

Child labour and laws : a Review

Disha

E-mail id - dishanehra023@gmail.com

Abstract

Society's most valuable resource, children, should be given the opportunity to grow and develop in a nurturing and safe environment. Even though children have worked for most of history and in virtually every culture, this has typically been done in the context of a family, where they could learn about adult roles and responsibilities while also earning respect and status within the community while also building their own self-esteem and self-confidence as capable and self-reliant individuals. “However, many youngsters are pushed to do jobs over lengthy hours that are improper for their stage of development and constitute a major violation of their rights.

Key words: Child labour, poverty, child development, child health, child abuse, exploitation, COVID-19

Introduction

As previously said, child labour throughout the world has been on the decline for the last two decades, but the COVID- 19 epidemic, according to the International Labor Organization, threatens to reverse this trend (ILO). 60 million people will slip into poverty this year alone, and that motivates families to put their children to work. As poverty rises, so does child labour, according to a joint study from the International Labor Organization and the United Nations Children's Fund (UNICEF). Even though the global epidemic of COVID-19 was followed by a lockdown, records from India suggest that children are still being exploited for child labour. However, as the coronavirus epidemic pushed India's children out of school, many youngsters were secretly transported to fields and factories to work, furthering the issue of child labour. There were 2473 interventions connected to child labour in March (the national Indian lockdown came into force on 25 March 2020), which dropped sharply to 446 in April, but began to climb as lockdown restrictions loosened, reaching 734 in May.¹⁰ But this decrease may not represent the real number of minors employed, but just those who have been recognised. Because of this, it's possible that the reduced numbers simply reflect the pandemic's impact on usual reporting and investigation. 3653 interventions were made for child labour in India by the Childline support line. Of the 3653 interventions, 35% (1264) were for begging, 21% (763) were for hazardous activities, 14% (513) were working in restaurants, 10% (371)

were domestic workers, 8% (286) were family units, and 4% (156) were bonded labour. The rescue of 13 child labourers from two factories by a Punjabi district task group took place on August 29th, 2020.

Causes of child labour

- **Structural and economic reasons**

The most common motivation for a youngster to work is to supplement the family's income. Migration communities, whose parents may be jobless or only able to perform menial and low-paying jobs, are severely affected. Most children in poor nations work because they wish to help support their families, in accordance with the premise of child labour as a family contribution. Researchers in Sweden found that most youngsters begin working on command or after receiving a request from their families to assist out with domestic chores or earn money for their families. Most youngsters agree to help out in the home because they see themselves as a member of the family, particularly if the family's existence is at stake.

- **Child labour as a means of self-actualization**

If poverty were not a consideration, some youngsters would still choose to participate in constructive activities. There are many examples of this, such as children who labour on their parents' farms, but it also applies to youngsters in industrialised nations and those in underdeveloped ones.

- **Child labour as a consequence of family dynamics**

Other major considerations in child labour are the level of education and employment of the parents. When parents are more educated, they are less likely to let their children work. This is especially true for moms. Farming families, on the other hand, are more likely to have a large number of children, many of whom begin contributing to the family's economic well-being at a young age. Many youngsters are forced into the labour when their families' financial stability is endangered by crop failure, job losses, or the death of an income provider.

- **Escaping abuse at home**

Mistreatment might lead some youngsters to leave their families and search for work. Children who move in with relatives or stepparents who have been abused are the most likely to experience this kind of situation.

Forms of child labour

Construction and household work, as well as small-scale enterprises like as soap-making, employ children in both official and informal sectors. Globally, farming is the most prevalent

employment for children under the age of 18. Bracelet, bead, rug, and bead making are just a few of the many Indian businesses that use child labour. Indian hand-knotted rug business workers were reported to be 22% youngsters as recently as 1998. There has been some debate over the involvement of multinational firms in developing nations where child labour is prevalent, although it seems that the majority of work is done by parents rather than huge industrial facilities.

Effects of child labour

Children's health and their communities' well-being cannot be categorised in a simple or acceptable manner because of the deleterious impacts of child labour. Hazards are often analysed in terms of their particular chemical, biological, and physical impacts, as well as their overall influence on mental and physical well-being.

