

A Study on Child Rights with Reference to Child Labour Prohibition Act

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Abstract: *UNICEF characterizes child labour as, "labour that surpasses a base number of hours, contingent upon the age of a child and on the sort of work. Such labour is viewed as hurtful to the child and ought to in this way be eliminated."From the Western perspective, child labour is by no means worthy regardless and governments, labour establishments, NGOs and organizations should cooperate to take out this horrendous plague, which blocks the most unfortunate nations' improvement.Child labor is an important issue in modern global politics, but it's not as easy to resolve as people may think. Child labor is something that the global community is becoming actively more opposed to. More and more, a childhood is being seen less as a privilege and more of a fundamental human right.Recent statistics estimate that roughly 210 million children between ages 5-14 are currently working nearly full time. That's about 18% of the world's children. Child labor generally involves agricultural or industrial work, often putting young children in very dangerous working conditions. So, child labor is a problem, but what's notable is where these children are living. The aim of the research is to find the awareness level among the public as to child labour and to find the cause of child labour in their opinion and also to find the agreeability among the people on the implementation on the laws of child labour . The researcher has done empirical research on the topic whereby There were a whole of 200 respondents to whom the investigation requests were presented. The results are characterized and the hypothesis has been either shown or changed as any research should be.*

Keywords: Child labour, Impact, Culture, Economy, Education

I. INTRODUCTION

Child labor is an important issue in modern global politics, but it's not as easy to resolve as people may think. Child labor is something that the global community is becoming actively more opposed to. More and more, a childhood is being seen less as a privilege and more of a fundamental human right.Recent statistics estimate that roughly 210 million children between ages 5-14 are currently working nearly full time. That's about 18% of the world's children. Child labor generally involves agricultural or industrial work, often putting young children in very dangerous working conditions. So, child labor is a problem, but what's notable is where these children are living. About 60% of them are in Asia, with about 23% in sub-Saharan Africa. What this means is that nearly all child laborers live in a developing country. A developing country is one which is primarily agricultural, but is working to establish an industrial economy that can be competitive in global markets. It's a loose term, one that is contested by many academics, but it can be occasionally useful in comparing world economies. It is in these nations that we see the greatest problems with child labor.

OBJECTIVE

- To know prevalence of child labour
- To understand the reasons for child labour
- To know the validity of child labour in poor countries
- To understand the status of child laborers
- To make a study on the health issues faced by the children used as labours

II. REVIEW OF LITERATURE

1. **Child labour** refers to the exploitation of children through any form of labour that deprives children of their childhood, interferes with their ability to attend regular school, and is mentally, physically, socially or morally harmful. Kdevi and Gautam Roy. (2008) "Study of Child Labour among School children in Urban and Rural Areas of Pondicherry". This article deals with very specific case studies on child labour.

2. **Zutshi, Bupinder (2002)** "In the Name of Child Labour: Eradication and Evaluation programme" cites evidence that magnitude of child labour in India is under-estimated due to inadequate and unreliable data.

3. **Akansha Agarwal (November 2013)** "Child Labour in India" - published in Indian ...04the Labour Journal, Through this Paper the Author has attempted to scale the pattern and magnitude of child labour in India by extracting the unit level data of 66 round of employment - unemployment data.

4. **Shakti Kumar** (Assistant Professor, Department of Economics and Rural Development) (Dec.2012.) "Law to Combat Child Labour in India" Through this Paper the Author has attempted to draw attention of the society to combat child labour in India; and its object to know laws pertaining to combat child labour in India.

5. **Lana Osment (1998)** (Lund University, Sweden) "Child labour; the Effect on Child, Causes and Remedies to the Revolving Menace" - This Research Paper has illustrates how both India and Nigeria have adopted laws and regulations to eliminate Child Labour. However, despite all these efforts, the child labour and the factors that influence the incidence of Child Labour continues to be prevalent.

6. **Mr. Samsuddin Khan** (Aligarh Muslim University) (Dec.2014.) "The Overcoming of Child Labour in India: In Perspective of Constitutional and Legislative Framework" Journal of Business Management and Social Sciences Research . In this Paper the Author intend to give scenario in which Child Labour gets increased and various challenges that have emerged due to this particular problem, like violence, child trafficking, etc. are also elaborated. The required efforts to overcome these problems are proposed.

