

OCCUPATIONAL RISKS :

HARASSMENT & CHILD LABOUR

As we celebrate the Children's Day on 14th Nov., our heart goes out to the children who have lost their childhood in the search of a livelihood ! As they make both their ends meet, we need to ponder over the pangs of Child Labour.

1. INTRODUCTION

Children grow up in environments where the distinction between help in their parents' preparation for adult life and child labour are blurred. Those are working children who are prematurely leading adult lives and working long hours for low wages conditions that are damaging to their health and to their physical and mental development. Their life is always at risk. UNICEF estimates that in Africa a child in three works and in Latin America the figure is one in five.

In India the Labour Ministry officials estimate that around 20 million (1994) children work. However, these estimates differ between agencies, infact, an Operation Research Grow-up (ORG) survey put the figure at 74 million (1983). Most of these working children come from extremely poor families.

P.M. Shah of WHO observed in 1985 that the working children come into close contact with infectious cases of tuberculosis. Severe malnutrition, anemia, hard labour, fatigue and inadequate sleep makes them more susceptible to infectious diseases. Malnutri-

tion is the most common enemy of children of the poorest people which holds back mental and emotional development of one child in three from developing countries.

2. HAZARDOUS OCCUPATIONS

It is useful here to distinguish between types of dangers which work can create for children. In the first category, fall the intrinsically hazardous occupations, (i.e.) those occupations which allow the workers to come into contact with harmful substances like chemicals, as in the balloon lock, match and fire works industries or fire, as in the glass industry or cotton dust that damage the lungs as in the powerloom industry. These occupations would be hazardous for all workers but especially for children, who are still in the process of growing and attaining their full physical potential.

The symptoms of poverty, unemployment¹, under employment, low paid wages illiteracy are some of the strong reasons for the existence of child-labour.

The tendency, among the employers is to have quicker and greater profits at low costs. In every developing country there is enrolment of children in a large number of factories who are paid very low wages and subject to excessive hours of work. The preference for child-labour by many employers is mainly due to the fact that, it is cheap safe and without much problems.

In developing countries and children from west who have always worked, do not understand the traditional cultural aspect of their economics. Indeed children were partly the labour force in the agrarian society. It was within their families and the workload allowed time to play and to interact freely with other children. In contrast to this at present children are moving from families to factors of exploitation².

The practice of child labour is economically unsound, physiologically, disastrous and physically as well as morally degrading and harmful for any society. A larger number of children working in different industries and factories are suffering from malnutrition which lowers their resistance and makes them all the more vulnerable to diseases. Carrying heavy loads and working in cramped spaces in factories causes deformity particularly of the bones and hinders general growth. A study carried out in Japan showed a difference of 14 cms in height between those who began work before the age of 14 and those after 18 years whereas, their height was comparable at the age of 12 years³.

Despite sincere efforts made by the Indian Government and Judiciary for the abolition of child labour over a decade, India remained far behind in comparison with other developing countries. In the International Labour Organization (ILO) 

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Conference convention on minimum wages in 1973, India was the earliest signatory to the resolution on the abolition of child-labour. India has always stood for constitutional, statutory and development measures that are required to eliminate child-labour. Our constitution consciously incorporated relevant provisions to secure compulsory elementary education as a means for protection against labour for children.

3. COMMISSIONS AND COMMITTEES

Labour commission and several committees investigated into the various cases of child-labour and recommended remedial solutions. The present Indian Child Labour Laws are based on the recommendations of the I.L.O. Resolution 1979.

The Government of India has planned, formulated and regulated certain legislation, established institutions, organized teaching programmes for the elimination of child-labour in cooperation with several national and international agencies.

NCLP:- In 1987 the government adopted the National Child Labour Policy (NCLP) under which several legislative steps have been taken to curb the practice and several development schemes initiated to rehabilitate the victims of child labour. The projects are targeted to provide education for 1.5 lakh children in 2500 schools in these academic child-labour districts. Adequate non-formal education, vocational training, supplementary nutrition stipend, and health are also provided to the child-labourers. During the 8th plan allocation of a sum of Rs. 50/- crore was made for such projects.

4. CONSTITUTIONAL MEASURES

The child-labour (Prohibition and Regulation) Act 1986 has provisions for

banning the employment of children during night and during inappropriate working hours. Article 24 prohibits children under 14 for employment in any form in hazardous or mines establishments. Article 39 clause (e) is that health and strength of men, and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength. Clause (f) states that children are given opportunities and facilities to develop in the health manner and in conditions of freedom and dignity. Article 45 states that the state shall endeavour to provide free and compulsory education for all children until they complete 14 years of age.

