

CHILD LABOUR IN INDIA: POLICY INITIATIVES FOR REHABILITATION

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ABSTRACT

One of the worst types of child abuse and a flagrant violation of both human and child rights is child labour. Children are deprived of their childhood and their entitlement to an education, and intergenerational cycles of poverty are strengthened. According to the 2011 Census, there are 259.6 million children in India who are between the ages of 5 and 14. Of these, 10.1 million constituting 3.9 percent of all children work as children. The Child Labour (Prohibition and Regulation) Act, 1986, which was revised as the Child Labour (Prohibition and Regulation) Amendment Act, 2016, was passed by the Government of India in recognition of the fact that child labour has numerous causes and dimensions. The national child labour policy was initiated in 1987 to address the issue from multiple angles. It led to the implementation of the National Child Labour Project in 1988 in areas with a high concentration of child labour with the goal of gradually eliminating and rehabilitating child labour in general and specifically in hazardous industries. The other significant development in combating the problem of child employment in India was the Right of Children to Free and Compulsory Education Act (RTE) of 2009. Through a dual policy, RTE guarantees all children between the ages of 6 and 14 the right to free and compulsory education, while CLPRA forbids the involvement of young people under the age of 14 in any type of employment. In light of this, the present paper makes an effort to evaluate the scope of child labour and government programmes for its rehabilitation. The paper is supported by secondary information and relevant literature.

Keywords: *Child Labour, Rehabilitation of Child Labour, National Child Labour Project*

INTRODUCTION

Work that robs children of their childhood, their potential, and their dignity and is detrimental to their physical and mental development is frequently referred to as "child labour." It refers to work that is hazardous to children's mental, physical, social, or moral development, interferes with their ability to attend and fully participate in school by forcing them to leave early or requires them to attempt to balance school attendance with excessively heavy work (Beena, 2022). The prevalence of child labour is influenced by a number of interconnected factors. Poverty has child labour as both a cause and a result.

Children are forced into the labour force by their families' financial hardship. Some families use child labour as a source of additional cash, but many also rely on it to survive. They pass up the chance to go to school, which further entrenches household poverty through generations while delaying social and economic advancement. Child labour prevents children from obtaining the knowledge and training necessary to have possibilities for respectable employment as adults. The existence of child work in India is mostly due to inequality, a lack of educational opportunities, a sluggish demographic transition, customs, and cultural expectations. The kind and amount of work that children do is influenced by their age, sex, ethnicity, caste, and

level of affluence. Children continue to end up working in the informal economy and in agriculture. According to the ILO's experience, tackling the core causes of child labour requires a combination of factors including stable economic growth, respect for labour rules, decent work, universal education, social protection, and acknowledging children's needs and rights.

Children are both the country's future and its economic growth catalyst. It is indisputable that boyhood is the mother of manhood. Health, education, the home environment, upbringing, discipline, diet, and love all have an impact on a child's development. In contrast, about half of all children in our modern society are not in school, and nearly half of all 5-year-olds are underweight. Famine, natural disasters, road accidents, landowner abuse, and the abandonment of children are all causes of death for people. They'll be on their own. Due to their poverty or reluctance to take on the responsibility, even their closest guardians fail to care for them. Children who are orphaned are sometimes forced to work as servants in homes, hotels, or on the streets. Millions of people in India are doomed to a life of hopelessness, incessant hunger, and excruciating suffering. India is home to around 17 percent of the world's children. The 440 million-strong population is made up of more than one third people under the age of 18. According to estimates, 40 percent of these kids need care and protection, which is an issue for society. In a multi-ethnic and multi-religious country like India, there are numerous problems that affect socially and economically disadvantaged communities. Child care and protection have long been the responsibility of families and societies. However, child abuse, destitution, neglect, and exclusion are all rising quickly due to poverty, technological illiteracy, and other socio-cultural problems. The Indian Constitution grants children a number of fundamental rights, and laws, rules and regulations have been passed to ensure their safety.

