CHAPTER - VIII

WORKING CONDITIONS OF THE SAMPLE CHILDREN AND IMPLEMENTATION OF LABOUR LEGISLATIONS IN THE STUDY AREA.

The working conditions in slate mines and slate factories and the labour legislations applicable to them are different. The present chapter deals both with working conditions of the sample children in slate mines, factories and household slate manufacturing units and the implementation of labour legislations applicable to them respectively.

8.1. WORKING CONDITIONS AND IMPLEMENTATION OF LABOUR LEGISLATIONS IN SLATE MINES:

8.1.1. Ownership of Slate Mines:

While Slate manufacturing units confine to the Markapur Municipality and its vicinity, slate mines from which raw slate layers are extracted are spread over a vast area covering 1738 acres of land in 10 Mandals of prakasham district. Out of 1738 acres of slate mines 1579 acres are located in four selected Mandals viz. Markapur, Tarlupadu, Donakonda and Koanakanamitla. The slate mines is a major source of employment for thousands of people including women and children. The recent development of design tiles and factories further increased the demand for raw slate layers and consequently the employment of children in the slate mines has increased considerably.

The nature of the ownership or lease rights over the mines have caused great variations in the wage structure and employment generation of the workers employed in these mines. The State Government gave the mines to a few individuals on the lease system. In the course of time, the main lease holder started the sub-lease system, whereby rights over a substantial portion of the mines are given to sub-lease holders. Another dimension added to the structure of ownership with reference to mines is the growth of pit-owner ship. Under this system, the sub-lease holders give small patches of land ranging from 10 to 100 cents to pit owners. The employment of workers and the payment of wages to the workers are entirely in the hands of these pit owners. After complete exhaustion of one pit, they abandon that area and move on to a new pit. As the employment in the mines depend on contractual term, there exist no direct connection between
the workers employed in various pits and the original owner of the mine. The workers are under the control of contractors (locally called maistries).

8.1.2. Nature of Work in Slate Mines:

The work in the slate mines involves the following five stages:

i. to mine the stone and remove the raw slate layers.

ii. to carry out the slate stones from the mines to outer areas.

iii. to carry out the wastage like mud, stones etc., from the mines.

iv. transportation of stones from mines to factories or to household units. Here workers are employed for loading and unloading the stones.

v. to cut the raw slate layers into the required sizes (locally called ‘bodibandalu’).

The study revealed that children were employed in almost all stages of work in slate mines except in the first stage. Employment of children in any stage of work in slate mines was found most hazardous and dangerous for their development. There are significant differences in the type of work done by boys and girls within mines. Compared to boys more girls are engaged in removal of slate waste which is an unskilled work while raw slate cutting which involves certain skills and perfection is mostly done by boys.

The fifth stage of work in slate mines is cutting the raw slate layers into the required sizes which was the most hazardous job where concentration of male children was high. Mostly, this was done near the mines in open spaces without any shelter. While cutting the raw slate, the child was bent over and directly inhaled the dust particles of the slate stones. The entire environment in the slate mines was polluted with silicosis dust. Besides injuries and deaths which were the main occupational hazards, the mine workers were prone to respiratory problems due to silicosis dust. Majority of the sample children complained chest pain, body aches, hard sores in palms, cough and fever.

The mines in the study area were steep and deep ranging from 30 to 150 feet. The entire work in these mines was carried out in a crude and unscientific manner without providing for safety measures. Most of the mines were deep without any staircases or steps. Constantly, children were to climb up and come down with loads on their heads, to carry slate stones and wastage from the mines to outer areas. The result was that accidents and injuries were a quite common phenomenon in the mines. In case of fall or accident death was the instant result. During the course of the present study two accidents took place in slate mines by which three workers died on the work spot and one more worker died while going to hospital.
Thus, the study found that the employment of children in slate mines was absolutely hazardous.

8.1.3. Labour Legislations applicable to Slate Mines:

The Mines Act 1952 as amended in 1983 is applicable to slate mines in the study area. According to Section 40 of this Act, no person below eighteen years of age shall be allowed to work in any mine or part thereof. However, apprentices and other trainees, not below 16 years of age, may be allowed to work, under proper supervision, in a mine or part thereof by the manager, if prior approval of the Inspector is obtained.

Where an Inspector is of opinion that any person employed in a mine otherwise than as an apprentice or other trainee is not an adult or that any person employed in a mine as an apprentice or other trainee is either below 16 years of age or is no longer fit to work, the Inspector may serve on the manager of the mine a notice requiring that such person shall be examined by a certifying surgeon and such person shall not, if the Inspector so directs, be employed or permitted to work in any mine until he has been so examined and has been certified that he is an adult or, if such person is an apprentice or trainee, that he is not below 16 years of age and is fit to work.

Section 68 of the Mines Act provides that if a person below 18 years of age is employed in a mine in contravention of section 40, the owner, agent, or manager of such mine shall be punishable with fine which may extend to five hundred rupees.

