

## Gross Violation of Human Rights and Child Labor in India: A Comparative Study

**Dr. G Ranjith Kumar**

Academic Consultant, Department of Human Rights & Social development, SV University, Tirupati, A.P, India  
[aapranjith@gmail.com](mailto:aapranjith@gmail.com)

**How to cite this article:** G Ranjith Kumar (2024) Gross Violation of Human Rights and Child Labor in India: A Comparative Study. *Library Progress International*, 44(3), 2157-2161.

### ABSTRACT

In India, child labor is a major issue and a grave human rights violation. Millions of children in India are denied their childhood, education, and fundamental rights because they are made to work in perilous and exploitative circumstances. International organizations, civil society, and the government have all given the problem of child labor in India a great deal of attention. Child labor is still an issue, and children continue to suffer in spite of efforts to stop it. The purpose of this study is to analyze India's human rights abuses and child labor. Furthermore, the techniques for preventing child labor and preserving human rights in India are attempted to be provided in this article.

**Keywords:** Child Labour, Education, Human rights, Poverty.

### INTRODUCTION

In India, child labor is a pervasive problem that results in the deprivation of childhood, education, and fundamental human rights for an estimated 10.8 million children between the ages of 5 and 14 (ILO, 2019). In India, there is a wide range of industries where children are employed, including manufacturing, construction, mining, agricultural, and household work. Diverse circumstances can lead to child labor in India; some children are denied access to education, healthcare, and a safe and healthy environment, while others are forced to work in dangerous environments and endure physical, emotional, and psychological abuse.

Children from underprivileged groups, such as Adivasis and Dalits, are more susceptible to child labor. A lot of families are compelled to depend on the money their children make in order to exist, which is made worse by poverty, illiteracy, and social and economic injustice. To make matters more complicated, there are instances where children are trafficked and coerced into working under abusive conditions. In India, the agricultural industry employs a significant number of youngsters for labor-intensive jobs like planting, harvesting, and hauling heavy objects. A sizable proportion of minors are employed in the domestic work sector, where many put in long hours without receiving compensation or formal schooling.

Children are frequently hired as laborers in the construction industry, helping to move bricks and other supplies. Children working in this industry are frequently subjected to dangerous working environments, such as operating heavy machinery and working at heights.

A large number of children are employed in the mining industry, many of them in hazardous and unregulated mines where they are vulnerable to respiratory ailments and other health risks. Children employed in the industrial industry frequently endure horrendous working conditions in factories and sweatshops, with little to no access to essential necessities like sanitary facilities and clean drinking water. One of the biggest industries in India for child labor is the apparel sector, where children are frequently paid extremely little for working long hours in hazardous conditions. As a result, child labor has a broad spectrum in India. Poverty, illiteracy, and social and economic inequality worsen the issue, making children from marginalized areas especially vulnerable. Implementing efficient rules and programs that uphold children's rights and shield them from abuse and exploitation is crucial, as is addressing the underlying causes of child labor.

## 2. The Implications of Child Labor on Human Rights

In India, the human rights of children are severely impacted by child labor. Child laborers are frequently deprived of their rights to health care, education, and a safe environment. The physical and mental development of children working in hazardous surroundings is jeopardized, and they run the risk of injury or death. In addition to depriving children of their fundamental necessities and placing them at risk of future exploitation and abuse, child labor feeds the cycle of poverty. Every kid has the fundamental right to an education, yet child labor prevents them from receiving one, which feeds the cycle of poverty and illiteracy. A large number of child laborers discontinue their education or never enroll at all, depriving them of the chance to acquire the knowledge and skills required for their life betterment. Their lack of education and skills also restricts their career options, which pushes them into a life of exploitation and poverty.

Children who work in industries like manufacturing, construction, and mining are frequently exposed to hazardous chemicals and large machinery, which can result in physical harm, respiratory disorders, and other health risks. The right to a safe and healthy environment is denied to children employed in domestic employment because they are frequently the victims of physical and psychological abuse. Additionally, child labor has a detrimental effect on children's emotional and psychological health. Physical and psychological abuse of children employed in exploitative conditions frequently results in long-term trauma and mental health problems. Children are frequently made to labor long hours, which deprives them of leisure time for play and other activities that are crucial to their emotional development.

Child labor feeds the poverty cycle by stripping them of their basic necessities and putting them in danger of more abuse and exploitation. Children who work under abusive conditions frequently receive extremely low pay, which prevents them from having access to needs like food, shelter, and medical care. Children are forced into the workforce by poverty and deprivation, which feeds the cycle of child labor and poverty. Child labor and poverty are linked to one another because poverty and deprivation push kids into the workforce. The human rights of children in India are severely impacted by child labor, as it prevents them from accessing safe and healthy environments, education, health care, and safety. Implementing efficient rules and programs that uphold children's rights and shield them from abuse and exploitation is crucial, as is addressing the underlying causes of child labor. A fair and just society must be constructed, and this requires upholding children's human rights as well as being morally required.

