

Children at Work, Child Labor and Modern Slavery in India: An Overview

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There is a large child work force in India reported to be about 40 million. Child labor is being regarded as a form of modern slavery, as children are forced to work or have no choice to refuse work. Children are employed in a variety of occupations, many of which are hazardous. Exposure to machinery, pesticides, dust in agricultural work and fumes, chemicals, acids, cotton and wool fiber in other forms of work is detrimental to health. A large number are held in bonded servitude. In urban areas, children are employed as domestic helpers and engaged in eateries and auto-repair work. Trafficking and trading of children for work and sexual slavery are also major concerns. Poverty and illiteracy are root causes of child labor, but iniquitous societal attitudes are responsible for abuse and exploitation. Working children are deprived of proper health care and education, and lose their childhood and dignity. Several legal measures exist to prevent child labor and protect them from harm, but are thwarted by the distressing socioeconomic conditions. Although child labor would be difficult to abolish, exploitation can be prevented with concerted efforts of the government agencies, professional bodies and the civil society.

Keywords: *Bonded child labour, Child abuse, Child trafficking, Hazardous work, Sexual exploitation.*

Various issues regarding child labor have been of concern over several decades and addressed periodically by national and international agencies. Child labor is a global, ubiquitous occurrence, mostly in countries with low resources [1]. The patterns of work and working conditions vary in such countries with their vastly dissimilar socioeconomic conditions and traditional attributes, but the ultimate consequence is sub-optimal physical and intellectual development when the child grows up. The prevalence of child labor is highest in African countries, where 20% of all children are involved in labour, with 9% in hazardous work [2]. An early report briefly described the situation of child labor in India [3]. The fast growing Indian economy has led to socioeconomic disparities with high rates of illiteracy and malnutrition. In modern era, a large majority of people in many countries remain in impoverished conditions. Within a country, the gulf between the affluent and educated and the poor and illiterate has greatly widened and exploitation of the underprivileged and marginalized by those in power and authority is a common practice.

Recently the term 'modern slavery' has been used to refer to engagement of children in different forms of work without their permission to refuse such work. Modern slavery is a cause for global public health concern [4]. Freedom may be taken away by threats, violence, coercion, deception and abuse of power [5]. A broad description of modern slavery would include forced labor

and child trafficking, bonded labor or debt bondage, domestic servitude and recruitment, and use of child soldiers as combatants or other work by paramilitary or other organizations [6]. In India, slavery would strictly apply to children in bonded servitude and those trafficked into sexual work. However, there are milder, subtle forms of slavery where freedoms and opportunities and learning are restricted, and are detrimental to child development.

DEFINITIONS

Child labor: The International Labor Organization (ILO) defines child labor as work that deprives children of their childhood, potential and dignity and that is harmful to physical and mental development. It refers to work that is mentally, physically, emotionally, socially or morally dangerous, and work whose schedule interferes with their ability to attend regular school or work that affects in any manner to experience a healthy childhood [1]. All work done by children should be regarded as child labor, and needs to be eliminated.

Whereas the UNCRC recommendation of the definition of a child as being a person below the age of 18 years has been globally approved, there are ambiguities in India regarding age at which a child can be employed. Thus children above the age of 14 years are allowed to work in family businesses, but not in any hazardous industry. The Child Labor Act (1986) defines the child as someone who has not reached the age of 14 years. The Factories Act (1948) and Plantation Labor Act (1951)

define the child as one having not completed 15 years. The adolescent is one between 15 and 18 years [7,8]. WHO defines adolescents as those between 10-19 years.

Modern slavery: Modern slavery includes the recruitment, movement, harbouring or receiving children, women, or men through the use of force, coercion, abuse of vulnerability, deception, or other means for the purpose of exploitation. It includes holding a person in a position of slavery, servitude, or forced compulsory labor or of facilitating their travel with the intention of exploiting them soon after. It includes sex trafficking, forced labour, forced criminality, domestic servitude, and forced marriage [4-6].

