



THE CHILD LABOUR IN INDIA: THE PERSPECTIVE OF IMPORTANCE OF EDUCATION

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ABSTRACT

In addition to being a major barrier to achieving Education for All (EFA)¹, One of the most important variables that may be used to reduce child labour is education. It is consequently critical to understand how education and child labour interact. It is critical to achieve both the prohibition of child employment and the aims of Education for All. This publication is part of a bigger effort towards the challenges faced by Understanding Children Work Group (UCW), to bridge knowledge gaps and raise awareness about the links between education and child labour. It accomplishes this by providing a quick overview of relevant studies. The findings support the widely held idea that child work reduces children's chances of enrolling in and excelling in school. When a child enters the system, it becomes more difficult for them to benefit academically from their schooling.

The study also found that these negative effects extend beyond economic activities to home tasks and that the degree of employment (whether economic activity or household tasks) is very important in determining how labour affects education. It underlined the essential role that inadequate education plays in keeping children out of the classroom and into the job field, as well as the link between educational possibilities and child employment. According to the research, a family's decision to have their children attend school or work is heavily influenced by the quality and accessibility of the schools.

¹ United Nations, EDUCATION FOR ALL UNITED NATIONS (2012), <https://www.un.org/en/academic-impact/education-all> (last visited Aug 2, 2023).

INTRODUCTION

The global community's efforts to achieve Education For All (EFA) and the progressive eradication of child employment are inextricably linked. Education, especially high-quality education up to the legal working age, is a key component in the battle against child labour. There is considerable consensus that increasing and strengthening educational access will be the most effective method to halt the flow of school-age children into the labour economy. This will allow families to invest in their children's education, yielding larger returns than having them join in the labour sector. When the projected benefits to education are low or education expenditures are high, families are more likely to perceive education as a less appealing alternative to labour for their children.

The global community's efforts to attain EFA and the progressive abolition of child labour are intimately intertwined. Education, particularly high-quality education until the legal working age, is a critical component in the fight against child labour. There is broad agreement that expanding and enhancing educational access will be the most effective way to stem the flow of school-age children into the labour force. This will allow families to invest in their children's education, which will offer greater returns than having them work. When the predicted benefits of education are low or education expenses are high, families are more likely to view school as a less enticing option for their children.

It is critical to understand the link between education and child labour to accomplish both Education For All and child labour reduction goals. This research contributes to the Understanding Children Work program's² greater efforts to better understand the linkages between education and child work by providing a quick summary of relevant studies and key knowledge gaps.

This is the structure of the essay. The next part examines child work as a barrier to Education For All, providing descriptive and econometric evidence of the costs of child labour in terms of school entry, school survival, and learning achievement. Section 3 looks at education as a contributing factor to child labour, with real statistics illustrating how access to and the quality of education a child receives impacts how much time a family chooses to spend on work and school. Section 3³ also looks at information gaps that must be filled in order to assess the potential of flexible learning and transitional education programmes to complement national Education For All and child labour reduction initiatives. Section 4⁴ comes to a close.

² Crozet M, UCW - UNDERSTANDING CHILDREN'S WORK UCW - UNDERSTANDING CHILDREN'S WORK GROUP (2011), https://www.ilo.org/rome/centenario/progetti/WCMS_152776/lang--en/index.html (last visited Aug 2, 2023).

³ Indian Government, THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (1986), https://labour.gov.in/sites/default/files/act_2.pdf (last visited Aug 2, 2023).

⁴ Ibid

REASONS FOR CHILD LABOUR

- *Poverty*⁵

It refers to a situation in which a person lacks the required means of subsistence due to a lack of financial resources. A family in this situation expects their children to work and earn some money in order to aid the family and provide for them. Due to a shortage of finances, parents have little alternative but to put their children to work, even at very low pay rates.

