CHAPTER - X

CONCLUSIONS AND SUGGESTIONS

Children are universally recognised as the most important asset of any nation. The future of a society depends directly on how the successive generations are reared and brought up to fulfil the many requirements which the society is faced with from time to time. Every country wants its child population to grow into good citizens. But this can be achieved only through proper provision of all basic necessities of life, i.e., food, clothing shelter, education and primary health care. Children also need security, love, empathy and kind treatment. A child is basically a product of the environment around him. In societies where the rigours of sheer survival are beset with numerous difficulties, children also are bound to suffer in their development and growth. They develop early propensities towards fending themselves. The parental care too, is considerably tempered in the face of actual realities of the situation. The consequential problems are stupendous and finding solutions to these is a real challenge to both society and the State.

10.1. NATURE OF THE PROBLEM :

Child labour is not a new phenomenon. In all primitive communities, children used to work according to their capacities with adults often making not much distinction between vocational training and productive activities. It was then considered a process of socialisation. Today children at work are not for the noble purpose of socialisation but they are assigned very specific goal of earning and thus help in increasing their respective family incomes. During the Industrial Revolution the exploitation of working children had reached to its zenith. Children are found in almost all economic activities which are hazardous for their physical growth and mental development, both in rural as well as urban areas. The major forms of child participation in economic activities can be broadly summarised as, domestic work, non-domestic but non-monetary work, bonded labour, wage employment and marginal work etc. Child labour deprives children of educational opportunities, minimises their chances of vocational training, stunts their physical growth, hampers their intellectual development and by forcing them into unskilled labourers condemns them to low wages all their lives. Thus, child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful.
10.2. CONCEPTUAL ANALYSIS OF THE TERM CHILD LABOUR:

There is no uniform and comprehensive definition of the term child labour at national and international level. Various definitions have been given by different authors and organisations and legislations to the terms 'child,' and 'labour' two components of child labour. The International Labour Organisation in its Convention No. 138, provides that the minimum age for 'any employment', must not be less than 15 years of age. The Committee on Child Labour, 1979 and some other organisations, strongly recommended that the minimum statutory age of entry in any employment should be 15 years. Despite these recommendations, the Child Labour (Prohibition and Regulation) Act 1986, narrowed down the definition of child labour by prohibiting child labour below 14 years in certain occupations, and by permitting child labour below 14 years in some other establishments under regulating conditions of work, and by providing exemptions to the workshops run by occupier, with the aid of his family and by schools receiving assistance from the government. The ideal definition of child labour should be that, the child population below 15 years of age, that participates in work, either paid or unpaid, part-time or full-time, with in or outside the family.

10.3. EXTENT OF THE PROBLEM:

It is very difficult to ascertain the real extent of child labour in India, because of the informal and unorganised nature of the labour market and due to multiplicity of concepts, methods of measurements and the sources of data. Different organisation, governmental and non-governmental, quoted different numbers as the extent of child labour in India. Indias 1981 census report the number of child labour as 13.6 million. According to some non-governmental organisations this number varies between 44 and 111 million. There is a corresponding relationship between school-dropout rates and the extent of child labour. Whenever, school-dropout rates are high at primary and middle levels, incidence of child labour is also high. In 1991, 99 million children as against 150 million children between the ages of 5 - 14 years enrolled in primary schools, but only 52 per cent of the enrolled have completed their Vth grade. Nearly 100 million children between the ages of 5 - 14 years are not in schools. It can be concluded that this majority is engaged in some kind of work either paid or unpaid. India has the largest number of working children in the world. The State of Andhra Pradesh is the largest producer of child labourers in India, whereas the State of Kerala stands for the lowest.


10.4. CAUSES, CONDITIONS OF WORK AND CONSEQUENCES OF CHILD LABOUR:

Children in almost all societies do one kind of work or another. But, the extent and nature of their work are influenced mainly by the structure of the economy and the level and pace of development. The early stages of industrialisation, however, marked by a high incidence of child employment, often under extremely poor and indeed exploitative conditions. This is the case in much of the developing world today. In many developing countries, including India, children are found working in all types of industrial and service establishments in urban areas in both the formal and the informal sectors and also in rural areas in agriculture and its allied activities.

If child labour is so positively harmful, why should millions of children join the labour force? The reasons may be obvious and obscure and historical as well as contextual. Basically, child labour is a socio-economic problem. Child labour is rooted in poverty. Unemployment under-employment, migration to urban areas, precarious incomes, low living standards, insufficient opportunities for education and training, traditional beliefs, illiteracy and ignorancy are its underlying causes. Children work because they must, for their own survival and that of their families. Employers generally prefer children over the adults because of cheap labour, unorganised and easy to control without fear of protest. On the other side, lack of 'political will' is the main cause of child labour in India. Inadequacy of the legislative measures and their effective implementation is the reason for the perpetuation of child labour in India.

