

CHILD LABOUR

Introduction

According to the International Labour Organisation (ILO) a new generation of children is being deprived of the chance to take their rightful place in the society and economy of the 21st Century. The ILO has proposed that 'child labour' will disappear in a decade. If this happens well and good. But in reality the situation is worsening. One in eight children in the world is exposed to the worst forms of child labour which endanger children's physical, mental health and moral well being.

Child labour refers to the employment of children in any work that does not allow to have children their childhood, interferes with their ability to go to school and that causes mental damage,

and also it is physical, socially or morally dangerous and harmful. Estimation says that 158 million children aged 5 – 14 are engaged in child labour i.e. one in six children in the world. Millions of children are engaged in dangerous situations or conditions, such as working in the mines, working with chemicals and pesticides in agriculture or working with the hazardous machinery. Regional estimates indicate that Asia and Pacific region harbors have the largest number of child workers. In sub-Saharan Africa around one in three children are engaged in child labour. All children have the right to education. Children and parents need to see school as the best choice for the children than work. The government needs to ensure that all children have access to compulsory education as a frontline response to child labour.

Contents of child labour (prohibition and regulation) Act 1986:

The significant among the child labour (prohibition and regulation) Act 1986 are the following:

- National commission on labour 1966-69
- Gurupada Swamy committee on child labour – 1979
- Sannot Mehta committee – 1984
- Bans the employment of children
- Regulates the working conditions of children in occupations
- A special cell – child labour cell was constituted to encourage taking up activities like non-formal education, vocational education, vocational training, and provisions of health care, nutrition, and education for working children.
- To focus on an area known to have a high concentration of child labour.

The problem

In many countries children lives are plagued by armed conflict, child labour, sexual exploitation and other human rights violations. Children living in rural areas have fewer opportunities to obtain good quality education. They have less access to services than children living in cities. The UN Convention on the Rights of Children (CRC) (Article 38) has explicitly prohibited person under age 18 being recruited into the armed forces or direct participating in hostility. In spite of this special provision under CRC, many countries still involve children below 18 years in hostilities.

Child labour keeps children out of school and is a major barrier to development. To make the anti child labour law a reality, poverty and unemployment need to be eliminated. Unless the standard of living improves at the lower levels of the society, children will be forced to work. Many middle and upper class families do not hesitate to engage young boys and girls to help them with household cores. The middle class family feels by employing a child below 14 years they are helping poor families to increase their earnings for daily livelihood.

Measures were taken by the government:

The measures taken by the Indian government to reduce and eradicate the child labour are explained below:

- In 1998, the government of India launched the National Child Labour Project (NCLP).
- The government of India launched the main program to remove or eradicate child labour working in dangerous or hazardous occupations and to rehabilitate them by setting up unique schools.
- The government has worked to put them in unique schools where they are furnished with education, vocational training, monthly stipends, and nutrition and health checks.
- Education for all children is the key that can bring about a fundamental change and aid to end or stop the difficulty permanently.

Age of the Child

According to the Convention on the Rights of the Child article (i) defines “The child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”.

The Indian Penal Court (IPC) defines the child as being 12 years of age.

Indian Traffic Prevention Act 1956 defines a “Minor” as a person who has reached the age of 16 years.

Section 376 of IPC which punishes the perpetrators of the crime of rape defines the age of consent to be 16 years of age.

Section 82 and 83 of the IPC states that a child under the age of 7 years cannot be guilty of an offence and further a child under 12 years is not considered to have attained sufficient maturity to have an understanding of the nature of the Act and the consequences of his conduct.

Juvenile justice Act 2002 defines a male minor as being below 16 years and a female minor as being below 18 years of age

From the above definitions, it could be seen, in the Indian context the age of an Individual in order to be determined as a “Child” is not uniformly defined. **The consequences of this are that it offers various gaps in legal procedures which are used by the guilty to escape punishment.**

Indian Scenario of Child Labour & Legislation

According to the UN Study about 150 Million children of age group five to 14 are working in various industries in India. They are found working in road-side restaurants, tea stalls and shops, at construction sites and in factories. Girls suffer labour exploitation to such a degree that million of girls die before they reach the age of 15. They are paid a pittance as low as Rs.20 per day and many live in shops or work places where they are subjected to various forms of exploitation. Besides the work they are abused physically, mentally and sexually by the scurrilous task masters.

Mafia gangs bring children for “Begging” in urban cities. A child beggar of aged between five and ten collects the maximum. With a burn scar or decapitation they can earn more. As they grow older their earnings decrease. As a consequence they graduate to be big -time traders involved in drug peddling, pick pocketing, robbery and prostitution. A child beggar will only be paid 10% of his earnings of Rs.300 to 500 a day. If he fails to meet the target fixed by the contractor he is punished brutally. The girls by the time they reach 13 years switch over to prostitution.

Begging is used as a profession by antisocial elements forcing children in begging. Begging is prohibited in some cities of India by local governments.

The Indian government ratified the UN Convention on the Rights of the Child in 1992 and introduced various pieces of legislation to curb child labour. The Labour Ministry of India has imposed a ban on children under age 14 from working as domestic help in hotels. Under this law any employment of children under 14 will invite imprisonment up to two years and a fine of Rupees twenty thousand

Impact of Child exploitation on Children

Employing children for labour is an act that endangers a child's physical/emotional health and development without giving the child an opportunity for good education, food and shelter. Of the four major types of child abuses, physical, sexual, emotional and neglect, child labour falls under neglect exploitation and emotional abuse. Child labour is the exploitation of children for commercial reasons.

