

# Prevention of Child Labour in India: The Theory and Practice

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Received: May 16, 2018

Accepted: June 27, 2018

## ABSTRACT

*Child labour has been present globally from time immemorial. Global estimates of the International Labour Organization (ILO) show that the incidence of child labour is very high in developing countries and statistics reveal that India is the highest in the world in terms of child labour. The reduction in child labour, to a large extent, is associated with general development programmes for child welfare in the country. Despite many policies and programmes initiated by the government and the increase in the enrollment rates and the literacy rate in the country, child labour continues to be a serious phenomenon that warrants due attention.*

**Keywords:** Child labour, budget for children and child welfare.

## 1. Introduction

Child Labour has become a serious social problem in India. Framing suitable policies for curbing child labour requires an analysis of its incidence and magnitude. A "Child" is any person below the age of 14 (Child Labour (Prohibition and Regulation) Act, 1986 and which amended in 2016. The CLPR Act prohibits employment of a child in any employment, including a domestic help. The law allows the employment of adolescent children (children between the age group of 14 and 18) to be employed except in the listed hazardous occupation and processes listed in the Factories Act of 1948. The two major official sources of data on child employment are the Decennial Census and the National Sample Survey. Though none of them give a specific definition to child labour, the data on child labour can be obtained from the age wise distribution of workers. Here, the term worker connotes a person who engages in economic activity, excluding production for own consumption, prostitution, begging, smuggling, etc., that adds to the value of national product.

An analysis of the incidence and magnitude of child labour in the country helps to assess the progress of government initiatives in reducing the extent of child labour. Allocation of financial resources under various Ministries and programmes shows the commitment of the government towards child welfare.

## 2. Objectives

1. To discuss the issue of child labour in India in the national and international perspectives.
2. To analyse the progress in reducing Child Labour in India.

## 3. Research Methodology

The present study is completely based on secondary data. The data have been collected from various sources like research articles, publications of ILO, Ministry of Labour and Employment, Government of India, NSSO Surveys, Census of India and authenticated web sites.

## 4. Data and discussion

### Constitutional Provisions for children

The constitution of India has well protected the rights of children, which implicitly or explicitly deter the child labour.

1. **Article 21 A:** Free and compulsory elementary education for all children between the age group of 6-14 years.
2. **Article 24:** Abolition of Child Labour
3. **Article 39(e):** Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength.
4. **Article 39 (f):** Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.
5. **Article 45:** Right to early childhood care and education to all children until they complete the age of six years.

### Magnitude and incidence of child labour in India

Despite the fact that the Government of India has taken several steps to prevent child labour, its incidence has been increasing in the country. A time use survey conducted by the Government of India found that 32% of its child population classified in “nowhere category” (neither in school nor in work) is actually working. Many children work without pay in assisting their parents or work for employers who do not report it to the census. Though, the highest incidence of child labour in South Asia is found in India, population census of 2011 claims that child population in work has declined between 1991 and 2011.

The incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs. Child labour has different ramifications in both rural and urban India.

**Table 1: Percentage of working children**

Year	Percentage of working children (5-14)			Total number of working children (5-14) in million		
	Rural	Urban	Total	Rural	Urban	Total
2001	5.9	2.1	5.0	11.4	1.3	12.7
2011	4.3	2.9	3.9	8.1	2	10.1

Source: Census, 2011.

According to Census of India 2011, there were 12.26 million working children in the age group of 5-14 years as compared to 11.3 million in 1991. The data show an increasing trend in absolute numbers, though the work participation rates of children (5-14) has come down from 5.4 percent during 2001 to 5 percent during 2011. The NSSO data shows that though the Workforce Participation Rate of children has been declining, it is higher for the children in the age group of 10-14. The increasing trend of WPR in the case of children under the age group of 10-14 is evident from higher dropouts at the mid school level. But the WPR remains insignificant for the children in the age group of 5-9. Two other categories that show a higher WPR are children belonging to the rural areas and the female children. From census 2011 data, it was projected that the WPR of children between the age group of 5 to 9 has shown a marginal increase of less than 1 % in 2001 to 1.4% in 2011. The WPR of children in the age group of 10-14 years has declined marginally from 10.4% to 8.7% in the years 2001 and 2011 respectively. These figures indicate that though the proportion of children in total population has declined, a good number of children are still in the labour force. The census and NSSO data further show that about 90% of working children in India are concentrated in farm and non-farm activities in the rural areas. Though there is a decline in the magnitude of child labour in India, the concentration of child workers in rural areas continue.