Children work under extremely poor and indeed exploitative conditions. Often they are working for low wages and for excessively long hours under hazardous and unsafe working conditions that jeopardise their physical and mental well-being. Sometimes, children are subjected to physical abuse and cruelty by their employers. There are also other kinds of deprivations from which child labourers suffer, including the absence of clear and written contractual agreements, the dearth of feeding programmes, health care facilities and other welfare services and the lack of insurance and social security.

The consequences of child labour are harsh realities. The children are vulnerable to health hazards since they suffer from incidence of malnutrition and under-nourishment in contrast to their increased requirement for energy utilisation to perform heavy work activities. It is estimated that
one-third of the child workers die even before reaching their adulthood. Child participation in labour force clearly reduces the potential for schooling and educational development. The impact is on access to schooling and subsequent performance in the labour market. Manual work or work that involves little skill acquisition likely to leave children permanently disadvantaged in the labour market. Aside from the repercussion on health and physical and mental development and the impact of these on the child’s future performance, such employment conflicts with and is often carried out at the expense of schooling, and that too at a time when education has increasingly become a major vehicle for access to opportunities of earning more satisfactory incomes and rising to better jobs. Children are also easy victims to the anti-social elements who push them into activities like black marketing, smuggling theft, drug-addiction, prostitution, etc. The child employment increases adult unemployment and maintains the wages at a lower level. It is felt that the abolition of child labour would generate the employment opportunities for the unemployed adults. The employment of children at an early age leads to low quality of product and to high rate of accidents due to lack of technical skill and attention over work.

10.5. INTERNATIONAL ATTEMPTS TO ERADICATE CHILD LABOUR:

The problem of child labour was in existence in different parts of the world. Attempts were made by the international community from time to time to eradicate child labour. The conceptualisation of global children’s rights at the international level dates back to the “Geneva Declaration” of 1924, which was adopted by the then League of Nations. In 1948, the United Nations General Assembly approved ‘a Universal Declaration of Human Rights’ within which the rights of children were implicitly included. It was expanded in succeeding years into the basis for what was to become the Declaration on the Rights of the child adopted by General Assembly of the United Nations in 1959. The Declaration mentions that a child shall not be employed before an appropriate age; that a child shall not be permitted or engaged in any occupation or employment which would prejudice his education or interfere with his physical, mental or moral development. Article 24 of the International Convention on Civil and Political Rights and Article-10 of the International Covenant on Economic, Social and Cultural Rights deal particularly with the rights of children. United Nations declared 1979 as the International Year of the Children. At this juncture, certain number of protective safeguards are adopted relating to the employment of children.

On November 20, 1989, the UN General Assembly adopted, without a vote, the Convention on the Rights of the Child. It is a unique human rights treaty in that, it not only protects the child’s
Civil and Political rights but also extends protection to the child’s economic, social and cultural rights and humanitarian rights. In less than five years, the vast majority of the world’s nations, 167 altogether, have ratified the Convention on the Rights of the Child. India ratified it with some reservations in December, 1992. Ratification itself is not sufficient for its effective implementation. As the Indian Supreme Court rightly observed in Jolly George Varghese and another v. Bank of Cochin, “Until the municipal law is changed to accommodate the covenant what binds the court is the former but not the latter”. Therefore, it is submitted that the parliament has to make a specific legislation to give effect to the provisions of the Convention on the Rights of the Child.

Child labour has been an area of special concern for the International Labour Organisation (ILO) since its inception in 1919. One of the principal ways by which the ILO has expressed this concern has been through the adoption of Conventions and Recommendations dealing with the employment of children and young persons. So far, the ILO has adopted 18 Conventions and 8 Recommendations concerning the minimum age of employment, night work and medical examination of working young persons. Out of these, India, so far, ratified only 6 Conventions.

It is submitted that India has to immediately ratify all the ILO Conventions and implement them effectively to eradicate child labour and to protect working young persons.

The ILO has also addressed the problem of child labour through programmes and projects at the national and local community levels. In 1990, the German Government offered to support the ILO in mounting a major global offensive against child labour. The International Programme on the Elimination of Child Labour (IPEC) came into being with a view to giving further inputs to ILO’s operational activities in the field. The IPEC programme is global in its orientation and activities, and provides technical advisory services to all ILO member - States on request. Six countries, Brazil, Indian, Indonesia, Kenya, Thailand and Turkey requested ILO’s assistance and were in the operation of the IPEC programme. The programme is now being extended to cover other countries also.

