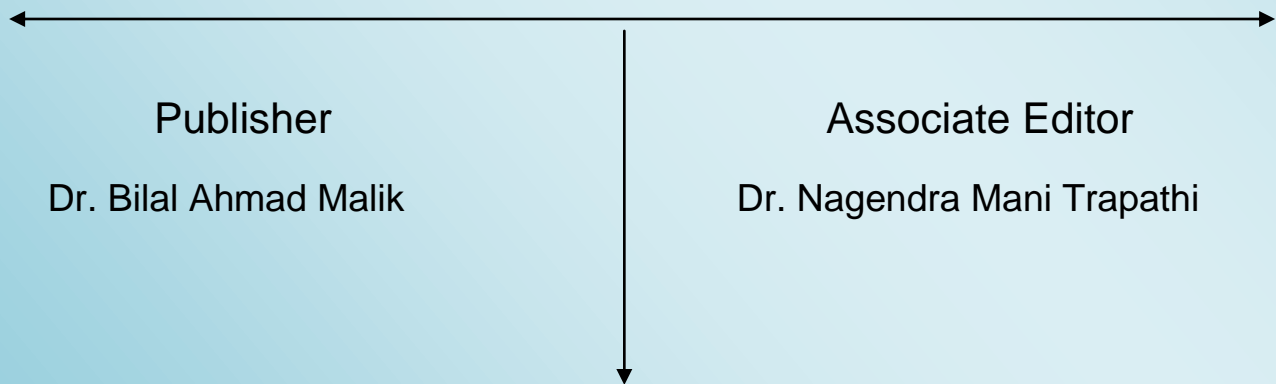


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CURRENT SITUATION OF WORKING CHILDREN IN UTTAR PRADESH

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ABSTRACT

The problem of child labour still persists in India. We have various legislations, Policies and judicial pronouncement to decrease the number of child labour incidences. Though the incidence of child labour has decreased to some extent, but the problem is still prevalent in the country. The share of children in the Union Budget 2016-17 goes up to 3.32%, a slight increase from 3.26% in the year 2015-16. Although a small increase is welcome after the drastic decrease of almost 30% which we saw last year. Existence of child labour is the violation of the child labour laws as well as the lack of implementation of primary education or Sarva Shiksha Abhiyan. Present paper deals with the present situation of Child labour in Uttar Pradesh state. Paper also finds out some key issues regarding implementation of the law. Suggestions to eradicate the problem have been given at the end of the paper.

Index Terms- Child Labour Legislation, Budget, Primary Education, Child Labour schemes.

I. INTRODUCTION

Child labour represents a fundamental abuse of child rights and a violation of international and national laws. 'Child labour' refers to work that is mentally, physically, socially or morally dangerous and harmful to children; interferes with their schooling by depriving them of the opportunity to attend school; obliges them to leave school prematurely; or requires them to attempt to combine school attendance with excessively long and heavy work. Empirical studies carried out in Asian countries like Thailand have pointed out that for younger children (below 14 years) direct education costs deter school attendance. As the child gets older, income effects become more important determinants of child labour than the costs of education. Such studies have highlighted the factors that have motivated parents to keep children in school. These include public education, education subsidies and enforcement of regulation against exploitative forms of child labour, awareness campaigns and greater

participation of local communities (Tzannatos, 1998). Data from Census 2001 and 2011 reveal a decline in the magnitude of child labour; with the decline being more visible in rural areas. The number of child workers in urban areas has increased, indicating the growing demand for child workers in menial jobs in urban areas. Fewer employment opportunities in rural areas and low incomes continue to push families out of their rural homes. To note, there is a significant growth of marginal workers, with the difference between main and marginal workers being more prominent in rural areas. This implies that a proportionately higher percentage of children in rural areas are engaged in marginal activities, mainly agricultural activities that are seasonal in nature. According to Census 2011 estimates, agriculture has emerged as the largest category employing children. In rural areas, 40.1 per cent children are engaged as agricultural labourers, 31.5 per cent as cultivators, 4.6 per cent in the household industry and 23.8 per cent in other areas of work. In urban areas, children are mostly concentrated in occupations other than agriculture and household industry, with 83.4 per cent child laborers' employed in this category. The other activities in which children are engaged in urban areas are 7.3 per cent in household industry, 4.8 per cent as agricultural laborer's and 4.4 per cent as cultivators.