Child labor has been qualified depending upon the age, type of work, hours of work and the working conditions. UNICEF's standard indicators for child labor include the following [9,10]:

Age 5-11 years: At least 1 hour of economic work or 21 hours of unpaid household services per week

Age 12-14 years: At least 14 hours of economic work or 21 hours of unpaid domestic services per week

Ages 15-17 years: At least 43 hours of economic work or unpaid domestic services per week

MAGNITUDE OF PROBLEM

Globally about 152 million children are subject to child labor. In world's poorest countries, around 1 in 4 children are engaged in child labor [11]. The highest prevalence is in Africa, 29% in sub-Saharan, 32% in Western and central Africa, and 36% in Eastern and Southern Africa. Indian government surveys report that there are 11 million child workers. However, estimates from non-governmental sources suggest that 40 million children may be engaged in some form of work, constituting about 13% of work force. There are 8.9 million child laborers in UP, 4.5 million in Bihar and 4.9 million in Maharashtra. Delhi alone has one million child laborers [12]. Child labor is primarily in agriculture: 70.9% in the urban and semi-urban areas, 17.1% in service sector and 11.9% in industry [13,14].

In countries where a large proportion of population lives in abject poverty with large family size, children are most liable to face deprivation. In rural sector, facilities for education and healthcare are limited. Illiterate parents do not see any immediate gains from schooling while work in whatever capacity brings some economic benefit [9,10,15].

A lack of opportunities in the rural sector of the country has led to large population movements to cities,

which puts tremendous strain on urban infrastructure. A majority manage to find subsistence work but inadequate living conditions. Their children get engaged in various forms of activities with meagre earnings. Their education and overall development remain poor [8,10].

PATTERNS OF WORK

The patterns of work are extremely variable in different parts of the country (**Box 1**). Carpet industry is especially common in some of the districts in northern states. Fireworks and matches are mostly made in a southern state. Cotton growing is also restricted to a few areas in south. Tea plantations are mostly in the North-East and hilly southern states. Older children between 10 and 18 years form the bulk of child work force [8,9-11]. Children between 6-10 years are usually not employed, but often engage in begging, rag-picking and helping adults in cleaning, running errands and taking care of younger siblings.

Agriculture work: India is mostly an agrarian country. About 70% of working children are in rural areas. They assist in cultivation, crop watering, harvesting, weeding and sowing, and home-based cottage industries. In different parts of the country, cotton growing and tea plantation are important places of work. Children working in agriculture-related activities mostly live within the family and may not be subjected to abuse and harsh treatment, although they face work-related hazards. However, they are usually deprived of education and proper health care [14,15].

Construction work: A large number of children work at brick-making sites, stone quarries, and construction sites

Box 1: PATTERNS OF WORK EMPLOYING CHILDREN

Hazardous industries

- Agriculture. Exposure to pesticides, tools and machinery, dust, tobacco (rolling of indigenous cigarettes)
- Brick kilns, stone quarries, open mines
- Fireworks, matches, incense
- Leather products, footwear
- Lock making, brass works
- Gem polishing, glass articles
- Wood carving

Carpet weaving, silk reeling, garments

Roadside eateries, vehicle repairs

Street children, rag picking, begging

Domestic helpers

Child sex workers

of buildings, and houses and roads. The work mostly involves lifting and carrying heavy loads. Children work in these undertakings along with their families. They frequently migrate to the location of the site.

Work in urban sector: A large number of small and home-based industries are carried out in many cities in different parts of the country. Some of these include production of carpets, silk garments and weaving, power looms, fire crackers, brass and metal artifacts, diamond polishing, glass objects, leather products and *bidi* making. The exact numbers engaged in such work cannot be determined, but proportion of those in carpet making garment industry is high. Some are family enterprises with long established traditions where children learn the techniques at an early age and subsequently share the work. Various forms of work are located in different parts of the country. The working conditions vary widely. In familial work, children take part in various supportive activities and learn skills, and exploitation is not major concern, but schooling and recreational activity remain inadequate [15,16].

