

## CHILD LABOUR IN BANGLADESH: LAW AND REALITY

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### ABSTRACT

Child Labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interfere with their schooling by depriving them of the opportunity to attend school. In Bangladesh, child labour is very common. In 2006, Bangladesh enacted The Bangladesh Labour Act and outlawed work by children under the age of 14. But reality is the numbers of child labourers is rising day by day. Socio-economic condition of Bangladesh is mainly responsible for child labour. Here in Bangladesh, Children work for helping their family financially as many families live under the poverty level. Also, the child workers are cheaper and considered to be more compliant and obedient than adults, so the employers take this opportunity. Bangladesh government and International Labour Organization are working for preventing child labour in Bangladesh. An attempt is made in this paper to present the comparison between law and reality in Bangladesh regarding child labour.

## INTRODUCTION

Bangladesh is an over populated country with more than 160 million people. Among them, more than 64 million is child in the country. The Bangladesh Labour Law 2006 prohibits employment of children less than 14 years of age in any occupation or establishment and age between 14 to 18 years old are not permitted to do any hazardous work.<sup>1</sup> More than 300 government, non- government and international organizations are working for preventing child labour in Bangladesh. But in a developing country like Bangladesh where many people live under the poverty level is not so easy task to stop child labour overnight. There are many children in many who are involved with hazardous work. They work in the garments, garage, shop, workshop, brick kiln, mill, shop, agriculture and vehicle. Most of these works are not permitted for them and put their mental and physical development at risk. But this is accepted and very common in accordance with social norms and economic conditions in Bangladesh, because many poor families rely on the income of their children. So, just making legal provisions for preventing child labour is not enough and fruitful, also needed to manage their survival commodities and necessity elements so that they can lead life without doing hazardous work. Most of the child labourers are boys but girls are hidden in domestic works.

## BANGLADESHI LAWS ON CHILD LABOUR

Now The Bangladesh Labour Act 2006 is dealing with child labour. Before the promulgation of the Act, the children (Pledging of Labour) Act, 1933 and the Employment of Children Act, 1933 were the major Acts in this field. Section 34 of The Bangladesh Labour Act, 2006 absolutely prohibits the employment of children in the following words: “No child shall be employed or permitted to work in any occupation or establishment”<sup>1</sup>. Before that, section 2(63) of the Act defines child in the following words: child means a person who has not completed 14 years of age.

This Act permits the employment of adolescent with fulfillment of some conditions. According to sec 2(8), adolescent means a person who has completed 14 years of age but not completed 18 years of age. Adolescent can work with fitness certificate but not these works

which are prohibited by the government as hazardous work. But adolescent can work as an apprentice or can take vocational training in any occupation or establishment. This Act also provides maximum working hour for the adolescent to work. But adolescent is not allowed to in any work in the underground or underwater. But the law does not provide a strong enforcement mechanism for the child labour provisions.

National Child Labour Elimination Policy 2010 sets some goals for child worker. It does not prohibit every employment of child. But sets some condition for permitted works and prohibits hazardous works. Wages, working hours, environment of the working place, education, physical and mental health, nutrition, medical facilities, special privileges for handicapped, street child, ethnic minority child are set by this policy.

A 12 years old boy Nahid drives rickshaw for earning money. His father is ill and can't do work. His family relies on his income. Nahid said, *"I drive rickshaw for buying my father's medicine. Whatever I can, I make him feed. Everyone wants to go to school. But I can't go to school because we don't have enough money."* Another child named Shihab works in workshop which is hazardous work for him. Shihab said, *"I have to work for survival. I don't get the opportunity to study. I get TK 250 in a week here and try to contribute with it for my family."*<sup>iii</sup> So it understood from their statement that the children do not want to these do works, but they are compelled to work for their livelihood. The Constitution of People's Republic Bangladesh 1972 prohibits forced labour in the part of fundamental right.<sup>iii</sup> The constitution also speaks about free and compulsory education for the children in the part of fundamental principles of state policy.<sup>iv</sup> Also in the same part, it is said that work is a right, duty and matter of honour for every citizen who is capable of working.<sup>v</sup> But the reality is legal protections regarding child labour are limited and the capacity to enforce child labour laws remains weak.

## **INTERNATIONAL LABOUR STANDARD ON CHILD LABOUR**

In international arena, UNICEF and International Labour Organization is playing the vital role to prevent child labour. The minimum age convention 1973 sets the general minimum

age for the children to work 15 years old where for light work may be 13 years old and for hazardous work shall be 18 years old. Children less than 16 years old may do hazardous work under some strict conditions. At the commencement of the convention, Bangladesh did not ratify the Minimum Age Convention 1973. But on 22 March 2022, the Government of Bangladesh deposited with the International Labour Office the instrument of ratification of the Minimum Age Convention, 1973 (No. 138), becoming the 174th ILO Member State to ratify this Convention.<sup>vi</sup>

This fundamental convention defines as a "child" a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labour, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children. The convention requires ratifying states to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. It also requires states to ensure access to free basic education and, wherever possible and appropriate, vocational training for children removed from the worst forms of child labour.

