

# LEGALFOXES LAW TIMES

## Child Labour: A curse on our world

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### Abstract:

A child is a world most beautiful gift given by God to us, they are the most precious things in our life, they are the valuable asset and the future of our world and they should not disregard their duty which is upon them to take care of their growth and development of their future which lies before them. Ironically, the situation of Child Labour still prevails in the globe. Even according to all the statistic which is provided to us by the government which provided that children between the age of 5 to 17 are the ones who are forced to work worldwide or we can even say that one-eight children are exposed to the world worst form of Child Labour which may deteriorate their physical moral well-being, and even affect the mental health of the children. Despite all the effort and all the hectic planning which is done by the government, whether it be in the field of making laws for the children legislation or even toward the welfare programme initiative and they are even trying to take administrative actions in the past few decades and even today, a large majority of the Indian children continue to suffer in the present world. Most of the families neglect them and they are even forced to face the same kind of neglect that is faced by these children in their workplace. Child Labour even today continues to grow even in rural as well as urban areas. This paper tries to probe the historical aspect, meaning, and nature, root cause of child labour, the magnitude and impact of Child Labour worldwide and further even give a comparison between the situation of Child Labour in India and the violation of the child rights in India and even to highlight the recent changes in the type of Child Labour

KEYWORDS: CHILD LABOUR, ABUSE, WORKING CHILDREN, CHILD RIGHTS

### Introduction

#### I. Historical aspect of Child Labour

Children are the future of the world but rather than giving them the right to education, they are forced to work for some greedy people. This situation prevails in the whole world but most

promptly in India where they are exploited of their childhood and not even given the proper attention which they are entitled to receive at their age. Children have always been forced to become domestic slaves in many prosperous households where slaves were normally from the low cast child slaves of less than eight years of age and were forced to do those work which was done by elder and were even exploited and physically abused by the owner of the house. Even in the medieval period where children were normally employed as trainees under artisans and craftsmen. After the industrial revolution, in the 18<sup>th</sup> Century, a large number of children were employed initially by the mill owner and later by the factory owner. The term Child Labour in the present time is used as a synonym for either 'working children' or 'employed children' in the sense it has coexisted with any kind of work done by a child for economic gain. These attempts which are made by the legislation has failed because in a way they have failed to address the root cause of Child Labour that is poverty.

## II. Child Labour

Child Labour is referred to as the practice of getting children engaged in economic activities on part-time basis or full-time basis. It is a place where children are forced to work at the age where they are naturally supposed to enjoy their phase of innocence. It directly affects their childhood which leads to exploitation of the children not only physically but also their mental health, socially, sexually, and so on. The increasing gap between the rich and the poor privatization on the basis of services and the neo-liberal economic policies which cause a major section of the population out of employment and without the basic needs.<sup>1</sup>

According to the **International Labour Organization** which defines Child Labour as the work that deprives the children the right to have a childhood, their potential, and their dignity and they don't even understand that working for the children is harmful to their mental as well as their physical health and development. It is referred to the work that mentally, physically, socially, or which is even morally harmful to the children or work whose schedule interferes with the ability of the children to have regular school or work which in any way can violate the mental health of the child and may affect the child ability to focus in school or experience the health of the child.<sup>2</sup>

**UNICEF** also defines Child Labour very differently which states that a child is considered to be involved in Child Labour activates if the child is between the age of 5 years to 11 years of age did at least 1 hour of economic activity or even 24 hours of domestic work and the children between

<sup>1</sup> <https://blog.scit.edu/2013/08/05/child-labour-a-serious-social-issue/> [Accessed 3 September. 2020].

<sup>2</sup> <https://www.ilo.org/ipec/facts/lang--en/index.htm> / [Accessed 3 September. 2020].

the age of 12 years to 14 years did at least 14 hours of economic activities or at least 42 hours of economic activities and domestic work combined in a week<sup>3</sup>

**Government of India (GOI)** from the past 2 decades has come up with initiatives and measures to reduce or curb or combat Child Labour from India. According to the principle enshrined in the constitution of India one major legislation that was made against Child Labour was introduced in 1986. Then the end of that resulted in introduction of the National Child Labour Policy 1987 which forced the people to rehabilitate the children who were working in hazardous occupations and this was more strict enforcement of relevant and required legislation, the amalgamation of Child Labour issues into the development strategies of different ministries and department and project-based actions plans in an area which have a higher concentration of hazardous occupation. This was based on the recommendation of the committee in 1986 which later enacted **The Child Labour Prohibition and Regulation Act 1986**.<sup>4</sup> This act tells us where the children can work and under which condition can they work and how they cannot. The provision laid down in this act is meant to be acted upon immediately after the act was published but excluding the part III of the act which discusses the condition in which a child can work. Part III of the act can only come in effect as per a date which is appointed by the Central Government (which was decided as on the 26<sup>th</sup> of May, 1993)