8.1.4. Incidence of Child Labour in Slate Mines:

The present study discloses that about 51 per cent of the workers in slate mines of the study area are the persons below 18 years of age. Majority of them are below 14 years of age. It clearly shows that the employment of children is extensively high in slate mines in contravention of the Mines Act 1952. It is also violative of Article 24 of the constitution, which prohibits the employment of children below 14 years of age in any factory, mine or other hazardous employment.

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2. Section 43 of the Mines Act, 1952.
8.1.5. Recruitment method:

The recruitment method is quite unorganised in slate mines. They revealed that recruitment of workers and the payment of wages to workers in mines were entirely in the hands of pit owner. There is no direct connection between the workers and the owner of the mine. Some times, pit owners engaged maistries (middlemen) who used to bring workers from nearby villages and play a mediatory role.

8.1.6. Children work under the control of maistries:

The study disclosed that 26 per cent of 400 sample children in slate mines were working along with their parents or relatives and about 68 per cent of the sample children were working individually under the control of maistries, while their parents were working in other mines.

8.1.7. Hours of work:

The study disclosed that, the usual daily working hours in mines were 8 hours i.e., between 6 A.M. and 2 P.M. including a break for half an hour after 3 hours of work. But the work in many of the mines was continued upto 5 P.M.

8.1.8. Wages:

The study indicated that the daily wage for almost all the sample children in mines was Rs. 10. An additional amount of Rs. 5/- was paid to some children who work upto 5 P.M. Only 16 per cent of the sample children in slate mines were working overtime i.e., up to 5 P.M. Interestingly, the women and children were paid equally in the slate mines. The women and children were engaged in all the stages of slate work except first stage i.e., extracting the slate layers from the mines. The daily wage of the adult male workers engaged exclusively in extracting the slate layers from mines was Rs. 30/- per day. An additional amount of Rs. 10/- was paid to those who worked overtime upto 5 P.M. The existing daily wages in slate mines for children, women and male workers were increased from Rs. 5 and Rs. 20 to Rs. 10 and Rs. 30 respectively only in 1996.

The study found that the workers in slate mines are getting a far lesser wage than the Minimum wages fixed by the Union of India under the Minimum Wages Act 1948. According to the Minimum wages fixed by the Union of India, the wages vary from, Rs. 80.00 to 45.57 for a day to different categories of workers based on highly skilled, skilled, semiskilled and unskilled work. But the present
study discloses that the wage paid to the highly skilled worker of slate mines is less than the wage of unskilled worker, and the unskilled worker is paid far below than the minimum wages prescribed by the Government.

The study also found the violation of Section 33 of the Mines Act 1952 in respect of overtime wages, according to which the worker shall be paid wages at the rate of twice his ordinary rate of wages, the period of work being calculated on a daily basis or weekly basis, which ever is more favourable to him. It is submitted that, if the Minimum wage Law is effectively implemented in the study area, the incidence of child labour would considerably decrease.

8.1.9. Paid weekly Holiday:

The study found that there is no paid weekly holiday in slate mines. The workers are working 30 days in a month, in contravention of Section 28 of the Mines Act, according to which no person shall be allowed to work in a mine for more than six days in any one week.

8.1.10. Bonded Labour:

The study found that the low wages pushed the slate mine workers into indebtedness and their weak bargaining power forced them to live and work in conditions which were detrimental to their overall development. The majority of the workers in slate mines took advances or loans from their respective employers. They were not allowed to change the master until they repay the entire debt to the employer. These conditions are violative of Article 23 of the Constitution of India which prohibits the bonded Labour and also amounts to the violation of the Bonded Labour System (Abolition) Act, 1976. A minimum subsistence wage is a basis as well as a desired result of the bonded Labour system, because it is the low wage and minimum consumption deficits which force the labourer to get into debt and it is the debt which is turn, provides the leverage for capital to subordinate labour to itself in a dependent relationship.

8.1.11. Provisions as to Health and safety:

The study found that even minimum facilities like, safe drinking water, conservancy and first aid were not provided to the workers of slate mines. The accidents and injury were a quite common phenomenon in mines. In case of any injury minimum medical facilities were not available near the mines. Workers had to go to Markapur which was 30 to 50 K.M. far away from the workspot on their own risk for medical attendance. During the course of this study a worker who sustained severe injuries by an accident took place in a slate mine had died while going to Markapur for
medical attendance. These conditions are violating the Sections 19, 20, and 21 of the Mines Act 1952 by which the employer has to provide the facilities for clean drinking water and conservancy and for Medical Appliances.

8.1.12. Compensation for Injuries and Occupational Diseases:

The study disclosed that in case of fatal accident or major injuries, workmen compensation was not paid to the dependants of the worker or to the worker, and no attempt was made to bring such news to the notice of authorities. The study also disclosed that T.B. which is an occupational disease of slate work is more prevalent in the workers of slate mines. Fourteen children out of 400 sample children working in slate mines reported T.B. But no compensation was ever paid by the employers to the workers who contracted T.B.

