



Child Labour and Forced labour in India

 drishtiias.com/printpdf/child-labour-and-forced-labour-in-india

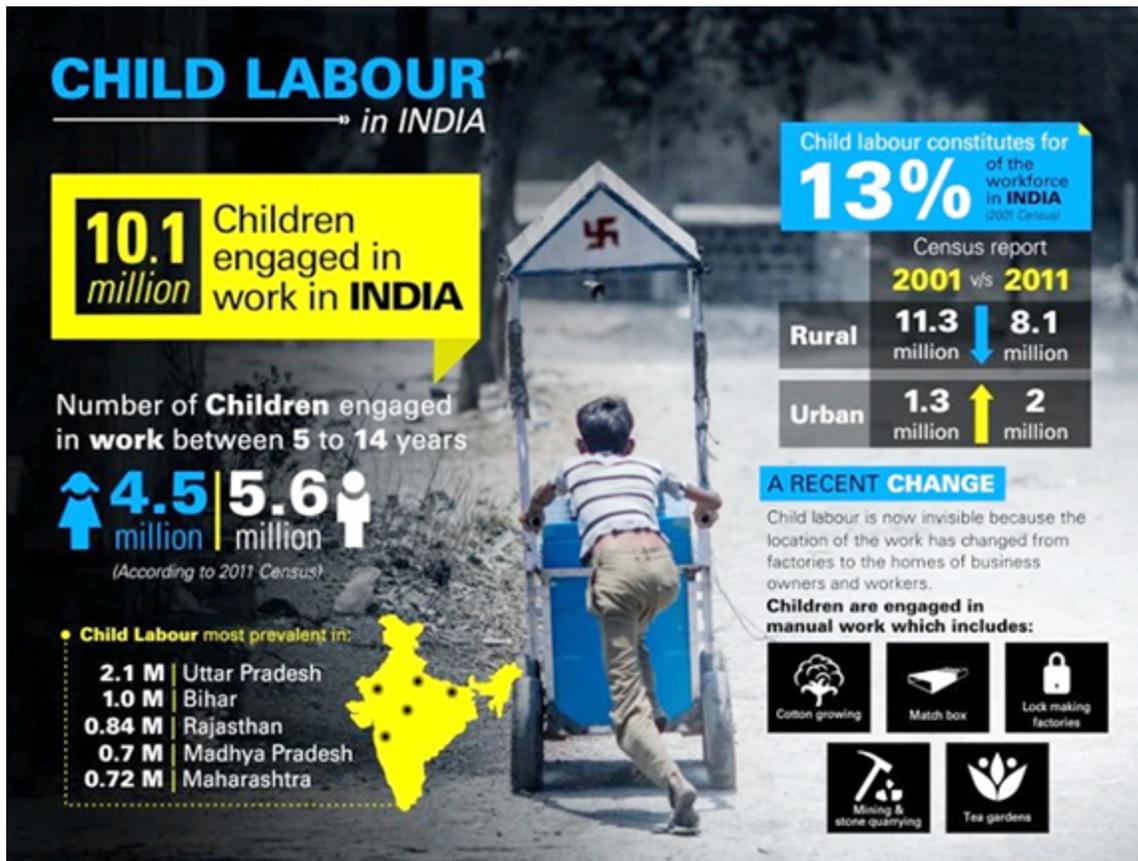
Why in News

A recent study has raised the **issue of ambiguity about definitions of child labour and forced labour** in India, especially for sugarcane producing states of Bihar, Karnataka, Maharashtra, Punjab, and Uttar Pradesh.

The study was commissioned by the **United Nations Development Programme (UNDP) and The Coca-Cola Company.**

Key Points

- **Findings from the Study:**
 - Authorities discounted **underage child labour** as “**children helping parents in the field**”.
 - Similarly, confusion was about the **advance payment to migrant workers**, and **associated risks of forced or bonded labour**.
 - Most of the interventions in the sugarcane sector, either by government authorities or by the **Corporate Social Responsibility (CSR)** arm of companies, were focused just on “improving farming techniques to ensure an increase in cane productivity”.
- **Child Labour and Forced Labour (Meaning):**
 - The term “**child labour**” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.
 - **Forced labour** is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.
 - The term forced labour **includes slavery and practices similar to slavery as well as bonded labour or debt bondage.**
 - **Bonded Labour** is a practice in which **employers give high-interest loans** to workers who **work at low wages to pay off the debt.**



