



EXAMINING LEGAL PERSPECTIVE OF CHILD LABOUR INNATIONAL AND INTERNATIONAL SCENARIO

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ABSTRACT

Child workers were engaged in backbreaking agricultural tasks including cow grazing, grass harvesting for fuel, and field labour from ancient times. With the rise of industrialization, the negative effects of employing children become increasingly obvious. Child employment is a blatant violation of human rights since it prevents children from receiving an education. Children were used as cheap labour throughout the early stages of industrialization in India and the West. This was done with the goal of making huge profits. There is a widespread consensus that providing a quality education to all children is an urgent need. Dilution of the legislation itself has been a major contributor to its ineffective and poor application and enforcement. To achieve universal primary education, persuasion is always tried rather than coercion to attain literacy among school-age children. Evidence for this may be seen in the persistence of programmes offering rewards to parents who send their kids to school. The policy's own provisions for alternative educational programming for working and school-age children further dilute its effectiveness. The present study is based on literary data and reports and procuring information with various agencies. The published material consists of books, articles, reports, journals, newspaper articles, the United Nations International Children's Emergency Fund (UNICEF) reports, Journals of Yojana, Kurukshetra, district level information has also been used. The material gathered mainly on primary and secondary sources provided a broad framework and perspectives to the study. The researcher is attempting to investigate the issues of universalizing primary education in modern India and child labour, both of which are violations of children's human rights. This study examines the relationship between the issue of child employment and human rights and finds that the two are mutually reinforcing. Among child labourers, a number of fundamental human rights are being violated, including the right to life, the right to growth, and the right to the preservation of education rights.

Keywords:-Legal, Child Labour, National, International.

INTRODUCTION

Child workers were engaged in backbreaking agricultural tasks including cow grazing, grass harvesting for fuel, and field labour from ancient times. With the rise of industrialization, the negative effects of employing children become increasingly obvious. Child employment is a blatant violation of human rights since it prevents children from receiving an education. Children were used as cheap labour throughout the early stages of industrialization in India and the West. This was done with the goal of making huge profits.

There is a widespread consensus that providing a quality education to all children is an urgent need. Dilution of the legislation itself has been a major contributor to its ineffective and poor application and enforcement. To achieve universal primary education, persuasion is always tried rather than coercion to attain literacy among school-age children. Evidence for this may be seen in the persistence of programmes offering rewards to parents who send their kids to school. The policy's own provisions for alternative educational programming for working and school-age children further dilute its effectiveness. The present study is based on literary data and reports and procuring information with various agencies. The published material consists of books, articles, reports, journals, newspaper articles, the United Nations International Children's Emergency Fund (UNICEF) reports, Journals of Yojana, Kurukshetra, district level information has also been used. The material gathered mainly on primary and secondary sources provided a broad framework and perspectives to the study. The researcher is attempting to investigate the issues of universalizing primary education in modern India and child labour, both of which are violations of children's human rights. This study examines the relationship between the issue of child employment and human rights and finds that the two are mutually reinforcing. Among child labourers, a number of fundamental human rights are being violated, including the right to life, the right to growth, and the right to the preservation of education rights.

CHILD LABOUR INTERNATIONAL AND NATIONAL SCENARIO

Protection for children in the workplace is provided by a number of international agreements. Conventions and guidelines on the abuse of children in the workplace have been drafted under the aegis of the International Labour Organisation (ILO). agreement 138 of the International Labour Organisation (ILO) is a crucial agreement since it sets the minimum employment age at 15. With the entrance of the Convention on the Rights of the Child, the conventions and recommendations of the International Labour Organisation (ILO) were reinforced. Children should be shielded from "economic exploitation" and "any work that is likely to be hazardous, to interfere with the child's education, to be harmful to the child's health or physical, mental, spiritual, and social development," as stated in Article 32 of the Child Rights Convention (CRC). Pluridisciplinary actions, including legislative, administrative, social, and educational ones, are required by the convention in order to,

- a) Provide a minimum age or minimum wages for an entry to employment.
- b) Provide for appropriate regulations and conditions of employment, and
- c) Establish suitable punishments to guarantee efficient enforcement procedures.

Even though a number of legislative frameworks have been put in place, problems with execution and planning of programmes to achieve targeted goals remain.

Implementation

The necessity for individualised national plans of action was emphasised in the World Declaration on the survival, development, and protection of children in 1990. In addition, the UN Commission on Human Rights approved a plan of action to end the use of children as labourers in 1993. This action plan calls for a variety of policies to be put into place, most notably at the state and municipal levels.

The following are some examples:

1. Information campaigns to raise awareness of the problem.
2. Educational and vocational training to prevent child labour exploitation
3. Social action to help families and their children development aid.
4. governments should implement relevant policies and initiatives, such as free public basic schooling, and
5. Support from international agencies.

Exploitation of Child Labour

The following principles of selling should be considered armed warfare when discussing child labour. Adult criminal activity, kidnapping, and forced work or child bondage because of financial obligations. Work in the informal economy. Work in the private sector's unions. Prostitution, pornography, sexual exploitation, forced marriage, handicapped children working, and domestic work are all examples of child labour.

The International Labour Organisation (ILO) has made a recent estimate that there are almost 88 million working children aged 10 to 14. All across the globe, children are in precarious situations, but in Asia and South America the numbers are particularly high. Small-scale and informal enterprises are frequently the sites of the most severe kinds of child labour exploitation. Legal Milestones around the World.

