

Child Labour as a Critical Precursor to Juvenile Delinquency

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Abstract

Child labour, which involves the exploitation of children in a variety of occupations that prohibit them from having the legal chances for education, growth, and general well-being, is still a severe problem on a global scale. This abstract further elucidates the complicated relationship between child labour and the onset of juvenile delinquency and highlights the significant impact that early labour experiences play in the establishment of juvenile delinquent behaviour in children.

The abstract analyses the body of research in-depth and looks at the complex relationship between juvenile crime and child labour using case studies. It looks at how being forced into child labour exposes kids to harmful circumstances like mental, emotional, and physical problems, which commonly causes alienation, low self-esteem, and inadequate social integration. Due to these circumstances, a milieu is fostered where aberrant attitudes and behaviours can begin and progress into more severe types of adolescent delinquency.

Through this abstract, we wish to emphasise how crucial it is to address child labour as a major cause of adolescent criminality. Effective solutions must include comprehensive steps that focus the outlawing of child labour practises while also offering rehabilitative support, educational possibilities, and psychosocial support to children who have experienced exploitation. Societies may promote healthier, more prosperous futures for its youngest citizens and contribute to the overall wellness of communities all around the world by ending the cycle of child labour and its effects on delinquency.

Key Words : Child Labour, Juvenile delinquency, Exploitation, Rehabilitation, Educational opportunities etc.

INTRODUCTION

Child labor is a crime committed against one out of every seven children around the world :-

South Asian handwoven carpets are still made using child labour despite legal limitations. When compelled to work up to 18 hours a day producing rugs for export markets in the US and Europe, kids between the ages of 4 and 14 are either kidnapped or sold. Malnutrition, poor vision, abnormalities caused on by spending a lot of time indoors, breathing wool-related respiratory issues, and smart gadget wounds are some of their concerns. Contract employees frequently earn little to nothing and have limited freedom. Both this kind of exploitation and modern slavery are unacceptable. Children will be sent to a different type of labour after being advertised for the previous one.

According to the International Labor Organization (ILO), "the majority of working parents are child workers who are uneducated and therefore forced to follow cultural practices that cause them to live in poverty".

If they are strong, active, clever, knowledgeable, disciplined, and well-educated, the future of the country is assured; nevertheless, if they fall short in these areas, the future of the country will be lost. Work is unquestionably cultural, but it needs to originate from the right sources and be applied to the right demographics. Unsuitable employment poses a danger to both the beneficiaries and the employees. The way the wealthy treat children has been a major factor in the development and fall of many countries throughout history. In light of this, the main focus of this study will be on the significance and benefits of child labour.¹

¹ Deborah Levison, Richard Anker & Shahid Ashraf, "Is child labour really necessary in India's Carpet Industry?", Labour market papers, (April 15,1996)

CHILD LABOUR: CONCEPT

Children will be assigned to different jobs after being advertised for one kind. For instance, many girls from rural Nepal who work in carpet manufacturing are then trafficked into sex trafficking at the Indian border. Everyone in the family should work more, and child labour might worsen poverty, according to a common misconception. passed on from father to son. The International Labour Organisation (ILO) asserts that "the majority of working parents are child workers, who are uneducated and thus forced to adhere to cultural practises that cause them to live in poverty."

The future is reflected in children like it is in mirrors. People should look towards their children to learn about a nation. Children are not a nation's future, but rather its strength in its reserves. The future will be fed by these crops.

A country's future is secure if its citizens are young, wholesome, energetic, clever, disciplined, and well-educated; if not, that future is shattered.²

Case of Child traffickers: Rani, 17 years.

1. Rani hails from Varanasi's Majhasaur district's Majhasaur village. In order to take care of the family when her father passed away and since her mother was unable to, she attempted to poison them. Although Rani's mother passed away, she and her siblings survived the attempt. A 40-year-old man was her husband-to-be. Actually, he paid 10,000 rupees to buy her. Rani was sexually assaulted by police after she went to report that the locals had taken over her land when she went to the police. The police officer promised to assist her and gave her Rs. 1000. Rani met people who recruited her into the child trafficking ring. She was dispatched to a number of locations, including Allahabad, Banaras, Azamgarh, and Banaras.

