

Course Name: B.A.L.L.B
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ESSAY ON LEGAL ISSUES:

CHILD LABOUR

What is Child Labour

Child labour is a type crime in which children are forced to work in their very early age and perform the responsibilities just like adults by taking part in the economic activities. According to the International Labour Organization (ILO), there is an age limit applied to the children that children up to age fifteen will not involve in any type of work forcefully. It is an employment of the children in any type of work which makes children deprived of childhood, proper education, physical, mental and social well being. It is completely forbidden in some countries however has been an international concern in most of the countries as it is destroying the future of children to a great extent.

It is a serious matter (a big social problem) in most of the developing countries. Small age group children are being involved in the child labor hugely by the people of high status. They are avoiding the fact that children are the big hope and future of the nation. Millions of children have been deprived of the childhood and proper education in our country which is a dangerous sign. Such children do not get the chance of living a healthy life as they are not satisfied physically, mentally and socially from their childhood.

According to the Indian law, children below the age of 14 years cannot be employed to any type of work forcefully whether by the parents or owner in a factories, offices or restaurants. It is a common practice in India as well as other developing countries in a small scale industry, domestic aid, restaurant service, stone breaking, shopkeeper's assistant, every house-hold industry, book binding, etc.

What are the Causes of Child Labour

There are various reasons of child labor in our country. Some of the causes of global child labor are similar however differ country to country. Most common reasons are like poverty, repression of child rights, improper education, limited rules and laws on child labor, etc. Following are some important points regarding causes of child labour:

Poverty and high level of unemployment in the developing countries are the main reason of child labor.

According to the U.N. statistics of 2005, more than 1/4th of people worldwide are living in extreme poverty.

Lack of access to the regular education in many countries. It was found in 2006 that around 75 million children were away from the school life.

Violating laws regarding child labour give the way to increased child labor in any developing country.

Inadequate social control gives rise to the child labor in the agriculture or domestic work.

Limited child or workers' rights which affect labor standards and living standards to a great extent in order to eliminate child labor.

Small children get involved in the child labor in order to increase income of their family to manage two times food.

They are hired by the industries to get more work at reduced labor cost.

What are the Solutions to Child Labour

In order to eliminate the social issue of child labor, there is need to follow some effective solutions on urgent basis to save the future of any developing country. Following are some solutions to prevent child labor:

Creating more unions may help in preventing the child labor as it will encourage more people to help against child labor.

All the children should be given first priority by their parents to take proper and regular education from their early childhood. This step needs much cooperation by the parents as well as schools to free children for education and take admission of children from all walks of life respectively.

Child labour needs high level social awareness with the proper statistics of huge loss in the future for any developing country.

Every family must earn their minimum income in order to survive and prevent child labour. It will reduce the level of poverty and thus child labour.

Family control will also help in controlling the child labour by reducing the families burden of child care and education.

There is need of more effective and strict government laws against child labour in order to prevent children from working in their little age.

Child trafficking should be completely abolished by the governments of all countries.

Child workers should be replaced by the adult workers as almost 800 million adults are unemployed in this world. In this way adult will get job and children will be free from child labour.

Employment opportunities should be increased for adults in order to overcome problem of poverty and child labor.

Business owners of factories, industries, mines, etc should take the pledge of not involving children in any type of labour.

Child Labour as a Crime

Child labour is still practiced in many countries even after being a big crime. Business owners of the industries, mines, factories, etc are using child labour at great level in order to get more work at low labour cost. Poor children are more prone to be involved in the child labour as they are forced by parents to earn some money to give economic help to their family in the very young age (too young to realize their responsibilities towards family) instead of getting proper education and play with friends in childhood.

Conclusion

Child labour is a big social problem which needs to be solved on urgent basis by the support of both, people (especially parents and teachers) and government. Children are very little however they carry a prosperous future of any developing country. So, they are the big responsibility of all the adult citizens and should not be used in negative ways. They should get proper chance to develop and grow within the happy environment of family and school. They should not be limited by the parents only to maintain the economical balance of the family and by the businesses to get labour at low cost.

RESERVATION FOR WOMAN

WOMEN'S RESERVATION

The controversial yet historic Women's Reservation Bill, ensuring 33% reservation to women in Parliament and State Legislative bodies, was passed in the Rajya Sabha on 9 March, 2010. Of the votes polled, 186 were in favour of the bill and only one was against. The Constitution (108th Amendment) Bill could get through with "unequivocal" support from the BJP and the Left in the Upper House where the ruling UPA coalition is in minority. The 245-member House has an effective strength of 233. 14 years after the first attempt was made in the Lok Sabha and repeated failures subsequently, the Constitution Amendment Bill was adopted in the mandatory division with 186 members voting for it and one voting against. In the 245 member House with an effective strength of 233, the bill required the backing of at least 155 members and the UPA had the clear support of 165 in the run up to the event.