International Labour Organisation (ILO) Forced Labour Convention (1930)

Ensures that all types of coerced or coercive work are prohibited. For the purposes of this definition, "forced or compulsory labour" refers to any kind of employment or service that is exacted from persons under the fear of punishment and for which they have not given themselves willingly.

International Covenant on Civil and Political Rights (1966)

It was adopted in 1966 by the UN General Assembly and came into effect in 1976; it underlines the principles of the Universal Declaration of Human Rights (1948) with respect to civil and political rights and binds nation's parties to taking steps to realise these rights.

As stated in Article 8 of the United Nations Charter, no one should be held in slavery or servitude, or be made to engage in forced or involuntary work. Child labour restrictions are included in this article as well.

International Covenant on Economic Social and Cultural Rights (1966)

It was adopted in 1966 by the United Nations General Assembly and went into effect in 1976, and it reaffirms the principles of the Universal Declaration of Human Rights with respect to economic and social rights, with the goal of protecting young people from economic exploitation and from employment in work that is harmful to their morals, their health, or other aspects of their lives, or likely to hamper normal development.

It also requires signatory states to make it illegal for children under a certain age to be employed in any capacity for compensation.

International Labour Organisation (ILO) Minimum Age Convention (1973)

Replaces earlier instruments that only applied to certain industries. The treaty requires signatories to prioritise national interests above all others.

Article 32 "recognises children's right to be protected from work that threatens their health, education, or development and employment and to regulate working conditions.

“A new convention on hazardous child work or the abolition of the most unbearable types of child labour was proposed for consideration by the International work Organisation (ILO) in 1996.

THE RIGHT TO PROTECTION

According to the United Nations Convention on Children's Article 18, "State shall take all appropriate legislative, administrative, and social education measures to protect children from all

forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse."

Child Labour

Child labour is widespread in India, and it seems to have become worse over time. According to the 2000 Census of India, there were an estimated 13.15 million child labourers (defined as anybody younger than 14), the vast majority of whom worked in agriculture in rural areas.

In 2001, the National Sample Survey projected that 17.36 million children aged 5 to 15 were employed. In 2001, the operations research group estimated that number to be 44 million. According to the 2001 Indian Census, there were an estimated 13.15 million children under the age of 14 working, most often in agriculture in rural areas.

Children in difficult circumstances

Many millions of youngsters in India face extraordinary adversity every day. For example, it is believed that there are a total of 400,000 children living on the streets in seven Indian cities (Bangalore, Mumbai, Kolkatta, Delhi, Hyderabad, Kanpur, and Chennai). Most of these kids are beyond the age of 8, they have never been to school, and their parents work low-wage, low-skilled jobs. Another category about which surprisingly little is known is that of homeless and orphaned children.

The Right to Participation

A child's right to free expression in all topics pertaining to children is guaranteed under the United Nations Convention on the Rights of the Child, which reads, "State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely." Article 12 of the United Nations Convention on the Rights of the Child emphasises the need of giving children's opinions reasonable weight in light of their ages and developmental levels.

Girl Child and Her Rights

Protections under the law for young women in the areas of schooling, marriage, preventing female genital cutting, and sentencing

The future of the world's youth will benefit from efforts to empower women and promote gender equality. From the very beginning, women and girls need to be treated equally.

Child and Education

The legislation mandating elementary education for all children, including females, guarantees this fundamental human right. However, in reality, there are fewer females than males enrolled in elementary schools. The number of female pupils drops much lower at secondary institutions.

Child and Marriage

Despite the fact that the Child Marriage Restriction Act sets 20 as the minimum age for the marriage of females, many girls get married before they reach that age. The health, nutrition, education, and career prospects of women are all negatively impacted by their propensity to become mothers at a young age.

CHILD LABOUR AND LEGISLATION FOR COMPULSORY EDUCATION

While India has launched a number of creative initiatives to provide access to higher education for all citizens, the country's leaders have devoted far less attention to making elementary school mandatory. Dr. ShanthaSinha argues that "the issues of illiteracy and child labour cannot be resolved on a mutually exclusive basis" and that "primary education is potentially a critical means of eradicating the economic exploitation of children." Overemphasis has been placed on poverty as an explanation for the underlying cause of child work. Even among the poorest segments of rural society, there remains a large unmet need for children's education. Where there is a need for schooling, lawmakers will step in to make sure that kids' constitutional right to an education is adequately protected. The importance of any legislation mandating the attendance of school-aged children lies not so much in the fact that parents can be compelled by an enforcement agency to send their children to school, but rather in the fact that the state can be compelled to provide the requisite infrastructure and investment to ensure that all children have access to education.

CONCLUSION

Children who are uprooted* from their families' places of employment need a unique approach to their education. Many of these youngsters may be between the ages of 11 and 14, and they may not have completed basic school. Therefore, a tailored education programme for that era is required. In addition, parents need encouragement to enrol their kids in extracurricular activities. If these initiatives are carried out properly, they will have a positive effect on child labour.

In addition, businesses should be required to swear under oath that they would not hire minors because of the harm they create. The efforts of non-profit groups are equally crucial in the fight to end child employment. Public opinion mobilisation and social group awareness campaigns should be their top priorities.

Parents should be made aware of the problem so that they may take action to protect their children instead of turning a blind eye. The government, given the gravity of the situation, should organise demonstrations and run an informational campaign through the media, posters, flyers, etc.

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