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Causes and Consequences of Child Domestic Labor in India

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ABSTRACT

Child labor is one of the most severe issues and hindrances in developing countries. Though there are many efforts and inputs to eradicate child labor by the different International organizations and legal provisions, it couldn't stop it, ultimately leading it to a failure due to numerous reasons. Different organizations have established exceptional measures and passed numerous laws and regulations to stop child labor, however, the issue stays inescapable around the world. The point of child labor has different causes and clarifications. One the existence of Child Labor is in the form of domestic delivery both in rural and urban areas. A boy child works in industries and manufacturing units, where a girl child is kept at home to work such as doing household chores and restaurants (dish washing, cooking, sweeping, and cleaning). It forces children into various environments which we can't imagine. It forces children to trafficking it into child pornography and migration to another place to work, which leads to exploitation and exhaustion at an early age. Due to social classification and caste system, domestic child labor mishaps in India are pretty confounded and profoundly settled. There are various causes of domestic child labor, such as poverty, social and economic backwardness, and lack of education and resources. The consequences of child labor are abuses, discrimination, exploitation, deprivation of love and affection, lack of basic needs, child pornography, prostitution, social stigmatization, and trafficking of girls early.

I. INTRODUCTION

Domestic workers are one of the most minor protected workers who face different struggles. It is one of the oldest and un-recognized informal occupations for million occupations worldwide. The world wide precise and definite work depends on the person who has hired them. Every child is special and possesses unique skill and creativity. They are often called buds of hope, which will gradually open with time if they are well taken care of and nurtured correctly at an early age.

Children are the most essential resource for the overall development of the country. The future

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of every nation lies in the hands of the children. They shall form an integral part of society in the future in civil service, public administration, politicians, scientists, and leaders, which shall take the country forward with the new development approach. It is the collective duty of individuals and society to enroll children in education sectors and institutions which will enhance and upgrade the creativity child's brain. They are the wealth of the Nation, which will solely depend on how the children are brought up and developed from an early age. They will make a huge difference in society and bring positive changes. Albert Bandura, a psychologist, believed that "By observing the actions of others, including parents and peers, children develop new skills and acquire new information"³. They need to educate from a young age to contribute to the country's development. Many psychologists support that childhood plays a critical role in shaping the children's future. It is the responsibility and duties of society to take care of wellbeing and progress of the children.

Domestic child labor is one of the most common labor in every society which most of the people fails to notice because of its hidden phenomenon and most of the domestic labors are not reported. They are often subjected to harsh treatment and abuses from their employer or master. They also suffer psychological effects of working for long hours, carrying heavy loads and doing multi-task at the same time. They face harsh humiliation and inhuman treatment which will have psychological and social effect child's upbringing. Exposure of children to adverse childhood experiences will hinder development and wellbeing of a children⁴. They are prone to illness such as lungs cancer, Sexually Transmitted Diseases (STDS), mental distress which includes depression and anxiety, Social relationship, violence and exploitation⁵

There are millions of domestic child labor around the world. India is the home to largest slavery in the world. It is difficult to find the exact numbers of domestic labor as most of the domestic workers are not registered and unreported. Girls are more prone to domestic work owing to less muscular strength. They use to work for private households without proper terms of employment which often leads to execution failures of law. Nearly 1 in 10 children are subjected to child labor world wide, some of them are forced to work in a hazardous work through migration and trafficking⁶. In the parallel world of India, with a long history of

³ Child Development Theories and Example, *available at*: <https://www.verywellmind.com/child-development-theories-2795068#citation-3> (Last visited on June 20, 2020).

⁴ Aye Myat Thi, "Child Domestic Work, Violence, and Health Outcomes: A Rapid Systematic Review", 19, MDPI, 1-3 (2021).

⁵ Laksmi Akanta "Prevalence of child labor in domestic sector a study in the West Godavari district of Andhra Pradesh India" 2018.

⁶ Unicef, *available at*: <https://www.unicef.org/protection/child-labor> (June, 2020).

entangled slave labor in Indigo plantation and tea gardens in ancient India⁷. In the middle class family in India, political family, bureaucracy, elite business entrepreneurs, economically higher advantage people are employing children as domestic workers. Although they are provide various essential services, they don't have access to rights and protection. They are vulnerable to violence and harassment and restriction on their freedom. Child Domestic Labor is widely accepted and prevalent in India. Despite some strict legislation and provision child domestic labor still flourish in both rural and urban areas. Some NGO's are still demanding the complete ban on child domestic labor.