7. **Reddy (2012)** "Child labour in Hotel Industry: A Case Study of Tirupati and Tirumala" found that the children working in hotels and its first and foremost reason is poverty and other reasons are the lack of protective child labour legislation and the evasion of existing laws for the protection of child labour, keeping the child labour going and getting protected.

8. **Ryan (1993)** As there are no national statistics on child labour, in his Article written that the estimates done by various studies have indicated that in India at least 55 million children between age of 5 to 14 years are working in hazardous conditions and working for 14-16 hours in a day.

9. **Vankateswarlu (1998)** in his study found that the children are employed in developing countries like India, Pakistan, Bangladesh in occupations which do not come under government regulation, such as Manufacturing of biddies, Leather products, Stone Carving , Textiles, Jewellery, Agriculture.

10. **A. K. Kanth and Anupama Sahay (2004)** "Globalization, Vulnerability and Child Labour: Indian Context" (Journal of V.V.Giri, National Institute, New Delhi,) held the opinion that the micro level poverty within the family is the major factor behind the prevalence of child labour. All parents prefer to send their children to school but due to lack of resources, parents are compelled to push their children into child labour to meet their basic needs for their survival. They concluded that, the world's poorest nations mostly account for greater percentage of child labour population as compared to the richer and affluent with relatively higher per capita income and GDP . They examined that on the domestic front in India, child labour is more concentrated in the States of Uttar Pradesh, Bihar, M.P, Andhra Pradesh, Orissa, Karnataka and Tamilnadu. In India, backward and poverty stricken States account for a large

percentage of child labour, but may not always hold true since there are instances of growing child labour in better off States like Punjab and Haryana. They also observed that incidence of child labour is higher wherever the access to primary education is low and globalization has increased the demand for child labour in the exportable commodity production.

11. Rita Rani (M.Phil. Dissertation. Department of Correspondence Courses, Punjabi University, Patiala, 2008) “Child Labour in Punjab: A Case Study of Dhuri” examined the main problems and socio-economic conditions of child labour in small town Dhuri in district Sangrur of Punjab. She found that the majority of working children belonged to 10-14 years age group. The medium size families most of them worked as regular full time and are earning between Rs.200 to 700 per month. As far as religion of child workers is concerned, a sizeable majority of them belonged to Hindu religion, whereas Sikhs, Muslims and others are less. She gave suggestions, proper implementation of poverty alleviation programmes, generating awareness among parents about the free and compulsory education provided by the Government, restricting the entry of children in labour marketing, strict enforcement of labour legislation to eradicate child labour.

12. Chan Young Lee (2007) “Three Essays on Child Labour, Schooling outcomes and Health” - (Dissertation Abstracts, Iowa2 State University, Vol.68, No.07,) examined the from the United States and from Brazil. She observed that in developing countries, child labour can begin at an early ethachy age. However, child labour can be found in developed countries as well, particularly in the teen-age years. She observed that U.S. child labour laws were not effectively enforced in limiting teen-age labour supply or in improving schooling outcomes.

13. Niti Mehta (2007) “Child labour in India: Extent and some Dimensions” (National Workshop on Socio-Economic issues in Child labour: Conference Proceeding, Mahatma Gandhi Labour Institute, Ahmedabad.) - found that illiteracy and deprivation were strongly associated with the problem of child labour. She suggested that proper implementation of poverty alleviation programmes, creating avenues for productive employment, educating parents, improving literacy and framing a realistic policy on the part of the Government is required to tackle the problem of child labour.

14. M. C. Naidu and K. D. Ramaih (2006) “Child Labour in India: An Overview” observed that the prevalence of child labour is one of the important problem confronting the world at large, especially developing countries such as India. They expressed the view that child labour is mainly necessitated by economic compulsions of the parents. The main reason which give rise to child labour is wide spread unemployment and underemployment among the adult poor strata of the population. They also observed that large families with low income are illiterate and ignorant about the importance of education as well as about the impact of labour on the health of their children.
interrelationships between child labour, schooling and health using representative data

15. International Labour Organisation, (“World Day against Child Labour” New ILO1 Report, M2 Press wire, London, June 11, 2004), brought out the fact that the prevalence of child labour was strongly co-related with the average level of income in a society. Mere survival sometimes made it necessary for parents of poverty stricken families to send their children to work, and the survival strategy is the ‘push’ factor for child labour. Most children started work by helping their families, before they went out to work for others.