## 3. The Indian Legal Framework pertaining to Child Labor

In India, child labor is a common problem, so it's important to look at the laws that control it. The Indian Constitution guarantees the right to education and forbids child labor in dangerous jobs for those under the age of 14. To safeguard children from abuse and exploitation, the government has also passed a number of rules and regulations. In India, child labor laws are primarily governed by the Child Labor (Prohibition and Regulation) Act, 1986. The act forbids the hiring of minors under the age of 14 for dangerous jobs or processes. The statute also controls how long children can work in non-hazardous jobs, imposing hour's limits and mandating that companies offer basic amenities like hygienic restrooms and clear drinking water.

A further significant provision of law that opposes child labor and supports children's education is the Right to Education Act, 2009. All children between the ages of 6 and 14 must get free and obligatory education, according to the act. Additionally, the rule forbids hiring minors for any job that obstructs their ability to pursue an education. Another crucial piece of law that controls child labor is the Juvenile Justice (Care and Protection of Children) Act, 2015. Children, especially child laborers, are to be cared for and protected by the act. Children who have experienced abuse and exploitation can also benefit from rehabilitation and social reintegration, according to this act.

In order to safeguard kids from abuse and exploitation particularly within industries, the government additionally enacted quite a few regulations. For example, it is illegal for minors under the age of eighteen to work in mines according to the Mines Act, 1952. The 1948 Factories Act sets minimum labor hours, rest periods, and vacation days, among other regulations governing children's working conditions in factories.

Nevertheless, child labor is still common in India, especially in the unorganized sector, even with the legal framework in place. A large number of minors work in family-run enterprises or small-scale industries where the law is not upheld. Furthermore, social and economic variables including poverty, illiteracy, and social and economic injustice frequently threaten the integrity of the judicial system.

Finally, it should be noted that India has a strong legal framework prohibiting child labor. Nevertheless, societal and economic reasons continue to exacerbate the issue, and these rules are frequently not adequately enforced. To safeguard children's rights and end child labor in India, more awareness, education, and law enforcement are required.

#### **4. India: Poverty and Child Labor**

In India, poverty is a major contributing factor to child labor. Children from low-income homes are frequently compelled to labor in order to support their family, which feeds the cycle of exploitation and poverty. There is a complicated relationship between child labor and poverty; child labor contributes to poverty and vice versa. India is a country with a sizable population that lives in poverty. Children living in poverty are deprived of basic essentials like food, shelter, and medical care, which force them to work in order to live. Children from low-income homes are frequently sent to work in dangerous jobs including manufacturing, construction, and agriculture, where they run the risk of long-term health risks, emotional and physical abuse, and exploitation. Lack of training and expertise is another important component.

Another important reason that leads to child labor in India is a lack of education and skills. The cycle of poverty is prolonged because children from families with limited resources are frequently refused access to education. This limits their work options. Without knowledge and training, children are pushed into low-wage, exploitative jobs that keep them in a state of deprivation and poverty for the rest of their lives. Furthermore, social and economic inequality is sometimes caused by poverty, and this feeds the cycle of child labor even more. Children belonging to marginalized populations, such as Dalits, Adivasis, and other backward castes, frequently face prejudice and social isolation, which prevents them from having access to jobs and educational opportunities. The cycle of exploitation and poverty is likely to be sustained by these kids since they are more likely to work in dangerous and exploitative jobs.

Thus, the cycle of poverty and exploitation is sustained in India by poverty, which is a major contributing factor to child labor. Comprehensive laws and initiatives that support these principles are required to solve the issue of child labor.

Comprehensive policies and initiatives that support access to healthcare, education, and social and economic equality are required to address the issue of child labor. It is imperative to end the cycle of exploitation and poverty and provide kids the chance to pursue careers and education that uphold their human rights and dignity.

#### **5. Significance of education in fostering Child labor and safeguarding human rights**

In India, education is a potent weapon for ending child labor and defending human rights. Education is universally acknowledged as a fundamental human right and as being essential to ending the cycle of exploitation and poverty. Children who receive an education are better equipped to grasp and defend their rights, gain knowledge and skills, and take advantage of chances for economic development and better employment. Since education gives kids alternatives to labor, it is essential to the elimination of child labor. Children who have an education are more likely to have access to respectable employment possibilities and are less likely to participate in risky and exploitative activities. Children who receive an education can escape the cycle of poverty that leads to child labor and gain the knowledge and skills necessary to lead honorable and productive lives.

To further defend human rights in India, education is essential. Knowledge of and ability to defend one's rights gives people the ability to participate in civic and political life. The possibility of prejudice and exploitation can be decreased by education, which can advance social and economic equality. Another way that education can help people seek justice and accountability for human rights breaches is by raising awareness of these violations.

Encouraging education and shielding kids from child labor are two major goals of the Right to Education Act, 2009. The legislation requires all children between the ages of six and fourteen to receive free and compulsory schooling. In an effort to increase access to education and shield kids from abuse and exploitation, the act also forbids hiring minors for any job that would interfere with their education. In conclusion, education can effectively combat child labor and uphold human rights in India. Education stops the cycle of poverty, gives kids alternatives to the workforce, and advances social and economic equality. Along with raising awareness of

violations of human rights, education also gives people the authority to demand accountability and justice and to recognize and exercise their rights. There is a need for increased funding for education as well as the promotion of universal access to school in order to uphold children's human rights and end child labor.