'Childhood' lacks its particular unrestricted happiness for many Indian kids. Children who are less fortunate must start working early in order to

live. Young people in rural India work in fields, herd animals, and perform other activities. At many parts of metropolitan India, working long hours at tiny hotels and tea shops is the norm. They work as home employees, mend automobiles, pick up rubbish from landfills and recycling bins, and beg to survive. These kids experience an absence of childhood, stunted development, and responsibilities that are often too great for them to handle on their own. They never have the chance to learn, experiment, and share (Panicker, 1993). It is distressing to see how adolescents are treated so poorly by our society. We observe them looking among trash for food or a place to sleep. It doesn't matter what gender these kids or teenagers are. Others are forced to work long, arduous shifts as rag pickers, scrap collectors, or hotel workers in filthy factories. Others work in conditions of slavery or near-slavery with inadequate access to healthcare (Panicker, 1993). They are abused, have injuries or amputations, and communicable illnesses (Sharma and Hiramani, 1988). Teenagers are abducted and killed for their organs in cities or are murdered for small ransoms. These kids have endured unspeakable suffering and brutality. These kids have suffered abuse to the extent that their eyes no longer reflect the innocence of childhood, but rather the horror and profound, permanent mistrust of those who are made to spend their formative years apart from their parents, relatives, or loved ones. Their childhood tragedies leave permanent scars. No matter their gender, these children have never had the delight of dreaming about a future full of possibilities. Every year, millions of teenagers pass away from hunger or a lack of opportunities. Care for adolescents cannot be considered a task. The only way for the human race to right itself is through it (Rao & Kumar, 2000).

WORKING CHILDREN

More than 85 percent of this child work occurs in rural areas, and the incidence has significantly increased during the past ten years. Despite more than nine laws in India prohibiting or limiting child employment, the number of children working has

not dropped. On India's streets, 18 million youngsters either live or work. Most of these adolescents are involved in drug trafficking, gang violence, prostitution, and crime. The projections for child labour vary. Compared to 23.17 million in 1996, India has 13.99 million child employees in 2001. The states of Andhra Pradesh, Uttar Pradesh, Madhya Pradesh, Maharashtra, and Karnataka are the ones where child labour is most prevalent. Once more, most young people labour in domestic or agricultural activities. Delhi, Kerala, Himachal Pradesh, and Bihar are believed to have high rates of child employment in the domestic sector. According to Myron Weiner, the state effectively removed youngsters from the labour using the policy tool of free primary education. But child labour is still widely used in India. Both child labour and education are lawful activities. The nation employed 12.6 million children between the ages of 5 and 14 in 2001. The number of child labourers, however, is relatively high if we apply the international definition of children, which includes those who are under the age of 18. We employ more children than all of Belgium combined. In Uttar Pradesh, Andhra Pradesh, Bihar, and Madhya Pradesh, 6.7 million child labourers are employed. Agriculture is projected to employ over 80% of all child labourers. In Jaipur and Varanasi, children engage in industries like gem polishing, slate work, and silk weaving. According to government estimates, 2.56 lakh kids work in the home and hospitality industries. According to sources outside of the government, one million young people work in these places in Delhi alone. The current legal framework in India does not completely forbid child working. Only specific occupations are prohibited or subject to regulation under the Child Labour (Prohibition and Regulation) Act of 1986. On August 1, 2006, domestic helpers, employees of dhabas, restaurants, hotels, motels, tea shops, resorts, spas, and other recreation facilities were added to the list of hazardous occupations. The Child Labour Act of 1986 has decreased child labour, legal infractions, prosecutions, and disturbances. According to the 2011 Census, there are 259.6 million children in India who are between the ages of 5 and 14. Among them, 10.1 million (3.9 percent of all children) are

employed as "main workers" or "marginal workers." Additionally, almost 42.7 million kids in India do not attend school. The good news is that between 2001 and 2011, India's incidence of child labour reduced by 2.6 million. However, the reduction was more apparent in rural areas, whereas metropolitan areas have seen an increase of child labourers, indicating a rising need for young people to fill low-wage employment. Different effects of child work can be seen in both rural and urban India. Nearly 55% of all working children in India live in Uttar Pradesh, Bihar, Rajasthan, Maharashtra, and Madhya Pradesh collectively.

The number of children in the labour force in the age bracket of 5 to 14 has changed at an inconsistent rate. Between 2001 and 2011 there was roughly the same decrease in child labour as there was between 1981 and 1991 in terms of numbers. However, from 1991 to 2001, there was a rise in the number of children working. This surge may have occurred as a result of the nation's decision to liberalize its economy in 1991, which caused an abrupt spike in the rate of economic growth. It goes without saying that such rapid growth would have increased the need for employment, which is likely the reason why there were more child employees during this time. India's population of child labourers decreased from 1.27 billion in 2001 to 1.01 billion in 2011 (Satyarthi, 2020). There will be 81.2 million children working as of today in India, and by 2025, that number is predicted to drop to 74.3 million. According to estimates at the state level, by 2025, only four states would account for roughly three-fifths (56 percent) of all child labourers in the nation. Uttar Pradesh accounts for 30 percent of the states' total population, followed by Bihar (12 percent), Maharashtra (8 percent), and Rajasthan (6 percent). In Madhya Pradesh, Gujarat, and Jharkhand, 5 percent of the nation's total child labour population is anticipated. 2025 (Satyarthi, 2020).

