

## CHILD LABOUR: A GROSS VIOLATION OF HUMAN RIGHTS

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### ABSTRACT

Child labour has been a major concern in the world because it affects the children both mentally and physically and it also destroys the future of children. Child labour is one the serious issue not only in India but also in other developing countries. It is widely prevalent in developing countries because of poverty. It is a great social problem because children are the hope and future of a nation. There were many laws enacted to prohibit child labour but they are ineffective. According to 2017 statics India is one of the leading countries in Asia has a whopping 33 million children employed in various forms of child labour.

**KEY WORDS:** Child Labour, Poverty, Socio-economic, Mental Health.

### INTRODUCTION

“The child is a soul with a being, a nature and capacities of its own, who must be helped to find them, to grow into their maturity, into a fullness of physical and vital energy and the utmost breadth, depth and height of its emotional, intellectual and spiritual being; otherwise there cannot be a healthy growth of the nation.” P N Bhagawati, Former CJI.

The United Nations Convention on the Rights of the Child defines a child as "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."

“A child is a person who is going to carry on what you have started...the fate of humanity is in his hands.”- Abraham Lincoln.

Child as defined by the child labour (prohibition and regulation) Act 1986 is a person who has not completed the age of 14 years. As a layman we can understand that Child labour is the practice of having children engage in economic activity, on a part or full time basis. Every child is considered as a gift of god, it must be nurtured with care and affection within the family and society. But unfortunately due to the socio economic problems children were forced to work in industries, leather factories, hotels and eatery. The child labour is not an isolated phenomenon it is coupled with socio economic problem of the society so in order to eliminate child labour first we should focus on socio economic issues of the society. It should bring effective measures to eliminate child labour. Almost one-third of the world population consists of children. Therefore, they need to be cared and protected, to keep up and improve posterity. Children are important component in social structure and potential future carries to the culture. In contrast to the preceding decades India seems to have done enough for the protection of children from all untoward circumstances. In keeping view international development in the area of child welfare, India as a democratic state has launched scores of programs and policies devised on statutory footing. The Ministry of Women and Child has been instrumental in this direction and it has particularly catered to children in crisis such as street children, children who has been abused, abandoned, children in conflict with law etc.

Whether children have any rights? Yes. Of course, like other human beings, even children have certain rights. They shall not be deprived of it. The children's right is a world widely accepted phenomenon. Moreover, UN adopted the Declaration of the Rights of Child. Children have rights as human beings and need special care and protection. Recognizing that the child, for the full and harmonious development of his or her personality, should grow in a family environment, in an atmosphere of happiness, love and affection. Considering that the child should be fully prepared to live an individual life in society he has to be guaranteed with the spirit of peace, dignity tolerance, freedom equality and solidarity. Children's rights are the perceived human rights of children with particular attention to the rights of special protection and care afforded to the young, including their right to association with both biological parents, human identity as well as the basic needs for food, universal state-paid education, health care and criminal laws

appropriate for the age and development of the child. The compulsory education law says children up to 14 are entitled to free education.

Childlabour refers to the employment of children at regular and sustained labour. This practice is considered exploitative by many international organizations and is illegal in many countries. Children who are below 14 and are found working in an establishment the employer is charged under labour laws that prohibit employment of any child until they attain adulthood.

### **CHILD LABOUR IN INDIA:**

India accounts for the second highest number where child labour in the world is concerned. Africa accounts for the highest number of children employed and exploited. The fact is that across the length and breadth of the nation, children are in a pathetic condition. Child labour in India is a human right issue for the whole world. It is a serious and extensive problem, with many children under the age of fourteen working in carpet making factories, glass blowing units and making fireworks with bare little hands. According to the statistics given by Indian government there are 20 million Child labours in the country, while other agencies claim that it is 50 million. The situation of Child labours in India is desperate. Children work for eight hours at a stretch with only a small break for meals. The meals are also frugal and the children are ill nourished. Most of the migrant children, who can't go home, sleep at their work place, which is very bad for their health and development. Seventy-five percent of Indian population still resides in rural areas and are very poor. Children in rural families who are ailing with poverty perceive their children as an income generating resource to supplement the family income. Parents sacrifice their children's education to the growing needs of their younger siblings in such families and view them as wage earners. In Northern India the exploitation of little children for labour is an accepted practice and perceived by the local population as a necessity to alleviate poverty. Carpet weaving industries pay very low wages to Child labours and make them work for long hours in unhygienic conditions. Children working in such units are mainly migrant workers from Northern India, who are shunted here by their families to earn some money and send it to them. Their family's dependence on their income, forces them to endure the onerous work conditions in the carpet factories While experts blame the system, poverty, illiteracy, adult unemployment; yet the fact is that the entire nation is responsible for every crime against a child. Instead of nipping the problem at the bud, child labour in India was

allowed to increase with each passing year. And today, young ones below the age of 14 have become an important part of various industries; at the cost of their innocence, childhood, health and for that matter their lives.

