

Migration of children- Exploitation of their rights for labor purposes

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Abstract

Child trafficking generally means taking children out of their protective and safe environment and preying on children's vulnerabilities for the motive of exploitation. Although no precise figures exist, the ILO (in 2005) estimated that **980,000 to 1,225,000 children** - both boys and girls - are in a forced labor situation as a result of trafficking.

Children are always considered next to the pious versions of the Almighty God, who always strive to spread happiness, joy, innocence and hope. The future of a nation is determined by the way it treats its children and its women, as after all, children imply a hope, a hope to strengthen not only the economy of the country. Child labour typically means the employment of children in any manual work with or without payment. Child labour is not only restricted to India, it happens to be a global phenomenon.

As far as India is concerned, the issue is a vicious one as children in India have historically been helping parents at their farms and other primitive activities. The main aim of this paper is to highlight the problem of Child Labor which has to be resolved as soon as possible because by this the future of a nation is in danger and we all have to come forward to curb this situation. Further detailed discussion about this will be done in the final paper.

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The Trafficking in children

Within the nations, across national borders and across continents –it is thoroughly interlinked with the demand for inexpensive and compliant labour in sectors and among companies where the work environment and the conduct grossly disrupt the human rights of the children. These are characterized by environments that are intolerable (the unconditional worst forms) as well as hazardous to the health and the growth of the child (hazardous worst forms). These forms range from bonded labour, camel riding, child domestic labour, commercial sexual abuse and prostitution, drug dealing, and child soldiering to exploitative or bondage- like practices in the informal industrial area.

As part of larger enterprises to combat the worst forms of child labour, the ILO's International Programme on the Elimination of Child Labour (IPECL) works with governments, employees and employers' organizations and NGOs to fight child trafficking. IPECL works with these organizations to provide broad protection to those children who are at risk and also those children who are victims, prevent the offence of trafficking, impose laws and prosecute traffickers, and support victims in need. Where IPECL deems fit, the services and facilities are provided at source, in transit and at destination. The Programme looks into and considers the national, sub-regional and regional specificities of the basic reasons of children's vulnerability, mechanisms and ways used by traffickers, the level of abuse and the legal and cultural circumstances.

WHAT IS CHILD LABOUR

The employment of children in any labor-intensive or manual work with or without imbursement constitutes Child labour. Child labour is not only practiced in India but it happens globally.

As we talk about India, the issue is a malicious one as children in India have always been helping their parents at either farms or in other primitive activities. One of the most common forms of abuse and exploitation is the concept of bonded labour which requires an explanation. When the children are forced to work as labour in lieu of payment of debt by the parents due to excessive rates of repayment of interest is considered as bonded labour.

Urban child labour is also linked with the concept of bonded labour wherein the labours are the children from the street who wander around.

UNICEF has categorized child work into three categories:

1. Domestic work- Children are engaged in the tasks within their household without any wages.
2. Family work but outside the household- Example- agricultural labourers, domestic maids, migrant labourers etc.
3. Outside the family work- Example- commercial shops, in restaurants etc.

CAUSES OF RISING INSTANCES OF CHILD LABOUR

Rise in the population, illiteracy, scarcity, debt-trap are some of the common reasons which are instrumental in this issue.

Parents with workload, overburdened responsibilities and debts fail to understand the need of a normal and happy childhood. They put their children under the burden of their own troubles and problems which leads to the poor emotional and mental balance of a child's brain. It may also affect the brain in a manner which is not prepared to perform their tasks.

National and Multinational companies which deals in garment sector also hire children to work at garment industries or shops and give them less payment which is absolutely unethical.

According to UNICEF, children are employed because it is easy to exploit them. By considering various reasons of child labour, we can make an approach to curb or abolish child labour.

Causes of Child Labor:**The curse of poverty**

Poverty is one of the main reasons of child labour. Most of the country's population suffers from poverty. Poverty makes the education of the children unaffordable by their parents and they have to let their children work and earn wages. In fact, they are well aware of the sorrow of losing their loved ones to poverty at times. Parents send their children to work in factories, homes or shops. Children are made to work at these places to raise the income of their family at a very early age. These decisions are taken to ease the burden of family income, but such decisions

destroy children's physical and mental health as they don't enjoy their childhood from their early age.

Lack of educational resources

Education is the fundamental right of every child and even after so many years of independence of India, many children in India are deprived of their basic fundamental right. In many villages in our country, education along with other facilities is yet not provided to children. Such carelessness on part of the administration is also the reason for child labour. The people who suffers the most are the families with least financial support and for such people education is a dream.

