

Let the Children Play

Child labour laws must be based on the right of all children to a childhood.

Ban it or regulate it, the debate over child labour seems unending. Meantime, the numbers of children compelled to work, mostly because of poverty, continue to grow. With all this talk about “Make in India,” we so easily forget that a substantial portion of what is made in India is crafted by the hands of poor children who ought to be in school rather than working in fields, forests, mines, shops, homes or in highly hazardous sweatshops. The fact of children working in all kinds of occupations remains one of India’s worst-kept secrets.

Tinkering with a law will not eliminate what appears to be an intractable social problem. In 2012, the former United Progressive Alliance government attempted to tweak the existing Child Labour (Prohibition and Regulation) Act, 1986. It introduced a bill to amend the 1986 act that would have effectively prohibited all children below 14 years of age from any occupation that would keep them out of school. The amendment would also have banned children between 14 and 18 years of age from working in hazardous industries (earlier, that applied only to children less than 14 years old). While the former was to ensure that children between the ages of 6 and 14 years could be enrolled in schools under the Right to Education Act, 2009, the latter was being brought in to comply with the International Labour Organization’s Convention on conditions of work of adolescents.

The amendment never went through although it was introduced in Parliament. Now the National Democratic Alliance government is reportedly planning to introduce another amendment to the law. Arguing that banning children from engaging in any form of work leads to “inspector raj” and places inordinate powers in the hands of labour inspectors, the government appears to be considering allowing children to work with their families in certain occupations. These include working in the fields or forests, or in home-based industries. Although there is to be a condition that such work participation is permitted only during vacations or after school, how can this be monitored? Child rights activists argue that if such an amendment is made, inevitably the most affected would be girls as parents could then legitimately keep their daughters at home to engage in family occupations. This would go directly against the efforts to increase the enrolment of girls in school that is substantially lower than that of boys.

In any case, irrespective of the earlier ban on children under 14 years of age working in hazardous industries, hundreds of

them continue to work in factories making firecrackers and matchboxes, and in the carpet industry. Worse still, the ban has made little difference to children employed in mines where entire families are virtually bonded to contractors. These children have little chance of schooling in any case as their parents migrate constantly to find work. In such a poverty-ridden and transient existence, the provisions of a law that is mostly followed in the breach make little material difference.

Apart from the known areas where children are employed, in recent years there has been a spurt of children being used for domestic work. With the increase in urbanisation and the growth of a middle class that can employ domestic help, children become a ready choice. Every now and then, the curtain of silence surrounding this is flung apart when a child escapes with tales of horror. But mostly, the existence of child labour in domestic work remains hidden and unreported. A forthcoming book by Harsh Mander quotes a shocking statistic by the National Commission for Enterprises in the Unorganized Sector that 20% of all domestic workers are children under 14 years, that is, one out of every five workers.

There is no pat solution to end child labour. That is evident after years of effort by many non-governmental organisations, as well as by government. Giving children the right to be educated is a very small step. It has to be followed up with specific enabling tools such as accessible and affordable schools, subsidised books and uniforms, transport and other special assistance. Where governments have done this, as in Bihar for instance, there has been a marked increase in enrolment, especially of girls.

What exactly does the government hope to achieve by amending the law as proposed? While one can argue that banning child labour does nothing more than drive the problem underground, should legitimising the use of children as workers in farms and in home-based industries be seen as the solution? Surely, in principle, a way has to be found so that all children can have a childhood—to learn how to read and write, to play, to sing, to dance. If that is the vision, then steps have to be taken to fulfil it. The argument that we will have to wait until poverty is abolished before poor children can hope to escape work is plain wrong. Getting children out of the cycle of exploitation and into schools breaks the vicious cycle of poverty. To do this, our lawmakers must genuinely believe that using children’s labour is unacceptable.