- *Overpopulation*

India has a population of about 143 crore⁶, out of which 117.42 million individuals are unemployed, according to WORLDOMETER's elaboration. With an unemployment rate of 8.2%⁷. There are considerably more people in the country than employment, leaving a substantial section of the population unemployed. When adults are unemployed, they enter a debt cycle, become impoverished, and are unable to educate their children, which finally leads to child labour.

- *Debt Trap*

When a family slips into an impenetrable financial trap, child labour increases. Children start working at an early age to help support their families financially and to help them get out of debt which would inversely cause the families to venture into the land of the debt trap which would cause an Economic and Psychological strain on the child, which is harmful for the growth of the child.

- *Unprincipled Labour*

India is one of the top outsourcing markets since it has some of the cheapest workers available. Other countries look to India to accomplish their projects at a reduced cost. Parents, like the working class in India, are driven to let their children work and support themselves to increase the income for the family. This is mostly seen in slum areas where the children are put up to some labour because there is no proper

⁵ Subhi Shukla, IMPACT OF EDUCATION IN PREVENTING CHILD LABOUR IN INDIA LL.B MANIA (2021), <https://llbmania.com/2021/12/17/impact-of-education-in-preventing-child-labour-in-india/> (last visited Aug 2, 2023).

⁶ World Population Review, INDIAN POPULATION LIVE, INDIA POPULATION 2024 (LIVE) (2023), <https://worldpopulationreview.com/countries/india-population> (last visited Aug 2, 2023).

⁷ Economic Survey, ENGLISH APPENDIX FINAL PDF FOR PRINT (30-01-2023) - INDIABUDGET.GOV.IN ECONOMIC SURVEY 2022-23 (2023), <https://www.indiabudget.gov.in/economicsurvey/doc/stat/tab812.pdf> (last visited Aug 2, 2023).

guidance to the parents, since the children start earning through labour they always get that form of psychological need for independence.

ROLE OF NGOs IN PROHIBITING CHILD LABOUR

NGOs are putting pressure on Indian businesses to stop hiring youngsters as employees. They are working hard to put a stop to this societal disease. They have also asked individuals to report any cases of underage employment in businesses to the authorities. Even after gaining reservations, children from communities such as scheduled tribes, scheduled castes, Muslims, and OBC are more likely to engage in child work.

They have been increasing awareness about what child labour is. Furthermore, they have spoken directly with disadvantaged groups to highlight the need to keep children out of any form of employment. In the majority of cases, it is difficult for the NGOs to canvass every business without the support of the citizens or the government, the NGO's reach is also limited by their dependency on volunteers, in the current fast-paced world it is difficult for the NGOs to recruit members full time or to even get some volunteers to their NGOs.

POSITION IN INDIA²

Earlier Child labour was particularly widespread in rural India, where 80% of children were compelled to work, but this trend steadily transitioned from rural to urban India over time. owing to the existence of major cities with a higher number of work options. According to a UNICEF study, there has been a 54% rise in child work among children aged 5 to 14. According to a child labour campaign⁸, there are around 1.26 Cr minors working in India. Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh, and Maharashtra are the primary states in India where child labour is prevalent⁹. Over half of the country's overall child labour population works here.

⁸ Ministry of Labour and Employment, ABOUT CHILD LABOUR MINISTRY OF LABOUR & EMPLOYMENT: GOVERNMENT OF INDIA ABOUT CHILD LABOUR | MINISTRY OF LABOUR & EMPLOYMENT| GOVERNMENT OF INDIA (1986), <https://labour.gov.in/childlabour/about-child-labour> (last visited Aug 2, 2023).

⁹ Ambika Ramachandran, CHILD LABOR IN INDIA HUMANIUM (2020), <https://www.humanium.org/en/child-labor-in-india/#:~:text=The%20main%20states%20in%20India,total%20child%20labor%20population%20works> (last visited Aug 2, 2023).

JUDICIAL ASPECT

Courts in India have proved themselves to be the torchbearer towards this issue of child labour.

In Francis Coralie Mullin v. Union Territory Of Delhi¹⁰

In the aforementioned instance, courts ruled that Article 21 encompasses health protection and also protects workers, women, and children against violence. According to the court, the occasion and services for children to develop and construct in a healthy manner, as well as the order of freedom and decorum, as well as educational benefits.

