



CHILD LABOUR AND ECONOMIC INTEREST OF CAPITALIST

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INTRODUCTION

Now a day's people around the world prefer that children not to participate in the workforce. But it remains largely ineffective as it does not address the root causes of the issue of child labour. Child labour is the practice of engaging children in economic activity, on part or full-time basis. This practice of child labour deprives children from their childhood, and is harmful to their physical and mental development. Poverty, lack of good schools and growth of informal economy are certain important causes of child labour in India. India is said to be sadly the home to the largest number of child labourers in the world.

The increasing gap between the rich and the poor, privatization, economic policies, population out of employment and without basic needs, adversely affects children. Entry of multi-national corporations into industry without proper mechanism leads to the use of child labour. Lack of quality education also contributed to children remaining out of school and entering the labour force. A major problem is that the actual number of child labourers remains un-detected. Laws that are made for the protection of children from hazardous labour are ineffective and not implemented properly. A growing trend in this context is using children as domestic workers in urban areas. The conditions under which children work are very dangerous and they are often used to work without food, and at very low wages, resembling situations as of slavery. Further there are cases of physical, sexual and emotional abuse of child at domestic works.

Along with above mentioned situation today Capitalistic tendencies are also stands as one of the important reason for increase in child labour. Capitalists are the people who are having large amount of capital for their business and always in need of some labour. For such capitalists children are cheap and ready source. The main goal of capitalists is to maximize the profits. The same is possible only when they utilize the available labour. So labour may be adults or children. No doubt the legal implications stand as hurdle for utilization of such child labour. Still such capitalists are using child labour by ignoring the legal mechanism.

THE CONCEPT OF CAPITALISM

In ancient days the usual system of exchanging goods was called as barter system. At that time the idea of profit was not exist. Economic factors such as wages, investment; interest and profit were practically unknown in those days. During the Middle Ages trade and commerce were little more advanced than ancient. Thereafter money has become medium of exchange. Now a day's development of trade and commerce which gave importance to money, gold, silver as such came into existence. We may not call money as property but it is a symbol of property; it has a profound influence on the uses to which productive properties are based. It is said that the establishment of the institution of money in the economic system of modern society has good effects upon almost every phase of life. The institution of money has radically changed our philosophy of life. It has made us pecuniary in our attitudes, so that



everything is evaluated in terms of money, and as social contacts have become depersonalized, human relations have become superficial and cold.

The Industrial Revolution had changed the techniques of production. The policy of mercantilism also had failed to bring about the welfare of the people. To secure maximum production of usual goods the new doctrine of 'Laissez- faire' was propounded. The doctrine was based on principle of non- interference in economic matters. According to the doctrine, freedom is given to individuals to protect their own interest, without any restriction so that they will achieve the greatest happiness of the greatest number. In this context Government should remove all legal restrictions on trade, on production, on the exchange of wealth and on the accumulation of property.

The changing techniques of production brought about by Industrial Revolution, a new system of property ownership and 'production', capitalism developed. Large plants in -course of time were set in light of capitalism. Corporations owning large plants came into existence. All these developments of in recent period witnessed division of labour, specialization, and exchange were accompanied by capitalism. In capitalistic approach property became private and free from all obligations which state imposes. The owners of the factory were free to do as per there will. Profit was the main motive for them. Further they were under no obligation to produce goods if they believed that they could not make profit. The mode of production is profit-oriented and the Governments in adherence to the doctrine of Laissez-faire support the right of the owners.

DEFINITION OF CHILD

Defining at what age a person is to be a child is a question of debate as far as India is concerned. Generally in India children means any person below the age of 14, as the most of government programmes are concerned. Biologically childhood is the stage between infancy and adulthood.

'A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlierⁱ. This definition of child allows for individual countries to determine according to the own discretion the age limits of a child in their own laws. But in India various laws related to children define children in different age limits.

No child below the age of seven may be held criminally responsible for an action.ⁱⁱ In case of mental disability or inability to understand the consequences of one's actions the criminal responsibility age is raised to twelve years (Sec 83 IPC). A girl must be of at least sixteen years in order to give sexual consent, unless she is married, in which case the prescribed age is no less that fifteen.