Roadside eateries, vehicle repairs: Rapid growth of cities and urban migration has led to growth of supporting services. These include a large increase in infrastructure, vehicular transport, roadside eateries and domestic help. Children are employed in a wide variety of work as helpers. In most urban areas and along roads and highways, there are eating joints where children work as helpers in cooking, serving and cleaning. India has a large variety of mechanical transport including cars, three wheelers and bicycles. Many are very old needing frequent repairs to keep them running. Repairing of such vehicles, usually by unskilled mechanics, is a big industry employing children as helpers.

Street children, rag picking, organized begging: These children live on the streets engaged in couriering, selling all kinds of objects at roadside and rag picking. Organized gangs are known to exist, which traffic or kidnap children and force them to beg. Having no home, these children are subject to all forms of abuse. Addiction to tobacco and alcohol is frequent in these children and that to marijuana, opium and injectable drugs is increasing. They start using drugs early, between 9 and 13 years. Sexual favors for money to buy drugs has also been reported in these children [9,10].

Domestic helpers: In most cities children are employed by the affluent section as domestic helpers. The conditions of work and their overall treatment vary a great deal depending upon the employer's attitudes. Many face harsh treatment and while others may be comparatively better looked after and allowed schooling. Girls seem to be

preferred for domestic work, and abuse of girls in such conditions is of serious concern [16]. Children develop low self esteem as they are treated differently made to feel inferior to their peers in affluent households.

Child sex workers: More than 40% of sex workers in India are reportedly children. Sexual work is brothel-based (most heinous form of slavery) or carried out under the guise of massage parlors, tourist circuits, false marriages *etc.* Railway stations and bus stations and crowded localities often become places of sexual exploitation of children. Many are trafficked or lured into sex work by organized groups from impoverished families in rural areas with promise of employment [10].

HAZARDOUS CHILD LABOR

Hazardous child labor or hazardous work is the work which, by its nature or the circumstances in which it is carried, is likely to harm the health, safety or morals of children. It includes (i) work which exposes children to physical, psychological or sexual abuse, (ii) work underground, under water, at dangerous heights or in confined spaces, (iii) work with dangerous machinery equipment and tools, or which involves manual handling or transport of heavy loads, (iv) work in unhealthy environment that may expose them to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations and (v) work under particularly difficult conditions such as work for long hours or during night or where the child is unreasonably confined to the premises of the employer [17]. The worst forms of child labor include all forms of slavery (sale and trafficking, debt bondage, serfdom, child soldiers), child prostitution, pornography, illicit activities in particular trafficking of drugs [18].

Seventy per cent of children are employed in hazardous work, which is carried out in dangerous and unhealthy conditions [1,10,15,17,18]. In agriculture sector, exposure to pesticides, handling tools and implements carry significant hazards. They may be exposed to dangerous machinery and made to carry heavy loads. Children receive no training in their proper usage and protection. Most of the small industries in urban areas are classified as being hazardous to health. Children work in closed conditions with poor ventilation. It is estimated that adolescents between 14 and 17 years doing hazardous work form about 63% of the total child labor population [19].

Prevalence of tuberculosis and nutritional deficiencies is high in such children. Specific injurious conditions related to the type of work are also frequently seen. These include tobacco ingestion, acid burns, and

inhalation of fiber from carpet and garment industries. Children working in brick making and stone queries are exposed to inhalation of dust.