## 6. Initiations of Government and NGO Interventions to Fight Child Labor

In India, child labor is a widespread and intricate problem that affects around 10 million children, depriving them of their youth and fundamental human rights. Various interventions have been implemented by the Indian government and non-governmental organizations (NGOs) to address child labor. These include legislative measures, awareness campaigns, rehabilitation programs, and social welfare projects. This article investigates the efficacy of NGO and government initiatives to end child labor in India. In order to address child labor; the Indian government has enacted a number of laws. One such law is the Child Labor (Prohibition and Regulation) Act, 1986, which forbids the employment of minors younger than 14 in dangerous jobs and governs the working conditions of children aged 14 to 18.

In order to locate and rescue child laborers and to give them access to education and vocational training, the government has launched the National Child Labor Project (NCLP). Non-governmental organizations (NGOs) have been instrumental in the fight against child labor in India, collaborating closely with the government to execute grassroots interventions. Numerous interventions, such as awareness campaigns, rescue and rehabilitation programs, and social welfare efforts, have been carried out by non-governmental organizations. For the purpose of educating and skilling child laborers, non-governmental organizations have also set up schools and centers for vocational training. Child labor is still a major issue in India, despite the efforts of the government and non-governmental organizations. A number of problems, such as insufficient finance, lax enforcement procedures, and a lack of cooperation between government agencies, hinder the efficacy of government and non-governmental measures to prevent child labor.

One of the biggest obstacles to the fight against child labor in India is the absence of effective enforcement tools. There are numerous legal infractions of child labor regulations as a result of the government's inability to properly implement the statutory provisions designed to prevent child labor. Another issue that restricts the extent and efficacy of government and non-governmental organization actions is the lack of sufficient finance. Ineffective coordination between NGOs and government organizations also reduces the efficacy of interventions, resulting in inefficiencies and duplication of effort. Therefore, a number of problems, such as a lack of financing, insufficient enforcement procedures, and a lack of coordination between government agencies and non-governmental organizations, hinder the effectiveness of government and non-governmental organization actions to combat child labor in India.

Stronger enforcement measures, more financing, and improved cooperation between governmental and non-governmental organizations are all necessary to effectively prevent child labor. Ensuring that interventions are comprehensive, tackling the underlying causes of child labor and advancing access to healthcare, education, and social and economic equality are crucial.

## 7. Methods for Eliminating Child Labor in India and Safeguarding Human Rights

In India, combating child labor and preserving human rights are complicated issues that call for an all-encompassing strategy. Governments, civil society groups, and other interested parties must put policies into place that tackle the underlying causes of child labor and advance access to social and economic equality, healthcare, and education. In this piece, we'll look at a few tactics India uses to protect human rights and fight child labor.

- **Bolstering legislative actions:** In India, legislative actions are essential for preventing child labor and defending human rights. To shield kids from abuse and exploitation, the government should tighten the current rules and regulations. Additionally, the government must make sure that these rules and regulations are effectively enforced and that those who break them are held accountable.
- **Encouraging education access:** In India, education is a vital instrument for ending child labor and preserving human rights. All children, especially those from underprivileged neighborhoods, should have access to education, and this should be encouraged by the government and non-governmental organizations. In order to give child laborers education and skills, schools and vocational training facilities should be established.

- **Increasing awareness:** In India, awareness campaigns can be very helpful in stopping child labor and defending human rights. Awareness campaigns should be launched by the government and non-governmental organizations to inform the public, employers, and parents about the dangers of child labor and the value of respecting human rights.
- **Offering social and financial assistance:** In India, child labor is largely caused by poverty. Reducing the necessity for children to work can be achieved by offering families social and financial support. Families should get assistance from the government and non-governmental organizations in the form of financial transfers, subsidies, and job training programs
- **Encouraging child protection systems:** In India, child protection systems are crucial for preventing child labor and preserving human rights. In order to locate and rescue child laborers and offer them social assistance and rehabilitation, the government and non-governmental organizations should build and enhance child protection services.
- **Partnerships and collaboration:** In order to combat child labor and protect human rights in India, different stakeholders must work together in partnerships. The implementation of comprehensive policies to eliminate child labor should involve collaboration between the government, civil society organizations, international organizations, and the commercial sector.

## 8. Conclusion

A comprehensive and cooperative approach is necessary to combat child labor and promote human rights in India. To combat child labor and uphold human rights in India, it is imperative to implement strategies such as strengthening legislative measures, promoting access to education, raising awareness, providing social and economic support, supporting child protection systems, and collaborating with partners. Understanding that all parties involved in India must work together to eradicate child labor and protect human rights is crucial. To develop comprehensive plans to eliminate child labor and promote human rights, the government must collaborate with civil society organizations, international organizations, the commercial sector, and other stakeholders. By doing this, India can guarantee that each and every kid has the chance to have a life that is honorable and meaningful, free from abuse and exploitation.

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