II. OBJECTIVES OF STUDY

- To study the socio-economic profile and working conditions of child labour.
- To find out the factors responsible for child labour and its consequences.
- To identify existing initiatives and strategies undertaken by Government and various organizations aimed at combating child labour.
- To suggest remedial strategy and relevant recommendations for addressing child labour.

III. REASONS FOR CHILD LABOUR

- Poverty as a root cause
- Family condition
- Traditional or cultural factor
- Urban migration

IV. CHILD LABOUR POLICY AND LEGISLATION IN INDIA

The Government of India has always had a firm approach on the issue of child labour and has taken proactive steps towards eliminating child labour, preventing it and rehabilitating children previously engaged in the workforce. The Constitution of India not only secures compulsory primary education to all children, but has, through its 86th Amendment, made the Right to Education a fundamental right for all children in the age group of 6–14 years. The 86th Amendment came into force on April 1, 2010, the same date as its enabling legislation ‘The Right of Children to Free and Compulsory Education Act, 2009’. The commencement of the 86th Amendment made India one of the 135 countries to make education a fundamental right of every child.

The government has also introduced various schemes for rehabilitation of children withdrawn from work. The National Child Labour Project (NCLP) was launched by the Government of India in the year 1988, as a part of a larger Plan of Action arising out of the National Child Labour Policy. Since then, it has been supported by several major initiatives at national, state and district levels in the country, aimed at elimination of child labour. The NCLP includes the establishment of Special Training Centre’s, as specified in The Right of Children to Free and Compulsory Education Act (RTE Act), 2009, to provide children with education and vocational skills and prepare them to be mainstreamed into the formal education system under the NCLP scheme.

The Sarva Shiksha Abhiyan (SSA) implementation framework, based on The Right of Children to Free and Compulsory Education Act, 2009, provides exceptional arrangements for education of children belonging to the most underprivileged groups, such as child labour. Since 2001, the number of out-of-school children has decreased from 32 million to 2.2 million in 2012-13 (GOI, 2014). Even as efforts have been made by the government to prevent child labour and respond to the problem, a large number of children are still out of school and working as main or marginal workers.

India has signed a Memorandum of Understanding (MoU) with ILO for the International Programme on the Elimination of Child Labour (IPEC) in the year 1992, this concluded in the year 2013. India has also signed the United Nations Convention on the Right of Child (UNCRC) in the year 1992. According to the ILO Convention 138, the Minimum Age Convention; a minimum age of entry into work shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. ILO Convention No.182: “Worst Forms of Child Labour” in Article 1 spells out to take immediate and effective measures to prohibit and eliminate worst forms of child labour as matter of urgency. Indian Judiciary system, right up to the apex level, has

demonstrated strongly empathetic responses against the practice of child labour. Various labour commissions and committees constituted in India from time to time have focused on the issue of child labour and have made extensive recommendations.

Child Labour (Prohibition & Regulation) Act 1986

The Child Labour (Prohibition & regulation) Act 1986 defines a child as any person who has not completed his fourteenth year of age. It outlines where and how children can work and where they cannot. The basic objective of the Child Labour (Prohibition & Regulation) Act 1986, is to ban employment of children who have not completed their 14th year in specified occupations and processes and to regulate the conditions of work of children in employments where they are prohibited for working and also to lay down enhanced penalty for employment of children in violation of the provisions of this Act and other Acts which prohibit the employment of children.

National Child Labour Project (NCLP) Scheme

In 1988, the Government of India with the firm approach to rehabilitate child labour in India started National Child Labour Scheme (NCLPS). It focuses on children rehabilitation working in hazardous occupations and processes. At district level or a specified area a survey is conducted to identify the working children in hazardous occupations and processes; special drives are being conducted to identify and rescue the working children in the age group of 9-14 years from these occupations and processes and then enrolled into NCLP Special Training Centre. For protection of child rights and to mainstream into the formal education system the children bridge education, vocational training, mid-day meal, stipend, health care and recreation etc. are being provided in the NCLP Special Training Centre's.

The NCLPS seeks:

A. To abolish all forms of child labour through

- i. Identification and rescue of all working children in the Project Area,
- ii. Developing children rescued and withdrawn from work for mainstream education along with skill enhancement training;

iii. For the benefit of child and their family; convergence of all the services provided by different government departments/agencies.

