

Child Labour Prohibition and Regulation

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Abstract

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

The employment of minors in any job that robs them of their childhood, potential, or dignity and is detrimental to their physical or mental development is referred to as child labour.

It is a complicated problem with many underlying causes, such as economic exploitation, poverty, child labour as a cheap commodity, large family size, compulsory education, backwardness and societal views. There is a separate legislation that prohibits child labour. This Act was enacted in 1986, The Child Labour (Prohibition and Regulation) Bill.

Every citizen should be aware of his or her obligations and take appropriate steps to prevent child labour.

What is Child Labour?

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.

Work that harms a child's physical or mental development and robs them of their youth, potential, or dignity is child labour.

The employment of minors in any job that robs them of their childhood, potential, or dignity and is detrimental to their physical or mental development is referred to as child labour.

It is a complicated problem with many underlying causes, such as economic exploitation, poverty, lack of access to education, and societal views.

A lot of nations have laws that forbid child labour and support mandatory schooling in order to safeguard the rights of children. Governments, groups, and communities work to end child labour and guarantee that kids have access to school and a secure environment in which to grow and develop.

Causes of Child Labour in India

1. Poverty
2. Child Labour as a cheap commodity
3. Large family size
4. Compulsory Education
5. Backwardness

1. Poverty:

The root cause of child labour is extreme poverty which forces the parents to employ their children for some extra money for daily living. Families living in poverty often face difficult choices, and sending their children to work can be a means of survival. Low-income households might depend on every member, including children, to contribute to the family income. Children often work in various industries such as

agriculture, manufacturing, domestic service, and informal sectors to supplement family income. Poverty often limits access to education. When families cannot afford school fees, uniforms, or books, children are more likely to drop out of school and enter the workforce. Poverty reduction is the key to reducing child labour.

2. Child Labour as a cheap commodity:

With the rise of industrialization, companies have become less ready to hire artists and more concerned with rewards. As a result, there was a big number of children enrolled in a large number of factories in each country, where they were paid very poor pay, overworked, and forced to work in deplorable conditions. Child labour exists not because children are more capable than adults workers, but because they can be employed at a lower wage. As a result, many businesses choose child labour primarily because it is inexpensive, safe and without a hindrance. Child labour is not only inexpensive, but also convenient because children cannot organize their own movements and are minors. They are not permitted to join labour unions. They cannot seek overtime or medical or other benefits. Domestic work for very young children is common in this country since it is inexpensive. Middle-class families are low-income, and boys and girls aged 8 to 14 prefer to work in their homes as domestic staff in exchange for pocket money. However, these formal-educated employers appear to have the least regard for these children and are rarely conscious of it. Employers also believe that children are better suited for discipline and control. They can be coaxed, admonished, pulled, and punished without jeopardizing the bond.

3. Large family size:

A large family with limited resources cannot live a happy existence. As a result, family members are unable to receive a better education, entertainment, health care, or opportunity to grow into a good family environment. A small and well-planned family, on the other hand, ensures all potential development chances for its members while also assisting them in protecting themselves. They protect themselves from life's anxieties. This suggests that the nuclear family, which has a low number of helpers, has a higher number of children. Large families with poor incomes may have negative evaluations about themselves. As a result, they are unable to protect and promote their children's childhood. If a family is small and well-planned, there will be no need to send children to work, and the children can be properly schooled. Parents who are illiterate and uninformed

Consider the inverse. As a result, if the parents' family size is limited, they may provide all the amenities required for their children's mental, physical, and social development. However, poor and illiterate parents believe otherwise.

4. Compulsory Education:

Education is the factor that leads to human resource development, which involves providing a better, more sustainable, and beneficial natural upbringing for all. The major goal of the educational system is to offer knowledge skills as well as to impart certain key values. Economically, the resulting education package will differ across different countries and cultures. In another dimension, child labour has been observed that the limited number of schools, their absence, the clash of school time and agricultural operations, the cost of schooling, and the limited nature of providing jobs opportunities to enter the labour market facilitates the route of children belonging to the state class. Children are ready for education, but only with the permission of the owners and parents. Therefore, this phenomenon of child labour is the product of this indifference to education.

