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CHILD LABOUR: WHY DOES IT STILL EXIST IN TODAY'S SOCIETY

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INTRODUCTION:

Work that robs children of their childhood, their potential, and their dignity and that is detrimental to their physical and mental development is frequently referred to as "child labour." It refers to labour that: is hazardous to children's mental, physical, social, or moral development; or interferes with their education by denying them the chance to attend school, forcing them to drop out early, or asking them to try to balance school attendance with an overly demanding employment. Whether or not a certain type of "work" qualifies as "child labour" depends on the kid's age, the nature and duration of the work, the working environment, and the goals that various nations have. The response differs between nations, as well as among sectors within countries. According to UNCRC, anyone below the age of 18 is a child. This is applicable to all the children and there should be no discrimination with respect to the rights of the children. No matter who they are, where they live, what language they speak, what religion they practise, what they think, how they look, whether they are a boy or a girl, if they have a disability, whether they are rich or poor, or who their parents or families are, or what their parents or families believe or do, all children are entitled to all of these rights. No child should ever endure unfair treatment from anyone.

But is this the same situation in our country? Do our laws follow these guidelines, does it guarantee equal rights to all children. According to article 24 of the constitution, it states that “ Prohibition of employment of children in factories, etc: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment Provided that nothing in this sub clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub clause (b) of clause (7);

or such person is detained in accordance with the provisions of any law made by Parliament under sub clauses (a) and (b) of clause (7)”. Going by this article, it is illegal to make any child work in hazardous work places and children should not engage in any kind of work that would put their life at stake. What about other professions? Is it fair to employ children in those occupations that are not deemed to be hazardous? Why does our laws make an exception to these professions?

ILO CONVENTIONS:

According to the organisation that is part of the United Nations known as the International Labour Organization that was founded in 1919. In order to establish labour standards, create policies, and create programmes encouraging decent work for all women and men, the ILO brings together governments, employers, and workers representatives of 187 member States.

Setting up and establishing International Labour Standards in the form of Conventions and Recommendations is the ILO's main method of activity here. International treaties and instruments known as conventions impose enforceable duties on the nations that ratify them. Recommendations provide suggestions for national policies and actions but are not legally binding in nature.

The ILO's Core Conventions, sometimes known as fundamental or human rights conventions, consist of the eight major items and they are:

1. Norms for Forced Labour (No. 29)
2. Abrogation of the Convention Against Forced Labour (No.105)
3. Fair Compensation Convention (No.100)
4. Employment Occupation Discrimination Convention (No.111)
5. Protection of the Right to Organised Convention and Freedom of Association (No.87)
6. Convention on the Right to Organise and Collective Bargaining (No.98)
7. Minimum Age Requirement (No.138)

8. Convention on the worst kinds of child labour (No.182)

ILO Conventions 138 and 182 are the two Core Conventions that have a direct bearing on child labour. The International Labour Organization (ILO) Core Conventions 138 on the entry of age to employment and Convention 182 on the Worst Forms of Child Labour have both been ratified by India.

The International Labour Conference's 58th Session in June 1973 resulted in the adoption of ILO Convention No. 138 concerning Minimum Age for Entry to Employment and Work. One of the eight Core Conventions of the ILO, sometimes known as Fundamental or Basic Human Rights Conventions, this Convention has been actively promoted for ratification by the ILO. Each nation that ratifies this Convention agrees to:

pursue a national strategy aimed at effectively banning child labour; Set a minimal age for employment or work that must be lower than the age at which compulsory schooling is completed; to gradually elevate this to a level that supports young people's complete physical and mental development; Ensure that the required minimum age entry to any type of employment or work that could jeopardise young people's health, safety, or morals must be at least 18 years old.



The International Labour Organization (ILO) enacted ILO Convention No. 182 and the associated Recommendation No. 190 on the Worst Forms of Child Labour in June 1999 at its 87th Session in Geneva. One of the eight Core Conventions of the ILO, also known as the fundamental or basic human rights Conventions, is Convention No. 182. principal clauses of convention no. 182. All people under the age of 18 are considered children for the purposes of this Convention. The phrase "worst kinds of child labour" is defined as follows for the purposes of this Convention: Any type of slavery or activities that resemble slavery, including the trafficking and sale of children, serfdom, debt bondage, and forced or mandatory labour, including the forced or mandatory recruitment of children engaged in armed conflict. The use, pimping or offering of a child for the purpose of prostitution, the production of pornography or pornography in any form.