Research Methodology

This research focuses on the secondary data which shows the causes and prevalence of child domestic labor in India. It points out the legal provisions and acts which are in place to tackle the child domestic labor which has negative effect on development and wellbeing of the children. It analyzes the legal framework and legislation including child domestic and child labor in India. It analyzes the socio economic conditions of children who are living in poverty and depends on employer for their basic daily needs.

II. MEANING OF CHILD LABOR

A precise definition of child labor is difficult because different countries and organizations have different views and situations that can be applied depending on the circumstances child's age, types of work performed, and conditions and objectives under which the work is performed.

According to International Labor Organization, Child Labor is defined a "Work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with schooling by depriving them of the opportunity to attend school, by obliging them to leave school prematurely, or by requiring them to attempt to combine school attendance with excessively long and heavy work"⁸.

A child worker is anyone under the age of 14 according to the Child Labor Act of 1986. As a child, you are forced to work and earn a living for yourself and your family. The child is at an age when he or she should be growing, enjoying childhood to the fullest, pursuing an education, and developing a strong value system. In addition to hindering the child's' physical and mental development, it places a heavy burden on the family. Many children are forced to work due to

⁷ Chattopdhyay, Amal Kumar, *Slavery in India* 4 (Nagurjun Press, Calcutta, 1959).

⁸ International Labor Organization, *Available at*; https://www.ilo.org/moscow/areas-of-work/child-labor/WCMS_249004/lang--en/index.htm (last visited on March, 28, 2022).

a lack of financial support, adequate food, clothing, shelter, and means of subsistence, among other.⁹”

“Any human being under the age of eighteen”, states Article 1 of the Convention on the Rights of the Child “unless the law applicable to the child requires a child to reach majority earlier”.¹⁰

According to the Article 24 Indian Constitution, it defines child a “Prohibition of employment of children in factories, etc No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment Provided that nothing in this sub-clause shall authorize the detention of any person beyond the maximum period prescribed by any law”¹¹.

According to the Factory Act, 194 “No child below the age of 14 shall be required to, or allowed to, work in any factory. The Act defines a child as a person below 15 years of age. A child who is 14 years or older shall not work in a factory unless they submit a “certificate of fitness – granted by “certifying surge”¹².

According to the Child and Adolescent Labor (Prohibition and Regulation Act), 1986, as amended in 2016 (CLPR Act), “Child is any person under the age of fourteen, and the CPLR Act prohibits the employment of children in any capacity, including domestic services. Employing a child below the age limit prescribed by law is a punishable crime. Children between the ages of 14 and 18 are considered adolescents, and the law prohibits them from working in hazardous fields such as mining, flammable substances, and explosives.

III. CONCEPT OF DOMESTIC LABOR

It is one of the most difficult task to define domestic work as it has not a precise and definite boundaries of work and limit of activities involved in domestic work. It is very difficult to find a clear-cut difference between domestic work and day-to-day usual activities. Yet a vast difference and meanings is depending upon various factors such as age and nature of works performed.

According to the International Labor Organization, “Domestic labor are those workers who work for private household or household¹³. They provide direct or indirect care for family members. It includes cleaning, washing, and ironing clothes, caring for children, elderly, or sick family members, gardening, guarding the home, driving for the family, and caring for

⁹ Child Labor (Prohibition and Regulation) Act, 1986.

¹⁰ Convention on the Rights of the Child, 1989.

¹¹ Constitution of India, 1949.

¹² The Factories Act, 1948.

¹³ International Labor Organization

household pets. Depending on the conditions outlined by their employer, domestic workers may work part-time or full time. A domestic worker hired from the another country which is not a national or citizen of the country is called Migrant Domestic Worker. Domestic worker performs a various forms of work and services depending on age, gender, background, culture and economic background in which they work.

The Domestic Workers and Social Security Act of 2010 defines “Domestic Work” as a person employed to perform household or allied work for remuneration, whether in cash or in kind. “Replacement Work” replaces the main workers for a short and specific period of time as agreed with the employer. There is no restriction on the tasks they can perform.

According to Sociology Dictionary Domestic labor means any numerous task associated with households including bathing children, cleaning the bathroom, preparing meals, shopping groceries and taking out the trash¹⁴. It is a work which is given less importance in a society because their contribution is not measured like any other services but it plays important role in a family which they are hired.

