SOCIO-ECONOMIC & ETHICAL DIMENSIONS OF CHILD LABOUR IN KASHMIR

Data Analysis and Discussion
Chapter IV

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

(Data Analysis and Discussion)

The problem of child labour in Kashmir has its own peculiarities and similarities with many other places. The secluded character of the valley due to its mountainous ranges and topography makes the menace of child labour different in many ways as compared to other areas. The romantic beauty of the valley as depicted by its lush green forests, tall mountains, lakes and streams, flora and fauna did not warrant the establishment of such industrial units which bear a tendency to pollute the environment. Given the fact that valley has neither rail nor a stable road connectivity with other parts of the country, the cottage level activities in the shape of famous handicrafts which were brought in from Persia by the rulers and missionaries found much favor among the local people as they could practise these activities within their households and local work centers and that too in their spare time according to their whims and likings. The housewives could also carry on these trades during their leisure time and these activities also protected environment of the much famous valley by virtue of their being eco-friendly and free from any smoke, dust or fumes. At present these activities are being carried on in every nook and corner of all the six districts of Kashmir valley. While these handicrafts have their positive features but at the same time many of these activities are quite harmful to the health of the artisans. Carpet weaving which is identified as a hazardous job has a tendency to deform the body structure of the artisan due to sitting in doubled up postures besides affecting their health in many other ways. The needle work blurs the vision of a craftsman and hook work and papier machie crafts do also keep a craftsman confined from dawn to dusk which lays an adverse effect on their health and physical well being. The cause of worry is that these cottage level units have brought many children within their ambit. At present it is
being witnessed that the industry finds its survival in the work done by the child workers which is a cause of much concern for the government and the society.

Many children in the valley are working in restaurants and tea stalls operating mostly in urban areas of the valley. Their cheap labour, docility and quick movement while serving the customers seem to be the chief reasons why these tender hands are employed in these establishments to ensure a good profitability to the concern. The children, besides these establishments, do work in automobile workshops and are made to work like robots by their masters.

Many children in the valley are being seen in trash collecting and rag picking mostly the migrant child workers. During summer when the other parts of India experience hot climate and scorching heat, many poor families who live in slums and tents on road sides and have no access to the modern means of cooling their households migrate to Kashmir to escape from hot temperature and also carry on different activities to earn a living for themselves. These families generally carry on menial jobs and besides other things they engage their children in trash collecting and rag picking. The children are seen searching on heaps of garbage to collect recyclable waste items under dirty and infection prone conditions which no nation conscious of human and more particularly children’s rights can ordinarily tolerate.

On seeing these children, undoubtedly dear to their parents and lovable by mankind, one feels the ugly face and miseries of poverty with which the families of such children are confronted with.

Many children are working as domestic servants in the households of affluent class where they are subjected to such a kind of master and servant relationship within close confines which completely prevents them from enjoying the pleasantries of childhood and are put to cruel and inhuman treatment by their ‘babus’. Such workers are generally seen as village boys and girls working in urban households where both adult and child servants feel themselves at the mercy of their masters and they can be hired and fired at the discretion of their masters. They have to listen to the dictates of their masters and undertake even those works which exceed their physical capacity. Working within the four walls of these households, these workers are oblivious of any public, government or media attention. Their
Distressed Life Cycle

Agony of Fate
only sin is that they are born in poor families where their own survival is at stake and are forced to migrate to urban areas and lead a life of slavery away from their home and deprived of affection of parents, relatives and the association of fellow children in the neighbourhood of their birthplace. These children are forced into such situations as a result of the decision of their parents and have no role of their own to escape the unpleasant situation because of their docile nature. Their faces are always disappointed probably for a feeling that they are the children of a lesser value.

Many children are bonded labourers pledged against meagre advances of money obtained by parents from employers and thus they are under the iron heals of these employers to the absolute prejudice and exploitation of these little workers.

**Quality of work life of Child Labourers in Kashmir:**

The quality of work life plays an important role in keeping a worker satisfied at his work place besides providing him/her a congenial and hygienic atmosphere to work with confidence and zeal. A plethora of labour legislations have provided for adequate measures to ensure better quality of work life to the workers. Child workers who are mostly confined in cottage level industries in Kashmir and are supposed to do menial jobs in other establishment besides engaging them as rag pickers and trash collectors have to face worst type of working environment which puts their health to jeopardy.

