

**SOME ISSUES RELATING TO CHILD
LABOUR: A CASE STUDY OF ANGUL
DISTRICT (ATHAMALICK BLOCK) IN
ORISSA**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements
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MASTER OF PHILOSOPHY

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CERTIFICATE

Date : 21 July, 1998

This is to certify that the dissertation entitled, "*SOME ISSUED RELATING TO CHILD LABOUR: A CASE STUDY OF ANGUL DISTRICT IN ORISSA*", which is being submitted by **RATI KANTA SAHU** for the award of the Degree of **MASTER OF PHILOPHY** is his original work and may be placed before the examiner for evaluation. This dissertation has not be submitted for the award of any other degree of this university or of any other University.

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Dedicated

To

My Parents

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ABBREVIATIONS

APARC	-	Analysis from Society for the Provision of Area Research Centre
ANPPCAN	-	The African Network on Prevention and Protection Against Child Abuse and Neglect.
CABE	-	Central Advisory Board on Education
CACL	-	Campaign Against Child Labour
CLAN	-	Child Labour National Network.
CPAG	-	Child Poverty Action Growth
CRC	-	Convention on the Rights of the Child
CWC	-	The concerned for Working Children
DEB	-	District Board of Education
DIET	-	District Institute for Educational Training
GATT	-	General Agreement on Trade and Tariff.
ILO	-	International Labour Organisation
IMF	-	International Monetary Fund
IMR	-	Infant Mortality Rate
INRLF	-	The Indian rural Labour Federation
IPEC	-	International Programme on the Elimination of Child Labour
NAECL	-	The National Authority for the Elimination of Child Labour.
NCAER	-	National Council of Applied Economic Research
NCRB	-	The National Crime Record Bureau

NCLPS	- National Child Labour Project Societies
NHRC	- National Human Rights Commission
NIEPA	- National Institute of Educational Planning and Administration
NLM	- National Literacy Mission
NPE	- National Policy on Education
NSSO	- National sample Survey Organisation
POA	- Programme of Action
PUCL	- Peoples Union for Civil Liberties
SACCS	- South Asian Coalitaton on Child Labour
SAP	- Structural Adjustment Programme
SAPTA	- South Asian Preferential Trade Agreement
SCERT	- State Council for Eradicational Research and Training
SEP	- State Educational Project
UNICEF	- United National Children Fund
WTO	- World Trade Organisation
VEC	- Village Educationa Committee

MAP

ORISSA



INDEX

- State boundary
- District boundaries
- Rail
- National Highways
- State capital
- District headquarters
- Field study area

1950

INTRODUCTION

INTRODUCTION

Expanding over an area of about 156 thousand square kilometer and blessed with the bounties of the nature and high potentialities for development, the State of Orissa contains over 26 million people.. Unfortunately, it is one of the most backward state of the Indian union where child labour is more.

Orissa has a long and illustrious tradition of producing through its artisans exquisitely beautiful arts and crafts which could be the feast of main kind. In the past she had carved out a place of pride and distinction in the country in the relam of industrial and commercial adventures the state is endowed with vast mineral resources including precious stone fertile land, perennial rivers, large tracts of forest, abundant flora and fauna and a long coastline. The Industrial policy of Orissa 1992 has been formulated with a view to creating an environment conducive for accelerated industrial growth through the selective process of liberalisation and privatisation of industrial structure and relations. The state has successfully created a firmly stable and large industrial base by providing attractive incentive, concessions, encourage private investment and diversifying institutional and infrastructure support keeping in view the industrial backwardness and no industry area of the state . Specific area or zones have been identified for

development of industrial enterprises with emphasis on small and cottage industries for providing gainful employment to weaker and vulnerable sections and maintenance of desirable ecobalance, Besides, twelve categories of industries have been identified as thrust areas for special care and financial support from the government and to build up a sound industrial climate and relation in the state. There are any two lasting gifts of a generation can hope to give its children one is roots; the other , wings, Nevertheless, how does one describe a generation that has neither given roots nor wings to a substantial number of its children. How does one explain the fate of these young buds who live without childhood's, Psycho-Social and cultural securities are born with adult responsibilities. Child labour can be defined as the employment of children in gainful occupations which are dangerous to their health and deny them the opportunities of development. The term 'child labour' not only applise to the children working in the organised sectors in various industries but also to the children working in all forms of unorganised occupations, agricultural and household which adversely affects their physical, mental, moral and Social development.

Utter confusion and lack of proper administration reigned supreme at a function to felicitate core marchers of the global March against child

labour today. Despite the determination of Mahatma Gandhi and commitment of the Indian constitution to ensure healthy childhood to all children of India, child labour has continued to grow. Article 24 of the constitution says that children below the age of 14 should not be employed in a factory, mine or any other hazardous occupations¹. Two directive principles, Art 39 (c) and 45, are also relevant. The former urges that the tender age of children not be abused and argues for not allowing citizens to do work which is unsuitable because of their age or strength on account of economic necessity. Child labour is one of the worst forms of abuse and exploitation. Deprived of education, play and fun, these children are force into early adulthood, the definition of child labour is not uniform all over the world . It is also not the same in all statues that refer to the employment of children. However, the working child, Who is below the age of 14 and who is paid either in cash or kinds, is normally considered as child labour.

A recent estimate puts the number of child workers at 50 million. A large number of these children are employed in hazardous industries and work under adverse environmental conditions. They work in unskilled occupations for long hours and in dangerous conditions. They are always abused and almost always lowly paid. India being predominantly

¹ Waiting for march to nowhere, "Bottlenecks heighten irony at anti-child labour meet", Hindustan Times, April 8, 1997.

agricultural country, a large number of children work in this sector. parent's obligations often involved all members of the family working for the landlords. Agricultural sector not being developed, it encourages child labour, specially in Bihar and Orissa. Besides, mining sector, the demand for child labour has also increased in the agricultural sector due to industrialisation. With the immigration of rural adult workers to the cities. Except agriculture, chemical producing industries employ a large number of children. Being exposed to adult life at an early age creates numerous problems for the child labour. Long working hours, even during the night with the least protection form a polluted environment and under constant mental and physical strain, the children's growth becomes stunted. They are exposed to infectious diseases or develop some deformity. Children in the manufacturing sector are more prone to accidents and occupational hazards. Some forms of child exploitation. Such as prostitution. Carry the high risk of sexually transmitted diseases (STD), including AIDS. In absence of psycho-social benefits, children soon pick up habits like smoking and liquor drinking. Some of them also became drug addicts and spend time in gambling, smuggling or similar criminal activities. Child labour brings down the wages and keeps adults in a highly insecure employment situation. Low wages combined with malnutrition lead to deterioration of the health of the child worker which ultimately shortens the life span,

besides lowering the efficiency . Inadequate wages can also lead to social evils such as staling and snatching. Female working children out number males in both rural and urban areas. abuse and violence against the girl child .is the most cruel social mechanism which forces them into a subordinate position. Often tradition dictates the choice of jobs and the appropriateness of boys and girls for undertaking them. Normally the jobs done inside the house or in family occupations are offered to girls while jobs which involve travel, outside exposure and other open places away from house are reserved for boys². In rural areas, where society is divided by different caste systems the employment of children depends on the type of vocation that each caste traditionally follows. The girls are, however, engaged in unremunerative and occasionally physically more arduous task than boys of their age. A broad public consensus needs to be built ensure recognition amongst the general public that no child below the age of 14 years is brought into the labour force. The concern expressed in our political will needs to gather momentum. The most practical intervention needed to sustain this momentum is to ensure free and compulsory education up to the age of 14 years. States should ensure strict enforcement of this legislation³. Today, around 250 million children under 14 have to

² "Pathtic but practical of Child Labour", The Statesman, 2nd January, 1998.

³ Manning , wendy D and landale, Nancy S. Racial and Ethnic differences in the role of cohabitation in premarital child bearing, journal of marriage and family. 58 (1): 1996, pp. 63-77.

work for a living in jobs ranging from shining shoes and cutting cane to making sports goods, weaving carpets or assembling fireworks. In India, many children are sold by their parents to factory owners to pay off their debts- a form of slavery called bonded labour. Others are forced to work in stone quarries, which can stunt their growth and cause permanent injury, both physical and mental. More than 40 million children live on the streets of the world's cities- almost a quarter of them in Brazil. Many here have been orphaned or abandoned and keep alive by begging, washing cars, and scavenging for food in rubbish dumps.

In the Romanian capital of Bucharest, hundreds of orphaned, homeless children live in the city's sewers underground. In India, the pavements of cities and railway station platforms are full of sleeping bodies at night many of them children who have nowhere to go. Over the past decade, two million children have been killed in wars and six million seriously injured or disabled. In Angola, the majority of children have seen people being tortured or murdered, while in other African countries, young boys are forced to become soldiers and fight wars⁴. In many African countries, children are recruited or kidnapped for the army. During the recent civil war in Liberia, children formed a quarter of the country's

⁴ Chandra, Bipin, Modern India, NCERT, New Delhi, 1994.

soldiers. In the Sudan there are said to be around 3,000 boy soldiers, aged between 7 and 11. The boys are made to act as porters and guards, and are forced to retrieve weapons from dangerous, minefields. In Turkey, children as young as 12 are often arrested on suspicion of minor crimes and beaten by police. Last year more than 60 children were tortured by the Turkish authorities. In the UK, the Child Poverty Action Group last year found that one in every three British children lives below the poverty line.

Child labour is a much exploited word. When Robert Reich was a professor at Harvard University - at present he is America's Secretary of labour he used to ask his students. Which of the two options then prefer; first, that American economy grows at the rate of three percent on second, both the economies grow at one percent, the majority of them preferred the second option. Because they wanted America remain a leading economy of the world. For the simple reason that economic clout enables a country to boss over other countries⁵. Most countries in the third world, including India, are taking up a liberalized economic policy and opening their borders for international trade. That has increased the pace of economic growth of developing countries considerably fast and according to the world bank survey if the pace is maintained in the next 25 years many emerging

⁵ "Child Labour is a Exploited word", The Tribue, May 16, 1995.

economies will be among the rich economies with India occupying fourth position in the world economic order after China, USA and Japan. The forecast is a matter of great concern for the rich industrial countries. The thought that emerging economies are catching up and might one day become bigger than many rich economies of today fill their minds with terror. To avoid this eventuality they will try to take all precautions which can hinder their growth by imposing sanctions against imports from developing countries on one pretext or the other. With the signing of GATT agreement now World Trade Organisation they can not impose sanction on import of carpets from India on human rights basis. That does not mean that they will sit at rest. They will always be on a prowl for ways which can help them restrict import. In such a scenario when they are on a lookout for ways which can help them restrict imports from emerging economies, isn't it dishearteningly sad to learn that our own people are asking them to restrict imports of carpets from India because of the involvement of child labour without giving a second thought of the consequences which could be nothing but grave not only for child labour and their families but also for the whole industry.

No doubt the abuse of child labour in carpet industry is gigantic problem that requires our utmost attention. But that does not mean that,

instead of solving the problem ourselves, we go abegging to the rich western countries and ask them to ban import of Indian carpets because child labour is involved in its making on the false promise that the ban can solve the problem without any adverse effect on the working children. Of course if our goal was simply to stop child labour from carpet industry imposing sanction against import may help . But our goal should not be as simple as that, instead our goals should be to improve the lot of the working children. Studies by the international labour organisation show that when the third world governments banned child labour after external pressure, children have usually been made worse off. Earnings from a child labour man have been the only legal source of family income a child stopped from working could be forced into begging on prostitution, on starvation, hardly a good way to advance the cause of working children.

Rich industrialised countries cannot see our problems as closely as we can. They can only impose sanctions if they find that basic labour standards are not observed. Sanctions can only aggravate the miseries of working children. The problem is ours and only we can solve it prudently⁶. The policy of carpet certification declaring carpet-made-without-child labours also seems to have misconceived, it simply seeks elimination of

⁶ Das, Dipendra nath and Vemri Murali Dhar, "Child Labour in India", 1981: A District level Analysis. Demography India 21 (1) : Jan - June 1992, pp. 91-111.

child labour from the industry without embarking upon a scheme. which can develop the conditions of the working children. Besides , carpet industry being a cottage industry, its spread is very vast and the rows of middleman between weavers and exporters is very long which makes the monitoring of each and every loom almost impossible. An economic war between the rich industrialized countries and developing countries is on. And, it is worrying to note that child labour is being victimised in this war of the world. Widespread of employment of child labour has become a common feature of many of the third world countries to which Indian is not an exception. It has been officially stated that child labour is no longer a medium of economic exploitation but it necessitated by economic wants of the parents and in many cases that of child himself on herself. In India, which is a developing country, poverty forces the parents to send their words to seek employment because augmentation of their income is essential for the survival of the families, which are invariably large. But it continues to be a serious blot on our efforts towards economic prosperity and hamper the process of balanced human resource development. Despite adequate legislation, the problem continues to grow in alarming proportion in India, therefore, a brief attempt is made here to project the cause and consequences of such social segment in contemporary Indian society.

Child Labour Estimation

According to international labour organisations (ILO) statistics. India has the dubious distinction having perhaps the largest child labour force in the world some 16.5 million unofficially, however, the estimate has been put at a mind boggling 45 million of which around 20 percent are in urban centres and the rests in rural areas. An estimate made in 1983 had indicated that the figure was 17.4 million while a survey conducted by a research group (Baroda) in 1985 put the figure at a staggering 44.5 million. The 1991 census had put the figure of child labour at 16.5 million - 5.5. percent of the total child population⁷.

Working Avenues

The main concern for Orissa is its children working in hazardous industries such as, in the production of glass, brass, locke, gems, tiles, matches, fireworks, carpet making, stone polishing, diamond cutting, wood carving, mining sector, leather tanneries, beddi making etc. Besides children are also employed on agricultural fields, hotels, shoe polishing, rag-picking, loading and unloading, hawking goods, selling eatables and as domestic servants. We can say that there is no activity without the

⁷ Kalsi (CL), Child Labour : Still a long way to go monthly commentary, 32 (7), Feb, 1991: pp 7-9.

employment of child labour Child labourers existing in aforesaid sectors work under humiliating conditions without having any freedom to express the torture they undergo and in fact they are deprived of their childhood. It is estimated that around 200 million children all over the world go through this ordeal-torture, suffering and deprivation. They are exploited by unscrupulous employers and exposed to unhealthy working condition and paid little for their long hours of hectic assignment. Forced to leave education bearing responsibilities for beyond their age , becoming worldly-wise when their peers have yet to leave the cocoons of parental protection , these children never knew what childhood is⁸.

Influencing Factors

Child labour is a product of such factors as customs traditional attitude, lack of school facilities on reluctance of parents to send their children to school urbanization, Industrialisation, migration and so on. The wage structure of the adult workmen has a direct bearing on the occurrence of child labour, the above facts were also observed in a number of conference on the problem of child labour, and it was felt that if the adult workmen could get a real living wage, they are likely to desist from sending their children to work. Some times, children go to work because of the

⁸ Ready. A.E., Trackling child labour "The Hindu", 25th April, 1995.

compelling circumstance in the event of loss of the bread winner is also true. Further, some studies have found migration to cities, due to industrialization and urbanization, are also responsible for the emergence of child labour. The child labour is prevalent extensively in the lower socio-economic groups because of the lack of appreciation on the part of parents about the imperatives of education in human resource development. Sociological factors, too have their share of this scourge, the tradition of family occupation often motivates the child to become a bread winner. The educational system adds yet another dimension to the prevalence of the child labour problem. In rural areas schooling facilities are scarce and inaccessible to certain segment of population. In many places, schools do not attract children and presents a drab and dismal picture. Moreover, the mounting pressure of unemployment among educated youth undermines the faith of the rural poor in the efficacy and pay-off of education. Yet another cause for the persistence of child labour is the inefficiency of protective legislation for working children. In almost all countries, including in India, legislation exist concerning the minimum age for admission to employment and the employment of children. It is the ineffectiveness of enforcement of this legislation that allows child labour to persist in contemporary Indian society.

Besides, child labour is not only very cheap to the employers in terms of wage payment, it is also trouble-free since children cannot organise agitations by themselves and being minors, the membership of trade unions is not thrown open to them. Neither they can demand any overtime, nor the medical and similar facilities. Hence, the employers prefer children to work.

Health Hazards

Labour at young ages can have dire consequences on the child's development both mental and physical. Physically, children are not suited to long hours of strenuous and monotonous work. Their bodies suffer the effects of fatigue and exertion much more quickly than those of adults. Large numbers of them are already suffering from malnutrition, which lowers their resistance even further and makes them all the more vulnerable to disease, asthma, etc. Severe malnutrition, anemia, hand labour and inadequate sleep lower their normal resistance. There are some occupations which although not officially classified as "Hazardous", are in fact dangerous to the child worker. In a sense, every occupation is hazardous for it not only retards the child's growth and development but also national growth and development.

Further, in human treatment, including physical torture and mental as well as sexual abuse by their employers and co-workers is common

everywhere. The condition of the rag, garbage and paper pickers is even worse. As they are highly unorganised and do not have any one to supervise their work, nor to protect their working condition, they are sometimes being harassed by the police. They have neither rights nor an independent status but are vulnerable to all forms of physical and economic exploitation, including abuse. Children working in hazardous industries are at a greater risk of contracting disease as their immunity levels are far lower than adults. Occupational risks leads to larger number of accidents among children than their adults counterparts especially in fireworks, glass blowing units etc., sometimes girls are more vulnerable to sexual abuse and its consequences. Long hours of work, late hours of night employment, continuous sitting on standing, straining a single set of muscles and working continuously cause various complicated diseases and sometimes permanent physical injury or deformity to children. However, in recent years there has been a great deal of labour and discussion condemning the involvement of children in various industries and production units throughout the world including in India. But the number of children working and the sales of their suffering increases year by year.

Adverse Impact

Increasing child labour, degenerate socio-economic structure, affect the social infrastructure, causes health hazards. Forms delinquent gangs and vitiates the ecology of civil welfare. It is claimed that child labourers pulling back the economy by increasing unemployment among adults. Not only they are creating unemployment, but also they are harming the wage-structure of active labour force, as millions of such child-labour remain unskilled throughout their life and are paid petty wages. The labour market in India is thus affected by the presence of a huge number of child workers. These consequences, due to the presence of the child labour is not be tackled very effectively by involving both GOs and NGOs in relief and rehabilitation programmes. Every steps must be ensured towards universalisation of primary education with a view to combat the problem of child labour, NGOs working in the field of child development and rights have to be supported through extending of financial assistance for initiating innovative and action oriented projects not only for rehabilitation but also for the economic betterment of families concerned.

Review of Literature

Review of literature help the researchers to gain a prior knowledge with regard to the problem of the study. Literature on child labour in Orissa is very scarce, Again, the available books see the problem from particular perspectives. Take for examples, Child Labour and Health : Problem and prospects edited by Usha S. Naidu and Kamini Kapadia, 1985 and young hands at work edited by Manuj Gupta and Klauss Voll, 1987, Which are selections of papers read in a seminar held in Bombay in April, 1982, focus their attention on the health hazards of the child labour in different occupational settings. Another examples, "The child and state in the India" authorized by Myron weiner sees the problem from the educational view point. But a large number of articles and reports on the problem of the child labour in India are found in different magazines and newspapers. These are mostly done by social workers and journalists. The former sees the problem from a sympathetic angle. Where as the latter see the same for the sake of a report in the news paper.

Relevance of the Study

We do not find a single work dealing with the various dimension of the problem of child labour in Orissa in a precise manner. A single-work dealing with the problem from a socio-economic perspective in India is yet to be done. The present work satisfies these needs. Based on the available data and literature, an attempt has been made in this work entitled “Child labour of a particular area of Anugul District in Orissa. A sociological study” to examine the changing exploitative form of the problem of child-labour, more emphasis, is placed on its present oppressive character in the light of the unequal relations of domination. These analysis is in part synchronic and in part diachronic, It is important to bear in ind that the present day to working class conditions have been obtained through protracted struggles, carried out over a long period of time.

The present work will, no doubt add some more theoretical insights into the problem, as far as the applied aspect is concerned. The present work may help the policy makers in their efforts to eradicate this problem from Indian society and prepare healthy knowledgeable citizens who can contributes to the modernization of the society as a whole.

Method of Enquiry

This studies relies mainly on secondary source of data and informal discussions with some social activists who are involved in eradicating the problem of child labour. It also depends on the reports of a number of surveys and some case studies carried by several research and welfare institutions. The researcher has taken the help of his own works published in some books and magazines, although the census data has largely been underestimated . The reports of other organization like Baroda based research organization (operation research group) are of great help.

Besides this, the next chapter, "Child-labour in Orissa . A socio-economical perspective" examines the reasons of child labour which are in - built and multi-variant. It is precisely because of conspicuous structural variation in terms of organisations of production and recent trends toward capitalist development in both industry and agriculture that has paved the way for the perpetuation in terms of poverty, illiteracy and use of child labour force. This common explanation in terms of poverty, illiteracy, unemployment and above all apathy of the government that accepts certain dimension of child labour, convey little about the structure of its production. Moreover, the treatment of the phenomena in isolation from its historicity

and political economy stands in the way of a comprehensive understanding of the issues.

Scheme of Chapterisation


In chapter 1 on child workers right; health hazards and their working condition attention has been focused on their health problem in different occupational setting, their rights in Indian Society. Here the reports of a number of researcher have been taken into account. The references have also been made of the fatal disease like “AIDS” inherent in prostitution. Although the number of child-AIDS patient is few, the demand of foreigners to have sex with virgin girls would witness the deadly disease in a large number of children in near future.

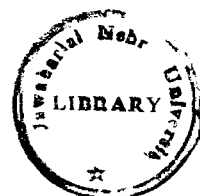
In the second chapter entitled “Social and legal legislations on child labour”, describes different provisions of government to abolish the child-labour. The defects their in have not been spared. Regarding the bonded labour, the problem inherent in having an exact population has been discussed. Although the laws prohibited child labour in any form, the problem continues unabated. The fact-finding teams of Supreme Court has not been able to bring out the real picture of the bonded child labour.

In the third chapter, it discusses various definitions and typologies of child labour in Orissa. it tries to argue that the division of opinions among researchers in defining child labour is due to the difference in their social perceptions. The present study has adopted the most suitable and common definition of child labour according to which "child labour can be conceived to include children under the age of fifteen years in work on employment with the aim of earning a livelihood for themselves on for their families". The census data of child labour has been refuted on certain grounds. It has been In this chapter that the reports of different by different organizations are satisfactory. Regarding the types of work, the classification of Gerry Rodgers and Guy standings have been taken into consideration. These are (a) domestic work, (b) non-domestic, and non monetary work, (c) bonded labour and (d) ways labour. These different categories have been substantiated by giving incidences of labour.

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Chapter fourth on " Eradication of child labour by various suggestion". It has been noted that compulsory primary education is the only means to achieve a society having no child labour. The reason for India not being able to achieve compulsory primary education, lie not in its poor economy, but in its importance on the indifferents attitude of the planners and more importance on the education imported through the elite

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school and college where in study their own children. The child labour is also due to certain custom and evil practice inherent in Indian society. Take for instances, the different texts and epics claim that the blue-collar works are meant for the lower caste children and not educations, where as education and white-collars jobs are meant only for upper -castes.

The concluding chapter incorporate some suggestion to eradicate and exploitation of child -labour. Here the role of trade union, mass media, NGOs, print media etc., have been discussed in great deal, if the planners and the educated person take the views into account, it would be better for the largest democracy being far from the exploited child labour.