Concept of Child Domestic Work

Child domestic work refers to a child working at the employers home. They do a work which are permitted by laws as well as which are forbidden by the laws. Child domestic workers under the minimum age requirement are categorized as non-hazardous tasks, which are less harmful in nature, and hazardous tasks, which pose a high risk for the child’s future development. In order to know the exact concept of child domestic work it is very important to know the age of the child as age is taken as the consideration for determining the legality.

According to the International Labor Organization “Child means person who has not completed the 15 years of age.¹⁵ Article 2(3) of International Labor Organization (ILO) 138 Convention “According to the Law on Minimum Age of Admission to Employment, the minimum age of admission into employment or work in any occupation “shall not be less than the age of the completion of compulsory schooling, and, in any case, shall not be less than 15”. Moreover, the International Labor Organization emphasizes that children under the age of 15 who are engaged in work or activities that deny them their basic rights and needs, including education, and childhood, should not be employed.

In other words domestic child labor is a work which hampers development and overall growth

¹⁴ Sociology Dictionary, Availabe at <https://sociologydictionary.org/domestic-labor/> (last visited on March 31, 2022)

¹⁵ International labor Organization,1973.

of the child that will directly impact the child at the later age. When the child is employed as a worker he is deprived of his rights which he is entitled by the virtue of birth. It hampers their access to education childhood, skill acquisition, opportunities and freedom.

As per the UNICEF, child is the individual under the age of 18 years¹⁶. Child domestic work is likely to happen to young girls as they are not as muscular as boys who can work in a hazardous work due to their muscular strength. Child domestic work refers to children working in a domestic work sector without a proper framework and terms and conditions. It includes household chores which the work loads are excessively for the child which will impact the development and growth of the child. Child domestic work is a concern as the children who live together with their employers faces unlimited work burden throughout the day which is excessively heavy for a children which will affect the mental and physical development of a child. It is even more difficult as child domestic workers has to depend on their employer to provide basic needs which compels them to bear the discrimination and hardships their employer has to pour on them. They face a mental stress and burden at the young age in order to support their livelihood and family. Some of the children are compelled to work as a domestic labor at the another house where they live separate from their parents at the tender age. Compelled by the lower economic background and poverty children don't have any other options then to work as a domestic labor from the young age. Child domestic labor is the denial of fundamental rights of the children which impacts the physical, psychological and moral degradation, health and wellbeing of the children. In many countries domestic child labor is normally accepted as protected and non stigmatized form of employment compared to other forms of employment. It is strongly linked to cultural and social pattern within its respected boundaries¹⁷. In a developing countries with higher poverty rate and poor schooling facilities child labor is still prevalent in most of the countries. Urban informal sectors account for the vast majority of child labor.¹⁸

IV. THE MAGNITUDE OF CHILD DOMESTIC LABOR

It is very difficult to enumerate the child labor as it is hidden phenomenon where individuals, industrial organizations and high class people fails to report it due to consequences they will face. Child Domestic Labor is even worst as higher class people as they keep domestic workers hidden and unreported. Though the domestic labor works to earn income and support their

¹⁶ UNICEF, 2003.

¹⁷ Helen West, Pearl Boateng, "Child Domestic Work" (April ,2017)

¹⁸ International Labor Organization *Available at:* https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_246207.pdf (last visited on 26 May,2022)

family, they face harsh reality punishment and they are subjected to cruel reality exhibited by their boss or employer. As the number of children performing domestic labor fluctuates on a daily basis, it is extremely difficult to keep track of it. The figure that we get is the estimated numbers which are obtained through study and survey. Ground reality of domestic labor is harsh as it faces different kinds of discrimination, scolding from their employer, non-payment of their salary, harsh works which they are not capable of and they have to do multitasking such as cooking, nurturing children, vegetables shopping, washing and drying clothes and cleaning the surroundings in and around.

The United Nations Children's Fund (UNICEF) estimates that approximately 150 million children aged 5 to 14 are involved in child labor worldwide, or one in six children in this age group working. Half of these children are working under unfavorable conditions which are hazardous and lack safety measures, which are likely to cause more harm and hinder their moral development and progress. 7.4 million children of the same age engage in domestic work, which is mostly performed by girls, according to the International Labor Organization. About 17.2 million of them are paid or unpaid domestic workers. About 11.5 million children work as child laborers, 3.7 million work in hazardous conditions, and 21.4% are domestic workers.