### CAUSES OF CHILD LABOUR:

#### 1. POVERTY:

Poverty is one of the main causes of child labour. For much of human history and across different cultures, children less than 18 years old have contributed to family welfare in a variety of ways. UNICEF suggests that poverty is the biggest cause of child labour. The report also notes that in rural and impoverished parts of developing and undeveloped parts of the world, children have no real and meaningful alternative. Schools and also teachers are unavailable. Child labour is the unnatural result. A BBC report, similarly, concludes poverty and inadequate public education infrastructure are some of the causes of child labour in India. Due to poverty, illiteracy and unemployment parents are unable to send them to schools, instead the children were asked to help them in running a family so that the poor parents send their children for work in inhuman conditions at lower wages.

2. Between boys and girls, UNICEF finds girls are two times more likely to be out of school and working in a domestic role. Parents with limited resources, claims UNICEF, have to choose whose school costs and fees they can afford when a school is available. Educating girls tends to be a lower priority across the world, including India. Girls are also harassed or bullied at schools, sidelined by prejudice or poor curricula, according to UNICEF. Solely by virtue of their gender, therefore, many girls are kept from school or drop out, then provide child labour.
3. The international labour organisation (ILO) and Spreading Smiles Through Education Organisation (OSSE) suggests poverty is the greatest single force driving children into the workplace. Income from a child's work is felt to be crucial for his/her own survival or for that of the household. For some families, income from their children's labour is between 25 and 40% of the household income.
4. According to a 2008 study by ILO, among the most important factors driving children to harmful labour is the lack of availability and quality of schooling. Many communities,

particularly rural areas do not possess adequate school facilities. Even when schools are sometimes available, they are too far away, difficult to reach, unaffordable or the quality of education is so poor that parents wonder if going to school is really worthwhile. In government-run primary schools, even when children show up, government-paid teachers do not show up 25% of the time. The 2008 ILO study suggests that illiteracy resulting from a child going to work, rather than a quality primary and secondary school, limits the child's ability to get a basic educational grounding which would in normal situations enable them to acquire skills and to improve their prospects for a decent adult working life.

5. An albeit older report published by UNICEF outlines the issues summarized by the ILO report. The UNICEF report claimed that while 90% of child labour in India is in its rural areas, the availability and quality of schools is decrepit; in rural areas of India, claims the old UNICEF report, about 50% of government funded primary schools that exist do not have a building, 40% lack a blackboard, few have books, and 97% of funds for these publicly funded school have been budgeted by the government as salaries for the teacher and administrators. A 2012 Wall Street Journal article, reports while the enrollment in India's school has dramatically increased in recent years to over 96% of all children in the 6–14-year age group, the infrastructure in schools, aimed in part to reduce child labour, remains poor – over 81,000 schools do not have a blackboard and about 42,000 government schools operate without a building with makeshift arrangements during monsoons and inclement weather.
6. Biggeri and Mehrotra have studied the macroeconomic factors that encourage child labour. They focus their study on five Asian nations including India, Pakistan, Indonesia, Thailand and Philippines. They suggest that child labour is a serious problem in all five, but it is not a new problem. Macroeconomic causes encouraged widespread child labour across the world, over most of human history. They suggest that the causes for child labour include both the demand and the supply side. While poverty and unavailability of good schools explain the child labour supply side, they suggest that the growth of low paying informal economy rather than higher paying formal economy – called *Organised Economy* in India – is amongst the causes of the demand side. India has rigid labour laws

and numerous regulations that prevent growth of organised sector where work protections are easier to monitor, and work more productive and higher paying.

7. The unintended effect of Indian complex labour laws is the work has shifted to the unorganised, informal sector. As a result, after the unorganised agriculture sector which employs 60% of child labour, it is the unorganised trade, unorganised assembly and **Unorganised Retail** work that is the largest employer of child labour. If macroeconomic factors and laws prevent growth of formal sector, the family owned informal sector grows, deploying low cost, easy to hire, easy to dismiss labour in form of child labour. Even in situations where children are going to school, claim Biggeri and Mehrotra, children engage in routine after-school home-based manufacturing and economic activity. Other scholars too suggest that inflexibility and structure of India's labour market, size of informal economy, inability of industries to scale up and lack of modern manufacturing technologies are major macroeconomic factors affecting demand and acceptability of child labour.

#### 8. **DEBTS:**

The poor economic conditions of people in India force them to borrow money. The illiterate seek debt from money lenders during emergency situation. At later point of time they find themselves difficult in paying back the debts and interest, as a result the debtors were made to work for money lenders and then debtors drag their children too in assisting them so that the debts could be paid off.

### **NATIONAL FRAMEWORK TO ELIMINATE CHILD LABOUR:**

Our Constitution provides special provisions for the protection of children. Some Articles are as follows – 15(3)31, 2132, 21-A33, 2334, 2435, 39 (e)36, 39 (f)37, 4338, 4539 and 51-A (k)40. In relation with the above mentioned Conventions and Constitutional provisions, we have enacted special laws to eliminate the child labour; some important ones are as follows:

1. The Children (Pleading of Labour) Act, 1933.
2. The Factories Act, 1948.
3. The Minimum Wages Act, 1948.
4. Plantation Labour Act, 1951.
5. The Mines Act, 1952.