Conclusion

Ever since the United Nation declared the year 1979 as the international year of the child, the issue of child labour has been receiving considerable academic reflections and public attention, this , however, does not imply total absence of concern for child labour prior to the U.N. declaration, in fact following the 'industrial revolution' in the western Europe, there have been piecemeal legal efforts to alleviate the pitiable condition of child labour, some efforts are also discernible in the post-colonial countries, Nonetheless, comprehensive and systematic cognition of the issues at the academic level seems to have been ushered in or at least

stimulated, by the U.N. declaration, perhaps the accentuation of the miserable condition of the working children of the world prompted the declaration. But that is, besides the matter.

Hardships of labour at a young age, malnourishment, lack of minimum health care, neglect and abuse, abject poverty and ignorance and some of the certain least conducive aspects of the physical, emotional, social and intellectual growth of nation children. Mobilization of all organized source is essential for a substantial improvement of the health and well being of children. It has been realized that media can make an indispensable contribution in this direction, if its effective utilization is planned. It is said that media propagates ideas , disseminates information and creates awareness. Thus the need to use the media in a way so that it can provide drive for the implementation of programmes for different target-groups whose influence would determine the amelioration of the situation of child workers.

CHAPTER - I

RIGHT OF THE CHILD

CHAPTER - I

RIGHT OF THE CHILD

Child labour is an old practice of the World and has remained of the most neglected phenomenon for the last few centuries. Towards, the mid-twentieth century social reformers, Jurists and the like convenyancers began to bring began to bring reforms against such neglected and exploited class of human labour considering their tender age. The grave situation of exploitation of child labourer affected a many, among the social thinkers, philosophers, Jurists, legislators et.al. To combat against such exploitation effective legislation's were deployed into the society to arrest, avoid on modify child labour in the society. This chapters aims to aggrandize the semantics of problems, right and perspectives of child labour in India¹. The great poet Milton Put it admirably when he said the "child shows the man as morning shows the day". The study team on social welfare in India said much to the same effect when it observed that "the physical and mental health of the nation is determined largely by the manner in which it is shaped in early stages". In other words, children are the soul of a nation.

¹ Prof. P.Koteswar Rao : Paer entitled" Universal Declaration of the fundamental Human Rights of the unborn not to be born and the born to be protected, properly maintained and developed". Presented at the UNICEF sponsored and National law School of India co-sponsored , Seminar on Rights of the child New Horizons and New challenges. "7-8, Septembr , 1990 Bangalore 'Pearls of Justice' and Progress", 1994, p. 123.

Each child has an identity, nature and capacities of his own which must be helped to mature and develop to enable him to make his emotional, intellectual and spiritual faculties. Only then can there be healthy growth of a nation². Indian laws provide special protection to the children because of their vulnerable age and physique, mental immaturity and inability to look after themselves. That is why there is a growing realization even by the Indian courts including the supreme court that children must be brought up in an atmosphere of love and affection and under the tender care and attention of parents. This will enable them to acquire self-confidence and self-respect and a balanced view of life with full realisation of the role they have to play in the nation-building process. The Indian constitution lays down that no child below the age of 14 shall be employed in any mine, factory or hazardous employment. The right to education has been recognized as a constitutional right. The promise of free and compulsory education for all children up to the age of 14 is yet to be realized³. Various judgment of the supreme court in this regard suggest that the court itself can use the constitution to motivate the union government as well as local legislatures to introduce legislation in conformity with the constitution and laws. Though the apex court observed in the civil rights vigilance

² "For child's Sake" , The Hindustan Times, January 30, 1998.

³ Ibid.

committee (college of law, Bangalore) case that since the Directive principles, state policy are not enforceable, the courts cannot compel the parliament to make laws to implement obligations incurred under an international treaty entered into by the union of India.

However, recent developments in the area of public interest litigation indicate how the apex court has used the provisions on fundamental rights and directive principles of state policy in the constitution to give directives to the government to bring forth relevant legislation. In a recent judgement, the apex court even banned child labour in hazardous industries and issued a series of directions to prevent exploitation of children. But the ineffectiveness of law enforcement in India often leads to cynicism with regard to the relevance of laws and legal procedures. It is high time that those who operate the legal system must be made partners in the process of implementation by a combination of strategies that seek to inform, advocate as well as monitor their performance on children's rights. Recognising that the (children involved) employment of children is both a crime against the children themselves and against adult workers, destroying the lives of the children while undermining job security and driving down wages and working conditions generally. Believing that child labour is a growing world wide menace and is a cause, not a consequence of poverty,

unemployment and population growth, often perpetuated inter generationally; and further that nations, such as of South Asia today, cannot afford to wait until poverty is eradicated before rescuing children from slavery and assisting them on the path (of) development⁴. Rejecting the myths which abound about child labour such as the facile arguments that the household economy would collapse if existing cheap labour is not made even cheaper by nimble fingers and docile minds; that child labour is inevitable unless poverty is first eradicated; that the exploitative edge of child labour could be blunted by calibrating the law and its implementation according to the age of the child and the degree of risk; and that child labour is part of culture and tradition; conscious of the urgent need to heighten awareness among both working families and consumers of the horrors of child slavery;⁵

It is ironic that while we are mouthing platitudes on the rights of the child in every seminar, the number of child prostitutes is increasing by leaps and bounds. The convention on the rights of the child to which India is a signatory, clearly says that the state will protect the child from every kind of abuse including sexual exploitation. Articles 35 and 36 say that states shall take all appropriate measures to prevent the abduction of the sale of

⁴ "Asian workers on child labour", mainstream, January 14, 1995, pp. 31-32.

⁵ Ibid.

on traffic in children for any purpose or in any form. But in reality trafficking of children and child prostitution are developing in an alarming manner and the state neither has the will to protect the child nor the power to control this thriving and lucrative flesh trade. The rights of the child do not form part of a political agenda because give children are still given a low priority in the order of things⁶. Survey have revealed that prostitute mothers do not want their children to be forced into the flesh trade. Yet circumstances beyond their control decide otherwise; they being totally under the clutches of brothel madams, pimps and local criminal syndicates. During the last decade, the growth of tourism industry bringing in foreign money is also largely responsible for sex trade in India. It is even becoming high-tech. With child pronography and sex tourism information offered openly on the Internet. Foreigners are increasingly favouring India for their sexual gratification. The find laws relating to sexual abuse are not stringent enough⁷. No doubt, there are laws to prevent sexual abuse of children but their enforcement has been tardy. The immoral Traffic (prevention) Act prescribes/stringent action against those inducting children below 16 years and minors between 16 to 18 years for prostitution. Thoush section 366 A and B of the Indian penal code provide punishment for procurement of minor

⁶ Sen, Gouri, "Child in its most depraved form". The Hindustan Times, February 13, 1998.

⁷ Malbika Pat naik: Child labour in India, "size and occupational distribution", The Indian Journal of Public Administration, Vol. XXV, No.3 , July -September. 1979. pp. 674.

girls and importation of girls from foreign countries and section 372 provide punishment for selling and buying of minors, inter-state trafficking girl is not properly investigated. Further, only prostitutes are made culpable before law whereas the customers go scot-free. The recent order of the supreme court that sexual inter-course with a child below 16 years should be treated as rape will go a long way in remedying this situation. There should be a law against sexual exploitation of children because the age of the child in these laws differ. A minor should be defined as some one below 18 years in conformity with the rights of the child. Further, the punishment for the abusers should be exemplary. Apart from penalising the accused, the child should be substantially compensated by the state which later may be recouped from the accused after his conviction.

Structural Adjustment Programmes on Child Labour

Children are the generations of the future and adequacy of the provision made for their health, education and welfare is an important determination of the future of each country. How is this provision being affected by structural Adjustment programmes (SAP)?, Rarely has any study analysed the impact of SAP on the most vulnerable segment of the Indian population - the children. The increasing economic participation of women in India confirm6s to the global pattern of the feminisation of labour

activity in the eighties. As a result, employment opportunities for women increased but for a majority of poor uneducated, and skilled women, this meant adverse working conditions, low monetary returns and almost no security of employment.

Impact of Casualisation of Womens Employment on Children

Infant Mortality Rate (IMR) is noted to be a specially sensitive indicator, related to such factors as mothers level of education, income and work-status - hence trends in the employment of women and casualisation of the work force would have an immediate impact on IMR. The IMR for children of working mothers remains higher than that of non-working mothers and varying inversely with the level of education of mothers.

Infant Mortality Rate by Level of Education and Residence of Women in India 1984

Level of Education	Rural	Urban	Combined
Illiterates literate but below primary	124.3	88.5	119.9
Primary but below Matriculation	62.1	38.8	52.5
Matriculation and above	38.6	13.0	21.0

Source: Mortality Differentials in India, 1984. Vital Statistics Division office of the Registrar general, India.

Micro studies reveal that women on an average work for eleven hours per day in economic and domestic activities put together. The experience of countries that introduced structural Adjustment generally leads to a severe deterioration in child welfare.. In India, the decline in expenditure on social services. Over the last few years, as well as the fact that in comparison to other developing countries, India spent an astonishingly low proportion of its budget on the social sectors, were matters of great concern. This is the time to take action that enhances the health, education and nutrition levels of the children of our society⁸.

Role of Panchayati Raj

In the given situation it is essential to explore ways and means of getting the most out of every rupee spent on social services, participatory, localised planning through panchayatiraj institutions may ensure the success of social sector programmes aimed at improving the situation of women and children in India. In the fields of primary health care, nutrition, primary education and literacy, the full involvement of panchayats would go a long way in monitoring delivery and implementation. At no expenditure, Gram Panchayat can organise the community to make better use of existing health care systems thereby saving lives especially of pregnant mothers

⁸ Structural Adjustment Programmes and child labour Helen R. Sekar, Third World Impact, July 1997.

(Obstertrics emergencies kill over 1 lakh women each year) and infants, and reducing the cost of medical care and assuming health for all. The challenge of universal primary education can be handed to the gram panchayats and they can ensure that universal literacy becomes the norm in the area of their jurisdiction, Gram panchayats can get the children enrolled and could be sure that they attend school everyday. Convincing reluctant parents, assuring the teacher comes, adjusting the school hours and days for optimal convenience. This could be an effective way of controlling the infusion of children into the labour force. Thus, panchayati raj institutions are ideally poised to shape the future of this country by putting its major attention and effort into the health, nutrition and educaiton of children⁹.

Child and Human Rights

Ours is a deeply perplexing age in relation to rights on the one hand there is a virtual explosion of human rights enunciations; on the other, there is going disregard of rights and cynincism about the future of human rights. The proliferation of human rights instruments seems to have caused among critics of human rights on a high growth curve, by now a philosophic cottage industry) both a rights weariness and a rights-wariness. The critics insist on a lean and sparse articulation of rights provide a hope for

⁹ Ibid.

enforcement. Thus we are in a situation where affirmations as well as violations of human rights are on notable increase²; where all struggles articulate themselves in the languages of human rights and invoke the 'politics' of rights (politics as a way of commoditising human rights for enhancement of power); where there is an increasing tradition of knights - errant displaying valour and ardour for human rights causes matched equally by exponents of commonsense merriment at the vicissitudes. Of quixotic adventures¹⁰. (See U Baxi, Mambrino's Helmet ? Human Rights for a changing world, 1994. Even so, the Declaration on the rights of child, and the World Summit plan of Action, as well as the jomtien world conference education for all, mark triumphant inaugural articulations of human rights. "Human Rights", of course, in some way or other, were inclusive of child rights. But the range of inclusion as never so comprehensive, and caring, as is the case now. And the Vienna Declaration on Human Rights (1993) accelerates, in so many ways the dynamics of the international movement for the promotion of "respect for the rights of child to survival, protection, development and participation". The Vienna Declaration urges "universal ratification" of the child convention by 1995 and urges states to withdraw "reservation to the conventions" which are "contrary to the objects and purpose of the convention or otherwise contrary

¹⁰ "Human Rights of children", Reclaiming our common future. mainstream, April 2, 1994.

to international treaty law". In particular, the declaration insists that all states with international co-operation

- Combat "exploitation and abuse of children by addressing their root causes".
- Devise "effective measures against female infanticide, harmful child labour, sale of children, child prostitution, child pornography, as well as other forms of sexual abuse".
- Organize "means of improving the protection of children in armed conflicts" and programmes of "aftercare and rehabilitation of children in war zones" as well as those in "especially difficult circumstances", the minimum age of recruitment to armed forces alone stands.

It would be difficult to imagine even the most conscientious critics of human rights enunciation explosion having any cogent critique of the expansion of child rights, thus concretely envisaged. Critics of human rights enunciation explosion must surely respect the achievement of these measures and must realize that their well-bred, well manicured cynicism may carry a high cost: neglect of rights of child and confiscation of our common future which stand, embodied, emspired, in world's children. Human rights languages represent human hopes in a brutal/brutalizing

world; they provide arenas/sites for struggles for just national/international legal ordering in relation to child; they mark an insurrectionary protest against savage/barbaric practices of power in the state and civil society, formulated human aspirations, not to try to achieve these is, starkly put, to be lie our claim to be, and to remain, human. For, a state and society which is callous to the rights of the child can never aspire to be a just society¹¹ what then is our appointed historical task?; And how do we achieve it? The agenda of action is now happily abundantly available. What is needed, first, is the elimination of adult illiteracy about child's rights. Adult illiteracy about child rights is widespread among policy makers, intellectuals/ideologies, opinionators (media), and even among human rights communities. This illiteracy also makes possible a comprehensive and continual ignorance about linkages between the rights of the child and human right enunciations which are not child centred and yet affect their and our common future, promotion of adult literacy about child's rights is a sinequa non for their realization. It seems to imperative for us in India to develop resources-intellectuals/ideological, institutional and paraxiological - for sustained child rights advocacy. On children's rights we have a lot of platitude but very little concrete action. We have international which require the states of protect children from exploitation, want and disease but

¹¹ Ibid

children in India continue to suffer from all the three vices mentioned above our constitution also guarantees fundamental rights which are available to children. The state has been empowered to make special provision for children [Art 15(3)]. The constitution says that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of his, provision shall be an offence punishable in accordance with laws. [Art. 23] It further says that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. (Art. 24) These provisions are in the nature of fundamental rights guaranteed to individuals which cannot be taken away or abridged by the state [Art. 13(2)]¹².

The constitution in the chapter on directive principles of state policy gives guidance to the legislatures and the executives to follow certain policies. These directive principles enjoin upon the state to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. [Art. 38] one of the directive principle of state policy is that the state shall direct its policy towards securing that the health and strength of workers, Men and women, and the tender age of

¹² S.P. Sathe, "Child and Human Rights", The Radical Humanist, April, 1997, pp25-26.

children are not abused and that citizens are not forced by economic necessity to enter into avocations unsuited to their age or strength [Art. 39(e)] and 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. [Art. 39(f)] Article 45 asked the state “to endeavour to provide, within the period of ten years from the commencement of this constitution, for free and compulsory education for children until they complete the age of fourteen years. Concern for child welfare was expressed in successive international conventions and declarations starting from the Geneva Declaration of the Rights of the Child of 1924, Declaration of the Rights of the child adopted by the United Nations on 20 November, 1989. The convention expressed the commitment of the international community to “give every child a better future”. [Cl. 1] The convention spells out that one of the challenges before the humanity was how to save millions of children from the scourges of poverty, from hunger and homelessless from epidemics and illiteracy from degradation of the environment. The convention rightly emphasizes that enhancement of children’s health and nutrition was the first duty and also a task for which solutions must be found [C1.10] Strengthening the role of women and ensuring them equal rights with men will be the advantage of the world’s

children [C1.12]. We must list the rights of the child which have been recognised by all civilised nations. (1) every child has a right to live with dignity; (2) every child has a right to education at least upto primary stage; (3) every child has a right to a system of justice which is sensitive to its childhood; (4) every child has a right to a home and parental care; (5) every child has a right to childhood which means the right to play, eat food and be free from anxieties and want.

The State of the Child at Present

The state policies in India have been totally in disregard of the principles embodied in the international conventions and the constitutional provisions. The times of India January 24, 1997 reports: Saudi Arabia is set to deport within a week another batch of 46 Indian children, Illegally staying in the oil rich kingdom and begging on the streets in holy places there. A number of studies of child labour have been conducted which show the appalling inhumanity inflicted by us on our own children. According to the latest report of the UNDP, the number of child labourers in India ranges between 14 million to 140 million. A study sponsored by the labour ministry of government of India reports that 44 million children in the age group of 5 to 14 are in the labour force. The Indian government have been consistently avoiding to take firm and strong measures for the abolition of

child labour. Instead of abolishing child labour, parliament passed the child labour prohibition and Regulation act, 1986 which emphasises regulation rather than abolition of child labour. The act leaves enough loopholes for child labour to survive in such industries. Myron weiner describes the present practice as follows: (Weiner. 3007):¹³. Though children are not employed in the large factories, they can be legally employed in small workshops. Much of the carpet weaving in India is done in household workshops where children and their parents perform piece work. Though children are prohibited from working in the large match-making factories in Sivakasi, they are free to work in the numerous small workshops scattered outside the town. One can clearly see that the makers of the constitution allowed these contradictions not out of dishonesty but out of naivete and ignorance of the conditions in which children of the poor lived. If they and their successors had the correct vision of India, they would have given high priority to the welfare of children which means the welfare of the future people of India. Most problems of children in India are problems arising from poverty. Welfare of the child would have been the best way of abolishing poverty¹⁴.

¹³ Ibid.

¹⁴ Ibid.

Right to Education

Child labour ought to be abolished, we cannot justify it on any ground, prohibition of child labour will also indirectly support our programme to cut down the birth rate. The latest census reports show that by 2040, India will be the country of the largest number of illiterates by the beginning of the next century. It can be achieved only if we take steps to universalise the primary education. This subject must appear on the top of our agenda for the next decade. The Directive principles of state policy are fundamental in the governance of the country. They are, however, not enforceable in any court [Art. 37] parliament and governments in India have taken advantage of the toothlessness of the directive principles for violating and sidelining them. In India, the expansion of literacy has not kept pace with the growth in population. The 1981 census reported that 314 million Indians were illiterate; the 1991 census puts the figure at 335 million. Investment in the universalisation of education will be investment in the future and the returns will be handsome in terms of greater economic prosperity; Social harmony and lower rate of population growth. It will also make democratic process more participatory and transparent.

The Supreme Court and the Right to Education

In *Mohini Jain v. Karnataka*, [AIR 1992 SC. 767] the Supreme Court speaking through justice Kuldip Singh elevated the right to education from the directive principles to an enforceable fundamental rights by holding that it was a concomitant of the right to life and personal liberty guaranteed by article 21 of the constitution In *Unni Krishnan V.A.P.* [(1993) 1 SCC 645] the Supreme Court speaking through justice B. Jeevan Reddy reiterated that the right to primary education was fundamental right. In our submission, unless the state provides for free and compulsory education, it does not become a fundamental right in a real sense. The government has not yet taken any steps to provide for free and compulsory primary education for children children below the age of 14 years as required by the constitution. In *M.C. Mehta V. T.N.*, [(1996) 6 SCC 756] the supreme court seems to have resiled from its earlier stand that the right to education was a fundamental right. Because the court said: [p. 771]. It is gratifying that the National Human Rights Commission has shown interest in the abolition of child labour and that it considers child labour as a curse and must make every effort to wipe it out. Some foreign countries, particularly Germany, are threatening to impose embargo on import of carpets from India because of the use of child labour. Instead of treating this from narrow nationalistic

perspective, it will be desirable to enforce the law against child labour and weed it out from our industry. The question as to whether the western countries should tell us about abolition of child labour. When child exploitation is not unknown to them is an argument based on “our children” and “their children” dichotomy, let the humanity show concern for children irrespective of their nationality or religion or race. Let us stop the exploitation of children in our country and also insist that such exploitation should not prevail anywhere else. The Supreme Court has found one way of making child labour expensive for the employer. The court said: (p. 771): We are of the view that offending employer must be asked to pay compensation for every child employed in contravention of the provisions of the Act a sum of Rs. 20,000; and the inspectors, whose appointment is visualised by section 17 to secure compliance with the provisions of the Act, should do this job. In fact, while commenting on Mohini Jain that the court should not have raised a directive principle to the status of a fundamental right because it was beyond the power of the court to provide the resource for backing up such a right. [Sathe, 1992] Whenever the court has indulged in the declaration of socio economic rights of positive nature such as the right to shelter [Olga Tellis v. Bombay Municipal Corporation (1985) 3 SCC 545] it has had to nullify it by legitimating the crippling restrictions there upon. Judicial activism which

takes upon the court the functions restrictions there upon. Judicial activism which taken upon the court the function, which essentially belong to another co-ordinate branch of government i.e. the legislature is bound to be counter productive. Social activist most understand the limitation of the judicial process. It is useful for having the existing rights enforced but not for creating new rights. Particularly those which require affirmative action on the part of the state. To create new positive rights such as the right to health care or the right to education or the right to work, they will have to lobby for legislative action. The court concludes by laying : (774). We part with the found hope that the closing years of the Twentieth century would see us, keeping the promise made to our children by our constitution half a century ago let the child of twenty-first century find himself into that "heaven of freedom" of which our poet laureate Rabindranath Tagore has spoken in Gitanjali: That "heaven of freedom" can come only if we take the bold step of making primary and even secondary education free and compulsory. This will have to be built by the social activist working in the field of children's rights¹⁵.

¹⁵ Naidu, U.S. "Psychological problem of working children", proceedings of WHO workshop on methodology of child labour, Bombay, 1992.

Child Prostitution

Child Prostitution is the worst form of child labour and now it seems to be on the increase. Increasing consumerism leads to increased sex desired aroused by pornography. It increase the demand for flesh trade. It is estimated that there are about 2.5 million sex workers in the country and out of these slightly less than half of a million are called child sex workers. About 50% of the cases were of those who started working as prostitutes at the age of 14 to 15 years, 42% were those standard at the age of 11 to 13 years and rest were those who started when they were of lesser age than 10. During last 10 years tourism has increased and with it half come the scourge of AIDS. Globalisation of trade increase globalisation of flash trade also. In *Gurao Jain V. India* [AIR 1990 sc 292] , the Supreme Court gave elaborate directions for providing education and hostels for children of the prostitute, That is one class of children who suffer most. some social institutions like Vanchit Vikas are doing very valuable social servoces in this area.

Child Abuse

Child abuse is another horrible torture which children have to bear. Rape and molestation of girl child eve6n by near relation is common. the

crime in India records nearly state that from 43 in 1988, the number of raped children- all below 10 years went to 107 in 1991. The trauma of a rape victim has been graphically brought out by Madhu Kiswar in her account of Nawal Dubey's who raped on 8 year old girl and was acquitted by sessions judge. Who was insensitive to the agony of a rape victim. Even after the parents of the girl secured conviction from the Supreme Court, the rapist remained free for a long time (Indian Express,. 8 October 1992). Violence, physical, mental and sexual, against the child is a fact of life in many houses. Even upper class and so-called educated parents do not feel any compunction in using violence against children. Sexual abuse from near relations including father or brother or maternal uncle are much more frequent than we imagine. Children have to bear this helplessly, the effect of which they may have to carry throughout their lives. Complaints against parents are not entertained because of the concept of the house being a persons castle. In literature and films we see violence against children inflicted by step mothers but cruelties to children are inflicted even by real mothers.

Right to Home

The child's right to a home and to parental care needs to be promoted by providing for liberal laws of adoption which will facilitate the

child's integration into a family. In India, we do not have a law of adoption applicable to children of all the communities. The Hindu adoption and Maintenance Act, 1956 provides for the adoption of children who are born as or brought up as Hindu. For Children of the other communities there is no law of adoption. If a Muslim or a Christian wants to adopt a child, She has to do under the guardian and wards act whereby the relationship of guardian and ward is established. Children would be for more secure if they are adopted rather than merely brought under guardianship. The Maharashtra Government has passed a bill which contains the common law of adoption for all the communities. This bill deserves serious attention of all those who are interested in the welfare of the child. bill no of 1955, A bill to provide for adoption of child and for matters connected therewith.