V. CHILD DOMESTIC LABOR IN INDIA: CAUSES AND EFFECTS

There are many causes of child domestic labor and it is diverse in nature. There are some causes which can be tackled with the proper measures and solution. But the complete eradication of child domestic labor is merely a dream due to large size of the population in India. There are many causes of child domestic labor which young children lose out on their childhood and work in an exploitative and hazardous place. Some causes of child domestic labor are;

Poverty

Poverty deprives basic necessities of life such as food, shelter, clothing and it also deprives children of their rights which includes education and moral. Poverty is a state in which indicates the difference between rich and poor. It shows inequality and exploitation in human beings from the beginning which arises due to incompetence, failure and social deprivations. Poverty is the cause of problems to Country, states, community and certain parts of the society. Poverty is one of the primary causes of child domestic labor in India. All nations on Earth are affected by poverty. According to the World Bank, India has the largest number of poor people in the world, which is reflective of its enormous population. Population growth is the leading cause of poverty. It is also caused by inequalities and unemployment which are mainly caused by socio economic factors prevailing in the country. Most of the people living in India are not able

to get basic necessities of life which they are entitled to get. It is very hard to survive in India due to large number of population and on the other hand some people are under nourished while some people enjoy at extreme level of living. In India, the rich are becoming richer while the poor are becoming poorer. Approximately 271 million people in India live in poverty, according to the UNDP¹⁹. It deprives children of schooling and acquiring human skills. Poor parents are left with no other options then to send their children as a domestic child labor to a higher class people who will employ as a domestic helper. Poverty is the root cause of child domestic labor, as children are forced to work from a young age in order to survive under harsh conditions.

In absolute terms, the majority India's population is impoverished. Millions of families are compelled by poverty to sell their children as laborers. One aspect of poverty is nutritional needs. Some people can't afford three meals a day. In a states like Rajasthan, Orissa and Bihar poverty has arose from landless labor, people who are living in the slums, disease, prostitutes and unemployed youths²⁰. It arises due to material goods such as food, shelter, clothes, and other goods and commodities. Natural factors such as unforeseen drought, famines and flood, cyclones and tsunami are all cause of natural poverty in India. There are other factors such as caste, communities and races such as Dome, Dharkar, who are still living below the poverty line.

Majority of the population in India doesn't own assets, land, stocks and shares where it leads to poverty. There are some condition such as socioeconomic and political issues which leads to poverty such as capitalism, black money, debt money and unable to provide education to children. Bihar, Jharkhand, Uttar Pradesh has the highest poverty rate in India²¹. According to the index, 51.91 percent Bihar's population is poor, followed by 42.16 percent in Jharkhand and 37.79 percent in Uttar Pradesh. Punjab has the lowest poverty rate in India. Wealthy landlords who own assets receive all government assistance, while the poor remain impoverished. People who lack skills and education deprived of economic resources and societal rewards. For a small landowner, children contribute as agricultural supports for the

¹⁹ United Nation Development Programme 2018, Available at:// https://www.googleadservices.com/pagead/aclk?sa=L&ai=DChcSEWjkka3o8Pb2AhUBTCsKHeyUBSsYABAAGgJzZg&ae=2&ohost=www.google.com&cid=CAESbeD29mg-VAGh5OyWWgp05kvdXCB2Rq5oGpD_9tY_npFKNnnvJeKHrORJBp9cfmqT8upDlcXhcLhU-5QFRU1PkWhPP64gI9-Mkz0BhW53I5kEyJwYjgASx511VvOemWsbD316vOZxH36rkvDJnG0&sig=AOD64_0n9chiAG2ByBMA61FB-IDUVDSA8Q&q&adurl&ved=2ahUKEwj0_KTo8Pb2AhXs73MBHWnBDIoQ0Qx6BAgCEAE

²⁰ Gadage, "Critical review on literature on concepts, causes, measurement and estimates of poverty in India" (2017).

²¹ Business Standard, Available at: https://www.business-standard.com/article/economy-policy/bihar-jharkhand-up-emerge-as-poorest-states-in-india-niti-aayog-121112600679_1.html (last visited on April 1, 20220).

family as children can easily work in an agricultural farm²². Child goes to work in order to contribute to family income.

