

Child labour in India-Causes and Effects-Law and Policy

The problem of child labour appears serious and involves various factors. The incidence of child labour in India is complex and deeply rooted in the society. The problem of child labour is a challenge before the nation. This practice is depriving them of their livelihood and is detrimental to their physical and mental development. Poverty, unemployment, lack of good schools and development of the informal economy are considered important reasons for child labour. So, the problem of child labour is universal. As a possible solution to this chronic problem, the Central Government and the respective governments in the States will still have to prepare a more effective action plan under the guidance and supervision of the International Labour Organization and of the United Nations Organization. It is a challenge and long-term goal to eliminate all types of child labor in many countries. Especially in developing countries, it is considered as a serious issue these days. The Government of India has put in on various proactive policies towards eradication of child labour. There are a number of child labour projects in India which have been implemented to help and educate children from hazardous occupations. Every citizen should be aware of his responsibilities and take corrective measures to prevent child labour.

The Minimum Age Convention,1973 (No. 138)

In June 1976, the Minimum Age Convention (No. 138), which was established in 1973, went into force. By requiring nations to set a minimum age for entering into work or employment and implement national strategies for the eradication of child labour, the ILO Convention seeks to effectively abolish child labour. As a way to eliminate child labour, the Convention compels State Parties to designate a minimum age for employment.

The minimum age required under the Convention is 15, although if limited to a short period of time, state parties may establish the minimum age at 14. The Convention permits younger children (under the age of 15) to perform light labour. The successful execution of the Convention is monitored and supervised by the Committee of Experts. Every three years, state parties are required to submit a report outlining the progress of implementation.

One of the 15 basic conventions covered by the GSP regulations is the Minimum Age Convention. The Recommendation No. 146 goes along with Convention No. 138, and emphasises the need for national plans and policies to include provisions for poverty alleviation, the promotion of decent jobs for adults so that parents are not forced to use child labour, free and compulsory education, the provision of vocational training, the expansion of social security and systems for birth registration, as well as suitable facilities for the protection of children and adolescents who work.

Worst Forms of Child Labour Convention, 1999 (No. 182)

The International Labour Organization proposed Convention 182, on June 17, 1999, in Geneva, and all of the ILO's members overwhelmingly approved it. To intensify the battle against child labour, Convention 182 lists the five worst types of work that must be eliminated. They are Slavery or related activities, such as the buying, selling, or using of minors as serfs or indentured servants; Coercive or forced labour, including the conscription of minors into armed warfare; The solicitation, use, or offer

of a minor for prostitution, the production of pornographic media, or participation in pornographic shows;The uses, recruitment, or offer of a minor for illegal activities, particularly the manufacturing or trafficking of narcotics;Work that might endanger children's health, safety, or morals due to its nature or the circumstances under which it is performed.

Declaration of Rights of Child, 1959

The Geneva Declaration, a historic declaration established by the League of Nations in 1924, was the first to acknowledge and recognise the reality of children's rights and the responsibilities of adults to children. After World War II, the United Nations (UN) was established. The Geneva Declaration, however, had to be built upon as a result of the progress of rights following the ratification of the Universal Declaration of Human Rights in 1948. To address the idea that mankind owes the Child the best that it has to provide, they decided to develop a second Declaration of the Rights of the Child. The Declaration of the Rights of the Child (1959) was unanimously adopted by all 78 members of the United Nations General Assembly on November 20, 1959, in Resolution 1386 (XIV). The primary principles are outlined in the Declaration of the Rights of the Child including The freedom from discrimination based on one's race, religion, or national origin.

- The right to extra protection for a child's social, emotional, and physical growth.
- The right to one's name and country of origin.
- The right to a healthy diet, a decent place to live, and access to healthcare.
- When a child has a physical or mental disability, they are entitled to special education and care.
- The right to free recreation and instruction.
- The right to get aid among the first in all situations.
- The freedom from all kinds of abuse, brutality, and exploitation.
- The right to be raised in an environment that values compassion, tolerance, intercultural friendliness, and global brotherhood.

United Nations Convention on the Rights of the Child (UNCRC), 1989

The UNCRC is a human rights treaty that establishes children's political, civil, economic, social, cultural, and other rights, which the members must abide by. The Convention has 54 articles that outline numerous children's rights as well as the actions that governments should take to ensure that these rights are available to children. In 1989, the United Nations approved the CRC. After getting the required 20 ratifications, it became effective in 1990. All UN members have approved it, with the exception of the US. All parties are obligated under the convention's provisions to make sure that children's fundamental needs are met and that they can realise their full potential.

Types of child labour

Industrial child labour

Children under the legal age of 18 are most frequently employed in the industrial sector in India. Over 10 million children, including over 4.5 million girls, between the ages of 5 and 14 labour in unorganized sectors. Some of the major employers of children are small businesses, such as the garment industry, brick kilns, agriculture, fireworks industries, diamond industries, etc. Such businesses occasionally run out of people's homes, which makes it challenging for the government to take necessary action. One of the largest and most prominent employers of children in India is the unorganized industry. Children can be easily spotted working on roadside dhabas and cafes, tea stalls, or grocery stores. Here, children are preferred since they are manageable and simple to fire.

Domestic child labour

In India, 74% of child domestic workers in India are said to be between the age group of 12 to 16. They include both boys and girls who work as domestic help for rich families to take care of their daily chores. At a time when they ought to be in school and playing with friends, these children have no choice but to help other families out. In most cases, the primary cause is poverty. Typically, parents consent in the hopes of receiving financial support and a secure home for their children. Most of the domestic employees in the statistics are girls, and nearly 20% of all domestic workers hired are under the age of 14. These children labour for the family as live-in servants, doing chores including cooking, cleaning, taking care of the family's pets or young ones, and other duties.

Child labour laws in India

When in the 20th Century, child labour became so prominent that news of factory hazards and mishappenings taking innocent children's life, flashed all around in the newspapers, then was the time, a need for legislation and statutes were felt to prohibit the mal practice of child labour. Today, there are sufficient statutes condemning and prohibiting child labour such as:

The Factories Act of 1948: The Act prohibits the employment of children below the age of 14 years in any factory. The law also placed rules on who, when and how long can pre-adults aged 15–18 years be employed in any factory.

The Mines Act of 1952: The Act prohibits the employment of children below 18 years of age in a mine. Mining being one of the most dangerous occupations, which in the past has led to many major accidents taking life of children is completely banned for them.

The Child Labour (Prohibition and Regulation) Act of 1986: The Act prohibits the employment of children below the age of 14 years in hazardous occupations identified in a list by the law. The list was expanded in 2006, and again in 2008.

The Juvenile Justice (Care and Protection) of Children Act of 2000: This law made it a crime, punishable with a prison term, for anyone to procure or employ a child in any hazardous employment or in bondage. This act provides punishment to those who act in contravention to the previous acts by employing children to work.

The Right of Children to Free and Compulsory Education Act of 2009: The law mandates free and compulsory education to all children aged 6 to 14 years. This legislation also mandated that 25

percent of seats in every private school must be allocated for children from disadvantaged groups and physically challenged children.

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