The Rightly Of The Child: The United National Convention (Excerpts)

Article 27

(1) States parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual and moral and social development.

Article 28

States parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) make education's and vocational information and guidance available and accessible to all children;
- (e) Make measures to encourage regular attendance at schools and the reduction of impact rates.

Article 32

1. States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be harardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, Moral or Social development.

2. States parties shall take legislative, administrative social and educational measures to ensure the implementation of the present article. To this end and, having regard to the relevant provisions of other international instruments. States parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment.

(b) Provide for appropriate regulation of the hours and conditions of employment.

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The right of child is such a broad topic that neither time nor space will permit to do full justice to the subject, and how all developments related to child issue were codified in a comprehensive universal documents the convention on the rights of the child, and it is to be implemented to national regional and global levels thereby providing protection of the rights of children¹⁶. Tracing the history of development of child rights, In traditional society, the child was integrated in the society through its family, society's traditions and customs prescribed patterns of behaviour of both

¹⁶ Child labour and media, consultation Report, National Labour Institute, Noida 1996.

parents and children. The parents principle, duties were to monitor, protect and educate the child . While the children were expected to obey and respect their parents and look after them in old age. However, there was no question of rights as we understand them now a day¹⁷.The General declaration laid down a number of basic principles on the rights of children which provided them with special protection. This was to form the basis of the ten-point declaration on the rights of the child adopted by the United Nations General Assembly on November 20, 1959, the UN Declarations. Which formed the basis of the drafting of the convention on the rights of the child, restated the 1924 league of Nations Declaration while adding new provisions including the right to shelter, nutrition, Medical care and education and to be brought up in a family setting in an atmosphere of happiness, love, understanding as well as protecting children against all forms of exploitation¹⁸.

Nothing illustrates the environment a child should grow in better than the following poem entitled : Children learn what they live by Dorothy law Notes.

¹⁷ The Right to be a child, UNICEF, 1994, p. 1.

¹⁸ Report of the Naitonal commission on Labour, 1969, p. 387.

*If a child lives with criticism,
he learns to condemn.*

*If a child lives with ridicule,
he learns so shy.*

*If a child lives with hostility,
he learns to fight.*

*If a child lives with Shame,
he learns to feel guilty..*

*If a child lives with tolerance,
he learns to be patient.*

*If a child learns with encouragement,
he learns confidence,.*

*If a child lives with praise,
he learns appreciate.*

*if a child lives with fairness,
he learns justices.*

*If a child lives with security,
he learns to have faith.*

*if a child lives with approval,
he learns to like himself.*

*if a child lives with acceptance and friendship
he learns to find love in the world.*

Special rights for children were thus necessitated by virtue of the fact that children are physically and Mentally immature and hence require special rights to protect them and meet their unique needs. The nations of the world have thus agreed on the minimum standard set out in the

convention, for the protection of the children's right to survival, health and education. These rights enshrined as they are in the convention apply equally to all children irrespective of race, colour, sex, language, religion, political or other opinion, etc¹⁹. Generally speaking, the provisions of the convention apply for four main areas of children rights, namely, survival, development, protection and participation.

The Rights to Survival

The survival rights include provision of adequate food. Shelter, clean water and primary health care. These are the basic rights to ensure the survival of a child.

The Rights to Develop

Development rights include access to information, education, cultural activities. Opportunities for rest, play and leisure and the right to freedom of thought, conscience and religion.

The Right to Protection

The child must be assured of protection not only from the violation of the above rights, but also from all kinds of exploitation and cruelty arbitrary separation from the family and abuses in the justice and penal

¹⁹ "Human Rights", Perspective and challenges in 1990 and Beyond.

systems. Protection is also vital for especially vulnerable groups, among children like abandoned children. Street children, handicapped children, displaced children, etc. Children must also be protected against use and sale of drugs as well as in time of armed conflicts.

The Right To Participation

Participation rights include the right to express opinions and to have these opinions taken into account in matters affecting the child's own life and the right to play an active role in the community and society through freedom of associations, etc²⁰. The above sums up the various rights contained in the convention aimed at serving the best interests of the child everywhere.

International Standards on Child Labour

The exploitation of working men, women, and children is intrinsic to the society we live in. But we must be careful not to emulate the logic of the state which legitimises as well as condemns the exploitation, the issue of rights cannot be resolved as long as the predatory, rapacious, capitalist system is at the root of the system²¹. A Logical man, three simple words put together from the English language. But there may be beguiling complexities

²⁰ New Encyclopaedia Britannica, Micropaedia, Vol. 11, 15th Edition, 978, p. 329.

²¹ The term "child labour" as defined by the United States, Department of labour, quoted in the Encyclopaedia Americana, 1963, p. 461.

beneath those words. Perceptive observers may note the ideological, privatised, secientific, gender, age and class biases embodied in those words. Those perceptions in turn, may betray the biases of the perceiver. Let us, for instance, take a table. On this table, lie two bowls. The bowl on the left contains a dozen blue glass marbles. The bowl on the right contains a dozen yellow glass marbles. Now, a logical man is given a green glass marble. In which bowl would he place it the blue one or the yellow one if you were given a green marble where would you place it? the question obviously underscores issue of taste and preference of culture and ecological context. But how do we attempt to understand the logic of the answer? This answer, curiously enough, may have something to do with how we define the rights of child labour.²²

Preamble

Whereas the peoples of the United Nations have in the charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom. Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that every one is entitled to all the rights and freedoms set forth therein without

²² Roy Dunu, "Rights of Child labour", Ethics, production and Nation - State, Economic and Political Weekly, January 31, 1998, 25-28.

distinction of any kind. such as race, colour, sex language , religion , political or other opinion, national or social origin, property, birth or other status. Where as the child by reason of his physical and mental immaturity needs special safeguard and care, interdoing appropriate legal protection, before as well as after birth.The General Assembly proclaims this Declaration of the Right of the child to the end that he may have a happy childhood and enjoy for his own good and for the good of the society the rights and freedoms herein set forth and calls upon parents, upon men and women as individuals and upon voluntary organisations, local authorities and national governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles.

Principle 1 : The child shall enjoy all the rights set forth in this declaration. All children without any exception whatsoever, shall be entitled to these rights. Without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin. Property, birth or other status. Whether himself or if his family:

Principle 2 : The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally. Spiritually and socially in a healthy

and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interests of the child shall be the paramount consideration.

Principle 3 : The child shall be entitled from his birth to a name and a nationality.

Principle 4 : The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end special care and protection shall be provided both to him and to his mother, including adequate pre-natal, natal and post-natal care. The child shall have the right to adequate nutrition, housing recreation and medical services.

Principle 5 : The child who is physically, mentally or Socially handicapped. Shall be given the special treatment, education and care required by his particular condition.

Principle 6 : The best interest of the child shall be the guiding principles for those responsible for his education and guidance and that responsibility lies in the first place with his parents.

Principle 7 : The child in all circumstance be among the first to receive protection and relief.

Principle 8 : The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the of traffic in any form.

Principle 9 : For every child spiritual and moral training to help him to stand firm under the pressures of life.

Recognition of Rights of Children

The Geneva Declaration of the rights of the child, 1924 is the first convention adopted by the league of Nations in which rights to children was considered. The universal declaration of Human Rights as adopted by the United Nations General Assembly on 1948. Incorporated within it certain basic rights for children. Article 24 of the international covenant on Economic, Social and cultural Rights deal particularly with the rights of the children. Directly emphasising the needs for 'Rights of Child' an independent 'Declarations on the Rights of Child' was passed by the United Nations in 1959. The U.N. Declarations proclaim principles of child welfare, having application to every social condition by conferring specific rights to children through social security legislation prohibiting any discrimination²³. There are also some new concepts manifested in the Declaration which ensures the child a right to a name and nationality²⁴ and

²³ 'U.N. Declaration of the Right of the child', Art.1. quoted from Chanlett, Elisha and Morier, G.M., Declaration of the Rights of the Child, Vol. XXII , International Child welfare Review, 1968, Edn.

²⁴ Ibid., Article, III.

'to adequate nutrition, housing, recreation and Medical services'²⁵. It further says that a child shall not be admitted to employment before an appropriate minimum age²⁶ and in no case be caused for permitted to be engaged in any occupation or employment. Which would prejudic his education or interfere with his physical, mental or moral development²⁷ and in case of physically handicapped, child a special treatment, education, and care are provided²⁸. The U.N. Declaration is an international document with great potential for improving the social and legal status of children in the world. But all children are not born free and cannot claim equal status by their natural order because they are distined to the social, economic and political factors in which they are born or are living. They may also be another difficulty that these U.N. Declarations are merely a proclamation of general principles and have less binding nature upon the state signatories, even after ratification as because most of the countries face difficulties in accepting the legal obligations due to their economic and social conditions. However in 1978 the polish representative introduced a drafts on an international convention on the Rights of the Childs in the U.N. commission on Human Rights, which seeks to transform the proclamation of 1959, U.N. Declaration into a legally binding instrument.

²⁵ Ibid., Article IV

²⁶ Ibid., Article IX.

²⁷ Ibid., Article IX (2).

²⁸ Declaration of the Rights of the child, 1959, Article V.

It is evident from the above discuss, therefore, that notwithstanding, the international concern for the children responsibility of implementing the international standards fall upon the respective countries, who are required to practically carry it out for the protection and safeguarding the interests of the children's at the global, level..

Agenda for the Child Rights Activities

In my opinion the agenda for child welfare and rights will consists of the following step;

- i. Make primary education for children below the age of 14 compulsory and free. (ii) Make prohibition of employment of children in hazardous industries more stringent and improve this enforcement; let children who go to school work in non hazardous occupational for not more than 4 hours a day; (iii) Let children who go to school work in non hazardous occupations for not more than 4 hours a day; (iv) Improve the implementation of the prohibition and regulation of child labour by improving non-government organisations with unimpeachable record; (v) Increase the transparency of the administration of child labour by asking for annual reports from inspectors and holding public hearings of such reports; (vi) There should be a committee of parliament of both houses on child rights. The committee should report on the progress made by

various programmes of child rights enforcement. Not less than half the members of such a committee shall be woman. (vii) An ombudsman to look after the working of the child labour (prohibition and regulation) Act, 1986, the juvenile justice Act, and such other legislations be appointed. Who will report to parliament about the gross violations of children's rights. (viii) All girl children found in brothels or engaged in flesh trade should be rescued and placed in the custody of the protective homes shall be subject to review by the committee of parliament or state legislatures or the ombudsman; (ix) Parliament should pass a law against child use even in a family or a school on the lines of S. 498-A of IPC, (ix) Child abuse in schools, colleges, hospitals or any other such places by an employee shall be considered as misconduct in the service rules. Such conduct shall also be punishable by criminal law, (x) Gender equality and justice must be taught in schools and universities. Special training programme for government servants to make them sensitive to gender issues should be organised. Strict punishment should be provided against sexual harassment of female employees. (xi) Curricula and pedagogy in schools must reflect greater social relevance and help bring about imagination and creativity among children; (xii) The concept of neighbourhood school must be promoted children of all classes, castes, religions must go to the nearest school.

This will promote a vision of India as a multi-religious, multi-ethnic nation and nurture, tolerance and pride in cultural pluralism, .(xiii) In urban planning, children's interests must be considered,. There must be enough play ground, parks and zoos for children, .(xiv) No development which disregards the rights of the child should be adopted. Children need a healthy environment. They must breathe fresh air and must have potable water, urbanisation and under industrialisation which pollutes the environment must be discouraged.

We must usher into a new jurisprudence of human rights, which will spell out the rights of all those who need special care and attention. Children, Women, the aged, the physically handicapped, and even the animals, need protection and affirmative action. Our cultural progress can be measured in terms of how much these sections of society have progressed and whether they are able to live without fear. In the search for alternatives to minimise child labour exploitation. It is necessary to encourage programme of social action groups, like voluntary organizations to serve public good and the government should allow them competent leadership and considerable flexibility aiding them financially in such operations. Political commitment to basic education in India remains both faint and fragile . It may also be help to organise legal aid camps through

law students and social workers to impart de-professionalised justice to those child victims so that exploitation of child labour can be considerably reduced²⁹.

Education for all is still an elusive commodity. Almost seven years have passed since the U.N. commission on Human Rights called on state parties to “recognize a child's right to education”. A resolution to this effect endorsed by the General Assembly saying, “They shall, in particular, make primary education compulsory and free to all”, But with 1997, all but over, the world is clearly nowhere near the goal..

²⁹ Chattopadhyaya, Swapna, mere rhetoric will not do. A States man November 15, 1997.

CHAPTER - II
SOCIAL AND LEGAL
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SOCIAL AND LEGAL LEGISLATION ON

CHILD LABOUR

Though India is celebrating its fiftieth year of independence, there are many important problems that are still existing in Indian society and are yet to be solved, child labour is one of them, interestingly, on July 7, 1997 the union labour Minister Veerendra Kumar at a conference observed that Orissa has 2.15 lakh child labourers. The term 'child labour' is, at times, used as a synonym for 'employed child' or 'working child'. In this sense it is co-extensive with any work done by a child for gain. According to V.V. Giri, the term "Child labour" is commonly interpreted in two different ways: first, as an economic practice and secondly, as a social evil.¹ The child labour, in a restricted sense, means the employment of children in gainful occupations which are dangerous to their health and deny them the opportunities of development. As a child labour is a socio-economic problem, it is generally considered that illiteracy, ignorance, low wages, unemployment, low standard of living, and social life-all are roots of child labour. It is often said that "child labour is no longer a medium of economic

¹ Mahapatra, Sevashree, Steps to Check Child Labour, Yojana, July, 1997. pp. 24-25.

exploitation but is necessitated by economic necessity of the parents and in many cases that of the child himself'.²

The Supreme Court of India, in its judgement dated December 10, 1996 in writ petition (civil) No. 465/1986 has given certain directions regarding the manner in which the children working in the hazardous occupation are to be withdrawn, from work and rehabilitated as also the manner in which the working conditions of the children working in non-hazardous occupations are to be regulated and improved upon.³ The important directions given in the judgment dated December 10, 1996, includes payment of compensation amounting Rs. 20,000 by the offending employee for every child employed in contravention of the provision of the Act, constitution of the child labour Rehabilitation-cum welfare fund, giving alternative employment to an adult member of the family in place of the child withdrawn from the hazardous occupation on payment of an amount of Rs. 5000 for each child employed in hazardous employment by the appropriate government, completion of the survey of children working in hazardous employment, within a period of six months (i.e. by June 10, 1997), payment of interest on the corpus of Rs. 25,000 (Rs. 20,000 to be paid by the employer and Rs. 5,000 to be contributed by the appropriate

² Ibid

³ Ibid

government) to the family of the child withdrawn from work. provision of education in a suitable institution for the child withdrawn from work and constitution of a separate cell in the labour department of the appropriate government for the purpose of monitoring.

Conceptualisation and interpretation of child labour legislation and any pragmatic policy measures to end of this obnoxious practice and to advocate issues related to child rights and childhood, context to state of Orissa need a rigorous and purposeful public debate and action. This report as an outcome of 15 days deeper interaction with child labour from agricultural sector, mining sectors, and highlights child labourers own expressions about their own life both in the work place and at home in their own language and finally distinguished jury members verdict on it, this will be the major source of inspiration and point of reference for the researchers, experts and policy makers in the country. We hope this will disseminate the issues related to child labour to the general public.

Child Labour in Orissa Today

Children at very tender age, say 5 to 14 years work as labourers when they require at this age, love, affection and care of everybody, children are forced to work as labourers for the sake of earning a livelihood. They are often considered better substitutes of adult workers for better

work with lower wages, The parents and other family members are mostly responsible for bringing the children to the jobs. The role of middleman as they are blamed often, are quite negligible in this regard.

Causes of Child Labour

The grinding poverty and search of cheap labour force these children to work in the mining industry. Besides, sudden death of father or mother or both during their early childhood brings them to the jobs. Moreover, big size of the family, bad habits of the father spending money on drinking and other vices and sometimes the child's desire to work either due to instigation by their friends and time bound tradition to help their parents make them work at very tender age. A survey conducted by labour directorate reveals the following.

Table -1
Causes of child labour in Orissa

Sl.No.	Causes	% of child labour (both sexes)
1.	Poverty	54
2.	Childs desire to work	18
3.	Big size family	12
4.	Parent inability to provide education	8
5.	Death of parents	4
6.	Ill habituated father	2
7.	Accident of father and less earning capacity	2
	TOTAL	100

Source: Labour Directorate, Orissa, Tabulation prepared by the Author.

Children working to support their families is a socio-economic reality on both rural and urban Orissa. Urban migration is a prominent factor to reckon with. When poverty stricken villagers migrate to cities for employment they do not hesitate to engage their children in any type of work with nominal wages and even for a loaf of bread under forced circumstance. A child labour has practically no choice but to work to save him from hunger and starvation, sometimes the parents sell their children to landlords and employers. When the children even fail to know their selling to middleman (see National commission on labour: 1967 p. 387) Economic distress of the people in the lower strata of the society has been responsible for the prevalence and perpetuation of child labour in Orissa.

The problem of child labour is more acute in rural areas of Orissa because of the agricultural economy. The uneven growth of National economy, regional disparities, negative growth of backward areas retard the spread of education. The old fashioned outlook of parents to treat their children as assets/supplement to their income also multiplies the magnitude of child labour in Orissa. The profiteering class being an offshoot of economic imbalances employs child labour at lower wages and consider child labour to be a good source of profit because it generates a large surplus value to the employers. The employers take full advantage of the

children and their immature age and compel them to work in any heinous jobs, which an adult worker would deny at such a lower wage. Thus the economic climate contributes more for growth of child labour in Orissa.

Their Number Today

More than 6% of total workforce, say 6 lakhs in the state in the age group of 14 years or less are child labour. Majority of child labour, say 82% or above 5 lakhs are found in agrarian sector and 18% or one lakh are distributed among other industries. The female child labour is 1/4 of the total in Orissa. Again 94.65% of the total child labour belong to the rural sector and 5.14% to the urban sector. So problem of child labour is more in rural areas than urban as regards their concentration. Employment of child labour is more in livestock, forestry and fishing sector or rural economy and engagement of child labour is negligible in transport and communication sector. Another fact that is more distinguishing in Orissa is that the number of child labour in rural Orissa is more than all India average of 91.14% , but the position of child labour in rural Orissa almost same with the following states of India.

Table -II
Child labour in Rural Areas in Selected States

Sl.No.	State	%of child labour	Remark
1.	Arunachal Pradesh	98.24	Highest
2.	Bihar	94.97	-
3.	Jammu & Kashmir	96.90	-
4.	Madhya Pradesh	95.58	-
5.	Nagaland	95.88	-
6.	Orissa	94.86	-
7.	Sikkim	93.64	Lowest
8.	Tripura	94.79	-

Child labour are more in rural Arunachal Pradesh, Jammu & Kashmir, Madhya Pradesh and Nagaland and lowest in Sikkim . The position of Orissa is in between the two extremes.

The percentage of child labour to total workforce is more in Andhra Pradesh and less in Lakshadweep in India.

Table - III
Percentage of child labour to total workforce.

Sl.No.	States	% of child labour to total workforce
1.	Andhra Pradesh	7.75
2.	Karnataka	7.08
3.	Lakshadweep	0.39
4.	Orissa	5.97

One survey conducted by the labour directorate Orissa reveals that more than 93% of child labour in Orissa are Hindus belonging to lower classes of Orissa, majority of them are illiterate and only 33% of them read between class I to class IV and cent percent are oriyas too. But most of the girl child labour are illiterate home workers in Orissa.

Historical Origin

Employment of child labour is as old as civilization itself. It has become a global phenomena and has becoming an ugly scene in the history of mankind. In “manusmruthy” and Kaustilya’s ‘Artha Sashtra’ there are mentions of child labour and prohibition of trade of children, child labour is one of the greatest evils of society born of poverty and illiteracy. Their support to family is a social reality. The caste system also perpetuates the child labour in the society. Child of a very high class (caste) prefer begging to labour (work). So in a hybrid society of haves and have-nots, child labour is bound to be seen more in lower classes⁴.

A model sample survey reveals that more childs labour are seen in developed districts of Orissa than in underdeveloped districts.

⁴ Weiner, Myron, Child labour in India: putting Compulsory Primry Education on the political Agenda; economi cand political weekly, 31 (45-46); 9-15. Nov., 96, 3007-14.

Table - IV
No. of Child Labour in Selected District Establishment

Sl.No.	District	No. of child labour
1.	Bolangir	150
2.	Cuttack	700
3.	Dhenkanal	400
4.	Keonjhar	24
5.	Koraput	61
6.	Kalahandi	22
7.	Puri	200
8.	Phulbani (kundhamal)	4
9.	Sambalpur	600

Child labour may be a social evil, having the de-humaning effect, but it has its own rationality as argued by various such employers and voluntary organizations. ms. Rita Panicker working with 'Butterflies', a voluntary organization says "not allowing these children to work is doing their death sentences". To prevent these children from earning a fair day's wage is to push them into illegal activities like drug-peddling, liquor rending, begging or pick-pocketing . Some employer says that by giving these children employment, they "help the families to make ends meet or they would starve⁵ .

⁵ Francis, C. Eradication of Child Labour, Need for an Integrated Approach, Social Action, 46 (4); Octr-Dec, 96; pp. 4545-66

But there can be no justification in making these young hands work as an age when they should have been going to the school. Poverty of their families have pushed them to a life of slavery. Where they earn their dadly bread by hard work. Any argument for gainful employment is baseless, when the youth of the country. Several lakhs in number are unemployed, what it reflects is a clear picture of child exploitation in the name of providing employment to these children . Every effort should be made to eradicate this social evil from our democratic society. even former President Shankar Dayal Sharma declared on 2nd October , 1994 that “neither tradition nor economic necessity can justify child labour and eliminating such exploitation is one of the major challenges today“⁶.

So far various attempss have been made to eradicate child labour through laws which have inherent loopholes and limitations . But as child labour involves large socio-economic issues, it needs to be looked into against the backdrop of poverty , unemployment, etc. In a situation of extreme poverty, child labour cannot be eliminated merely by enacting laws. It needs a wholesome approach to solve the problem. The basic human needs such as food, shelter, clothing, water, education and provision of gainful employment have to be ensured. Adequate majors should be taken

⁶ Swepston, L. Child labour- Its Regulation by ILO Standards and National Legislations, International Labour Review, 121 (5), 1982.

for rehabilitation of the displaced child workers. But any programme for eradication of child labour must begin with creating a consciousness about the evils of this practice in society, in the minds of parents, labour control entrepreneurs, politicians, labour leaders etc. It should not be left only upon the government, to work for elimination of the child labour. Every individual in society, being a social being, must work for its eradication. It is a social responsibility which every citizen should shoulder to the best of his capacity⁷. The term child labour has also been defined by the department of labour as “the employment of boys and girls when they are too young to work for hire, or when they are employed for jobs unsuitable or unsafe for children of their ages and under conditions injurious to their welfare”. Myron weiner has written that on the threshold of the twenty first century India is the largest producer of illiterates and child labour. It is heartening to note that several NGOs concerned with child labour as a part of the network called South Asian coalition on child servitude (SACCS) have succeeded to an extent in creating world wide consciousness on the point of child labour. Then media has also played an very important role in creating public awareness on this count. As a result, now there is increasing realisation that several export products are manufactured under adverse conditions by children. It is to be noted that at the UN world conference on the Human

⁷ Sharma, O.P. Incidence of Child labour, Economic Times, 17 August, 1975.