Inequality

Inequality is one of the factor which leads to child domestic labor in India. Due to large number of population there are many inequalities which forces children to work as a domestic labor. Inequalities are cultural and passed down from generations which impacts children for the rest of their life. Inequality can be seen in whole parts of India as all the people are not born with equal opportunities and skills. Children born in a high socio-economic background has higher opportunity to enroll them in schools rather than those who belongs to low socio-economic background—unequal access to education makes millions of children trapped in child domestic labor in India. People who belong to higher economic background are able to invest in child to acquire a skills or training so that their children doesn't have to work as a labor.

Income inequality in India is the source of both child labor and child domestic labor in India. When their income reaches at certain level does schooling becomes affordable. Most of the Indian families are poor and they rely upon the earning of children to provide food and other necessities for whole family combined. There are limited numbers of schools in some of the villages in India and there is clash of timings of schools and farm woks carried out by family members in the village which often restricts children for joining the school at the early age. There is also a fear in parents that lack of job opportunities after schooling that their children will be unemployed which makes their children enroll in a agriculture works²³. Child domestic labor is extensively prevalent in lower socio economic society in which most the parents are illiterate.

Large Families

There is a notion in Indian labor system that large families provide more labor force and extra income for the family. With this notion in their mind they fail to notice that the adverse effect on resources and burden on family. When families have a large number of children, they are unable to provide them with basic necessities, which often leads to poverty and increases the unemployment rate. This condition forces them to send their children to work and provide for the family at a young age, robbing them of their childhood.

Unemployment

Unemployment is one of the common factor in India for child domestic labor. It is a situation

²² Nadkarni, M, "Over Population and the rural poor", (1163-1172) (1976)

²³ Child labor and education 1982, Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000085584>

in which the person is capable of working at a given wage but doesn't get a job to work given is physical and mental strength. It is a situation in which the person is willing to work doesn't get a job to work. Though there are many government jobs and private industries are offering jobs for many youths but in reality there is not a sufficient and reliable job which provides enough income to support the family. It is difficult to find reliable and sustainable work which can support the whole family. There are large number of people who are unemployed who are not able to get income. Another form of unemployment is seasonal unemployment which happens in agricultural sectors and tourism which certain activities takes place according to the season. This type of unemployment leaves certain people without income to support their family which forces younger ones in family to work and support as well like a helping hand. The unemployment rate in India was 8.10 percent in February 2022 and 7.67 percent in March 2022, despite a gradual decline. In India, the unemployment rate fell to 7.5% on April 2, with urban employment at 8.5% and rural employment at 7.1%. For a country as poor as India, this is still a very high rate.

Poor Family and less Income

Those people who belongs to lower socio-economic background has no other option rather then to compel children to work and earn. They need to work in order to survive and earn livelihood. The root cause of child domestic labor is poverty and less income earner where they don't have any other option then to work as a labor. There are no other options for poor families and low income earner to indulge children in child domestic work as they need to support their family. In case of a large families it forces children to search for work in order to fill their belly. It compels children to work and contribute some income which is little relief from over burden. Low income leads to un-nourishment and under nutrition which will lead to health issues problems. Children are exploited to work and produce goods at a cheaper rate which is good for producer as it cuts down cost of production.

Discrimination and Caste System

India has a caste system and it can be seen even today in the Indian society. Caste constitutes of complex ordering of social group on the basis of ritual purity which existed from the beginning of human civilization. A person born within a caste family member remains as a member of caste system until death. Children born in a lower caste suffers discrimination and they are objected to work as domestic child labor as they belong to lower caste system. There is strong believe in Indian society that those who are born in higher caste system remains as superior and they command over lower caste people. Traditionally caste system is divided into

four categories of Brahmins (Priest and teachers), Ksyatiyas (Rulers and Soilders), Vaisyas (Merchant and Traders) and Shudras (Laborers and Artisan). Fifth category of caste system is called Dalit (Untouchables) who are assigned the work of assisting the higher caste system. In olden days they are not allowed to drink water from the same wells, they are not allowed to visit the same temples that higher caste people visits and they are not allowed to drink from the same cups in tea stalls²⁴. There is a strong discrimination against Dalit caste in the past. Children of Dalits are made to sit at the back of the classrooms while other caste are allowed to sit at the front of classroom. Many Indian village stills remains segregated by caste system which is one of reason behind child domestic labor. Children of Dalits are taken as a helper or labor at the by the higher caste people due to caste system. Despite constitutional abolition of untouchability in 1950, the practice still remains in Indian society.

