

Child Labour: A Violation Of Children's Rights

Sudarshan Roy
Assistant Professor
Department of Political Science
B.N.College, Dhubri

Abstract:

Children are the most vulnerable section of our society. Their rights are being violated in many ways. Almost in every society the world has witnessed the violation of the rights of the children. The children are very much vulnerable to exploitation. Child labour is one of the ugliest manifestations of the violation of the rights of the children. They are being treated as commodity that can be bought and sold. Extreme poverty is one of the cognizable reasons for this menace. Children are engaged in work in hazardous conditions as they are unable to protest against the same and they continue to work till their employer needs them to work. They are subjected to receive less wages and sometimes beaten up by their employer for not conforming to the assigned norms for them. This inhuman practice does not prevalent in the third world countries alone but the rich first world countries are also facing the menace. International Labour Organization (ILO) since its inception has been working as the saviour of the rights of the children. Our constitution guarantees certain rights to our children so that their rights can be protected and promoted. The children are the assets of the nation and as such their rights should every way be protected and the violation of the same should lead to severe punishment by the law of the land.

Introduction:

One of the most pressing social problems which the international community is facing child labour. It is estimated by the International Labour Organisation that around 215 million children between the ages of 5 and 17 currently work under conditions that are considered illegal, hazardous, or extremely exploitative. Due to extreme poverty, the underage children work at all sorts of jobs around the world. A large number of children are working in fishing. Commercial, agriculture, mining, manufacturing and domestic service. Children are also engaged in drug trade, prostitution or other traumatic activities such as serving as soldiers.

Children who are working before they attain the age of 14 years have been termed as child labour. It also refers to engagement of children in livelihood for different industries. The child labourers are often found working barehanded in different factories like carpet making, glass blowing unit and firework making factories. The working children are paid very less wages. Of an estimated 215 million child labourers around the globe, approximately 114 million(53%) are in Asia and the Pacific; 14 million(7%) live in Latin America; and 65 million(30%) live in sub-Sahara Africa.

In India (in 1981), out of a total population 685 million, working children were 13.6 million, which was about 2 percent of the total population. In 1991, out of a total population of 838.6 million, working children were 11.28 million, which was 1.23% of the population.

As per census of India 2001, there were 12666,377 child labourers in India. Out of the total working population of 402,234,724 workers, including main and marginal workers, working children constituted 3.15% of the total labour force. Out of a total population of 1.028 billion persons in India working children numbered 12.666 million, which was 1.23% of the total population.

MYTHS AND MISUNDERSTANDING ABOUT CHILD LABOUR:

There are some myths and misunderstandings among the people about child labour. The UNICEF lists four "myths".

1. It is a myth that "child labour is only a problem in developing countries. But in fact, children routinely work in all industrialized countries, and hazardous forms of child labour can be found in many countries. In the US, for example, children are employed in agriculture, a high proportion of them from immigrant or ethnic minority families. A 1990 survey of Mexican-American children working in the farms of New York State showed that almost half had worked in fields still wet with pesticides and over a third had themselves been sprayed."
2. It is a myth that "child labour will only disappear when poverty disappears. Hazardous labour can, and should be eliminated by even the poorest countries."
3. It is a myth that "most child labourers work in sweatshops making goods for exports. Soccer balls made by children in Pakistan for use by children in industrialized countries may provide a compelling symbol, but in fact, only a very small proportion of all child workers are employed in export industries—probably less than 5 percent. Most of the world's child labours are actually found in the informal sector—selling on the street, at work in agriculture or hidden away in houses—far from the reach of official labour inspectors and from media scrutiny."
4. It is a myth that "the only way to make headway against child labour is for consumers and governments to apply pressure through sanctions and boycotts. While international commitment and pressure are important, boycotts and other sweeping measures can only affect export sectors, which are relatively small exploiters of child labour. Such measures are also blunt instruments with long-term consequences that can actually harm rather than help the children involved."

WHAT CAUSES CHILD LABOUR?