B. To contribute to the withdrawal of all adolescent workers from Hazardous Occupations / Processes and their skilling and integration in appropriate occupations through

- i. Identification and withdrawal of all working children from hazardous occupations / processes,
- ii. Providing vocational training opportunities to such adolescents through different skill developments schemes;

C. Awareness and sensitization amongst stakeholders and target communities on the issues of child labour

D. Formation of effective Child Labour Monitoring, Tracking and Reporting System.

V. LABOUR COMMISSIONER ORGANISATION IN UTTAR PRADESH

Uttar Pradesh has the Labour Commissioner Organization which manages and implements 33 labour laws(24 are Central legislations and 09 State legislations) to ensure, mainly, provisions relating to social justice and economic inter-dependency, improvement in working conditions, social security, and protection against harassment and exploitation of working children, women and men employed in organized sector.

In 1936 the Labour Commissioner Organization was established. Along with executive functions through its administrative set up, Enforcement and Conciliation, Directorate of Factories, Directorate of Boilers wings are also established in the Organisation to enforce various labour laws and timely intervention in industrial disputes.

To deal with child labours matter and enforcement of Child Labour Laws and policies Additional Labour Commissioner (Child Labour-PCS) is also posted in the office.

Conditional Cash Transfer Scheme

Conditional Cash Transfer (CCT) schemes provide cash directly to poor households in response to the household/individual fulfilling specific conditions such as minimum attendance of children in schools or participation in immunization or attendance at health clinics. These schemes have typically been used to improve school attendance by children, boost attendance at health clinics and enhance participation in immunization programmes.

During various child labour surveys and child labour identification drives it was revealed that poverty is the root cause which promotes child labour. In majority the children were orphan or their fathers were died or due to medical reasons their parents were not able to work and which increases the possibility to send their children for work.

The Government of Uttar Pradesh has adopted conditional cash transfer scheme in 11th Five year plan and as a model 10 districts were selected i.e. Moradabad, Aligarh, Kanpur, Firozabad, Agra, Ghaziabad, Bulandshahar (Khurja), Lucknow, Azamgarh and Sonbhadra to implement the scheme.

The amount rupees forty thousand was sanctioned in different phases to 26 child labour from each district should be given through bank transfer in their accounts identified under norms would be given through bank transfer.

The CCT schemes address demand-side factors on the assumptions that:

1. The lack of adequate income is what prevents parents from sending children to school;
2. Schools are functioning and are accessible to the poor; and
3. Attendance improves learning outcomes.

Child Labour in Uttar Pradesh

In Uttar Pradesh, however, the number of child workers had shown an increase in every census, and in 2011, it stood at an all-time high, crossing 21 lakhs (21,76,706), with a child worker ratio of 4.27. The 2011 census reveals that of the 21.77 lakh child workers, in the State, 41% are girls and 59% are boys. In Rural Areas, 28% of boys work as cultivators, while 35% work as agricultural labour. In other words 63% work in the agriculture sector. 7% work in household industries and 30% in other sectors. Similarly, 26% of girls work as cultivators, while 32% work as agricultural labour. In other words 58% work in the agriculture sector. 9% work in household industries and 35% in other sectors. In Urban areas only 10% boys work in the agriculture sector, 11% in household industries and 79% in other works. Similarly, 8% girls in urban areas work in the agriculture sector, 14% in household industries and 78% in other works.

Child Labour in Uttar Pradesh- (Source: 2011 census)

MALE:

		Cultivators,	Agricultural labourers	HHI workers	other workers
Rural Areas	Main workers	167056	143985	25969	108981
	Marginal workers	118696	215889	41041	199497
	Total	285752	359874	67010	308478
Urban Areas	Main workers	5878	8934	19423	107287
	Marginal workers	4417	7375	10909	105939
	Total	10295	16309	30332	213221
Total	Main workers	172934	152919	45392	216263
	Marginal workers	123113	223264	51950	305436
	Total	296047	376183	97342	521699

FEMALE:

		cultivators,	agricultural laborer's	HHI workers	other workers
Rural Areas	Main workers	83312	66885	23791	68011
	Marginal workers	106436	162941	44308	165369
	Total	189748	229826	68099	233380
Urban Areas	Main workers	3256	2385	13395	47758
	Marginal workers	3460	3739	10409	79980
	Total	6716	6124	23804	127738
Total	Main workers	86568	69270	37186	115769
	Marginal workers	109896	166680	54717	245349
	Total	196464	235950	91903	361118