Child Trafficking

UNICEF defines child trafficking as any act or transaction in which a child is transferred from one person or group of people to another for monetary or other consideration.²⁵ Victims of child trafficking are forced to work and exploited. Some victims of child trafficking are kept as child domestic helper from the young age. Some of them are forced to work as beggar, robbery, prostitution etc. Those children who are trafficked are kept as domestic labor and they faces different kinds of discrimination and hardships. Child trafficking are mostly done behind the back by gangs and smugglers. It usually happens when a child is trafficked from another country where child won't be able to re-collect any memories as he grows. Those children who are trafficked are given false promise to enroll them in school and education them easily. They easily fall for it as recruiters as they promises education trainings.

Ignorance of parents towards education domestic labor is directly linked to education children born to a lower socio economic background and uneducated parents have absence of importance of education their children which will benefit them at the end. Even though there are some schools available in their locality they fail to engage their children in schools. Lack of education results in child domestic labor as they don't have any other options left rather than to earn their livelihood. Children who have no access to education schooling ends up working as domestic labor²⁶. Once children are kept as Child domestic labor it is very difficult to return to school to continue their education of the employee restricts and prohibits children joining

²⁴ M.N. Srinivas, *Caste: It's Twentieth Century Avatar*(Viking, Ne Delhi,1996)

²⁵ UNICEF, 2006.

²⁶Barriers to the rights to education, Available at:<https://www.hrw.org/reports/2005/education0905/8.htm>(last visited on April 6,2022).

the schools once they are employed. Some employee demands longer hours of work which makes education schooling impossible. Even though some children tries to attend the school while working it is not adequate for the children to learn and acquire skills within short period of time.

Most of the child domestic labor in India are often linked to lack of education poor quality of education children drop out of schools and work in farms. Domestic child worker finds it very difficult to gaining access to education most of the child domestic labor are employed at private homes and they have to work throughout the whole day such as cooking, cleaning, doing laundry, grocery shopping etc. Though some of the child domestic labor attend formal education exhaustible and tiring as they have to perform multiple works at school and home. Household work which may begin early as 5 A.M in the morning which makes children exploited physically and mentally which affects the health and growth of the children.

Unorganized segment of labor market

Indian economy is characterized by high majority of informal and un-organized labor employment. According the economic survey of 2007, 93% of India's workforce include the self employed and employed in unorganized sector²⁷. Domestic worker falls in the category of terms of service. There exist a large number of unorganized sectors who employs children in a different field. Unorganized sectors has been predominant and one of the central features of Indian labor market. Unorganized sectors seek low-cost labor on the market, resulting in an imbalance in labor demand and supply. Children employed as domestic labor must work long hours for low wages without a proper wage structure. They forfeit their promising futures.

Lack of Compulsory Provision for Education

There is not a proper guidance and support to enroll children in a primary school and secondary from the government. Part iv of Indian Constitution of Directive principle of state policy states that state should ensure to provide education all the children²⁸. Absence of implementing the provision in India which has the second highest population in world is somewhat complex and difficult. Though some children are enrolled in education dropped out of the school due to poverty and other issues such as socio economic background and large family.

Lack of Legislative Protection

Though there are many laws protecting child domestic labor in India there is no concrete

²⁷ Unorganised labor force in India,2007-08, Available at: <https://vikaspedia.in/social-welfare/unorganised-sector-1/categories-of-unorganised-labor-force> (last visited on April 5,2022)

²⁸ Constitution of India

machinery to measure and prevent child domestic labor in India. There are various acts and legal provisions which prohibit child domestic labor, it fails to implement in reality. The present legal provisions and laws are inadequate and ineffective. There are NGOs who protect and look after the child domestic labor still there are some barriers which prevent them from implementing its provisions as some of the workers are forced to work due to its weak socio-economic background and poverty. They don't have another option than to work even if there are some provisions which prohibit them from working but it is the only way to earn their livelihood. Legislative provisions are ineffective as those children are left with no options to work and earn and make income to support their family. There are no proper legislation and protection against child domestic labor which supports and prevents child domestic labor. International Labor Organization and other organizations are putting efforts and work to prevent child domestic labor it is difficult due to existence of poverty and large number of population as it becomes difficult to implement the legislation in practical terms.

