



CHILD LABOUR IN AUTOMOBILE INDUSTRY IN INDIA

A Fact-finding Report on
(2022-23)

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

NEW DELHI

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INTRODUCTION

National Commission for Protection of Child Rights (NCPCR) has been constituted by the Government of India, as a statutory body under section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with the protection of child rights and related matters. Under section 13(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005, has provided certain functions to ensure that the rights of children are protected especially the most vulnerable and marginalized.

In addition, the Commission has also been mandated to monitor the implementation of the Juvenile Justice (Care & Protection of Children) Act, 2015, Right of Children to Free & Compulsory Education (RTE) Act, 2009 and Prevention of Children from Sexual Offences Act, 2012.

BACKGROUND:

There are various industries and sectors in India where it is observed that children are being engaged as child labour and Automobile Industry is one of them. The Automobile Industry is one of the fastest growing industries which are now penetrated in almost all parts of the country. Interestingly, it is observed that this industry has a distinct feature of having two facets i.e. organized sector which is well regulated and the unorganized sector which is unregulated, uninspected and not monitored. There are some cases of complaints received and observations made by the Commission of matter regarding children working in unorganized automobile activities including repair shops, grey market spare parts selling, fitting, dismantling, scraping extracting spare parts etc. The experience of the Commission point out that “when an industry or sector involve or depend upon unorganized activities in its entire supply chain, like in the case of Automobile Industry attracts child labour.

The automotive industry comprising the automobile and the auto component segments – is one of the key drivers of the economic growth in India. With its deep backward linkages and forward linkages, it is seen as a major driver and has been recognized as a sector with very high potential to increase the share of manufacturing in gross domestic product (GDP), exports and employment. The automotive industry in India comprises of all vehicles, including 2-3 wheelers, passenger cars and multi-utility vehicles, light and heavy commercial vehicles, and agricultural tractors and other earth moving machineries, besides the component segment for all these categories.

The automobile is one of the most successful manufactured products of the past century as well as in this century. It is perceived as a fast, comfortable, flexible and affordable mode of transport and has become a status symbol or means to reflect identity. Automobiles are and will continue to be critical for the functioning of various industries, sectors, societies and economy of our country.

Therefore, it is more important to understand the sector and inherent the inherent reasons why this industry is attracting child labour.

CONSTITUTIONAL PROVISIONS & LEGAL PROTECTION OF CHILDREN AT WORK

CONSTITUTIONAL PROVISIONS		
		Description
	Right to Education	The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine.
	Prohibition of Employment of Children's in Factories	No child below the age fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment.
	The state shall in Particular direct its policy towards securing	That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength

Under the **Child Labour (Prohibition & Regulation) Act, 1986** the engagement of children up to 14 years was prohibited in certain hazardous occupations and processes and to regulate the conditions of work of children in other employments. Now, Government has enacted the Child Labour (Prohibition & Regulation) Amendment Act, 2016 which came into force with effect from 1st September, 2016. The **Amended Act**, named as the **Child and Adolescent Labour (Prohibition & Regulation) Act, 1986** interalia covers complete prohibition on employment or work of children below 14 years of age in all occupations and processes; linking the age of the prohibition of employment with the age for free and compulsory education under Right to Education Act, 2009; prohibition on employment of adolescents (14 to 18 years of age) in hazardous occupations or processes and making stricter punishment for the employers contravening the provisions of the Act.

As per the notification of the Ministry of Labour and Employment, Government of India dated 31st March, 2017, children are prohibited to work or help families in automobile workshops and garages or in automobile repairs and maintenance including processes incidental thereto namely, welding, lathe work, dent beating and painting.

Methodology :

National Commission for Protection of Child Rights (NCPCR) has conducted a video based survey on automobile sector with the following objectives:

- i. To identify and understand the penetration of the automobile industry with 5 regions Guwahati, Indore, Meerut, Chennai, Patna where child labours are involved-
- ii. To understand the situations of children and their families, reasons why children are attracted to the automobile industry especially in it unorganized activities.

- iii. To understand if the compliances are being violated by the manufacturing companies (compliance i.e. human rights, supply chain, servicing, disposal environmental etc.)
- iv. To find out whether the automobile companies/industries following the principle of principal accountability in taking responsibility of supply chain (Production, sale, repairing, selling parts, recycling etc.) free of child labour and unethical practices.
- v. To find out if there are any policy interventions required in the sector.

Findings :

Brief -

The state of affairs in cities such as Gauhati, Patna, Indore, Meerut, and Chennai are absolutely shocking. According to global car sales data, India ranks among the five biggest automobile markets in the world. The mammoth size of the automobile market has given rise to an equally big sector of allied businesses such as repairing, maintenance and spare parts. Once a car or bike is sold from a showroom, it is assumed that the manufacturer's responsibilities have ended. The car and bike makers neither open service centres in proportion to the number of vehicles sold nor do they manufacture spare parts in adequate numbers. Owing to this, local mechanic shops and garages have mushroomed. Due to this reason, a huge grey market for spare parts has emerged. After all, how would child labour come into play if original spares did not enter the grey market? In these local garages and shops, children are made to work on the pretext of learning the trade as apprentices of master mechanics. They are paid a pittance. Garage-owners make a mockery of laws by employing children to maintain and repair vehicles. But in the last analysis, the big car and bike manufacturers are to blame; they have shirked their responsibilities after selling their vehicles. They say they do not employ child labourers in their manufacturing plants. But, it is unfair. They cannot get off the hook by just saying this. In the western countries, these very vehicle manufacturers follow the laws about child labour strictly. In western economies, no child labour can be involved in the supply chain or after-sales services. When these companies strictly follow the labour laws in western countries, why do they ignore the same norms in India?

Outcomes/Observations during the visit of 5 locations:

1. The children were seen engaged in working in motor garage, gets only Rs. 2,500/- a month for a daily 12-hour grind. Millions of children in India let go of their dreams and work as child labourers.
2. Guwahati, the largest city of Assam, based on estimates, 17,716 new hatchbacks and 10,502 SUVs were sold in Assam in 2021. This huge number is in addition to the vehicles already plying on roads. Clearly, with the arrival of so many vehicles, the market for their maintenance and repair has also expanded.
3. In 2021, according to estimates, 8,786 SUVs and 11,031 hatchbacks hit the roads of Bihar. Children are mostly responsible for their maintenance and repair.
4. In Chennai, the capital of the largest southern state of Tamil Nadu, this kid's story is not different from others engaged in child labour. He works in a motor workshop.
5. Meerut, a large city located in western Uttar Pradesh, is a huge automobile market. Child labour is rampant here as well. The team set out to investigate the auto market here; children were found working in garages and repair shops.

Conclusion :

The big automobile companies love the Indian auto market, but when it comes to obeying laws, these companies shy away from taking responsibility. Garage owners flaunt big advertisements of automobile giants such as Hero Honda, Bajaj, Royal Enfield, Maruti, Omron, Castrol, Motul, etc., but are promoting child labour with impunity. These children, due to poor family conditions such as poverty, illiteracy, irregular income, economic shocks etc. are forced to work at an early age because of which they miss out on the opportunity to gain education. The lack of education at a young age disables them to obtain work opportunities and lead a quality life as an adult, overall slowing economic growth and development of the nation. It is evident that garage owners are directly responsible for these illegal acts. But, the blame lies as much with the automobile manufacturers. If children are labouring inside these garages and motor workshops, toiling under their advertising boards and banners, they will have to take the onus to curb it.

Video Link :

<https://ncpcr.gov.in/video-gallery/5>