In SHEELA BARSE v. UNION OF INDIA¹¹

It was considered that it is the role of states to focus on a child's development and growth, as well as to give better opportunities for him to develop his individuality. Judicial institutions have always attempted to resolve challenges that affect society as a whole. And has always attempted to extend and enlarge the law in order to encompass all of society's problems.

In GANESH RAM v. STATE OF JHARKHAND AND ORS.¹²

In this instance, the court ruled that under the kid Labour (Prohibition and Regulation Act, 1860), if a kid under the age of 14 is hired, a punitive order will be issued against the employer, but the employee will be free, with no criminal charges brought against him.

LAWS AGAINST CHILD LABOUR

- *The Factories Act 1948*¹³

This act guides and prohibits factory owners regarding employment creation. Under this act employment of children under the age of 14 is forbidden by law. It also gave a guideline on the employment criteria of a pre-adult that is 15 to 18 years of age

¹⁰ Supreme Court of India, NAND LAL BAJAJ VS. THE STATE OF PUNJAB AND ANR JUDIS.NIC.IN & 1981 AIR 2041 (1981), <https://main.sci.gov.in/jonew/judis/9995.pdf> (last visited Aug 2, 2023).

¹¹ The Supreme Court of India, SHEELA BARSE VS. STATE OF MAHARASTRA JUDIS.NIC.IN 1983 AIR 378 (1983), <https://main.sci.gov.in/jonew/judis/9835.pdf> (last visited Aug 2, 2023).

¹² The High Court of Jharkhand, GANESH RAM VS. THE STATE OF JHARKHAND INDIAN KANOON 2006 (2) JCR 489 JHR (2006), <https://indiankanoon.org/doc/645545/> (last visited Aug 2, 2023).

¹³ The Government of India, THE FACTORIES ACT, 1948 (1948), <https://labour.gov.in/sites/default/files/The-Factories-Act-1948.pdf> (last visited Aug 2, 2023).

- *The Mines Act 1952*¹⁴

Working in mines is regarded as one of the most difficult jobs. Children with no prior experience in this sector may have a negative impact. After observing several incidences of children dying while working in mines, our politicians enacted this act, and youngsters working in this industry were absolutely prohibited. This statute addresses employment standards in mines, and it prohibits children under the age of 18 from working there.

- *The Child Labour Prohibition and Regulation Act 1986*¹⁵

Our legislators devised a list to discourage minors from working in hazardous occupations. All dangerous vocations were identified, and minors under the age of 14 were absolutely barred from working in such areas. The title of the act was amended in 2016 from THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT 1986 to THE CHILD AND ADOLESCENT (PROHIBITION AND REGULATION) ACT 1986¹⁶. The amendment added the following features to the act:-

- No child shall be permitted to work in any occupation or process
- Nothing in sub-section(1) of the act shall apply where the child:-

(a) Helps his family or family enterprise, which is other than any hazardous occupations or processes outlined in the schedule, after his school hours or during vacations.

(b) Work as an artist in the audio-visual entertainment sector, including advertising, films, television serials, or any other entertainment or sporting activities other than the circus, subject to any and all requirements and safety precautions that may be imposed. Provided, however, that no such job under this article shall interfere with the child's school education.

- No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes outlined in the schedule: provided that the central government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this act.

¹⁴ The Government of India, THE MINES ACT, 1952 INDIACODE.NIC.IN (1952),
<https://www.indiacode.nic.in/bitstream/123456789/2168/3/A1952-35.pdf> (last visited Aug 2, 2023).

¹⁵ The Government of India, THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 LABOUR.GOV.IN (1986),
https://labour.gov.in/sites/default/files/act_2.pdf (last visited Aug 2, 2023).