Sometimes the scarcity and poverty leave the children of poor families illiterate. Children are left with no other choice and remain without studying and such compulsions force them into child labour.

Social and economic backwardness

Social and economic backwardness is another main reason for child labour. Children of socially backward parents are not sent to get education. Therefore, their children are forced into child labour. Due to lack of education, parents do not utilize the various schemes and programs available for children's education. Also, the impact of child labour is very crucial which their parents fail to understand due to illiteracy. Engaging of children in various tasks is the effect of situations of poverty and unemployment in rural areas.

Addiction, disease or disability

Addiction, disease or disability is sometimes the reason for no earnings in a family. In that scenario the child's wages are the only means for family's sustenance. Unemployment is the result of growth in population which affects the prevention of child labour because parents are willing to send their children to earn wages and contribute into family income rather than sending them to school.

Poor compliance of laws

In our country laws stipulate that every child has the fundamental right to get basic education. These laws also give the right to avail good health services and a healthy life. But due to lack of proper compliance of the laws and implication of laws, many children are deprived of these rights. Proper and strict adherence of the laws will help in prevention of child labour.

CHILD LABOUR LAWS IN INDIA

The matter of child labour in India had become an issue of worry for everybody post-Independence. The drafting committee of the constitution of India wanted to frame laws on their own without looking for references from other countries on this matter. Since, India had been under the exploitative government of the British, it only made sense that the laws were framed keeping in mind the forms of exploitative labour that India had witnessed under the brutal government.

Employment of Children's Act, mentioned the primitive laws, formed to prohibit child labour in India was enacted in 1938. But this Act failed because it did not address the reason of poverty as it is poverty that leads children to forced labour.

The Indian Parliament from time to time has passed Laws and Acts to safeguard the protection of children from child labour. Article 24 of Indian constitution prohibits the engagement of children below the age of 14 years into any kind of factory or mine or in any hazardous activity which will constitute to child labour. Other than this, Article 21-A of the Constitution also states that the State shall provide infrastructure and resources for free and compulsory education to children of the age group between 6 to 14 years.

There are sets of laws which protection the children from child labour. The Factories Act, 1948, prohibits any child below the age of 14 years to engage in any factory work. The Mines Act, 1952, prevents the employment of any child below the age of 18 years into mines. The Child Labor (Prohibition and Regulation) Act of 1986, prohibits the children below the age of 14 years in any kind of life-threatening occupation given in the list by the parliament. Also, under Juvenile Justice (Care and Protection) of children Act of 2000, engaging any child into labour is a punishable offence.

ROLE OF INTERNATIONAL ORGANIZATIONS IN FIGHTING CHILD LABOUR

In 1991, to work towards the abolition of child labour by generating awareness about child labour as a global issue using many National platforms, the International Programme on the

Elimination of Child Labour (IPECL) was launched under the programme of International Labour Organization (ILO). India was among the first nations to sign the MOU with IPECL to help in fighting child labour.

In 1988, one of the major programmes named National Child Labour Project (NCLP) was implemented throughout India under which seven different child labour projects were set up. The government of India had adopted many policies to reduce the incidence of child labour in the country and rehabilitation is one of the major policies among others.

There are various reasons why the authorities concerned with this issue are unable to combat the increasing cases of child labour. One of the reasons is that the authorities fail to determine the correct age of the children due to no birth certificate or due to fake proofs. Initiatives have been taken to prevent child labour but not much initiatives have been taken to create awareness among the people. Even if initiatives are taken, carelessness of the authorities can be observed during such conduct of creation awareness. There is an urgent need to address the issue on global platforms again with the better policy framework.

HOW TO ELIMINATE AND STOP CHILD LABOUR

There are some measures which if taken or adopted by us then the problem of child labor can be prevented. These are abolition of child trafficking, elimination of poverty, free and compulsory education, and basic standards of living. The World Bank and International Monetary Fund can help in eradicating poverty by providing loan to the developing countries. Another essential and important step is the strict implementation of labour laws. Many amendments are required in the present child labour prohibition law in for implementing strict measures to control this problem. The minimum of age of fourteen years needs to be increased to at least eighteen.

Let's learn how to stop child labour and solve the problem of child labour:

In order to stop child labour, level of poverty needs to be reduced first, so that poor people do not have to send their children to earn their bread and butter. Spreading literacy and education is a potent weapon against the practice of child labour, because illiterate persons do not understand the implications of child labour.