73 million children aged 5-17 are estimated to be working in hazardous conditions in a variety of industries, including agriculture, mining, construction, and manufacturing, as well as in hospitality establishments such as bars and restaurants, and homes where children are employed in domestic service. To put it another way, hazardous child labour refers to any kind of child labour that might result in a child's death due to low safety and health standards and working conditions. It may easily lead to long-term physical and mental impairments.

It's possible that children's health issues related to working in dangerous workplaces won't show up until they're adults. The International Labor Organization (ILO) estimates that 22,000 youngsters are murdered each year while working. There is no way of knowing how many people have been hurt or killed as a result of their activities.

When it comes to harvest season, for example, youngsters are frequently called upon to assist out on the farm, even if it's raining or snowing. Unattended usage of agricultural equipment that isn't properly maintained or that is too complex may result in injury or death, as can falling from a moving vehicle. The number of children who are injured or killed as a result of being driven over by a car, falling, or being kicked by an animal increases with age. There are also concerns about pesticide or fertilizer exposure and the burden of carrying overly large loads. Children in rural Andhra Pradesh who worked in cotton-seed cultivation were exposed to pesticides on an average of 12 hours a day without proper protective gear, according to a report. To wash their hands and clothing, they were unable to do so since they had no shoes and no water. It was common for them to have skin and eye irritations, dizziness, and headaches as a result of pesticide use.

In nations with a lower socioeconomic standing, children are more likely to die or be injured when walking on the streets, since they are sometimes forced to peddle their wares in marketplaces with no sidewalks and even amid idle cars at traffic signals.

To put it another way, working may have an adverse effect on social development if it prevents a kid from engaging in social play with their classmates and learning how to socialise appropriately. In fact, it has been found that teens who work for more than 20 hours a week are more likely to engage in risky social behaviours including substance misuse and physical aggressiveness. Child labour is associated with sexual abuse and exploitation, sexually transmitted infections, including HIV/AIDS, and rape. As a result of the threats to health and well-being, poor school performance, tardiness, and dropping out are common. School attendance and performance may be harmed if a student is required to work three hours a day, according to research. The loneliness and despair felt by these youngsters is normal, yet these sentiments frequently impair healthy emotional development as they grow.

Child labour and the law

- **International conventions**

In an effort to build a worldwide legal framework for dealing with child labour, international treaties have been established. The UN Convention on the Rights of the Child (CRC) (1989) and two ILO conventions, the Minimum Age Convention (No. 138, 1973) and the Worst Forms of Child Labor Convention, are the primary international legal tools for addressing this issue (No. 182, 1999). International instruments addressing children's rights include the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the United Nations Convention on the Rights of the Child.

- **UN Convention on the Rights of the Child (CRC)**

An international convention, the Convention on the Rights of the Child (CRC), comprehensively sets out the rights of children. To be considered a child under the CRC, you must be under the age of 18, unless a different national law specifies otherwise. According to the Convention, States and Parties are required by international law to ensure that all children - free of any form of discrimination - receive special protection and assistance, have access to services such as education and health care, and are able to fully develop their personalities, abilities, and talents. They must also be informed about, and encouraged to take part in, initiatives aimed at achieving these goals.

- **International Labour Organization**

The Worldwide Labor Organization (ILO) was established in 1919 as a United Nations organisation tasked with promoting social and environmental justice by establishing international labour standards.

- **Convention of the International Labor Organization on the Minimum Age (no. 138).**

The ILO Minimum Age Convention No. 138 sets a minimum working age of 15 years, however 14 years of age may be authorised for a limited duration under certain conditions. Children 13 to 15 years old are permitted to work in light jobs that do not impair their health or schoolwork, but they must be allowed to work until they are 18 years old if their safety, health, or morality are at risk.

Child labour laws in India

India's constitution guarantees free and compulsory education for all children between the ages of 6 and 14 years old under Article 21(A). Children under 14 years old are prohibited from working in unsafe workplaces that might cause them bodily and long-term mental damage, according to Article 24. Parents and guardians are expected to give their children with the opportunity to get an education in accordance with Article 51 of the Constitution as part of the Directive Principles of State Policy. For the first time in 1979, the government organised the Gurupadswamy Committee to investigate child labour and provide recommendations on how to combat it. Based on the committee's recommendations, in 1986, the Child Labor Prohibition and Regulation Act was passed.