16. ‘N. Gaur, (M.Phil. Dissertation, Department of Economics, Punjabi University, Patiala, Punjab, 2004) Socio-economic Profile of Female Child Labour in Punjab: A Case Study of Patiala City”- highlighted the socio-economic profile of a female child labourers in 90 respondents were domestic servants, out of these 90 domestic servants 57 were part- time workers and 33 were full-time workers. She examined that the girls working as full- time workers were enjoying better living conditions as they got good food to eat for three times in a day and other facilities. But on the other side, part-time workers were found to be living in unhygienic conditions and were getting fewer facilities. She further pointed out that more families preferred to employ the girls as domestic workers. To improve the status of these child workers, she suggested changing the attitude of society towards these child workers.

17. **Dr. N. L. Mitra** (Professor, National Law School of India University, Bangalore) 1998, “Juvenile Justice Law” In this Paper the Author explains the major changes brought about by Juvenile Justice Act, 1986. Under this Act, offences such as Cruelty to Juvenile, using a child as a beggar, giving intoxicating or narcotic drugs to a juvenile, exploitation of a juvenile employee have been made as the punishable offences to protect children from exploitation and torture.

18. **Justice Hosbet Suresh (2010)**, “All Human Rights are Fundamental Rights” This book gives us a detailed analysis of constitutional provisions and various provisions under international conventions. Patiala district of Punjab State. She found that out of the total sample of 103 respondents.

19. **Vijay Hansaria and P. I. Jose (2010)** “Juvenile Justice System” . This book has given a better and systematic explanation of the Juvenile Justice Act, 2000 and The Juvenile Justice (care and protection of children rules, 2007).

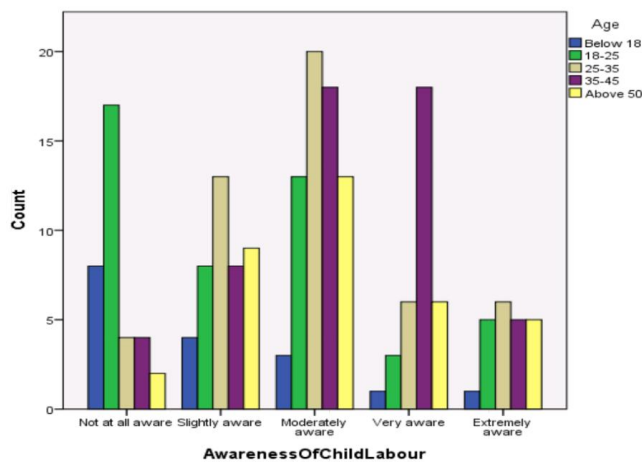
20. **M. Subramaniam, G.Lisi (2012-13)** “Child Rights: Everybody talks about and yet does not understand” Human Rights Year Book -.In this Article the Author has narrated the view that it is everybody’s responsibility to enrich the children’s life and start focusing on development of our children and nation starting from child rights which would go a long way for prosperity of our nation.

III. METHODOLOGY

The researcher has done empirical study on the topic. The primary information for the research is collected through field study from 1627 randomly selected respondents which included general public of different age group with a well framed and structured survey questionnaire. The questions put forward in the survey to the respondents that is specifically to the consumers. The collected responses are portrayed in crosstab table and chi square tests table. The calculation done by the researcher based on the responses received is the pearson chi square technique was used. The secondary sources used by the researcher for the study is by referring to books, research articles, e-sources, articles, journals , newspapers. The study also found 791 number of male respondents, 736 number of female respondents and 77 transgender respondents. The study is based and done by collecting information from both primary and secondary sources by the researcher.

