

Socio-Legal Analysis of the Adolescent Labor in India

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Abstract: *This report examines the evolution and emerging trends in the child labour legislation in India after its enactment. It aims to study and provide a comprehensive overview of the policy making process that delineates hazardous and non-hazardous processes and occupations through a detailed examination of Environmental Protection Act, 1986 and the Factories Act, 1948. A few laws have been passed in India to ensure and advance the rights of children. In any case, child work measurements and different insights point to the fact that these laws have not been extremely powerful. Request and supply powers exist to sustain child work and to keep the economy at a low balance trap. Unless the fundamental causes of child work are tended to, the rights of the child will never be secured. The paper requires an all encompassing way to deal with address the issue of child work and endeavors to give a model of child support arrange that is obvious and available to a child in trouble. This paper critically analyzes the factors contributing to child labor, such as extreme poverty, large family size, lack of educational opportunities, cultural norms, and economic instability. The study highlights the gender disparity in child labor, with boys often employed in physically demanding jobs while girls are engaged in domestic and lighter tasks.*

Keywords: Child labor, socio-economic factors, poverty, gender disparity, educationexploitation, hazardous work, socio-economic challenges

I. INTRODUCTION

According to the 2011 India Census office, child labor is defined as any economically creative activity in which a kid under the age of 17 is involved, whether or not they receive payment in the form of salaries or profits. This kind of involvement could be mental, physical, or both. This work entails helping out part-time or performing unpaid labor on the farm, with family members, or in any other economic endeavor.

Child labor is widely seen as a social evil that has impacted and harmed the lives of numerous youngsters worldwide. According to UN estimates, one in ten children worldwide are involved in child labor. India is one of the countries with high rates of child labor; therefore, in order to reduce and eliminate the risk of child exploitation, action must be taken at the local level. According to 2019 statistics, there are about 12 million child laborers in India; however, many non-governmental organizations believe that the true number is closer to 60 million. There are almost as many girls as boys in this group.

The problem of child labor is not limited to India; it is a major concern for the entire world. Child labor is a major issue in India since early entry into the workforce at a critical age might result in dropping out of school, which reduces future opportunities for a better life. Usually, it has to do with poverty. The main reasons why child labor is so common are extreme poverty, a lack of employment opportunities, irregular income, and a regressive standard of life. While it is easy to identify child labor in the organized sector, which represents a small portion of all child labor, the unorganized sector is primarily affected by the problem and needs to receive the most attention.

Although child labor is a global problem, it is particularly serious in India. In India, child labor is prevalent in almost every area of the unorganized economy. Children are employed as domestic helpers as well as at textile factories, building sites, restaurants, and beedi rolling businesses. It is generally assumed that children will gradually stop working to fund their education as family income rises. Due to their lack of knowledge, they have limited access to



opportunities, prospects, and outlooks in the world. Therefore, any employment that violates their entitlement to an education must be considered dangerous.

Role of the Indian Judiciary

Firstly, the Indian judiciary played a key role in broadening the definition of child labour and theorising its exploitation in various forms in many cases. The Hon'ble Supreme Court and High Courts of India have indicated that by virtue of being signatory to various international conventions and treaties, the domestic laws ought to adhere to these international commitments in a matter that has not been defined in the existing domestic legislation. Initially, the burden of proving that the child is below 14 years of age is on prosecution. Therefore, the accused could not be convicted if prosecution failed to prove the age of child in the court of law. As a result, the employer was able to escape legal action against him. These practices continued until the High Court of Delhi in the matter *Save the Childhood Foundation v/s Union of India* defined child labour as, "the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or any other person exercising control over the said child". This definition also shaped the discussion of the Parliamentary Standing Committee (2013-14) which was examining the issue of child labour in India and the legislative amendments. Therefore, the Indian judiciary's intervention brought in significant changes in the effective enforcement and the procedural aspects of the child labour law.

The term "child labor" describes the exploitation of minors through any type of employment that robs them of their youth, prevents them from attending a regular school, or otherwise negatively impacts their development. It specifically refers to work that:

- slows down their schooling by keeping them from joining in; driving them out ahead of schedule; or expecting them to attempt to offset school participation with unduly extended and laborious work.
- employment is risky and hurtful to their psychological, physical, social, or moral turn of events.

Causes of child labour

Structural and economic reasons:

A child who works typically does as such to enhance the family pay. This is particularly significant for outsider networks whose guardians probably won't be working or could have the option to work in low- paying position. Most of young people in non-industrial countries work since they want to help their families, guarantees the hypothesis of child work as a commitment to the family.

Child labour as a means of self-actualization

According to this argument, some kids would still prefer to engage in constructive activities even in the absence of poverty. Children who work on family farms serve as an example of this, which also holds true for kids in underdeveloped nations and kids looking for part-time employment in developed nations.

Child labour as a consequence of family dynamics

Additional significant factors that contribute to child labor include parental education and occupation. Parents are less likely to let their children work the more educated they are, especially women. However, families in labor-intensive professions, like farming, are more likely to have a large number of children who begin to contribute financially at a young age since their labor income exceeds their raising expenses. It is typical for children to enter the workforce when crop failures, job losses, or the death of an income earner threaten the stability of the family's livelihood.