Child Labour (Prohibition and Regulation)

Adolescent labour was first defined by the 2016 Amendment Act, which extended the definition of child labour to include youth aged 14 to 18 years old. The purpose of this new Act was to remedy the shortcomings of the 1986 Act. Legislative changes in other countries have also had a significant impact on the 48, or the Factories Act. Factory workers under the age of 14 are prohibited from being employed under the Act. The legislation also stipulated that pre-adults between the ages of 15 and 18 may only be worked in factories for a limited period of time.

Act of 1952: The Mining Act. It is against the law to employ anybody under the age of 18 in a mine. Act of 2000: Juvenile Justice (Care and Protection of Children). Obtaining or employing a kid for any dangerous work or in bondage became a criminal offence punishable by a jail

sentence under this law's provisions. Right to Free and Compulsory Education for Children Act of 2009. Free and compulsory education is mandated by this statute for all children ages six to fourteen. As a result of the Act, a minimum of 25% of the seats in every private school must be reserved for students from underrepresented groups or those with physical disabilities.

Indian policy against child labour was put in place in 1987. For minors working in hazardous jobs, this policy advocates a gradual and progressive approach with an emphasis on their rehabilitation. With stringent enforcement of Indian legislation against child labour paired with programmes to address the core causes of child labour including poverty, it was proposed. To address this issue, the National Child Labor Program (NCLP) was established in 1988. The Indian government is actively allocating funds under this legal and development programme specifically for the purpose of ending child labour in India.

An Act of 1961, The Apprentice Act. There is no apprenticeship training for children under the age of 14 years old unless they meet the academic and physical fitness requirements.

1951's Plantation Workers' Compensation Act Under this law, children under the age of 12 are not allowed to be employed; a kid beyond the age of 12 may only be employed if an assigned doctor produces a fitness certificate for the child”.

Conclusion

Children throughout the globe are presently employed at a rate of around 152 million each year. Nearly 10% of the world's population is affected. Approximately 10 million youngsters in India are either working or looking for job. This is despite the fact that the UN, the ILO, and nations like India have made considerable steps forward in recent years. A lack of progress in reducing the number of children exploited in the workplace is due to the socio-cultural fabric that encourages and supports the crime, as well as the enormous demand for cheap child workers in agriculture, mining, carpet-weaving, and garment, brick kiln, and other industries, as well as widely-spread poverty. Eliminating child labour is a critical step in creating a more open and equitable society, but it can only be achieved with the help of the whole community, including law enforcement. Further investigation is needed on the involvement of corporate industries in allowing child labour. This process relies heavily on the development, growth, and education of children across the world. In addition, the rules against child labour that were summarised and detailed above must be properly implemented. There must be a strong role for governments and the agencies that oversee them in this process.

References



1. Vishnupnya Y. International Concern for Protection of Rightk Supreme Court Journal 1992; 1 & I May/June: 16.
2. Sharma SK. Child Labour Problems and Prospects. Faculty of Law, University of Jammu, 1999.
3. UNICEF. Child protection from violence, exploitation and abuse, (accessed 19 August 2020).
4. International Labour Organization What is_ child labour? , (2012, accessed 19 August 2020).
5. Bhaskaran E. Extent of child labour in India and world perspective. Ch.S.D.St.Theresa__s College For Women At: Eluru, Andhra Pradesh: UGC Sponsored National Seminar Publications, 2013; Vol. 1. DOI: 10.13140/RG.2.1.2572.9048.
6. International Labour Organization. A future without Child Labour. Global Report under the Follow-up tothe ILO Declaration on Fundamental Principles and Rights at Work International Labour Conference 90th Session, (2002, accessed 24 August 2020).
7. International Labour Organization. Ending child labour by 2025: A review of policies and programmes, (accessed on 24 August 2020).
8. Human Trafficking in Global Supply Chain, (accessed 24 August 2020).