² UNESCO Library, Artificial intelligence in education: challenges and opportunities for sustainable development, 2019



2. Having been despatched to Raja Talab to see a potential client, Rani was forced to return to Varanasi when he did not show up until late in the evening, at 10 o'clock. She was discovered by the RPF while she was waiting at the bus stop. The SIM card holding all the information and the phone numbers were given to the team by Rani..³

1. CHILDLINE RPF Inspector called Varanasi to report finding a 17-year-old at Varanasi Cantonment Railway Station. One of the group members brought the girl to the CHILDLINE office.

2. The CWC received the case's specifics. The Superintendent of Police needed to be contacted as the next step. The child trafficking ring was busted up in a raid. The racket's participants, four men and three women, were all taken into custody. Following her rescue, Rani was initially housed in a Lucknow girl's home before being treated alongside her older sister.

Migrant children

The "distress seasonal migration" is a major problem for India. Every year, millions of households are compelled to spend several months away from their homes and villages in search of a means of subsistence. Due to these migrations, families are compelled to drop out of school, which eliminates the sole chance to end the vicious cycle and prevent future generations from repeating it. Migrant children must always labour at construction projects. Migrations are significant and expanding, according to all available data. There may already be almost 9 million youngsters under the age of 14 who are thus affected. Scheduled Castes, Scheduled Tribes, and Other Backward Castes make up the majority of migrant populations. Those who have the fewest resources, abilities, or opportunities are the landless and landless poor.

³ Childline Annual reports, available at: <https://www.childlineindia.org>

Juvenile Delinquency :-

Juvenile delinquency is the involvement of a youngster between the ages of 10 and 17 in criminal action or behaviour. Adolescent misbehaviour can also refer to children who repeatedly act dishonestly or disobediently, obviously putting them outside of their parents' authority and leaving them vulnerable to the legal system's involvement. The phrase "juvenile delinquency" is also used to refer to "juvenile offending," and each state has a unique set of laws in place to deal with juvenile offenders. The word "delinquency" is derived from the Latin verb "delinquer," which means "to omit." "Juvenile delinquency" refers to children's and adolescents' inappropriate behaviour, where they frequently participate in criminal activities.⁴

HISTORICAL PERSPECTIVE

Since the beginning of time, child work has taken various forms. This phenomenon is not brand-new. However, the idea that it is a societal evil is very new. In every community, kids have contributed to the traits and activities of their social group. They have aided their parents in a variety of domestic tasks, family businesses, outdoor manufacturing, and other large and small commercial enterprises. Alongside their parents, kids participated in household chores, family crafts, and both domestic and non-domestic labour.⁵

Hindu and Muslim opulence during the mediaeval period was also characterised by the use of children as personal slaves. Because of the widespread adoption of the 'catch them young' attitude, artisans and craftsmen used to expose their children to the workplace from a young age. Through observation, imitation, and aid to the family adults, they picked up skills, and over time, they grew to be experts in their inherited trades. 'Mulmul' from Dhaka and the world-famous embroidered silk from Banaras are only a couple of examples.⁶ In spite of legal prohibitions, bonded child labour is very much prevalent in India even today.

⁴ Available at <https://blog.ipleaders.in> (Last visited on August 21,2023)

⁵ J.C. Kul Shreshtha, Child labour in India, (1978)

⁶ Leela Dubey, The Economic Roles of Children in India Child work, Poverty and Under-development, (1981)

NATURE OF CHILD WORK

All kinds of jobs are performed by children. Children do assist in agriculture by caring for sheep and calves, watering crops, chasing animals and birds away from fields, and helping with stitching, weeding, harvesting, and thrashing tasks, among other tasks. In their households, they take care of the younger siblings, gather firewood and water, and perform other domestic and non-domestic tasks like a cottage enterprise.

Many children work in the unorganised sector and are employed as domestic helpers, employees in hotels, restaurants, canteens, dhabas (roadside cafes), petrol stations, wayside shops or hawkers, magazine and newspaper sellers, fruit and peanuts sellers, coolies, shoe-polish boys, rag pickers, vendors, car cleaners, car parking boys or helpers in scooter and motor repairing workshops, tailoring shops or as messengers, among other jobs. In the larger cities, young people have been found to be drug dealers. When loading, unloading, breaking up stones, etc., the kids are also brought along by their parents.