These conditions are in violation of Sections 23 and 25 of the Mines Act 1952 according to which, whenever there occurs an accident causing loss of life or serious bodily injury to the worker or where any person employed in a mine contracts any occupational disease, the owner, agent or manager of the mine shall give notice of such occurrence to the Inspector, and to such Authority as may be prescribed by the Central Government. There is also a violation of the Rule 29-A of the Mines Rules, 1955 by which the employer has to pay compensation to the workers in slate mines for injuries sustained and for occupational diseases contracted, according to the Workmen Compensation Act 1923.

8.1.13. Transport Facilities:

The study revealed that no transport facility was provided for the workers of slate mines. Almost all the sample children in mines had to walk for 3 to 6 K.M. early in the morning to reach the work-spot, as slate mines were far away from the villages in which, they live. There is no other mode of transport available to go to slate mines except on foot.

8.1.14. Maintenance of Register:

The study noticed that, the pit owners or maistries of slate mines were not maintaining the registers properly and the registers were not kept beyond one month. For example, a slate mine which was the largest mine in the study area, showed in the register the number of workers as 75. In fact, the researcher found more than 5000 workers on the workspot of the mine. This is in violation of Section 48 of the Mines Act according to which the owner or agent or manager of the mine has to maintain the registers of persons employed in slate mines and to keep them available for inspection.
8.1.15. Legal Awareness:

The study discloses that the majority of the employers are fully aware of the prohibition of child labour in slate mines. But none of the sample children in slate mines know about the prohibition of child labour in mines.

8.1.16. Workers Organisations:

The study further disclosed that, there were two workers organisations which had weak bargaining power with the employers and did not take any action against the employment of children in mines, because the union leaders themselves accepted it as the harsh reality of economic necessity.

8.1.17. Inspections of Enforcement Officers:

The enforcement of the Mines Act, 1952 and other labour, welfare provisions in slate mines of the study area is entirely under the purview of the Central Government officials whose offices are located in, Vijayawada and Gudur. The Labour Enforcement officer (central) from Vijayawada and Labour safety officer from Gudur are entrusted with the responsibility of implementing the various provisions including the prohibition of employment of children, health and safety of the Mines Act in the study area. But, the present study discloses that no Labour Enforcement officer or Labour Safety officer ever visited the slate mines and quarries to findout the enforcement of Labour Welfare provisions in the slate mines and quarries.

8.1.18. Prosecutions for Violation of the said Act:

The study reveals that there is not even a single prosecution since 1975 for the employment of children in slate mines, contrary to the Mines Act, 1952.
8.2. WORKING CONDITIONS OF CHILDREN AND IMPLEMENTATION OF LABOUR LEGISLATIONS IN SLATE MANUFACTURING UNITS:

8.2.1. Nature of Work In Slate Factories and Household Units:

The manufacturing process of the slates consists many stages, viz., cutting raw slate layers into required sizes, mud (burada) polishing, nice polishing, colouring the slates, cutting wood frame into required sizes, frame fitting wood (chekka) polishing, fixing the nails, packing, etc. Children are engaged in almost all the processes of slate manufacturing in the factories as well as household units.

From cutting, raw slate into different sizes (generally 6" x 4", 7" x 5", 8" x 6", 9" x 7") to packing the slates, approximately 20 processes have been identified. There are only a few factories that undertake all these stages in their factory premises. Most of the factories get some stages of the work done outside the factory. They allot the required work to mediators or the household owners on contract basis and it is the responsibility of the household unit owner or contractor to get the work done on time. In this case the contractor usually gets the agreed amount, the transport costs to shift the commodity back to the factory premises is the responsibility of the factory. In some factories, the premises and the machines usually belong to the owner who directly hires labour and gets work done on a lot basis. But in most of these factories the owner who owns the machinery and premises, usually rent them out to sub-leasers who arrange for different slate process by employing labour. All household units, however, have to get some parts of manufacturing like mud polishing, called locally burada polishing and planning in factories.

Cutting the raw slate layers into the required sizes is one of the most hazardous job undertaken in slate manufacturing process. In most of the cases the rough slate layers are cut into different sizes, mostly in open spaces without any shelter such as near the mines, near their homes, or near the factory premises. This is done with the help of simple hand tools. While cutting the slate, the worker is bent over and directly inhales the dust particles of the slate stones. Majority of the male children below the age of 14 years are employed in performing this task. Women and girl children are excluded from doing this work, because this work involves some sort of skills.

Mud polishing and nice polishing are the two next main stages in slate manufacturing. In these two stages the main task is to smoothen the surface of the raw slate, but there is slight variation in these two processes. That is, while in mud polishing stage the raw slate is turned into a
Colouring of the slate is done mostly in household units and only in some big factories. The black colour used for colouring the raw slate is made with the mixture of the various ingredients like "jaggery", "gum", "anna bedi" (powder used to get the black colour), "karakkaya" and "gullala" powder. Colouring of the slate by giving two or three coatings, is exclusively undertaken by women and girl children.