Rights, 1993 that took place in Vienna, a plea was made for all governments to enact suitable legislation banning import of goods made by children, in part or full⁸.

Suggestions

Child labour is an unmitigated social evil, repugnant to modern conscience and dysfunctional to human and development, in view of our contemporary economic situations, its total eradication through legislation or even planned development does not seem to be an easy job. However, imposition of free and compulsory education of quality for children from six to fourteen years of age shall be an important corrective measure. It seems to be a long term formula but chances of failure are the least, unfortunately, this does not figure in the government's agenda. Again the poverty alleviation programme together with universalisation of education and general change in attitude only can help in eradicating the evil of child labour. In India, there have been several legislations, both before independence and after- which are mainly directed to restrict the minimum age of children at the time of employment in certain types of work as well as to regulate the working conditions.

⁸ Indian Institute of Public Administration, Child labour: Report of the Syndicate Group-Programme on Policy Analysis, Sept-Oct. 1986.

The happiest period in a persons life is childhood. All children irrespective of class, caste and position must enjoy it doing that which is natural and is their right. The country may be free, but its children are chained to a life on the edge. Most of the children have to proper childhood, nor they can hope for a meaningful adulthood. They do not know what they are missing. They are destitute of destiny. For them, "world lost", It is the most said reality that when able - bodied adults cry for jobs which adults should have been doing⁹. There is a national call that "let's given them a chance, they have but one childhood, let us all try to put them in school" (Ministry of Lahore Government of India). In a recent initiative, the Supreme Courts directive to check exploitation of childhood labour in the country, has led to state level survey to identity child labourers working in the hazardous units. Identification will call for special schemes to adulate by way of imparting formal, non-formal and vocational training. If a problem it generated by the society itself. Its control need enormous social co-operation, Even the rigid governmental regulations fail in delivering goods unless we make we find disobedience, violation of laws, raules and regulations flourishing as a crave, the governmental regulations cannot be effective. We have to accept the truth that violation of governmental

⁹ The Author is at Homi Bhaba centre for Sciece Education, T.I.F.R. Mumbai "compulsory education forall". Third world Impact, September 1997.

regulations in all most all the areas is found rampant, especially in the Indian society¹⁰.

Since the attainment of independence in 1947 till present, the contours of development have hardly been harnessed by the weaker sections. Legislations, slogans and conventions can't serve our purpose unless social awareness gains a rapid momentum. The mission of a nation is to protect the human beings to subserve their interests and to pave ways for their all -round development, of course, it is the human being that counts and if we really count human being, this is much more a child than a grown up. It was against this background that the constitution of the republic of India mentioned in Article 25 that no child below the age of fourteen shall be employed a work in any factory or mine or in any other development¹¹.

According to a 1997 UNICEF report, of 250 million child labour sufferers in the world over one third are in India. If we are really interested in arresting this social evil, the only solution is to break this vicious circles of poverty, acting as a 'villain in the social transformation process. This article identifies key reasons for a galloping increase in the number of child labour suggest the remedial measures to root-out the same. Poverty

¹⁰ Krishna Murthy, Dr. G. and Smt. T. Jyothi Rani, wages of child labour, Yojana, Vol. 26 No.18, Oct 1-15, 1983.

¹¹ Ghatak, M. child labour in India. Human Futures , 4(4), 1981, pp. 151-60.

illiteracy and lukewarm involvement of society in the social transformation processes are the issues discussed in the present study. Willingly or unwillingly. We have to accept the truth that directly or indirectly all of us are found responsible for this social evil. We deliver an attractive speech against child labour, contribute creative literature against this social evil by writing papers and articles. We draw an original painting depicting the sufferings of child labour and we also produce creative and thought provoking movies and TV serials on child labour but majority of us find it difficult to manage their domestic affairs. If their domestic servants (generally 10 to 13 years old) make a good bye to them even for a day. This speaks of the fact that the real solution, to those problems is a rigid social regulation. Social boycott of a person or an institution/ organisation employing child labour would be a real solution to this problem¹².

Poverty : A Vicious Circle

An urgent task before policy decision makers, economic planners. Social scientist and voluntary social organizations is to break the vicious circle of poverty acting as a villain in the social transformation process. The mounting inflationary pressure is found contracting the real value of the income of weaker sections of the society.

¹² Gopalan, M. Kulandaiswamy V. Child labour, Social Welfare, 23 (8), 1976, pp.1-3

A good number of child labour are found working seasonally. According to UNICEF report about 10 percent of child labour are found working less than half year,. The seasonal fluctuation in the job market is found rampant. This forces the weaker sections to allow their children to work just to manage their essentials if they are not in a position to manage their food and shelter, the question of making a provision in their family budget for education does not arise. In addition , the parents are also supposed to marry their daughters and to follow the social customs and traditions. Now they have no option but to borrow from the money lenders. Once they are trapped, it becomes difficult for them to come out. This makes it clear that an increase in the level of income of the weaker sections is crying need of the hour¹³.

Illiteracy

Another important cause engineering a sound foundation for this social evil is illiteracy. Normally the reception and judgment qualities are influenced by the level of education. The parents allow their children to work since they fail to understand the messages published. the media fail in creating awareness since the illiterate masses are not sensitive receivers, creativity in publicity makes possible sensitivity. Provided the audience are

¹³ Das Gupta, Samir, Child labour - A National Problem.. Yojana, XXII No.2, 1 Nov. 1979.

literate. All of us have been witnessing the insensitivity of governmental regulations to educate the poor sections. The voluntary social organisations bear the responsibility of creating awareness. Almost all the national and international survey shows that educated persons do not allow their children to work. This is due mainly to the fact that educated persons have a different life style.

Social Regulations

No doubt, the government bears the responsibility of educating the masses and regulating the social behaviour but when we find them insensitive, the only way out is to pave ways for social participation. When we talk about social regulations. Our emphasis is on the constitution of formal and informal social organisations found instrumental in regulating the social conduct rewarding and punishing those who obey and violate the same. Here, it is important to mention that even social regulations are found insensitive, if the persons involved in regulating social conduct and framing social regulations behave indiscriminately. The state labour conference held in the first week of July 1997 has resolved to amend the Act to regulate the child labour but the amendments in the Act cannot meet the desired goal unless formal and informal social organisations extended to the government their best possible co-operation. Here we also recognize the

outstanding contribution of social regulations to set things in the right direction¹⁴. The problem is not only related to identification but even proper action against those who violate the governmental regulations and disobey the decisions, social organisations, women welfare organisations, political organisations. Students union, teachers association and charitable trusts can be involved in the processes. The main theme is that the social organisations are found vigilant so that the cases of ill treatment, exploitation and inhuman behaviour are identified in time. Here it is significant that governmental bodies assign due weightage to the decisions of social organisations.

Willingly or unwillingly, we have to accept the fact that majority of us in the society have been found promoting child labour. We always talk about their exploitation in some of the selected areas where they face the problem of health hazards but don't care about their sufferings in two important areas where they are employed in a very good number. According to a UNICEF 1997 report about 75 percent of the child labour are found working in houses and hotels. Regulating child labour with social support is, of course, the best course of action to bring things on the rail, provided the social organisations are clearly following the norms. We find a good

¹⁴ Mohsin, Nadeem, Poverty Breeding Ground for child labour, Mainstream, Vol. XVII, No. 41, June 7, 1980.

number of hotels exploiting child labour in different ways e.g. more working hours, less payment of wages and inhuman behaviour. All of us visit hotels and witness their sufferings but none act to bring them out can we take a vow that all of us boycott those hotels where child labour are employed?. In most of the private houses, we find child labour working in a very good number,. They are found experiencing the worst form of psychological terrorism there which in the long run make them mentally bankrupt and crazy. The work in houses like an animal but fail to get a reasonable return for their services. Do we talk about them?. We insist on social regulations mainly due to the fact that ultimately this social evil is promoted by the society and unless we find social participation gaining a rapid momentum. The problem would not be solved indeed its intensity would increase further.

A pernicious practice prevailing, particularly in the primary sector of the economy, is child labour, this phenomena is ubiquitous in India, The international labour organisation has advised its member, countries to gradually abolish child labour and raise the minimum age for employment¹⁵. Our constitution provides for certain safeguards against misuse of children. Article 39 states "that children are given opportunities

¹⁵ Child labour, Judiciary Takes up cudgels, civil services chronicle, February, 1997.

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”.

The employment of children (Amendment) Act was adopted by the Rajya Sabha on November 21, 1985, after it was placed by the Lok Sabha earlier. The amendment to the 1938 Act was intended to enhance punishment to those who abuse child labour. The punishment is a years imprisonment with or without a fine Rs. 2000 for first time offenders. However, the M.S. Gurupadswamy (1979) has pleaded for comprehensive legislation on child labour. The child labour (prohibition and Regulation) Act, 1986, National child labour policy, 1987 and the setting up of a central advisory Board on child labour in 1987 have not helped improve the plight of child labour in the country¹⁶. It may be noted that child labour has remained more a social problem than an economic issue, as such, legislation is of little help in curbing this obnoxious practice. Also, the apathy and inability of the state machinery in tackling the problem are quite apparent. For instance, during 1988-89, only 230 prosecutions were launched under the child labour Act and another 1233 under the factories Act¹⁷. It has been rightly pointed out by Dr. Ashok Mitra “very low wages at a young age are

¹⁶ Satya Sundram . I . “Pligh of the child labour”. Statesman, April, 1974.

¹⁷ Maity, A.B. Child labour in India, modern Review, 140 (5), 1976, pp. 291-95.

not helpful in security high wages at a higher age and , therefore, wages tend to rise slowly, thus undermining productivity. A ready and plentiful supply of cheap labour which can be used for constantly undercutting demands for higher wages for adults in the organised and even the unorganised sector, can be a menace to industrial productivity and a deterrent to technological upgrading on the part of the management”¹⁸.

Marx justified juvenile labour only when it was combined with education. He observed “the combination of productive labour, mental education, bodily exercise and polytechnic training, will raise the working class far above the level of the higher and middle classes”. Gandhi also believed that participation in a productive activity was by itself an educative process. There is also a social dimension to the problem of child labour. The worst affected because of child labour practice, are the scheduled castes and scheduled Tribes because 80 percent of the child labourers belong to these communities. small boys work unpaid as household servants for landlords, in return for loans taken by their parents in the past. From the 1981 census, we understand that out of 7.4 lakh beggars, 1.5 lakh were children.

¹⁸ Mathew, P.D. Laws Relating to child labour , Seminar paper at the Indian Social Institute.

Employment of children in the Indian context has become an economic necessity. The meagre incomes of rural household often induce children to go to work rather than to school. Rural parents feel it more economical to send their children to work than to school . so long as a family lives below the poverty line, it does not hesitate to send children to work. As child labour is cheap, the employers are ready to take them for work¹⁹.

Rural parents feel that educating children would imply a double liability. loss of earnings if children do not work and expenditure on education howsoever small, if they are sent to school. They feel that they have to spend something if they send children to school; and earn something if they send them to work. Thus, education is viewed as a liabilities as they would imply more of wage earners. As most rural families. are below the poverty line, even the meagre incomes of children are necessary for sheer survival. One must recognize the realities of the rural situation, at the present stage of economic development it may not be possible to completely abolish child labour, this but this obnoxious practice cannot be continued long²⁰.

¹⁹ Nayeem, A. Child welfare Administration. Indian Journal of Social Work, 51(3), 1980. pp. 261-73

²⁰ Mookherjee, S., Pandya, p. (Eds.): child labour in India, 1986, Gandhi Labour Institute, Ahmedabad.

An awareness should be created among rural parents that only by sending their children to schools do they become skilled workers in future, and only skilled persons can earn enough. Also, a fact which has not received due attention is that the general employment situation of adults would improve if child labour is completely abolished. About 20 million unemployed adults can secure work at standard wages if child labour goes²¹. Vocationalisation of middle and secondary education will help solve the problems of child labour to some extent. When the children acquire specific skills and become employable, there will be no need for them to take up odd jobs. Also, vocational education will help sustain the interest in learning and reduce the scope for drop-outs. Non-formal education for rural children should be strengthened by using the radio, TV and other modes of mass communication²². The practice of child labour can be curbed only by improving the economic status of rural households. As rightly observed by an ILO report: "The problem of child labour is the problem of the maintenance of the child and the living wage of adult earner in order to maintain an adequate family standard".

²¹ Rao, J. S.N. Agricultural child labour. *Indian Journal of Labour, Economics*. 22 (4), 1079.

²² Radha Iyer, working children - Disquieting Trends. *Business Standard* 31, Dec. 1979.

Legal Legislation

Any legislation totally prohibiting child labour would virtually amount to inflicting on these children and their parents and unbearable sufferings. Moreover, in the absence of possible alternative such a measure is likely to aggravate rather than mitigate their misery and hardships.

A number of legislative and executive measures have been adopted from time to time to regulate the employment of children and improve their working conditions in the organised sectors of industry. The first protective legislation for child labour in India was enacted as early as in 1881. It was known as the Indian factories Act. This Act provide some protection to children by forbidding employment of children under seven years in factories and limiting their working hours to nine hours a day later, many other Acts like the mines Act, 1901. Indian ports (amendment) Act, 1931 and the employment of children 1938 were passed. Some of them were also amended many times. But all these measures failed to achieve the desired goal the elimination of the evil of child labour²³.

After independence, the first step in this regard was the amendment of the “factories Act in 1948. Which raised the minimum age for entering into employment in factories to 14 years. it also provided that no child shall

²³ Nayak. N.K. child labour : Not by legislation alone. Statesman 1996.

be permitted to work in a factory for more than $4\frac{1}{2}$ hours a day. Article 24 of the Indian constitution also says that 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. Legal protection to the working children came to surface in different ways. The constitution makers include different provisions in the constitution to prohibit employment of children. The 45th Article of our constitution states that “the state shall endeavour to provide, within a period of ten years from the commencement of this constitution, free and compulsory education for all children until they complete the age of fourteen years”. But it remains a far cry in the vast millions of Indian children as yet²⁴. To protect the abuses of children in employment and exploitation’s there are several Indian statutory provisions, viz., the children (pledging of labour) Act 1983, the employment of children Act 1938, Factories, Act 1948, the plantation labour Act 1951, mines Act 1952, the Merchant shipping Act 1958, the Motor Transport workers Act 1951, the Beedi and Cigar workers (condition) Act 1966, the contract labour regulation Act 1970, the Inter-state migrant workmen (Regulation of Employment and conditions of service) Act 1979 and the child labour (Prohibition and Regulation) Act 1986. These Acts have restricted the hours

²⁴ Rizvi. Haider Universalisation of Elementary Education in Combating child labour Role of NGOs, The Radical Humanist. August, 1997.

of work, stipulated the period of rest, leave, minimum wages, protection against exploitation and fixed the minimum age of employment²⁵. Further, the National Policy for children Regulation (1974) and the report of the Gurupadaswamy Committee on child labour (1979). Were two major governmental initiatives directed at tackling this monumental problem. Besides, the international labour organization (ILO) also declared elimination of child labour a major theme for integrated worldwide action²⁶.

In spite of the above mentioned and efforts that conditions of child workers seems to have deteriorated rather than improved and their size is swelling every day. A series of programmes relating to relief and rehabilitation initiated by the government, NGOs and other international bodies committed to the child welfare helped only a meager number of children to stop from their hectic work due to ineffectiveness of the programmes implemented and inadequate monitoring mechanism. The exploitation of working children has continued unabated from time immemorial, in India, its history can be traced back to the ancient times when children were treated as slaves. Although the history of child labour legislation dates back to the nineteenth century. When the factories act was passed in 1881. Working children still languish in a state of apathy, what

²⁵ Reddy, Sheila. The child who never plays. Mainstream, Vol. XXIII, No. 48, July, 1985.

²⁶ Rodgers, G; Standing, G. child work, poverty and under development. 1981. ILO Geneva.

has hild labour legislation given to millions of working children who are under conditions of acute stress and depravation? what has the country to offer to them on the eve of 50th year of its independence?.

The mines Act was passed in 1901 prohibiting employment of children below 12 years in mines. In the emended Act in 1923, the minimum age was raised to 13 years, but in the subsequent amendment in 1952, children under 15 years were prohibited to work in mines. for underground work, the person had to have completed 16 years of age and had to obtain a certificate of physical fitness from a surgeon²⁷. In 1933, the children (pledging of Labour) Act was passed, which prohibited pledging of children, that is taking of advances, by parents and guardians in return to bonds, pleading the labour of their children a system akin to that of the bonded labour system. In 1938, the employment of children Act was passed, to implement the convention adopted by ILO in its 23rd session in 1937, in which a special article was inserted for India. According to this Act, employment of children under 15 years was prohibited in occupations connected with transport of goods, passengers, mails or railways. The

²⁷ Saho, Maitreyee, child Labour legislation No solution, Mainstream, vol. XXIV. No. 5, August 16, 1986.

minimum age for handling of goods on docks was raised from 12 to 14 years²⁸.

The concerned for working children (CWC) a voluntary agency, drafted a bill called the child labour (Employment, Regulation, Training and Development) bill, 1985, which sought to replace other Acts and legal provisions relating to child labour. it also felt that it was necessary to formulate a comprehensive law to ban child labour in hazardous operations and to regulate their conditions of employment in other areas, the aim of the draft bill was to eradicate child labour in the long run and to protect the interests of working children in the short run.

Child labour legislation's in India by and large, have been framed in a manner that it is difficult for the enforcement officers to bring employers to the doorsteps of law. There is no denying the fact that labour officer/ inspectors have been using this argument to justify their callousness and apathy and more so to support the socio-economic system which favours the employers. A very interesting feature of child labour legislation in India has been its tendency to push children into oblivion. more and more laws have been responsible in pushing working children undergrounds and

²⁸ Sharma, A. M. Child labour in Indian Industries.. Indian Journal of Social Work. Vol. XL, No. 3, Oct.1979.

making them 'invisible' although they are a part of the productive labour force.

July 7, 1998 in Rajya Sabha, the labour Minister said that survey conducted in the country at the directive of the Supreme Court had revealed that there were as many as 1.26.665 child workers engaged in hazardous occupations and 4.28.305 in non-hazardous occupation in the country. In July 21, 1998, it also says that as many as 1.26.665 children have been identified as working in hazardous industries in the country. The first phase of survey conducted by the government identified 5.54.970 child labourers, including 4.28.305 in non-hazardous occupations²⁹.

It was expected that the child labour (prohibition and Regulation) Act of 1986, a comprehensive law banning employment of children in prohibited occupations and process and regulating their services in all others. Would be able to tackle the issue of eradicating child labour in the right perspective. However, this was not to be child labour legislation in the factory system, which encompassed a plethora of laws pertaining to age at employment nature of work, hours of work, minimum wages, gender equality in terms of equal remuneration for equal work etc. got a severe jolt through the process of de-industrialisation. It proved to be a great set back

²⁹ The Union Labour Minister Declaration of child labour . The Hindustan Times, 21 July, 1998.

to the factories act and several other legislations passed upto the seventies³⁰. A number of amendments are being proposed in the Act. These amendments are likely to make the law more effective. However, behind all this lies the will and commitment of the people , at large, and it that is lacking no law, what soever, can ever help in ameliorating the conditions of working children.

Since its foundation in 1991 the ILO, has been much concerned with the gradual elimination of child labour and the promotion of well-being of children in the fields within its competence. Indeed, in the preamble of the constitution of the ILO, it is stated that “conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled” and that an improvement of those conditions is urgently required”, in many domains including the protection of children and young persons³¹. In the declaration of Philadelphia, the international labour conference, meeting in 1944, recognised the solemn obligation of the ILO to further among the nations of the world programmes, which among other things , world achieve provisions for child welfare. The first convention, the minimum age (industry) convention (No. 5) 1919, lays down that children

³⁰ Sen. Ratna, Child Labour: critical Aspects. Seminar Paper at Srinagar for AWDI and Friedrich Ebert Foundation , 1987.

³¹ Alam, Jayanti, “Compulsory Schooling is the only Solution”, Mainstream, March 11, 1995.

under 14. Should not be employed in any public or private industrial undertaking, other than the undertaking in which only family members are employed. The term "industrial undertaking" here includes mines, quarries, Manufacturing industries, construction maintenance and repairs and transportation of passengers and goods by road rail in water way. The first convention was partially revised by minimum age (industry) convention (Revised) (No.59) of 1937 which raised the minimum age from 14 to 15 years per admission to industrial establishment mentioned above.

Right of Children Under International Law

It may be suggested here that in order to meet the said impediments on child labour certain effective policies may be implemented which may be (a) short term policy or may be (b) long term policy. In the short term policy it is necessary to see that suitable legislation's are provided which would eliminate and minimize the impact of adverse conditions affecting child labour, and improve their working conditions which can be done by (i) regulating hours of work, (ii) allowing weekly holidays and leave, (iii) providing health, safety and welfare measures. In the long run policy it is necessary to create feasible facilities by providing proper climate of work, social security, non-formal educational training and such other facilities

which would gradually eradicate forced child labour , giving scope for exploitation's.

Legislative Attempts to Protect Child Labour in India

There was no statutory provisions regulating the employment of the children in industry till 1881, the year in which First Indian Law defining child was passed³², besides prescribing prohibitory regulations for employment of children below seven years of age. But the said Factories Act, 1881 was insufficient to control child labour as a result of which the Act was amended by virtue of Indian Factories (Amendment) act, 1891; which too failed to achieve its objectives prompting to re=emact a fresh law known as Factories Act, 1911, inter alia providing prohibitory regulation for employing children in certain dangerous occupations or working during the night house. But the formation of intentional Labour Organization, after the First World War, necessitated a fresh amended Factories Act, 192 which raised the minimum age of the child to 15 years. However, children below the age of 12 years were only prohibited to employment prescribing an obligatory condition that, for employment, such children are required to produce certificate of age and certificate of fitness from a qualified Medical Practitioner., Subsequently the Factories Act, 1934 raised the minimum age

³² Factories Act, 1881 Prescribes a Person below twelve year of age to be called as a child.

of employment of children from 12 to 13 years, besides providing other protection relating to their employment in certain occupations, prescribed hours of work including intervals of rest. The present employment of children in any factory who have not completed 14 years of age³³. the definition of child as given in the Factories Act, 1948, is a person who has not completed 15 years, an adolescent as a person who has completed 15 years but is less than 18 years and a young person includes both children and adolescent³⁴. The Indian Mines Act, 1951 defines a child to be a person who has not completed the age of 15 years and an adolescent means who has completed 15 years of age but is less than 18 years of age and puts an embargo that an adolescent who has completed the age of 16 years can only be employed in any part of the mine which is under ground³⁵. In the Motor Transport Worker's Act, 1961 employment of the children in motor transport undertakings in any capacity is absolutely prohibited, however, an adolescent can only be employed if a certificate of fitness is granted to him to work as a worker in a motor transport undertaking³⁶. A child who has completed 12 years of age can be employed to work in any plantation according to the Plantations Labour Act 1951.

³³ Sec. 67.

³⁴ Sec. 2(b), (c) and (d)

³⁵ Sec. 21 (1) (e).

³⁶ Section 68 of the Factories Act, 1948 read with section 27 of the Plantation Labour Act, 1951, Section 23 of the motor transport worker's Act, 1951 and section 40 of the mines Act, 1952.