The causes of child labour can be attributed to the following:

- Poverty
- Parental illiteracy
- Tradition of making children learn family skills
- Absence of universal compulsory primary education
- Social apathy and tolerance of child labour
- Ignorance of the parents about the adverse consequences of child labour.
- Ineffective enforcement of the legal provisions pertaining to child labour.
- Non-availability of and non-accessibility to schools.
- Irrelevant and non-attractive school curriculum
- Employers prefer children as they constitute cheap labour and they are not able to organize themselves against exploitation.

CHARACTERISTICS OF CHILD LABOUR:

- Child labour involves at least one of the following characteristics:
- Violates a nation's minimum age laws
- Threatens children's physical, mental, or emotional well-being
- Involves intolerable abuse⁴, such as child slavery, child trafficking, debt bondage, forced labour, or illicit activities
- Prevents children going to school
- Uses children to undermine labour standards.

WHERE DO WE FIND CHILD LABOUR?

Child labour can be found in almost every industry:

Agriculture:

Around 60% of the child labours are found working in agriculture, fishing, hunting, and forestry. They are found harvesting:

- Bananas in Ecuador
- Cotton in Egypt and Benin
- Cut flowers in Colombia,
- Oranges in Brazil,
- Cocoa in Ivory Coast,
- Tea in Argentina and Bangladesh,
- Fruits and vegetables in the United States of America.

In commercial agriculture, children face long hours in extreme temperature, health risks from pesticides, little or no pay, and inadequate food, water, and sanitation.

Manufacturing:

An estimated 14 million children are engaged in manufacturing fields. These include-Carpets from India, Pakistan, Egypt, Clothing sewn in Bangladesh; footwear made in India and the Philippines, Soccer balls sewn in Pakistan, Glass and bricks made in India, Fireworks made in China, the Dominican Republic, El Salvador, Guatemala, India and Peru, Surgical instruments made in Pakistan.

Mining and Quarrying:

Extremely high illness and injury are being suffered by the child labourers in underground mines, opencast mines, and quarries. Children as young as 6 or 7 years old break up rocks, and wash, sieve, and carry ore. Nine-year-olds work underground setting explosives and carrying loads. Children work in mining include-Gold in Colombia, Charcoal in Brazil and El Salvador, Chrome in Zimbabwe, Diamond in Cote d'Ivoire, Emeralds in Colombia, Coal in Mongolia

Domestic Service:

The hazards linked to child domestic work are a matter of serious concern. The ILO has identified a number of hazards to which domestic workers are particularly vulnerable and the reason it may be considered in some cases a worst form of child labour. Most common risks children face in domestic service include-Long and working tiring days, Heavy loads, Handling dangerous items such as Knives, Axes and Hot pans, Insufficient or inadequate food and accommodations, Humiliating or degrading treatment including physical and verbal violence, Sexual abuse.

The risks are compounded when a child lives in the household where he or she works as a domestic worker. ILO presents the following facts relating to domestic worker:

1. 15.5 million children are in paid or unpaid domestic work in the home of a third party or employer,
2. Of these, 10.5 million are in child labour, of which 8.1 million are in hazardous work (52% of all child domestic workers);
3. And 5 million, mostly adolescents, in permissible work but need to be protected from abuse provided with decent work;
4. In addition, undetermined numbers of children are in domestic work as result of forced labour and trafficking. In 2012, the ILO produced Global Estimates on Forced Labour. Of the total number of 20.9 million forced labourers, children aged 17 years and below represents 26% of all forced labour victims (or 5.5 million children);
5. 72% of all child domestic workers are girls;
6. 47% of all child domestic workers are below 14 years: 3.5 million aged 5 to 11 and 3.8 million aged 12 to 14;
7. Child domestic work touches all regions of the world.

The Picture in India:

It is a matter of great concern that India is the home to the largest number of child laborers in the world. The following table is depicting the grim situation prevalent in India.