Another way to stop child labour is to eliminate or rein in unemployment. Because of inadequate employment, many families cannot afford to meet all their expenses. If employment opportunities are increased, they will be able to let their children read and write and become worthy citizens.

To stop child labour, we will have to first change our own thinking. We have to ensure that first of all, we do not keep any child at work in our own home or office. We have to remember that we are not doing any favour to children of tender age by paying them money in exchange of their labour, but we are rather playing with their future.

We also need to spread awareness about child labour, so that people can understand that child labour is messing with the future of the country. They will have to understand that there is no future for India if its children are weakened mentally and physically through the practice of child labour.

What are the Solutions to Child Labour

With a view to eliminate the social problem and issue of child labor, there is a need to follow some effective solutions on urgent basis to save the future of any developing country. Following are some solutions to prevent child labor:

There more unions can be created which may help in preventing the situation of child labor as it will encourage more and more people to help and fight against child labor.

All the children should be given first priority by their parents to take proper and regular education from their early childhood. This step needs much cooperation by the parents as well as schools to free children for education and take admission of children from all sectors of the society respectively. Child labour needs very high level of social awareness with the proper statistics of huge loss in the future for any developing country if it is not reduced or stopped. Every family must earn their minimum income with a view to survive and prevent the problem of child labour. It will help in the reduction of poverty and thus as result that also in the child labour. There is need of more effective and strict government laws against child labour in order to prevent the employers to give or to engage children in the employment for working in their little age. Child trafficking should be completely abolished by the governments of all countries.

Child Labour as a Crime

This is very strange to say that the problem of child labour is still being practiced in many countries even after it has been regarded as a big crime. Business owners of the industries, mines, factories, etc are using child labour at great level in order to get more work at very low labour cost. Poor children are more prone to be involved in the child labour as they are forced by parents to earn some money to give economic help to their family in the very young age (too young to realize their responsibilities towards family) instead of getting proper education and play with friends in childhood.

Child trafficking, according to UNICEF is defined as “any person under 18 who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country”. There have been many cases where children just disappear overnight, as many as one every eight minutes, according to the National Crime Records Bureau. In some cases, children are taken from their homes to be bought and sold in the market. In other cases, children are tricked into the hands of traffickers by being presented an opportunity for a job, when in reality, upon arrival they become enslaved. In India, there is a large number of children trafficked for various reasons such as labour, begging, and sexual exploitation. Because of the nature of this crime; it is hard to track; and due to the poor enforcement of laws, it is difficult to prevent. Because of this, it is impossible to have exact figures regarding this issue.

Situation in urban and rural areas

The overall situation of child labor in the study was 32.5%. The number of students who worked in the rural and urban area was 131 (42.8%) and 103 (24.9%) respectively.

Irrespective of the area, educational level of the mother, crowding in the family, families being in debt, presence of a handicapped or alcoholic member in the family, gender and religion were significantly associated with the working child

LEGISLATIONS

At the time of 20th Century when the problem of child labour became so prominent that the news of factories which are engaged in hazardous working conditions, taking innocent children's life, flashed all around in the newspapers, then that was the time, a need for legislations and statutes was experienced to stop the mal practice of child labour. At present, there are sufficient statutes condemning and prohibiting the mal practice of child labour, such as:

The Factories Act of 1948: This Act prohibits the employment of children below the age of 14 years in any factory. The law also placed some rules regarding the pre-adults aged 15–18 years to be employed in any factory and in what manner.

The Mines Act of 1952: This Act prohibits the employment of children below 18 years of age working 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 are completely banned for them.

The Child Labor (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: Under this law it has been made a crime, which is punishable with an imprisonment, 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: By this Act the free and compulsory education to all the children aged between 6 to 14 years has been made compulsory. This legislation also made this compulsory that 25 percent of seats in every private school must be allocated for the children from disadvantaged groups and for the children who are physically challenged or differently abled.