Manufacturing processes involving cutting, polishing and fixing of the wooden frame are extremely hazardous. Nearly 70 percent of the workers are employed in this work and they are prone to respiratory diseases. Workers, after cutting the wood into four required parts, pass on those frames for minimum polishing on machine. These polished frames which are then fixed to the raw slate are again sent back to the polishing chamber for two types of polishing called nice polishing or chekka polish and planning. It is not possible to enter the premises where round polishing and planning are undertaken, because of the thick layers of the fine wood particles that circulate continuously. The worker doing this on the machine is bent over and directly inhales the powder. Polishers are easily identified as they are covered from head to toe in dust. While the work is on it is very difficult even to see the worker because the dust covers the entire area like a thick fog. This is because the existing ventilation facilities are inadequate to clear the fine dust that is emitted from the machines. This polishing is very dangerous for many reasons. For one thing, the worker is directly exposed to dust pollution, and almost all polishers suffer from chest disorders, particularly tuberculosis as they inhale vast quantities of dust in the course of their work. Secondly, as electric current passes through these machines, workers sometimes get shocks. In household units even though cutting of the frame is carried out, the chance of exposing a worker to dust pollution is very rare. Even though adult male members constitute a major section of workers performing this task, a considerable section of children below age of 14 years are also employed.

Fixing the nails or bolts forms another important stage in slate manufacturing, where majority of working children are employed, especially girl children. The employers prefer children because they are particularly suitable to take up this work, as they can hold tiny nails very easily when compared to adult workers.
8.2.2. Labour Legislations Applicable to children working in Slate Factories and Household Units:

The Factories Act 1948, Andhra Pradesh Shops and Establishments Act 1988, the Child Labour (Prohibition and Regulation ) Act, 1986 and The Minimum Wages Act 1948 are the major labour legislations applicable to children working in all slate factories and household manufacturing units of the study area.

8.2.2.1. The Factories Act 1948:

The Factories Act 1948 prohibits the employment of children. According to Section 67 of this Act, no child who has not completed his fourteenth year shall be allowed to work in any factory. Section 68 of this Act, provides that a young person between the age of 15 -17 years can be allowed to work in factories provided he has a medical fitness certificate from certifying surgeon that he is entitled to do work as an adult. Otherwise, he will be considered a child only. Section 71 of this Act provides that a young person who obtained the fitness certificate, cannot be employed for more than four and half hours a day and cannot be employed in more than one shift or more than one factory in a day. According to section 70 of this Act, the employment of young persons in a factory during night i.e., between 7 P.M. and 6 A.M. is prohibited. According to section 73 of the Act, the manager of every factory in which children are employed shall maintain a register of child workers to be available to the inspector at all times during the working hours of the factory. This Act provides the enforcement machinery to its implementation. The contravention of the Act is made an offence punishable with fine or imprisonment or with both. Section 92 of this Act provides punishment for the contravention of the provisions relating to employment of children and young person, with imprisonment for a term which may extend to two years, or fine which may extend to one lakh rupees or both fine and imprisonment. In case the contravention is continued after conviction, the Court is empowered to impose a further fine which may extend to Rs. 1000/- for each day on which the contravention is so continued. This Act is applicable to all the slate factories in the study area.

8.2.2.2. Andhra Pradesh Shops and Establishment Act 1988:

The Andhra Pradesh Shops and Establishment Act which was enacted in 1966 to protect the interests of the work-force in shops and establishments, was amended and renamed as the Andhra Pradesh Shops and Establishments Act, 1988. This Act regulates the conditions of work and employment in shops, commercial establishments, restaurants, theatres and other establishments. It contains the provision relating to registration, employment of children and young person, health and safety, holidays, leave with wages, payment of wages, maintenance of records, display of notices.
and other inter connected matters. The Act also provides the enforcement machinery for its implementation. The contravention of this Act is made an offence punishable with fine or imprisonment or with both.

Section 20 of this Act, provides “no child who has not completed fourteen years of age shall be allowed to work in any establishment”. This Act allowed the young persons to work in shops and establishments subject to certain conditions. Section 21 provides, no young person, who has completed fourteen years of age and not completed 18 years, shall be required or allowed to work in any establishment before 6 A.M. and after 7 P.M.

The inspector may ask the employer to produce an authentic extract from the records of any school, village munsiff, panchayat or municipality or from the Registrar of Births, Deaths and Marriages or in the absence of such extract, at least certificate which shall be in Form “F” from the Registered Medical Practitioner showing the age of an employee. According to Section 61 (2) of the 1988 Act, any employer who contravenes any of the provisions inter alia, sections 20 and 21 relating to the employment of children and young person, shall be punishable for a first offence with fine which may extend to Rs. 100/- for a second offence with fine which shall not be less than Rs. 250/- but which may extend to Rs. 500/- and for third or subsequent offence with imprisonment for a term which may extend to three months and with a fine which shall not be less than Rs. 500/- but which may extend to Rs. 1000/-. This Act is applicable to all the household slate manufacturing units in the study area.