In Kashmir valley these work centers are distantly located in hard to reach places and remotest areas where proper and regular monitoring and vigilance is merely a dream. More so as the Factories Act of 1948 is not applicable to such cottage level units so the safeguards for workers mentioned in that legislation are not implemented. During investigation it was noticed that the child workers are working in shabby situations and the cottage level units at most places are worst than cowsheds with inadequate light and ventilation. 'Peep through the small windows of work centres at many places, one sees the pale and disappointed faces
of little workers who are made to work like dumb driven cattle. Their invalid health and gloomy faces speak volumes about these prisoners of innocence who stand deprived of the joys of their childhood. On the basis of field survey, the working environment in the work centres under observation is summarized and projected below:

Table 4.1

<table>
<thead>
<tr>
<th>S.No</th>
<th>Condition of Work Centre</th>
<th>Percentage Work centres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Subdued lighting</td>
<td>60</td>
</tr>
<tr>
<td>2.</td>
<td>Lack of proper ventilation</td>
<td>77</td>
</tr>
<tr>
<td>3.</td>
<td>Absence of latrine facility</td>
<td>37</td>
</tr>
<tr>
<td>4.</td>
<td>Absence of proper hot and cold Arrangement</td>
<td>85</td>
</tr>
<tr>
<td>5.</td>
<td>Hookah smoking</td>
<td>95</td>
</tr>
<tr>
<td>6.</td>
<td>Radio entertainment</td>
<td>98</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The above table 4.1 reveals that the little workers in work centres are provided with the working environment which in no way suits their physical, mental and moral growth. The child workers become passive smokers the moment they are admitted in the work center and gradually develop the habit of smoking. The only entertainment of listening to radio is also intended to keep the workers concentrated with the work to overcome the state of boredom by listening to music and folk songs. As such it is more a business consideration rather than entertaining the workers.

The poor quality of work life of the workers indicates that the employers have taken the workers for a ride and there is scant regard for observance of hygienic norms relating to work life of the workers. This sounds totally unethical.

The child workers in restaurants are supposed to wash the utensils and the trash collectors have to fiddle on heaps of rubbish and garbage where from a common...
man runs away. 'With tattered garments, shabby faces and scratched hands these workers can contract any type of infection which can take their life even also.' The field investigation reveals that child workers laying bricks and working in brick kilns work under hot temperatures besides inhaling dust and fumes which can cause chest disease detrimental to their health. Although the number of child workers is very small in brick making but their emaciated health speaks volumes about health hazards of this labour upon them. Most of the children in this sector were witnessed as children from immigrant families.

All these workers suffer different type of injuries during work and they become victims of evils like smoking at a tender age. The employers of these workers are almost never worried to provide good working conditions as ordinarily required for human beings. The delicacy of their job, long hours of work, excessive workload as against their physical capacity and no rest intervals causes many diseases like myopia, anemia and rickets among these children. Field investigation revealed that 20% of the respondent child workers do not enjoy even a weekly holiday while as 80% do enjoy. Out of the latter, 97% enjoy it as an unpaid holiday while only 3% enjoy the holiday as paid. The payments of wages earned by little workers are also not made after reasonable intervals. Some of them simply liquidate the loans against which their services are pledged by their parents and some are paid wages after the completion of the job card. The wage payment intervals of child workers are exhibited below:

Table 4.2

<table>
<thead>
<tr>
<th>S. No</th>
<th>Payment intervals</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Daily</td>
<td>12%</td>
</tr>
<tr>
<td>2</td>
<td>Monthly</td>
<td>55%</td>
</tr>
<tr>
<td>3</td>
<td>After completion of job</td>
<td>26%</td>
</tr>
<tr>
<td>4</td>
<td>Bonded against loan</td>
<td>07%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The above table reveals that 33% of the respondent working children do not get wages on monthly or weekly basis. 26% of the total respondents are supposed to
wait till completion of the job card while as the bonded child labourers constituting only 7% of the respondents have to work to liquidate the loan granted by employers which keeps them tied to the work centre whatever be the working conditions. The first mentioned 26% respondents cannot also change their loyalty from one employer to another till the completion of a particular job even under compelling circumstances as otherwise they may have to forfeit their claim for wages earned on the flimsy ground of committing a breach of contract. Besides the average wages worked out for the working children under study is around Rs. 19/- per day calculated with 25 working days in a month. The workers enjoy one holiday in a week besides the days of important festivals, if any.