5. Backwardness:

Backwardness and stagnation are once again evident from the statistical world distribution data of child labour as an important factor for the intensity of child labour. Since child labour is a socio-economic phenomenon, it is generally believed that illiteracy, ignorance, low wages, unemployment, lack of living standards, deep social prejudice and appalling backwardness on the part of the country are all, many and collectively, the root cause of child labour.

Impact of Child Labour on the Society

Children working under a certain age are considered to be engaged in child labour. This has been going on for a long time and is the most heinous type of child exploitation. Child labour not only harms a child's physical and mental health, but it also deprives him of key rights granted by our constitution, such as the right to education, development, and independence. It has a negative impact on their health, on their education, deficiency in their nutrition, can cause permanent disabilities or premature death etc.

Legislative Actions

There is a separate legislation that prohibits child labour. This Act was enacted in 1986.

The Child Labour (Prohibition and Regulation) Bill, 1986 having been passed by both the Houses of Parliament received the assent of the President on 23rd December, 1986. It came on the Statute Book as "THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986".

Child Labour (Prohibition & Regulation) Act, 1986 prohibits employment of children below the age of 14 years in 18 occupations and 65 processes.

The Children (Pledging of Labour) Act 1933 was the first law against bonded labour. Employment of Children Act, The Factories Act of 1948, The Plantations Labor Act 1951, The Mines Act of 1952, The Motor Transport Workers Act 1961, The Child Labour (Prohibition and Regulation Act), The Juvenile Justice (Care and Protection) of Children Act of 2000, The Right to Children for Free and Compulsory Education, The Formulation of a new National Child Labour Policy, The Enactment of the Child Labour (Prohibition and Regulation) Act, The setting up of Taskforce on Child Labour, The Adoption of Convention on the Rights of the Child. Initiation of National child labour project (NCLP) in 1988 to rehabilitate working child labour in the endemic districts of the country.

Judicial Approach to Child Labour

Unni Krishnan Vs Andhra Pradesh: "The Supreme Court in its judgment held that children up to the age of 14 had a fundamental right to free education".

Neeraja Chaudhary Vs State of Madhya Pradesh: "In this case the Supreme Court of India stated that the Child Labourers should be rescued and provision for their rehabilitation should be made".

U.P. Bandhua Mukti Morcha Vs Union of India: "In this case the Supreme Court of India stated that if no steps are taken under Bonded Labour System Act 1976 by the Government then it would be a violation of Article 23 of the Constitution. Article 23 states that children should not be forced to work at cheap wages due to their economical or social disadvantage".

Sheela Barse Vs Secretary, Children Aid Society and Others: "The Supreme Court held, "If there be no proper growth of children of today, the future of the country will be dark. It is the obligation of every generation to bring up children who will be citizens of tomorrow in a proper way".

Conclusion

The issue of child labour looks to be substantial and involves a number of elements. The prevalence of child labour in India is complex and strongly ingrained in the culture. The issue of child labour presents a challenge to the nation. This practice deprives them of a source of income and is harmful to their physical and mental development. Poverty, unemployment, a lack of adequate schools, and other issues

Child labour is viewed as vital for the growth of the informal economy. As a result, the issue of child labour is global. As a possible solution to this chronic problem, the Central Government and the individual governments in the States will need to develop a more effective action plan with the International Labour Organization and the United Nations Organization's direction and supervision. In many nations, eliminating all forms of child labour is a challenging and long-term objective. It is now regarded as a severe concern, particularly in underdeveloped countries. The Indian government has implemented a number of proactive laws aimed at eradicating child labour. In India, a number of child labour schemes have been launched to assist and educate youngsters away from hazardous vocations. Every citizen should be aware of his or her obligations and take appropriate steps to prevent child labour.