Total: Male + Female

		Cultivators,	Agricultural labourers	HHI workers	other workers
Rural Areas	Main workers	250368	210870	49760	176992
	Marginal workers	225132	378830	85349	364866
	Total	475500	589700	135109	541858
Urban Areas	Main workers	9134	11319	32818	155040
	Marginal workers	7877	11114	21318	185919
	Total	17011	22433	54136	340959
Total	Main workers	259502	222189	82578	332032
	Marginal workers	233009	389944	106667	550785
	Total	492511	612133	189245	882817

Working children in the age group of 5-14 years as per Census 2001 and Census 2011 are as under in Major States:

Sl. No.	Name of State/UT	No. of working children in the age group of 5-14 years	
		Census 2001	Census 2011
1.	Andhra Pradesh	1363339	404851
2.	Bihar	1117500	451590
3.	Chhattisgarh	364572	63884
4.	Gujarat	485530	250318
5.	Karnataka	822615	249432
6.	Madhya Pradesh	1065259	286310
7.	Maharashtra	764075	496916
8.	Rajasthan	1262570	252338
9.	Tamil Nadu	418801	151437
10.	Uttar Pradesh	1927997	896301
11.	West Bengal	857087	234275

Top 10 districts in Uttar Pradesh with highest number of child workers as per census 2011

1	Allahabad	104328
2	Bareilly	79402
3	Jaunpur	69314
4	Gonda	66578
5	Agra	64093
6	Ghaziabad	63933
7	Ballia	61666
8	Lucknow	60257
9	Gorakhpur	60081
10	Sitapur	57849

The highest number of child workers in the State as per the 2011 census is in Allahabad district, followed by Bareilly district. However, Bahraich district was identified as the most critical district for trafficking of child labour since an over whelming majority of children rescued from and repatriated from other States hailed from this district. In fact the district of Bahraich and the adjoining districts of, Gonda and Shravasti accounted for the bulk of the children rescued from other States. These were children who had been found working out of the State , without families. These districts can, therefor be said to exhibit the most extreme cases of child labour in the State.

VI. FINDINGS

- Underutilization of allocations the little that is allocated for schemes under child labour often remains unspent
- Lack of attention to budget allocations and spending for children
- Largest number of children suffering from malnutrition
- Falling sex ratio
- Increasing violence against children
- Retention of children in schools

Prevention and Rehabilitation

- Controlled system for compensation of families for the loss of income
- Maintenance of homes where destitute children may be provided, food, clothing, shelter, and allowed to study without resorting to work.
- Educating village leaders and parents
- Implement legislation supporting the Indian child labour act
- Effective schemes to complement the national child labour project.
- Massive awareness drives, in partnership with media and NGOS to instill the schemes that have failed need to be immediately rethought and replaced

VII. SUGGESTIONS TO OVERCOME CHILD LABOUR

- Give child protection concerns top priority
- Step-up investments under Restructured ICDS for addressing the rights of the young under-served children
- Convert all Anganwadi Centres into Day Care Centres
- Initiate measures to check under-spending in schemes for children
- Restriction to Job Market
- Poverty Elimination Programmes
- Adult Education
- Strengthening of Inspection
- Need of a Comprehensive Legislation
- Recreational Facilities
- Removal of income disparity
- Families must be provided some incentives
- Evening schools should be started
- Free books and other stationary items must be provided
- Vocational training centers must be started
- Minimum wages of children should be increased and free nutrition mean may be provided at their workplace.

- Involvement Corporate as their social responsibility.

VIII. CONCLUSION

It is widely felt that only legislative measures would not cut down the various offences against children. Child labour is not an isolated problem. Many ministries such as labour, education and women & child welfare would have to coordinate to make sense of the spirit behind the law. There is need for large scale social infrastructure development that is, special emphasis on education and health. Moreover strong political will and involvement of the community would be greatly necessary to curb child exploitation and ensure their attendance in school, at least till they reach the age of 14. In this regard, non-governmental organizations (NGOs and community based organization's CBOs) would have a vital role to play and the government should enlist their support in a bigger way to make inroads in the backward regions of the state. The children are the future torch bearers of the country and if they are not cared and nurtured properly, the future may not be all that encouraging.

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