

**LEGAL MEASURES TO AMELIORATE CHILD LABOUR IN MATCH AND FIRE
WORKS INDUSTRIES**

C.LAKSHMANA KUMAR,

Ph.D Research Scholar, Reg.No.22112101081002,

PG Department of History, Kamaraj College, Thoothukudi.

Affiliated to Manonmaniam Sundaranar University, Abishekapetti, Tirunelveli - 627012.

Email.Id:- lakhkuty215@gmail.com

&

Dr. K.KARUPPAIAH,

Assistant Professor, PG Department of History, Kamaraj College, Thoothukudi.

Affiliated to Manonmaniam Sundaranar University, Abishekapetti, Tirunelveli - 627012.

Email Id:- karuppaiah1251986@gmail.com

ABSTRACT

The child labour is a societal issue that has to be resolved. All children should attend school in order to receive an education, but they shouldn't be assigned to dangerous businesses where they would have to work from sunrise to sunset, endangering their physical and mental development. As a result, the government implemented a number of laws. Initially, all efforts were focused on regularizing child labour, but subsequently, laws were created to completely eradicate it.

Key Words: child labour, age limit, uniform code, Act, weekly Holidays, commission

INTRODUCTION

Child labour is a harmful and malignant element that is undermining a country's development as well as the development of each individual child. As a result, a large number of sociologists supported its complete elimination.¹ However, this is difficult to do since hundreds of thousands of youngsters would lose their occupations, and thousands of families would suffer as a result of poor pay. As a result, legal authority was preferred to govern their labor conditions, hours, and pay. The government took their job in the dangerous industry very seriously and closely monitored it. Numerous international organizations, like the ILO, have reinforced this idea. They considered child labour to be a social disgrace. Since India is one of the founding members of this international forum, it must abide by its recommendations, ideas,

and laws.

Age Limit

Initially, the Indian government was quite stringent about prohibiting minors from working in dangerous sectors. As a result, it sought to impose tight 'age' regulations through legal means from the start.

The age of child laborers was initially established by the Factories Act of 1881.² This marks the beginning of statutory protection of minors working in workplaces. The Factories Act of 1891 and Mines Act of 1901 increased the age limit for child labor from "7 years" to 9 and 12 years, respectively. Furthermore, the Factories Act of 1911 made "Certificate of Age" and "Physical Fitness of Working Children" essential.³

Meanwhile, the government has raised the minimum age for children to 15, contrary to the guidelines of the ILO Convention (No.5) 1919. After considering Indian conditions, the government updated its earlier act, raising the minimum age for child work from 12 to 13 in the 1933 Act and 14 in the 1948 Factories Act. The Employment of Children (Amendment) Act of 1949 also sets a minimum age for working children in establishments.

The press has highlighted the perilous working conditions for children in the Sivakasi Match and Fire Works Industries. Numerous such reports had a telling effect on the government, so it appointed a fact-finding committee in 1976 by the Tamil Nadu government under Harbans Singh, Member of the erstwhile Board of Revenue, to study the condition of working children in Ramanathapuram District 10, of which Virudhunagar was a taluk. The recommendation is for the Factory Inspector and Medical Officer to monitor age violations by conducting monthly visits to the workplace and keeping a register of working children's ages.⁴ Although rigorous adherence to this guideline minimized malpractice, it did not prevent it entirely. Although rigorous adherence to this guideline minimized malpractice, it did not completely eliminate it.

Meanwhile, another committee created by the Centre in 1979, chaired by Gurubadhaswamy, investigated the state of child labor and proposed solutions. It also insisted for a thorough investigation of child labor and the punishment of errant entrepreneurs. However, despite significant efforts, the government was unable to prohibit the manufacture of

bogus age verification certificates, implying that child labor is still prevalent.

Working Hours

A variety of labor laws were enacted to safeguard minors in the workplace in accordance with constitutional principles. The majority of child laborers in Virudhunagar District work for 8 or more hours per day, sometimes in dangerous conditions.⁵ Nearly 90% of them work 7 to 12 hours every day, with 10% working 13 hours or more. About 10% of the youngsters leave their homes early in the morning, around 4 a.m., and return around 8 p.m.

While the Match factory's standard working hours are up to 10 hours, from 8 a.m. to 6 p.m., the reality is considerably worse. On average, youngsters labor 12 hours every day in firing conditions.⁶ Sixty percent of the youngsters work six days a week, and forty percent work seven days a week without rest for months on end.

They sit in a gloomy room and work nonstop, with the exception of lunch, which lasts no more than 15 minutes and is interrupted two or three times by nature's calls. They frequently endure unpleasant remarks from their supervisor if they are slow at work. They work roughly 12 hours every day, compared to the legally required 4 1/2 hours, and are away from home for more than 15 hours. The nature of the labor is not stressful; rather, what is uncomfortable is the excessively long hours that the children must spend away from home at the work site or in transit between home and the factory. There are moments when their bodies ache, thoughts muddle up, hearts cry, and souls bleed.⁷ On the employer's orders, they work for 15 hours at a time, causing their bodies to pain, brains to cloud, hearts to cry, and spirits to bleed.