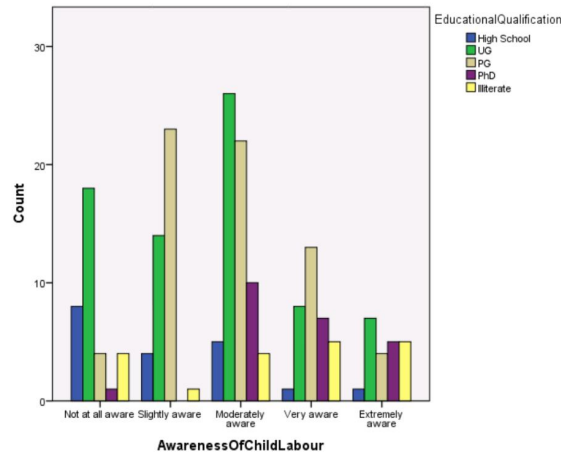
IV. ANALYSIS

Figure 1 : with respect to age



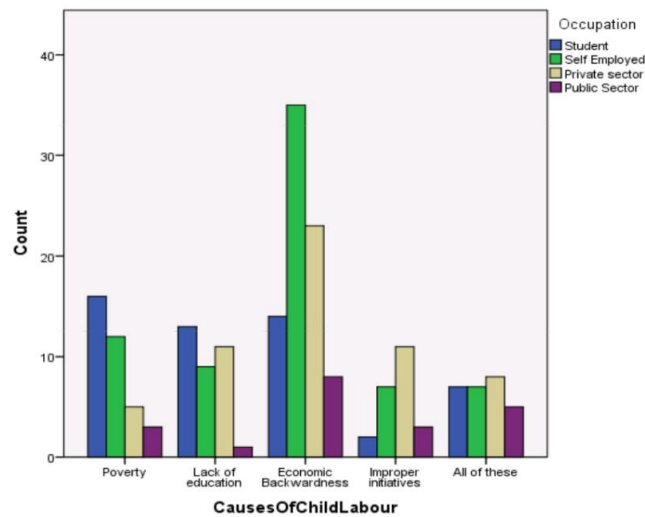
Legend : The above graph shows the awareness on child labour among the general public with respect to their age .

Figure 2 : with respect to educational qualification



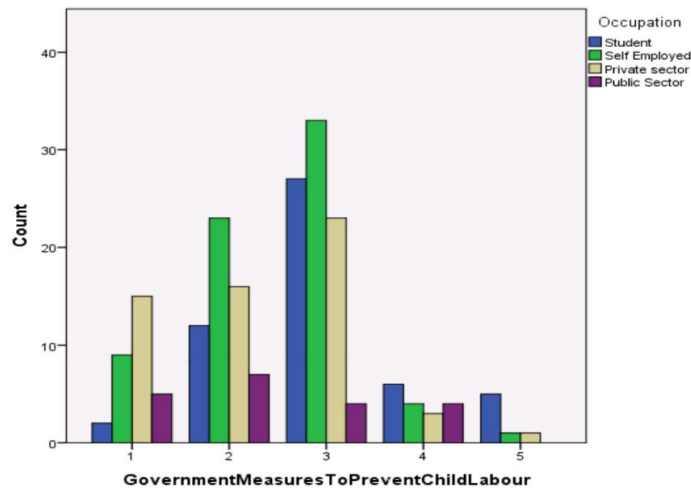
Legend : The above graph shows the awareness on child labour among the general public with respect to their educational qualifications

Figure 3 : with respect to occupation



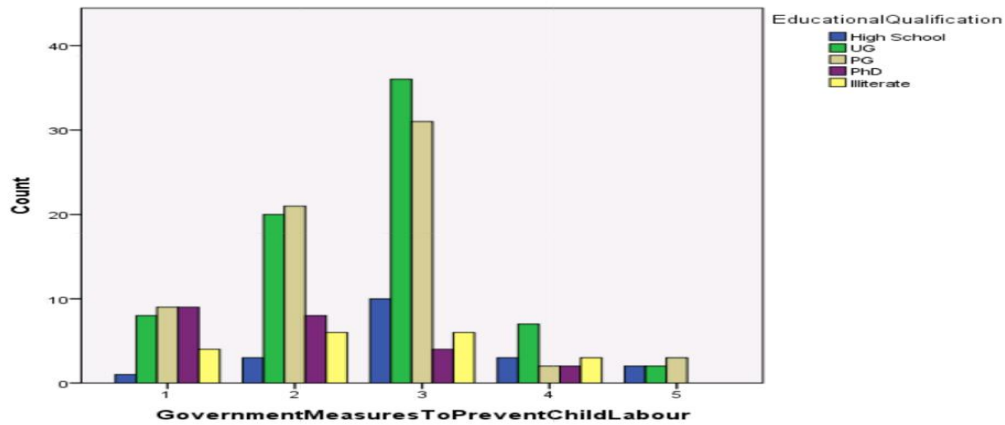
Legend : The above graph shows the opinion of the respondents as to the cause of child labour with respect to their occupation

