INTRODUCTION

Child Labour is not a new phenomenon. In all primitive societies including India, children used to work according to their capacities with adults often making no much distinctions between vocational training and productive activities. It was then considered as a process of socialisation. Industrial Revolution has brought about fundamental changes in the mode of production. During this period, for the employers, children were seen as the key to the greater profits because of cheap labour and the exploitation of working children had reached its zenith. Today, children at work are not for the noble purpose of socialisation but they are assigned a specific goal of earning and thus help increasing their respective family incomes.

In India poverty, unemployment, precarious incomes, low living standards and insufficient opportunities for education and training are considered as the causes for child labour. Children are found working both in rural and urban areas and also in agricultural and non-agricultural sectors. In India today there is no sector in which there is no child labour.

Child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful. It involves the use of labour at its point of lowest productivity and is, therefore, an inefficient utilisation of labour power. Child labour precludes the full unfoldment of a child's potentialities. It deprives him of education, training and skills which are the necessary pre-requisites of earning power and economic development. Children are most vulnerable group in any population and because of their vulnerability and dependence, they can be exploited, ill-treated and directed into undesirable channels by unscrupulous elements in the community. The State has the duty of according proper care and protection to children at all times as it is on their physical and mental well-being the future of the nation depends.

Attempts were made both at national and international level from time to time to eradicate child labour. International Labour Organisation has adopted 18 Conventions and 9 Recommendations to regulate and limit and gradually abolish child labour all over the world. The United Nations Organisation has been playing a very important role to eradicate child labour.
United Nations Convention on the Rights of the Child, 1989, prohibits child labour. Article 24 of the Constitution of India, prohibits the employment of children below 14 years of age in factories, mines and in any hazardous employment. Article 45 of the Constitution of India, provides for free and compulsory primary education for all children who have not completed the age of 14 years. To effectuate these provisions, many legislations relating to the employment of children have been enacted in India from time to time during the last century. The Child Labour (Prohibition & Regulation) Act, 1986 (hereinafter called as the Act of 1986) was passed to consolidate the child labour law in India. The Act of 1986 prohibits the employment of children below 14 years in some occupations and processes specified in the Schedule of the Act, and permits the employment of children in some other occupations and establishments by regulating the working conditions.

The Indian Supreme Court has been playing an important role in eradicating the child labour and in protecting the basic rights of poor children in India through its pronouncements. The Asiad worker's case the supreme court observed that, notwithstanding the absence of specification of construction work in the Schedule to the Employment of Children Act, no child below the age of 14 years can be employed in construction work. The Supreme Court also directed the Union of India and all State Governments to ensure that the Constitutional mandate of Article 24 is not violated in any part of the country. The Supreme Court of India in a long line of cases expressed its anguish over the economic exploitation of children.

In view of the importance of the problem of child labour in India the present study is undertaken to examine the incidence of child labour in Slate Industry of Markapur in Prakasam District of Andhra Pradesh.

1.1. THE PROBLEM:

Inspite of the protective legislations the social evil of child labour remains a pressing problem of India. India has the largest number of world's working children. The extent of child labour in India varied between 44 to 111 million in 1981-82 according to some non-governmental organisations like, the Operations Research Group, Baroda, the Balai, an Asian Labour Journal, Manila. But, according to the 1981 census of India, the estimated figure of working children was 13.6 million.

1. People Union for Democratic Rights v. Union of India and others AIR 1982 SC 1473
This figure rose to 17.02 million according to the estimates of the 43rd round of the National Sample Survey conducted in 1987-88. The census data of India, 1991 on child labour has not yet been compiled. It clearly shows that the process of estimation of the problem is slow and moving at a snail’s pace. A careful scrutiny of the existing literature pertaining to the child labour reveals that most of the official figures on extent of the problem are undoubtedly a gross underestimation of the reality because of conceptual and definitional problems. Therefore, there is a need to assess the incidence of the problem of child labour from time to time through socio-legal research.

The State with the highest child labour population in the country is Andhra Pradesh which, as per 1981 census of India had 1.95 million working children. The employment in Slate Industry of Markapur in Prakasam District of Andhra Pradesh, was identified by the Government of India as hazardous employment for children. In 1987, the Government of India has launched a project to eliminate child labour from the slate industry of Markapur, and to rehabilitate the released child labourers. Besides, the Factories Act 1948, the Mines Act, 1952, the A.P. Shops and Establishments Act, 1988 and the child labour prohibition and Regulation Act, 1986 provide for the prohibition of child labour in the Slate Industry of Markapur. In this context, there is a need to study the problem of child labour in Slate Industry of Markapur, to examine the impact of the implementation of Labour Legislations and to assess the implementation of the child labour project in eliminating the child labour from the slate industry and in rehabilitating the released child labourers.