Thus, all these enactment's says that a young person can be employed either in a factory, mine, motor transport organization or in a plantation, provided the said young person is medically examined and found fit to bear strain of different work and such certificate should always be kept in the custody of he manager of the factory; while a reference of such certificate of fitness being kept in the custody of he said child -worker, so that it can be checked at any time without an inconvenience³⁷. It may be pointed out that there may be doubtless questions as to whether children in such organisations know the age restriction simposed upon them And a certificate of fines is a mandatory condition before being employed in such organizations? Perhaps the answer is a big NO. The reasons for such ignorance on the part of a juob seeker in multifarious,moving from posts to pillars for knowing the rules and regulations is a hazardous task, nor that the child is so much educated to get acquainted with the legal framework f the Factories Act. They in turn depend upon some middle men, under a brokerage, and learn how to get exploitation, if not digested, is at lest borne because of possibilities for future redemption of debts. In the process many suffer untold allurements and hopes remaining fervent they submit to further exploitation's. Legally speaking, the procedure for fitness certificate with or without conditions, by a certifying Surgeon is cumbersome and

³⁷ Sec. 71 of the Factories Act, 1948.

quite often depends upon his (certifying surgeon's) personal satisfaction as to the completion of statutory age by the said young person, which is further subjected to revocation in case the young person is no longer found fit to hold that certificate. All these provisions give a wide discretionary powers on the certifying surgeon to enable a young person to work in a factory for which he had to resorts be exculpated financially for a fervent hope of getting employment.

After crossing these hurdles, a child out of ignorance may not know that he is required only to work for not more than four and a half hours , not that his shifts are only limited to two, barring night hours between 10 p.m. to 8 a.m. In spite of the fact that there are spelled responsibilities of the management and there are surveillance agents (Inspectors) to scrutinise the same, a good deal of child labourers re exploited in the private sector entrepreneurs, if not in the public exploitation, undermining his health, for a hope that he can care a little more., if he can achieve an extra target of finished products.

Conclusion

The Directive Principles of State Policy embodied in the Constitution of India provides policy of protection of children with a self-imposing direction towards securing the health and strength of workers, particularly

to see that the same in the children of tender age is not abused, nor they are forced by economic necessity to enter into avocations unsuited to their age or strength, and are only protected against exploitation but also from moral or material abandonment. Notwithstanding the pious promises of the law makers, the profile on eradication of child labour is not too assuring. The only solution there, is to minimize the child labour exploitation. The government agency principally responsible for abolition of child labour exploitation through its Social Welfare Departments, should set up a separate monitoring unit to maintain a continuing review of the adequacy of existing legislation .

Denial of opportunity to the children due to economic difficulties would necessarily hinder the social progress of the child forced to find employment. Therefore , it is necessary that the hours of work of child labour be fixed in such a manner as to enable him to attend the schooling and if the number of child labourers are more, then an organized non-formal education system if imparted at the child's working place, possibly it would help educating him. The penal provision in various labour legislation's is inadequate in respect of violation of working hours and thereby the employer remains undeterred. It is, therefore, desirable to prescribe certain deterrent punishment (serve penalty and cancellation of licence) so that the

commission of similar offence is not repeated and such punishment may also set an example to other employers not to violate the legal prescriptions. Such laws should not only concentrate on organised sectors but also should be more meticulous to look after the unorganised sector.

CHAPTER - III
SOCIO-ECONOMIC ASPECT OF
CHILD LABOUR IN ANGUL
DISTRICT (ATHAMALICK BLOCK)
IN ORISSA

CHAPTER - III

SOCIO-ECONOMIC ASPECT OF CHILD-LABOUR IN ANGUL DISTRICT (ATHAMALICK BLOCK) OF ORISSA

The prevalence of child labour has been seen, more or less, in all periods though varied in its nature and dimensions, depending on the existing Socio-economic structure of society. In the past, child labour was part of the social organisations in which all members pooled their labour to produce for the subsistence and survival.¹ Child labour is both an economic as well as a social problem for Orissa, it springs from a plethora of social problems like, large population, illiteracy, unemployment, immense poverty etc. These problems may be of a cyclical nature, each paving the way for the next, resulting ultimately in a large number of poor children adopting strenuous and hazardous work, bearing the brunt of exploitation and torture. The term 'Child Labour' brings before one's images of the little children, weak, (both physically and economically) illiterate, normally half-naked in dirty clothes and subject to physical abuse in form of beatings by employers and policeman as well. Such children are

¹ Awasthi, A.M. Regulating child labour, Herale News Service, December 26, 1995.

even exposed to accidents, often fatal, at worksite.² Child labour is not a new or recent social evil, it has existed since time immemorial. But long back when the production was not factory based. Child labour existed mainly in the primary sector of Production (agriculture) in a more or less hidden and informal nature, It was only after the advent of factory type units in the middle of the 19th century that children were employed in industries where they worked for long hours under appalling conditions. Thus child labour took an organised form. To regulate their working conditions the Bombay government appointed a committee in 1875 and an Act was passed in 1881. It prohibited children below seven years to work and prescribed nine hours of work for children below twelve years. The Act only applied to units having 100 or more workers. The Act of 1891 raised the minimum age of the child to nine years and working hours were reduced to seven hours a day for children between nine to fourteen years. The Act applied to units having more than 50 workers.³

Every year the number of child labour is swelling in spite of Indian constitutions guarantee to stop child labour below the age of 14. Forced child labour has been prohibited in Art - 32 too. The National policy for children 1974 has also prohibited child labour.

² Kumar, Sanjay. "Child labour in India". A Harsh Reality. The Politics of India, December. 1997.

³ Guru Moorthy, T.R. Child Labour - An Economic Issue. Third concept, April-May 1996.

Problems And Prospect:

The child labour is a curse on the society . The problem of child labour is manifold and they suffer in many ways. The working condition, the hours of work and low wages in Orissa are disgusting features. They are subjected to dust and smoke and employed in dangerous and heinous operations to which few dare to take up such jobs. Facilities like lighting drinking water and first-aid benefits, recreational, educational, medical and transport are not available and when available they are inadequate and scanty. Social security benefit like payment of bonus, gratuity, provident fund. workmen's compensations are dream for them. The trade union loads also prevent them to form trade unions. child labour also employed on temporary basis, and are not paid overtime like adult workers. They enjoy leave almost without wages. Ambition of child labour to get higher wages, proper education and training and loans to start their own business are not provided. As a result they are virtually nibbed at the bud as a class of worst suffers without complain millions of children, the future hope and strength of the society, the blooming flowers and the future citizens cannot be neglected any further. They are to be heard and cared for on priority basis. So all government are gradually taking legislative and executive steps for their protection and all round improvement in physical, mental and moral

lines. All sorts of cruelty to child has been viewed seriously in recent years. The constitution of India, the National Commission of labour, the international labour organisation (ILO). UNICEF, etc. are urging urgent attention for work with education of child labour. The National policy on child labour also proposes the improvement in the economic condition of the parents to eliminate the vicious circle and the doyen of labour, late V.V.Giri urges for extension of “free and compulsory education to child labour” a package deal programme is a foot to cut short child labour and to save them from the maladies of exploitations.⁴

Orissa Child Labour Need Concern

In Orissa 40 percent of our population are children, between the age group of (16-14) years, their number would be around 80.30 lakh. A study conducted by V.V. Giri National Labour Institute, New Delhi, revealed that 57 per cent of children in this age group are out of school system. It means around 46 lakh children in the age group of (6-14) years are deprived of educational opportunities. This is the starke reality that Orissa posses with despite of constitution directive on Government to make primary education compulsory for all children below 14 years (ART-45) also. Supreme Court

⁴ Chatterjee, Soumitra Kumar. “Child Labour-An off shoot of population Exploision (A case study of cuttack city); A research paper presented at the National seminar on “Law and Habitat Management” held on 10th and 11 th May, 1994 in M.S. Law College, utkal university, Bhubaneshwar.

of India now declares education as the fundamental rights to every child (Mohini Jain Vs state of karnataka). To go to school is a fundamental human rights of a child (CRC 1989). India Ratified CRC(1989) in 1992. Orissa is the fourth largest state in the country to produce child labour. In 1981, the state has 5.15 lakh child labours. Although the 1991 census has yet to come out. Recently conducted survey by state governments labour directorate reveals that the state has 8.31 lakh child labours. But few independent studies reveals a different picture. CACL, Orissa chapter claims it to be 31 lakh. UNICEF also views on this line as it defines children who are not going to school are busy in doing some work.⁵

Child labour prohibition and regulation Act 1986 is the latest law to deal with child labour in India. This Act also followed by National child labour policy 1987. But until campaign against child labour(CACL) Orissa raised/ advocated child rights issues in general and child labour on particular in1992. Child labour was a non issues and rarely been heard in government circles, local media was not attentive. General public were apathetic and unconcerned. Somehow the situation is changed in the state today. After CACL Orissa and other groups existed in the state in 1992.

⁵ Mishra, H.K., "Child labour in Orissa Today", Orissa Review, May-June, 1997.

The role of the Ngos on Campaign Against Child Labour In Orissa

Objectives

- 1) To create public awareness and sensitivity on the rights of the child.
- 2) To work towards progressive eradication of child labour.
- 3) To present realities and mitigate myths about socio-economic compulsions of engaging child labour.
- 4) To build alternative services for working children.
- 5) To lobby for better child labour laws and their implementation
- 6) To involve people from all walks of life in this campaigns

The state government has introduced child labour prohibition regulation rules in 1994, also implements 18 NCLP projects in 16 backward districts.

Some Recommendations

- 1) Child labor should be legally banned from all sections (2) Any child not going to school should be deemed to be working and all works are for children. (3) The determination of the age of child labourers should be done jointly by the health authorities, (or authorised persons), concerned village committee members and teachers. (4) As per the Supreme Court direction, the government of Orissa should issue guidelines for involving NGO activists for proper identification of child labour and their eradication. (5) parents should be discouraged against children upto 14 years of age in even domestic work. (6) Household child workers should be brought under the ambit of BCW (Regulation and Employment) Act. (7) There should be no restriction on opening of new special schools for working children under the National child labour project (NCLP) (8) NGOs, panchayat bodies and teachers should intervene to highlight child labour cases at the micro level. (9) Public information system with hand facts need to be strengthened to remove all myths prevailing on child labour. (10) The commitment of the political class as a whole to the abolition of child labour should be matched by concrete action. (11) The issue of child labour must figure prominently in the agenda of trade unions. (12) A thorough survey for identification and all aspect of child

labourers and their background should be taken up. (13) Local resources, EAS, and other anti-poverty schemes and should be mobilised in a more effective way to provide an alternative source of income to families sending their children to work. (14) There should be greater coordination and co-operation between NGOs and the government for eradication of child labour. (15) A comprehensive census of child workers should be taken up with the participation of school and college students and teachers. (16) Vocational training should be made an integral part of the education of working children. (17) Residential schools should be opened for homeless, orphaned and female children having single parents. (18) Committees with representation from teachers, NGOs and all concerned government department should be formed to oversee the education of child labourers. (19) Attempts should be made to bring about an attitudinal change among parents through a motivations process. (20) The whole education system should be reviewed and reformed.

23 Lakh Kids do not Go to School According to Orissa Government Report

Around 23 lakh children in the state do not attend primary schools annually and a majority of them end up as child labourers. According to a survey conducted by campaign against child labour (CACL), a forum of

about 150 non-governmental organisations (NGOs) fighting for the abolition of child labour in the state. The finding of the CACL has assumed added significance since the Supreme Court finally banned child labour in any form. But quite surprisingly, the state government has turned a blind eye to the issue and a fresh survey is yet to be conducted by it to determine the actual number of child labourers, seven years ago a survey was conducted by the state government where the number of child labourers was fixed at seven lakh. But since then no complete survey had been completed, according to a labour department official. However, replying to a question in the state assembly, the labour minister, Durga Shankar Pattnaik said that the number of child labourers in the state has gone up to 8.31 lakh. The district wise break up of child labourers according to government statistics is Angul 25762, Balasore - 35053, Bolangir - 35106, Bhadrak, 20625, Baragada - 37434, Boudh - 10350, Cuttack - 40985, Deogarh - 7356, Dhenkanal - 21837, Gajapati - 15684, Ganjam - 75887, Jagatsinghpur 19543, Jajpur- 25602, Jharsuguda - 12207, Kalahandi - 35675, Kendrapara - 20179, Keonjhar -36316, Khurda - 31463, Koraput - 35962, Malkangiri - 13832, Mayurbhanj - 60424, Nuapada - 15001, Nayagarh - 17686, Nowarangupur- 29052, Phulbani - 18263, Puri- 26827, Rayagada - 24432, Sambalpur - 24957, Sonepur - 14699 and Sundergarh - 43434.

However, the government figure has been contradicted by NGOs working in the field. According to the survey conducted by the CACL, the number of child labourers in the state exceeded 32 lakhs.⁶

Table I
Child Labour in Orissa

District	No. of Child Labour		Total
	Male	Female	
Angul	20,198	5,564	25,762
Bolangir	21,013	14,093	35,106
Balasore	34,580	473	35,053
bargarh	34,940	5,494	37,434
Bhadrak	14,023	6,602	20,625
Boudh	5,681	4,669	10,350
Cuttack	24,543	16,442	40,985
Deogarh	4,662	2,694	7,356
Dhenkanal	18,962	2,875	21,837
Gajapati	11,056	4,628	15,684
Ganjam	37,858	38,020	75,878
Jasgasthingpur	10,295	9,248	19,543
Jajpur	14,075	11,567	25,642
Jharsuguda	5,901	6,306	12,207
kalahandi	19,020	16,655	35,675
Kendrapara	18,884	1,295	20,179
Keonjhar	25,080	11,236	36,316
Khurada	20,087	11,376	31,463
Koraput	27,948	8,014	35,962
Malkangiri	7,600	6,232	13,832
Mayurbhanji	36,310	24,114	60,424
Nuapara	12,334	2,667	15,001
Nawarangpur	21,161	7,891	29,052
Nayagarh	13,485	4,201	17,686
Phulabani	9,215	9,048	18,263
Puri	25,976	851	26,827
Rayagada	13,719	10,713	24,432
Sambalpur	13,917	11,040	24,957
Subarnpur	10,270	4,429	14,699
Sundargarh	23,612	19,822	43,434
TOTAL	553,405	278,259	831,664

Source: State Labour Institute, Orissa.

⁶ Socio-economic conditions of child labour in Orissa, Survey conducted by The Labour Directorete, Orissa, Bhubaneswar, Orissa.

Government inaction is also responsible for the problem. Non-implementation of labour laws and no unproper improper implementation of development programmes for poor are also responsible factors. Even today an agricultural labour gets 70 days work per-year in non-irrigated areas and 120 days work on irrigated areas in our state due to this. Thus the existence of child labour in Indian economy is becoming a nver ending problem. However, such an inhuman practice is receiving global attention by the Government, NGOs, employment and by trade unions after due realisation of its repercussion. It seems we are yet to realise this as a problem. Rather others are conscious and reminding us about this danger. As stated by Prof. Myron Weiner of Massachusatts Institute of Technology, faulty education system is the major cause of child labour in India. According to him, due to lack of compulsory education, for which the constitutional provisions exist, half the population of school age children is at home or in the labour force. Even USA threatened to import Indian products, particularly carpets. We never went back. As heard, many sectors although using child labour, just use the bill, "not a product by children" to increase their business. This us nothing but expresses our concern about out future citizens. However, dur to strong criticism at international formus, systematic efforts in India to protect and abolish child labour were made.

Centre had recently introduced 'National child labour project' and had made a sanction of Rs. 5.7 crore for the same. The scheme envisaged establishment of 430 schools in 16 districts. However, so far only 289 schools have been set up. Besides only 18,234 child labourers (2.19 percent of the total number of child labourers according to government estimate) have been enrolled in the schools. quite surprisingly the state government has so far utilised Rs. 181 crore from the central grant, rest Rs. 3.88 crore are laying unspent.

Composition of The Child Labour in Orissa:

Composition of child labour district wise and sex-wise as covered in the survey is given below.

Table - II

District wise/sex-wise composition of child labour covered in the sample

District	No. of estts covered in the sample	No. of essts in which child labour employed	Total child labour employed		
			Boy	Girl	Total
Bolangir	65	55	80	49	129
Balasore	28	22	75	25	100
Cuttack	123	94	395	275	670
Dhenkanal	167	52	258	116	374
Ganjam	47	30	68	30	98
Kalahanded	23	19	20	2	22
Keonjhar	15	13	20	4	24
Karaput	37	27	47	14	61
Myurbhan	36	23	45	6	51
Phulbanic	5	3	3	1	4
Puri	67	46	163	36	199
Sambalpur	112	95	323	273	596
Sundargarh	70	59	84	2	86
Total	693	538	1581	233	2414

Causes of Child Labour

On the one hand because of the poverty of the masses the family members especially the parents send their children to work and on the other hand due to the backward and labour intensive technology in Orissa, there is search for cheap labour which is available in the form of child labour.

Legal Provisions

Part III of the Indian constitution prohibit employment of children in factories and has a fundamental right against exploitation. According to Art 24, 'No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment'. The state under the directive principle of state policy has a moral obligation to protect the child Art 39 (F) says that he children are given opportunities and facilities to a develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation's and against moral and material abandonment similarly, according to Art 45, the state shall endeavour to provide within a period of ten years from the commencement of the constitution for free and compulsory education for all children until they completed the age of fourteen years.⁷ Besides, various other Acts have also provided legal protection to the children. For example,

⁷ Panday, R.N.; "Child Labour", Social Welfare, Vol. xxvi, No 4, July 1979, p. 15.

The child labour Regulation and Prohibition Act, 1986, prohibits the employment of children (under 14 years) in specific hazardous occupations and processes. The minimum wages Act 1948, provides that adolescents receive, three-fourth of the adult pay and children two-thirds. The apprentice act of 1961 stipulates that no person can be engaged in an apprentice in any trade unless he /she has completed 14 years of age. The Bombay shop and establishment Act 1948. Prohibits children below the age of 12 years from working in establishments such as hotels. dhabas and juice bars. The factories Act, 1948 provides that a child between the age of 12 to 15 years shall be allowed to work for more than 4 hours on any day. The Orissa shops and commercial establishment. Act, 1956 ensures that no child between the age of 12 to 15 years shall be allowed to work in any establishments for more than 5 hours a day. The employment of child labour is also prohibited during night hours. The plantation labour Act, 1951 prohibits employment of children under 12 years and makes provision for education as the responsibility of the employer and so is for housing, medical and recreational facilities. The mines Act, 1952 prohibits employment of children below 15 years of age in any mine, similarly, the merchant and shipping Act, 1951 and the Motor Transport workers Act,

1968 lay down that no children shall be allowed to work in any ship and in the motor transport undertaking respectively.⁸

There has been innumerable legislations on the issue of child labour since the factories Act of 1881 to the UN declaration on rights of the child in 1959 to the child labour (regulation) prohibition Act, 1986 but the major limitation has been in all these legislation's child labour has often been tolerated and in other words, these legislations were protective and hardly prohibitive in nature. They enumerated long list of restrictions in terms of age, nature of work and place of work etc. If the factories Act of 1881 restricted children below 7 years of age to be employed in a factory, the child labour (regulation) prohibition Act of 1986 made it clear that children below 14 years of age cannot work in hazardous industries. It is implied that they can always work in non-hazardous industries with no appropriate authority to define the criteria for an industry to be declared as hazardous.⁹

The child labour survey was carried out in 10 villages with a view to.

- Identify the number of child labour in the study area.
- Find out causes and nature of child labour.

⁸ Khatu, K.K., Taman, A.K. and Rao, C.R.: "Working in India", In fulfillment of All India Child Labour Survey carried out in 1980 by the operation Research Group, Baroda.

⁹ Survey Report on Indian Social Science Institute, New Delhi, quoted in pati. R.N. (ed.): Rehabilitation of Child Labour, 1991, p. 7.

- Provide rehabilitative measured through collective community action.

Survey Area

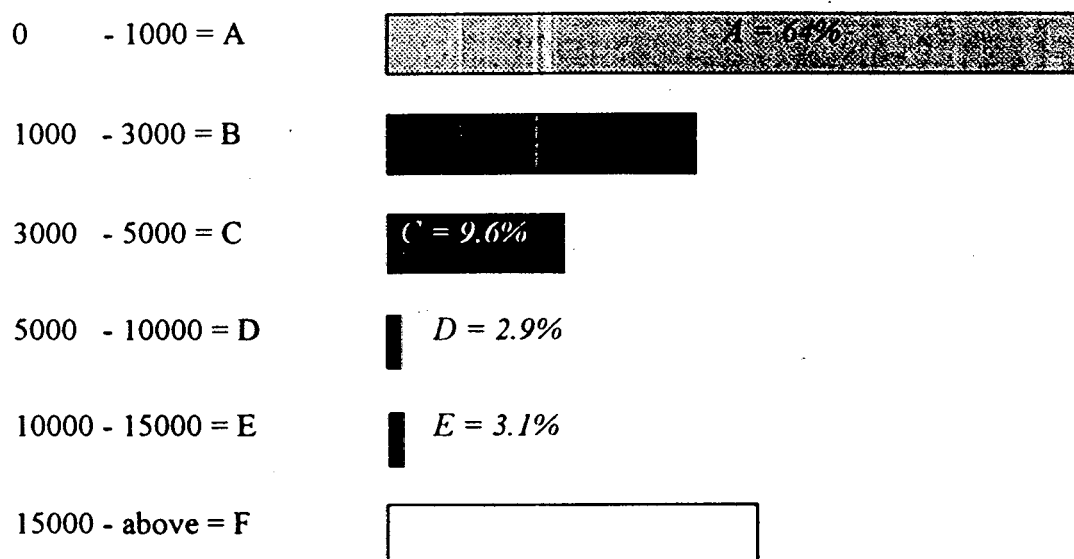
Survey was carried out in 10 villages of Angul district who are working under both agricultural and industrial sector.

Methodology

The survey area i.e. 10 villages was decided by random sampling with one surveyor, the surveyor was provided with written questionnaires with an 'one day' orientation to carry out the survey. After data collection and compilation. it was put to interpretation by using simple statistical method. The methods of data collection was a door to door survey through meeting parents , child labours, employers and community leaders. The study is primary in nature with occasional reference to available legal literature. Survey was carried out with a total population of 3341 with 52 percent male population and 48 percent female population, the survey area has a details 631 household with a predominant other Backward caste (OBC) population which is around 63 percent. Wage labour is the major occupation of the surveyed villages followed by mining industry and agricultural. the workers are mostly marginal with less than the acre to cultivate, The reason for wage labour being the major occupation is the

comparatively low contribution of agriculture income to the total family income, and in the face of inadequate irrigation, agriculture in this area, has gradually become a losing proposition.

In come from different sources (in Rs)



The economic status of the people of the villages surveyed is grim to a greater extent. The average income of around 64 percent of the people is below one thousand rupees per month.

Job Satisfaction of Child Labour

Some general question were also asked to the working children about their job liking, job satisfaction, masters behaviours etc. The replies can be classified and presented as follows.

Table - III**Job satisfaction of surveyed child labour**

Question	Girls				Boys			
	Yes		No		Yes		No	
	No.	%	No.	%	No.	%	No.	%
Are you satisfied with your job	6	60	4	40	105	53.84	90	46.16
Do you like to work	6	60	5	50	85	43.58	110	56.42
Are you satisfied with your master's behaviour	-	-	-	-	60	30.71	135	69.23
Do you full exploited	2	20	8	80	60	30.77	135	69.23
Have you ever beaten scolded by your master	-	-	-	-	25	13.33	170	86.67

The table indicates that the working girls are mostly satisfied with their job like that of the boy child labour. The girl child labour also endorsed that they like to work; but the boy child labour slightly differed; The girl child labour did not say anything about their master's behaviour probably due to their shyness. On the contrary most of the boy child labour are satisfied with their masters behaviour and in stray cases they are either beaten or scolded by their masters. The girl child labour course in stray cases on account of less payments are not satisfied with their masters. The boy child labour are comparatively outspoken than their counterpart. But since the child labourers are accustomed to all odds they do not feel exploited.