### **III. Cause of Child Labour**

The main cause of Child Labour is poverty, social inequality, and the most prominent cause of Child Labour is the lack of education between the parents who force their children into Child Labour rather than educating them and giving them the proper life that they require even according to the report that was given by UNICEF which basically states that in a rural and impoverished part of the world where children have no adequate school facilities, even the availability of school in these areas is super low. Most children who are forced or are involved in Child Labour are unpaid family workers or family farms or in the family enterprise. Basically, these families depend on the additional income which is generated by the work of their children. Child Trafficking is also linked to Child Labour and which not only resulted in child abuse. Trafficked children are forced to face all forms of abuse which may be physical, mental, sexual, and even face emotional abuse. These children are even subject to prostitution, or are forced to marry someone

<sup>3</sup> [https://www.unicef.org/infobycountry/stats\\_popup9.html%5bAccessed](https://www.unicef.org/infobycountry/stats_popup9.html%5bAccessed) / [Accessed 3 September. 2020].

<sup>4</sup> Indian legislations for child labor, available at; <http://childlineindia.org.in/Child-Labour-Prohibitionand-Regulation-Act-1986.htm> last seen on 5/09/2020

or if the child is an infant then the child is illegally adopted and then they are forced into cheap or unpaid labour, and are forced to work as servants or beggars.

#### **IV. Types of Child Labour**

##### **A. Industrial Child Labour**

The industrial sector is one of the largest employers of children underneath the legal age of 18 years. Approximately more than 10 million youngsters between the age of 5 to 14 years is been forced to work in a small or informal industries in which there is approximately 4.5 million young girls who are forced to work. Small industry mainly include clothing industry, firecracker, business, jewelry and other things. These are the most hazardous places where these children are forced to work for more than 12 hours which are way more than the normal worker work, and they are forced to work in such condition which when they attain the age of majority cause significant high damage to their body and their health is tempered. These are the places where the most amount of Child Labour takes place.

##### **B. Domestic Child Labour**

It included both boys and girls who are either adopted or bought by a wealthy family who are forced to work for them in the everyday chore and do all the work of the house which should naturally be done by an adult. These people even after being highly educated think that it is a better idea to force children to work because it is cheaper in comparison to getting an adult. This is the place where these children face sexual harassment while working in these households because the family member in whose house the child is working deem fit that they have a right over the child and they can do anything with the child a no finger will be raised at them because they pay them and the children can also not raise their voice because they are poor cannot afford to lose the job or else they will be physically abused by their parents.

##### **C. Bonded Child Labour**

Such labour means when the child is forced to pay off the debt of their parents because the parents are either dead or incapable of paying or have forced their debt on their child. The number of bonded Child Labour has considerably declined in the past few years because of the strict legislation and supervision which is done by the government which bans it due to which slowly goes into remote areas.

#### **V. Legislative Provision to Prevent Child Labour in India**

##### **1. India and International Labour Organization(ILO)**

India was the founding member of the ILO in 1919, the response to the establishment was positive in India. Child Labour is considered a socio-economic problem, which needs proper

efforts for a long period of time for resolving the issue. The Indian government is following a sequential approach which concerns the children working in hazardous occupation and has adopted many strategies to educate the children who are in child labour:

- A legislative action plan in the form of Child Labour Act,1986
- Project-based action plan in areas which have the highest number of Child Labour with the help of National Child Labour Project Scheme.
- Even trying to make development programmers which will help the families of Child Labour

The government of India has even implemented the National Child Labour Project (NCLP) whose main focus is for the rehabilitation of children who are involved in such work.

## 2. UNICEF ( United Nations International Children Emergency Fund)

UNICEF recognizes the need to address the need for Child Labour very seriously as it is the key component of the organization policy. It has a very long experience in working the fight of Child Labour in India. UNICEF has been working to reduce and eliminate Child Labour by reforming the existing legislation, for example setting a minimum age limit for child labour, expanding education access, improving the quality and relevance of education, raising awareness and mobilization of families and communities against the exploitation of children and even working with the government of India for the rehabilitation of the children who are currently forced into Child Labour and giving them a proper life they deserve

## 3. The Child Labour (Prohibition and Regulation ) Amendment Act,2016

This amendment prohibits the employment of adolescents of children between the age group of 14 to 18 years of age in hazardous occupations and processes and regulates their working conditions where the working of these children is not prohibited. This amendment also provides strict punishment for the employer for the violation of the act making the offence. Further, the State Action Plan has been circulated to all the states and UTs for ensuring effective implementation of the act.

## 4. The Factories Act,1948

This act prohibits the employment of children below the age of 14 years. Adolescent child age is between 15 to 18 years can be employed in the factory only if the child obtains the certificate of fitness from an authentic doctor. This Act even limits the time for which the child can be allowed to work per day and even prohibits that the child cannot work during the night hours.

#### 5. The Mines Act, 1952

This Act prohibits the employment of children who are below the age of 18 years in a mine. Further, the act also states that children above the age of 16 years may be allowed to work only under the proper supervision in a mine.

