

Child Labour and its Impact on Education: A Socio-Legal Perspective

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Abstract: *Child work in India deprives youngsters of their childhood and affects their mental health. Article defines child labor and its causes. The rapid population growth and high unemployment and underemployment among economically disadvantaged persons are crucial factors. Submitting a child to such conditions may lead to malnutrition, sexual harassment due to limited awareness, and a lack of social norms and basic knowledge. Child labor's economic effects, although some gain in the near term, hurt the nation's economy. Uneducated children forced into work restrict economic growth. International agreements aim to create a global child labor regulation framework. The Indian Constitution, 1950, mandates free and compulsory education for 6–14-year-olds under Article 21(A). Maintaining a family business is allowed, however children under 14 cannot work in government or business. Finally, societal solutions to decrease child labor are discussed. It suggests investigating the issue, reviewing national child labor laws, and evaluating employee ages and risky jobs..*

Keywords: Labor Laws, Legal Framework, Child Exploitation

I. INTRODUCTION

Child labor is a major worldwide issue that is closely related to gender inequality, poverty, a lack of educational opportunities, and a number of health hazards. Child labor is defined by international treaties like the International Labour Organization's (ILO) Convention on the Rights of the Child and UNICEF's Convention on the Rights of the Child. It is defined as the use of children in activities that rob them of their youth, interfere with their regular attendance at school, and present risks to their mental, physical, social, or moral development. A person who has not yet turned 14 is considered a "child" under the kid Labour Act, 1986.

Children are forced to labor for their own and their families' livelihoods at this delicate stage of life, when they should ideally grow, enjoy childhood, seek education, and form a strong set of values. Due to the widespread condemnation of this practice as exploitative, child labor is prohibited by several international laws.

The Child Labour Act of 1986 and the National Child Labour Project are two ways that India tackles the problem of child labor. More than 10.12 million youngsters in India now work as domestic helpers, carpet weavers, beedi rollers, farmers, fireworkers, and clothing makers instead of attending formal schooling. Work that injures children or prevents them from receiving an education is referred to as child labor.

215 million children between the ages of 5 and 17 are estimated by the International Labour Organization to be working in jobs that are unlawful, dangerous, or highly exploitative worldwide. 53% of child labor occurs in Asia and the Pacific, 7% occurs in Latin America, and 30% occurs in sub-Saharan Africa. Notably, there are now 168 million juvenile laborers worldwide, down from 246 million in 2000, with over half of them engaged in dangerous labor.

A. Causes of child labour

The prevalence of child labor is rising, and children are still being exploited, even though there are several laws designed to stop child labor and protect them from exploitation. This increase in child labor is caused by a number of causes, such as unemployment, poverty, illiteracy, and fast population expansion. Given that one-fifth of India's population lives below the poverty line, poverty is one of these elements that is very important, according to the NITI Aayog study on SDG 2019. 13.7% of people in cities and 25.7% of people in rural areas are below the poverty line.

Due to the fact that their wages are a crucial part of the family budget, children who experience financial difficulties are positioned as significant contributors to their family's revenue. Parents see their kids as resources to help them get the things they need to survive.

The historic ruling in *M.C. Mehta vs. State of Tamil Nadu* recognized poverty as the primary driver of child labor and emphasized the duty of the state to assist families in removing their children from risky situations. However, there are other factors, such as unemployment and illiteracy, that contribute to child labor in addition to poverty. Although the state often links poverty to child labor, it is acknowledged that the state may have a stake in the issue as a passive spectator. Because child labor is so economical, both local and foreign businesses that produce goods like bangles and lightbulbs use it.

Notably, a study by Biggeri and Mehrotra on the macroeconomic factors influencing child labor in five Asian countries India, Pakistan, Indonesia, Thailand, and the Philippines found that Monsanto and Unilever were using child labor to produce cotton seeds in India. The study was done for the Indian Committee of the Netherlands. According to their study, child labor has been a persistent problem throughout human history, impacted by macroeconomic factors worldwide. They suggest that the reasons of child labor are influenced by both the supply and demand sides.

