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A Critical Study on Child Labor with Special Reference to Unorganized Sectors

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ABSTRACT

Children are the ones who are very importance for deciding how the world is to be after certain years. Children play a vital role in improvement of a countries wealth and standard . Child labor refers to the employment of children in different illegal sectors for monetary gain. Child labor is a big curse to the nation. In a developing country like India child labor is a major threat for its further development. Children are forced to work under organized and unorganized sectors like crackers industries, matchbox manufacturers, as small workers in hotels and so on. Child labor in an unorganized sector is a serious socio-economic problems challenged by most of the country's in the world. Mostly children from poor economic background are involved in child labor for overcoming their daily needs. The primary reason for this is children are not aware about their rights and freedom because of the lack of education and knowledge also their parents are not having sufficient knowledge about educating their children. Though there are many laws existing for providing compulsory education for children it is not followed all over India which is a major drawback of the government. India being a country with 39 percent of total population represent children is the 3rd manpower country in the world. This shows the negligence of our Indian government in the development of the country. Here author tries to convey the reasons and causes of child labor in unorganized sector and gives certain suggestions for reducing child labor in unorganized sectors like small looms, matchbox industries, candle industry, crackers industry.

I. INTRODUCTION

India is a country with largest population and stands number one in child population. Future of a country lies in the hands of children. Investing in a child means investing in future .³Indian constitution provides fundamental rights to all children in the country and protects the dignity of a child .it also empowers the state for making special provisions for the development of children. The Directive Principles of State Policy peculiarly guides the government in securing

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³ http://www.mospi.gov.in/sites/default/files/publication_reports/Children

the rights and protecting them from any abuse and ensuring that they are getting equal opportunity and facility⁴. Child labor is employment of children in unorganized and organized sectors which is a great drawback for the development of a country⁵. The main reason for this child labor is the lack of education for parents and lack of awareness among the society. In recent days child labor has changed drastically because of the implementation of improved legislation and awareness among the owners about the punishments they will face if they employ children in workplaces. Children are forced to work in different unorganized industries like rag-picking, lock making industries, beedi rolling, brick kilns, tea garden and so on. Works are even gender specific females are given priority in doing domestic and household work whereas boys are involved in daily waged work like vegetable seller, car drivers, workshops and so on. Though Indian government is providing sufficient facilities for the development of children's education it is not practically applied in day to day life. Apart from basic laws for the protection of children there are several specific laws for protecting children from child labor, child abuse and so on. Here in this paper the author will be explaining in detail about the above mentioned specific laws and also give a summary on juvenile justice for the protection of children. India being a country with high children population, that is, more than 36 percent of total population can do many development works which will improve the future drastically. From the above mentioned details it is clear that India is a leading country in manpower. Proper governance of this population will lead the country into a developed country much earlier than expected year. In this paper author will explain about different problems faced by children while working in an unorganized and organized sectors and gives some suggestion for abolishing child labor in the country.⁶

II. MAJOR REASONS FOR CHILD LABOR IN INDIA

There are several factors which contribute to child labor in our country. Apart from normal child labor hazardous child labor also exists. The major reason for this is parents lack of knowledge, poverty, poor economic background is imparted on children. The result of this action is child grows as an illiterate and does the same for his upcoming generations. Our government is also providing so many facilities for poor people and children but it is not reaching the poor in correct way, here the author considers that the main reason for this is because of the corrupted government running in different countries in the world. according to

⁴ <https://www.uu.nl/en/news/investing-in-children-means-investing-in-the-future>

⁵ www.ilo.org/ippec/factschildlabor the employment of children in an industry or business, especially when illegal or considered exploitative.

⁶ <http://unicef.in/whatwedo/21/child-labor>

worlds statistics India is among the top 100 corrupted country in the world⁷. And there a many local bodies that take away the basic facilities provided by the government to the poor and economically backward communities . hence corruption plays a major role in increasing poverty in a country .Apart from poverty and lack of livelihood and income there a many more reasons such as conflict or wars between people , droughts , natural disasters , family indebtedness and so on which effect the people even more and are forced to work in local bodies and made their children laborers in their childhood more important reason that is to be noted is increasing in rural poverty . if we do a careful research on this topic well come to a conclusion that increase in urban migration is the major problem for poverty in rural arrears . so in order to maintain their livelihood they are forced to go to work and could not educate their children properly .and in India more than 45 percent of population are living under poverty line . thus , poverty is a greater cause of child labor in India apart from some other factors.in many poor families children play a major role for the daily livelihood of many people . different socialists say poverty is the main cause for all kinds of problems which effect the development of a country including poverty. Lack of proper supervision is also a reason for child labor in India . one in four children are engaged in child labor in most of the poor countries .⁸child labor is very high in most of the unorganized sectors and certain organized ones. here in this paper the author will be explaining in further about the increased child labor in unorganized sectors.