8.2.2.3. The Child Labour (Prohibition and Regulation) Act, 1986:

The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children in certain occupations and processes and permits the employment of children in other occupations and establishments by regulating the conditions of work of children. Section 3 of the Act prohibits the employment of children below 14 years of age in any of the occupations set forth in part-A of the Schedule or in any workshop wherein any of the processes set forth in part-B of the Schedule is carried on. The slate and slate pencil manufacturing is included in the part-B of the schedule of the Act by an amendment in 1989 to the original Act of 1986. By the insertion of slate and slate pencil manufacturing to the prohibited list of occupation, the Act is made applicable to the study area. According to the notification of the Andhra Pradesh State Government dated 20-11-1991, the Assistant Labour Officer of Markapur has been given the power to inspect and to enforce 1986 Act in Markapur slate manufacturing units, including slate factories and household units. The
Deputy Commissioner of Labour has been given the overall responsibility for enforcement of the 1986 Act in Guntur, Prakasam and Nellore Districts. According to Section 14 of the 1986 Act, who ever employs child or permits child to work in contravention of the provisions of Section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs. 10,000/- but which may extend to Rs. 20,000/- or with both. Whoever, having been convicted of an offence under Section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend up to two years.

8.2.2.4. Minimum Wages Act 1948:

The Minimum Wages Act is an important labour legislation, the effective implementation of which improves the economic status of the work-force as a whole and thereby reduces the child labour.

The Andhra Pradesh Government issued a Gazette Notification in 1992 fixing minimum rates of wages for workers in the employment in slate factories under the jurisdiction of the Minimum Wages Act, 1948. Under this notification five broad categories of workers employed in slate manufacturing processes are identified are provided wages as per the regulation. Under the skilled category the salaries of supervisor, Foreman, Machine Operator, Groover, Painter/Slatefinisher/frame fitter and packer are fixed. They get a consolidated monthly pay ranging between 1655-1449 rupees. Frame maker/frame fitter, packer, bolts/nails fitter and maistry/mud polishing maistry are placed under semi-skilled category and are paid a consolidated amount of rupees 1313. Various stages involved in slate manufacturing are brought under the category of piece rate wages for semi-skilled work. These stages are mud polishing, nice-polishing, frame cutting, frame fitting/clutch fitting, frame polishing, round polishing, hand polishing colouring of frame, half tin iron joints and packing. It also specified daily wage for all those piece rate workers who usually undertake similar category of work of a “general worker”. The wages for sizeable section of workers are thus, based on the piece rate specified in the Minimum Wages Act.

As per the provisions of the Minimum Wages Act, it is envisaged that the most of workers employed in various stages of slate manufacturing process, and women and children, employed mostly in unskilled categories of work, are entitled to wages based on piece rate system. But, according to the Minimum Wages Act, 1948, wages for children where who are statutorily employed should be 80 per cent of those fixed for men and women based on the nature of work.
8.2.3. Incidence of Child Labour In Slate Factories and Household Units:

The present study found that 21.00 per cent of the workers in slate factories and 31.05 per cent of the workers in the household slate manufacturing units are children below the age of 14 years. It shows that the incidence of child Labour is more in slate manufacturing units. These children are working in slate manufacturing units in violation of the Factories Act 1948, Andhra Pradesh Shops and Establishments Act, 1966 as amended in 1988 and the Child Labour (Prohibition and Regulation) Act, 1986.

It clearly shows that the hypothesis that the child Labour is prevalent in the study area though law prohibits the employment of children in the slate industry is proved.

8.2.4. Recruitment Method:

The recruitment and the payment of wages to workers in slate factories and household units were done by the owners. However, contract system also existed in some slate factories. Most of the sample children in slate factories and household units were directly under the control of the employer.

8.2.5. Shifts of Work:

Generally, the work in slate factories and household units was carried out in two shifts. However, between February and July, there were three shifts of work. This is because during these months the factories and household units undertake Government orders and they have to ensure the required supplies by July. Almost all sample children were employed only in the morning shift.

8.2.6. Working Hours:

The study disclosed that the children working in slate factories work for eight and half hours (i.e., from 9 A.M. to 5.30 P.M.) in a day including a break for half an hour. The working hours for adults and children were the same. Children were never employed for overtime work or night shifts in factories. However, the children employed in household units worked for 12 hours a day. In view of the prohibition of employment of children below 14 years in slate manufacturing, engaging the children either in slate factories or in household units is illegal.
8.2.7. Wages:

The present study discloses that the employers of the slate manufacturing units followed different systems of wages like monthly consolidated pay, daily piece rate system and contract pay system. Children were paid on daily piece rate system. The existing piece rate (per each box which contains 48 slates) was Rs. 5/- for cutting raw slates layers into required sizes; Rs. 2/- for mud polishing; Rs. 1.50 for nice polishing; 0.80 paise for colouring the slates; Rs. 2/- for cutting wood frames into required sizes; Rs. 1.20 for frame fitting; 0.70 paise for fixing nails; 0.60 paise for packing. The average wage of the sample children varied between Rs. 8/- to Rs. 15/- basing upon the nature of work and amount of work they have done. Women and children were paid equally. However, the average daily wage of an adult male worker was ranging from Rs. 25/- to Rs. 30/-. The study also discloses that the wages paid to the slate workers are very meager and in violation of minimum wages fixed by the Government of Andhra Pradesh Under Minimum Wages Act 1948, according to which monthly wages for different categories of workers on the basis of skilled, semi-skilled and un-skilled vary from Rs. 1655 to Rs. 1229. Even piece rate workers are protected by the minimum time rate wage. Violation of payment of Minimum Wages amounts to Bonded Labour which is prohibited by Article 23 of Constitution of India and The Bonded Labour System (Abolition) Act 1976. Non-payment of Minimum Wages infringes the Right to life which is guaranteed Under Article 21 of the Constitution of India.