6. The Merchant Shipping Act, 1958.
7. The Motor Transport Workers Act, 1961.
8. The Apprentices Act, 1961.
9. The Schools and Establishments Act, 1961.
10. The Beedi Cigar Workers (Conditions of Employment) Act, 1966.
11. The Child Labour (Prohibition and Regulation) Act 1986.

Besides all these remedies government should allocate the necessary funds to educate and nurture the poor children. The violators of child labour laws should be punished accordingly.

### **CONCLUSION:**

There are many laws and regulatory departments for child labour, yet it is ineffective in controlling ongoing child labour. This is possible only when there is a cooperation of all the sections of the society and the law enforcement agencies and by removing or minimizing the causes of child labour. The main thrust should be on controlling the population of the country, education of the children and providing sufficient funds for its removal from the gross domestic product of India.

Children of the nation are supremely important asset. Children's programs should find a prominent part in our national plans for the development of human resources. So that our children grow up to become robust citizen, physically and mentally fit, and morally healthy; endowed with the skills and motivations needed by the society. Child labour is a significant problem in India. The prevalence of it is shown by the child work participation rates which are higher in Indian than in other developing countries. Equal opportunities for development to all children during the period of growth should be our aim. For this purpose, even we citizen should join hands with government and other institutions which are set up for this purpose. Educating the child can be a solution for solving the problem of child labour. To provide compulsory primary education and in order to reduce the burden on parents to meet the expenditure for their children's education, while they are struggling for a day's meal, our Government had allotted funds. But due to the lack of awareness most of the poor families are not availing these facilities. So, proper steps have to be taken to create awareness. Child labour can't be eliminated by focusing on one determinant, for example education, or by brute enforcement of child labour laws. The government of India must ensure that the needs of

the poor are filled before attacking child labour. If poverty is addressed, the need for child labour will automatically diminish. No matter how hard India tries, child labour always will exist until the need for it is removed. The development of India as a nation is being hampered by child labour. Children are growing up illiterate because they have been working and not attending school. A cycle of poverty is formed and the need for child labour is reborn after every generation. India needs to address the situation by tackling the underlying causes of child labour through governmental policies and the enforcement of these policies. Only then will India succeed in the fight against child labour.

### REFERENCES:

1. Basu K, Tzannatos Z. The Global Child Labor Problem: What Do We Know and What Can We Do? *World Bank Econ Rev.* 2003; 17:147–73.
2. Angnihotram RV. An overview of occupational health research in India. *Indian Journal of Occupational Environ Med.* 2005; 9:10–4.
3. Burra, Neera “Child labour in rural areas with a special focus on migration, agriculture, mining and brick kilns” *National Commission for Protection of Child Rights.* Last retrieved on 2009 Oct19.
4. Unicef, Guide to the Convention on the Rights of the Child. 2006. [Last accessed on 2006]. Available from:
5. Tiwari RR. Child labour in footwear Industry: Possible occupational health hazards. *Indian J Occup Environ Med.* 2005; 9:7–9.
6. Geneva, Switzerland: ILO; 2003. International Labour Organisation Combating Child Labour through Education 2003.
7. ILO good practice guide for addressing child labour in fisheries and aquaculture: Policy and practice preliminary version international labour organization. 2011.
8. ILO. Child Labor: How the challenge is being met. *Int Labor Rev.* 1997; 136:233–57.
9. Child Labour and Responses in South Asia International Labour Organization (ILO) 1996-2012.



10. Cooper SP, Rothstein MA. Health hazards among working children in Texas. *South Med J.* 1995; 88:550–4.
11. Ali M, Shahab S, Ushijima H, de Muynck A. Street children in Pakistan: A situational analysis of social conditions and nutritional status. *SocSci Med.* 2004; 59:1707–17.
12. Khan H, Hameed A, Afridi AK. Study on child labour in automobile workshops of Peshawar, Pakistan. *East Mediterr Health J.* 2007; 13:1497–502.
13. Laraqui CH, Caubet A, Laraqui O, Belamalle I, Harourate K, Curtes JP, et al. Child labour in the artisan sector of Morocco: Determinants and health effects. *Sante Publique.* 2000;12:31–43.
14. Nuwayhid IA, Usta J, Makarem M, Khudr A, El-Zein A. Health of children working in small urban industrial shops. *Occup Environ Med.* 2005; 62:86–94.
15. Saddik B, Nuwayhid I, Williamson A, Black D. Evidence of neurotoxicity in working children in Lebanon. *Neurotoxicology.* 2003; 24:733–9.
16. Fekadu D, Alem A, Hägglöf B. The prevalence of mental health problems in Ethiopian child labourers. *J Child Psycho Psychiatry.* 2006; 47:954–9.
17. Thabet AA, Matar S, Carpintero A, Bankart J, Vostanis P. Mental health problems among labour children in the Gaza Strip Child: Care, health and development. 2010; 1:1–7.
18. Geneva: ILO; 1992. ILO (International Labour Office). World Labour Report 1992. 19. Yadav SK, GowriSengupta G. Environmental and occupational health problems of child labour: Some Issues and Challenges for Future. *J Hum Ecol.* 2009; 28:143–8.