UNICEF has five decades of experience of trying to improve the conditions of children worldwide, has evolved certain approaches towards improving the lives of working children, particularly in developing countries where the incidence of child labour is more. In collaboration with governments, NGO’s, trade unions, legal experts, international agencies and private industry, the UNICEF aims at the elimination of child labour and integration of children released from labour into the educational system in the line with the requirements of the Convention on the Rights of the
Child. The important goal of the UNICEF is to promote compulsory primary education as a fundamental strategy for elimination and prevention of child labour by enrolling and retaining children in schools. The Unicef assists the central and State Government to develop and implement programmes and action plans for the release and rehabilitation of children from labour in various industries and occupations.

The World Declaration on Education for All which was adopted by the UN World Conference held at Jamtien, Thailand, in March 1990, discussed major aspects of education for All and adopted some principal goals, *inter alia*, universal access to, and completion of, primary education by the year 2000.

The World Summit for Children which has been held in New York, on 29th and 30th September, 1990 brought together representation of 157 government had adopted a series of goals for the year 2000. It was subsequently agreed that a set of intermediate goals should be achieved by the of 1995. Too often, the commitments made on such occasions are forgotten, their resolutions calling ever more feebly from within the locked rooms of the past, their promises echoing ever more emptily down the years. But the five years since the World Summit for Children have been years of practical progress and measurable achievement. More than 100 of the developing nations, with over 90 per cent of the developing World's children are making significant practical progress towards the goals that were set five years ago.

But, still children continue to go hungry, to succumb to preventable disease, to be denied even an elementary education. They continue to be abused in the home, in the work place, in wars. They continue to be exploited, prostituted, raped and sold, in many of the countries, where the Convention on the Rights of the Child has been solemnly signed and which promised to implement the goals of the World Summit for Children.

The Persistence of large scale poverty, unemployment, and social exclusion, despite rapid strides in economic progress, are a reflection of social and moral crisis that afflict the world community today. The United Nations World Summit for Social Development in March 1995 held at Copenhagen, has addressed these problems at length and has evolved a 'Declaration and Programme of Action' to effectively address these major social concerns. Sustainable human development is development that not only economic growth but distributes its benefits equitably that regenerates the environment rather than destroying it; that empowers people rather than marginalizing them. It gives priority to the poor, enlarging their choices and opportunities and provides for their participation in decisions affecting them. It is development that is pro-poor, pro-nature, pro-jobs, pro-democracy, pro-human and pro-children.
10.6. CONSTITUTIONAL PROVISIONS:

The Attainment of social justice is one of the objectives of the Constitution. Fundamental Rights and Directive Principles of State Policy are intended to ensure socio-economic justice to all. They are also intended to protect the interests of children who are more prone for exploitation. Particularly, some provisions relating to children have been incorporated in parts III and IV of the Constitution of India. The State is enablead under Article 15 (3) to make special provisions in its laws for favourable treatment of children. Article 23 explicitly prohibits “traffic in human beings and beggar and other similar forms of forced labour”. Although this article does not speak particularly about children, it applies to them and perhaps it is more relevant in their case. Innocent and helpless children are the most exploited section of the people.

Article 24 provides “no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employments”. It is important to note that this Article does not create an absolute bar to the employment of children. This Article prohibits the employment of children only in factories, mines or in any other hazardous employment. Unfortunately, Constitution of India did not define the term hazardous. It is humbly submitted, every employment that interferes the educational opportunities of children is “hazardous” for their development. And therefore, employment of children should be prohibited absolutely in all employments.

According to Article 39 (e), the State shall in particular direct its policy towards securing, that the health and strength of workers and the tender age of children are not abused and they are not forced by economic necessity to enter vocations unsuited to their age or strength. And according to Article 39 (f), the State shall ensure that the 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 material abandonment. According to Article 45, the State shall endeavour to provide within a period of 10 years from the commencement of the Constitution, for free and compulsory education for all children below the age of 14 years.

But unfortunately, Government of India is not serious in implementing these Directive Principles even after 47 years, after the commencement of the Constitution. If Article 45, is effectively implemented there would be no problem of child labour. In India primary education is not made compulsory, nor is child labour illegal. The result is that India is the largest single producer of the world’s illiterates and child labour. According to 1991 census report, 99 million of India’s 150 million children aged 6 - 14 were enrolled in primary school, and only 51-45 million children have completed the primary education.
10.7. LEGISLATIONS DEALING WITH CHILD LABOUR:

Many legislations relating to child labour have been passed in India during the last century. To minimise the exploitation of the most vulnerable groups of the society, these Acts, have been amended, repealed and revised from time to time. It was found that existing legal framework for employment of children in India is rather dispersed and patchy. Hence to meet this gap and to bring uniformity on the issues like minimum age for employing children, penalties for offences, etc, the latest Act namely, the Child Labour (Prohibition and Regulation ) Act 1986 has been passed. This Act prohibits the employment of children below 14 years of age only in certain occupations and processes specified in the Schedule of the Act. This Act permits the employment of children below 14 years of age in rest of the occupations by regulating the conditions of work. The Act does not prohibit the child labour even where hazardous processes specified in the Schedule, are carried out in any workshop, if the process is carried on by the occupier with the aid of his family or any school established by, or receiving assistance or recognition from Government. Obviously a hazardous process does not become less so merely because it is carried on in a school or by a family. This provision violates Articles 24 of the Constitution.

In 1987 the Government of India adopted a new set of policies towards working children by which government would no longer ban child labour, but would instead seek to ameliorate the conditions of working children. The government would also endeavour to provide voluntary part-time non-formal education for working children rather than press for compulsory universal primary education.

10.8. JUDICIAL INVOLVEMENT:

The Supreme Court of India has been playing an important role, to protect the basic rights of poor children by liberally interpreting the Constitutional and Statutory provisions relating to employment of children in its recent judicial pronouncements. The Supreme Court changed its attitude towards ‘traditional rule of locus - standi’ and adopted the liberalised ruled of standing. The Supreme Court accepted letters and telegrams which came by way of public interest litigations, and treated them as writ petitions to safeguard the rights of the poor children and to protect them from hazardous employment.
In *Asian worker's case*¹ the Supreme court maintained that the construction work is undoubtedly hazardous for children, though, it is not mentioned in the Employment of Children Act, 1938. The Supreme Court in this case quoted the Article 24 of the Constitution of India which prohibits the employment of children below 14 years of age in a factory, mine, or in any other hazardous employment. Therefore, notwithstanding the absence of specification of construction work in Scheduled to the Employment of Children Act, 1938, no child below the age of 14 years can be employed in construction work. The Supreme Court directed the State Governments to amend the Schedule of the Employment of children Act 1938, so as to include the construction work in it, and to take necessary steps in this behalf without undue delay. The Union of India as also every State Government must ensure that the Constitutional mandate of Article 24 is not violated in any part of the country.

In *Salal hydro projects case*² the Supreme Court maintained that the child labour problem was an economic problem and it cannot be solved merely by legislation, so long as there is poverty and destitution in this country.

The Supreme Court in *Sheela Barse Secretary Children Aid v. Society*³ has protected the basic rights of children in the Observation Homes. The Supreme Court in this case directed the State of Maharashtra to take prompt action to enforce the law, act upon the requirements of the Constitutional Provisions and directions made by the High Court of Bombay as also by the Supreme Court.

The Supreme Court in *District Beedi Worker's union v. State of Tamilnadu*⁴ and in *R.chandra Segaram v. State of Tamilnadu*⁵ observed that, if a child is employed, should be insured for a minimum amount Rs. 50,000 and the premium should be paid by the employer.

In *M.C.Mehta v. State of Tamilnadu and others*⁶ the Supreme Court observed that the employment of children in match and fire works is most hazardous and violation of Constitutional Provisions as specified in Articles 24, 39(e) and (f) and 45. The court in this case directed the State of Tamilnadu to create a Welfare Fund to which the registered match factories have to contribute, so

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¹ AIR 1982 SC 1473
² AIR 1984 SC 177
³ AIR 1987 SC 656
⁴ Writ Petition (Civil) No 1262 of 1987
⁵ Writ Petition (Civil) No 13064 of 1983
⁶ AIR 1991 SC 417
that the consolidated money would be available for implementing Welfare for children. The court further observed that compulsory insurance scheme should be provided for child workers by which the state shall ensure that every child of these units is insured for a sum of Rs. 50,000/- and the employer should pay the premium.

In Bandhua Mukti Morcha case\(^7\) the Supreme Court made astonishing revelations about the status of children working in the carpet weaving industry in Bihar and Uttar Pradesh. The Governments of Uttar Pradesh and Bihar have been repeatedly asked by the Supreme Court to prepare schemes for welfare and rehabilitation of children working in the carpet industry. The court in Unnikrishnan\(^8\) and Mohini Jain\(^9\) cases, made compulsory primary education as a fundamental right. The Supreme Court in M.C. Mehta v. State of Tamilnadu and others\(^10\) considered implementation of the Child Labour (Prohibition and Regulation) Act 1986 and providing of free and compulsory education for all children until they attain the age of 14 years as prescribed in Article 45 of the Constitution. The court directed the offenders of the Act of 1986 to pay a compensation of Rs. 20,000 for every child employed. This fine should be deposited in a fund to be known as “Child Labour Rehabilitation-cum-Welfare Fund”. This fund could be district-wise or area-wise and the fund so generated shall form corpus whose income shall be used only for the child concerned. Besides, the court also directed that the parent or any adult member of the family of the concerned child should be given a job in lieu of the child. The Court directed all the States, including Tamilnadu, the Union Territories and the Central Government for compliance of this judgement.