Escaping abuse at home

When they are mistreated, some kids flee their homes in search of employment. This is most frequently the result of stepparent maltreatment or a youngster moving in with an extended family member Types of Child Labour Child labor can be categorized based on the nature of the work, the environment in which it occurs, and the level of exploitation involved. Here are the main types of child labor:



1. Economic Exploitation

- **Agricultural Labor:** Involves children working on farms, plantations, or in fields. Tasks may include planting, harvesting, and caring for livestock. This type often exposes children to harmful pesticides, heavy machinery, and extreme weather
- **Industrial Work:** Includes employment in factories, workshops, and mines. Children might work in garment production, brick kilns, or processing plants, often facing dangerous machinery, toxic chemicals, and poor working conditions.

2. Hazardous Work

- **Mining and Quarrying:** Children are involved in the extraction of minerals and rocks. This work is extremely dangerous, with risks of cave-ins, explosions, and exposure to harmful dust and chemicals.
- **Construction Work:** Includes tasks such as carrying heavy materials, mixing cement, and working on scaffolding. It exposes children to heavy machinery, falls, and other construction-related hazards.

3. Unhealthy Work

- **Fishing and Seafood Processing:** Children work in fishing, sorting, and processing seafood, often in hazardous conditions involving harmful equipment and chemicals.
- **Brick Kiln Work:** Children perform tasks such as molding, drying, and transporting bricks. This work is physically demanding and performed in extreme heat.

4. Domestic Work

- **Household Chores:** Children work as domestic helpers, performing tasks such as cleaning, cooking, and caring for younger siblings. They often face long working hours, isolation, and a lack of access to education.

5. Street Work

- **Begging and Vending:** Children engage in begging or selling goods on the streets. They are vulnerable to exploitation and abuse, often working long hours under dangerous conditions.
- **Street Performers:** Includes activities such as performing or entertaining on the streets, which can involve significant risk of exploitation and neglect.

JUDICIAL RESPONSE IN THE AREA OF CHILD LABOUR

The Supreme Court of India at the apex has been assigned a very important role and constituted as a guardian of Constitution. Our judiciary is an independent organ of the State. They perform a great job of interpretation of Constitutional and Legislative provisions. The Indian Judiciary played pivotal role in the field of Child Welfare.

A) *M. C. Mehta Vs. State of Tamil Nadu*¹ The Supreme Court while interpreting Article 21 held that right to receive education by child worker until they completed 14 years of Age is an integral part of right to life and personal liberty.

B) *P. U. D. R. Vs. Union of India*² In this case Supreme Court directed the State Government to amend the schedule of the employment of children Act, 1938. Further Court held that construction work is hazardous occupation.

C) *Salal Hydro Project Vs. State of J & K*³

In this case Child Labour is a difficult problem on account of an economic problem and it cannot be solved by mere legislation. So long poverty continues the problem of Child Labour eradication is not possible.

II. CONCLUSION

In conclusion it can be said that the problem of Child Labour exploitation is still burning issue in India. The disease spreading day by day to tackle the problem we have to find proper and effective mechanism. Government of India should form separate mechanism for effective implementation of Education policy in India. The Education policy of Government in existence is not satisfactory not capable to fulfill their economic needs. The negligent behavior of parents indulges children in to work which is one of the risks to their socio-economic status. The various organizations



in the area of Child Labour, child right violation, child abuse is taking efforts to protect and eradicate the same, and the Parents of the children make aware that temporary gain is not helpful to their family. The efforts shall be taken from the Government with help of NGOs in the area of small family norms, compulsory education, and so on. The picture is clear that the problem of Child Labour can only eradicate if there is joint efforts of Governmental agencies and NGOs actively working in the same area.

RECOMMENDATION

1. Strict implementation of Child Labour legislations and practical and healthy alternatives to replace this evil can go a long way to solve the problem of Child Labour.
2. Application of Compulsory Education policy to curb the problem of Child Labour.
- 1 AIR 1991, SC 417
- 2 AIR 1982, SC 1473
- 3 AIR 1984 SC 177

REFERENCES

- [1]. ILO (1996), Child Labour: Targeting the Intolerable, 86 Session, Report Sixth (1), ILO, Geneva (<http://articles.timesofindia.indiatimes.com/keyword/child-labour>)
- [2]. Child Labour problems and perspective, Lawz, September, 2011, pp. 16-18
- [3]. Indian Bar Review, Edited by Ashok Kumar Deb, Bar Council of India Trust, New Delhi, VolXXXVIII(1&2), 2011
- [4]. Parvathamma G.L., Child Labour in India –A Conceptual and Descriptive Study International Journal of Humanities and Social Science Invention, Volume 4 Issue 1, January. 2015
- [5]. Abhi Dulera (2020), Child Labour in India, <https://medium.com/@duleraabhi2801/childlabour-in-indiaad78a546598c>
- [6]. Mohapatra and Dash, (2011). “Child Labour-A product of socio-economic problem for India, findings and preventives-A case of Bhubabaneswar (a state capital of India)”, Educational Research, vol2, issue-6, pp-1199-1209.
- [7]. Sarkar, Jayanta, and Dipanwita Sarkar, “Why does Child Labor Persist with Declining Poverty?”, Economic Inquiry 54 (1): 139-158., 2015,