Neglect is a different concept to exploitation and constitutes a failure to provide for a child's basic need. The forms of neglect include physical, educational and emotional. Physical neglect includes inadequate provision of food, housing and clothing, denial of medical care and inadequate hygiene. Educational neglect is the failure to enrol a child at a mandatory school age in school. Emotional neglect is the lack of emotional support such as the failure to provide psychological care, domestic violence and allowing a child to participate in drugs and alcohol abuse.

A child worker becomes alienated from the rest of the family, has low self esteem, and is likely to engage in self destructive behaviour. He or she is likely to have impaired psychological development and develop anti social behaviour including lying and living with fear complex.

What can be done to stop child labour?

A million dollar question with no specific solution. All sections of the society need to work together to stop misuse and abuse of children. Stakeholders to tackle these issues include:

1. National Governmental agencies
2. Non governmental organisations. (NGOs)
3. People's forums
4. Corporate entities
5. Individual social service activists

Let us analyse why child labour is in existence in spite of various pieces of legislation.

Poverty is the major cause for children being sent to work. The percentage of the Indian population living in poverty is high. It is estimated 37% of the urban population and 39% of the rural population is living in poverty. Poverty has an obvious relationship with child labour. The hardships arising out of abject poverty coupled with vices like drugs and alcoholism compel illiterate families especially in rural areas to initiate their children into back breaking work under tiring and sometimes dangerous conditions. The childhood of many children is shattered in the sinks of city hotels, dusty construction sites, hazardous factories and in waste heaps.

The second reason, especially in India, is lack of educational facilities in some parts of rural India e.g. Bihar, West Bengal etc. where abject poverty still exists.

The third reason is the migration of adult labour with their children to urban towns where construction work is booming and plenty of job opportunities exist for poor families including children who are exploited and paid poor wages.

Abject poverty and the lack of social security network systems are the basis of an even harsher type of child labour – bonded child labour. The bonded labour system is still prevailing in some states of India where poor peasants who owe money to land owners agree to give their children as bonded labour for long periods. In return they receive a one time payment or waiver of their loans.

Influential mafia groups are also engaged in trafficking children from remote rural areas to affluent towns. The children are then forced into labour and begging. Girls are forced into prostitution.

Role of Stakeholders in Stopping Child Labour

1. National Government Agencies.

- a) National Agencies need to ratify the UN Convention on the Rights of the Child. (CRC)
- b) An effective legal system needs to be introduced to check employment of children below 14 years through proper legislation
- c) Economic sanctions to be enforced on countries that allow the employment of children for the manufacturer of export products
- d) Proper monitoring and implementing authorities to be set up to implement various acts passed by the National Government.
- e) National social welfare schemes to be introduced to supplement income for poor families whose children are removed from work sites

2. N.G.Os

- a) NGOs have a Key role in raising awareness and informing people about the misuse of children, denying them the fundamental rights of shelter, food and education. UNICEF has clarified the role of NGOs as essential players in many of the intervention stages with direct involvement in identification and rescue operations.
- b) Assist governmental agencies in implementing various pieces of legislation

- c) Identify areas where child labour exists and bring to the notice of Government.
- d) Undertake advocacy with national governments for the implementing of strict legislation to ban child labour
- e) Organise rehabilitation centres to shelter children removed from work sites.

3. *Civil society / Peoples forum*

- a) Civil society can play an active role in identifying and alerting authorities to child labour sites
- b) Create awareness among parents and the public about the effect of child labour on children.
- c) Motivate parents to send their children to school
- d) Organise counselling sessions for children and parents
- e) Organise joint protests, rallies, hoardings etc. against employing children below 14

4. *Corporate entities*

- a) Include banning of child labour in their mission
- b) Introduce welfare schemes for children
- c) Allot separate welfare funds as part of corporate social responsibilities to help organisations working for the cause to ban child labour
- d) Put up hoardings giving messages on the benefits of banning child labour

5. *Individual social service activists*

- a) Resist any form of child labour
- b) Openly oppose child labour activities which comes to their notice without any fear
- c) Be very assertive in expressing displeasure to shop owners and organisations that employ children for labour.

In India there are many international and national NGOs campaigning for the abolition of child labour. A few important NGOs in the field are

- a) Child right resource center (CRRC)
- b) Campaign against child labour (CACL)
- c) Child Line

Reducing child labour through technology:

Child labour is an intricate issue especially for developing countries where there is no protection for the rights of the people, leave alone children's rights. But more importantly, the avail of child labour in the industries of textile and sports goods has been a source of serious concern for the country over the past few years. The use of child labour began in 1960 and since then it has been used as a means to expand the manufacturing base. Before the 60's child labour was widespread in family businesses but rarely did children worked outside the home. With the enhancement in the number of new factories and a wish by factory owners to lower labour costs, the explosion of a child labour staked the economy of the country.

Poverty is by far the most important reason for the avail of child labour in the manufacturing industries. Many families who are below the poverty line send their children to work so that they can include the money earned by their children in their family's income. The enhancement in the inflationary pressure affects the poor and the segments of underprivileged of the society. The increase or enhancement in the prices of basic needs adds to the vulnerability to the worst forms of child labour. The deficiency in the education system results in children going to work rather than going to schools to acquire education. The facilities of education which are available in villages and small cities of the country are insufficient and very poor that parents have null motivation to send their children to schools and rather than that they prefer their children to work in the factories. For example, children who are engaged in stitching activities of football help them to learn vocational skills which aid them to earn a living and hence it is a more viable option than acquiring education.

There are many laws to protect the exploitation of labour but they are implemented in rare cases.

Conclusion

All stake holders should jointly resist any form of child labour using what ever means available. A networking of international NGOs working in this field has to be created for advocacy with various departments to ban child labour. International funding organisations have to identify a contact organisation in each country to help NGOs who are working in this field undertaking activities for the banning of child labour and identify national projects to be implemented in a transparent manner with good stewardship.