A close examination of these problems indicate that child labourers are working under forced circumstances and if they are eliminated by legislation thousands of families will be affected. Instead of eliminating it, the child labour can be protected from exploitation. Introducing a suitable wage system and safety measures, a fair amount of compensation for accidents and keeping the children from hazardous occupations are some of the reforms which the employers can undertake, the state government also may come forward with suitable welfare measures for the working children keeping in view their aspirations, expectations and ambitions, let noble thoughts come to them from every side.,

General Information of Child Labour

Table - IV

List of the child labour in surveyed villages.

Sl.No	Name of the village	Male	Female	Total
1	Bhagirathipur	5	17	22
2.	Chandrapur	7	5	12
3.	Dubanati	3	9	12
4.	Kisinda	3	10	13
5.	Sanakushakila	7	8	15
6.	Teatuloi	12	26	38
7.	Hatianali	16	17	33
8.	Gopinathpur	5	7	12
9.	Jamunali	6	12	18
10.	Tukudamaharsahi	30	39	69
	TOTAL	72	82	154

The survey villages have a total of 154 child labourers with a 53 per cent and 47 percent female and male population respectively. Around 4.6 percent of the total population of the surveyed villages are child labourers.

Survey indicates that children below 4 years of age are generally not preferred to work where as around 95 percent of the child labour are in the age group of 8-15 years.

Table - V
Age of surveyed child labour

Sl.No	Age Group in years	Male		Female		Total	
		No	%	No	%	No	%
1.	0-4	-	-	-	-	-	-
2.	5-7	6	75	2	25	8	5.19
3.	8-11	16	30.76	36	69.23	52	33.76
4.	12-15	50	53.19	44	46.80	94	61.03
	Total	72	46.75	82	53.24	154	100

OCCUPATION

Table - VI

Occupation-wise Distribution of Surveyed child labour

Sl.No	Occupation	Male	Female	Total
1	Beedi binding	-	-	-
2.	Cattle grazing	-	10	38
3.	Stone work	-	2	2
4.	Hotel work		2	2
5.	House work	17	68	95
6.	Servant	-	-	-
7.	Garage work	-	-	-
8.	Forest work	-	-	-
9.	Agricultural work	27	-	27
	Total	72	82	154

It is evident from the survey that children are almost all possible commercial activity which are mostly non-hazardous. The picture as emerged from the above table indicates that employment of child labour is almost predominant in the household activities. Among 55 percent of the child labour population is engaged in household work out of which 80 percent are female. Followed by cattle grazing which is 25 percent of the child labour population, out of which the female population is 26 percent.

The distinctively low involvement of child labour in forest related work is probably suggestive of no forest cover in the surveyed area.

Education

The low educational status of surveyed village is indicative of the high incidence of child labourers. More than 36 percent are illiterates with another 52 percent reaching upto the middle English level, and 12 percent going beyond English level. The female child labours of the surveyed area have a strange similarity with regard to their claims to literacy and illiteracy. If 51 per cent of the illiterate population are females, the percentage of female population who attend schools at different levels are also 55 percent.

Table - VII

Educational status of surveyed child labour

Sl.No	Educational status	Male		Female		Total	
		No	%	No	%	No	%
1.	Illiterate	27	49.09	28	50.90	55	35.71
2.	Class-II to Class -IV	22	36.66	38	63.33	60	38.96
3.	Class-V to Class-VI	10	50	10	50	20	12.98
4.	Class-VII to class - X	13	68.42	6	31.57	19	12.33
	Total	72	46.75	82	53.24	154	100

Contribution to Family Income

Around 23 percent of the total child labour population contribute up to 10 percent of the family income out of which 93 percent and girl child labourers. Around 77 percent of the total child labour population contribute between 10-20 percent of the annual family income out of which the contribution of girl child labourers 53 percent.

Table - VIII

Contribution of the child labour to family income

Sl.No	Percentage of contribution	Male		Female		Total	
		No	%	No	%	No	%
1.	0 -10	17	47.22	19	52.77	36	23.37
2.	10 -20	55	46.61	63	53.38	118	76.62
3.	20 - 30						
4.	30 - 40						
5.	40 - 50	-	-	-	-	-	-
6.	50 & above	-	-	-	-	-	-
	Total	72	46.75	82	53.24	154	100

Causes of Child Labour

A combination of factors like poverty , size of family, parental security and lack of educational facilities have contributed in their own way to be growth of child labour. The survey shows that poverty is the prime reason for the high incidence of child labour followed by lack of educational facilities. it is a matter of pity that around 88 percent of the total child labour population are either illiterate or have dropped out at various levels below the higher secondary level and 84 percent come from large families.

Table - VIII

Cause of Working

Sl.No	Cause of working	Male		Female		Total	
		No	%	No	%	No	%
1.	Poverty	65	44.52	81	55.47	146	-
2.	Big size of family	57	44.18	72	55.81	129	-
3.	Death of Parents	4	44.44	5	55.55	9	-
4.	Lack of education	59	43.70	76	56.29	135	-

Parental occupation and the low income thereof is another contributing factor to the growing number of child workers.

Table - IX

Parental occupation of the surveyed child labour

S. No	Father's Occupation	Male		Female		Total		Mothers Occupation	Male		Female		Total	
		No	%	No	%	No	%		No	%	No	%	No	%
1.	Agriculture	18	58.06	13	41.93	31	21.67	Agriculture	-	-	-	-	-	-
2.	Business	-	-	-	-	-	-	Business	-	-	-	-	-	-
3.	Service	-	-	-	-	-	-	Service	-	-	-	-	-	-
4.	Household	-	-	-	-	-	-	Household	37	41.11	53	58.58	90	60.81
5.	Labour	35	43.75	45	56.25	80	55.94	Labour	34	58.62	24	41.37	58	39.18
6.	unemployed	12	37.5	20	62.5	32	22.37	unemployed	-	-	-	-	-	-
	Total	65	45.45	78	54.54	163	100	Total	71	47.97	77	52.02	148	100

Parental poverty is quite visible from the tentative nature of their source of income., Around 56 percent of the parents are wage labourers with barely a meager amount at their disposal to sustain their families. Around 21 percent are unemployed, similarly, 21 percent are involved in agriculture. Around 61 percent of the mothers are involved in household work, 39 percent are wage labourers.

Health Status

Health is one of the major areas of concern so far as these young labour force due to its inherent exploitative nature, the maintenance of their health is hardly a headache of the employer, However, the health status of around 95 percent of labour force have good health. Around 98 percent of the survey child labour are well nourished with no instance of severely under nourishment, with regard to medical facilities, the present survey exposed, the utter negligence on the part of the employers in providing medical facilities to do the employees. Almost all child workers take care of their own medical and curative requirements.

Table - IX
Health status of surveyed child labour

Sl.No	General Health	Male		Female		Total	
		No	%	No	%	No	%
1.	Good	68	46.25	79	53.74	147	95.45
2.	Moderate	4	57.14	3	42.85	7	4.54
3.	Bad	-	-	-	-	-	-
	Total	72	46.75	82	53.24	154	100
	Nourishment						
1.	Nourished	71	47.01	80	52.98	151	98.05
2.	Undernourished	1	33.33	2	66.66	3	1.94
3.	Severely Undernourished	-	-	-	-	-	-
	Total	72	46.75	82	53.24	154	100
	Medical Facilities						
1.	By Employer	1	50	1	50	2	1.29
2.	By self.	71	46.71	81	53.28	192	98.70
	Total	72	46.75	82	53.24	154	100

Exploitation of Child Workers

Though facing a child to work for an adult or for him/herself is itself a form of exploitation. The employers and parents still find different means for further exploitation by these hapless young citizens. There is no denying the fact that the employer of child workers is to the advantage of the employers due to their tender age and vulnerability. They are mostly low paid, overworked and do not pass any protection against physical abuse similarly, most parents for some reason or other force their young kids to work and earn for the family. As emerged from the above table around 56 percent are low paid and out of which 53 percent are girl children. Around 43 percent of the total child labour population are over worked out of which more than 62 percent are physically abused.

Table - XII

Level of exploitation by employers

Sl.No	Type of Exploitation	Male		Female		Total	
		No	%	No	%	No	%
1.	Low wage	35	48.61	37	51.38	72	55.81
2.	Untimely payment	-	-	-	-	-	-
3.	Over works and no rest	21	38.18	34	61.81	55	42.63
4.	Night duty	-	-	-	-	-	-
5.	Physical abuse	2	100	-	-	2	1.55
	Total	58	44.96	71	55.03	129	100

The survey indicates occurrences of physical torture, overwork, inadequate feeding as well as the child being forcibly sent to work and earn for parents. Around 59 percent are forcibly sent to earn for parents out of which 52 percent are girls. More than 35 percent are inadequately fed out of which 56 percent are girl child labour, and 6 percent are physically tortured.

Table - XIII
Level to exploitation by parents

Sl.No	Types of Exploitation	Male		Female		Total	
		No	%	No	%	No	%
1.	Child used to earn for parents	42	48.27	45	51.72	87	58.78
2.	Over work	-	-	-	-	-	-
3.	Inadequately fed	23	44.23	29	55.76	52	35.13
4.	Physically torture	3	33.33	6	66.66	9	6.08
	Total	68	45.94	80	54.05	148	-

In the survey area (Prohibition and Regulation) Act, 1986 and Orissa minimum wages Act, 1954, around 75 percent of them work beyond the statutory restrictions out of which more than 49 per cent are girl.

Relationship with Employer

Employment of these hapless child workers assume vital importance when it comes to dealing with the problem of child labour.

Table - XIV

Working hours of the surveyed child

Sl.No	Hour per day	Male		Female		Total	
		No	%	No	%	No	%
1.	1	-	-	-	-	-	-
2.	2	2	100	-	-	2	1.29
3.	3	6	28.57	15	71.42	21	13.63
4.	4	5	33.33	10	66.66	15	9.74
5.	5	14	43.75	18	56.25	32	20.77
6.	6	9	36	16	64	25	16.23
7.	7	9	45	11	55	20	12.98
8.	8	27	69.23	12	30.76	39	25.32
	Total	72	46.75	82	53.24	154	-

Around 94 percent are of good opinion of their employers whereas around 98 percent opine that they are treated well by their employers.

Table -XV

Relation with the Employer of the surveyed child labour

Sl.	Child Impression	Male		Female		Total		Treatment	Male		Female		Total	
		No	%	No	%	No	%		No	%	No	%	No	%
1.	Good	65	45.13	79	54.86	144	93.50	Well	71	46.71	81	53.28	152	98.70
2.	Bad	1	100	-	-	1	0.64	Neglected	-	-	1	100	1	0.64
3.	Generally good but doesn't pay well	3	75	1	25	4	2.59	Ill-treated	-	-	-	-	-	-
4.	Generally bad but pays well	3	60	2	40	5	3.24	-	-	-	-	-	-	-
	Total	72	46.75	82	53.24	154	100	-	72	46.75	82	53.24	154	100

child labour is one of the labour forces used by the industries in our country

child labour is a cheap labour source. Industries using child labour

encourage it and they are not ready to take remedial measure to reduce child labour. The Government and non-governmental organisations raise their voice to curtail child labour in our country. Because it becomes a social issue, children working in factories give up their basic education. So the level of illiteracy will increase in our country and social development will become a day-dream. Of late, child labour is not only a social issue to the government and it is also an economic issue. Primary education is one of the social welfare programmes of the Government. Child labour has created a serious economic problem to our nation. The western countries particularly USA, have stated that they are not going to import Indian goods involving child labour in the process of manufacturing. Their complaint is that the Indian industries exploit child labour and they provide low wages and poor working conditions. Now it has become a bounded duty of the government to study the child labour and find out remedial measures to keep the children away from exploitations. It is not possible to lift child labour in our country. We retain child labour. At the same time we should provide basic education to the children and prescribe minimum wages to the child workers and insist the industries to instal good working conditions at work places. We should concentrate on these aspects in order to retain our status in export of goods involving child labour and convince the US government that child labour is not exploited in India.

Surveyors Reports

- 1) Poverty remains as the single most important reason for the high incidence of child labour for which the parents are unable to take proper care of their children.
- 2) In many places, lack of educational facilities have also forced children to earn for their families, population explosion has also in its own way contributed to the growth of child labour, parents are found to have limited resource and more mouths to feed.
- 3) The employer of these hapless young kids have hardly been responsible to them. let alone satisfy the development needs the employers never seemed to have even bothered about their basic needs like, food, clothing, health of these child workers.
- 4) The government sponsored child development schemes due to some reason or the other have failed to operate.
- 5) The parents the children themselves and the employers do not have any idea of the legal protection provided to the child labourers.
- 6) Realise the need for environmental protection and the awareness thereof in its operational area, it generates awareness on eco-development, waste

utilisation, wasteland management and mobilised people for greater participation in environment conservation through meetings, padyatras , rallies etc.

Recommendations

- 1) It is the responsibility of the state to make primary education compulsory. It is observed that apart from poverty lack of education has forced many children to work.
- 2) Parents of comparatively large families have not only failed to take proper care of their kids but have forced many to earn a livelihood either for themselves or for their families. So the need of the hour is to aware and train people on the 'small family norm'.
- 3) The employers of these young workers should take the responsibility of their education and there should be proper legal support.
- 4) The village community as well as panchayats should take the responsibility of providing educational facilities, infrastructure including building as well as repair of schools and providing teachers etc.
- 5) The parents, the employers , the communities as well as the child should know about the rights of the child.

CONCLUSION AND RECOMMENDATIONS

1. Conclusions

The Present study carried out by me in Athamalick block of Angul district provided the following conclusions.

- About 4.6% of the total work force belong to the category of child labour in the age group of 15 years or less. Around 88 percent of the total child labour are either illiterates or have dropped out of schools at various levels, 25 percent are engaged in cattle grazing and 55 per cent are engaged in household. Employment of girl child is predominant in the study area as compared to boy child.
- Sixty-one per cent of the child labour in the surveyed villages belong to the age group of 12-15 years and there are 59 per cent of them are between the age group of 8-15 who are girls. They all come from lower class Hindu families, and mostly drawn from large families. Almost all of them work either in their own villages or nearby, hardly anybody is a migrant child labour.
- Poverty has been a major reason for child labour in this area, apart from lack of educational facilities. The family condition of the working children has been found to be miserable. There is no denying the fact that

under stress situation just to earn their bread the children are forced to work. Hardly does any child volunteer work at the cost of education and sports. More than 64 per cent of parents of the surveyed households earn less than 1000 rupees per annum to sustain their families.

- Due to the backward and labour-intensive technology in Orissa there is a search for cheap labour which is available in the form of child labour. The reason for high incidence of child labour in the bidi binding industries is cheap labour as well as, it is largely observed, a young tender palm is more efficient in bidi rolling than that of an adult. This is an added incentive to the employer to employ young ones.
- The distinctively low involvement of child labour in forest related activities probably suggests lack of adequate green cover in the surveyed area. Unabated environmental degradation is the predominant cause behind the swelling number of child labourers in the country, various studies have concluded. The survey indicates, deforestation has destroyed the food gathering system and in the absence of sound irrigation and water management, marginal farmers are forced to either go as migrant labours or send their children to work.
- Rule 24 of the Orissa Minimum Wages Rules, 1954 provides the number of hours of work which shall constitute normal working day as follows.

Rule 24 of the Orissa Minimum Wages Rules , 1954 provides the number of hours of work which all constitute normal working day as follows.

Rule 24 (1) - The number of hours of work which shall constitute a normal working day shall be

(a) in case of an adult, 9 hours.

(b) in case of child, 4^{1/2} hours.

- The child labour (Prohibition) and Regulation Act, 1986 provided under section 7 of the Act that no child shall be required or permitted to work for more than 3 hours a day and the period of working shall be so arranged that inclusive of rest of one hour and time spent for waiting for work shall not spread over more than 6 hours a day. it emerges from the study that 75 per cent of them work beyond the statutory restrictions out of which more than 49 per cent are girls.
- Good health of the child labour is never a concern of the employer. The nature of exploitation is evident when the survey concludes that the working children themselves take care of the medical requirements and employers provide no such protection. However, the children have not found their employers very hostile apart from stray cases of beating and

misbehavior . At times the parents have been accused of inadequate feeding around 25 per cent are inadequately fed out of which 56 per cent are girl. 59 per cent are forcibly sent to earn for their parents out of which 52 percent are girls.

II. Recommendations

Policy research and analysis, sensitization of the press, employers and the communities at large, integrated development approach by putting environment at the top, awareness generation on the rights of the child.

Having seen the magnitude of the child labour and the main reasons for its substance,, the imperative need is to launch a determined attack to solve the problems of child labour in the surveyed villages. It is understood that the causes, nature and extent of child labour in this are is not very different from various studies and surveys carried out by different government and non-government agencies at the state level. The problem of child labour certainly concerns the larger society instead of the parents and employers only as the incidence of child labour is a consequence of the myopic and ill-conceived development policy initiatives rather than being a cause in itself. Therefore, the measures solving the problems of child labour can be both positive and negative, preventive and protective, suggestive and

remedial which coming in the form of government policies and rules, the voluntary organisations, employers, the parents the communities as a whole.

More than 90 per cent of the child labour engaged in the unregulated sectors such as domestic work, agriculture and allied activities street working etc. are not covered by any of our progressive child labour legislation. The major fallacy with regard to our child labour legislation is that they dealt with child labour as an urban, factory related phenomenon which needs regulation and not eradication. The result was a non-starter- the Child Labour (Prohibition) and Regulation Act, 1986. Briefly, this law mandates that children under 14 must be kept away from 'hazardous' jobs in factories. Whatever happens in 'family owned' enterprises is not the government's concern. So employers of children operate small units, which cannot be legally defined as factories, employ children until they are 16 and escape legal action. The Act peacefully coexists with dozens of statues like the Factory Act, the Mines Act, Plantation Labour Act which restrict employment of children with different age limits for children but do not make a meaningful dent into the child labour problems. Despite technological changes, and children entering new industries, the list of prohibited occupations and processes remains virtually frozen. Even this law has many loopholes it exempts any process that is carried on as a

family enterprise i.e. where a child works in his/her parents workshop. The law also exempts any school established by or receiving assistance or recognition from the Government. Given the current state of law enforcement in India, these exemptions mean that.

1. An employer can (and many do) pass off child employees as his/her own children.
2. any employer can get around the prohibition of employment of children by terming part of the workshop or factory where children are employed, a school, seeking and obtaining either "recognition" or even some "assistance" from the State or Central Government.
3. State and Central Governments can run "schools" where children are "trained" to do exactly that work which the Act purports to prohibit them from doing.

A recent Supreme Court judgment has reiterated the need for strict implementation of the Act of 1986 including the payment of compensation to child labourers and the setting up of the Child Labour Rehabilitation - cum-Welfare Fund. The Court has also directed that surveys of child labour be conducted within a given time frame by State Governments. The Union Labour Ministry has taken up a countrywide survey of child labour in both

organised and unorganised sector in pursuance of the Supreme Court's judgement banning child labour in hazardous industries and business establishments. It has been agreed the children can work in the non-hazardous processes of a hazardous industry. Now the question is who will define what is hazardous and what isn't? Has there been any competent authority recognised either by the State or the industries? What also clearly needs to be recognized is that what may not be hazardous for an adult may well be hazardous for a child. Therefore, all forms of work that the child does at the cost of his/her education and childhood has to be seen as being hazardous for the child. The inadequacies of the enforcement machinery, and the perspective of lower government functionaries to be charged with the survey work, raise disturbing questions about the utility of the exercise, notwithstanding the Supreme Court's commitment to the cause.

At this juncture, when there is a tentativeness and duality with regard to our legislation's on one hand and highly reluctant bureaucracy on the other, the role of voluntary agencies assumes importance. At one level, it has to sensitize the press for a conducive public opinion which pressurizes the extended colonial bureaucracy to implement the Act in its right spirit. For example, the Child Labour (P&R) Act, 1986 provides that the state government has to make rules regarding health and safety of child labour

which has not been made so far despite the fact that the Act has been enforced in our state since 1986. At the other level, the voluntary agencies dedicated to the cause of child labour must with the help of social science researchers and legal practitioners initiate policy research and analysis to expose and address the limitation and duality in our child labour legislation's. Besides, it must also sensitize law makers to respond to the changing socio-technological demands of the society.

Law itself can not bring desired changes unless properly understood and adhered. If at a macro level the role of law makers is important in so far as providing a legal protection to the child labour, in the field level the benevolent role of employers is very much desirable in ceating a healthy and enjoyable working condition. The employers must be sensitized and trained on various legal provisions for child labour, especially the rights of the child. The employers need to be made aware of their duties and responsibilities, especially with regard to the health and medical facilities of the child labour, proper and timely payment of wages, proper working condition with limited number working hours and adequate rest Most important is their responsibility with regard to the education of these hapless working children. All advanced industrial countries and those contemporary developing countries that have made education compulsory

regard education not as a right but as a duty. When education is made duty, parents, irrespective of their economic circumstances and beliefs, are required by law to send their children to schools, it is also the legal obligation of the state to provide adequate number of schools, appropriately situated, and to ensure that no child fails to attend school,. In a developing country like India, where primary education has not yet been compulsory though it has been made obligatory on the state by the Constitution, turning education into a duty would certainly be a herculean job. The role of parents, communities and voluntary bodies are as such important as that of the government machinery in the realization of the above dream. The parents must realize and made aware that temporary income generation and permanent illiteracy only puts children back in the spiral of poverty. The communities either at the Gram Sabha or Panchayat level must take up the responsibility of ensuring proper educational infrastructure and facilities in the form of building , repairing schools and providing teachers etc.

Since parental poverty has been the single most important area of concern, only piecemeal welfare measures won't help unless there is a fundamental change in our macro economic policy. Since majority of the rural populace is dependent on natural resources for survival, our natural resource policy must ensure people's control over their local natural

resources. Various studies have revealed that the percentage of child labourers was higher in those areas where environmental destruction have been more. One can infer that the number of child labour can be reduced by introducing environmentally sound policies. Besides, the welfare measures have to have more teeth, and the identification and selection of its beneficiaries should be proper and judicious. With the coming up of the new legislation on Gram Panchayats in December , 1997 the villages have been entrusted with enormous powers to manage their own affairs. It is believed that popular empowerment through Gram Swaraj would go a long way in addressing the poverty and deprivation by allowing them to plan and control their own resources.

CHAPTER - IV
ERADICATION OF CHILD
LABOUR

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ERADICATION OF CHILD LABOUR

By recommending the formulation of a special task force to eradicate the “scourge” of child and bonded labour, the National Human Rights Commission (NHRC) has initiated at least some action. But experience shows that task forces do pretty little, the real problem is education. Unless there is compulsory schooling for at least six years, it will not be possible to eradicate child-labour. No country has ended child labour without first making education compulsory. The argument that the nimble fingers of children are better than those of adult is fictitious. There is no evidence that children weave carpets better than adults.¹ The Ministry of External Affairs has launched a curious attempt on the internet to try and counter international campaigns against child labour. Confronted by international campaigns for sanctions against products of child labour-the Ministry of External Affairs has embarked on a curious attempt to undo the damage.