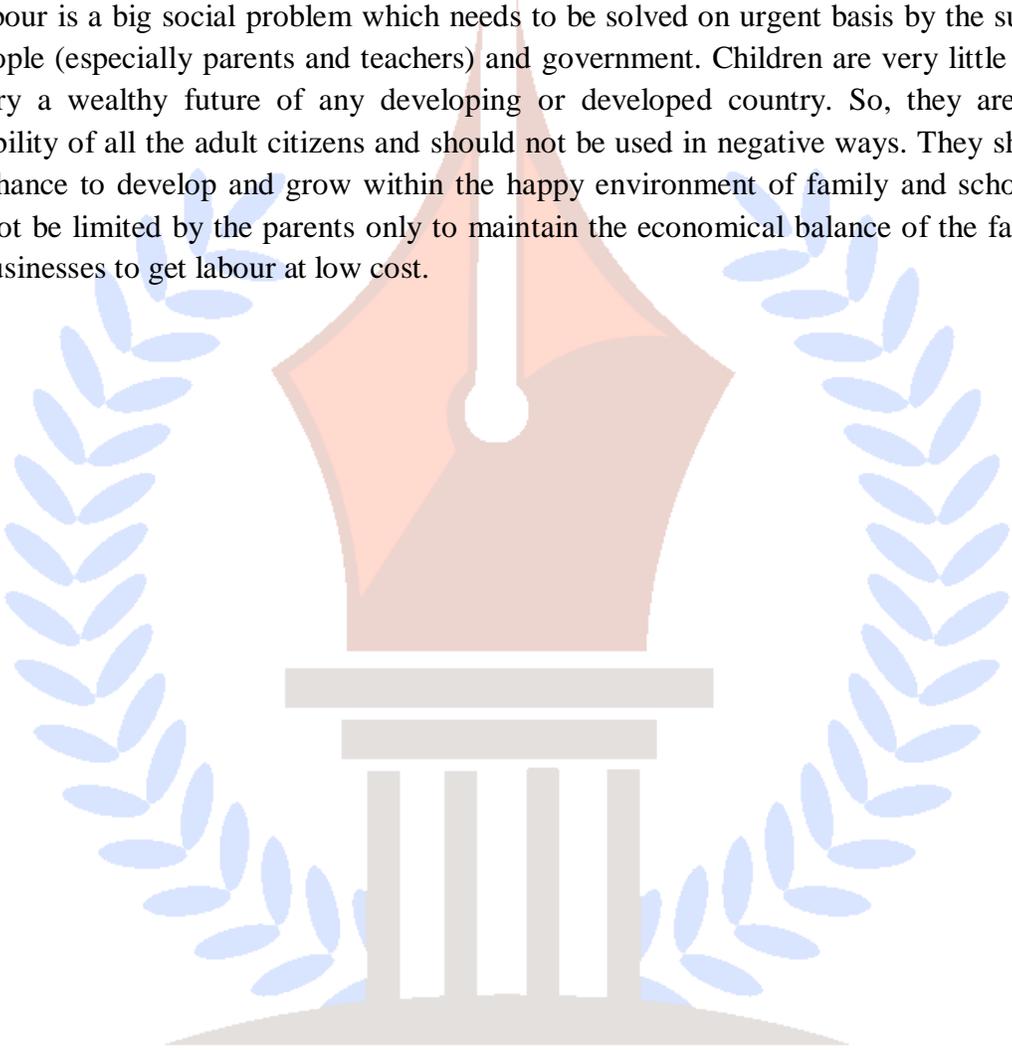
EFFORTS BY GOVERNMENT OF INDIA TO CONTROL CHILD LABOUR

The government of India has implemented various Acts enacted by the Parliament. Namely, The child labour (Prohibition and Regulation) Act 1986, prohibits the employment of children who are below the age of 14 years in occupation and processes that are or may result in hazardous to the children's lives and health. The state of Haryana and many other states have framed the child labour rehabilitation –cum-welfare funds at district level and in order to address the issue some separate labor cells have been formed. The central government also implemented the National child labour projects in states from 1988 with an aim to provide non-formal education and pre-vocational skills. From 2001, SarvShikshaAbhiyan project was also launched to educate poor and employed children in all states. Establishment of Anganwadi has also resulted in a big step by the government for the welfare of children and their physical, mental and educational development.

CONCLUSION

If awareness about the cons of child labour is spread across the nation and strict functioning of implementation of existing laws are done, India can overcome the issue of Child Labour. Each and every individual must understand how important it is for the children to grow and study, as they are the ones who will shape the future of the nation.

Child labour is a big social problem which needs to be solved on urgent basis by the support of both, people (especially parents and teachers) and government. Children are very little however they carry a wealthy future of any developing or developed country. So, they are the big responsibility of all the adult citizens and should not be used in negative ways. They should get proper chance to develop and grow within the happy environment of family and school. They should not be limited by the parents only to maintain the economical balance of the family and by the businesses to get labour at low cost.



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