All children between the ages of six to fourteen should be provided with free and compulsory education.ⁱⁱⁱThe state should provide early childhood care and education to all children below the age of six.^{iv}The parents/guardians of the children between the ages of six and fourteen should provide them with opportunities for education.^v

The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person who has not completed fourteen years of age. The Factories Act, 1948 and Plantation Labour Act 1951 states that a child is one that has not completed fifteen years of age and an



adolescent is one who has completed fifteen years of age but has not completed eighteen years of age. According to the Factories Act adolescents are allowed to work in factories as long as they are deemed medically fit but may not for more than four and half hours a day.

The Motor Transport Workers Act 1961, and The Beedi and Cigar Workers (Conditions of Employment) Act 1966, both define a child as a person who has not completed fourteen years of age. The Mines Act, 1952 is the only labour related act that defines adult as person who has completed eighteen years of age (hence a child is a person who has not completed eighteen years of age).

CHILD LABOUR AND ASSOCIATED PROBLEMS

According to human history across different cultures, it is very natural to say that children less than 17 years old have contributed to family welfare in different ways. It is not wrong to say that poverty is the big cause of child labour. After analysis of various reports it is very interesting to note that in rural and remote parts of developing and undeveloped sites of world, children have no other alternative for livelihood. In such places schools and teachers are unavailable. Hence child labour is the natural result in such places which is inhuman. At the same time poverty and inadequate public education infrastructure are certain other causes of child labour in India.

A parent with limited resources of income finds it very difficult to afford school costs and fees when a school is available. Further, educating girls has been given very lower priority across the world, including India. Girls are also harassed at schools and therefore it is observed that many girls are kept away from school or dropped out from school and consequently engaged in child labour. Income from a child's work is considered to be crucial for his or her survival and important for the households. In most of the families the income from children's labour is around 25 to 40% of the household income.

Children enter into harmful labour due to lack of school facility around them. Even though schools are sometimes available, they are too far away, difficult to reach, unaffordable or the quality of education is so poor that parents are doubtful about future of children. According to studies and reports it is clear that 90% of child labour in India is in rural areas. The causes for child labour include both the demand and the supply of the required labour, while poverty and unavailability of good schools will remain amongst reasons. The growth of low paying economy can be called as organised economy in India. It is observed that children engage in routine after school in home based manufacturing and economic activity.

Growth of capitalistic tendencies in society has direct relation with the increasing child labour problem. Capitalistic people are having aim of increasing profitability as they have invested large amount of capital in production. The role of these capitalists on account of national output is very important. But at the same time children are utilized by them for production purpose as the labour is available at very cheap rates. This instigates the growth of child labour in industry. No doubt law has imposed so many restrictions on such labour but yet this problem exists.



CONSEQUENCES OF CHILD LABOUR

It is said that the children are the future of the nation. Every nation want to be a strong nation in itself. India also has an aim to become developed countries in the world. Capitalist people in this regard plays very important role. Certain freedoms for capitalists are awarded so as to increase production rate. Industry always in the need of raw material, machinery, labours, etc. for production. Many times the question of labour causes impacts over production rate. It is inevitable in such cases for capitalists to use source of labour from child.

The presence of a large number of children as labourers is considered as a serious threat to economic welfare. Children who work as a labourers are unable to get necessary education. Consequently such children lost an opportunity to develop physically, intellectually, emotionally and psychologically. Child labour reduces the physical conditions and causes the children various diseases. Children in hazardous working places are even in more dangerous condition. Children who work, instead of going to school, will remain illiterate and due to this their ability to help themselves as well as to community in which they live becomes in danger. Child labour causes adverse impact on Indian economy.

It is observed that the child labour in India is employed with more than 70% in agriculture, some in low-skilled labour-intensive sectors such as sari weaving or as domestic helpers, which do not require any education or training. According to the International Labour Organisation (ILO) it is economically beneficial for developing nations to send children to school instead of work. It is not wrong to say that without education, children do not gain skills literacy which helps them in developing their aptitude which will increase their productivity and enable them to secure jobs with higher wages which will bring them out of poverty.