India has more child labourers than any other country in the world , and the first- and essential-step towards abolishing it is to implement a policy of universal and compulsory school education. The MEA’s web site,

¹ Nayar, Kuldip, “The bane of child labour”, Hindustan Times, september 14, 1997.

at [http://WWW meadev, government in /social/child/child labour. htm.](http://WWW.meadev.gov.in/social/child/child_labour.htm) however, says that since “joining the family trade at a very young age is tradition in India”. Child labour is not the evil it seems to be, although the “most developed countries it is termed as child labour” efforts to eradicate it through trade sanctions are futile, it says. The MEA’s web site, mercifully “does not condone” industries that hire child workers, and tries to “ensure that they do not lead to the exploitation of child labour”, but it sees no prospect of its rapid eradication through universal primary education. According to the MEA’s web site, “The reality is that it is a socio-economic problem and has to be dealt with in that manner”.² These conclusions are untenable, in its effort to rebut western consumer campaigns that reject products made by child labourers, the MEA’s web site has, in fact, exhibited just why an estimated 55 million children of school-going are shackled to a workplace, when they should be learning in a classroom; the fact is that India’s ruling class and elite have been consistently oblivious of the need for mass school education.

The web site does say that India is committed to the elimination of child labour, and that the state is constitutionally obliged to ensure that all children up to the age of 14 receive education. It goes on to state that the

² Swami, Praveen, Nimble finger of the child, Frontline, Feb. 6, 1998.

1986 Child-Labour (Prohibition and Regulation) Act makes it a criminal offense to employ children below 14 years “in any occupation having the possibility of health hazard”. In December, 1996, the Supreme Court ordered that those who employed child labourers should pay damages into a fund that would be used for the children’s education, and that the vacancies left behind by the children be filled by adults from their families. In August 1994, the central government announced a budget allocation of Rs 850 crores to eliminate child labour in hazardous industries.. In deference to the law and their democratic obligations, various State Governments, including that of Jammu and Kashmir, where child labour is common, are in the process of introducing legal sanctions against public servants who employ child workers. As part of attempts to undo damage caused to India by international campaigns against child labour, the Ministry of External Affairs web site argues that child labour is poverty-driven phenomena and rejects the well - documented fact that universal primary education is the only means to end it.

The MEA web site says that “joining the family trade at a very young age is tradition in India” and appears to argue that, for that reason, child labour is not the evil it seems to be. The MEA web site uses the report to press its central point, “child labour” it argues, is a poverty-driven

phenomena, and, “It is seen that the incidence of child-labour is higher in states that have a larger population below the poverty line. Similarly, high incidence of child labour is accompanied with by high dropout rates in schools. Child-labour is essentially a function of socio-economic development of an area, and the approach of parents to their children”.

These propositions do not stand scrutiny. As academic Myron Weiner has shown, rising national incomes in East Asia and elsewhere followed universal primary education: it did not happen the other way round, child labourers tended to be employed because they are cheaper to employ and less resistant to exploitation than adults. Thus, each child job eradicated means a better paid adult job created in its stead. UNICEF’s 1995 report found that this operated even at a micro level.

How does the MEA’s web site get around these facts? It claims that “UNICEF , in a report, categorically asserted that not all children who work in India are exploited not all the work they do is harmful to their development. Most of the time, it provides them with professional training for their adult life ahead. Invariably, they grow up to take over the business on trade they were brought up on-and that too, successfully”. “This is completely untrue and outrageous”, UNICEF’s Gillian Wilcox told Frontline, “none of our reports has ever said anything of the kind, infact, the

progress of Indian States report said exactly the opposite, "The reality for the overwhelming majority of these working children is that they will spend their entire lives employed in unskilled occupations, working long hours, often in dangerous conditions, abused and sometimes in bondage for minimal or no pay".³

The National Council for Applied Economic Research is cited as saying that the number of child labourers (in 1994)"has gone down by one third over the past two years", The reality is the opposite. UNICEF found in 1995 that "economic exploitation of children in India is extensive and appears to have increased over recent years". "Most of the children", UNICEF reported, "work under stressful conditions in agriculture and in industries often hazardous".⁴

Is child labour, as the MEA's web site claims, a tradition in India" perhaps - just it was in an earlier age in many parts of the world. But if the MEA's intention is to protect Indian industry from consumer boycotts for employing children, it might do better to campaign for universal compulsory school education in India. Most economic analysts agree that child labour cannot be eradicated until the social and economic factors behind it are addressed. Some economists believed that a better education

³ UNICEF, Report, Statesman, 30, October, 1997.

⁴ ILO, Geneva, 1991.

system, placing emphasis on vocational training, may be a positive step. But they also give a warning that if there are still no jobs available, such a move would not change the situations. (Replace child labour with adult labour). The Ministry of Labour, Government of India, in its bid to eliminate child labour from hazardous occupations, has undertaken a series of measures , starting with the identification of 133 child labour endemic districts, spread over 13 states in the country.

Among the major activities taken up in these districts are door to door survey on child labour awareness generation on the issue of child labour and setting up the National Child Labour Project Societies (NCLPS).⁵

Special School Opened under the NCLPS have some special features

1. These school are meant strictly for child labour in hazardous occupations.
2. These school are meant for children in the age group of 10-14 years, rather than the children in the lower age group.
3. Such children, through special schools, are to be provided with non-formal education, functional skills, health and nutrition facilities, so that

⁵ Mohsin, Nadeem, Special School Programme for Child Labour, Third World Impact, February, 1997.

they cross the threshold of childhood after training.

4. These children are to be encouraged to join the formal stream of education or register themselves in the open school system or take up new ventures for self-employment.
5. Finalisation of course material is the starting point of special school education. It has been observed that working children learn faster compared to others and therefore the course which could be otherwise learnt in five years can be compressed in two years for the working children in special schools, to enable them to join the formal stream from the sixth standard onwards.
6. Free meals are to be distributed every day to each child enrolled in schools.
7. A sum of Rs. 100 per month is to be deposited in the bank/post office account of each child admitted in such schools, so that by the end of two years, a reasonable sum of money, together with the interest accumulated on the sum, is available for the child. This money can be used as working capital, if the child wants to take up any income generating activity on its own.

The special school scheme Of the Ministry of labour is the first

experiment towards its attempt to mainstream child labour. However, a number of problems are being faced as far as the implementation of the scheme in the districts concerned.

Since children enrolled in special schools belongs to various age groups, on an average 10 to 14 years, have diversified experiences and possess different skills, it is very difficult to adopt a standard teaching material for them, to enable them to cover up five years of teaching in a span of two years. In spite of so many schools being opened up none has so far provided a model curriculum of special school education. Such a curriculum could be evolved after detailed discussion with State Council for Education Research and Training (SCERT), District Institute for Educational Training (DIET), National literacy Mission (NLM) programme, State Education Project (SEP) etc. Such materials should be protsted before they are adopted on a large scale, The whole idea is to initiate a process joyful learning for motivating children, as the traditional rote method of learning is unlikely to enthuse working children. Who have suffered for a long time the drudgery of repetitive work.

In a meeting to review the progress in implementation of child labour elimination programme in Orissa on 18th October, 1996, the union labour secretary, Dr. L. Mishra suggested that the State Labour Department

should organise a couple of visits jointly with the offices of state education departments to evaluate the existing system of teaching and learning, course content and textual materials with a view to finding out ways and means for rectifying lacunae if any, in the course of their visit, the group should interact with the village community, teachers, parents, and students to get their viewpoint on the subject of curriculum after explaining of them the objective of special school education. The idea should be to impart minimum level of learning with proficiency in arithmetic, social science environment and mother tongue.⁶ It is also to be borne in mind that working children, though their exposure to the environment of work, are more agile alert and intelligent and need to be handled differently from normal children. There should also be a component of psycho-social learning in the course content, to enable working children to change their mind set. the process of standardising the vocational stream of special school education also needs to be initiated.

The idea of special school is novel and if properly implemented, can help to a great extent in ameliorating the conditions of working children. The programme can be made successful through the support of NGOs. The camp schools approach, the platform school approach and the concept of

⁶ 'The Agenda of Child Labour Abolished in Orissa on a conference', Hindustan Times, New Delhi, Oct. 18, 1996.

joyful learning are being experimented by NGOs in some of the states. NGOs should collaborate with the government and incorporate certain components of their own strategies of schooling into the special school programme. The government alone is not in a position to implement this stupendous programme. The abolition of child labour in the country is closely linked to the “introduction of compulsory education and to provide free and compulsory education, the state shall have to take responsibility of providing free and compulsory education through an element of coercion”. This was stated by Mr. Kuldeep Mathur, director, National Institute of Educational Planning and Administration (NIEPA) who was delivering the key-note address at the annual conference of (NPSC) which began 17th Feb. 1995.⁷

Surendra Mohan, is also a committed advocate of “compulsory basic education” and he severely criticised the UF Government for its non-performance in this regard. What I want to stress here is that this is a typical middle class mindset, and it has never taken compulsory universal basic education seriously. I am also add that without a change in this mindset implementation of this programme will continue to remain a distant goal. No wonder, therefore, that the operative part of Pandit Nehur’s famous

⁷ Labour Bureau; Report on Child Labour in Indian Industries, op. cit., p. 40.

“tryst with destiny’ speech was not meant to be implemented.⁸

Believing that child labour is a growing world wide menace and is a cause, not a consequence of poverty, unemployment and population growth, often perpetuated inter-generationally; and further that nations, such as South Asia today cannot afford to wait until poverty is eradicated before rescuing children from slavery and assisting them on the path to development.⁹ Rejecting the Myths which abound about child labour such as the facile arguments that the household economy would collapse if existing cheap labour is not made even cheaper by nimble fingers and docile minds; that child labour is inevitable unless poverty is first eradicated; that the exploitative edge of child labour could be blunted by calibrating the law and its implementation according to the age of the child and the degree of risk; and that child labour is part of culture and tradition.¹⁰

Having discussed the issues involved, South Asia urged the governing bodies of their respective unions to implement the following plan of action to combat child labour.

(A) Research and dissemination of information.

⁸ Pal, R.M., *Rights of the Child: The Education Challenges*, Mainstream, May 9, 1998.

⁹ Sen, Gouri, *child labour in the most depaved form*, Hindustan Times, Feb. 1998.

¹⁰ UNICEF, *The Child in India, 1979*, (pamphlets brought out on the Occasion of) International Year of the Child, 1997, UNICEF, New Delhi.

- Conduct surveys and collect complete data regarding the socio-economic conditions and extent of child labour.
- Prepare audio-visual materials on child labour to help in creating awareness conduct campaigns through rallies, street plays handouts etc.
- Seminars workshops to educate and sensitise members towards this social evil.
- Conduct various competitions for working children (e.g. essay competition for working children) highlighting the plign of child labour.

(B) Organisational Work

- From own wing to look specifically into this problem (e.g. child labour cell, child labour committee etc.).
- Work towards equal wages, less hour of work, humane working and living conditions.
- Abolish piece-rate wages system and introduce a monthly minimum wage system.

(C) Pressure Group

- To act as pressure group against the evil of child labour.

- Lobby with members of Parliament or legislative Assembly to raise the issue with the respective governments.
- Create public opinion locally, nationally and internationally.
- Work towards ratification of I.L.O convention 138.

(D) Welfare and Education

With the help and co-operation of the Government, ILO, UNICEF, NGOs and other International organisations.

- Arrange for nutrition for working children.
- Medical support for working children.
- Conduct recreational activities for working children
- Conduct informal education for working children,
- Help working children to enroll into formal schooling.
- Work towards compulsory primary education with free meals and incentives by the government.
- Encourage vocational training, optional employment and training, on the job training etc.

- Work towards some form of insurance scheme for working children.

The workshops welcomes the joint campaign against child labour now being undertaken by the ITGLWF and FIET.¹¹

Child Labour : Eradicating the Evils

Little done vast condemn, though evil and obnoxious, child labour is a world wide phenomena, rightly concerned about it, our government is determined to root out the problem.¹² Every child has a dream, but more often than not it is shattered. In India, the scenarios was not much too different. With one country's independence nearly 50 years ago, many changes have been brought about from one five year plan to another. The problems of children are multi-faceted and multi-layered. They cover a wide range of fields from nutrition and education to development and protection so that they may become better human beings and healthy citizen in later years.¹³ The declaration and plan of action from the world summit for children has gone into the minor details, covering 54 Articles. it is like the Magna earta of 13th century England.

¹¹ Kathmandu Commitment, Asian workers on Child Labour, Mainstream, January 14. 1995. pp. 31-32.

¹² "Child Labour: These Hands were meant to Play", Op. Cit. Ministry of Labour, Report of the Committee on child labour.

¹³ K. B.. Pathak, et. al, (eds.), "Projection of Orphan children: 1971-91", in K. Srinivasan lt. At (eds.), Demographic and Socio-economic Aspects of the child in India, op. Cit., p. 655.

In another effort, 89 projects have been brought under implementation since 1992 under an international programme for elimination of child labour. An amount of Rs. 7.30 crore has already been spent. The government is not neglecting problems of street children either. A survey sponsored in 1992-93 by the Ministry of Welfare and UNICEF indicated that a large number of street children suffer destitution, neglect, abuse and exploitation. The focus of the scheme is on reduction of exploitation and abuse and withdrawal of children engaged in hazardous work.

India has armed itself with sufficient legal frame to deal with the problem of child labour and other related socio-economic virus that effect the development of the child. The effective enforcement of the law is the only Panacea to root out this evil. The innocence of the vocational training and stipend, nutrition, and health-check. As a follow up , a high-powered body, the National authority for the elimination of child labour, (NAECL) was constituted on September 26, 1994 under the chairmanship of labour Minister. The function of the NAECL are:

1. To lay down policies and programmes for elimination of child labour, particularly in hazardous employment's.
2. To monitor the progress of implementation programmés, projects and

schemes for elimination of child labour.

3. To co-ordinate implementation of child labour related projects of the various sister ministries of the government of India.

Common Minimum Programme

The common minimum programme by the government seeks to eliminate child labour from all occupations and industries and making free and compulsory elementary education a fundamental right. While the ministry of labour continue to be responsible for elimination and rehabilitation of about two million children working in hazardous occupations the responsibility for providing compulsory education to the children working in other occupations would have to be of the department of education, keeping in view the policy of the government as indicated in CMP widespread consultations have been initiated for amendment to child labour (prohibitory and regulation) Act 1986, the details of which are as under.

- (a) The issue amendment of child labour (prohibition and Regulation) Act was discussed in the meeting of the National Human Rights commission held on 12.9. 1996. The commission was of the view that it will be appropriate for the ministry of labour to carry out amendment

to the existing law to make it more practical, functional and more implementable while simultaneously planning for total abolition of child labour through enactment of a new legislation.

(b) Secretary (labour) has addressed letters to the secretary, department of labour of all the states. VT governments on seeking their considered. Childhood days must not be allowed to without.

- Review the implementation of existing legislation administered by the central government.
- Suggest legislative measures as well as welfare of working children.
- Review the progress of welfare measures for working children
- Recommend the industries and areas where there must be a progressive elimination of child labour.

It was reconstituted last on 2.11.1994. The union labour minister is the chairman of the board. The other members of the board include representatives from the various sister ministries, members of parliament non governmental organisations, representative of the major trade unions and employer's organisations.

Under section 5 of the child labour (P&R) Act 1986, the central

government is empowered to constitute a child labour technical advisory committee for the purpose of addition of occupation and processes in the schedule to the act. The committee consist of a chairman and members not exceeding 10. The committee has been reconstituted on 5.2.1996 under the chairmanship of director general of Indian council of medical research. The major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition etc. to children withdrawn from employment 12 NCLPS were started in Andhra Pradesh, Bihar, Madhy Pradesh, Maharastra, Orissa, Rajasthan,. Tamil Nadu and U.P.

A major programme was launched on August 15, 1994 for withdrawing child labour working in hazardous occupations and rehabilitating them through special schools. Under the programme a total of two million children are sought to be brought out of work and put in special schools where they will be provided with non-formal education view on the amendment to child labour (prohibition regulation) Act. 1986, keeping in view the policy announced by the Government in CMP.¹⁴ The state governments were requested to express their views and make suggestion regarding the amendments to child labour (abolition and Regulation) Act in

¹⁴ Madhur Chaturvedi, "Child labour: The Same of the Nation". The illustrated weekly of India, Vol. 29, July 20-26, 1995, p. 12.

the Regional Labour Ministries conference held on 16.10.1996 at Calcutta, 31.10.1996 at Chennai, and 30.12.1996 at New Delhi. The labour Minister, Tamil Nadu suggested that a seminar should be organised by the Ministry of labour to consider the proposed amendments to child labour (Prohibition & Regulation) Act, 1986.

April 30 is observed as the child workers day in the world over. Addressing a gathering of newsmen in New Delhi in the eve of the child worker's day. Dr. Eimid watanabe, head of the UNICEF's India country office, quoted the horrendous figure of 100 million child workers in the world. A 100 million innocent lives sacrificed at the alter of livelihood. India, one has to shamefacedly admit, is the biggest culprit as far as exploitation of child is concerned- be it at home, in industries or employed as domestic help. We are also guilty of being the biggest exporters of unskilled labour. The last forty-add years have witnesses many welfare schemes for child labourers. For instance, proper working hours, evening schools , etc. But in retrospect we find that these in a way condoned the practice of child labour.

Economic cause having seen pinpointed as the main reason for child labour, it has been decided to offer an alternative means of livelihood to parents who have to withdraw their children from school to lend a hand in

the fields, to look after the youngster brothers and sisters while the mothers are away to work or perhaps work in hazardous circumstances in factories. Thus the problem of child labour is also a manifestation of the problem of the girl child.¹⁵

In order to discourage parents from sending their children off to earn wages and to encourage them to send them instead of school. (which is a fundamental right of every child) It is imperative that the parents be offered higher wages and a fine imposed on them if they withdrew the child and forced him into child labour. It is equally important that the status of primary education at village level be raised. At the moment, the conditions in the village primary school is pathetic- there are no blackboards, no furniture, the teachers draw salaries but abstain from teaching. generally, the parents feel that attending school is a waste of time and the children could be more fruitfully with the passage of time it would become a norm to send children to school. This would also check the high rate of school drop -outs in the age group of 12 to 14. Once this is done, the goal of universalising primary education will be within reach. The state shall endeavour to provide within a period of ten years from the commencement of the constitution , free and compulsory education for all children until

¹⁵ Hora, Vinoo, Strategy to Eliminate Child Labour, Mainstream, May 8, 1990.

they complete the age of 14 years.

Legislation to control and regulate (note the attempt all along was to 'control' and 'regulate' and not to end or abolish) child labour have been ineffect for more than a century. The first attempt was made as early as in 1819 by the factories act and yet, 113 years later, despite all talk of democracy, freedom and equality, children are suffering more than before. The other acts are ; mines Act, 1901, children (pledging of labour) Act, 1933, Factories Act, 1948, plantation Act, 1951, one sees childhood wronged by human injustice: "heaven lies about us in our infancy", wrote words worth. Where is the heaven for these children may be they are the denizens of virtual hell-born in slums, belonging to broken and abandoned homes or engendered by parents who themselves are a part of the crime world, serving jail terms or orphans or bonded labourers. Exposed to the rigorous of extreme poverty without the bare necessities of life, like, food, clothing and shelter, deprived of preliminary education, their minds remain stunted without any learning. Whether it is the scorching heat or the sun or the biting chill of the furious winter. Weathering all storms, amidst dearth and famine, these innocent children are compelled to work in hazardous industries for their living. Now western countries are refusing to buy goods made with the help of child labour. The problem is if these children

are forced to leave the job, on the ground that child labour should be done away with, there is very possibility that these children might indulge in crime.

President SD Sharma expressed serious concern over the exploitation of children as labour and said eliminating this menace was one of the major challenges before the nation in the field of education. "Neither tradition nor economic necessity can justify child labour and eliminating such exploitation is one of the major challenged in the field of education today", The president was giving away national awards to 270 teachers for their meritorious service in the field of education on the occasion of teachers day. expressing concern over the dropout rate in school, he sought the assistance of teachers and non-governmental organisations (NGOs) in checking this trend. Among the awardees are 32 teachers from employment of children Act, 1951 mines. Act Inter state migrant workers Act, 1980, and child labour (Prohibition and Regulation) Act, 1986.¹⁶

Some reasons why these Acts have remained unoperative are:

- a) Since dire poverty and destitution are the main cause of child labour (after all, very few parents can be so cruel and callous as to allow their

¹⁶ President, Sharma, S.D., Nothing can Justify Child Labour, United News of India, September 5, 1994.

children to suffer if it were possible to avoid), labour inspectors feel sympathetic to the problems of the families. They find themselves in a kind of moral dilemma because the parents more than the employers, plead that their children should be allowed to bring some little relief to their miserable condition. Even if the child does not work, it will not be better off; it will starve and be the target of the wrath and frustration of adults.

- b) Besides, the schools also do not offer any relief from this miserable condition - no food, no play, no sympathy. On the contrary, children of the economically and socially backward sections are treated in a discriminatory manner by teachers and school authorities.
- c) Most children work in the unorganised sector, there is no official record of the number of children working (the employer may even deny that any child is employed at all) and no proof of the extended working hours, absence of holidays and hazardous working conditions. How then can the laws be enforced.

Their faces looked absolutely dumb founded with a stoic expression in their eyes, gazing at the olazing lights of the world of riches and bemoaning their own fate. SAARC leaders were obsded with their SAPTA (South Asian Preferential Trade Agreement) and their luxurious visit to

Shimla and ignored the efforts required for the development of children on their agenda. Considering every child as the sweetest creation of god, one's heart goes out with poignant compassion whenever and wherever up. 26 from Maharashtra, 22 from Tamil Nadu, 21 from West Bengal, 18 from Madhya Pradesh, 16 from Andhra Pradesh, 14 from Kerala and Gujarat, 13 from Karnataka, 12 each from Punjab and Assam and 10 from Orissa. He said a mother was after all the first education in the family and the most important one. "If she is ignorant, how can the family develop".

In 15 September, 1995, the Prime Minister P.V. Narasimha Rao, called for efforts to eliminate child labour in hazardous industries addressing the workshop on elimination of child labour, the Prime Minister said that the efforts made in this direction should tackle the twin tasks of phasing out child labour, which was already employed in hazardous industries, and also in preventing new and fresh recruitment's.

The workshop was attended by more than the hundred district collectors and others assembled on the occasion that he expected time bound implementation of the child labour elimination programme. Mr. Rao felt that there could arise several problems in implementation of the programme. but these could be overcome by identifying and analysing the problems and also through very detail local level planning of

implementation . The Prime Minister underlined that there should be close link up with Primary education, and emphasised on provision for vocational education to them. He said that it was necessary to provide incentives to the parents as well as motivating them . So that the parents of children became the charged agents.

Without the involvement of parents the silent revolution that had to brought about would not be realised, the Prime Minister said and added that the government was fully committed to the elimination of child labour in hazardous industries, if difficulties were encountered in implementation, It should be viewed as the measures of success that had to be accomplished. All the district collectors affirmed that they would take all measures to eradicate child labour in the hazardous industries in their districts. They would utilise the funds provided to help children to join main stream. The workshop unanimously recommend an autonomous body at centre for administering programmes for elimination of child labour. In all child labour endemic states, special vocational training centers were recommend.

The workshop which was presided over by the labour Minister, Mr. P.A. Sangma, agreed that per capita cost should be enhanced to Rs. 6000 per child per year from Rs. 4000 per child per year at present . For convergence of services, it was decided that a committee be set up at

districts with collectors as chairpersons. The committee should be allowed flexibility to take up an area for specific schemes. The recommendations of this committee will be binding on all concerned in the districts.¹⁷

The workshop strongly recommended that awareness generation for securing elimination of these practices was very crucial and the target groups should be comprehensively identified and addressed. It should sensitize parents in child labour endemic areas to persuade children to go to school, proper stress should be laid on the concept of the dignity of labour.