Highlights of the Bill

The Constitution (One Hundred and Eight Amendment) Bill, 2008 seeks to reserve one-third of all seats for women in the Lok Sabha and the state Legislative Assemblies. The allocation of reserved seats shall be determined by such authority as prescribed by Parliament.

One third of the total number of seats reserved for Scheduled Castes and Scheduled Tribes shall be reserved for women of those groups in the Lok Sabha and the Legislative Assemblies.

Reserved seats may be allotted by rotation to different constituencies in the state or union territory.

Reservation of seats for women shall cease to exist 15 years after the commencement of this Amendment Act.

Purpose of Reservation

The proponents of the policy of reservation state that although equality of the sexes is enshrined in the Constitution, it is not the reality.

Therefore, vigorous affirmative action is required to improve the condition of women.

Also, there is evidence that political reservation has increased redistribution of resources in favour of the groups which benefit from reservation. A study about the effect of reservation for women in Panchayats shows that women elected under the reservation policy invest more in the public goods closely linked to women's. A 2008 study, commissioned by the Ministry of Panchayats Raj, reveals that a sizeable proportion of women representatives perceive an enhancement in their self-esteem, confidence and decision-making ability. Some opponents argue that separate constituencies for women would not only narrow their outlook but lead to perpetuation of unequal status because they would be seen as not competing on merit.

Opponents also contend that reservation would not lead to political empowerment of women because larger issues of electoral reforms such as measures to check criminalization of politics, internal democracy in political parties, influence of black money, etc, have not been addressed and it could lead to election of 'proxies' or relatives of male

Alternate Methods of Representation

Reservation of one-third of seats for women in Parliament restricts the choice of voters in the reserved constituencies.

Two alternatives have been suggested by some experts: reservation with candidates within political parties and dual member constituencies where some constituencies shall have two candidates, one being a woman.

Initially, India had multi-member constituencies which included an SC/ST member.

A 1961 Act converted all constituencies into single member constituencies.

The reasoning was that the constituencies were too large and SC/ST members felt that they would gain in importance in single-member reserved constituencies.

Rotating Constituencies

The Bill states that reserved seats shall be allotted-by rotation to different constituencies in the state or union territory.

Rotation of reserved seats may reduce the incentive for an MP to work for his constituency as he could be ineligible to seek re-election from that constituency.

A study by Ministry of Panchayats Raj recommended that rotation of constituencies should be discontinued at the Panchayats level because almost 85 per cent women were first-timers and only 15 per cent women could get re-elected because the seats they were elected from were de-reserved.

On the other hand, the passing of the Women's Reservation Bill may cause bias in the democratic process. It may hurt the self-respect of women who have come up on their own ability, and may result in lesser respect for women in the society. It may also bring down the quality of leaders. It may create a new kind of hatred between genders as males may feel deprived of certain privileges, which in turn may create more social issues.

Another issue will be for the political parties, which will be forced to find women whether or not the women identify with the overall party agenda and the rest of the issues concerning all citizens, as opposed to just women's issues. There are no provisions to prevent discrimination against men because of finding women who are inclined towards women's issues alone, or, in other words, biased against men. Further, powerful male members of parties will be tempted to find female relatives to 'reserve' the seat for themselves. So, it is feared that reservation would only help women of the elitist groups to gain seats, therefore causing further discrimination and under-representation to the poor and backward classes.

Some leaders like Mulayam Singh Yadav, Lalu Prasad Yadav and Sharad Yadav have vehemently opposed the Bill in its current form. They are demanding a reservation for backward classes' women with the 33%, i.e., they are asking for a reservation within a reservation.

While, the struggle for women's empowerment goes on, one must, however, not forget that though numbers and percentages are important, it is ultimately numbers coupled with the correct world-view that can go a long way to strengthen the movement for women's liberation. Hence, it is finally the struggle of the working class and the toiling women that must benefit from women's quota. For the women who have made history without portfolios reserved seats, where women would be the contestants would expose better the politics of 'by women, of women, for women'.

It is to be realized by the Indian politicians that they can no longer ignore the justified demand of reservation for the women in Parliament and State legislature. Till the Parliament is dominated by such MP's and lack of 'will' determination with ruling party and no support from the other parties. The 33% reservation for the women will remain a 'Forlorn Hope'.