

Physical & psychological hazards faced by child labour: Constitutional provisions

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Abstract

Child labour is the practice of having children engage in economic activity on part time or full time basis. Child labour is a global issue associated with poverty, inadequate educational opportunities, gender inequalities and a wide range of health risks. About 22000 working children die due to occupational hazards every year, as per ILO estimates. Indian population has more than 17.5 million working children in different industries and maximum are in agricultural sector, leather industry, mining and industries etc. Children are more prone to risk than adults because of rapid skeletal growth, organ and tissue development, greater risk of hearing loss, higher chemical absorption rate etc. India has the largest number of urban and rural child workers in the world. India being a developing nation is faced with traditional public health problems like communicable diseases, malnutrition, poor environmental sanitation and inadequate medical care. Large number of children works in agriculture, manufacturing, mining and domestic service. Domestic child labourers can be victims of physical, emotional, sexual abuse. The present paper focuses on the physical and psychological hazards faced by child labour and constitutional provisions for eradication and protection of child labors health and safety.

Keywords: Child labour, Physical hazard, Psychological hazard, Malnutrition, occupation

1. Introduction

Child labour is a worldwide phenomenon. Hazardous child labor is defined as working in dangerous or unhealthy conditions that could result in child being injured or acquire illness as a consequence of poor safety and health standards and working arrangements. Child labour deprives children of their childhood, their potential and their dignity that is harmful to their physical and mental development. The number of working children in India is 248 million. Children who fail to get necessary education lack in their all-round development and are more vulnerable to diseases due to hazardous work. Children work because of poverty, lack of compulsory education, rapid rural urban migration and because of prevailing social cultural and political attitudes. Children are usually employed in the informal sector where conditions of work are appalling and welfare facilities are conspicuous by their absence. The working conditions severely tax the child's physical and mental capacities. They may be forced to work in awkward position in badly ventilated noisy and unhealthy premises, in unhygienic surroundings in an atmosphere contaminated with dust and gases.

Child labour is characterized by certain hazards. Hazardous child labour is the largest category of worst forms of Child labour with an estimated 115 million children aged 5 to 17 years working in major conditions in sectors as diverse as agriculture, mining, construction, manufacturing and domestic service. Child labour causes damage to child's physical and mental health apart from depriving him of his basic rights to education, development and freedom. The "worst form of child labour" is an appalling category of child labour which has been defined to include all forms of slavery, child trafficking, and child soldier, and commercial sexual exploitation, hazardous child labour and using children in illicit activities

Eliminating these worst forms of child labour should receive the most urgent attention, according to the 171 countries that have

ratified ILO Convention 182. Recent figures from the International Labour Organization (ILO) show that; globally, 1 in 6 children work, 218 million children aged 5-17 are involved in child labour worldwide, 126 million children work in hazardous conditions. The highest number of child labourers in the Asia/Pacific region, where there are 122 million working children. The highest proportion of child is in Sub-Saharan Africa, where 26% of children (49 million) are involved in work. Rural working children, for example, are mainly engaged in agriculture activities and collecting water, fuel and fodder. In many countries, poor girls work as domestic servants for richer families.

Child Labour accounts for 22% of the workforce in Asia, 32% in Africa, 17% in Latin America, 1% in U.S, Canada, Europe and other wealthy nation. Child Labour is a social problem and needs special attention from all levels to eliminate the basic causes behind it. Child labourers always had lower growth and health status compare to their nonworking counterparts, besides exposure to occupational hazards at a very young stage in their lives. It is now difficult to abolish child labour in the present situation of our country, but these children can be protected from health hazards, abuse and exploitation. Working conditions for these children can be improved and regulated. Regular health check-up and early detection of health problems with necessary treatment should be arranged for them. Elimination of child labour can only be possible with combine effort of parents, community, government, nongovernment and voluntary agencies. Creation of awareness about the evil is the prime responsibility to prevent and abolish it. The global total includes 115 million children fewer than 18 engaged in "hazardous work" which could threaten their safety or health. The remaining 100 million child labourers are those under 15 whose tasks are not hazardous but are more substantial than "permitted light work". Almost all child labour occurs in developing countries, with about 60% engaged in agriculture.

Other occupations include domestic service, factory production and backstreet workshop.