THE CHILD LABOUR ACT, 1986

The Child Labour Act was passed in 1986 to outlaw child employment in particular professions and to control the conditions of child labour in other professions. But in 1993, the Central Government put it into practice. Wherever child work is legal, the Act gives state governments the authority to enact health and safety regulations. The Child Labour (Prohibition and Regulation) Act of 1986, despite India's acceptance of the UNCRC, does not sufficiently address the problem. The law disregards the reality that minors' fundamental rights to life, growth, protection, and participation are violated by any employment of minors. Additionally, all kids between the ages of 6 and 14 have the right to an education under the Constitution. The concept of a child as stated in the UNCRC is also in conflict with the Juvenile Justice (Care and Protection of Children) Amendment Act of 2006. Change this Act immediately, please. Visit www.childlaborlaws.org for additional details on American child labour laws. Contrary to the UNCRC and Indian Juvenile Justice legislation, these Acts merely forbid the employment of children under the age of 14. Therefore, changes to these Acts are necessary to protect children from financial exploitation and to guarantee that their rights are upheld.

The adoption of the Child Labour Amendment (Prohibition and Regulation) Act, 2016, and The Right to Education Act, 2009, has paved the way for the ratification of the ILO's two core conventions: Convention No. 138, which states that the minimum age at which children can begin working should not be below the age of compulsory schooling and in any case not less than 15 years, with a potential exception for developing countries, and Convention No. 182, which forbids hazardous jobs for children. It intends to immediately end the worst types of child labour for those under the age of 18. The government has created the Child Labour (Prohibition & Regulation) change Rules, 2017, in response to the change to the Child Labour Act. The Rules, among other things, define "help" in family businesses owned by the family of the kid and regulate child artists to protect their safety and security. They also make provisions for prevention,

rescue, rehabilitation, and convergence. The Rules also establish a Task Force headed by a District Magistrate and a District Nodal Officer (DNO) to guarantee that the Act's provisions are effectively applied.

NATIONAL CHILD LABOUR PROJECT

In order to rehabilitate working children in the regions of the nation where child labour is prevalent, the government launched the National Child Labour Project (NCLP) Scheme in 1988. As of today, 313 districts throughout 21 states in the nation have approved the Scheme. A Central Sector scheme is the NCLP programme. In accordance with the plan, district-level project societies are established with the Collector or District Magistrate as their chairman to oversee the project's execution. Withdrawn from employment children between the ages of 9 and 14 are placed in Special Training Centres under the NCLP Scheme. There they get bridge education, vocational training, a midday meal, a stipend, access to health care, etc. before being mainstreamed into the official education system. Through strong collaboration with the Sarva Shiksha Abhiyan (SSA), children between the ages of 5-8 are directly connected to the formal education system. Through the current skill development programme, opportunities for vocational training are offered to adolescent labourers identified as being between the ages of 14 and 18 and employed in hazardous activities or processes. There are currently about 3000 NCLP training facilities operating throughout the nation, with about 1.20 lakh kids enrolled in total. Since its inception, the NCLP Scheme has mainstreamed around 13.00 lakh working children into the normal educational system. According to information, the NCLP was put into practise in 13 states, 59 districts, and 1225 Special Training Centres in 2021 (Gov. of India, 2022). The state-by-state stipend distributed under the NCLP system gradually fell over the course of five years, falling from Rs. 9,311 lakhs in 2016-17 to Rs. 4,099 lakhs in 2020-21, an absolute decline of 56 percent. Due to the significant number of NCLP districts and STCs that are now in operation, Maharashtra (Rs. 931 lakh),

Tamil Nadu (Rs. 482 lakh), West Bengal (Rs. 463 lakh), and Uttar Pradesh (Rs. 434 lakh) earned the biggest awards under the scheme during 2020–21. States like Bihar, Chhattisgarh, Nagaland, and Uttarakhand, on the other hand, were unable to receive any such grant during the same year since they lacked active NCLP districts under the scheme (Styarthi, 2022).