A review of the existing literature on child labour has disclosed that most of the studies on child labour are conducted in match and fire works, carpet weaving, glass works, beedi works, lock industry, etc., However, no attempt has so far been made to study the problem of child labour in slate industry. As against the gap in research on child labour in slate industry, the present study has been undertaken to study at micro level the problem of child labour in Slate Industry of Markapur in Prakasam District of Andhra Pradesh.

1.2. OBJECTIVES OF THE STUDY:

The specific objectives of the study are as follows:

i) to review the theoretical background of the problem such as the statutory and Constitutional frame work to eradicate child labour.
to assess the incidence of child labour in the study area.

iii) to find out the socio-economic background of the working children in the study area.

iv) to study the working conditions of children in the study area.

v) to examine the implementation of the laws applicable to the study area namely, the Factories Act, 1948, the Mines Act, 1952, the Andhra Pradesh Shops and Establishments Act, 1988 and the Child Labour (Prohibition and Regulations) Act, 1986 in the study area and their impact on the socio-economic conditions of the working children in the study area.

vi) to study the implementation of the Child Labour project launched by the Government of India in 1987, in eradicating child labour and in rehabilitating the released child labourers in the study area.

vii) to assess judicial contribution to minimise the rigours of child labour

1.3. HYPOTHESES OF THE STUDY :

Keeping the above objectives in mind the following hypotheses for the present study are formulated:

i) Child labour is prevalent in the study area though the law prohibits the employment of children in the slate industry.

ii) Children are compelled to work in the study area due to economic necessity.

iii) The Factories Act, 1948, the Mines Act, 1952, the Andhra Pradesh Shops and Establishments Act, 1988 and the Child Labour (Prohibition and Regulations) Act, 1986 are not implemented in the slate industry of Markapur, in letter and spirit.

iv) The Child Labour Project in the Slate Industry of Markapur, launched by the Government of India has failed to eradicate child labour and to rehabilitate the released child labourers from the slate industry.
1.4. OPERATIONAL DEFINITIONS:

The definitions of the principal terms namely, "child", "factory", "establishment", and "mine" as given under the Act, of 1986, the Factory Act, 1948, the Andhra Pradesh Shops and Establishments Act, 1988 and the Mines Act, 1952 are adopted for the present study.

According to Section 2 (ii) of the Act 1986, "child" means a person who has not completed his fourteenth year of age.

According to Section 2 (m) of the Factories Act, 1948, "Factory" means any premises including the pricincts there of....

1. Where on ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on; or

2. Where on twenty or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on.

"Establishment", in the Andhra Pradesh Shops and Establishments Act, 1988, means, a commercial establishment. According to Section 2 (5) of this Act "commercial establishment" means an establishment which carries on any trade, business, profession or any work in connection with incidental or ancillary to any such trade, business or profession or which is a clerical department of a factory or an industrial undertaking or which is a commercial undertaking or banking or insurance establishment and includes an establishment under the management and control of a co-operative society, as establishment of a factory or an industrial undertaking which falls outside the scope of the Factories Act, 1948 and such other establishment as the Government may by notification declare to be a commercial establishment for the purpose of this Act.

According to section 2 (j) of the Mines Act, 1952, a mine means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes:
i) all borings, bore holes, oil wells and accessory crude conditioning plants, including the pipes conveying mineral oil within the oil fields;

ii) all shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;

iii) all levels and inclined planes in the course of being driven;

iv) all open cast workings;

v) all conveyors or serial ropeways provided for bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;

vi) all adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;

vii) all protective works being carried out in or adjacent to a mine;

viii) all workshops and stores situated within the precincts of a mine and under the same management and used primarily for the purposes connected with that mine or a number of mines under the same management;

ix) all power stations, transformer sub-stations, convertor stations, rectifier stations and accumulator storage stations for supplying electricity solely or mainly for the purpose of working the mine or a number of mines under the same management;

x) any premises for the time being used for depositing sand or other material for use in a mine or for depositing refuse from a mine or in which any operations in connection with such sand, refuse or other material is being carried on, being premises exclusively occupied by the owner of the mine;

xi) any premises in or adjacent to and belonging to a mine or which any process ancillary to the getting, dressing or preparation for sale of minerals or of coke is being carried on;
1.5. METHODOLOGY

1.5.1. STUDY AREA:

Markapur in Prakasam District of Andhra Pradesh is the largest centre for manufacturing of slates in the country. Above 90 percent of India's slate requirement is produced in Markapur. Slates manufactured are also exported to the countries like Sri Lanka, Bangladesh, Pakistan and Afghanistan etc.