Table: Child Labour in Census, 1971-2001

Sl.No	INDIA/STATE/UTs	1971	1981	1991	2001
1	INDIA	13640870	10753985	11285349	12666377
2	Andhra Pradesh	1627492	1951312	1661940	1363339
3	Arunachal Pradesh	17925	17950	18482	5519
4	Assam	239340	322598	357419	351416
5	Bihar	1059359	1101764	942245	1117506
6	Chattigarh	-	-	-	418999
7	Delhi	17120	25717	4158	4128
8	Goa	-	-	4656	-
9	Gujarat	518061	616913	523585	485530
10	Haryana	137826	194189	109691	2534391
11	Himachal Pradesh	71384	99624	56438	107774
12	Jammu & Kashmir	70489	258437	-	175680
13	Jharkhand	-	-	-	407200
14	Karnataka	808719	1131530	976247	822615
15	Kerala	111801	92857	34205	26156
16	Madhya Pradesh	1112319	1698597	1252571	1065259

17	Maharashtra	988357	1557756	1068427	764075
18	Manipur	16380	20217	16493	28836
19	Meghalaya	30440	44916	34533	53940
20	Mizoram	-	6314	15411	26265
21	Nagaland	13726	16235	16467	45874
22	Orissa	492477	702293	452394	377594
23	Punjab	232774	216929	142868	177248
24	Rajasthan	587389	819605	774199	1262570
25	Sikkim	-	-	-	-
26	Tamil Nadu	713305	975055	5598	16457
27	Tripura	17490	-	578889	418801
28	Uttar Pradesh	1326726	1434675	1410076	1927997
29	Uttaranchal	-	-	-	21756
30	West Bengal	11443	60526	711691	857087
31	Andaman & Nicobar Islands	572	1309	1265	1960
32	Chandigarh	1086	1986	1870	3779
33	Dadra & Nagarhaveli	3102	3615	4416	4274
34	Daman & Diu	7391	9378	941	729
35	Lakshadweep	97	56	34	27
36	Puducherry	3725	3606	2680	190

Note: 1971 census figures of Assam includes figures of Mizoram.

*Census could not be completed

* includes marginal workers also

Source: India, Ministry of Labour (2006). State wise Distribution of working children according to 1971, 1981, 1991 and 2001 census in the age group 5-14 years: Internet New Deldi:2006.p.1

ILO CONVENTIONS AND RECOMMENDATIONS ON CHILD LABOUR:

The International Labour Organization (ILO) was created in 1919, as part of the Treaty of Versailles that ended World War I, to reflect the belief that universal and lasting peace can be accomplished only if it based on social justice.

Since the inception of the ILO, it has been committed to the protection of the rights of the children and young persons. ILO has adopted 12 major conventions over the years, which either prohibit the employment of children or set basic conditions above a certain age may be permitted to work in different sectors of employment. A major global offensive was launched by the ILO in 1990 by establishing the International Programme on the Elimination of Child Labour(IPEC). The Programme provides, upon the request of individuals, technical advisory services focusing on the worst abuses; hazardous work, forced labour, street children, girls and the employment of children who are less than 13 years old.

ILO CONVENTION NO. 182 ON WORST FORMS OF CHILD LABOUR, 1999

The most effective step that had taken by the ILO when it adopted a landmark Convention on Worst Forms of Child Labour Convention (ILO Convention No. 182) on June 17, 1999 in Geneva. The Convention came into force on November 19, 2000. By the end of May 2002, the Convention had 115 States Parties.

Article 2 of the Convention reads: "For the purposes of this Convention, the term child shall apply to all persons under the age of 18."

Article 3: For the purposes of this convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflicts;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, or morals of children.

Article 7:

- (1) Each member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
- (2) Each member shall, taking into account the importance of the education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to basic education, and, wherever possible and appropriate, vocational training for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risks; and
 - (e) take account of the special situation of girls.
- (3) Each member shall designate the competent authority, responsible for the implementation of the provisions giving effect to this Convention.