Organised begging is a significant industry in which children are employed. But whether begging should be regarded as labour at all, and if not, whether it ought to be illegal for both children and adults, is a topic of considerable controversy.

CAUSES OF CHILD LABOUR

The basis of child labour is poverty. In India, where over half of the population is below the poverty line, poor families have little alternative but to send their children to work in order to supplement the family income or let them go hungry. In addition to economic imperatives, some societal traditions and attitudes also have an impact on child work practises. For instance, a common misconception among the impoverished is that the larger the family, the higher the family income will be because every child adds two more workers to the household, increasing the income. Thus, the reason for employing children has been two-fold, that is, economic and socio-cultural as well.

1. Economic Factors

Since child labour is primarily a problem of poor and destitute families, who have no choice but to send the child to work in order to keep the wolf away from the door, economic factors are stronger than socio-cultural ones in explaining the prevalence and continuation of child labour. A culture, country, or region's level of economic advancement is inversely correlated with the prevalence of child work.⁷

2. Poverty

In India, where over 40% of the world's poor people dwell, child labour is particularly ingrained in poverty¹¹. 76.69% of Indians still reside in rural areas¹², and in all save Punjab, it was projected that roughly 50% of homes there were below the poverty level in the years 1977–1978.⁸

The ILO, taking a global view of the situation in which India features prominently, came to the following conclusion⁹

Indebtedness:

Children in poor families are more forced to sell their labour to pay back the family's debts because of the family's debt.

Adult Unemployment:

Children must step up to help when the family is deprived of adult earnings due to adult unemployment, inadequate income due to adult underemployment, or intermittent revenue due to adult earners' seasonal employment.

⁶ J.D. Sethi, "The Politics of Population", The Tribune, 9 March 1984.

⁷ Census of India 1981, series in India, Part-II(B) (i), Primary Census Abstract – General Population (Excluding Assam)

⁸ C.Gopalan, "Development and Deprivation", Economic and Political Weekly, (17 December 1983) p. 2164.

⁹ report on *Child Labour in Indian Industries*, (1981).

Low Adult Wages:

The terms of the Minimum Wages Act of 1948 are openly and flagrantly disregarded by employers, especially in the unorganized sector, who pay wages that are significantly less than the minimum wage. The only alternative left for the kids is to accept the poor pay in order to keep their jobs. In these situations, children have no choice but to work to support the family financially.

Inadequate Social Security:

Children or their family members could seek safety in the traditional village home with the joint family as the basic unit in the event of hardship or any other misfortune.

Self-Interest of Employers:

Employers favor hiring youngsters over adults for a variety of reasons. Responses to the subject "Why child labor is preferred?" from companies, employees, governments, and political leaders demonstrated that kid labor is affordable, diligent, skilled, and obedient. They do not cause as much problems. They put in a lot of overtime and lack a trade union.

Suitability of Specific Jobs:

Due to their traits as youngsters compared to the nature of the labor, some jobs may be more suited for kids. The glass and bangle industries, the fabrication of matches and explosives, the carpet weaving industry, etc. are only a few examples of the manufacturing facilities and procedures where youngsters are desired. The entrepreneurs cite the fact that children can perform tasks more effectively than adults since they have delicate, quick fingers.

Socio-Cultural Factors

Even though child labor's persistence has an economic root, in a society where traditions are deeply ingrained, such as India, the incidence of child labor, which is frequently accepted as the normal course of events, may be influenced by socio-cultural forces such as the agrarian pattern, educational system, values and attitudes toward children, etc. ¹⁰ In order to understand the institution of child labor from this perspective, it is crucial to consider the socio-cultural context.

¹⁰ Workmen's Compensation Act 1923; Employees' State Insurance Act, 1948; Employees Provident Fund (And Miscellaneous Provisions) Act, 1952; Maternity Benefits Act, 1961; Industrial Dispute Act, 1947 (Layoff and Retrenchment Provisions) and Gratuity Act, 1972.