In several Indian states, there is a significant discrepancy between the number of NCLP districts that have been approved and those that are really operating. This shows that both the federal and state governments both need to improve their funding and implementation processes. According to data, there were 59 operating NCLP districts in March 2021 compared to 88 in March 2020, out of the 324 sanctioned NCLP districts. Tamil Nadu, with 15 districts, has the largest coverage of functioning NCLP districts, followed by West Bengal, Maharashtra, Madhya Pradesh, and Andhra Pradesh. The number of children who were rescued from labour during the 2012–2013 fiscal year was 72,976. However, the number of these kids increased in 2014–15 before rapidly declining to 30,979 kids in 2016–17. Following years saw an increase in numbers that reached 58,289 in 2020–21, representing an 88 percent increase from 2016–17 to 2020–21. In 2020–21, there will be 59 operational NCLP districts, meaning that an average of 988 children will be saved, rehabbed, and mainstreamed in each of those districts. As of March 31, 2021, there were only 1,225 Special Training Centres (STC) in the entire nation, down from 3,250 on March 24, 2018, a significant 62 percent fall over the previous three years. Each STC under the Scheme must house a minimum of 15 and a maximum of 50 kids. With a total of 3,250 STCs in India in 2018, this means that about 1.63 lakh children may have had to put up with STCs during the 2018–19 school year (as opposed to 61,250 children in 2021–2022, when there will only be 1,225 STCs available). The state with the most STCs under the programme was Tamil Nadu, which was followed by West Bengal and Madhya Pradesh. Jammu and Kashmir, Jharkhand, and Karnataka were the states with the fewest

functioning STCs, on the other hand. In addition, there were no STCs during the reporting period in Bihar or Chhattisgarh, the two states with the highest rates of child employment in the nation. Simply put, this was due to the absence of any functioning NCLP districts in these two states (Styarthi, 2022).

ACHIEVING SDG 8.7

Our primary, but not exclusive, commitment is to the SDG 8 goals of progress towards full and productive employment for everyone, sustained and inclusive economic growth, and decent work for all. The goal of Target 8.7 is to "take immediate and effective measures to eradicate child labour in all its forms by 2025, including the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, human trafficking, and the elimination of forced labour." It is clear from the estimation that India will have a difficult time achieving SDG 8.7. However, there is still time for action to be taken to stop child labour. In the current study, an effort has been made to assess the amount of work and dedication required to accomplish the enormous objective of completely ending child labour. By 2025, there must be a 667% annual increase in the number of kids leaving the child labour population in order for child labour to be completely eliminated. In a similar vein, if our nation is to entirely eradicate child employment, the rate of decrease must rise from 1.9 lakh to 12.4 lakh annually. To do this, the current initiatives to limit child labour must be ramped up seven times. In addition to increased efforts, the goal of ending child labour requires exponential increases in budgetary spending, human resources, and social and political commitments.

CONCLUSION

The current social safety net needs to be strengthened in order to completely eradicate child labour by 2025. The current social safety net is made up of several pension plans, such as old age pension

and widow pension, which are now in operation, as well as crop insurance schemes that shield farmers from crop failures caused by floods, droughts, etc. These strategies indeed exist at the moment, but their execution is flawed, negatively affecting their effectiveness. Furthermore, the pension programmes' monthly payments are so meager that they can only be considered token gestures. For these social protection programmes to be effective, they must be strengthened and revitalized. It is appropriate to increase the amount paid as a monthly pension under the various programmes. Additionally, budgetary allotments for these programmes need to be increased to ensure that there are enough monies available to serve all eligible individuals. The most crucial issue that must be addressed in order to completely eradicate child labour is the rescue and rehabilitation of existing child labour. When comparing the prevalence of child slavery nationwide with the number of kids saved each year, it becomes abundantly evident that law enforcement agencies do not prioritise saving or releasing children from forced labour. The protection of children in labour must be a top concern for law enforcement organizations if the aim of ending child labour by 2025 is to be met. In addition, it is also true that kids who have been saved from labour need a lot of help. But it has been discovered that there is a lack of cooperation among the law enforcement organizations that deal with matters pertaining to the rehabilitation of minors rescued from servitude. Their rehabilitation consequently continues to worsen. In order to ensure that rescued child labourers and their families receive their benefits in accordance with the current rehabilitation policy as soon as possible following their rescue, the subject of rehabilitation must also receive the highest attention. The rescue would be useless if the youngster returned to work, which is extremely likely to happen. Therefore, ending child labour won't be possible until and until rehabilitation is swift and efficient. Although the socioeconomic rehabilitation of the rescued child is the main emphasis of our rehabilitation procedure, many children who are saved from such circumstances also require psychological support. As

a result, the rehabilitation model must be changed from "socio-economic rehabilitation" to "psycho-social and economic rehabilitation." There is a need to set up an efficient monitoring structure at the District, State, and National levels for effective monitoring of efforts made towards the rescue and rehabilitation of child labour in order to guarantee that it receives the attention and importance it deserves. Additionally, appropriate funding must be allocated for the rehabilitation of saved child labour, and the country's district-level rehabilitation machinery must be strengthened.

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