The bonded child labour seems to be a heinous crime against mankind as the tender souls are subjected to worst kind of job conditions without any resistance either from them or their parents as the amount of loan granted by employers muzzles their voice against any atrocity or unfair treatment. Direct personal interviews with the parents of child workers revealed that abject poverty in the households and a total mismatch between income and expenditure with no savings forces the parents to obtain loans by hypothecating the services of their little children. These loans are generally acquired by the parents to meet customary expenditures on marriages, deaths, repair or renovation of houses. 28% of the parent respondents revealed that they were forced by circumstances to obtain loans against the pledge of the services of their children. These circumstances as reported are summarized as under:

**Table 4.3**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Purpose of loan</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Marriage of a family member</td>
<td>43</td>
</tr>
<tr>
<td>2</td>
<td>Construction of House</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>Repairing of House</td>
<td>28</td>
</tr>
<tr>
<td>4</td>
<td>Defray expenditure on ill health of a family member</td>
<td>09</td>
</tr>
<tr>
<td>5</td>
<td>Purpose not stated</td>
<td>08</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher
**Literacy, Education and Child Labour in Kashmir: An Appraisal**

The low educational awareness on the part of parents' and the consequent educational backwardness in many areas of Kashmir pushes the children towards labour market in shabby and harsh working conditions and makes them to suffer at the hands of employers. However, education is to be distinguished from mere literacy as education is literacy backed by some educational level. Mere literacy has not been seen as a major contributory factor to minimize the incidence of child labour although its importance cannot altogether be neglected or undermined. The following figure makes the position more clear:

*Figure C*

![Literacy and Child labour trend](image)

*Source: Worked out as per Census 2001 figures*

In spite of increase of literacy rate from 30.64% in 1981 to 54.46% in 2001, there has not been any worthwhile improvement in decline of rate of child labour to total child population. The rate of child labour to total child population in J&K has gone up from 6.50% in 1981 to 6.62% in 2001 with 0.12% increase as two decadal variations from 1981 to 2001. This indicates that despite increase in overall literacy, there is no guarantee that the problem of child labour can be put to an end or
minimized implying that the forces in the vicious spiral are more powerful than forces in the virtuous spiral.

The educational level of people, however, has an inverse relationship with the degree of incidence of child labour. In order to determine the interdependency between the education level in a household and the decision to send children for work, responses were obtained from 200 respondents with regard to position of school going and working children in these households and the educational status of their parents. The responses are projected as:

<table>
<thead>
<tr>
<th>Table 4.4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Educational Status Of Children And Parents</strong></td>
</tr>
<tr>
<td><strong>Educated parents</strong></td>
</tr>
<tr>
<td><strong>School Children</strong></td>
</tr>
<tr>
<td><strong>Working Children</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

$X^2$ test was carried out to test the hypotheses that education in a household and decision to send children for work are independent. The calculated value of $X^2$ is 4.165. The table value of $X^2$ with one degree of freedom at 5% level of significance is 3.84. As the calculated value is higher than the table value so the result of the experiment does not support the hypotheses and we conclude that education level in a household and decision to send children for work are dependent.

The education of parents plays an important role in the education of children. The educated parents understand the importance of education in the overall personality development and they can in rare cases compromise on the education of their children and that too under unavoidable circumstances.

The educational status of parents in terms of qualifications has a strong bearing on the decision to send the children for schooling. Field survey has shown that the higher the qualifications of parents, the lesser are the chances to send their children.
for work. The analysis of data regarding qualification of one or both the parents of child workers reveals that out of 210 respondent child workers, 180 had illiterate parents while as 20 workers had parents with primary qualification and 10 had middle qualification. None of the workers had parents with secondary or higher secondary or graduation or post graduation or diploma qualification. **Co-efficient of Co-relation** worked out between child labour and qualification of parents reveals that there is strong negative co-relation (-0.89) between the two variables leading to the conclusion that the higher the qualification of parents, the lesser the incidence of child labour within these families. More so educational level of parents is important within a household as the decisions of households are taken by the heads of the households usually the parents and their educational level reflects on decisions like schooling of children.