- **Provisions of Child Labour (Prohibition and Regulation) Amendment Act, 2016:**
 - According to the **Act**, employment of **children below the age of 14 years** in any **commercial enterprise is illegal**.
 - The Act also **bars the employment of adolescents** in occupations that deal with **hazardous working conditions** such as chemical plants and mines.
 - The Act says that **children can only work after school hours or during holidays** and that **children are allowed to work in family owned secure sectors**.
 - **Criticism:**
 - It is criticised that the Act allows child labour in “**family or family enterprises**” or allows the child to be “**an artist in an audio-visual entertainment industry**”.
 - It **excludes** a section of toiling children in the unorganized sectors including **agriculture as well as the household work**.
 - The Act **does not define the hours of work** and it simply states that children may work after school hours or during vacations.

- **Bonded Labour in India:**

- The **Supreme Court of India** has **interpreted bonded labour as the payment of wages that are below the prevailing market wages** and legal minimum wages.
- The **Constitution of India prohibits forced labour under Article 23** (Fundamental Rights).

Article 23: Prohibition of traffic in human beings and forced labour.

- Bonded labour was historically associated with rural economies where peasants from economically disadvantaged communities were bound to work for the landlords.
- Bonded labour is found to **exist in both rural and urban pockets** in unorganized industries such as brick kilns, stone quarries, coal mining, agricultural labour, domestic servitude, circus, and sexual slavery.

Sugarcane Cultivation in India

- It is a tropical as well as a subtropical crop. It grows well in hot and humid climate with a temperature of 21°C to 27°C and an annual rainfall between 75cm and 100cm
- In India, sugarcane is primarily grown and cultivated in Bihar, Karnataka, Maharashtra, Punjab and Uttar Pradesh.
- Of these, **Uttar Pradesh is the largest sugarcane producer** and accounts for **nearly 40%** of the cash crop grown in the country, followed by Maharashtra and Karnataka, which account for 21% and 11% of the total domestic production.

Other Child Labour Laws/Programmes in India

- **Article 24 of the Constitution:** No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.
- **National Policy on Child Labour (1987):** It focuses more on rehabilitation of children working in hazardous occupations and processes, rather than on prevention.
- **Juvenile Justice (Care and Protection of Children) Act 2015:** It includes the working child in the category of children in need of care and protection, without any limitation of age or type of occupation.
- **National Child Labour Project (NCLP) Scheme 2007:** Under it, children in the age group of 9-14 years, rescued/withdrawn from work are enrolled in the NCLP Special Training Centres, where they are provided with bridge education, vocational training, mid day meal, stipend, health care, etc. before being mainstreamed into formal education system.
- The **Right to Education Act, 2009** has made it mandatory for the state to ensure that all children aged 6 to 14 years are in school and receive free education.
- According to the **Mines Act of 1952**, employment of children below the age of 18 years is illegal in mines.

- **Platform for Effective Enforcement for No Child Labour (PENCIL) Portal 2017:**
 - It is an electronic platform that aims at involving Centre, State, District, Governments, civil society and the general public in achieving the target of child labour free society.
 - It has been launched for the effective implementation of Child Labour Act and National Child Labour Project (NCLP) Scheme.
- Recently, India has ratified **International Labour Organizations Convention (ILO) no 138** (minimum age for employment) and **Convention no 182** (worst forms of child labour).

Bonded Labour Related Schemes/Acts

- **Bonded Labour System (Abolition) Act 1976:**
 - The Act extends to the whole of India but implemented by respective state governments.
 - It provides for an institutional mechanism at the district level in the form of Vigilance Committees.
 - Vigilance committees advise District Magistrate (DM) to ensure the provisions of this act are properly implemented.
 - The State Governments/UTs may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or second class for the trial of offences under this Act.
- **Central Sector Scheme for Rehabilitation of Bonded Labourers (2016):**

Under this scheme financial assistance to the extent of Three lakhs Rupees is provided to released bonded labourers along with other non-cash assistance for their livelihood.

Way Forward

- The **cycle of poverty and its implications** must be **addressed properly**, so families can find other means to survive and send their children to schools.
- Many **NGOs like Bachpan Bachao Andolan, ChildFund, CARE India, Kailash Satyarthi Children Foundation** etc. have been working to eradicate child labour in India. Right kind of **focus and orientation with state level authorities** is also needed to avoid the practice of child labour.
- **Forced Child Labour** requires an urgent action from governments and the international communities.
- A **very robust, reliable and fairly decent social security package and strict implementation** of the acts is needed.

Source: IE