While most of the slate factories are located in Markapur municipality, the slate mines from which raw slate layers are extracted, are spread over 10 mandals in Prakasam District of Andhra Pradesh. The present study covers the total slate industry which includes the extracting of raw slate layers from the slate mines and quarries as well as manufacturing of slates in factories and household units.

1.5.2. SAMPLE SELECTION:

1.5.2.1. Selection of Slate Mines:

The Government of Andhra Pradesh divided Prakasam District into 56 mandals for the purpose of administrative convenience. As per records of the Deputy Director of Mines and Geology, Guntur, there are 57 slate mines and quarries spreading over 1738 acres in 10 mandals of the Prakasam District. Out of 1738 acres of slate mines and quarries, 1579 acres are located in four mandals. Following the methodology adopted by similar surveys and studies, four mandals namely, Markapur, Tarlupadu, Konakanamitla and Donakonda were selected for the present study. On the basis of greater concentration of mines and quarries in the mandals. With in each selected Mandal, stratified random sampling method was followed, the basis of stratification being the concentration of mines. Mines and quarries are spread over 36 villages in the four selected mandals. Out of 36 villages, 12 villages representing 33 percent of each selected Mandal were selected at random for the study. As a result, five villages from Tarlupadu Mandal (i.e. Meeraapet, Chennareddy palli, Tummalachervu, Kethagudip and Ganugapenta), four villages from Markapur Mandal (i.e., Rayavaram, Gajjala Konda, Goguladinne and Chevvibdu Reserved Forest), two villages from Donakonda Mandal (i.e., Manginapudi and Ananthavaram), and one village from Konakanamitla (i.e., Salamunthala) were selected for the present study. There are 18 slate mines in 12 selected villages.
The study found a peculiar nature of ownership over the slate mines in the study area. The State Government of Andhra Pradesh gave the mines to a few individuals on the lease system. In due course of time, the leaseholders started the sub-lease system, whereby rights over a substantial portion of the mines were given to sub-lease holders. Another dimension to the structure of ownership with reference to slate mines was the pit ownership. Under this system, sub-leaseholders gave small patches of land ranging from 4 cents to 100 cents to pit owners. The employment of workers and the payment of wages to the workers were entirely in the hands of these pit owners. The study revealed that the 18 slate mines, located in 12 selected villages were divided into 602 patches and were given to 602 pit owners.

For the present study 33 percent of pits were selected at random from each selected village. To make the study more representative every third pit was selected. As a result, 200 slate pits were selected from 12 selected villages for the present study.

In the absence of the records as to the size of population in selected pits, two children from each selected pit were selected, to collect the information pertaining to the present study. As a result, 400 children were interviewed from the selected mines.

1.5.2.2. Selection of Slate Factories and Household Units:

Almost all slate manufacturing units are located in Markapur town. As per the information provided by the Regional Factories Inspector Office, Guntur, and by the Deputy Commissioner of Labour, Guntur, as on 01-01-1996 there were 76 factories and 97 household units in slate manufacturing in Markapur. However, the interviews with trade union leaders, voluntary organisations, local key informants and the Markapur slate Exporters Association revealed that there were 76 slate “factories” and 200 “household units” locally called as “companies” in Markapur. Out of 76 factories and 200 household units 33 percent of slate factories and household units were selected at random for the present study. To make the study more representative every third factory and every third household unit were selected. As a result, 25 factories and 66 household units were studied.

In the absence of the records as to the number of children working in selected factories and household units, two children were selected from each selected factory and household unit on the basis of the nature of work and wages. As a result, 182 children were interviewed from selected factories and household units.
Totally 582 children were interviewed in the study area i.e., 400 children from slate mines and 182 children from the manufacturing units. Information pertaining to the present study was also collected from the employers of the sample children, parents, trade union leaders, voluntary organisations, labour enforcement authorities, teachers of Government primary schools, doctors of Government and ESI Hospitals, Mandal Revenue Officers and other key informants.

1.5.3. Research Tools Applied:

To collect information relevant for the present study, different research tools such as interview schedules, informal interview and observation method were used. Two separate detailed interview schedules were prepared to collect the relevant material and data from the sample children and from their employers. Information is also collected from the parents of the selected Children, Labour laws enforcement authorities, Trade Union leaders, voluntary organisations, primary school teachers, Government doctors, political leaders, Government Officials of Developmental programmes, senior citizens, officials of Child Labour Rehabilitation Programme, and other key informants, through interviews. Observation method was followed for gathering information on working conditions and facilities provided in slate mines and manufacturing units. The researcher personally visited the mines, factories and household units and observed the working conditions in the study area and the actual processes of work in which children are engaged. The researcher also visited the child labour rehabilitation centres and observed the actual conditions of the children there and the facilities provided to the released child labourers. On the basis of the information collected the hypothesis are tested and findings are recorded.