Figure 4: with respect to occupation



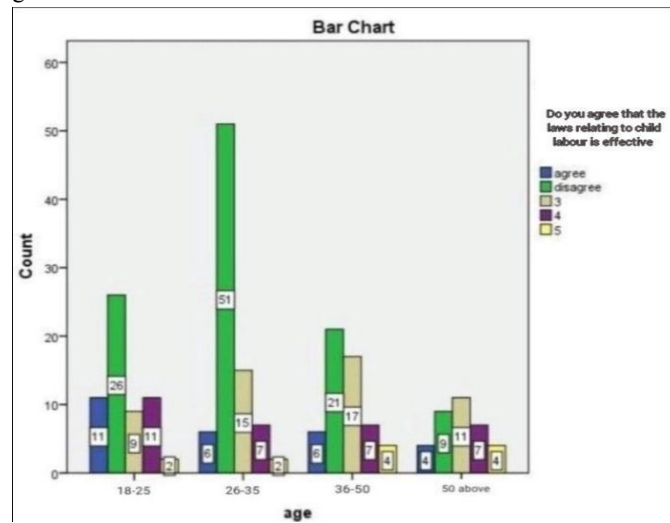
Legend : The above graph shows the opinion of the respondents on the scale of 1-5 as to the government measures that has been taken to prohibit child labour with respect to their occupation.

Figure 5: with respect to educational qualification



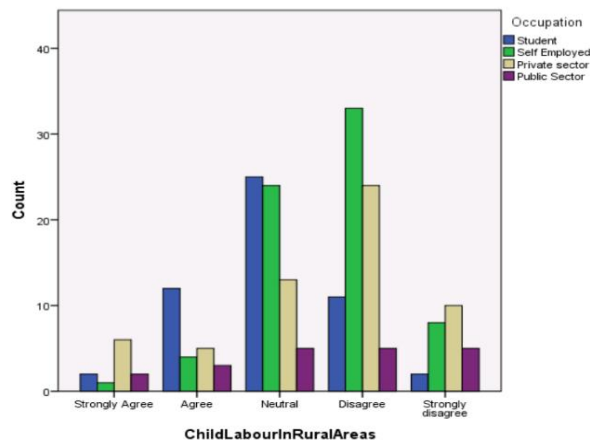
Legend : The above graph shows the opinion of the respondents on the scale of 1-5 as to the government measures that has been taken to prohibit child labour with respect to their educational qualification.

Figure 6: with respect to age



Legend : The above graph shows the agreeability among the respondent as to the statement that laws relating to child labour is effective with respect to age .

Figure 7: with respect to occupation



Legend : The above graph shows the agreeability among the respondent as to the statement that laws relating to child labour is effective with respect to occupation

V. RESULTS

From figure 1 we can infer that the highest awareness can be seen amongst the people of the age group 35 to 45 while the least agreeability can be seen amongst the people of the age group below 18. From figure 2 we can infer that the highest awareness can be seen amongst the undergraduates followed by the Post graduate. From figure 3 we can infer that majority of the respondents of various backgrounds of work consider that economic condition is the major cause for increase in child labour. From figure 4 and 5 we can infer that the majority of students, private and self employed respondents and respondents of varying education qualification have rated 3. From figure 6 we can infer that and 7 we can infer that people of all age groups and occupations consider that the implementation is not proper.