2. Physical Hazards

Child labour is characterized by certain physical hazards. Children are particularly at risks from endemic and parasitic diseases, respiratory tract, demotists and fatal accidents. Child labour in industries is faced with serious risks to their health and physical development. Child labour involves both short term and long term risks. A WHO report on Child labour sites health hazards such as bony lesions and postural deformity attributable to search work as carpet weaving, embroidery and lifting heavy weights children generally work for long hours, which results in excessive fatigue and stunted growth. Poor children are generally malnourished but their work increases their energy requirement and calorie deficit. Majority of working children are employed in the unorganized and informal sectors as the organized sector is covered by National laws, which prohibit child labour. The highest number of child labour was found in Agriculture and Industry.

Occupational health and safety has a greater scope in the heavy industry sector. Skills required to manage occupational health and safety are compatible with environmental protection and these responsibilities are bolted onto the workplace health and safety professionals like occupational health nurse. Occupational health nurse is accountable for occupational health programming and services, promoting workplace health and wellness within the guidelines and requirements of relevant Occupational Health and Safety legislation, consults with experts to provide the breadth and depth of programming necessary for a wide spectrum of occupational disease prevention, health promotion and education. Occupational health nurse frequently co-ordinates multidisciplinary activities employing the knowledge, skill and experience of professionals from human resources, safety and services for persons with disabilities, mental health, infection control and public health. An effective awareness program about occupational hazards and first aid management helps to reduce the number of injuries and deaths, property damage, legal liability, illnesses, workers compensation claims, and missed time from work. It is important that new employees to be properly trained and embrace the importance of workplace safety as it is easy for seasoned workers to negatively influence the new hires. In India, occupational health is not simply a health issue, which includes child labor, poor industrial legislation, vast informal sector, less attention to industrial hygiene and poor surveillance data. As per the Director General of Factory Advisory Services and Labor Institutes Report (1998) there were 300,000 registered industrial factories and more than 5000 chemical factories in India, employing over half a million workers. Approximately 8.8 million workers were employed in various factories.

DC Metgud, Subhash Khatri (September 2005 to April 2006) conducted a cross sectional observational study for identification of health related problems in Sindholi Belgaum district, Karnataka among 350 workers in spinning section, 100 females aged between 30 to 45 years were randomly selected. The muscular-skeletal problems with pain were found in 91% of the subjects, postural pain in low back was present in 47% while in neck was 19%. The finding shows that pain and fatigue are found to be the main problems for women in the spinning section of the small-scale industry and reveals that ergonomic

factors such as provision of backrest and frequent rest periods could remediate the muscular-skeletal symptoms.

3. Psychological Hazards

Children who are in risky job fields have no opportunity to build their natural psychosocial health. Long working hours breed their feeling of frustration and inadequacy. Their involvement in risky work resists eventually in building their emotional cognitive skills and they become withdrawn, introvert and uncommunicative. A significant portion of the children working at construction and welding sector are suffering from psychological immaturity and overall 40 percent child laborers are affected by abnormal psychological growth. They are also deprived of the special care that would be required for their psychological effects. Child laborers are typically paid less than adults in all varieties of jobs even though they perform the same work and have to work beyond normal working hours.

Ayyappan R, Sankar S, Rajkumar P, Balakrishnan K (2009) ^[9] conducted a Cross-sectional study in Chennai among automotive industries to illustrate the prevalence of work-related heat stress in multiple processes of automotive industries and the efficacy of relatively simple controls in reducing prevalence of the risk through longitudinal assessments. 400 measurements of heat stress were made over a 4year period at more than 100 locations within 8 units involved with automotive manufacturing. The result shows that many processes in organized large-scale industries have to control heat stress-related hazards. 28% of workers employed in multiple processes were at risk of heat stress-related health impairment. The above finding shows that there is a need for recognizing heat stress as an important occupational health risk in both formal and informal sectors in India.

4. Constitutional provisions regarding child labour

Several articles of Indian Constitution provide protection and provisions for child labour.

- **Article 15 (3):** The State is empowered to make the special provisions relating to child, which will not be violative of right to equality.
- **Article 21:** No person shall be deprived of his life or personal liberty, except according to procedure established by law. The Supreme Court held that life includes free from exploitation and to live a dignified life.
- **Article 21A (Right to Education):** The State shall provide free and compulsory education to all children of the age of six to fourteen years, in such manner as the State may, by law, determine. Where children are allowed to work, in such establishment, it is the duty of employer to make provisions for the education of child labourer
- **Article 23:** Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this prohibition shall be an offence punishable in accordance with law.
- **Article 24 (Prohibition of Employment of Children in Factories, etc.):** No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- The Supreme Court held that “hazardous employment” includes construction work, match boxes and fireworks therefore no child below the age of 14 years can be employed.