¹⁶The Government of India, THE CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION) ACT, 1986 INDIACODE.NIC.IN (1986),
https://www.indiacode.nic.in/bitstream/123456789/19582/1/the_child_and_adolescent_labour_%28prohibition_and_regulation%29_act%2C_1986_no._61_of_1986_date_23.12.1986.pdf (last visited Aug 2, 2023).

- *The Juvenile Justice Care and Protection of Children Act 2015*¹⁷

Employers now face penalties for placing children in risky jobs. This law imposes penalties on individuals who use child labour in violation of earlier legislation under sections 76 – 79 of The Juvenile Justice Care and Protection of Children Act 2015.

- *The Right of Children to Free and Compulsory Education Act 2009*¹⁸

For children aged from 6 to 14 years, education was made mandatory and free. It also mandated that in every private school, 25% of seats should be allocated for children who come from physically disabled groups or disadvantaged groups. Explained under Section 3 of The Right to Children to Free and Compulsory Education Act.

IMPORTANCE OF EDUCATION AGAINST CHILD LABOUR¹⁹

- Education is crucial in the elimination of child labour. Education International observes World Day Against Child Labour on June 12th each year. According to Education International, early education is critical for keeping children out of the labour force.
- It not only helps students gain vital skills, but also allows them to have a good life in the future.
- Education and training are necessary drivers of social and economic progress, as well as democracy.
- The elimination of all educational expenditures will result in the education of a huge portion of society.
- A strategy based on educating children and dragging them out of poverty will minimise the amount of child labour cases we now confront.
- Education is a fundamental right, over which no one has the authority to deny.
- It helps in changing people's opinions towards life and makes them better human beings.

¹⁷ The Government of India, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015. INDIACODE.NIC.IN (2015), https://www.indiacode.nic.in/handle/123456789/2148?sam_handle=123456789/1362 (last visited Aug 2, 2023).

¹⁸ The Government of India, THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 INDIACODE.NIC.IN (2009), https://www.indiacode.nic.in/bitstream/123456789/19014/1/the_right_of_children_to_free_and_compulsory_education_act_2009.pdf (last visited Aug 2, 2023).

¹⁹ International Labour Organisation, CHILD LABOUR AND EDUCATION (IPEC) CHILD LABOUR AND EDUCATION (IPEC) (2015), <https://www.ilo.org/ipec/Action/Education/lang--en/index.htm> (last visited Aug 2, 2023).

EFFECTS OF CHILD LABOUR²⁰:

Health issues: Many young people work in sectors such as textile manufacturing, which can lead to significant ailments such as early blindness, depression, and anxiety. It may also encourage kids to acquire unhealthy habits such as smoking, drinking, and drug abuse.

Raises the risk of an accident: Because children lack experience, they do not always understand the consequences of their actions, which raises the likelihood that they may die if they engage in harmful activities. There have been several cases of children who made blunders at work and had to pay the price with their lives. Working for someone else raises the possibility of sexual harassment from the boss or adult co-workers.

CONCLUSION:

In conclusion, despite many regulatory restrictions and efforts to eradicate it, child labour is a substantial and chronic issue in India. Poverty, a lack of access to excellent education, and a desire for inexpensive labour in numerous industries are all contributing causes to the problem.

Addressing child labour in India necessitates a multifaceted strategy that includes not just better enforcement of laws but also targeted interventions to address the underlying reasons. Improving family economic situations, guaranteeing access to education, increasing awareness about the effects of child labour, and making employers and supply chains responsible for their activities are all part of this.

While there has been progress, the struggle against child labour in India is far from ended. Collaboration between the government, civic society, and foreign organisations must be maintained in order to establish a future in which all children in India may grow up in a secure and loving environment free of the burden of exploitative labour. All parties working to create a more fair and just society should prioritise the preservation of children's rights and well-being.

²⁰ UNICEF, CHILD LABOUR UNICEF (2023), <https://www.unicef.org/protection/child-labour#:~:text=Child%20labour%20can%20result%20in,care%2C%20restricting%20their%20fundamental%20rights> (last visited Aug 2, 2023).

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