
CHILD LABOUR AND THEIR RIGHTS

Dr. Ashish G. Thool

Assistant Professor,

Department of History

Seth Kesarimal Porwal College of Arts
and Science and Commerce, Kamptee

Mob.No. - 7972951318

Email – ash.thool@gmail.com

Abstract:

Child labour is becoming an equally important problem as that of poverty and unemployment in India. The problem of child labour is experienced all over the world, but the proportion of child labour in India is higher than in other countries. Child labourers are increasing because of poor economic conditions in India. An economic and social study of child labourers revealed that poverty in most of the families, depriving many children of their rights. Secondly to lack of employment young children in the family are required to earn bread for their families. Thirdly, high illiteracy rate amongst their families, compel their children to work rather than attending the school. Also these child labourers live in slums and do not have enough calories in their diet, which leads to poor health and exposure to various diseases.

Keyword: *Child Labour, Unemployment, Poverty, Rights, Act.*

Introduction:

The word child rights sounds strange to hear, but in most of the countries, the ignorant and dependent children are deprived of their rights. The children of families who are trapped in ignorance, poverty, traditional customs and traditions, and the children who are caught in natural and man-made disasters suffer and suffer for the rest of their lives. This was the view expressed by Nelson Mandela. According to him, every day 40,000 children around the world die of malnutrition and disease. 10 crore children do not get school benefits. 10 crore children are suffering due to their age and strength, and millions of children face various crises. The Charter of Children's Rights, the Charter of the Rights of the Child, was adopted by the United Nations General Assembly on November 20, 1990 to make the lives of all children in the world happier. (Ingle, 2016) The Constitution of India provides certain fundamental rights to every citizen. It has some basic rights for children. Children should be given opportunities and facilities for their development in an open and dignified environment without sending them to work. Also, children should be protected from exploitation, neglect of moral and material needs.

Child labour is a burning issue in modern times. It causes many economic, social, mental, moral and educational problems. This destroys the personality and emotions of the child which stunted their growth. The speed of the society towards development slows down. The practice of child labour is a huge burden on the economy of any country. There is a stigma



in the name of humanity and a curse for children. So the government has been working for many years to eradicate child labour at various levels. (Wani, 2014). The child labour is not the problem of recent period. It is existed in India since long period. Kautilya's economics has the reference of child servant and kulan 300 B.C. this practice was prevalent in medieval period also. The poor families and their small children were serving as serf at the farm of land lord in medieval India. The entire of entire society changed at global level after the industrial revolution of England in 1860 and capitalistic society was created after the fall of landlordism. The labour market was created in this society that was based on this capitalism. The industrialization was spread at large scale this affected the whole and there was urbanization on large scale. Many people got employment because of industrialization. A number of people from rural area were attracted at town. There they started to work and the children also helped their families to fulfill the needs of whole family. (Rode, 2007)

At the international level, UNICEF, UNESCO, International Labour Organization, World Bank and International Monetary Fund have been pushing for the elimination of child labour. The International Labour Organization (ILO) issued a Declaration on the Elimination of Child Labour in 1992. India is the first country in the world to sign this declaration. India and the United States have come together to rehabilitate child labourers working in hazardous areas and to eradicate this practice. On August 31, 2000, an agreement was reached to provide equal financial and technical assistance and participation in the elimination of child labour. This agreement is the Indo-US Child Labour Project. Its short name is In-dus Project. The entire responsibility for the implementation of this project rested with the Government of India and was entrusted by the United States to the International Labour Organization at the national level. The Indus project is currently closed. (Jadhav, 2011). Kailash Satyarthi worked for child labour through the Bachpan Bachao Andolan, founded in 1980, to bring many child labourers into the mainstream of education. He was awarded the Nobel Peace Prize in 2014. In this way, various organizations and associations have worked for child labour at the national and international levels. (<http://www.bba.org.in>).

Objectives Of The Study:

1. To understand the rights of child labourers in India.
2. To study child labour problems and suggest solutions.

Research Methodology:

The present research is mainly based on secondary data. The research uses various paper written literature, various books, magazines, government publications, thesis, dissertations and reference books etc. for the purpose of gathering the information.