The General Assembly in 1992, urged governments and the Commission on Human Rights to take action on the problems of street children, who are increasingly involved in and affected by serious crime, drug abuse, violence and prostitution.

CONSTITUTIONAL AND LEGAL MEASURES FOR CHILD LABOUR IN INDIA

The framers of our constitution were aware about the menace of child labour, and as such, they made prohibition of child in certain employment as a fundamental right under Article 24 and issued many Directive Principles of State Policies in Part-IV. Let us examine some constitutional provisions relating to child labour and protection of the rights of the children in India:

Article 14- (Right to equality): This right guarantees equality before law or the equal protection of the laws within the territory of India.

Article 15(3): The state is empowered to make the special provisions relating to child, which will not be volatile of right to equality.

Article 21: No person shall be deprived of his life or personal liberty, except according to procedure established by law. The Supreme Court held that "life" includes free from exploitation and to live a dignified life.

Article 21 (A): The State shall provide free and compulsory education to all children of the age six to fourteen years, in such manner as the state may, by law, determine.

Article 23: Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this prohibition shall be an offence punishable in accordance with law,

Article 24: No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39(e): The State shall, in particular, direct its policy towards securing the health and strength of the tender age of children are not abused and that citizens are not forced by economic necessity to enter occupations unsuited to their age or strength.

Article 39(1): The State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45: The State shall endeavour to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.

Article 46: The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 51(e): It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or ward as the case may be, between the age of six and fourteen years.

LEGISLATIVE/OTHER MEASURES AGAINST CHILD LABOUR:

1. Child labour(Regulation and Prohibition Act), 1986 (Amended in 2000 &2006)
2. National Child Labour Policy, 1987
3. National Child Labour Projects
4. International Programme on the Elimination of Child Labour (IPEC), 1992
5. Committee on Child Labour(Gurupadaswamy: 1979)
6. Task Force on Child Labour (Singhvi: 1989)
7. National Commission on Rural Labour, 1991
8. National Authority for Elimination of Child Labour, 1994
9. The Children (Pledging of Labour) Act, 1993
10. The Factories Act, 1948

11. The Mines Act, 1952
12. The Motor Transport Workers Act, 1961
13. The Beedi and Cigar Workers (Condition of Employment) Act, 1966
14. The Plantation Labour Act, 1951
15. The Minimum Wages Act, 1948

(Visit: nipced.nic.in/reports/ehndbk10.pdf)

Conclusion:

The above discourse depicts a depressive picture about child labour. It is rather a curse to humanity. It exhibits the horrible mindset of the human community as a whole. But time has come to evolve an effective solution to the problem. Child is the father of the nation. They should be protected, well-nurtured to make the nation strong and vibrant. Apart from the legal-constitutional measures to ensure the child-right, the most required and expected measure is to wipe out public apathy towards child labour. Human society must change its mindset and apathetic attitude towards child labour. It is not only poverty but the mindset of the humanity could be blamed for the menace.

Works consulted:

1. [http://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/what_is](http://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/what_is_child_labor.html#top)
2. [child_labor.html#top](http://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/what_is_child_labor.html#top)
3. PSC-05-XVI, IDOL, GU, P.125-126
4. nipced.nic.in/reports/ehndbk10.pdf(statistics on women in India,2010)
5. http://in.reset.org/knowledge/child_labour?gclid
6. <http://www.childlabour.in.gov.in/causes.htm>
7. http://www.ilo.org/ipec/areas/childdomesticlabour/_en/index.htm
8. http://www.ilo.org/global/about_the_ilo/history/lang_en/index.htm
9. Agarwal, Dr. H.O., International Law & Human Rights, Allahabad, Central Law publications, 2008, p.808-809
Ibid, p. 809
10. <http://www.ilo.org/dyn.normlex/en>
11. http://www.Labourandemployment.gov.in/labcom/schemes/state_action_plan/chapter-2-Constitution-provision.htm.
12. The Constitution of India.