VI. DISCUSSION

Recently, there is an inclination of child labour in developing and poor countries. The research was to find the reason for the same. After collecting and analysing the data so obtained. The researcher has come to conclusions based on the hypothesis laid down. The results so obtained have confirmed the various effects involved in increase of child labour in poor and developing countries. From figure 1 we can infer that the highest awareness can be seen amongst the people of the age group 35 to 45 while the least agreeability can be seen amongst the people of the age group below 18. This may be due to the fact that the people of the age group 35 to 45 belong to the working class and would know what happens in the workplace while the people below the age 18 would have stated so because of a lower level of awareness of the real world. From figure 2 we can infer that the highest awareness can be seen amongst the undergraduates followed by the Post graduate. This may be because of the fact that the majority of the respondents were undergraduates.

From figure 3 we can infer that majority of the respondents of various backgrounds of work consider that economic condition is the major cause for increase in child labour. This may be due to the fact that people solely work for money and when poverty hits they need to pull all the strings possible thus they have to increase the earning thus having to send their children to work as well it also due to lack of awareness. From figure 4 and 5 we can infer that the majority of students, private and self employed respondents and respondents of varying education qualification have rated 3 which denotes that they have a neutral stance over the subject which may be due to the fact that though the laws do exist strict implementation is still to be practiced. From figure 6 we can infer that and 7 we can infer that people of all age groups and qualification backgrounds consider that the implementation is not proper. This may be due to the fact that they still do see child labourers being employed.

LIMITATIONS

- Issues with sample and selection.
- Insufficient sample size for statistical measurement.
- Lack of previous research studies on the topic.
- Limited access to data.
- Time constraints.

VII. CONCLUSION

As per the research done by the researcher going through various text and after the analysis of the data collected it is possible to infer that there are pros as well as cons in child labour in developing countries. In poor and developing countries the number of youth or middle aged men are less the only way to get labour done is by employing whoever is willing to labour for little wages and in this juncture where there are people who desperately need money for mere survival they tend to send their children for labour to earn some money in order to suffice the basic needs of the family. As per the findings after analysis of the data obtained the poor countries employ children because of lack of workers and cost effectiveness to build an economy, it is not right to employ children in works that may cause harm to them. Since there are so many works in which they are employed which causes harm to them mentally as well as physically. It is the duty of the government as well as the people not only of the particular country but also neighbouring countries to help children develop themselves and raise their standards of living.

VIII. SUGGESTION

Multi-pronged techniques have been utilised in world economies where child labour has been eliminated. Child labour is now forbidden under strict regulations. In addition, the educational system was enhanced so that children who had been forced to leave their jobs could attend school. A Fresh Look at Child Labor According to a study of India's child labour scenario, children are employed in a variety of sectors across the country. Given the wide range of circumstances in which children work, measures for ending child labour must be comprehensive and uncompromising. The false distinction between 'child labour' and 'child work' must be removed as one of the most essential changes that must be made. The Child Labor (Prohibition and Regulation) Act of 1986 was amended. A crucial technique is to enforce the law. However, there are several loopholes in the Child Labour (Prohibition and Regulation) Act 1986, rendering the regulation ineffectual. The Act must be non-negotiable, and it is proposed that the word "regulation" be deleted from the Act in order to make child labour abolition non-negotiable. Similarly, the punitive laws must be strengthened; child labour must be considered a criminal offence punishable by jail for the guilty employer. In order to send a clear message that child labour would not be tolerated. While eliminating child labour is a difficult task, prevention techniques are more long-term viable. The importance of social mobilisation and community participation is one of the primary preventive methods that must be included in any national child labour eradication policy. It is critical that children remain at home and attend formal schools rather than leaving home to work full-time. There must be a nationwide campaign to pique public interest and raise widespread knowledge about this issue; an intensive awareness generation campaign must be initiated over time at the federal and state levels on a consistent basis. The government must provide the necessary budgetary preparations for such a large-scale effort. governments can play a huge role. First of all they can make the proper law against child labour and enforce them strictly against people who are putting the children to heavy work. Governments also should assure shelter, food, education and all basic needs for children. A child should be as free as he is in heaven. Remember, children are also a tool for criminals. Governments of a country should be aware and take necessary steps for that. Lastly, we are living in an era of globalization. The various international organizations can take steps to raise awareness to the people to stop child labour.

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