Literature Review:

This literature were reviewed under the following themes: the concept of child labour; possible causes of child labour; some economic activities children engage in, and theoretical framework of the study. The number of child labourers is increasing day by day and the main causes are orphanage, poverty and domestic disputes. (Mustafa & Sharma, 1996). The girls



wash and clean the dishes in someone's house. They are exploited while doing this work. Sometimes they are mentally exploited; sometimes they are physically exploited and fall prey to a deadly disease like AIDS. (Narasaiah, 2006). Swain B. K. His book *Child Labour in India* was published in 2005. In the third chapter of this book, he studied human rights. Classified human rights as child rights. In it, some rights like nutrition rights of children, rights against exploitation were mentioned. (Swain, 2005). In 1989, Tripathi's book *Child Labour in India* was published. In the second case, the authors studied the economic situation of child labour, the social culture and the exploitation of child labour at work. (Tripathy, 1989). The main reasons for children turning to work are poverty, debt burden, unemployment of adults, death of parents and selection of young children for work by rich people as well as increasing number of child labourers due to high number of young children in a family. (Chhina, 2009). Child labour means taking unfair advantage of a child's intellectual immaturity to perform a variety of tasks. Which leads to their physical, mental and financial exploitation. (Wani, 2014), At an age when children need to be properly nurtured, bad things touch the minds of children. At the same time, girls are used in such heinous forms as prostitution. Drugs that are bad for the body are being used to help young girls reach an early age. (Joshi, et al, 2011).

The Difference Between Child Work And Child Labour:

The word child labour is made up of two words, and those two words are child labour. This means that when a child is helping with household chores, it is a part of his natural, social and physical development process. But when a child works for a living, expecting some money, he is called a child labourer, (Singh, 2012)

Review Of The Situation Of Child Labour In India:

Child labour is a long-standing practice in India, but the problem escalated when the process of industrialization began in India. And this is where child labour began. The reason for this is that child labourers are not aware of their rights and since child labourers are available at very low wages, they can be made to work longer hours. There is no need to arrange accommodation for these workers, they can work longer hours without fixing the rate of wages, the employers take advantage of them by paying more and less work. Due to this tendency of the employer class, the number of child labourers is increasing day by day. In fact, it is said that it is not bad to use young children in production work, because employing child labour increases employment and increasing employment increases national production. But everyone ignores how much damage it causes them. Working at an early age not only exploits children but also deprives them of educational opportunities. They work from 7 am to 8 pm and are paid very little.

Child labourers are given old, torn clothes and leftover food. Not only this, if something goes wrong while working, Shiva and Mar also start eating. This adversely affects the mental development of young children. Some owners even take young boys and girls into their homes and force them to do immoral things. Also, a girl who is employed at home is forcibly sexually abused. In this way child labour is exploited financially, mentally and physically.

According to the 2011 census, there are 43,53,247 child labourers in India who work in



hazardous industries such as weaving, mining, textiles or fireworks. Despite a ban on child labour in the country, the number of children working in the tea plantations, bangles and even in the jari industry is estimated at 12 crore, according to a 2004 report by the International Labour Organization. According to a UNICEF report, 100 million girls are employed in various businesses around the world, many of them in the prostitution business and in the production of pornographic videos. The International Labour Organization (ILO) has been celebrating June 12 as Anti-Child Labour Day since 2002 to end child abuse. In India, 4500 children are lost every year and 10 of them have been found to be doing child labour so far. (Pathekar, 2012)

The Child Labour (Prohibition And Regulation) Act, 1986:

Not all child labour legislation until 1986 specified the occupation or occupation of children. The central government found some flaws in the earlier law. Many laws prohibit hiring 14- or 15-year-olds. The main purpose of the 1986 Act was to prohibit children from working in hazardous areas and to employ children in other specific types of jobs.