They stress that the rise of the low-paying informal sector, rather than the higher-paying formal business, is a critical element on the demand side, while poverty and the lack of good schools account for the supply side. Major macroeconomic variables impacting the demand for and acceptability of child labor, according to some experts, include an inflexible labor market, the magnitude of the informal sector, companies' incapacity to scale up, and a lack of contemporary industrial technology.

B. Effects of child labour:

Child labor is not a phenomena that deserves recognition; rather, its rise indicates a country's inability to supply basic requirements, especially to youngsters. Such cases have severe negative effects on kids. Child labor deprives children of a loving upbringing and exposes them to physical and emotional abuse. The youngster is forced to grow emotionally and cognitively early, which is unhealthy. This fosters poverty since the kid cannot attend basic school and earns little for their family. The kid also receives little pay.

- Child labor has several negative repercussions beyond economic hardships:
- Children may suffer from malnutrition, drug dependency, and depression.
- The practice may jeopardize children's dignity and moral development.
- Children may be coerced into employment and subjected to sexual exploitation.
- They may become victims of sexual and physical violence.

II. IMPACT ON THE ECONOMY

A child's upbringing determines their role in nation-building as an adult, affecting society and the economy. Child labor may enrich a few, but it hurts a nation's economy in the long run. Child labor is cheaper than adult labor, hence it hurts adult employment and raises unemployment.

Child labor affects economic dynamics and increases fertility. Employers use children as inexpensive labor, so disadvantaged families think more children would increase profits. This increasing fertility rate increases population, unemployment, and resource depletion. Child labor affects cerebral and personality development as well as physical growth. The severe working circumstances and constant mental and physical strain limit their development, making them unsuited for other jobs, compelling them to stay.

Children who work instead of going to school risk illiteracy, reducing their ability to help themselves and the society. India has long-term issues from child labor, notably in human capital accumulation. An educated workforce with industry-relevant skills is essential to economic growth. India's future human capital will include today's child laborers, creating a trade-off.

Child labor is widespread in India, with 70% working in agriculture and others in low-skilled jobs like sari weaving and household work. Some kids work in coal mines. The ILO emphasises the economic advantages of prioritising education over child work for developing countries. Children without English literacy and technical aptitude are less productive and unable to find higher-paying occupations, preventing them from escaping poverty.

A. Indian Constitution and Child Labour:

The Indian Constitution's Article 23 (1) forbids both forced labor and human trafficking. Additionally, the employment of minors in industries is forbidden under Article 24 (1). It states that children under the age of fourteen are not allowed to work in mines, factories, or other dangerous jobs.

The widespread consensus was that without laws that prohibit and punish its breach, the rights guaranteed by Article 24 would barely be effective. Even if the ban outlined in Article 24 is not "followed up by appropriate legislation," the Supreme Court made it clear that it "must operate proprio vigor." In the case of *Labourers, Salal Hydro Project v. State of J&K*², it was once again decided that it is against Article 24 to hire minors under the age of 14 for construction work. In *M C Mehta v. State of Tamil Nadu*³, it was mentioned that child labor was a widespread threat. As a result, it issued broad directives regarding the employment and exploitation of children in Sivakasi, forbidding the employment of children under the age of fourteen and establishing a fund to pay for their education while giving the parents or other physically capable adults in the family jobs. Regarding the employment of minors in the U.P. carpet weaving sector, these guidelines were restated in *Bandhu Mukti Morcha v. Union of India*⁴.

B. Child labour and international legislation:

International Initiatives to Combat Child Labor Various international accords have served as a conduit for worldwide efforts to prevent child labor. The goal of these agreements is to provide a thorough legal framework for dealing with the problem. The United Nations Convention on the Rights of the Child, which covers both child labor and the right to education, as well as two International Labour Organization conventions the Worst Forms of Child Labour Convention and the Minimum Age Convention are important tools in this effort. The CRC and ILO conventions are the main international instruments addressing children's rights, even if the UN Universal Declaration on Human Rights (1948) and the International Covenant on Economic, Social, and Cultural Rights also include the right to education.