MODERN SLAVERY AND BONDED LABOR

There are an estimated 40 million people trapped in modern slavery of which about 10 million are children [13,20]. Dishonest and unfair credit and work agreements result in slave like exploitation. Poverty ridden and illiterate people are often lured with small sums as loans with promise of work. Subsequently they are made to work in difficult conditions with meagre pay and are unable to pay back. Children are often made to work to pay the debts incurred by their parents or guardians. That work could be for several years starting at a very young age. Official sources deny the extent of bonded labor citing only 'stray cases'. A report in 1996 mentioned the findings of a court-appointed two-member commission in a Southern State. It was found that bonded labor existed in all districts, there being almost a million of such workers. Nearly 53% were enslaved for more than 10 years. Children between 6-16 years formed 10% of the State's bonded labor. The never-ending cycle of labor for payment of debt leads to slave like situation. The bonded labor system has reportedly existed for centuries [21,22]. A comprehensive report on bonded labor in India was brought out in 2005 [21].

Children working in small industrial undertakings are often allowed little freedom. They are made to work for long hours in horrific conditions, unhealthy premises, paid meagre amounts and often abused. Some are trafficked from rural areas or found loitering, and put to work. They are at the mercy of their employers [23-24]. Reports of such children having been rescued frequently appear in the media.

CHILD TRAFFICKING

Child trafficking for commercial sexual work, exploitative labor or other forms of employment is a major problem in South Asian countries. Children are also trafficked for employment in organized industries, domestic servitude, and various other forms of work. Couriering for drugs, explosives, and forced begging are some common activities for which children are used. Trafficking in children is considered to be greater than adult trafficking. Children work long hours and are paid little, which is of economic benefit to the employer. Child trafficking is dependent on demand for both boys and girls. The high demand has resulted in organized crime for trafficking. Another dimension of child trafficking is that of missing children. About 100,000 children are reported missing every year and about 40% of whom remain untraced are believed to be trafficked [25,26].

Legal measures: Immoral Traffic Prevention Act (1956) specifically addresses child trafficking. A new law is to be introduced to guard against human trafficking (Bill 2017). It identifies various forms of trafficking such as that for bonded labour, sexual exploitation, pornography, forced begging, removal of organs.

CONSEQUENCES OF CHILD LABOR

A loss of childhood and deprivation of healthcare and education are the serious consequences of child labor. Children who help in the family enterprises may receive adequate care, and their education may not be neglected. All other forms of work in various settings lead to loss of childhood. Their loss of dignity is especially tragic as they grow up feeling different and inferior. Equal opportunity is denied and they do not realize their full potential for development, and thus unable to contribute to nation building in sufficient measure.

LEGAL PROTECTIVE MEASURES

In 2017, India ratified all key international conventions concerning child labour, notably both ILO Convention 182 (against worst forms of child labour) and Convention 138, and amended the Child Labor Act to prohibit any child below the age of 18 years from working in hazardous occupation and processes [27]. A large number of laws and regulations exist that define minimum age of work, and for hazardous work. Laws prohibit forced labor, child trafficking, and commercial sexual exploitation of children. The recently brought out National Plan of Action for Children while identifying key areas that include survival, health and nutrition, education and development, protection and participation, also addresses various issues in child labor and child trafficking. Some important Acts include: (i) Criminal Law (amendment) Act 2013, (ii) Bonded Labor System (Abolition) Act 1976, (iii) Child and Adolescent Labor (Prohibition and Regulation) Act, 1986 that prohibits employment of a child below 14 years in any form of employment. The government has recently amended child labor laws to allow children below 14 years to work in family businesses and the entertainment industry (excluding circuses) in order to create a "balance" between the need for education for a child and the reality of socioeconomic condition and social fabric of the country. Adolescents (between 14-18 years) are banned from working in any hazardous industry.

Other important measures include the Juvenile Justice (Care and Protection of Children) Act, 2015, which makes it a crime, punishable with prison term, for anyone to keep a child in bondage for employment. The Right to Education Act (2009) mandates for the state to ensure free education for all children age 6-14 years.

Implementation of laws and regulations: The Government has established a number of institutional mechanisms for enforcement of various laws and regulations on child labour. The responsibility for their implementation lies with State and local administrative authorities, local police and child welfare committees. National Human Rights Commission and National Commission for protection of Child Rights also have well defined roles in implementation of various laws, policies and programs [28]. These measures have been insufficient in preventing child labor. The laws are flouted and those employing and exploiting children are seldom brought to book. The families do not see any immediate benefits of putting the children in school, whereas work brings some financial help.