## **THE HARSH REALITY OF CHILD LABOUR IN BANGLADESH**

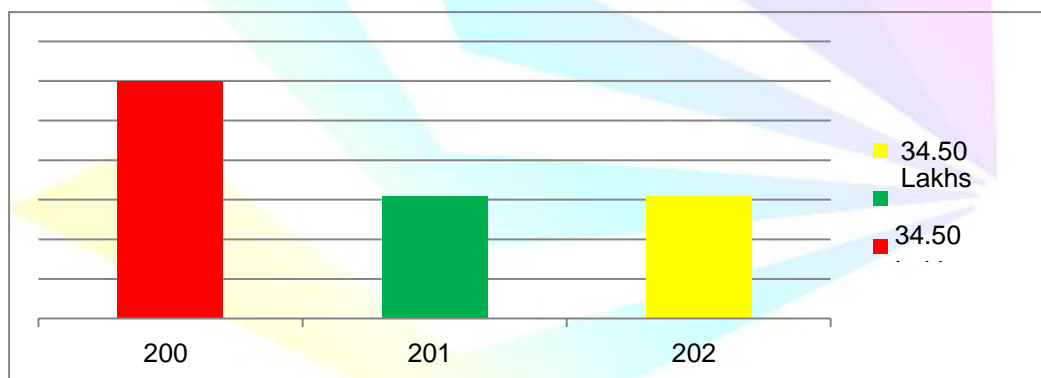
**National Child Labour Survey 2021 by Bangladesh Bureau of Statistics:<sup>vii</sup>**

Child workers in Bangladesh	34.50 Lakhs
Permitted child workers	17.5 Lakhs
Non-permitted child workers	17 Lakhs
Child involve in hazardous works	12.80 Lakhs

Child involve in very hazardous works	2.60 Lakhs
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Child labour is a visible part of everyday life in Bangladesh. It is more common in rural areas compared to urban areas, especially for boys. Bangladesh is the home to more than five percent of world's working child population.<sup>viii</sup> Children are engaged in different types of work including factories, shops, transportation, commercial establishments, workshop, tea plantations, mines, the shrimp and dry-fish industries, the leather industry and newspaper workers, hawkers, domestic worker. Children in Bangladesh are subjected to the worst forms of child labor, including forced child labor in the production of dried fish and bricks.<sup>ix</sup> They perform dangerous tasks in garment and leather goods supply chains. In 2020, the Ministry of Labor and Employment drafted an update to the hazardous work list. Hundreds of thousands of Bangladeshi children work in hazardous jobs. These are jobs that have been identified by the ILO to expose children to hazards including: physical, psychological or sexual abuse; excessive work hours; an unhealthy environment.

### *Child Labour Rate in Bangladesh*



According to a survey of Bangladesh Bureau of Statistics in 2003, there were 74 Lakhs child workers in Bangladesh. In 2016, it was almost 34.50 Lakhs. Data shows that there had been a significant drop in child labour. But in 2021 it was almost 34.50 Lakhs too. So, there is no major change in last five years. Among these child workers, most of them are boys. The proportion of 7-14 year-old boys in economic activity is three times that of similarly aged

girls. In 2019 UNICEF conducted a study in Bangladesh and the study showed that 1 in every 10 boys ages 12 to 14 was working full time. Their incomes vary, but research suggests the majority of boys under the age of 14 earn less than TK 3500 per month.

Most of the child workers do not go to school. Actually they do not get the opportunity to go school. It is estimated more than 10 Lakhs child in Bangladesh never been in school. Many children drop out from school for earning livelihood. Data show that working hours are negatively correlated with school attendance. A study shows that 91 percent of 7–11-year-old girls and 90 percent of similarly aged boys are in school. School attendance, however, falls off to 80 percent for girls and 76 percent for boys in the 12-14 years age range.

Moreover, when COVID-19 hit Bangladeshi in 2020, many children left school and started to work for earning to provide food for their families. The Child-rights advocates say that tens of thousands of pupils across the country have not returned to school. The majority are boys ages 12 and above, who during the interim were pushed into full-time work. Data collected from 20 schools shows that attendance boys accounted for at least 59% of dropouts from March 2020 to November 2021.<sup>x</sup>

## **REASONS BEHIND CHILD LABOUR IN BANGLADESH**

The main reason behind child labour in Bangladesh is poverty. It becomes nearly impossible for the poor families to bear the costs of education as they cannot save money after mitigating their daily necessities. Here, many people live hand to mouth. So they don't have the encouragement to send their children for education. They think it's better to engage the child in works so that they can bring money for the family. As the child workers are easily available at a cheap wage, therefore the employers are more interested in them.

The socio-economic condition of Bangladesh is another principal reason behind child labour. When the earning member passes away by time it becomes hard for them to meet dead ends and continuing education becomes a luxury for them. Besides, if the family spilt up for any reason, they don't care about their offspring anymore. Moreover, lack of family planning in poor families results in a bigger proportion of family size which ultimately leads to struggle to meet dead ends.

People are heading towards the city life due to lack of employment opportunities, social insecurity and inability to meet the basic needs of human life. Natural calamities like drought, cyclone, flood and other disasters paving the way to child labour.