LEGAL PROTECTION FOR CHILDREN AGAINST LABOUR

There have been a number of international treaties and conventional documents which speaks about the rights of children. The first important step in this regard was the Geneva Declaration of the Rights of the Child which was accepted in 1924. The United Nations (UN) took its first step towards declaring the importance of child rights by establishing the United Nations International Children's Emergency Fund (UNICEF) in 1946. Later the UN adopted the Universal Declaration of Human Rights, which makes it the first UN document to recognize children's right which was the need of time. It was in 1989 when the global community adopted the United Nations Convention on the Rights of the Child, makes it the first international legally binding document in connection with child rights. The convention consists of 54 articles. Today the convention has been ratified by 192 countries in the world.

Beside the international conventions there are so many provisions under Indian Law for protection of children from child labour. Under Indian Constitution we found following provisions which protects children and child labour practices. Article 14- The State shall not deny to any person equality before the law or the equal protection of laws with in the territory of India. Article 15- The State shall not discriminate against any citizen. Nothing in this Article shall prevent the State from making any special provisions for women and children. Article 21- No person shall be deprived of his life or personal liberty except according to procedure established by law. Article 21 A- The State shall provide free and compulsory



education to all children of the age of 6-14 years in such manner as the State may, by law, determine. Article 23-Traffic in human beings and beggary and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with the law. Article 24-No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment. The Constitution (86th Amendment) Act was notified on 13th December 2002, making free and compulsory education a Fundamental Right for all children in the age group of 6-14 years.

Various other statutory provisions are there for protection of interest of children. Indian parliament in consideration to International conventions and being as a part of social responsibility passed many legislations. The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person who has not completed fourteen years of age. And further contains important provisions for protection of child from labour and certain other abuses. The Factories Act, 1948 states that a child is one that has not completed fifteen years of age and an adolescent is one who has completed fifteen years of age but has not completed eighteen years of age. According to the Factories Act adolescents are allowed to work in factories as long as they are deemed medically fit but may not for more than four and half hours a day.

The Beedi And Cigar Workers (Conditions of Employment) Act 1966, define a child as a person who has not completed fourteen years of age. The Mines Act, 1952 is the only labour related act that defines adult as person who has completed eighteen years of age (hence a child is a person who has not completed eighteen years of age) according to this Act. All these above mentioned legislations contain provisions for protection of children from labour. Reasonable restrictions are imposed on employer so that children would not be engaged in child labour practice.

CONCLUSION

In the light of above discussion, analysis and observations, we can say that child labour is very big problem in various countries in the world. Mere declarations and legal implications do not form any concrete solution for this problem. For the purpose of child labour, the age of child which has been defined under various laws is different. Further child category is among vulnerable group which needs much protection. In presence of laws and legal implications it is observed that children are still utilized by capitalists for their different purposes.

But when we think about children on Humanitarian point of view it is strongly concluded that this category is in need of strict implementation of laws and provisions which are in existence. The role of Human Right Organization and NGO in this regard is very important. The cases of violation of rights of children basically child labour should be taken cognizance by appropriate authority. Separate mechanism for resolution of such cases be established. Poverty eradication program must be given prior importance. The awareness among parents for the education of their children be spread. NGOs must come forward in spreading such awareness. Education system for child be shaped in such style so that poor children would take advantage of education for their development. We all citizens have to keep in mind that the development of our nation depends upon the development of child.



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6. The Factories Act, 1948.
7. The Motor Transport Workers Act 1961.
8. The Mines Act, 1952.
9. The Beedi And Cigar Workers (Conditions of Employment) Act 1966.

End notes-

ⁱAccording to the UNCRC

ⁱⁱThe Indian Penal Code (IPC) 1860 Section 82.

ⁱⁱⁱArticle 21 (a) of the Indian Constitution.

^{iv}Article 45 of the Indian Constitution.

^vArticle 51(k) of the Indian Constitution.