1. UN Convention on the Rights of the Child (CRC)

The CRC is a comprehensive human rights convention that outlines children's rights across the world. Unless otherwise noted under national law, the CRC defines a child as any anyone under the age of 18. According to the Convention, States and Parties are required by international law to guarantee that all children, without exception, receive particular protection and aid. These include having access to basic services like healthcare and education, having the chance to fully develop their personalities, skills, and talents, growing up in a happy, loving, and understanding environment, and being aware of and actively involved in the realization of their rights.

2. International Labour Organization

The ILO is a United Nations organization that was established in 1919 with the goal of advancing social and economic fairness by creating global labor standards.

ILO Convention on the Minimum Age (No. 138) The minimum age for work is established at 15 years old by ILO Minimum Age Convention No. 138, while in some situations, 14 years old may be accepted for a certain amount of time. According to the agreement, minors between the ages of 13 and 15 are allowed to perform light jobs that do not interfere with their education or pose a health risk, while 18 is the minimum age for jobs that might endanger a young person's safety, morality, or health.

ILO Convention on the Worst Types of Child Labor (No. 182) Countries that ratify the ILO's Worst Forms of Child Labor Convention No. 182 are required to act quickly to outlaw and eradicate the worst types of child labor. All forms of slavery, the commercial sexual exploitation of children, and any labor that is inherently detrimental to children's health, safety, or morality are among these worst kinds.

III. CHILD LABOUR LAWS IN INDIA

Article 21(A) of the Indian Constitution of 1950 stipulates that all children aged 6 to 14 must receive free and compulsory education. Additionally, Article 24 expressly forbids the employment of minors under the age of 14 in hazardous industries that might endanger their physical and mental health in the long run. Under Article 51 of the

Constitution, which is a component of the Directive Principles of State Policy, everyone, including parents and guardians, has a basic obligation to provide their children between the ages of six and fourteen access to education.

The first committee, known as the Gurupadswamy Committee, was established by the government in 1979 to research child labor and provide solutions. The committee's 1986 recommendations served as the foundation for the Child Labor Prohibition and Regulation Act.

The Child Labour Amendment Act, 2016 was a new amendment that first established the idea of teenage labor for children between the ages of 14 and 18. The purpose of this new Act was to address the shortcomings of the previous Act of 1986.

A. Case laws relating to child labour:

1. Hosanna-Tabor Evangelical Lutheran Church and School V. EEOC⁵

The US Supreme Court considered the relationship between labor laws and religious exemptions in this historic decision. It brought to light the difficulties associated with child labor concerns in religious settings and questioned whether religious schools may hire children in defiance of child labor regulations.

2. Bachpan Bachao Andolan V. UOI⁶

In response to a public interest lawsuit brought by Bachpan Bachao Andolan, the Indian Supreme Court ordered the Indian government to implement strict steps to prevent child labor. In order to combat child laborers, this entailed identifying and rehabilitating kid labs. A major precedent for judicial activism in addressing child labor was established by this decision.

3. Child and woman labour Prohibition group v. Union of India (1991)

The Supreme Court emphasized the need of taking prompt measures to end child labor in this case. The court ordered the federal and state governments to take action to find, rehabilitate, and provide free education to child laborers.

4. State of Karnataka V. Umadevi⁷

This case is significant because it affects the employment of children, even if it is not specifically about child labor. The ruling made it clear that, in accordance with the equal opportunity and fairness principles, children of government workers were not permitted to have government employment.

B. Other major national legislative developments:

1. The Factories Act of 1948

The Act forbids the employment of minors in factories under the age of fourteen. The ordinance also established restrictions on who might work in factories as pre-adults between the ages of 15 and 18.

2. The Mines Act of 1952

The Act forbids hiring minors under the age of eighteen to work in mines.