Keeping in view the above theoretical background of the problem, the field study is conducted in the Slate industry of Markapur in Prakasam District, Andhra Pradesh. 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 so far has 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.

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7. AIR 1984 SC 802
8. AIR 1993 SC 2178
9. AIR 1992 SC 1858
10. AIR 1997 SC 699
The specific OBJECTIVES of the study are as follows:

i) to review the theoretical background of the problem such as the statutory and constitutional framework to eradicate Child Labour.

ii) to assess the incidence of child labour in the study area.

iii) to find out the socio-economic background that made the children to enter into this work.

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

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

vi) to examine 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 rigour of child labour.

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 Regulation) Act 1986 are not implemented to the slate industry of Markapur, in letter and spirit and

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.

10.9. METHODOLOGY:

Markapur in Prakasam District of Andhra Pradesh is the largest center for manufacturing of slates in the Country. Above 90 per cent of India's slate requirement is produced in Markapur.
Slates manufactured are also exported to the countries like, Sri Lanka, Bangladesh, Pakistan, Afganisthan 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.

10.9.1. 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 Directors 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, Tarlupaddu, Konakanamitla and Donakonda were selected for the present study, on the basis of greater concentration of mines and quarries in the Mandals. Within 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, four villages from Markapur Mandal, two villages from Donokonda Mandal and one village from Konakanamitla Mandal were selected for the present study. The selected villages for the purpose of the present study are Meerjapet, Chennareddypalli, Tummalacheruvu, Kethagudipi, Ganugapenta, Rayavaram, Gajjalakonda, Goguladinne, Chevibdu Reserve Forest, Manginapudi, Ananthavaram and Salamunthala. 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 the due course of time, the lease holders 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-lease holders gave 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 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 per cent 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.

10.9.2. Selection of Slate Factories and Household Units:

Almost all the 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 slate 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 per cent 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 is 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.

10.9.3. Research Tools Applied:

To collect information relevant for the present study, different research tools such as interview schedules, informal interviews and observation method were used.
10.10. FINDINGS OF THE STUDY:

10.10.1. Socio-Economic Conditions of Children in the Study Area:

Since the roots of child labour lie not with the child but with the socio-economic status of the family to which the child belongs, the present study focuses on the socio-economic conditions of the families of the sample children. The results of the present study are presented here.

10.10.1.1. Caste Composition of Sample Children:

The study revealed that majority of the selected children working in slate mines and slate factories and household units belonged to backward castes. Of the 582 sample children, 42.82 per cent belonged to backward castes, 37.38 per cent were schedule castes, and 18.18 per cent belonged to other castes. A very small portion of Schedule Tribes that is 1.62 per cent were working in mines, factories and household units.

10.10.1.2. Age and Sex Composition of Sample Children:

The study revealed that out of 582 sample children, a majority of children i.e., 61.41 per cent belonged to 11-14 years of age group and 38.13 per cent were of 7-10 years of age. Interestingly, the study also revealed that 0.46 per cent of the sample children belonged to 4-6 years of age group. The study further revealed that of 582 sample children 297 were boys and 285 were girls.

10.10.1.3. Occupational Structure:

The study shows that a major section of the working population in the study area depended for their livelihood on slate industry. Out of 582 families of sample children 425 heads of families were slate workers, 58 were agricultural labourers and only 29 were cultivators and the rest were workers in other fields.

10.10.1.4. Size of the Family:

The study revealed that the average size of the family of the sample children was 7. The size of family varied from as low as 2 members to 13 members.
10.10.1.5. Monthly Family Income:

The study disclosed that the average monthly family income was Rs. 1216/-. Monthly income of the families of the sample children varied from as low as Rs. 500/- to Rs. 2800/- along with size of the family from as low as 2 members to 13 members respectively.

10.10.1.6. Landed Property:

The study noticed that the major supplementary source of income to the families of the sample children was agriculture only. 14.3 per cent of 582 families had land, below two acres. But, these lands were dry lands and not good for cultivation. As such they get a meagre income from the agriculture.

10.10.1.7. Monthly Family Expenditure:

The study disclosed that the families of the sample children had a monthly expenditure ranging from Rs. 2000/- to 5000/-. Majority of the families had monthly expenditure higher than their monthly income, even though the children and women are also employed.