SITUATION IN INDIA:

But in India, even today there is child labour and it exists in different parts of the country. According to the 2011 census, the total number of children in the age group (5-14 years old) in India is 259.6 million. Of these, 10.1 million (3.9% of all children) work as 'full-time workers' or 'marginal workers'. Moreover, in India he has more than 42.7 million children out of school. In India, many children are forced into child labour thanks to poverty, high illiteracy rates thanks to lack of education, unemployment, overpopulation, etc. As reported by Save the youngsters, children between the ages of 14–17 years engage in hazardous work and account for 62.8% of India's child labour workforce during which more boys than girls (38.7 million vs. 8.8 million) are forced into doing more hazardous work

But the good news is that the incidence of child labour in India has decreased by 2.6 million between 2001 and 2011. However, while the decline is more pronounced in rural areas, the number of child laborers is increasing in urban areas, indicating an increasing demand for child laborers in unskilled labour. Child labour has different impacts in both rural and urban India. Child labour prevents children from acquiring the skills and education they need to have decent job opportunities as adults. Inequality, lack of educational opportunities, slow demographic change, tradition and cultural expectations all contribute to the persistence of child labour in India. In the ILO's experience, stable economic growth, respect for labour standards, decent work, universal education, social protection and recognition of children's needs and rights all contribute to addressing the root causes of child labour. Due to the existence of child labour in India, the education of the children also gets affected. Without proper education especially among the child, the future of the country is at stake and children, they are the future of our nation. A situation where the future leaders of our nation are uneducated, can we even afford to imagine that? The changing social and economic structure of India has increased the need for universal early childhood education. The difficult challenges facing the Government of India are: To provide quality early childhood education programs. To maintain indigenous practices such as multilingualism, family/community involvement and participation of older children as caretakers for younger siblings. To provide early childhood education for all children despite severe economic constraints. This article provides an overview of traditional parenting practices in India, presents government initiatives in early childhood education, describes various programs available in India, and identifies goals that will shape the future of early childhood programs in India.

Therefore, the sooner we abolish child labour in India, the better. For this, we need proper laws, acts and schemes in order to be more effective with respect to doing away with child labour.

LAWS, ACTS AND SCHEMES IN INDIA:

Child Labour (Prohibition and Regulation) Act of 1986:

Article 24 of the Indian constitution clearly states that, "No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment."

According to the Child Labour (Prohibition and Regulation) Act 1986, a child is a person who has not reached the age of 14 years. Its purpose is to regulate the working time and working conditions of child laborers and to prohibit child laborers from working in dangerous places.

Child Labour (Prohibition and Regulation) Amendment Act of 2016:

The Government enacted the Child Labor (Prohibition and Regulation) Amendment Act, 2016 which came into force w.e.f. 1.9.2016. The Amendment Act completely prohibits the employment of children under the age of 18. The amendment also prohibits the employment of young people aged 14 -18 in hazardous occupations and processes and regulates their working conditions where this is not prohibited. The amendment also stiffens the punishment of employers for breaking the law and illegally employing a child or young person, so that the employer can be identified. For effective implementation of the provisions of the Act, the amendment empowers the concerned Government to grant necessary powers and assign such duties to the District Judges. Further, the national action plan has been circulated to all states/UTs to ensure effective implementation of the Act.

Child Labour (Prohibition and Regulation) Amendment Act of 2017:

The Government of India has announced changes in key child labour (prohibition and regulation) rules after extensive consultation with stakeholders. The regulations provide a broad and specific framework for the prevention, prohibition, rescue and rehabilitation of child and youth workers. Issues related to the definition of family for the child are also clarified with the help of the family and family business, special provisions have been added to the rules. In addition, it also provides the safety measures for working hours and working conditions for artists authorized to work according to the law. The rules contain specific provisions that contain the duties and responsibilities of the enforcement agencies to ensure effective implementation and enforcement of the provisions of the Act.

In conclusion, Child labor is one of the social ills in the nation. The Indian government is taking various measures to curb the causes of child labour. But to solve the problem of child labor, the root causes of child labor must be solved. These problems cannot be solved unless society and government take collective action to solve such problems in the country. A child belongs to the school, not the workplace. It should be in the mind of every individual in the country. If each individual sets aside his benefit of hiring a child as a laborer in the industry at home, then it would be easy to cure this social ill existing in the country. It's time to eradicate child labor from history textbooks and ensure every child can exercise their rights. Child labor is a reality of children's lives and affects us all in many countries. It is everyone's duty to help end child labor, including governments, trade unions, businesses, international organizations, communities, employers, teachers, parents, children and you. The School is the Best Workplace campaign recognizes that child labor is any type of work that is detrimental to a child's development, including interfering with quality full-time education. The key to ending child labor lies in political mobilization and action.