III. CHILD LABOR IN UNORGANIZED SECTOR

Unorganized sector can be defined as a sector which lacks basic element of an organized sector. An un organized sector is run by unregulated , low-paid and poorly skilled workers⁹. Such industries will be quite simple and can even be done by a small child for example, match box industry ,beedi industry, fragrance stick industry etc. while defining an unorganized sector we can say that they give less importance to the surrounding , nature of environment where the workers work , it is completely ignorant about the health of the workers and most of the employees are illiterate and uneducated. And unorganized sector is run with a very low capital investment and very low number of workers.¹⁰ According to National Commission on Enterprises in the Unorganized Informal Sector in 2004 an unorganized sector consists of less

⁷<https://www.ranker.com/list/the-most-corrupt-countries-in-the-world/info-lists>

⁸<https://data.unicef.org/topic/child-protection/child-labor/>

⁹www.cbwe.gov.in › Training Activities Unorganised sector is one where the employment terms are not fixed and regular, as well as the enterprises, are not registered with the government. A number of acts apply to an organised sector like Factories Act, Bonus Act, PF Act, Minimum Wages Act, etc. whereas unorganised sector is not governed by any such act.

¹⁰New Man International Journal Of Multidisciplinary Studies (ISSN: 2348-1390)

than 10 workers and it is a private enterprises .¹¹it is clearly there in laws that children should not be forced or recruited for doing woks but since unauthorized industries are providing jobs for children it is clear that they are not obeying any of the order from the government and they don't have a formal employer and employee relationship and even they may even exceed the minimum duration of work allotted for the employee. Child labor in unorganized sectors have reduced to some extend because of The implementation of strict rules and regulations which is very beneficial for the development of a country .

There is a vast difference between unorganized sectors work in rural and urban areas, that is in case of rural area people much concentrate on caste and community which is less or absent in urban areas . children from poor family background are mostly involved in unorganized work for maintaining their day to day livelihood . There are many countries which are really poor but has very less child labor in their country. Children's are also counting in such workplaces because of the unavailability of an alternative option to escape For that situation .according to social researchers the foremost reason for child labor in India is high range of poverty in India which blocks all the doors for the development of a child but opens its path only for working or daily wage .¹²unorganized sectors won't provide proper wage for the work done by the children . also their working time will be too high. It is clear that unorganized industries will suck the working capacity of a worker until they get drained. Unorganized sectors wont even provide proper safety measures If anything wrong happens to the worker. Crackers industry is he worst industry where every year a considerable amount of death is occur but no precaution or further actions taken till date.

IV. PROBLEM FACED BY CHILD LABOR IN UNORANIZED SECTOR

Unorganized sector is completely different from an organized one ,they don't have any rules or regulations or proper working environment as mentioned by the government. There are several refugee children who are coming from different countries for survival in India .Most of them doesn't even have parents they are forced to do work , in their work place they are facing lots of problems such as sexual abuse, overwork which a child cant afford and most of the children who are left from parents are used for human trafficking .¹³child trafficking is a serious issue prevailing in India . according to a report submitted by US department of state, India is the source , transit country and destination for children subjected to forced labor and sex

¹¹<https://www.wonderslist.com/10-most-corrupt-countries-in-the-world/>

¹² New Man International Journal Of Multidisciplinary Studies (ISSN: 2348-1390)

¹³ProblemsFacedByRefugeeChildrenandSocialWorkY.SnoubarCTS-58.pdf

trafficking .¹⁴India is under a great need for the implementation of child protection mechanism. Still many children working In brick kilns, construction sites, and agricultural land, trafficking for the sake of forced child labor and for the gain of certain working class people. Apart from this girls below the age of 9 who are coming for work are forced to engage in sexual work and forced into the sex trade. Child labor reduces the knowledge of a child from developing side and makes them to live in a poor working conditions. A proper safety or security is not ben provided to any of the child. Many places children are working even though that are not ell or not able to do the work. Even though they working for long time and giving their maximum outputs to their owners are not giving them sufficient wage for their work . there won't be any justice for these children until there is a strong implementation of the legislature.