10.10.1.8. Reasons for Child Labour in the Study Area:

The study disclosed that almost all the families of the sample children lived below the poverty line. Out of 582, 84 per cent of the sample children revealed that economic necessity was the reason for their entry into slate work. Most of the parents of the sample children stated that their monthly income was not sufficient to meet their family expenditure and thus induced their children to slate work in order to supplement their family income.

Thus the hypothesis that the children are compelled to work in the study area due to economic necessity is proved.

10.10.1.9. Indebtedness:

The study revealed that the problem of indebtedness was widely prevalent in the study area. This indicates the socio-economic problems of low income level groups. Though 3 to 4 persons
were employed in each family, most of the families were debt ridden as their income was not sufficient to meet their family expenditure. Of 582 families of the sample children 92 per cent were in debt ranging from Rs. 5,000/- to 25,000/- to the mine owners, pit owners, factory owners, maistries and local traders. Besides consumption purpose, customs and traditions associated with rituals like weddings and ceremonies forced these families to borrow money. Only 8.00 per cent families of the sample children had no debts in the study area. The study revealed a common method followed by the employers of mines, factories household units was to advance money to the workers at the time of recruitment and this amount varies from Rs. 2,000/- to 15,000/-. Out of 582 sample children 92.00 per cent have taken the advance amount from their employers ranging from Rs. 2,000/- to Rs. 10,000/-. The study further revealed that the majority of the employers were not deducting the advance amount from the wages of the workers regularly. So, these children were not allowed to leave the master or to change the employer without repaying the advance amount borrowed from the employer. This vicious circle created a situation of perpetual indebtedness and made them bonded labourers and forced them to accept low wages without any minimum facilities and benefits. The study also discloses that this situation was visible more in slate mines and less in slate factories. Consequently, inspite of heavy and hazardous work, the wages in mines were very low and conditions were exploitative.

10.10.1.10. Health and Nutrition :

The general morbidity symptoms in the study area are fever, cough, measles, tuberculosis (T.B) and other respiratory problems. Of 582 sample children 17 reported T.B, dispigmented hair, cracks in the lips or sored mouth, work related injuries such as bleaching of palms and fingers were visible in a large number of children in the study area.

Information on nutrition and diet revealed that children rarely have any liquid food like milk, coffee, tea etc. In fact the entire diet consisted of ragi, varga, arika and korra. Children have rice only during nights. Pulse intake is also very limited. Majority of the sample children were looking underweight, weak and pale.

About 65 per cent of sample children opt for private medical services in the event of any health problem owing to inadequate and inefficient facilities in the government hospitals. Children were not entitled to get medical facilities from ESI hospital as they were not considered as workers and were not given ESI cards.
10.10.1.11. Literacy:

The average literacy level in the study area was 15 per cent. The educational background of the families of the sample children was very poor. About 83 per cent of the parents were illiterate. Of the total sample children 56.50 per cent were illiterate, 43.50 per cent discontinued their studies before completing the Vth class. The high illiteracy and drop out rates were not due to lack of interest in education but due to the financial compulsions. Interestingly, 15 per cent of the sample children stated that they were willing to attend the school if they are released from this work.

10.10.2. Working Conditions of the Sample Children and implementation of Labour Legislations in Slate Mines:

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 6.00 A.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.

10.10.3. Working Conditions of the Sample Children and Implementation of Labour Legislations in Slate Manufacturing 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. 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.

10.10.4. Reasons for Non-Implementation of Labour Legislations in Slate Mines and Manufacturing Units:

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.

10.10.5. Rehabilitation of the Released Child Labourers in the Study Area:

In 1987 the Government of India recognized the necessity for a National Policy on Child Labour. It identified the slate industry of Markapur along with nine other industries, in which child labour is extensively used and which are particularly hazardous to children.

On a request made by the Ministry of Labour of the Government of India, a multi crore project was designed by the International Labour Organisation (ILO) for the Markapur region with the following two-fold objective: first, to identify children aged between 8 and 14 years employed in all sectors of slate activity namely in mines, quarries and factories situated in and around Markapur area and to remove at least 1000 children from the more hazardous area of work; second, to
rehabilitate these children by evolving a constructive programme such as providing non-formal education and vocational training, and other support services such as nutrition, health-care etc. There was also an attempt to give income generating schemes beneficial to the families of the children, but this latter scheme was never implemented. The project depended on the ILO financial support of rupees 3.8 crores.

