



Leader of The Tomorrow (Protection of Child labour)

KEYWORDS

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ABSTRACT *A number of Non-governmental organizations (NGOs) have been playing a vital role in to eradicate the child exploitation, besides government interventions. Realizing that the government alone was not able to meet the challenges of the massive enormous tasks in the process of eradicate the child exploitation, the non-profit, voluntary and non-governmental organizations had to be involved in different phases and activities at the global, regional and local levels. Thus, in later phases, both the GOs and NGOs have been actively involved in transforming the lives of the CHILD. The NGOs have fought against the system of bonded labour, fake encounters by police, protection of women children's rights, custodial violence and custodial death, prevention of torture and other in human practices. The judiciary has passed appropriate order and given compensation to the victims on a petition by the NGOs.*

Non-governmental organizations (NGOs) are a heterogeneous group. India is highly potential source for Opportunities and Challenges even in the area of NGO activities. The basic reason being India is one of the largest populated countries in the World as a result there exist innumerable human problems and issues. The Government and its agencies are not sufficient to deal with the requirement of social needs and understanding the empathies of the people. Besides these, there are multiplicities of languages, cultures, uneven distribution of income and continuing poverty since several decades. The poverty leads to child labour or bonded labour. She/he exploited by their parents. Child labour has existed all over the world, in one form or another, from early times. The compulsions of life forced the children to work in houses and in fields. Child labour showed its acute evil effects only after the Industrial Revolution in England and thus attracted the attention of social reformers.

The World Bank defines NGOs as "private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development."

India has more number of NGOs in each district outnumbering the Primary and Secondary Schools. The reason being the Registration of NGOs are easier at State Level (Registrar of Societies) as compared to the NGO u/s Section 25 of The Companies Act 1956. The term NGO has an origin from United Nations since the year 1945. NGOs monitor the actions of governments and pressure them. They are serving the people who are unable to meet the minimum life standard and provide a voice for those unable to speak for themselves and counter the views of more powerful groups. NGOs play roles from advocates for the poor to implementers of government programs; from agitators and critics to partners and advisors; from sponsors of pilot projects to mediators.

Age-based discrimination:

Children face discrimination in most societies in comparison to adults because they have less power. This is a result of children's dependence on adults and adults' reluctance to give them more decision-making power as they develop the ability to exercise it themselves. Besides experiencing discrimination as a group (or 'age-based discrimination'), children face discrimination on other grounds such as their gender, disability, or sexual orientation, and sometimes because of a combination of reasons. The UN Committee on the Rights of the Child has so far identified 53 grounds of discrimination against children based either on their identity or the identity

of their parents.

Protective Age:

International conventions define children as aged 18 and under. The aim of defining a child as being under 18 is protective. Indeed, some differential treatment based on age is necessary to guarantee children's protection. However, in many cases, children's age and relative lack of experience is used as a justification for denying them rights to which they are entitled. In other words, children face exclusion and unfair treatment because of the low status accorded to childhood in most societies. "Child" and "childhood" are also defined differently by different cultures. A "child" is not necessarily delineated by a fixed age. Social scientists point out that children's abilities and maturities vary so much that defining a child's maturity by calendar age can be misleading.

Rehabilitative care:

"Child Labour" is work for children under age 18 that in some way harms or exploits (physically, mentally, morally, or by blocking children from education) them. The problem of child labour is not new and much more needs to be done to abolish child labour. Education is an essential tool to not only eradicate child labour but also ensure better childhood of these tiny working hands. Article 39 of UN Convention on the Rights of the Child (CRC) explains Rehabilitative care. This article stipulates that special protection and assistance should be made available to child victims of armed conflict, torture, neglect maltreatment or exploitation. The impact of violence can have long-term effects on children, but proper support services can mitigate the consequences and future discrimination. In this effort grass root NGOs can play a pivotal role. Many NGOs like Bandhua Mukti Morcha Salam Balak Trust etc are not only rescuing the working children and providing shelter to them but are also looking after their educational needs. The rights of the child were put on the international agenda as far back as 1919, when the International Labour Organization (ILO) drew up a convention aimed at restricting child labour in industry by setting a minimum age (ILO Convention 5). It was followed by various other conventions on the minimum employment age for different sectors, including shipping, agriculture and nonindustrial occupations. In 1973, the ILO drew up a universal convention on the minimum employment age, applicable to virtually all sectors (ILO Convention 138). In June 1998, the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work, the Declaration commits member states to respect and promote principles and rights in four categories. These categories are: freedom of association and the

effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.

Entry to work:

The age of entry to work varied from country to country, state to state and region to region. This was because of geographical, topographical and demographic conditions which varied widely. These variations notwithstanding, it was necessary to adopt a minimum age for entry to employment and work.