Under the Act, attention was paid to minimum wage, weekly leave, healthy working environment, etc. The law also prohibits working at night and working overtime. This law identifies hazardous industries and hazardous processes. Initially, only 10 selected areas were selected to implement the Child Labour Policy Program without applying the 1986 Act to all high-risk industries. The law provides for the establishment of a Child Labour Technical Advisory Committee to ensure that planning and programs are in place. It is stipulated that a child will work six hours a day and one hour rest after three hours of work. No child is allowed to work between 7:00 pm and 8:00 am.

It has been made mandatory for the employer to keep a record of every child working in the factory. It was made mandatory to record the child's name, date of birth, working hours, rest period and nature of work. The authority to inspect these records is vested in the inspector by law. The Act also provides for one day off in a week for each child working in a factory. The factory controller has been entrusted with the responsibility of following the rules made to maintain the health of the factory and the factory premises. The Act provides for penal action against the person concerned for misconduct. (Sharma, 2007).

Suggestion:

Children are the property of the nation, and no nation can develop its own future without ignoring this wealth. But since ancient times, little attention has been paid to the holistic development of children. There are many factors that affect to child's development. Even though the child is the property of the future in the eyes of the society, the society has imposed a workload on these children and this has caused physical and mental adverse effects on the children. The problem of child labour is not only related to India but has become a global problem. The places where child labourers work are dangerous. While some industries may not seem dangerous on the surface, they do have some degree of risk. Considering the physical ill effects of child labour in factories, it appears that child labourers are victims of many diseases. Child labourers working in factories have to deal with diseases like eye diseases, bronchitis, asthma. The condition of child labourers working in factories is very poor and they have to



suffer from coughs and vitiligo. Lifting heavy objects on the head, forcing an object to pull, working in a flammable furnace, etc., adversely affects their body and shortens their life.

Conclusion:

- The biggest disadvantage of child labour is that child labourers are deprived of their rights due to child labour at an early age. They also suffer from physical ailments due to work, impairment of physical growth, damage to the central nervous system, lack of social commentary, and inability to express their views.
- The practice of child labour affects not only child labour but also the family and alternatively the society.
- A study of the observations of the Commission and the Committees clearly shows that the laws relating to child labour only apply to child labourers working in the organized sector. But neglect child labourers working in the unorganized sector.

References:

- Chhina S.S. (2009): "Child Labour Problem And Policy Implications", Regal Publications, New Delhi.
- <http://www.bba.org.in>
- Ingle Lakhan (2020): "Study of Child Labor and Their Rights in India", B.Aadhar' International Peer-Reviewed Indexed Research Journal, Amravati.
- Jadhav Minakshi (2011): "Usamanabad Jilhyatil Bal Kshramikancha Samajik v Aarthik Samsyancha ek abhyas", Ph.d thesis, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.
- Joshi, Kadam and Jadhav (2011): "Vishesh Shikshan", Vidhya Prakashan, Nagpur.
- Mustafa Mohd., Sharma Onkar (1996): "Child Labour in India", Deep & Deep Publications, New Delhi.
- Narasaiah M.L. (2006) "Child Labour and Education", Discovery Publishing House, New Delhi.
- Pathekar Ravi (2012) : "Bhandara Jilhyatil Bal Kamgarancha Aarthik v Samajik Samshyancha Abhyas, Ph.d thesis, Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur.
- Rode V.A. (2007): " Aurangabad Shahratil Bal Kamgaranchya Samajik Samshyancha Samajshatriy Abhyas", (Hotelmadhil Bal Kamgaranchya Visheshsandarbhat) M. Phil, Dissertation, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad.
- Sharma Subhash (2007): "Bharat mai bal majdur", Prakashan santhan, New Delhi.
- Shivcharan Singh 'Pipil' (2012): "Aadhunik Bharat me Bal Kshamik", Tarunam Publications, Noida, (U.P.)
- Swain B.K. (2005): "Child Labour in India", Dattsons Publication, Nagpur.
- Tripathy S.K. (1989): "Child labour in India", Discovery Publishing House, New Delhi.
- Vani Umesh (2014): "Bal Majuri Aani Krushi Kshetra", Chinmay Prakashan, Aurangabad.