Legal Framework

In accordance with Article 24 of the Constitution, no kid under the age of 14 may work in a mine, factory, or any other job that poses a risk to their health. The States are also required under Article 39 to focus their policies on preventing abuse of children while they are still young and on preventing them from being pressured into occupations that are not physically or intellectually appropriate due to financial constraints. The State is now responsible for providing free and mandatory education to all children in the age range of 6 to 14 years, thanks to the recent addition of Article 21A. The Child Labor (Prohibition and Regulation) Act, passed in 1986, aims to forbid the employment of children under the age of 14 in dangerous jobs processes, and controls the working circumstances in other occupations. In the past five years, the number of hazardous processes included in the Act's schedule has gone up from 18 to 57, and the number of vocations has gone up from 7 to 13. The government recently agreed to add youngsters working as domestic helpers, in dhabas, roadside cafes, hotels, etc. to the list of hazardous occupations.

CONCLUSIONS:

Children are the fundamental building blocks of civilized civilization, according to the thorough study. They are a country's most valuable resource, and the well-being of those resources serves as a barometer of the wealth of that country. We must thus protect these delicate blooms from both human exploitation and the whims of nature, such as prolonged exposure to heat, cold, or rain.

The historical analysis of child labor reveals to us that child labor was practiced throughout history, including the ancient era. Government protection laws against child labor in India have very sometimes been adopted. The research demonstrates that the Indian Factories Act of 1881, the Mines Act of 1901, the Factories Act of 1911, the Factories (Amendment) Act of 1922, and the Indian Factories Act of 1931 were all passed with a view to regulating the production of Indian goods. The study shows that these legislations could not make any improvement in the working conditions of the child workers. The result of this was that child labour continued as a means of cheaper labour. The labour investigating committee, in its report in 1946 has pointed out that the main cause of this was the inadequacy of inspecting staff to enforce the provisions of those welfare legislations.

SUGGESTIONS:

Coordinating at the highest level is necessary to address the issue of ending child labor. It should also involve the National Commission for the Protection of Child Rights (NCPCR), which was just established as a statutory entity with the responsibility of reviewing all laws, programs, and policies pertaining to children's rights.

Training on child labor and their individual roles in its abolition should be provided to everyone who works with children, including youth volunteers, teachers, labor department officers, and others.

Participation should be subject to a number of prerequisites, including legal literacy, a comprehensive grasp of children's rights and entitlements, a knowledge of the roles played by various departments, and a familiarity with the programs and policies aimed at children.

All 600 Project Officers and Field Officers who oversee the National Child Labor Program on a district-by-district basis must get training. To districts that have started a comprehensive program, exposure trips and peer exchanges must also be included.

By connecting Class X graduates with local ITIs, NGO-run vocational training programs, and private sector efforts, the Labor Department may help youngsters receive vocational training.

They should not manage vocational training facilities because the labor departments' track record in setting up these facilities is really dismal.

Instead, the labor department should assist older children in finding employment. This would include changing the labor department's function from managing vocational training programs to acting as placement agencies.

Children would not be numbers at the gram panchayat level but rather would have names. A record of all out-of-school children can be kept and even tracked, including school dropouts, kids who do not go to school regularly, and kids who work as domestic helpers, in hotels and other businesses, in quarries or mines, as farm laborers, or in other occupations and processes that are illegal under the Child Labor (Prohibition and Regulation) Act of 1986.

At the mandal, block, and district levels, a list of all such children who are not in families must be compiled. In order to act swiftly and efficiently in child rescue and court matters, mobile courts must be established. The NCLP must acknowledge that migratory child laborers have unique circumstances.

The Juvenile Justice (Care and Protection of Children) Act, 2000, as revised in 2006, is being put into effect through a program known as the Programme for Juvenile Justice. The JJ Act of 2000 mandates that a Juvenile Justice Board and a Child Welfare Committee (CWC) be established in each district. The Labor department must work with the CWC to coordinate its initiatives.

In urban regions, there are a sizable number of street and working children, homeless children, pavement dwellers, and kid beggars. kids away from their parents. Allegations of missing minors must be reported to the police. Drug addiction, alcoholism, and sexual assault are all risks for children who are not with their families. These youngsters must be protected under the Juvenile Justice Act .