3. The Juvenile Justice (Care and Protection) of Children Act of 2000

This legislation makes it illegal for anybody to hire or obtain a minor for bondage or any other dangerous job, and it carries a jail sentence.

4. The Right of Children to Free and Compulsory Education Act of 2009

All children between the ages of 6 and 14 must get free and compulsory education under this rule. The law also required that students from underprivileged families and children with physical disabilities be given 25% of the seats in all private schools. In 1987, India developed a National Policy on Child Labor. With an emphasis on the rehabilitation of children employed in dangerous jobs, this policy aims to take a methodical and progressive approach. In order to address the underlying causes of child labor, like as poverty, it called for development initiatives in addition to the rigorous implementation of Indian laws against child labor. The National Child Labour Project, project resulted from

this in 1988. The Indian government has so far provided funds under this legal and development effort that are exclusively focused on ending child labor in India.

5. The Apprentices Act, 1961

A youngster cannot participate in apprenticeship training until they are 14 and pass the educational and physical fitness requirements.

6. The Plantation Labour Act, 1951

Children under the age of twelve are not allowed to work under this Act; children above twelve may only work if a designated physician certifies their competence.

7. Child Labour (Prohibition & Regulation) Act, 1986

The Parliament approved "The Child Labour Act, 1986" in recognition of the growing issue of child labor in India. This Act was designed to make child labor unlawful and punished by law for all Indian citizens. The purpose of the Act is to inform the public that child labor regulations exist in this country in order to safeguard children. Nevertheless, despite this, neither the situation nor its control have improved.

C. Role played by non – governmental organisations:

Many non-governmental organizations have been working to end child labor in India, including Bachpan Bachao Andolan, Child Fund, CARE India, Talaash Association, Child Rights and You, Global March against child labor, Bundelkhand matra bhumi samaj sevi sansthan project stop working with child labor in India, Good Weave India, RIDE India, Childline, and others.

The issue of child labor has also given rise to several public interest lawsuits, such as "Hemant Goswami vs. Union of India" or "PIL on child labor."

IV. CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

The definition of a kid is given by this Act. According to this, a person who has not reached the age of 14 is considered a kid. This law not only forbids the use of child labor in dangerous industries but also controls the working conditions and hours of child laborers. According to Article 24 of the Indian Constitution, no child under the age of 14 shall work in a dangerous industry.

26 Sections and two Articles A and B make up the four sections that make up this Act. The following is the act:

1. **Part I:** preliminary. Section 1 discusses the Act's brief title, scope, and start date, while Section 2 discusses the several definitions included within the Act.
2. **Part II:** prohibiting the use of minors in certain jobs and procedures. Sections 3, 4, and 5 of this Act are included. Regarding Section 3, there are two Articles A and B. While Section 4 discusses the authority to alter this Act and Section 5 declares that the Central Government has the authority to establish a Child Labour Technical Advisory Body, Section 3 enumerates a number of professions and procedures that are currently covered.
3. **Part III:** Regulation of Children's Working Conditions. It contains Sections 6 through 13. An application is included in Section 6, the hours and time of labor are discussed in Section 7, and the weekly holidays are covered in Section 8. Section 8 outlines the procedure for filing a notification to the inspector, and Section 10 discusses what to do in the event of an age dispute. Section 11 mandates that the register be kept up to date, while Sections 12 and 13 discuss other formalities.
4. **Part IV:** Sections 14 through 28 of the Act are classified as miscellaneous. This section discusses clauses pertaining to fines, inspector appointments, rulemaking authority, removing obstacles, etc.

V. CHILD LABOUR DURING COVID 19

As said, worldwide child labor has been dropping for two decades, but the ILO warns that the COVID-19 epidemic might reverse this trend. Up to 60 million individuals may slip into poverty this year, allowing families to send their kids to work. The ILO and UNICEF estimate that a 1% increase in poverty increases child labor by 0.7%.¹²

Despite a lockdown after the epidemic, India's records suggest that minors are still being exploited for child labor. Although India's schools were shuttered due to the coronavirus outbreak, many children were secretly sent to fields and industries to work, aggravating the child labor crisis.