V. LAWS INVOLVED

After the independence from colonial rule Indian government has implemented large number of constitutional acts and laws for the protection of children from child labor. Also the constitution of India has provided fundamental rights and the directive principles of state policies prohibits children below the age of 15 from working in factories, mines or in any place which is hazardous which is mentioned in art 24. Our Indian constitution also promises that compulsory education should be given to children of age group between 6 to 14 years. Since India is having a federal form of government, child labor is considered to be a serious issue in which both central and state government should take a clear decision by implementing law and regulations.

Following are the major legislatures present in India.

(A) THE CHILD LABOR PROTECTION ACT 1986, AMENDED IN 2016("CLPR ACT")

This child labor and protection act is one of the most discussed and debated topic regarding living children in India. This article gives a clear idea on how a child has to work and where a child should not. Work.in this there are different parts that separately deals with when and where a child can y allowed to work and when the child should not . The child labor protection act was again Emden in the year 2016, by including some_more provisions. Amended act completely banned the intake of children below the age of 14 except those business which is run by their own family, provided their education should not be effected .

They also added a new category of persons called adolescents. People from the age of 14 to 18 years are considered to be adolescents. And they should not be provided with job in any

¹⁴<https://www.cry.org/issues-views/child-trafficking>

hazardous occupations. They added a provision for providing fund for rehabilitation of children. Earlier we had 83 hazardous occupations but after the amendment of this act it reduced to 3 which is of great impact. And those three occupations are inflammable substances, mining and hazardous processes which is mentioned under factories act. Union government is having a special provision to add and omit any jobs under hazardous category.

District magistrate got some powers for checking whether the acts are properly implemented and protected. Periodic inspections were implemented in order to facilitate a smooth flow of the society.

(B) THE JUVENILE JUSTICE ACT, 2015

The act was passed in the year 2015 and its main provisions is to protect children. The main need of this law is to protect and take care of children through proper treatment, development, social re integration, and by adopting a social friendly method for handling children. And juvenile justice act also dealt with conflicts or any heinous offences created or involve by any juvenile and will be held in juvenile court. And people from the age of 16 to 18 are considered to be adults.¹⁵

Where as, our constitution clearly states under clause (3) of article 15¹⁶, article 47¹⁷ and clauses (e) and (f) of article 45¹⁸, that state has to ensure all need of a children and their basic human rights should be protected. Juvenile sector is there for protection the rights of children and making them realize their mistake. There are many cases where a number of people below the age of 18 years who are coming under juvenile justice are committing most serious offences which a normal people can't even think.

(C) THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT OF 2009:

Right of child to free and compulsory education act was came in the year 2009 and the first amendment was made in the year 2014.¹⁹ In 2017 another bill was passed for the second amendment of the right of children to free and compulsory education. In that bill there was

¹⁵http://legislative.gov.in/sites/default/files/A2016-2_0.pdf

¹⁶Article 15(3) in The Constitution Of India 1949,

(3) Nothing in this article shall prevent the State from making any special provision for women and children

¹⁷Article 47 in The Constitution Of India 1949, 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health

¹⁸Article 45 in The Constitution Of India 1949

45. Provision for free and compulsory education for children The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years

¹⁹https://en.m.wikipedia.org/wiki/Right_of_Children_to_Free_and_Compulsory_Education_Act,_2009

many changes from the right to education Act 2009 ,that is according to the 2009 act all the children should complete the elementary schooling ,till 8th class without any retention . But this bill amends that provision by keeping exams in class 5 and class 8 at the end of each academic year. If the child is unable to crack that examination or fails in any examination then the child will be given an extra chance of writing the exam called re examination. If he could not complete that too then the school automatically can retain the child from passing the class and going to the next academic year.This bill was introduced in Lok Sabah in the year 2017. Later the bill was referred on to standing committee on the same year and the report came from them on 9 Feb of 2019.

VI. CASE RELATED TO CHILD LABOR

(A) M.C. MEHTA V. STATE OF TAMIL NADU,

The petitioner in this case filed a public interest litigation before the court under article 32 which is connected with the problem of employment of children in match box factories of sivakasi district of Tamil Nadu state .sivakashi is a traditional place for manufacturing mathsticks and crackers , which is supplied throughout the country and some are even exported.in the affidavit of the state they have mentioned in sivakasi nearly 221 registered match stick factories , in which nearly 27300 workmen's are present out of them 3000 workers are children²⁰. Here the manufacturing of match stick is a hazardous one and due to very low technical improvements and lack of proper care a number of fatal accidents are occurring every year. Along with that working condition is not so normal which involves special risks while manufacturing the producing and results in adverse effects on health which is a very serious issue. This has been in existence for more than half a century. Mr. Mehta has brought this problem in Front of court for receiving a judicial decision on this issue. From this we can see that these factories are directly connected with the process of manufacturing were children are involved in final production of the product²¹. This should be avoided because this is very hazardous to children .according to art39(f) of Indian constitution children should be given equal opportunity for developing them in healthy manner and youth are protected from exploration. And in provisions of art 45 in the directive principles of state policies children under the age of 14 should be in school and shall get proper education and economic necessity may force children to work. Hence children can be employed in packing work that should be away from the manufacturing place which will avoid any dangerous accident to some extent.