Child labour which is mostly prevalent in rural areas of the valley of Kashmir is noticed with high proportions in those villages which are distantly located from urban agglomerations. The reason for this is that more the geographical distance from cities and town areas, the more people remain unexposed to modern way of living including the utility of education. Due to this reason the people in rural, semi urban and urban areas differ in their literacy and also educational level. The field survey has revealed that by dint of their differential rate of literacy and educational level, the people in urban, semi urban and rural areas also differ in their level of child education awareness.

In order to test the difference of child education awareness among the urban, semi urban and rural masses, the informants were asked to reveal their perception regarding whether they consider child education as extremely important, very important, important, less important and least important. The scores assigned to the scale are 5,4,3,2 and 1 respectively.

The following hypotheses were set to carry out the experiment:

\[ \text{Ho.... The urban, semi urban and rural people do not differ in Child Education awareness.} \]

\[ H1.....The \ urban, \ semi \ urban \ and \ rural \ people \ differ \ in \ Child \ Education \ awareness. \]
On an Analysis of Variance *(ANNOVA)* the calculated value was ascertained as 5.51 while as the table value is 3.86. As the table value is less than calculated value so the null hypotheses is rejected and the result of the experiment supports the research hypotheses leading the conclusion that there is a difference of perception among urban, semi urban and rural people regarding child education awareness. This is corroborated by the fact that the rural and urban people have different educational levels and the literacy rate also differs considerably as is evident from table 3.4 in the preceding chapter.

**Migrant Child Workers in Kashmir:**

While conducting the investigation in the valley, the investigator has seen a good number of migrant children collecting trash, rag picking and other jobs prone to infection. These children belong to very poor families from different parts of India who visit Kashmir especially in spring and summer times so as to save themselves from the intensity of scorching heat at their native places. These families in order to meet out the expenditure of their travel and stay in Kashmir and also to save something for future do work in Kashmir and also engage their children generally aged below 12 in menial jobs which can in no way be performed by adult workers. These children clad in tattered clothes with emaciated health are seen fiddling with rubbish and heaps of garbage to find out plastic and other recyclable rejects which are thrown by people on the road sides. With scratches on their hands, dust on hair and emitting foul smell, these children are prone to any type of infection putting their health to risk.

"This is Moulà Ali alias Munu (10 years) son of Jehangir resident of Maroli Delhi, at present putting up at Srinagar. He is accompanied by Mausoom Ali (11 years). Mausum had cut his finger at the time of interview as they are trash collectors. Munu has four brothers while as Mausum has four brothers and one sister. Their daily joint income is 20 rupees approximately. Citing poverty as a reason for their working, Munu had broken his right arm when he had stumbled with a stone during work and consequently falling down. The fact is visible from his arm which is not normal straight."
The families of these children are coming to Kashmir for the last three years and staying here nearly for eight months in a year. The interaction with them revealed that they had no inclination to go to school.

The startling fact being that even school going children among such poor families are also supposed to migrate with their family members. This is in fact at the cost of their schooling but they know how to save the academic career of these children.

"These are Mohammad Arif (11 years), Mohamad Sharief (8 years) sons of Mohammad Abdul Rashid of Nagrota and at present camped at Pampore Kashmir. They are accompanied by Sajad Ahmad son of Gulam Hassan who is their neighbor and relative. These children are students in 5th, 2nd and 4th primary respectively. They sell ball point pens by visiting different educational institutions. The amazing thing as stated by these children is that they are on the rolls of the school. However they attend school by proxy with knowledge of their teachers. At the end of the academic session they return to their native place and appear in the examination. They also divulged that they study late at night at their camp residence."

The above narration by the children if to be believed in its entirety speaks about the educational indiscipline and lack of accountability on the part of teachers in our educational set up. Education which has the prestige of transforming our ordinary human beings into a valuable and rich human resource needs to be kept immune from all unscrupulous and tricky means so that its quality does not get deteriorated. The educated as end products of our educational system are supposed to take over the reins of nation into their hands and shape its destiny by their high and valuable achievements. If education is to be taken as a simple task of getting a certificate of qualification without real human resource development through transfer and acquisition of knowledge then we can neither stand the pressures of competitive world order nor have a competitive advantage over others.