- **Article 39 (e):** The State shall, in particular, direct its policy towards securing the health and strength of the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- **Article 39 (f):** The State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity; and that childhood and youth are protected against exploitation and against moral and material abandonment.
- **Article 45:** The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- **Article 51A (e):** It shall be the duty of every citizen of India, who is a parent or guardian to provide opportunities for education to his child or ward as the case may be, between the age of six and fourteen years.

5. Committees and commissions on child labour

Along with legislation, a series of committees and commissions have been appointed by the Government of India, either specifically on the question of child labour or on labour conditions in general to enquire into the causes or consequences of the problem and to suggest measures to reduce the incidence of child labour and to ameliorate the conditions of the child workers.

- The Royal Commission on Child Labour observed that the employment of children continued to be a problem and found out that in many cities large number of young boys was employed for long hours and the employees imposed corporal punishment and other disciplinary measures against them.
- The Labour Investigation Committee submitted in its report in the year 1946 observed that in various industries, especially smaller industries, the statutory prohibition of employment of children was not seriously enforced.
- According to the National Commission on Labour "the employment of children is non-existent in organized industries. It persists in varying degrees in the unorganized sector.
- **The Gurupadaswamy Committee**, in its 1979 report, identified the sectors of the economy with substantial number of working children.

The Committee in its report recommended

- Setting up of Child Labour Advisory Boards;
- Fixation of minimum age of entry to any establishment;
- Strengthening of enforcement machinery;
- Formulation of effective education policy.
- It was realized that legislation alone cannot bring an end to child labour. Therefore, the National Policy on Child Labour was formulated in conjunction with the legal measures to address the socio-economic issues and to provide a framework for a concrete programme of action. The policy encompasses action in the field of education, health, nutrition, integrated child development and employment.
- The National Authority for the Elimination of Child Labour (NACEL) was constituted on September 26, 1994 under the chairmanship of Union Labour Minister. The NACL in its

1995 meeting adopted a programme of securing convergence of services of Ministries of Governments.

6. Conclusions

The child labor problem needs to be conceived as a broader problem of poverty and survival techniques. For reducing child labor successfully, it must be accompanied by alternative modes of income for those dependent on child labor. Until such, it is necessary to balance the perceived need of child labor with the children's vulnerability related to their physical and mental immaturity. Yet, the government and other relevant organizations need to take more initiatives to build a sense of responsibility and independence in the premature mind of the children and prepare them for a productive and healthy adult life. In this regard, the concerned authorities need to take a variety of integrative measures.

However, globalization and rapid industrial growth in the last few years has resulted in emergence of occupational health related issues. The major occupational diseases/morbidity of concern in India are silicosis, musculo-skeletal injuries, coal workers' pneumoconiosis, chronic obstructive lung diseases, asbestosis, by sinuses, pesticide poisoning and noise induced hearing loss. There are many agencies like National Institute of Occupational Health, Industrial Toxicology Research Centre, Central Labour Institute, etc. are working on researchable issues like Asbestos and asbestos related diseases, Pesticide poisoning, Silica related diseases other than silicosis and Musculoskeletal disorders.

UNICEF estimates that India has highest number of child labour in world, so there is a need for intensive focus to improve working conditions of health of children. The measures such as creation of advanced research facilities, human resource development, creation on environmental and occupational health cells and development of database and information system should be taken to eradicate child labour.

Working condition for these children can be improved and regulated. Regular health check- up and early detection of health problems with necessary treatment should be arranged for them. Elimination of child labour can only be possible with combine effort of parents, community, government, nongovernment and voluntary agencies. Creation of awareness about the evil is the prime responsibility to prevent and abolish it. The global total includes 115 million children fewer than 18 engaged in "hazardous work" which could threaten their safety or health. The remaining 100 million child labourers are those under 15 whose tasks are not hazardous but are more substantial than "permitted light work". Almost all child labour occurs in developing countries, with about 60% engaged in agriculture. Other occupations include domestic service, factory production and backstreet workshop.

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