

## **C h i l d r i g h t s & c h i l d l a b o u r e n a c t m e n t s**

*Keynote Address delivered by* **HON'BLE THIRU JUSTICE S.RAJESWARN Judge, High Court Madras, during the Inauguration of One Day Workshop on Child Rights & Child Labour Enactments held at Tamil Nadu State Judicial Academy, Chennai on 19.09.2009**

Respected Principal Secretary, Labour Department, Government of Tamil Nadu, Commissioner of Labour, other officers from the Government, Dr. Jayachandran, Director, learned Chief Judicial Magistrates and Magistrates, guests and the Press. I am happy to be here this morning to be a part of this workshop.

Children are our great assets and they are the most vital National Resources. The future of any nation is largely determined how its children grow and develop. We see that Child Care and Child development programmes have been attracting the attention around the Globe. No doubt, a Child should have a full and harmonious development of his or her personality – they should grow up in a family environment, atmosphere of happiness, love and understanding. They must lead a individual life in a society. But in reality, it is a matter of serious concern that children do not get a fair deal, though, undoubtedly, they constitute most precious section of the society, not only in India, but many countries in the world.

“Our children should grow upto become Robust citizens physically fit, mentally alert and morally healthy, no doubt, with a skills and motivation needed by the society”.

“National Policy for Children”,  
Govt. of India.

If you see the history, the Child Labour, relates back to the period of industrial revolution where, children at the age of four, were employed in the production work at factory, facing dangerous and fatal working conditions.

In the later period, i.e., Victorian Era, children were employed in factories and mines, Thereafter, slowly their work spread almost to all sections of society both in organized and unorganised sectors like Carpet industry, Match and fire works, stone quarrying work (Mordabad), Glass bangles (Faridabed), Zari making (Lucknow), Lock making etc.

Now, we find more in restaurants, rag picking, Dhabas, domestic servants, shops, coolies, boot polishing, milk vending, newspaper vending, Begging, brick furnaces, etc. Thus, the child labour has become more common now.

This issue has gathered momentum internationally and United Nation and the International Labour Organisation have considered this issue and suggested various remedial measures.

For eg. U.N. Convention on the rights of the children, in Art.32 reiterates that “ States recognize the right of the children to be protected from economic exploitation and from performing any work which is likely to be hazardous or the interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral, or social developments.”

Almost all countries have become signatories of this Convention making it more legal internationally in respect of prohibiting illegal Child labour.

Further during 1999, there was a global march against Child labour, which drew the attention of many on this issue of Child labour.

In our Indian Constitution also, we have a number of provisions in this regard.

**Art.15(3):**

“Nothing under Art.15 shall prevent from making special provision for children.

**Art.23:**

Right against exploitation is enshrined.

**Art.24:**

Mandates no child under the age 14 shall be employed to work in any factory or mines.

**Art.39(e) :**

Contemplates that State shall in particular direct their policy towards securing that the children of tender age are not abused and that citizens are not forced by economic necessity to enter avocation to the age and strength.

**Art.39(f):**

Substituted by 42<sup>nd</sup> Amendment Act 1976 with effect from 03.01.1977 contemplates that the State shall in particular direct their policy toward4s securing that children are given opportunities and facilities to develop any healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

**Art.45:**

Contemplates that State shall not endeavor to provide free and compulsory education for all children until they complete age of 14 years.

**Art.51A:**

It shall be duty of every citizen of India who is parent or guardian to provide opportunities for education to his/her children or as the case may be between the age of 6 and 14 years.

Apart from the above Constitutional safeguards, the Centre and the State governments have legislated various laws to combat evil of this problems like;

- 1) Child (Pledging of Labour) Act 1933
- 2) The Plantation Labour Act 1951

- 3) The Mines Act 1952
- 4) The Immoral Trafficking (Prevention) Act 1956
- 5) The Merchant ship Act 1958
- 6) Factories Act
- 7) Apprentices Act 1961
- 8) The Motor Transport workers Act 1961
- 9) Beedi and Cigar workers (Condition of employment ) Act 1966
- 10) The Dangerous Machineries and Regulation Act 1983
- 11) Child Labour (Prohibition and Regulation) Act 1986
- 12) The Juvenile Justice ( Care and Protection of child) Act 2000

Apart from this, Cr.P.C.; I.P.C. do provide protection and safeguards.

Besides the Centre and States, N.G.Os. Do contribute a lot and play an important role.

**Reasons:**

The reasons for Child labour is mostly attributed to the economic conditions of the family, like parental poverty, the wages of children augment the family budget, ignorance, illiteracy, Population exploitation, lack of knowledge of their rights by poor parents, indebtedness, large size family but income being less, lack of security, Scheme in our Country, last but not the least, weak enforcement of laws.

Though laws are there, there is no strict enforcement of the same – Further, the authorities do find it difficult to monitor this Child Labour issue as people do not take serious note of this problem.

Willingness of parents to offer their children to work to pay off their debts adds to the problem. Thus, the saddest part is the parents do not protest against such exploitation and it goes on unabated.

**Effects :** The working children do develop psychological, defects, physical injuries, anxiety and stress. They live in an unhealthy condition attracting all sorts of diseases; skin, Tuberculosis, Asthma, etc.,

Further, when there is no work no pay and the employers are happy, No ESI, PF etc., Businessmen to encourage this because there is low wage and more profits. Ultimately, when they grow up they become anti social elements as they have neither skill nor education to lead a life of their own.

In the bargain, children disappear in the World of want. Therefore, the problem is acute, severe and multi – dimensional.

**What is to be done,** if we are not able to prevent them in total, bring regulatory measures like make them work in Part-time Jobs, provide basic education and food, School, so that they earn and study.

Enforce Child Labour Laws Strictly.

Conduct Adult education to the parents of the child workers and awareness programmes to the parents.

Providing Employment to adults, payment of minimum wages, development of social security schemes for the poor to meet their bare existence so that they would be able to make their both ends meet. Further compulsory education for the children.

Action involvement of NGO's Some school of thought suggest that the products make by children should b avoided and all should refrain from buying such products. An attempt was made in this direction by a few in boycotting. Crackers as more child labour is involved in fireworks factories. But, such boycotting of products perhaps may result in children turning to more dangerous or strenuous professions such as prostitution and agriculture.

For eg. UNICEF Study found that after introduction of Child Labour Deterrence Act in U.S., an estimated 50,000 children were dismissed from the garment industry. Jobs in Bangladesh leaving many to resort to jobs such as stone crushing, street hustling and prostitution.

Thus, the issue of Child labour is so important that the attention of the legislature, executive and Judiciary alone will not do, but it requires immediate serious attention of social reformists, Research Scholars, Academicians, NGO's and all those who care for the development of the nation. All-round attention on the problem of Child Labour is the need of the hour. The Child labour not only prevents children from acquiring the skills and education they need for better future, but it also perpetuates poverty and affects national economies through losses in competitiveness, productivity and potential income.

Though in the organized sector like match factories, Cracker factories, Petrol Pumps we hardly find child workers, These days, in the unorganized sectors vz., houses, hotels, Motor Mechanic Sheds, etc., more children are employed freely causing concern.

Therefore, while we are celebrating the 12<sup>th</sup> June every year as "World day against Child Labour", me must take a vow that every step should be taken in the right direction to eradicate this problem or reduce the impact of this as good lot of children even today are underfed, ill clothed, uneducated and without adequate medical help; as these essential amenities of life are deprived to them. Their lives are shaped by deprivation, poverty and fear.

I am sure, this one day workshop would forces on this burning issue and arrive at useful and effective proposals to combat this problem.

**Thank you.**