VI. LEGAL RIGHTS OF CHILD LABOR / DOMESTIC LABOR

There are many rights identified by different organizations and Conventions globally which protect child domestic labor and give legal guidance to child domestic labor. Rights identified under those Conventions and the constitution intervene whenever there are some conflicts about violation of rights and duties by others. Due to different varieties of hardships and deprivation of child domestic labor, there are many organizations assisting the young domestic child labor. International Labor Organization laid down guidelines and rights of domestic labor. It emphasizes and organizes responsibilities and rights of child domestic labor in relation to child domestic labor. UN Convention on the Rights of the Child adopted and opened for signature, ratification, and accession by the General Assembly resolution 44/25 of 20 November 1989, the Convention entered into force on 2 September 1990 under Article 49.

Through international agreements and organizations, every nation has made some progress in the field of child rights. Understanding the issues and children's rights and development has been helped by the project. The convention benefits children's rights, development, and well-being. In India, a country with a large population and a developing economy, achieving the rights of children has a long way to go. Even though there are legislative provisions and rules, they must be followed and enforced correctly.

Child Rights and Acts in India

As citizens of the nation, children in India have children's rights have recently been petitioned to the supreme court for restoration and protection. In August 2009, the Indian

Parliament passed the Right of Children to Free and Compulsory Education Act, also known as the Right to Education Act, which came into effect on April 1, 2010. As per the Act, education fundamental right for all children between the ages of 6 and 14. Until a child has finished elementary school, he or she cannot be held back, expelled, or forced to take a board exam. Additionally, the law provides special training for school dropouts to enhance and acquire survival skills. A signatory to the 1959 United Nations Declaration on the Rights of the Child, India works to ensure the well-being of children. In 2013, it adopted a National Policy for Children. Child rights are guaranteed by the Indian constitution, and states are able to make special provisions for children. The Directive Principle of State Policy, on the other hand, guides states in protecting children from abuse and ensuring they have the opportunities and resources to grow up healthily under conditions of freedom and dignity. The state is directly responsible for children to be protected from exploitation and abuse²⁹.

In the future, children will be the nation's leaders. In order to ensure that children are physically and mentally fit, with skills, and have equal opportunities for their development, programs for children hold a prominent place in national plans for human resource development. Children India's fundamental rights and Directive Principles of State Policy are primarily based on the UN Convention on the Rights of the Child. In article 37, it states that the Directive Principles of State Policy are not enforceable by any court, but the principles therein are fundamental to the country's governance, and the state is responsible for adhering to these principles when drafting legislation. Legislative and administrative measures to protect children's rights will be implemented by the government.

Rights of children under the Indian Constitution

According to Article 21 A, all children ages six to fourteen are entitled to free and compulsory education. The Indian Constitution guarantees children the right to a free and compulsory elementary education. Child labor is prohibited in factories and mines for those under the age of fourteen; however, nothing in this subparagraph shall allow any person to be held beyond the maximum period prescribed by any law made by Parliament. The objective of this article is to safeguard children from hazardous employment. The Health and strength of workers, men and women, and the tender age of children are not exploited, and citizens are not forced by economic necessity to undertake occupations unsuited to their abilities or ages. Children are protected from abuse and occupations unsuited to their abilities. Children are given

²⁹ Child Rights in India- Right to education and Health, Available at: https://www.smilefoundationindia.org/child_rights.html (last visited on 7th April, 2022)

opportunities to develop in a healthy manner and in conditions of freedom and dignity, and they are protected against exploitation and abandonment. Legal aid must be free of charge and the state shall ensure that the legal system promotes justice, based on the principle of equal opportunity. Ten years after this Constitution is ratified, thin ten years of the ratification of this Constitution, the State shall provide free and mandatory education children up to the age of fourteen Case Study

MC Mehta Vs State of Tamil Nadu and Others

In the famous case of MC Mehta vs. State of Tamil Nadu and Others³⁰, the petitioner was concerned about the high rate of child labor in the Match Factories of Sivakasi in the Kamraj district of Tamil Nadu Nadu Children's employment is unconstitutional and dangerous, according to him. A Writ Petition under Article 32 was filed. The Respondent acknowledged child labor in the Match Factories and offered solutions to the problem. The Supreme Court of India prohibited the use of child labor in the production of matchsticks and fireworks in 1990. After this order was issued, 39 people were killed in an accident at the Sivakasi Match Factories. The court then took notice of what had happened. In addition to offering suggestions and compensation to the accident victims, the court-appointed a committee to investigate the incident.