8.2.8. Paid Weekly Holiday

According to Sec. 52 of the Factories Act, a paid weekly holiday should be provided to all workers of the Factory. But the present study discloses that paid weekly holiday was not provided to the sample children either in slate Factories or in household Units, in contravention of Factories Act 1948 and Andhra Pradesh Shops and Establishments Act 1988. However, children employed in Factories worked for 25 days in a month, whereas in household units children worked 30 days in a month.

8.2.9. Maintenance of Registers:

The employers of various factories and household units stated that they maintain records of only 10 to 15 workers, who generally enjoy the status of the workers. They enjoyed Provident Fund and ESI facilities. The names of the other members were never entered in the records and they did not enjoy the status of workers and benefits. Further, records of working children were never maintained. This is in violation of Section 62 of the Factories Act and Section 68 of the A.P. Shops
and Establishments Act 1988. According to these laws, manager of every factory or commercial establishment or shop has to maintain a register of workers.

8.2.10. Provisions as to Health:

In almost all factories and household units drinking water facility was available. But, sanitary and toilet facilities were available only in 25 per cent of the selected factories and household units. This is in violation of Section 19 of the Factories Act 1948 which provides for sufficient latrines and urinals separately for male and female workers.

8.2.11. Medical Facilities:

According to Section 45 of the Factories Act, 1948, in every factory the First-Aid appliances shall be provided and maintained so as to be readily accessible during all working hours. But the study revealed that first aid facilities were not available in any factory or household unit. Of 182 sample children 29 per cent reported sored mouth, 12 per cent reported major work related injuries such as bleaching of palms and fingers, 8 per cent reported occupational diseases such as respiratory problems and dust allergy. In case of any work injury, occupational disease or any health problem, workers had to go either to the Government hospital or ESI hospital. The Government hospital at Markapur is having 30 beds. ESI hospital bears workers as out-patients. The medical services of ESI hospital were exclusively to those slate workers who possessed ESI cards. No child worker possessed the ESI hospital card. About 65 per cent of the sample children go to private hospitals for treatment and 35 per cent depended on the Government Hospital in the event of any health problem.

8.2.12. Compensation for Injuries:

The slate workers sustained injuries by accidents in the course of employment or contracted occupational diseases are entitled for compensation under the workmen compensation Act, 1923. But the study reveals that the health problems like T.B., bronchitis, dust allergy and respiratory problems were common diseases from which majority of the sample children were suffering. According to the statements of the employers, accidents or injuries to workers have never taken place in their premises during the last 10 years. But the workers revealed that the accidents and injuries have taken place in the course of employment in some factories and compensation was not paid.

8.2.13. Transport Facilities:

The children working in the slate manufacturing units were residing in and around the Markapur town. Of 182 sample children, 86 per cent had to walk a long distance i.e., 1 to 3 K.Ms., to reach
the work-spot. No transport facility or allowance was provided to these children.

8.2.14. Legal Awareness:

The study discloses that almost all the employers of slate factories and household manufacturing units are fully aware of the prohibition of child labour in slate factories and household units. The study further reveals that about 25.00 per cent of the sample children employed in slate factories and only 16.00 per cent in household units are aware of the prohibition of child labour.

8.2.15. Workers Organisations:

The study reveals that there were two workers organisations namely AITUC and CITU functioning in the study area for the cause of workers benefit. But, neither of these trade unions have taken any active steps particularly to eradicate child labour in slate manufacturing units or for their welfare. The study also reveals that there was one association for employers registered in 1961 under the Societies Registration Act.

8.2.16. Other Facilities:

The present study finds that employers of the slate factories or household units did not provide any facilities like informal education, working lunches or medical facilities to the working children.

8.2.17. Inspections:

The implementation of the above mentioned legalisations relating to slate factories and household units are under the supervision of various state officials like Assistant Labour Officer, Deputy Labour Commissioner, Factory Inspector. These officials are provided with certain monthly targets which they have to inspect and implement in the areas specified for the implementation of these Acts. The Assistant Labour Officer is responsible for implementing Shops and Establishments Act and Child Labour (prohibition and Regulation) Act in the area falling within the Markapur Municipality. As per the requirement of these Acts he has to undertake regular inspections of various slate factories and household units. However, the present study discloses that he inspected the slate factories and household units very few times. He could achieve 25 per cent of his monthly targets. The Factories Inspector is employed for the implementation of the Factories Act in the entire Prakasam District office is located at Ongole. He visited most of the slate factories once in three months.
8.2.18. Prosecutions for Violation of the said Acts:

The study reveals that there is not even a single prosecution since 1975 for the employment of children in slate factories and household units, contrary to the Acts.