SCHEME OF THE STUDY:

The present study has been divided into ten chapters. The first chapter deals with introduction. In the introductory chapter the importance of the problem of child labour is discussed briefly. A brief idea is also given in this chapter about the Indian situation with regard to the problem of child labour. The need of the present study is clearly specified and the objectives of the study are identified. Keeping in view the objectives of the study, hypothesis of the study are formulated. Operational definitions used for the study are elaborately given in this chapter. Further, the methodology of the study and research tools used for the present study are explained in this chapter.
The Second chapter deals with nature and conceptual analysis of child labour. In this chapter an attempt is made to inquire into the origin and historical background of child labour. The conceptual analysis of child labour is discussed in detail in this chapter. Attempt is also made in this chapter to explain briefly about the nature of the problem and major forms of child labour. A sincere attempt is also made in this chapter to project the magnitude of the problem of child labour in India.

Chapter-3 deals with causes, conditions and consequences of child labour. In this chapter an attempt is made to inquire into the causes that are responsible for the existence and prevalence of child labour in India. The conditions of work under which the children are working are explained briefly in this chapter. Attempt is also made in this chapter to explain in detail the consequences of child labour on the child in particular and the society in general.

Chapter-4 deals with International attempts to eradicate child labour. In this chapter, the attempts made at International Level by different organisations relating to the employment of children are explained. The United Nations Declarations and conventions on the Rights of children, particularly their rights against economic exploitations are discussed in this chapter. The role of International Labour Organisation relating to the employment of Children, particularly in countries where the incidence of child labour is more is also explained in this chapter. A brief picture of the International Programme on the Elimination of child labour is also given in this chapter. Further, the UNICEF approach towards Child Labour in developing countries like India is explained in this chapter. Attempt is also made in this chapter to briefly explain about the World Summit for Children 1990, the World Declaration on Education for All 1990 and the world summit for social Development 1995 in which the rights of Children are emphasised.

Chapter-5 deals with National Safeguards against Child Labour in India. This chapter is divided into two sections. Section-1 deals with the constitutional safeguards relating to the employment of Children in India. Section-2 deals with the legislative safeguards of the Government of India, concerning the problem of Child Labour. An attempt is also made in this chapter to explain about the National Policies towards children, and their education, and Child Labour.

Chapter-6 deals with the judicial involvement to eradicate Child Labour in India. A sincere attempt is made in this chapter to explain about the judicial involvement in India to protect the poor children from economic exploitation and to safeguard their basic rights by accepting their cases by way of Public Interest litigation and by liberally interpreting the constitutional and legislative provisions relating to children.
Chapter-7 deals with the Sociol-economic background of the sample children in the study area. This chapter is divided into two sections. Section-1 deals with the profile of the slate industry. In this section, the background of the slate industry and the demographic and economic background of the region in which the slate industry is situated are explained. Section-2 deals with Socio-economic background of the sample children in the study area. The demographic details of the sample children, their economic background, occupational structure, size of the family, monthly family income and expenditure, literacy and health status etc., are discussed in this chapter. The data collected in the field study is interpreted in this chapter and various conclusions are drawn.

Chapter-8 deals with the working conditions of the sample children and implementation of Labour Legislations in the study area. In this chapter the nature of work in slate mines and manufacturing units and labour legislations applicable to them are explained. A modest attempt is also made to find out the extent of Child Labour in the study area and to examine the reasons for non-implementation of Labour Legislations in the study area. The data collected in the field study is interpreted in this chapter and various conclusions are drawn.

Chapter-9 deals with the implementations of rehabilitative programmes of released Child Labourers in the study area. In this chapter an attempt is made to assess the implementation of the "Child Labour Project of Markapur" undertaken by the Government of India in 1987, with the financial aid of the International Labour Organisation to release the Child Labourers from the slate industry of Markapur and to rehabilitate the released Child Labours. A sincere attempt is also made in this chapter, to examine the implementation of various welfare measures provided by the State and Central Governments to improve the Socio-economic conditions of the people in the study area as a preventive measure to abolish the problem of Child Labour in the study area. The data collected in the field study is interpreted in this chapter and various conclusions are drawn.

The final chapter deals with the "Summary of the findings, conclusions and suggestions". In this chapter the findings and conclusions of the study are discussed in brief. Some suggestions are made for the eradication of the problem of Child Labour in the study area and to improve the socio-economic conditions of the workers in the study area.