The rehabilitation programme of the Government of India for child labour has been entrusted to the non-governmental organisation named ASSIST - INDIA. The registered society named JAGRUTHI disburses the funds directly from the Central government to ASSIST-INDIA. ASSIST-INDIA is imparting education to child workers who are taken out of work. A special residential school has been established in a compact space, 8 kms away from Markapur on the Ongole-Markapur trunk road. ASSIST - INDIA has also opened day school centres in various villages. In order to curb the future recruitment of child labour in the Markapur area, ASSIST - INDIA formulated a scheme for creating an attitude among children towards education at a very early age by opening ASSIST balwadi centre.

However, the functioning of ASSIST - INDIA is not satisfactory. Interviews with the students of the residential schools and day schools reveal that 80 per cent of them have never worked in slate mines or factories or household units. The funds which are meant for slate workers are not reaching the targeted groups. The facilities provided in the rehabilitation centre are not satisfactory. After nine years of the implementation of the Child Labour Project with Rs. 3.8 crores expenditure, the present study found no improvement in the plight of working children in slate mines, factories or household units. There is also a severe criticism on the functioning of ASSIST-INDIA by local Trade Union leaders and others.

Thus the hypothesis that the child labour project in the slate industry of Markapur has failed to eradicate child labour and to rehabilitate the released child labourers from the slate industry is proved.
10.11. **SUGGESTIONS** :

The study forwards the following suggestions to eradicate child labour from the slate mines and manufacturing units, to rehabilitate the released child labourers and also to prevent the future recruitment of child labour in the study area.

10.11.1. Eradication of Poverty :

Poverty is the root cause for the continued existence of the problem of child labour in the study area. Therefore eradication of poverty is the lasting solution for this problem. Poverty can be eradicated by providing the alternative income generating sources to the families of the child workers in slate industry. It is for government to invest in irrigation and thereby boost the agriculture output leading to generation of more income and employment. There has been a long pending demand for the Velugonda project which is the main source of irrigation in the project area. Families sending children to work should be identified. Such families should be given waste lands and thereafter, irrigation facilities should be provided. In a number of villages slate workers belonging to the backward castes have been given agricultural land of about 2 acres by the government. However, a majority of these beneficiaries stated that they were unable to use the land due to lack of irrigation. If the government can sanction borewells to these beneficiaries, there is greater likelihood that these families will shift their dependence from the slate industry to agriculture. Sheep rearing could be encouraged on a large scale as the vegetation in this area is more suitable for sheep. Horticulture may be encouraged since the land in this area is more suitable for horticulture rather than agriculture. As there is scope for developing brick making units, the government should provide loans for such units. Since the Integrated Child Development Scheme is restricted to the Markapur Revenue Division, families in the slate mining area who reside outside the Markapur division are not benefited by the ICDS. There is an urgent need to implement ICDS in other Mandals of the study area i.e., Tarlupadu, Donakonda and Konakanamitla. Housing scheme for all slate workers, especially in the mining areas may be formulated.

10.11.2. Extension of Minimum wages Act to Household Units :

Extension of Minimum wages Act so as to cover even those coming under the jurisdiction of the shops and Establishments Act is an immediate necessity. Under the Minimum Wages Act, consolidated wages are fixed on the basis of categories of skill required only for slate factories. On the
other hand for the household units the Shops and Establishments Act has specified wages of different skill-based categories on piece-rate basis. Thus the slate workers with the same skills and working the same number of hours are drawing different wages depending on whether the employer is governed by the Factories Act or by the Shops and Establishment Act. Removal of these anomalies would be beneficial for reducing the intensity of the child labour in the region.

The Minimum Wages Act related to slate factories in Andhra Pradesh has not been revised since 1992. Steps may be taken for revision of wages regularly, so that, wage structure may not lag behind the rest of the market structure.

10.11.3. Extension of Employees State Insurance Act to Slate Mines:

The Employees State Insurance Act does not apply to mine workers. However, there is a provision for collecting a Welfare Cess from the employers which will then be used for providing welfare measures for the workers in the area of health, education etc. This provision needs to be implemented immediately in the slate mines.

10.11.4. Extension of Child Labour (Prohibition and Regulation) Act to Slate Mines:

The Child Labour (Prohibition and Regulation) Act 1986 applies only to slate and slate pencil manufacturing units in the Municipality of Markapur but not to the slate mines in the surrounding region. The Assistant Labour Officer, who is also the inspector under the Act is not even empowered to intervene administratively so as to initiate action against child labour abuse in slate mines. There is an urgent need to extend the Act of 1986 to slate mines.