Provisions relating to child labour, as well as child welfare, have been incorporated in Part III and Part IV of the Indian Constitution dealing with Fundamental Rights and Directive Principles of State Policy respectively. The framers of the Constitution were well aware of child labour and a fundamental right in favour of children was incorporated in Article 24. As a result, employers are prohibited from employing children below the age of 14. Many statutes have been enacted to fulfil the spirit of the Constitution, but their implementation is not always satisfactory. In *MC Mehta v State of Tamil Nadu* the Hon'ble Supreme Court held that children cannot be employed in match factories which are directly connected with the manufacturing process, as it constituted hazardous employment within the meaning of Employment of Children Act 1938. They can, however, be employed in the packing process but it should be done in an area away from the place of manufacture to avoid exposure to accidents.

Primary responsibility:

The Constitution of India places a primary responsibility on the state to ensure that all needs of children are met and their human rights are fully protected. The Indian Factories Act 1881 had set seven years as the minimum age for child labourers, allowing them to work for a maximum of nine hours per day. In 1891, the age was raised to nine years and hours reduced to seven; additionally the children were prohibited to work between 8 pm and 5 am. Further, the Factories Act 1911 prohibited works in certain dangerous processes and required a certificate of age and fitness. The Factories Act 1934 prohibited work in factories for children under 12 years and regulated the employment of children between 12 and 17 years of age.

Statutory Protection:

The Factories Act of 1948 raised the minimum age from 12 to 14 years. In 1954, the Act was amended to prohibit employment of children less than 17 years between the hours of 10 pm and 7 am. The Factories Act 1948 is still in force. Section 67 of the Act prohibits employment in factories of children below 14 years. According to Section 68(7), those children employed in factories between the age of 14 and 17 years must have a certificate of fitness. A child under 15 may not work during the night, may not work more than four and a half hours per day and may not work in more than one factory per day (Section 71). Under the provisions of the Factories Act, the Factory is defined as (i) any premises where 10 or more workers are employed and any manufacturing process is carried on with the aid of power, or (ii) 20 or more workers where the manufacturing process goes on without aid of power. The conditions of poverty are such that, despite the prohibition under the Factories Act, children work in various premises within the scope of the Act. In addition to the legislative enactments passed by the central government, the states also regulate, through various legislative enactments, child labour in shops and commercial establishments.

Child labour (Prohibition and Regulation) Act 1986:

There were many Acts prohibiting child labour below 14 or 15 years in certain specified employments. However, there was no procedure laid down for deciding in which employments, occupations or processes the employment of children should be banned. There was also no law to regulate the working conditions of children in most of the employments

where they are not prohibited from working under exploitative condition. The Act, therefore, seeks to attain the following objects: (1) It amends certain Acts to prohibit employment of children uniformly below 14 years. (2) The Act bans employment of children below 14 years of age in specific occupations and processes. Section 3 of the Act provides that no child shall be employed or permitted to work in any of the occupations set forth in part B of the schedule or in any workshop wherein any of the processes set forth in part B of the schedule is carried on except where in a workshop the process is carried on by the occupier with the aid of his family or where it is carried on by a school established by or receiving assistance or recognition from the government.

Conclusion:

An NGO is nowadays not expected to deliver directly some benefits to people, but to motivate people, mobilize resources, initiate leadership, and participate in development programmes for self reliance. NGOs play a pivotal role to educate to teach and train vulnerable groups, about existing human rights norms, possibilities of redress and the dissemination of information both to the public in general and to vulnerable groups, making the latter aware of their rights and freedoms. Many NGOs have worked hard to include children with disability in schools, end caste-based stigma and discrimination, prevent child labour and promote gender equality resulting in women receiving equal wages for the same work compared to men. During natural calamities they have played an active role in relief and rehabilitation efforts, in particular, providing psycho-social care and support to the disaster affected children, women and men. Child Relief and You (CRY) is a voluntary organisation committed to the upliftment of millions of children who have been deprived of their childhood due to various reasons. Butterflies are an NGO with a programme for street and working children. Several NGOs have worked hand in hand with the Government to ensure that millions of out of school children are enrolled and continue their school education. Bodh Shiksha Samiti has advocated a model of appropriate education for the urban deprived, by drawing attention to the size of the problem of the unschooled among the urban poor in Rajasthan. Pratham has established a partnership with the Municipal Corporation of Mumbai on the importance of universal pre-school education as a gateway to universalizing primary education. Teach India, a Times Group initiative, is a Corporate Social Responsibility (CSR) project to improve employability of youth from underprivileged background by training them in spoken English. Child welfare NGO can mould the scattered future that is an orphan child into a strong leader of the tomorrow.