According to the Supreme Court "work conditions in the match factories pose health risks in the ordinary course of their operation, and even apart from the special risks related to the manufacturing process, the adverse effects on health are of grave concer. Exposure of the elderly to such dangers requires special care. Providing children with specialized facilities will enhance their quality of life. Education, recreation, and socialization opportunities would be required. In order to avoid interfering with employment, general education d be combined with job-specific training, and school hours should be adjusted accordingly Court's **Decision and Reasoning:** The issue of child labor in factory production should not be allowed and it is unconstitutional. According to the Court, however, children may be employed in the packing process at a separate location from the place of manufacture in order to prevent exposure accidents. Children must also have access to recreational and educational facilities. Government's proposal to establish a welfare fund to provide educational and recreational opportunities for children was upheld by the court. Respondent Government must ensure each employee for a total of \$50,000, according to the court order. A court ruled that employers must pay the premiums for viable group insurance plans offered by insurance companies.

³⁰ AIR 1997 SC 699

Additionally, the court ordered the provision of a basic diet and medical care during the work period. In addition, the court ordered the regular provision of additional mobile vans for health purposes.

Bachpan Bachao Andolan Vs Union Of India and Ors on 18 April, 2011

A Public Interest Petition under Article 32 of the Indian Constitution is filed by Bachpan Bachao Andolan vs. Union of India and Others regarding the abuse of children who are forced to work in circuses. Nepalese and Indian children are forced into circuses, where they are sexually abused, physically abused, and tortured. The petitioner asked that the Court order the arrest of those involved in circuses, conduct raids, free the children, and investigate violations children's rights.

Decision of the Supreme Court of India: The Supreme Court of India determined that children have constitutional and juvenile justice rights. Children are not allowed to be employed in circuses. There is a belief that children under 18 cannot give valid consent. Recruiting, transporting, transferring, harboring, or receiving children for exploitation, regardless of the means used, constitutes trafficking. There are three essential components of trafficking.

Srirama Babu Versus The Chief Secretary

The Supreme Court ruled in A. Srirama Babu v. The Chief Secretary that the state must take steps to stop child labor. Educating the public about child abuse and violence should be a priority for the government. There should be a separate department or agency for child welfare. Birth certificates and developmental records should be kept by the state. Children should be monitored and not be allowed to loiter or disappear in expansive areas. In addition, the court ordered the state to establish as many aftercare homes as possible, where street children can be cared for and trained to become useful citizens.

VII. CONCLUSION

Studies show that children are working all over the world in households, taking work such as cleaning, cooking, gardening, collecting water and firewood in rural areas, tending animals and caring for elder people. Such chores are an integral part of the livelihood and burdensome from a young age. However, there are millions of children who are not working in their homes but instead work in others homes as an employer from a young age. Their working conditions are a threat to the development and wellbeing of the child, which has an effect on the emotional, physical, and social development of the child. Child Domestic labor draws special attention as it is unrecognized and unregistered work carried out by millions who are forced by poverty, trafficking, inequality, discrimination, low income, large family, lack of education illiteracy,

and caste system in India.

There are many unreported cases of abuse and discrimination of child domestic worker as they are highly dependent on employer for their basic needs and income. Such dependency makes child domestic worker vulnerable to exploitation, abuses, violence, sexual abuse and physical violence. Many states in India are taking steps in tackling the child domestic labor and measures to eradicate the child labor in domestic category. There are many organizations and NGO's who are helping to solve and introduce the issue of child domestic labor who are employing young children in the hazardous work place and the exploitation they face.

Child Domestic Labor also has the equal opportunities and privilege like rest of the children that can improve their socio economic conditions. There are global movement around the against the child domestic labor there needs to be accurate data and detailed of how many of children are employed as domestic labor. Constitution of India prohibits domestic child labor and other acts such as Factories Act sets a specific criteria for a worker and not to engage children in manufacturing and hazardous areas as it will have adverse effect on development and wellbeing of the child.

The main reasons for child domestic labor in India can be attributed to poverty, lack of education and training, presence of caste system, discrimination, trafficking, less income, inequality, family problems and large size population. Though there are many laws and acts are enacted to prevent the child domestic labor still, it is very complex to tackle the child domestic labor as it is a hidden phenomenon ,and many domestic worker is highly dependent on their employer for their basic needs and income to support their family and livelihood.