Due to a short education and unconsciousness of parents they take education as a non-profit able investment. They aren't willing to continue education for their children due to this as they think of quick earning from their children. Due to lack educational instruments and consciousness about child labour parents can't feel the far-reaching demerits of child labour. Due to a high demand of housemaid and household activities in the city life children in the ongoing education brings into the business.

A 13-year-old boy Imran works in a workshop with his father. Imran's father said, *“Two days sooner or later, he will have to work for survival. So, teaching him works now that he can earn in future by doing this job.”*

Another guardian of a child worker said, *“Does anyone whimsically sends children for child labour? There is no food, no clothes and no money. We can't manage to eat to live how can we continue their education? They are into this out of poverty.”<sup>xi</sup>*

## **NEGATIVE AND POSITIVE SIDES OF CHILD LABOUR**

Child labour has several negative consequences as well as some positive sides too. Child labour can destroy the future of the child. Hazardous child labour cause physical, mental and behavioral problems for the children. Child worker are deprived of the joy and advantages of a normal childhood. A child who works will not be able to have a normal education and will increase the percentage of uneducated youth. They will be fated to become an illiterate adult. It will affect their thoughts, conscience and whole life. The economy and growth of the country faces lot of problems if children are not properly educated. They don't get any opportunity their social life in an organized way. In fact, they don't have the chance to improve their life.

The ethical and moral support required for a child to flourish himself. But child workers don't get it properly. They don't even get proper parent monitoring. So, they easily involve

in illegal activities. They are easily addicted to drugs and ruin their life. Also, they become the victim of physical, mental and sexual violence. Child labour may also engage disease because they will expose to unsanitary environment, dangerous disease like Influenza, Cystic Fibrosis and contagious disease that can even cause death.

There are also few positive sides of child labour. Bangladesh is not a rich country. Here, many people live under the poverty level. For these families, income from their children is huge supportive. When the children help their father or elder members of the family in the works, the family gets trusted helping hands and can earn more. Poor children cannot go to school as their family cannot bear the cost of education. If the children work in their leisure time, they themselves can bear tuition fees. Where there is labour shortage, children can help to reduce labour shortage by working the permitted works.

## **BANGLADESH GOVERNMENT'S STEPS ON PREVENTING CHILD LABOUR**

Bangladesh had taken a plan as part of the National Child Labour Elimination Policy 2010 to eliminate child labour by strengthening the education system, raising awareness, funding research and prioritizing public health and nutrition within 2021. But it's 2022 now and still there are more than 17.50 lakhs non-permitted child workers in Bangladesh. Then the government extended implementation of the National Plan of Action on the Elimination of Child Labor from 2021 to 2025. So, the National Plan of Action on Child Labour aims to eliminate all forms of child labour by 2025.

Bangladesh also ratified all the conventions of International Labour Organization. Bangladesh reaffirms its commitment towards the fight against the strap of child labour and to protecting children from work for which they are too young and from work that jeopardizes their health, morals or psychological wellbeing as well as their access to education. By ratifying the Minimum Age Convention 1973, Bangladesh moves ahead towards the achievement of decent work and delivering at country-level the 2030 UN Sustainable Development Goals, in particular SDG target 8.7. SGD aims at the complete eradication of child labour by 2025 and calls for immediate action to prohibit and eliminate



its worst forms.

## CONCLUSION

A healthy and normal childhood is the birthright of all children. But in the cruel reality of Bangladesh, millions of children are deprived of healthy and prosperous childhood and boyhood. Children from poor families are forced to take risky jobs which push them towards an uncertain future. In order to overcome this situation, family, society, government, private and national and international circles need to step forward and take necessary steps to restrain the unhealthy practice. Besides law and enforcement must be utilized so that the conditions under which adolescents are allowed to work must also be ensured for their beautiful future. If the action plan on child and child labor laws can be implemented, children will develop into enlightened people in the future.

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## ENDNOTES

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<sup>i</sup> The Bangladesh Labour Act 2006, s 34 (1), s 34 (2)

<sup>ii</sup> <https://youtu.be/26x0GVoAvEs>

<sup>iii</sup> The Constitution of People’s Republic of Bangladesh 1972, a 34

<sup>iv</sup> The Constitution of People’s Republic of Bangladesh 1972, a 17

<sup>v</sup> The Constitution of People’s Republic of Bangladesh 1972, a 34

<sup>vi</sup> “Bangladesh ratifies the Minimum Age Convention” (ILO, 22 March 2022) <[https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/WCMS\\_840125/lang--en/index.htm](https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/WCMS_840125/lang--en/index.htm)> accessed 13 May, 2022

<sup>vii</sup> *VOA Bangla*, 9 September 2021

<sup>viii</sup> Ashutosh Sarkar, “No to domestic help under-12 “ The Daily Star (Dhaka, 16 February 2011)

<sup>ix</sup> Bureau of International Labor Affairs, Child Labor and Forced Labor Reports <[www.dol.gov/agencies/ilab/resources/reports/child-labor/bangladesh](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/bangladesh)>

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<sup>xi</sup> <https://youtu.be/26x0GVoAvEs>