REHABILITATION OF CHILD LABORERS

Rehabilitation of homeless child laborers and those forced in debt servitude is a challenging task in view of the magnitude and complexity of the problem. The government has undertaken several measures to help children working in organized industries. An important intervention program, National Child Labor Project (NCLP), was initiated in 1988 by the Ministry of Labour. It aims to rehabilitate children working in hazardous occupations by withdrawing them from work and putting them in special schools. Other supporting measures are provided including nutrition, healthcare and vocational training [29]. Eventually children are mainstreamed into formal education system. The government, since 1981, has also been financing voluntary organizations by way of grant- in- aids for taking up action-oriented projects to the benefit of child and women labor. Various governmental actions regarding rescue and rehabilitation have been widely acclaimed. Several NGOs have been actively involved in rescue and rehabilitation work, particularly to get release of children working in slave-like conditions (often facing considerable hostility from the employers). They have established homes for them to provide comprehensive care and vocational training and made attempts to return them to their families. The director of one of such leading NGOs was co-awarded the Nobel peace prize in 2014. The Right to Education is a crucial measure, but a large proportion of children remain out of schools. There is a considerable dropout, especially among girls. Access to education must be expanded, violence in schools prevented and vocational training provided. Children working in family enterprises should not be deprived of formal education.

SOCIETAL ATTITUDES AND PREVENTION OF CHILD LABOR

The State and the civil society have to ensure that children are brought up in financially stable family homes and go

to school and get educated. Child labor cannot be addressed in isolation since the underlying issues are intricately interlinked with socioeconomic factors. Multiple factors underlie persistence of poverty. Poverty is not inevitable and it reflects societal negligence. India has had a family planning policy and several implementation measures for several decades but it has achieved very limited success [30]. Moreover, the family size among the underprivileged continues to remain large in many regions, which puts an immense burden on the parents and precludes adequate nutrition, health care and learning. Inadequate education ultimately leads to human capital of poor quality, lacking skills, which restricts their employment opportunities. A lack of social concern toward exploitation of children is a sad reality.

Gender discrimination: Gender bias against the girl child has always existed in India and other countries in South Asia. Girls are often denied education, particularly beyond primary level and required to help in household chores and take care of younger siblings. A large number of girls in poverty-ridden families leads the parents to marry them off early. Child marriages carry their own ills.

Exploitation: Children working in organized industries may comprise a relatively small proportion of child labor, but are the worst exploited. Legal measures have been adopted to protect children but are disregarded by the employers. There have been attempts to boycott manufactured goods and products from various industries that employ child labor. Such measures are difficult to institute and may be counterproductive. Instead the employers must be made to pay the workers their just dues, ensure proper working conditions and provide health care and educational opportunities. Children in domestic work and various unorganized forms of employment must also be given appropriate remuneration and their health care and education ensured.

CONCLUSIONS

Child labor in all its forms is a gigantic and seemingly intractable problem in India, as in many other countries with large populations and with low income and poor literacy. The country has a large child population, the majority being those in the lower socioeconomic segments. Children have to work in to support the family income. They are often exploited and employed in hazardous work. A significant proportion is in bonded servitude and sexual entrapment that amounts to slavery, which has lifelong devastating effects. Working children remain deprived of health care and education and eventually become poorly developed adults, capable of doing only unskilled work.

Child labor cannot be abolished until poverty is reduced and families empowered and educated, and the family size is restricted. However, exploitation and abuse of children can be controlled with changes in societal attitudes and strict implementation of legal and protective measures. Various government agencies, pediatricians, other professional bodies, persons of faith, community leaders and all civil society need to work together to demand child rights and stop their exploitation.

Funding: None; *Competing interest:* None stated.

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