of production in the course of employment. It is the second meaning that is generally assigned when we talk of child labour. This labour power is being misutilised creating in its wake lot of problems. The reasons for the growth of child labour can be categorised as,

1. Economic reasons.
2. Social reasons.

Economic Reasons :

Economic reasons are the impelling force that drives the poor parents to send their children in their childhood for employment. The low per capita income of the masses and the dire economic compulsion of the family to supplement the family income, the ever increasing cost of living leave no alternative to the poor but to send their children to earn in this tender age.

Social Reasons :

Lack of proper understanding and enlightenment among parents that today's child may be potential citizen tomorrow if his innate talents are properly nurtured and allowed to sprout is the main reason. Lack of infrastructure facilities like elementary schools, technical training and skill imparting institutions to the extent necessary, in the reach of the lower class people is another reason.

Large prevalence of educated unemployment leads to general frustration among people about the usefulness of education. This cause adds to the dimensions of social thinking and makes masses to dispute their young children for employment. On the other hand, plenty of economic opportunities for child labour offering short term returns induce parents to abet in the sacrifice of the future potential of their children.

Magnitude Of The Problem :

The problems of child labour is causing social and political concern all over the world. International labour organisation is also actively involved in focussing its attention and finding ways and means to avoid this exploitation of child labour.

Today in India in almost all trades and occupations, child labour is increasing by resorted to and thus the potential growth of the child is made use of. This in turn leads to stunted growth of children and leads to mediocrity.

However much the public media system is being made use of to condemn this unholy practice of employment of child labour, the number involved is showing a progressive

rise. The ways and means being adapted in rooting out this system are not yielding the expected results mainly because of the ingenious ways being adopted the unscrupulous employers by making effective use of the corrupt social fabric to their personal advantage.

The methods of control being imposed to solve this malady can be categorised thus :

1. Statutory controls.
2. Constitutional safeguards.
3. Making compulsory education for children as a social obligation and declaring it as a fundamental right.
4. Providing incentives for studies.
5. Bring about moral suasion thus trying to influence the thinking of masses about the paramount necessity of sending their children to learn before they are made to earn.

The first three come under reactive measures and the next two come under proactive measures in tackling the problems of child labour.

1. **Statutory Controls :**

By statutorily restricting the employment of child labour in certain hazardous employments and thru Child Labour Abolition Act and by insertion of suitable provisions in the Factories Act, the Government is actively in the field of discouraging employment of child labour. Violations of these provisions entail in imposition of penalties. Since the penalties are light in nature, the balance of convenience in employment of child labour *vis-a-vis* payment of penalties for violations go in favour of employers rather than absolutely eradicating this problem. Thus despite the statutory controls, the problem could not be successfully tackled.

2. **Constitutional Safeguards :**

The Constitution of India recognised the magnitude of the problem. In chapter III- Fundamental Rights which are justiciable, Article 24 speaks thus :

“No Child Below the Age of Fourteen Years shall be employed in any factory or mine or engaged in any other hazardous employment”

This constitutional safeguard forbids employment of child labour altogether, Further Art. 23, employment of children takes the shade of *Forced Labour* as it is through economic force only children are driven to employment. Justice *Bhagavathi* in *Peoples Union for Democratic Rights v. Union of India* has given a new dimension to the concept of *Forced Labour* by expounding and expatiating the contours of the concept of *Forced Labour*.

3. Of late, right to education is sought to be incorporated as a fundamental right. Will the Society rise to the occasion and make profitable use of the right is a debatable point. It will only create a right without ensuring the means of educational facilities and without ameliorating the economically weaker sections who supply child labour in increasing number.

4. **Providing Incentives For Studies :**

The Governments are resorting to supply of free books, provision of mid day meals in elementary schools and making education free upto High School level for all. These incentives are mainly aimed at influencing the attitude of parents and inducing them to send their wards to schools instead of employment. Empirical studies reveal that these measures however laudable they are in their content are losing their vigour and vitality in implementation. The resources that are made available from public funds are being frittered away for personal enrichment of the “politically influential

gentry". The result is only to run to be where we are.

5. Moral Suasion :

In the recent past, electronic media is being intensively made use of to bring about a transformation of social values in the employment of child labour wherever it is in vogue. But how effective its influence is on the masses scattered over a billion dollar question.

Unless this problem is tackled from the gross root level, it cannot yield perceptible and fruitful results.

Effects of child labour :

1. Positive effects
2. Negative effects

Positive Effects :

Nimble hands are specially suitable to certain occupants like Fire Works, Beedi Rolling, Art Work etc. To the extent these workers are profitably employed, it will contribute to the social good. Their contribution adds to the increase in National Wealth. To the extent of the earnings made by child labour, they supplement the income of those families below the poverty line. Since the wages that are payable to these workers are generally and relatively lower than adult workers, the employment of child labour increases the profit margins of the entrepreneurs and thus induces them to set up more and more industries. This in turn increases employment at the macro level.

Negative Effects :

Employment of child labour stultifies the

growth of the child. A child can grow only to a limited extent. To the extent these children are employed, they reduce the volume of employment which would otherwise be available to adult workers. It leads to concentration of wealth through increased profits in the hands of the investors. Unless simultaneously their skills are sought to be improved, child labour would have to be content with mediocrity. There will be no full fledged development.

In this connection, Shri V.V. Giri's categorical statement is worth quoting : "A child Labourer is as much a child as any other and needs opportunities for the growth of his personality. It is only when the dire necessity to work for himself or for supporting his family is correlated with his growth and education, the social evil of child labour can be mitigated."

Thus when the pros and cons of child labour are balanced, the balance of convenience will swing in favour of avoidance of child labour as it results in loss of schooling, mental retardation, physical strain and deprivation of opportunities for sport and past time which are so vital for a child's normal growth. If a child is made to resort to labouring, the security, warmth, love and opportunities for mastering his immediate environment both physical and social will be denied to him.

Dr. Kumarappa rightly states that "We can increase the efficiency of our workers not by making children work in factories during that period of their life which is best suited for receiving instructions but by keeping them out of factories and providing them adequate facilities for schooling and vocational training".