The nationwide Indian lockdown began on 25 March 2020, and there were 2473 child labor interventions in March, 446 in April, and 734 in May when lockdown restrictions loosened. The indicated youngsters working in this autumn may not be the real amount. Thus, the reduced numbers may simply reflect pandemic-related interruption of reporting and inquiry. Indian Childline helped 3653 child labor victims across states. Of these 3653 interventions, 35% (1264) were for begging, 21% (763) for hazardous activities, 14% (513) for restaurant employment, 10% (371) for domestic work, 8% (286) for family units, and 4% (156) for bonded labor.^{8,17} A Ludhiana, Punjab, India district task team rescued 13 child laborers from two companies on August 29, 2020.

A. Age Limit for Employment in India

Any work by minors under 14 is unlawful and punishable. Someone convicted of the same crime faces a maximum 2-year jail term. A few family-based occupations are excluded. Teens under 18 cannot work in dangerous jobs. Parents who endanger their children will be fined and punished under the Child Labour Amendment Bill, 2012.

B. Exceptions of Child Labour Law

As said, Indian government and private sector children under 14 cannot work. Exceptions apply in certain cases. A youngster operating the family company is exempt from the legislation. Hazardous occupations don't need this. Careers might continue after school or during breaks. The legislation protects children from child labor by considering their father, mother, sister, brother, paternal uncle or aunt, and maternal uncle or aunt family members.

Children under 14 who perform in audio-visual entertainment are also exempt. They may work in advertisements, TV shows, movies, and other entertainment or sports businesses. Safety rules prevent circuses from being considered part of India's entertainment business.

C. Work Permission for Teenagers Under the Child Labour (Prevention and Regulation) Amendment Act

Young individuals between the ages of 14 and 18 are allowed to work in jobs that are not associated with hazardous or challenging labor, as per the Child Labour Amendment Act. Any organization that employs teenagers must adhere to these guidelines to ensure their safety:

- Organisations should ensure that each working period must not exceed more than three hours each day
- Organisations are prohibited from employing adolescents during the night shift or from 7 PM to 8 AM
- According to the act, the maximum working time for a teenager is six hours each day, except for the waiting time
- After working for three hours, the organisation must allow the adolescent to take a break for at least an hour
- Teenagers between the age of 14 to 18 cannot work in more than one organisation simultaneously
- The organisation must allow teenagers to get a holiday at the weekends
- Adolescents are not allowed to work overtime.

VI. SOLUTIONS TO PREVENT IT

Child labor may be eliminated in several ways. This requires assessing the issue and examining national child labor legislation. Child labor must be controlled by confirming employee ages, identifying dangerous jobs, and performing workplace risk assessments. Refusing to hire children under 14, removing them from hazardous work, or reducing their work hours while complying with minimum age standards can significantly reduce child labor rates and improve these children's social status.

Strategic efforts like a safety and health management system, collective bargaining agreements, and a code of labor practices solve this problem. Promoting education and helping child labor victims are also crucial. Businesses should adopt a child-free policy and guarantee new suppliers don't use youngsters. If needed, installing monitoring systems is essential to implementing these precautions.

VII. CONCLUSION

The economy and society are negatively impacted by child labor. To aggressively address this problem, the government has put in place a number of initiatives. However, child labor has become a socio-legal issue due to the presence of socio-economic issues, especially poverty and illiteracy, which are the main causes of child labor. All facets of society must work together to address this problem.

This issue can only be successfully overcome by working together, which would enable India to become a better and more advanced country. A substantial change may be made if each person takes responsibility for preventing child labor. For government measures to significantly reduce the issue of child labor, public support is essential. Since children are our country's future, it is crucial to raise awareness of the dangers of child labor and stress the need of letting them enjoy and experience childhood.

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