Field survey has shown that the migrant child workers in Kashmir are not only deprived of education but they are supposed to lead a life of distress, disappointment in which they fall victims of many social evils like smoking,
gambling and by and by even drinking. Many children who come from outside the valley along with their families are seen begging particularly outside places of worship. This is a heinous crime of taking undue advantage of the docility and innocence of these children and making them feel that they are born destitute and dependent which mars their creativity and they ultimately develop a taste in begging. This is an unhealthy trend as child begging has a tendency to retard the moral growth of children. While putting children to heavy and hazardous job conditions does affect besides other things their physical growth, the child begging even seemingly a light work, does affect the moral well being of children. For overall development of the children their moral, mental and physical growth are important.

Kashmir being a place of tourist importance, child begging conveys a bad image to the outside world. The government of Jammu and Kashmir is becoming conscious of the menace and remedial measures are being contemplated to protect the image and reputation of the valley of Kashmir.

As the rural areas of Kashmir valley are economically backward as compared to urban areas, so the migration of child workers also takes place from rural to urban areas. The virtuous and vicious spirals have a great bearing on migration of child workers to urban agglomerations. In urban areas many such factors which tend to reduce the incidence of child labour like better educational facilities, economic prosperity of people, planned family and better child care; high literacy rate and educational level etc constitute the virtuous spiral resulting in low incidence of child labour. On the other hand the abject poverty, ignorance of parents, low literacy rate, lack of proper educational facilities etc tend to increase the incidence of child labour and as such constitute the vicious spiral. As a result of such a state of affairs the child labourers migrate to urban areas and are supposed to settle a home away from home. These migrant workers remain away from the parental affection and care and are mostly working within closed doors as domestic servants in the homes of well-to-do in the urban areas. These children feel psychologically isolated and have to face many hardships and atrocities at the hands of their masters. In many cases the large family size of parents in rural areas compels them
to send their children to urban areas for work. It has been observed that rural children are sent to urban areas for work by the parents with the hope that by working in comparatively developed and advanced living situations, these children can have the advantage to become more skilled, more disciplined and gain an exposure of the outside world which can help them in their future.

Child Labour and its Ramifications:
The employment of children in different establishments is generally a compulsion on the part of parents to supplement family income or is even dictated by the circumstances when the child assumes the headship of the family due to death of breadwinner. The employers welcome these tender hands only to avail of the cheap and docile labour so as to add to the profitability of the concern. The adverse effects of such employment are apparently that the children are deprived of their schooling and making them to work beyond their physical capacity retards their proper growth. However, employment of children in the labour market brings with it some unintended consequences as a collateral effect retarding their psycho-development as discussed under:

The Children of lesser God:
A child is born to enjoy the sweet pleasantries of childhood and to lead a respectable, responsible life with dignity and honour as an adult person. This is possible only when proper care is taken of children and they are provided better education with proper nourishment and entertainment in the days of childhood. These children have every right to be treated as human beings and not to be subjected to hardships of work life through excessive work load, long working hours, confinement to hazardous and non hazardous jobs at a stage when they are to be let free to enjoy the sweet moments of childhood and to grow in a child friendly environment. Their weak and defenseless position on the one hand makes them the victims of the unfortunate decision of their parents to send them to work and their docility on the other hand makes them subject to the cruel treatment at the hands of their greedy employers who are hell bent to derive maximum work from these tender hands so as to meet their business interests. This state of affairs keeps these
Too Heavy A Life

Pre-Mature Adult Life
ill fated children away from education besides making them physically invalid in many cases.

These children seem to be destined to lead a life of slavery and have no hope to become the great countrymen to take the reins of nation tomorrow. Deprived of a proper growth and development through education, these children develop within themselves a psyche that they are of a lesser value and the children of a lesser God. ‘When these working children sight school going children in the morning, fresh and tidy with a Sunday face and a chocolate in their hand, they develop a feeling that they are no comparison to these children as they are born to be inferior.’ This mars their creativity and initiative to exploit their talent and to touch the peaks of excellence for the ultimate good of the nation.