5. PUBLIC HEARING CONVENTION

On 31st March, 1993 at New-Delhi the convention on National Public Hearing on child-labour with eminent jurists was organized. In the convention some historical evidences of child-labour and importance of compulsory schooling for abolishing the practice were highlighted. The jurists stated that the failure of implementation of article 45 - free and compulsory education to all children upto age 14 years, had created a huge standing child-labour force.

6. LEGISLATIVE MEASURES

In December 1996 the Supreme Court of India identified nine hazardous industries and directed that the employment of children must end there. The court ruled that the offending employees must pay Rs. 20,000 to each child worker under the provisions of 1986 child labour act and provide an alternative employment to an adult member of the family of the child worker withdrawn. The court also suggested formation of Child Labour Rehabilitation-cum-Welfare Fund, which may

properly look after the health, education, proper growth of withdrawn child workers and constitution of a separate cell in the labour department of the appropriate government for regular monitoring.

The Union Government with the help of UNICEF has set up the National Resource Centre on Child Labour (NRCCL) involving several hundred NGO's. The centre is intended to activate and supplement all programmes taken up at ILO under its International Programme Elimination of Child Labour (IPEC) and by other foreign agencies. Besides, NRCCL has been entrusted with task of assisting center and state governments, NGO's policy makers and other social groups working in the field of child labour.

7. INTERNATIONAL PROGRAMME ON THE ELIMINATION OF CHILD LABOUR (I.P.E.C.)

In India International Programme on the Elimination of Child Labour (IPEC) was established in 1992 with an objective to enhance the capability of ILO constituents and NGO's to design, implement and evaluate programmes to create awareness and social mobilization for securing child labour elimination. During 1992-96, 118 child labour projects were taken up for implementation. IPEC and around 82,000 child labourers benefited under these projects. At the national level a national programme co-ordinator based in New-Delhi, co-ordinates IPEC works with the Ministry of Labour, NGO's and ILO Headquarters.

In January, 1997 the National Human Rights Commission asked the Union Government to amend the central services (conduct) rules 1964 to prohibit the employment of children as domestic help by the government officers and that its



COVERAGE UNDER NATIONAL CHILD LABOUR PROJECTS

State	Districts Covered	Sanctioned Schools	For Children	Actual Schools	Covered children
Andhra Pradesh	20	807	43550	610	36249
Bihar	8	174	12200	173	10094
Gujarat	2	40	2000	23	1254
Karnataka	3	100	500	24	1200
Madhya Pradesh	5	138	9800	87	6524
Maharashtra	2	74	3700	24	1200
Orissa	16	430	33000	239	14972
Rajasthan	2	60	3000	54	2700
Tamilnadu	8	379	19500	307	14684
Uttar Pradesh	4	150	11500	105	7488
West Bengal	6	219	12000	164	8250
Total	76	2571	155250	11810	104615

CONCLUSION

The ultimate objective of the child labour programme is to convert working children into productive and participative members of the society. This needs generation of public awareness and simultaneous gearing up of the enforcement reaching to meet the challenges. Introduction of New methods of monitoring and evaluation of child labour programmes and projects will help to implement a programme in a specific, time bound,

breach should be a misconduct attracting a major penalty. As per the Commission's directive the Tamilnadu Government issued notification on 12th May, 1997 and amended state government servants (conduct) Rules 1973, by inserting a new Rule 20(2) to prevent the government servants from employing children below the age of 14 years for any work. Tamilnadu is the first state to accept the recommendations of the commission in this regard. Various state governments have also agreed to implement this directive when the central government would amend the rules.

Several projects of the central government under its National Child Labour project scheme have benefited more than 1 lakh working children, now working in 2,528 non-formal education centres in 11 states. Recently, the government released 6.65 cores to 133 district (i.e), Rs. 5 lakh per district of 13 states for awareness generation activities.

In 1966, the government launched Rs 850 crore programme to eliminate completely child labour hazardous

industries by the turn of the century.

During 1996-97 an allocation of Rs. 56 crores was made for child labour related programmes, and in 1997-98 budget for an amount of Rs. 78.63 crore has been asked for the programmes for welfare of child/women labourers.

Factors like child labour in India, population growth, illiteracy are deeply inter-connected, that the success of one programme depends upon that of the other. If we want family planning to succeed parents must send their children to schools. A highest standard of education will bring in a greater acceptance of family planning norms. A literate child after becoming a parent will surely be against the idea of a large family. The rural areas and employment schemes like IRDP, TRYSEM, and Special Employment Programmes such as JRY, EAS, DAAP will have to be enlisted and the various measures initiated with these schemes have to be properly implemented to curb child labour practice.

co-effective and result oriented manner.

It is hoped that the Union Government will soon set up a National Commission for children on the lines of other national commissions which look after the interests of the women, minorities, scheduled casts and scheduled tribes and so on. It is now high time that the present government at the Centre thinks seriously and acts on the proposal immediately.

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