10.11.5. Burden of Proof as to the Age:

The Act of 1986 permits the children above 14 years and below 18 years of age to work in any slate manufacturing unit with a medical fitness certificate. Under the Act of 1986 any person, police officer or Inspector filing a complaint about the child labour in slate manufacturing units has to provide a certificate from the Government doctor that the child is below 14 years of age. In the absence of such certificate the court is not able to proceed. It is very difficult for the prosecutor to
prove the age of the working child. The entire process is time consuming and disturbs the tempo of judicial process. This provision has to be amended. In case of any complaint, the burden of proof of age of the child should be upon the employer under whom the child is working. If the child is above 14 years, employer can immediately present the Medical fitness certificate which also contains the proof of age of the child, in the court.

10.11.6. Administrative Vigilance for Implementation of Welfare Measures:

As a matter of routine, the employers record less number of workers in their registers than the actual number. This enables them to deny the workers welfare facilities, such as the provision of canteens, toilets, creches etc. It is suggested that administrative vigilance should be strengthened to verify the records with reference to the actual number of workers working under the employer.

10.11.7. Need to Strengthen the Enforcement Machinery:

For effective implementation of labour welfare legislations in the study area, there is a need to strengthen enforcement machinery. Adequate infrastructure should also be provided to the labour enforcement authorities to enable them to make regular and effective inspections in the study area.

10.11.8. Compulsory Primary Education to Children:

Child labour can be eradicated by effectively implementing the provision of free and compulsory primary education to the children below 14 years. There is a need to device schemes to motivate the parents to send their children to the schools. Adequate schooling facilities are to be provided to the children of the workers working in the study area. To support the families in the study area it is recommended that a monthly stipend of Rs. 100/- should be given to every child who attend the school regularly or each child should be given 1 kg of rice every day as an incentive. A Navodaya school should be established in each Mandal in the study area. The children of slate workers should be given preference in admission in these schools. Setting-up of an ITI and a Polytechnic institute in Markapur is recommended, so that after schooling, children do not go back to unskilled work in the slate mines or factories. The average literacy rate in the study area is 15 per cent. It indicates that illiteracy is one of the reasons of under-development. Therefore, adult education programmes should be regularly conducted in the study area.
10.11.9. Rehabilitative Schemes:

The Rehabilitation programme of the Government of India for the released child labourers of Markapur slate industry, which has been entrusted to JAGRUTHI and ASSIST-INDIA has failed to achieve its objectives. For the successful functioning of this programme, a committee of eminent persons may be nominated for achieving the objectives of the Child Labour Project - Rehabilitation centre. This committee should consist of doctors, lawyers, academicians and activities. A certain percent of seats in ASSIST - INDIA Residential School and in Day schools should be reserved for children belonging to the Scheduled Castes and Scheduled Tribes and Backward Castes. Penalty must be imposed on Assist - India for children on the rolls who have never worked in slate factories or mines. It is recommended that a monthly stipend of Rs. 100/- should be given to working children as an incentive to join the rehabilitation centre. Facilities provided to the children in this centre are not satisfactory. Nutritious food, proper accommodation and medical facilities are not provided. There is no adequate supply of books, stationary and effective teaching in the Rehabilitation centres. Therefore, some children who have joined in this centre have dropped but and again joined in slate work. Remedial measures should be taken to overcome these problems. Regular and timely release of funds is essential for successful functioning of the Child Labour Rehabilitation project. A full-time Project Director for the JAGRUTHI - ASSIST INDIA PROJECT has to be appointed for better monitoring of the programme.

10.11.10. Adequate Medical Facilities to the Mining Workers:

The incidence of T.B. is more in the study area. The study disclosed that 17 out of 582 sample children reported T.B. To improve the health status of the slate workers including children, regular medical check up be conducted so as to detect T.B. patients in time and to provide necessary medical aid to them. It is recommended therefore, to set-up a T.B. centre on the right bank of Gundlakamma river towards Vemulakota village on Cumbum Road. There is a stretch of green area surrounded by agricultural land where there is no possibility for mining and manufacturing of slates. The area is pollution free and is suitable for the construction of a T.B. sanitorium. Provision should be made to turn the existing ESI hospital as an in-patient centre with sufficient staff and infrastructure. Expanding of the Government Hospital both in terms of staff and infrastructure is recommended. A mobile medical unit facilities should be given in order to meet medical requirements of the mining workers.
10.11.11. Other Recommendations:

There is a demand from slate mine workers for grant of "lease rights" to them, as of now very few families have a monopoly of leasing rights in the area. It is recommended to the Government of Andhra Pradesh for consideration of their demand. To strengthen the safety machinery in mines wherever possible so as to relieve the child labour from dangerous situations, the use of more cranes in place of child workers is suggested for laying tracks and introduction of wagons to carry waste mud and stone. Government should initiate steps to shift all slate factories and household units to industrial estates and strict vigilance should be kept for not allowing the creation of any household unit within the town area, as these units are creating environmental pollution in and around Markapur town.