Uniform code on child labour

Meanwhile, in August 1977, the Indian government enacted the National Child Policy. As a result, "it stressed that necessary alternative form of education for children who are unable to take full advantage of formal education should be given some provision". The Institute of Public Co-operation and Child Development convened the National Seminar of Employment of Children in New Delhi in 1975, emphasizing the need of non-formal education for working children as part of their agenda.

They advised professional education to alleviate child labor and compensate families for

their loss. This would prevent parents from pressuring their children to work in factories. They also stated that attempts should be made to develop a 'National Children Code' that includes provisions for children's work in various areas. It also suggested that the 'National Board' form a research group or an investigation committee to look into different areas of child work, such as a review of legal provisions act by act and their execution in each industry. And there is a need to educate both employers and the public on the legal safeguards to defend their interests. There is also a need to educate employers and the general public on legal measures designed to protect children's interests.

Given the overall setting of the International Year of the Child, the Government of India was compelled to conduct a complete inventory through the Ministry of Labour, Government of India. The resolution established a 16-member committee led by Mr. M.S. Gurubadhaswamy to investigate the causes and problems associated with child labour. The Committee examined the problem from a broad perspective, assessing the effectiveness of existing legal frameworks, and developing necessary welfare and institutional arrangements for children in employment. The Committee believed that the then-existing legislative framework for employment in India was low and uneven. This has been a major cause for the lack of attention in efforts to control child labor in some economic sectors.

Later talks highlighted inherent conflicts in certain statutes, highlighting the need for a new comprehensive legislation to address labor issues. In 1969, the Gajendragadgar Committee emphasized the importance of unified legislation for all labours.⁸ As a result, the Gurubadhaswamy group decided to implement a "Uniform Code."

Hours of period of work

- No child shall be compelled or permitted to work more than the number of hours specified for such establishment or class of establishments.
- The work duration on each day should be such that no session shall last more than three hours without a rest break of at least one hour.
- A child's work period should be scheduled so that, including his rest interval, sub-section (2), it does not exceed six hours, including time spent waiting for work on anybody.
- No youngster may be authorized or expected to work between 7 p.m. and 8 a.m.⁹
- No youngster may be compelled or authorized to work overtime.
- No child shall be compelled or authorized to work in any establishment on a day when he has previously worked in another establishment.

Weekly Holidays

Every child employed in an establishment shall be entitled to one full day of vacation per week, which shall be specified by the occupier in a notice permanently displayed in a conspicuous location in the establishment, and the day so specified shall not be changed by the occupier more than once every three months.

In order to carry out the Act's aims, the government established the Child Labour Technical Advisory Committee to advise the central government on the inclusion of occupations and procedures to the schedule.¹⁰ This committee, consisting of a chairperson and 10 members, is formed to evaluate any given topic.

Conclusion

The numerous welfare legislation measures had a significant impact on the expansion of child work. These legislation prohibited the issuance of fraudulent age certificates, and industrialists were also brought under the government's scrutiny to prevent the recruitment of children under the age of 10. Furthermore, temporary part-time and night schools were established to educate child laborers. The government established special commissions to investigate the genuine and practical challenges faced by child laborers. Many welfare measures have been implemented in response to this commission's recommendations.

However, these welfare initiatives were unable to completely eliminate child employment, despite controlling the abuse of the child work force. As a result, the government continues to look for new ways to completely eliminate child labour. The Gurubadhaswamy Committee advised that it could only be abolished by the combined efforts of several government departments at the national and state levels, non-governmental organizations, industrialists, workers, and children. As a result, a "uniform Code" for the prohibition of child labour across India was developed. In addition, the Hari Baskar Committee proposed a variety of welfare measures to combat child labour. Ultimately, the Child Labour (Prohibition & Regulation) Act 1986 was passed with the primary goal of "total abolition" of child labour.

End Notes:

1. The Ministry of Labour, Government of India, Resolution No.s.27025/6/78 - FAC dated the 6/7 February 1979.
2. The Factories Act of 1881.

3. Frontline, 27 January 1995.
4. The Employment of Children (Amendment) Act of 1949.
5. G.O.Ms.No.415, Labour and Employment Department, Government of Tamil Nadu, dt.4.5.76.
6. Constitutional Provision Article 15(3) Article 21
7. Report of Thiru Harbans Singh, I.A.S., Member Board of revenue the problem of child labour in various factories and industries in Ramanathapuram District, Government of Tamil Nadu, 1976, p.30.
8. Report of the National Seminar on Employment of Children Institute of public Co-operation and Child Development, New Delhi, 1975.
9. The Ministry of Labour, Government of India, Resolution No.S -27025/6/78 - FAC dt. 6/7 February, 1979.
10. M.S. Gurubadhaswamy Committee report on child labour in India, Ministry of Labour, Government of India, 1979, p.36.