8.3. THE REASONS FOR NON-IMPLEMENTATION OF THE LABOUR LEGISLATIONS IN THE STUDY AREA.

The present study discloses the non-implementation of the above Acts in the study area. The study also discloses the following reasons for the non-implementation of Labour Legislations in the study area.

8.3.1. Inadequate Strength of Implementation Machinery:

The strength of implementation machinery is inadequate to cope with the tasks. One Assistant Labour Officer is entrusted to implement a dozen of Acts in the entire Markapur Municipality. The Factories Inspector has to visit all the factories of Prakasam District. To inspect the mines and quarries there is only one Assistant Commissioner of Labour (Central) and one Labour safety officer to cover 4 districts viz Cuddapah, Nellore, Prakasam and Guntur. The staff is also not provided with suitable infrastructure to inspect effectively.

8.3.2. Non-Maintenance of Registers:

Most of the employers do not maintain proper registers of men, women and children employed in the factories, household units and the mines and do not maintain the required registers properly. Non-Maintenance of proper records is a major obstacle to prosecute the employer for violation of the labour legislations.

8.3.3. Burden of proof of Age:

In order to prosecute the employer who employed the child labour, according to the 1986 Act, the prosecutor has to prove the age of the child as below 14 years in a court of law. It is very difficult to get the required medical certificate relating to age as required in the 1986 Act from the Government medical surgeon.
8.3.4 The Act of 1986 is not applicable to the slate mines:

The Child Labour (Prohibition and Regulation) Act 1986 applies to only slate and slate pencil manufacturing, but not to mines. From the jurisdictional point of view, the Assistant Labour Officer who is also the inspector under the 1986 Act, is not empowered to take any action if child labour exists outside the Municipality zone.

8.3.5 Prior Notice of Visits to the owner of Slate Mines:

For an effective implementation of the Mines Act, sudden and regular inspection of the various mines have not been taken place so far, because of the location of government machinery in Vijayawada and Gudur which are very far away from these slate mines. Further, as per the Mines Act the Central Government officials can undertake visits to these mines with a prior notice of three days to the mine owner.

That is the officials request the owner to make arrangement for such an inspection. The mine owner has to provide all the facilities which the officials may request for such an inspection. This very clause (of giving prior notice to the mine owner about their official programmes) often caused the entire cancellation of work in the mines for 3 to 4 consecutive days. Moreover, neither the Safety Inspector nor the Labour Enforcement Officer visit the mines regularly, because of which all provisions relating to employment of children, health and safety to the mine workers have not at all been implemented.

8.3.6 Different wages for same or similar work:

Under the Minimum Wages Act, wages are fixed for slate factories depending on the requirement of skill to be utilised in various process of slate manufacturing. A major portion of work force employed in slate factories are placed in the least paid category. In most of the cases employers give “general” labour designation to skilled and semi-skilled workers in order to deny them minimum wages. Further, it is noticed that only semi-skilled category in which wages are fixed on piece rate system is applicable to the household units covered by the Shops and Establishment Acts. This causes a great financial depreciation to the workers of household units.

8.3.7 Lacuna in Legislative measures and procedures:

From the interviews with the various labour legislations enforcement officials, the study reveals that lacuna in legislative measures, lacuna in laying down proper procedures for their implementation and cumbersome and hierarchical procedures which the concerned administrative machinery has to initiate are major hurdles in implementing these laws.
8.4. SUMMARY:

The working conditions in slate mines and slate manufacturing units and the labour legislations applicable to them are different. The nature of work in slate mines involves five stages viz, to mine the stone and remove the raw slate layers, to carry our the slate stones from the mines to outer areas, to carry out the wastage like mud stones etc., from the mines, transportation of stones from mines to factories or to household units, and to cut the raw slate layers into the required sizes. The study revealed that children were employed in almost all stages of slate mines except in first stage. Employment of children in any stage of work in slate mines was found most hazardous for children while cutting the raw slate layers, the child was bent over and directly inhaled the silicosis dust. The slate mine workers were prone to occupational diseases like T.B. and other respiratory problems due to silicosis dust. The mines in the study area were deep and steep ranging from 30 to 150 feet without any staircases or steps. Constantly children have to climb up and come down with loads on their heads, to carry slate stones and wastage from the mines to outer areas. In result the accidents and injuries were common in the mines. During the course of present study two accidents took place in slate mines by which three workers died on the work spot and another worker died while going to hospital for medical attendance. Thus the study found that the employment of children in slate mines was absolutely hazardous.

According to Section 40 of the Mines Act 1952, which is applicable to the mines in the study area, no person below eighteen years of age shall be allowed to work in any mine or part thereof. Though this Act prohibits the employment of children in slate mine, the incidence of child labour is extensively high in slate mines. The study reveals that about 51 per cent of the workers in slate Mines are the persons below 18 years of age in contravention of the mines Act. It is violative of Article 24 of the Constitution.