During the course of field survey, it was noticed that there is a widespread feeling among this creation of God that a sight of school going children makes them to think that they are a deprived lot and are of a lesser importance. Their lesser freedom, clad in tattered garments, atrocities at work place and their distressed condition at home are doubtless the indicators for these inquisitive minds to think that they stand in no comparison to the school going children hailing from privileged class which is disastrous for their proper psycho development. The following responses were obtained from the working children about their feelings on seeing school going children:

\[\text{Table 4.5} \]

Feelings Of Working Children viz-a-viz School Going Children

<table>
<thead>
<tr>
<th>S.No</th>
<th>Response</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sense of inferiority</td>
<td>82.86</td>
</tr>
<tr>
<td>2.</td>
<td>Sense of equality</td>
<td>16.19</td>
</tr>
<tr>
<td>3.</td>
<td>Sense of superiority</td>
<td>0.95</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the scholar
The above table 4.5 reveals the inferiority complex of working children in comparison to children born with a sliver spoon in their mouth. They rightly cannot be equals as the equality can be there of equals only while as working children are unequal to their contemporary school going children. That is why nearly 83% of the working children feel themselves inferior to school going children and this notion will definitely accompany them throughout their life damaging their creativity and initiative. The question of their sense of superiority seems to be childish and beyond ordinary thinking because of being forced to lead premature adult lives full of agonies, miseries and hardships devoid of proper nourishment, health care and education.

**Job satisfaction:**

It is not only the employment of children which is objectionable as it forces these little workers to lead premature adult lives but at the same time the atrocities committed on these children by the employers and also the ill effects of the job itself that is highly undesirable. The work has the tendency to affect the psycho-physical well being of children. The working children thereby do not feel satisfied with the work they are put to as revealed by the field investigation. Study the following responses:

<table>
<thead>
<tr>
<th></th>
<th>Satisfied</th>
<th>Not satisfied</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Males</strong></td>
<td>24</td>
<td>64</td>
<td>88</td>
</tr>
<tr>
<td><strong>Females</strong></td>
<td>60</td>
<td>66</td>
<td>126</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>84</td>
<td>130</td>
<td>214</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

There is a widespread belief that boys are more dissatisfied with the labour as compared to girls. The females are more docile and less vocal as compared to males as a natural human tendency by dint of which they like more to be led than to lead.
In order to test the satisfaction level of girls' vis-à-vis boys $X^2$ test of the above responses was carried out with the null hypothesis that gender and satisfaction level are independent. The calculated value of $X^2$ is 9 while as the table value at 5% level of significance and with 1 degree of freedom is 3.841. As the calculated value is more than the table value, the result of the experiment does not support the null hypothesis and thus we conclude that there is a relation between sex and job satisfaction of child workers. In view of their delicate cognitive ability, the female child workers feel every decision of parents as appropriate for them which even includes a decision to send them for work at tender age.

The dissatisfaction may be due to the fact that these tender hands are supposed to work for long hours and they are paid very low wages in spite of the fact that they contribute much in excess towards the productivity of the organization. These children by reason of being docile are supposed to do such menial jobs which ordinarily the adults would be hesitant to do.

The other reasons for dissatisfaction are the unhygienic working conditions and the cruel treatment meted out to these children by their employers under the circumstances when these children are voiceless and cannot grumble against poor working conditions. During the course of field investigation it was noticed that the female child workers invoked a state of compromise with the working conditions while as the male child workers stated it a compulsion with no willingness to compromise. The dissatisfaction is leading to behavioral problems among these children.

**Wage disparity:**

The child labour supplies cheap labour into the labour market and the cottage level industries in many cases thrive on this docile labour. They are paid low wages and are supposed to work for long hours without any unionization or threat of resistance to the employer. Children in different establishments are sometimes 'hypothecated' against the meagre loans granted by the employer to the parents against the pledge of the labour of the tender hands. These children are supposed to work according to the whims and likings of their employer and they are quite often rebuked for late
coming or for playing childish tricks which is though a natural outcome among children.

**Table 4.7**

**Classification Of Working Children According To Working Hours Per Day And Its Relationship With Income Levels**

<table>
<thead>
<tr>
<th>Monthly income of working children (in Rs)</th>
<th>(Figures in parentheses refer to percentages)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Working hours per day</strong></td>
<td><strong>Up to 200</strong></td>
<td><strong>Up to 400</strong></td>
</tr>
<tr>
<td>4-6 hours</td>
<td>-</td>
<td>30 (31.58)</td>
</tr>
<tr>
<td>7-9 hours</td>
<td>-</td>
<td>15 (15.79)</td>
</tr>
<tr>
<td>10-12 hours</td>
<td>-</td>
<td>50 (52.63)</td>
</tr>
<tr>
<td>Total</td>
<td>-</td>
<td>95 (45.24)</td>
</tr>
</tbody>
</table>