#### 6. The Minimum Wages Act, 1948

It prescribes the minimum wages for the employee in all the establishments or those who are working at home in a certain sector which is specified in the Act. Central and State Governments may revise the minimum wages which are mentioned in the schedule.

#### 7. The Juvenile Justice (Care and Protection) of Children Act, 2000

Section 26 of the act states that whoever prosecutes a juvenile or a child for the purpose of any hazardous employment and keeps him against his will or withholds his earning or use of the child earning for his own personal gain shall be punished with imprisonment of a period which may extend to 3 years and will also be liable to a fine.

#### 8. The Right of Children Free and Compulsory Education Act, 2009

This act provides that the children between the age of 6 to 14 who are forced into Child Labour will be provided free and compulsory education and even the Section 32 of the Act provide that the children will be provided compensation for all the grievance that they have faced while working in those hazardous areas

### **VI. Approach to Eliminate Child Labour**

There are many ways to eliminate Child Labour such as:

#### ➤ Basic Education

Basic education is a valuable part of our freedom and the stepping stone for the beginning of new life. Free and compulsory primary education for all the children up to the age of 14 years is a constitutional obligation to be followed by everyone. The elementary education system enrolls 136 million which a lot more than only 23.3 million children who were getting enrolled in 1951. Education and literacy contribute to allot to the socio-cultural stand of the person and even makes them aware about all the main issue as to their health, personal and social hygiene, welfare, it even gives them a reason to as to why they should not work at these health hazard places and how those places harm their growth and nutrition and even their mental development. Dr. Myron Weiner, who is the UNICEF representative of India said that the only way Child Labour can be reduced or

even later on removed from India is when the government makes strict polices for compulsory elementary education for all the children and there a is proper facility of teacher and school in each and every part of India as well an appropriate action is followed by.<sup>5</sup>

➤ Training

Youth volunteers, school teacher, gram panchayat, office of labour department, and others all of these organization must be given the proper training about Child Labour and what are the measure which can be taken by then to abolish Child Labour from the areas and how they can make the people aware of the child rights and full knowledge about these rights and their entitlement, the role of various department and making them aware of the schemes and programs which are meant for the children. Training modules should be prepared on the issue of education and child labour.<sup>6</sup>

➤ Abstain from employing a child as domestic help or labour

This can be the biggest step one can do to curb child labour. In India, it's a trend to employ a child for petty work whether it be in the shop or in the house as a helper or cleaner, etc. According to the report given by the United Nations Development Report around 40% of the children who are working as domestic helpers are girls who are under- 15 years of age. Most of these people justify the reason for employing these children as they are providing them a better life than they were given to them by their parents but the truth is that they are providing them an even worse life.

➤ Report to the police when you see Child Labour

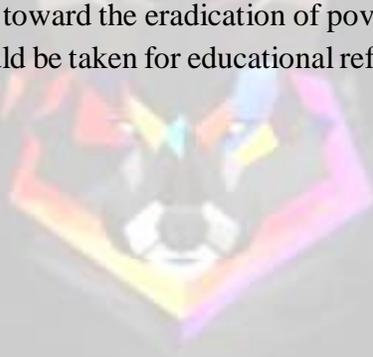
Whenever a person witnesses any kind of Child Labour it is their responsibility to immediately report it to the police or make use of the legislative provision given to us by the government. This will ensure that the child will get timely help and get reduced rather than be exploited. One of the steps should be to encourage the child to take an education rather than working at this age and telling them why education is necessary of their early development and childhood care as well as good quality education for the child, provision for legal as well as social protection from all kinds of abuse, neglect form their family and exploitation of their childhood. Abolition of Child Labour can be done only when we eliminate all forms of economic exploitation of children, monitoring the review and reform of the programmers, policies, and laws to ensure the protection of the interests and rights of the children.

<sup>5</sup> [https://shodhganga.inflibnet.ac.in/bitstream/10603/66187/12/12\\_chapter%204.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/66187/12/12_chapter%204.pdf)

<sup>6</sup> <https://ncpcr.gov.in/showfile.php?lid=66>

## VII. Conclusion

India has done well in enforcing suitable legislation and policies to control Child Labour but as India has such a large population starting at the grassroots level should be the main aim of the government but by taking these initiatives the Child Labour is not getting eliminated but is being shifted geographically from one place to another. Even the lack of specialized enforcement office which leads to lessor attention being given to the Child Labour legislation. Moreover, there are many programs toward the elimination of Child Labour which need to be properly funded in an aspect of them being functioning properly. Before tackling Child Labour we need to tackle unemployment, lack of proper social security, illiteracy, and the attitude of the society. The government and the society should come collectively together to eliminate Child Labour by launching some schemes which increase the income of the parents so they force their child into child labour. Effort should be made toward the eradication of poverty because it is the main cause of Child Labour and also effort should be taken for educational reforms to provide free or affordable access to good quality of education



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