The recruitment method is quite unorganised in slate mines. There was no direct connection between the workers and the owner of the mine. Majority of children were working under the control of maistries (middlemen). The study reveals that the children in mines are working eight hours in a day i.e. between 6.00A.M. to 2.00 P.M.. Almost all children in mines are paid with Rs. 10 as daily wage. They get an additional amount of Rs. 5/- if they work overtime upto 5.00 P.M. The wages for women and children are the same. However, the daily wage of an adult male worker in slate mines is Rs. 30. These wages are far below than the minimum wages fixed by the Central Government under the Minimum Wages Act, 1948, according to which the wages in slate mines between Rs. 80.00 to 45.00 per day. There is no paid weekly holiday in slate mines. These low wages pushed them into perpetual indebtedness and bonded labour conditions.
The study found that even minimum facilities like safe drinking water, conservance and first aid were not provided, under Sections 19, 20 and 21 of the Mines Act. Fatal accidents, occupational diseases and work related injuries are quite common in the slate mines. Recently four workers died on the workspot by the accident which took place in slate mines. Out of 582, 13 children reported T.B. But, no compensation was paid to the workers, though the employer is liable to pay compensation under the Workmen Compensation Act, 1923. No transport facilities are provided to the slate mine workers, though the slate mines are located far away from the residential villages children had to walk for 3 to 6 K.M. early in the morning to reach the work-spot though maintenance of registers, regarding the particulars of the persons employed in slate mines is compulsory according to Section 48 of the Mines Act, majority of the employers are not maintaining the registers properly. Though there are two workers organisations functioning in slate mines, they cannot take action against the employers due to their weak bargaining capacity. The study found that the labour enforcement officers have never visited slate mines to inspect the implementation of welfare provisions in mines. The study also found that there in not even a single prosecution filed since 1975 for the employment of children in slate mines.

The manufacturing process of the slates consists many stages, viz, cutting raw slate layers into required sizes, mud (burada) polishing, nice polishing colouring the slates, cutting wood frame into required sizes, frame fitting, wood (chekka) polishing, fixing the nails packing etc., children are engaged in almost all the processes of slate manufacturing in the factories as well as household units. Employment of children in any stage of slate manufacturing is hazardous.

Section 67 of the Factories Act, 1948, Section 20 of the Andhra Pradesh Shops and Establishments Act, 1988, and Section 3 of the Child Labour (Prohibition and Regulation) Act, 1986 prohibit the employment of children below 14 years of age in slate manufacturing. The contravention of these provisions are offences punishable with fine or imprisonment or with both. Moreover the Constitution of India under Article 24, prohibits the employment of children below 14 years in a factory, mine or in any other hazardous employment. Though these laws prohibit the child labour in slate manufacturing, the incidence of child labour in slate factories and household slate manufacturing units is more. The study reveals that 21.00 per cent of the workers in slate factories and 31.05 per cent of the workers in the household slate manufacturing units in the study area.

Thus the hypothesis that the child labour is prevalent in the study area though the law prohibits the employment of children in the slate industry is proved.
Majority of the sample children in slate factories and household units were directly under the control of the employer. Though the work in slate factories was carried out in two or three shifts, children are employed only in the morning shift. Children work in factories for eight and half hours a day i.e., 9.00 A.M. to 5.30 P.M. However, children working in household units work for 12 hours a day. Paid weekly holiday is not provided to the children working either in slate factories or household units.

The study discloses that the wages paid to the workers in slate factories and in household units are very meager and far below the minimum wage fixed by the Andhra Pradesh Government. Children were paid on daily piece rate system. The average wage of the sample children in slate manufacturing units varied from Rs. 8 to Rs. 15 basing upon the nature of work and amount of work they have done. Women and children are paid equally in the study area. However, the average daily wage of an adult male worker was ranging from Rs. 25 to Rs. 30. According to the minimum wages fixed by the Government the monthly wages varied from Rs. 1655 to 1229 to different categories of workers basing on the skilled, semi-skilled and unskilled. The Law also protects the piece rate workers by providing minimum time rate wages to them. Non-payment of minimum wage amounts to violation of Articles 21 and 23 of the Constitution of India and contravenes the Bonded Labour System (Abolition) Act, 1976.

Though occupational diseases like T.B. and other respiratory problems and work related injuries are common in the slate manufacturing units, no compensation was ever paid to the workers under the Workmen Compensation Act 1923.

The first-aid facilities are not available in any factory or household unit. In case of any injury or disease the workers have to go either to ESI or Govt. hospitals. The children are not entitled to go to ESI hospital since they do not fall under the category of workers. About 65 per cent of children go to private hospitals for treatment and the remaining children go to Govt. Hospital.

No transport facilities or other facilities like informal education, working lunches or medical check-ups are provided to children working in slate factories and household manufacturing units.

Though there were two workers organisations in the study area for the cause of workers benefit, neither of these have taken any active steps for eradication of child labour in slate industry. Assistant Labour Officer and Factories Inspector are assigned to inspect the slate factories and household slate manufacturing units in the study area. But due to heavy work load, they could not
visit regularly to implement the laws effectively. There is not even single prosecution made against the employers for the employment of children, since 1975.

Inadequate strength of implementation machinery, insufficient facilities provided to them, non-maintenance of the registers of workers, burden of proof of age of the child labourer, lacunas in the legislative measures and procedures are some of the important reasons for non-implementation of the laws relating to employment of children.