### Progress in the reduction of child labour in India

In its efforts to eliminate the worst forms of child labour, India made a **moderate advancement** in 2016. The provisions made under the hazardous work list envisaged in the New Child Labour Amendment Act have not included all forms of child work; work in unsafe and unhealthy environments were excluded. Though the penalties for employing children in prohibited works have been increased, it seems insufficient to deter violations.

### Allocation for children in the Union Budget

The demographic transition stage in India rewards the nation a significant ‘demographic dividend’; now having the largest younger population among the developing countries. About 37% of the total younger population of India falls in the category of 0-18 years. With a significant demographic dividend, the budget allocation for children welfare declines; it decreased from 4.76 percent in 2012-13 to 3.26 percent in 2015-16 and 3.24 percent in 2018-19. An analysis of the sectoral share in the budget for children shows that the share of education has declined from 3.26% to 2.25 % (for the years 2014 and 2018 respectively) but it remains with the top priority in the budget for children 2018-19 by earmarking 69.37 percent. The least prioritized sector has been the child protection which accounted for only 1.48% in the budget for children.

**Table 2: Sectoral share in the budget for children (percent)**

Year	Health BE	Development BE	Education BE	Protection BE
2014-2015	3.59	23.36	72.21	0.78
2015-2016	3.93	15.74	78.95	1.38
2016-2017	3.59	23.23	72.14	1.04

2017-2018	3.76	24.21	70.54	1.49
2018-2019	3.90	25.25	69.37	1.48

Source: Union Budget 2018-19

An analysis of the budget expenditure on flagship schemes for the development of children shows that National Nutrition Mission, Integrated Child Protection Scheme (ICPS), the SSA, the Mid-day Meal Scheme and the RCH flexi pool under the NRHM has increased (Tables 3&4).

**Table 3: Percentage of increase in allocation to flagship schemes in union budget 2018-19**

Programmes & Scheme	2017-18 (BE) Rs. Crore	2018-19 (BE) Rs. Crore	Percentage Increase
NRHM - RCH Flexible Pool	2454.42	2850.00	16.12
Sarva Shiksha Abhiyan	23500.00	26128.81	11.19
National Nutrition Mission	1100	2928.7	166.25
Integrated Child Protection Scheme	648	725	11.88
Mid-Day Meal	10000.00	10500.00	5.00
Pre-matric scholarship for children of those engaged in certain occupations	2.43	5.00	105.76

Source: Union Budget 2018-19

**Table 5: Allocation for child welfare under different ministries 2018-19**

	Budget Estimate (in Cr)		% change over 2017-18
	2017-18	2018-19	
Total Budget on Children	71,305	79,088	11%
% Budget on Children	3.32%	3.24%	NA
Ministry of Human Resource and Development	45,124	48,811	8%
Ministry of Women and Child Development	17,885	20,555	15%
Ministry of Health and Family Welfare	2,678	3,087	15%
Ministry of Minority Affairs	2,055	2,393	16%
Ministry of Social Justice and Empowerment	639	808	26%
Ministry of Tribal Affairs	1,755	2,066	18%
Ministry of Labour and Employment	160	120	-25%
Other Ministries	1,010	1,249	24%

Source: Union Budget 2018-19

## Conclusion

Child labour continues to be a serious social issue in India with a moderate progress in its prevention despite the increase in enrollment rates in schools and increased literacy rates. India has made sufficient provisions in the Constitution for protecting the right of children. However, child rights that are violated often remain invisible and thus go unreported. Magnitude of child labour as reported by official sources show a declining trend. But this can be a result of reduction in the general unemployment level in the country. Though a welcome trend, the problem is with the inadequacy of coverage in the official statistics. As a first step in fighting child labour, there is a need for policy advocacy on properly defining child labour from a child's perspective in the official sources of data. Education should be made compulsory and free up to the secondary level to address the issue of children who were unable to access high school education. Child Labour is preventable, but not inevitable.

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