²⁰<https://lawtimesjournal.in> > Case Summary

They also mentioned a fixed wage should be given to children and it should be 60 percentage of what an adult will be paid for doing the same job. And special safety and security should be provided to children. And a compulsory insurance policy should be provided for both children and adults. And the Tamil Nadu State shall ensure an amount of Rs 50000 as insurance amount. District magistrate kamaraj gave this judgment.²²

VII. SUGGESTIONS FOR ABOLISHING CHILD LABOR

The following are certain suggestions to prevent child labor across the country. If we invest more on them and protect them more we will reach to great height. In the childhood a child a person can enjoy his life to the peak²³. But making them work and compelling them to not to go to schools should be avoided. But India being a country with high children population they also have very high amount of child labor. The main reason for this is poverty. More than 75 percentage of people are below poverty line.²⁴ So there is nothing new in having very high child labor. And we can see child labor more in unorganized sectors. Now we'll see some ways to prevent child labor.²⁵

- There are several acts as mentioned earlier which is very enough for stopping child labor and overcoming any barriers for children. The main process is expecting those laws and regulations properly. If we do this properly it is enough and a primary step for abolishing child labor to some extent.²⁶
- At the primary stage of life, that is childhood no child should be taken for work. This should be plotted in the hearts of people who employed them seeking laborers with very low wage. If they change their attitude towards children and stop making them work and take elders for doing the same work will result in high reduction of child labor along with reduction of unemployment among citizens to some extent.²⁷
- It is very clear that media is a powerful weapon for drastic changes in the world. There are many cases in which media plays a very critical role in government. People believe blindly on what a media portrait to people. So media can take a huge step for creating awareness about child labor among the common people so that they won't directly or indirectly involve in child labor. Most of the child labor is because of the lack of

²²<https://www.casemine.com/judgement/in>

²³<https://www.thebetterindia.com/>

²⁴<https://mhrd.gov.in/rte>

²⁵www.indianchild.com/childlaws/child-laws-in-india.htm

²⁶timesofindia.indiatimes.com/city

²⁷ndianresearchjournals.com/pdf/

awareness among the people and parents so if media Will's they can make a great change.²⁸

- Poverty is a deadly weapon because of which most of the country are defeated. For child labor too poverty plays a major role . If a family is not having sufficient income for running their lives then it is obvious that they will force their children to work in order to maintain their livelihood. So it is in the hands of our government to take proper steps to avoid poverty , which will improve a country I different ways . And child labor will be totally gets abolished from a country if it's country is having 0 percentage of poor people.
- Awareness should be produced among individuals for a better developed society. If the people are having awareness about human rights and rights a child has can make a very large change in this world. So educate a child which is equal to educating a family . Child education is very important . We need to give enough awareness to people about the free policy available for children . Most of the parents are not educating because they think they need more money for educating a child. But if they know that child education is free till the age of 14 then it is sure that theology educate them.²⁹
- Government education system should be improved as other private schools . Though they are having a much talented teachers than a private school, quality of education is different in both the cases. So a quality education should be provided in all government schools.

VIII. CONCLUSION

Child labor is thus a forced labor enforced on the children between the ages of six to fourteen belonging to various sectors of India. Child labor directly or indirectly affects a child's life in different aspects. This paper depicts a clear picture on how children are affected and how they can overcome it with the help of different social organizations and the government. The author aims to draw the attention of the readers to the disheartening condition of India and child labor. Though India accommodates numerous laws for the welfare of children, such as free education, child rights to protect their dignity and freedom, juvenile justice acts and much more, some societies still remain unaware about the preceding laws. A country like India homes a population where a majority of the population is still below the poverty line which further paves the way for child labor. The future and vision of our country lies in the hands of children and

²⁸<https://www.globalethicsnetwork.org/profiles/blogs/role-of-media-in-our-society>

²⁹<https://www.theodysseyonline.com/awareness-in-life>

child labor crushes their future along with ours. In conclusion, upholding the laws and protecting the integrity and rights of children can therefore facilitate towards the development of the nation.

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