The United States proposes to penalise nations that do not prohibit child labour or fail to effectively enforce child labour laws. Countries like, India, Pakistan, Bangladesh and Nepal, where child labour is widely prevalent, would attract sanctions if they are identified by the us for failure to curb the practice, according to a new bill introduced in the house committee for international operations and Human Rights. The international child labour elimination act of 1997, sponsored by committee chairman Christopher H. Smith and eight others, requires the secretary of labour to identify those nations to ensure that goods produced with the help of child labour do not enter the US.

¹⁷ Prime Minister, Narshima Rao, Calls for end to Child Labour, National Herald, New Delhi, 15 September, 1995.

Among other things, the bill prohibits US assistance- except for humanitarian aid-to countries and companies that use child labour. it denies exports import Bank and oversee private investment corporation (OPIC) assistance to industries that exploit children for producing goods. It also requires the US to use its “voice and its vote” to stop multilateral ending institution like the worlds Bank and International Monetary Fund (IMF) from sanctioning loans and other subsidies for any industry in those countries identified by the labour secretary for sanctions. The bill authorises an appropriation of & 30 million contribution in each of the next five fiscal years to the international programme on the elimination of child labour (IPEC) of the international labour organization (ILO).

Prof. Myron Weiner, professor of political science at the Massachusetts institute of technology Cambridge, today emphasised the importance of compulsory education in the eradication of child labour in India. Initiating a discussion meeting on “The role of the state in child education and employment”, organised by the Rajiv Gandhi institute for contemporary studies, Prof. Weiner, Said international experience has shown that no country has successfully ended child labour without first making education compulsory. So long as children are free not to attend school; they will enter the labour force, he said, calling for a “conceptual

change in the attitude of the policy makers in India”.¹⁸ Coming out strongly against the Indian policy-makers, whom he accused of promoting the employment of children through their policies. Prof. Weiner said the government policy is to work around the fringes of the problem, “promote adult literacy campaigns, provide non-formal education to working children and provide free school lunches to encourage children to remain in school”. But neither the central government nor the state governments, he said, have been willing to do what has been done historically by every developed and now by many developing countries” declare that all children between the age of 12 to 14 years must attend school”.

Prof. Weiner, who has been doing research on India since 1953 and has authored a book titled “The child and the state in India-child labour and education policy in comparative perspective”, rejected outright the arguments widely used in India to oppose the establishment of compulsory education and against legislation to totally ban the employment of children, children, he said., should not be looked upon as an economic asset nor should child labour be viewed as a phase in the education of a child. His argument revolved around the assertion that child labour is no a consequence but is a cause of poverty, Prof. Weiner drew examples from

¹⁸ ‘Make education compulsory’, Herald News Service, January 8, 1996.

the experience of various nations, including some from Asia, to justify his assertion which, however did not find much favour with many of the participants, among whom were several legal and educational experts besides representative from governments agencies and non-governmental organisations. Most of the participants felt that the large-scale poverty prevailing in the country was a major factor in the growth of child labour and said that it was economic necessity which drove parents to seek employment for their children. In the opinion of Prof. Weiner, however, this was a more exercise used by the Indian policy makers who found child labour a useful tool “to sustain the otherwise unsustainable small scale industry sector“. Eminent Supreme Court lawyer, Mr. Soli Sorabjee agreed with Prof. Weiner that the problem to the solution of child labour law in “a basic change in our attitude towards children”, “what we need to do is to educate our policy-makers so that they learn to respect the individual human rights of the child” he said, in response to Prof. Weiners presentation. According to Mr. Soabjee, legislations become useless in the absence of such an attitudinal change. He stressed to role of public interest legislations in bringing about such a change. While agreeing the legal community, could play a pivotal role in objection of child labour, Prof. Weiner, identified the media, the non-governmental organizations and international organizations in India a Chief reformers in this direction. Their

role, he said, had become even more important in the absence of effort on the part of political parties, religious institutions and trade union to wipe out labour from the country . What he suggested, in fact, was a coalition of various groups not only for eradication of child labour but also for achieving universal literacy.¹⁹

In this context, he rejected the argument of Prof. Bashiruddin Ahmed, vice chancellor of the Jamia Millia Islamia, that our democratic values act as barriers to achieving universal primary education. According to Prof. Weiner, the word “compulsory” was generally misunderstood as relating to “coercion”, “compulsory”, he said, “ relates not to force but to putting pressure on parents so that they get their children enrolled in schools and prevent them from dropping out”. Suggestion – child labour eradicate through legislation or even planned development, imposition of free and compulsory education . Again the poverty alleviation programme together with universalisation of education and general change in attitude only can help in eradicating the evil of labour.

Doubtes and discussions continued and several such acts were passed before independence, but did not bring any radical change in the working condition and life situation of the child labour. On independence hopes

¹⁹ Grag, A. (1994) “Labour Laws: One Should Know”, Nabhi Publication, New Delhi.

were raised for a bright future for these children. But, the constitution did not prohibit child labour. Even Article 24, contained under the fundamental rights maintain that “ 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”. Article 38 (e) said that the state shall direct its policy towards securing that “the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength”. Article 38 (F) wanted inter-alia that “childhood and youth are protected against exploitation and against moral and material abandonment”. Besides these provisions, the rest of the constitution silent on the vital issues of the problem of child labour.²⁰

The factories Act 1948 , the minimum wages Act 1952, the Beedi cigar workers Act 1966, etc. are examples of acts directed at preventing the exploitation of children, on 4 May , 1983, Veerendra Patil, the then Minister of labour made the announcement: “we are quite clear in our minds that we are not for the continuance of child labour. Governments wants total elimination of child labour, but it is not possible to have it immediately. It has to be eliminated gradually and as speedily as possible”.

²⁰ M. Hedaytullah, Democracy in India and Judicial Process, Bombay, Asia Pub. (1966), p. 69.

In may 1985. T. Anjaiah , the then Minister of labour announced. “government was planning a comprehensive Act on child labour aimed at practically resolving various problems confronting them”. The next Minister P.A.Sangma on 29 July 1986, announced: “child labour would be banned in the country in another ten years“.²¹ All this led to passing of the child labour (Prohibition and Regulation) Act 1986 which aimed at prohibiting the engagement of children in certain employments and to regulating their conditions of work in certain other employment’s”. It still falls short of actually banning child labour.

India is one among many countries of the world, having a large number of child labour. As an estimate, there are about 17 to 44 million child workers having their life in works which ideally the unemployed youths of the country should have shouldered. The fact that most of these children are engaged in hazardous woks makes the situation more alarming, as any accident may level these children unfit for work for the rest of their lives.²²

By the end of 1980s the intensity of child labour bothered many nations, that is why UN convention on the child 1989. Provided an opportunity to make respect for children’s rights and welfare universal. The

²¹ “Education for Children”, The Politics of India, April, 1997.

²² My Name is Today: Children in News (1994), Vo. 11, No. 3, July-December.

1990 world summit for children also addressed the child labour problem and have placed the protection of working child, the promotion of developmental services and the abolition of illegal child labour. In 1992, a well represented SAARC conference of children led by ministers, resolved to eliminate child labour from South Asia progressively and in an accelerated manner. There are as yet, no clear signs that this is happening, except some reactive behaviours in some sectors notwithstanding the prohibition laws against child labour all over the world, India has the dubious distinction of having perhaps the largest child labour force in the world - about 17 million according to International labour organization (ILO). ILO informs that as we approach the 21st century well over 100 million children under the age of 15 will be working. Laws seem fundamental, but how well have the laws governing child labour helped to reduce its prevalence.²³

The decisive initiative must ever from voluntary action, enlisting the enlightened segments in each community. This way progressive elimination whatever type of childhood is snatched away from a child is itself a crime and it should be punished under the law "Right to child hood" The law alone cannot be anything unless the system itself changed . A brighter

²³ Pal, G.C., Lost Childhood: Education for a Better Tomorrow. Third World Impact, July, 1997.

tomorrow can be used in through a comprehensive legislation and support from concerned mass to that no body will be in a position to carry snatch away from children.

CONCLUSION

CONCLUSION

Children had a special place in the heart of “Chacha Nehru”. Yet, despite his long tenure as the first Prime Minister of free India, the evil of child labour has continued, child labour is a socio-economic problem it is widely prevalent in the world differing the degrees and depending upon the level of development in a given country. The socio-economic conditions play a significant role in giving rise to the problem of child -labour. The basic cause of this problem is the poverty of families in the concerned countries. India has between 14 to 18 million children doing odd jobs. They make nearly seven per cent of the total workforce, contributing 20 per cent of the GDP. In the post-liberalisation economic scenario, the issue of child labour has come to light in India, more than ever in the past, mainly because of the “social clause of GATT”, which is yet to be finalized. Warning of a unilateral ban of goods produced through child labour has been sounded by the developed countries, particularly the USA. The child labour in India is essentially a product of urbanization, over population, migration. Industrialization, lack of schools and so on . At the top of all such causes is the extreme poverty of masses. Alfred de Souza and also UNICEF have observed that India is having the largest number of working children in the world. The child workers population, which was 14.53

million in 1961, came down to 10.74 in 1971. but has risen again to 14.50 million in 1981, with the increase in the number of child workers in the last decade the percentage of child workers in the total child population has also increased from 4.66 to 5.17 over the same period. According to a recent report, 17 million children are engaged in earning their livelihood.

In Orissa, working children are engaged in different organized and unorganized rural and urban sectors. In rural sector, they are engaged in fields, plantation, domestic, jobs, forestry, fishing and cottage industry. In the urban sector, they are employed in homes, shops, restaurants. Small and large industries, transport and communications in India working children are also self employed as newspaper boys, milk boys,, rickshaw pullers and shoes polishing boys. According to the 1981 census 86.44 percent children are engaged in the primary sector, 8.77 percent in the secondary sector and 4.77 percent are engaged in the tertiary sector. Our constitution specially protects the working children. Article 24 clearly state, "No child below the age of 14 years shall be employed to work in any factory or mines or engaged in any hazardous employment. Keeping this in view a person below the age of 14 can be called as "child". Article 39 (c) of the Directive Principle of State policy states that the tender age of children should not be abused and citizens should not be forced to entry any vocations unsuited to

their age and strength. Article 39 (F) states that children should be given opportunities and facilities and dignity. Article 45 of the constitution states that "The state shall endeavour to provide within a period of 10 years (From the commencement of this constitution) for free and compulsory education for all children until they attain the age of 14 years". The Government has taken several steps to check the exploitation of child labour. Various Committees have been set up from time to time to look into the working conditions and related problems of working children. The Indian government adopted a resolution on National Policy for children in April, 1974, In October 1975, the Government introduced the Integrated Child Development Services, stressed the problem of children, including prevention of the exploitation of child labour.

The National Committee on child labour in 1979 had recommended more surveys to be carried out (on child labour) to understand the problem and suggest remedial measures. The Government introduced the program of development of women and children in rural areas in 1982-83. In view of these Commissions Committees and Programmes, it can be said that the Government has given sufficient attention to this problem. Apart from setting up various committees the Government has passed a number of laws to check the exploitation of child labour. All the Acts, apart from presenting

the minimum age of entry for employment, also deal with the working hours, rest and leave facilities for the children employed. The child labour (prohibition and control), Act 1986, has made provisions for regulating working hours for children, restriction for employment during the night, prohibition for overtime work, etc. The Act also prohibited employment of children in five different occupations and eleven manufacturing processes. The Act has also provided stringent punishment for violations of the provisions of the Acts.

In spite of these legal measures, the evil of child labour is flourishing, because of the wrong on even non-implementation thereof and various loopholes inherent in these laws. Employers of child labour have a cost-benefit approach in employing children rather than the humanitarian approach towards the children. Employers prefer children because they can be paid less, made to work as much as adults and they are also less problematic. As a matter of fact total eradication of child labour by legislation alone seems impossible unless supplemented by a comprehensive socio-economic programme and educational upliftment of the under privileged sections of the society. What is needed most is a total change in the attitude of society towards child labour. Given the wide spectrum of the existing laws, their effective implementation and closer co-

ordination among the various departmental enforcing and monitoring agencies is urgently called for. The Prime Minister declared in his speech on Independence day that Government would make all efforts to eliminate child labour in hazardous industries. Government has admitted that they would like to rehabilitate two million children every year for five years. It has allocated Rs. 8.500 million to be spent over five years. About Rs. 4.300 will be spent per child per year, which comes to Rs. 358 per month. Although this is an inadequate amount, a beginning has been made to ameliorate the living conditions of these children, with the general improvement in the socio-economic conditions of people it would hopefully result in the gradual eradication of child labour from our industries.

We must ensure, however, that in the eagerness to give them back their childhood, they are not robbed of their bread. To save the situation. We should strike a balance that will let a child bloom without it having to pay the price. The state government should take concrete steps to strictly prohibit employment of children in occupations, which have been banned under the child labour Act. It is difficult to enforce any legislation in the informal sector to regulate working conditions. The state may introduce a licensing system for employing child labour. A Directorate of child labour may be created. Children willing for employment must enrol with the said

directorate, persons desirous to have child labour should obtain a permission or licence from the said directorate before they employ any child. Once the directorate has full information on all the available child labour and the employers, it will not be difficult to enforce the provisions of legislation in this regard. Government should provide financial assistance to voluntary organizations working in this area for imparting non-formal education, health care, nutrition and vocational training to the child labour. Extension of free and compulsory education should be given higher priority as this is the only panacea for checking the evils of child labour. Efforts should also be taken undertaken by voluntary organisations to involve the local public and parents/guardians of child labour, so that they become aware of the efforts made by the government for the upliftment of such children. Regulating child labour by A.M. Awasthi National Herald (M.D.) 27th December , 1996.

India is one among many countries of the world, having a large number of child labourers. As an estimate, there are about 17 to 44 million child workers slaving their life in works which ideally the unemployed youths of the country should have shouldered. The fact that most of these children are engaged in hazardous works makes the situation more alarming, as any accident may leave these children unfit for work for the rest of their

lives. In a major shift of approach to tackle the problem of child labour, the centre is chalking out a new plan to train children in their family vocations while putting them through the school education system. The Government is in the process of formulating a national policy for “complete eradication of child labour” within the next five years according to Union Labour Minister Satyanarayana Jatiya. A sum of Rs. 50 crore had been earmarked for eradication of child labour in the Budget provisions. Addressing a press conference on the eve of his departure to Geneva to attend the 86th session of the international labour conference Mr. Jatiya said that the new policy would emphasize both “learning and earning”. The new plan would also address the nutritional and educational needs of the children. Their vocational training would essentially be in the same trades and occupations in which their families are traditionally engaged. Questioned on the magnitude of the child labour problem. Mr. Jatiya said the incidence of 1991 census figures is put at 11.28 million, in 1981, the estimate was 13.6 million.

Regarding the declaration on the fundamental human rights at workplaces, India is like to take a common stand in consultation with the Asia-pacific countries. Mr. Jatiya said the central government will take a review of several labour laws which were antiquated being to on 100 years

old and unable to meet the challenges of today, supporting the Voluntary Retirement Scheme where industries were sick on outdated and unable to have modern technology. He said the union budget for 1998-99 has a provisions of Rs. 1.482 crore against Rs. 1.106 crore last year for non-plan loans to public sector enterprises mainly for payment of salaries and wages to the employees of sick PSUS. The year 1996 witnessed a phenomenal growth in child labour in illegal firecrackers manufacturing units mushrooming in North India on one hand and the land mark judgment of the Supreme Court directing employers of child labour in hazardous industries to set up a corpus fund their rehabilitation on the other.

For the first time , the issue of child labour was also debating point between the developed and developing countries not only at the International Labour Organisation (ILO) but also at the level of the World Trade Organisation (WTO). This say policy analysts. signifies that the issue will play a crucial role in coming years on trade agreements between countries. A significant development in the country is the realization that priority action needs to be taken to eliminate child labour in hazardous industries. The Supreme Court judgment states clearly: "The secretary to the Ministry of labour, Government of India would apprise the court within one year of today about the compliance of aforesaid directions".

The court had earlier directed all offending employers to pay a compensation of Rs. 20,000 for every child under the provisions of the Child Labour (Prohibition and Regulation) Act, 1986. The amount was to be deposited in a fund known as the "child labour rehabilitation cum welfare fund". As a further safeguard, the liability of the employer would not cease even if he disengaged the child employed by him. Many social activists have hailed the judgment as historic, saying no previous judgments had ever set a time frame for action.

According to a survey conducted by the Child Labour Action Network (CLAN) accident involving child labour in firecracker making industries. According to activists this trend suggests that while more and more literate women are working outside their houses in the absence of any adult support the tendency to hire cheap girl child labour is setting in.

Child Labour Policy

By improving enforcement of various acts within the project area, if necessary, special enforcement staff will be created for the purpose. formal and informal education of child labour and stepping up programmes of adult education for the parents of working children. Setting up special schools for child workers where provisions of education, vocational training, supplementary nutrition, health care etc. will be made. If necessary

stipends will be given to children taken out from the forbidden employments to compensate their loss in earnings. Creation of awareness through social activist groups and by other means, so as to educate people regarding the undesirable aspects of child labour infrastructure will be created for the projects, with a chief executive officer in charge of each project. Now it is for the union and state government and NGOs to play their role in an effective manner, so this social evil of child labour can be eradicated.

The major thrust of the messages for different target groups would form conscientisation of the parents, Child workers; punitive threats and legal repercussions of exploiting child labour for employers and profiting groups; articulation of needs for policy changes for government bodies; sensation of consumer group and to use information and skill in delivering the message to the community at large. These messages should be able to arouse the emotions and should be appealing to the heart and head. National Resource centre on child labour should be formed where vital information can be documented, shared and used by all concerned. Ministry of labour should initiate a dialogue with information and Broad casting Ministry that topics on child labour should be seriously produced and screened at prime time so that maximum audience could see it and react to it. Child labour is

on the rise in our country where both industrial and agrarian economy exists only in name, what propels parents to force their children to work at a very tender age are poverty, lack of education and awareness. The number of child labourers in the country has been estimated to be between 44 and 100 million by various NGOs and independent research agencies. In December 1994, the National Human Rights (NHRC) Commission conducted a six day tour of Tamil Nadu to investigate the prevalence of child labour in the state. The four member team headed by Justice Ranganath Mishra, Chairman, NHRC, declared after its visit to the fireworks manufacturing units. "there is no child labour in Sivakasi fireworks industry and existing child labour in C-category match industry will be phased out in the next three years". But very few are willing either to accept the NHRC's findings or share its optimism.

Child labour cannot disappear overnight. Union labour Minister M. Aruna Chalam when inaugurating a Seminar on child labour organized by the V.V.Giri National Labour institute, NOIDA. said that the problem of child labour and rehabilitation of children was one of the most important segments of the social sector policy and could not "disappear overnight" as it had persisted for generations. Children found working with the offending employer during the course of the survey will be withdrawn from such

occupations and the employer will be asked to pay compensation of Rs. 20,000 per child to the Child Labour Welfare Cum-Rehabilitation Fund . Immediate arrangements will be made for providing education to such children for their rehabilitation.

By ordering the establishment of a corpus fund for victims of child labour malpractice's the Supreme Court of India has Yeoman's service to the children of 'Lesser God', even as the scenario of the world paints only a lesser grim picture. In an attempt to break the shackles for an estimated 44 million to 100 million children forced to labour in hazardous industries the apex court ordered a ban on an evil prevalent all over the country and directed the Governments to ensure compulsory education of the child. The court expressed the hope that the closing ears of the 20th century would see us keeping the promise made to our children by our constitution makers about half a century ago.

Unless the exploitation of the children whether they form part of the labour force or may simply abused by employers in homes, is viewed at a more fundamental level, the situation may hardly improve. More necessary is the need of a comprehensive solution of children's problems by having the community at large work closely with non-governmental agencies. This in the long run is likely to pay rich dividends. The world picture on child

labour and its outcome compiled and reviewed by UNICEF should not give India an excuse to be complacent because the picture of child exploitation seems grim and almost universal. The UNICEF report on the state of world's children 1997 called upon Governments round the globe, including India, to take immediate steps to tackle child labour, describing the evil as an offence against human civilisation. The UNICEF representative in India John E. Rhode described the phenomena very aptly when he said; poverty in any country is not because of child labour, but child labour is a very important cause of poverty. Marginal child labour increased from 2,400,000 in 1981, the first year data became available to 10,500,000 in 1991 in India. The ILO estimates that the number of children at the age group 5 to 14 years, who are neither in school nor in the labour force, is 74,000,000. The combined total of full time child workers, marginal child workers and nowhere children amounts to over 97,000,000 on almost 40 percent of the 5 to 14 years child population.;

Chronic poverty is the largest factor responsible for the prevalence and perpetuation of child labour. Child labour is one of the forgotten issues of our country. Nothing seems to move us when a child serves tea to us in the college canteen, or when we see child servants in people's homes or even when they are killed while working in hazardous industries. We take

notice only when a developed country threatens to stop buying our goods because they are produced by using child labour. Instead of doing something about the problem, we complain about trade protectionism of those countries while showing concern for the poor children.

Child labour however, represents a national shame and one of the biggest failures of the country, not only in controlling it but also its failure to produce basic elementary education to all, our feature describes child labour and its compulsions, can something be done. Why should such a state of affairs persist in a country that claims a morale superiority over other nations? The constitution is quite clear on the issue but nothing has been done in the years after independence. Political parties lack the will because children do not constitute a "vote bank". There are a number of voluntary outfits too but their contribution has been nil. The voluntary movements in the country seem to have their eye on the international meets where activists can go to mouth platitudes.

The hypocrisy of the voluntary movement was exposed recently when it was revealed that the protesters themselves had child servants in their homes who were paid less than minimum wages and who lived inhuman conditions. Surely, child labour cannot be abolished by such hypocritical displays of concern. But the largest blame must lie on the

Labour department. It is a common knowledge that employers bribe the officials in the department so that they may continue to abuse the poor children. There is no other explanation of the fact that everybody but the Labour Ddepartment knows the existence of child labour.

Ultimately, the blame must be shared by the society and the leaders. Child labour is one of the shames of the nation, will we wake up only when the west starts bullying us on the issue? Comparative India spend more on defence than eradication of child labour, stressing that Indian is not pathologically obsessed by security, the then Prime Minister Mr. Gujral said, "we wish to strengthen the atmosphere of co-operative development and security in our region , and do not wish to carry the dabiouss baggage of the 20th century into the 21st".

It is high time that a start should be made to eliminate all forms of child labour in every country to save a greater part of humanity from utter ruin. The most heartening development in our country in the last two years has been the commitment of the government of India to the elimination of child labour especially of children working in hazardous industries . But, the evidence seems to point out the child labour exists primarily because human beings are willing to exploit children for their own advantage and other economic benefits child labour in the developing countries, for

instance, cannot be combated without developing educational facilities at the primary level and ensuring the parents of working children sufficient income to lead the family with minimum comforts. However, it is felt that the problem of child labour can be tackled only when the attitude and morality of parents exploiters and society at large get changed drastically. Let us hope that the lot of children improve their life in the 21st century and children have automatic access to education and good health care, in the liberalization privatization and globalisation spree. let us not forget our children.

In fact, the role of trade union in the field of child labour is the beginning of a better tomorrow. In the grass root levels, effective role through action oriented rehabilitation programmes can protect working children against all type of exploitation at such a tender age. All time to come every trade union has to accept the plans and programmes on elimination of child labour on a priority basis. The need of the hour is to probe further into the actual reasons for the magnitude of problems of child labour and take necessary actions to combat such a shameful practice in India. It is high time to work for employment of adult and education of children for the growth and development of India . Therefore, whenever, however we should say “No” to child labour.

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