(Source: Field investigation by the researcher)

The above table 4.7 reveals that 69.05% of the working children under investigation are supposed to work for 10-12 hours while they are paid varying wages ranging from Rs.400 to Rs.1000 per month. The little workers are exploited by keeping their working hours constant and the wages as variable at one point of time. Of the workers in the wage group of 200-400, 52.63% are supposed to work for 10-12 hours while as 15.79% are supposed to work for 7-9 hours. The respondents working for 4-6 hours constitute 31.58% of the workers in the wage group of 200-400. No respondent working for 4-6 hours is being paid more than Rs.400 per month. Out of 210 respondents under investigation, no worker is paid monthly wages beyond Rs.1000.
The disparity in payment of wages and thus restricting money supply to society is widening a gap between 'haves' and 'have nots' and thus preventing a just socio-economic order.

**Dimensions of Child Labour in Kashmir:**

Child labour is a multi faceted problem with different implications for the families, society, the working children and the nation. While the society has to pay a heavy cost for employment of children, the working children are deprived of their basic right to education. On the other hand the families reeling under the conditions of poverty get some solace and relief with the meagre income of these children. The various aspects of child labour are discussed below:

**Social Costs of Child Labour:**

A healthy social set up is all the more desired by every nation to ensure such a social order in which the people are happy and prosperous to enjoy equality of social status with an enabling environment to achieve such heights of excellence that they contribute maximum to the development of the nation. An improper nurture and nourishment of children in respect of their physical, mental, moral, spiritual and intellectual growth is a stigma on society which can result in a weak social order. The greatness of a nation depends upon the capabilities of its subjects which calls for a dire need to develop all the faculties of its people. The low literacy rate and educational level as a result of increased child labour has put the Kashmir valley far behind in its efforts for intellectual development. The children who are supposed to work in ugly work situations could have been the potential great personalities of the valley and the J&K State would not have been a 'Special category State' due to its backwardness as we see today. The employment of children in hazardous and non hazardous jobs to the deprivation of their childhood makes them dejected throughout their life as they usually repent as adults for not having gone to school. During the course of field investigation it was found that the employers of child labourers in many cases divulged that they had several times tried to prevail upon the children and their parents to send the budding buds to
school instead of making them to work. Some illiterate employers even though possessing high skills of their trade revealed that their illiteracy is an impediment in their way to enjoy a good social recognition besides making them handicapped to operate their independent business ventures in an organized way.

**Child Labour and Social Evils:**
The working children who remain under the iron heals of their employers develop a harsh thinking of life and they usually fall prey of many evil habits like gambling, smoking, narcotics, extravagancy etc. During the course of field investigation it was noticed that nearly 80% of the child workers do smoke. This is due to the fact that they are nurtured in an environment where such practice is a mere heroism and no co-worker can remain immune from it. Even at the early stage of their induction into industry, these child workers are supposed to do menial jobs in the work centres starting from filling and fetching water in the hubble bubble (hookah) for their masters and co-workers. This is socially undesirable and a wrong direction to our human resource development. By falling victims of cigarette smoking, these children develop a habit of extravagancy at an early stage which is socially unacceptable.

The worst social stigma being that carpet weaving was not considered as the job of decent and socially respectable people right from early times because of various negative social aspects associated with the workmen class which include gambling, extravagancy, smoking and sometimes the vulgarity of behaviour. By dint of these facts, the children who are involved in carpet weaving cannot emerge as the socially desired persons of tomorrow.

**Loss of potential intellectuals:**
While on the one hand the employment of children plunges the entire society into the darkness of illiteracy, on the other hand the society has to forego its expectation of having the great personalities, from amongst working children, who could bring laurels to the nation within and outside its borders. The position with other trades is also virtually the same as the activities of automobile service and repairing, brick
kilns, restaurants, rag picking, trash collecting also tend to lose the potential intellectuals for the society.

Table 4.8
Child Labour And Loss Of Potential Intellectuals

<table>
<thead>
<tr>
<th>S.No</th>
<th>Responses of public</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Strongly agree</td>
<td>26</td>
</tr>
<tr>
<td>2</td>
<td>Agree</td>
<td>66</td>
</tr>
<tr>
<td>3</td>
<td>Undecided</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Disagree</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>Strongly disagree</td>
<td>nil</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

From the above table 4.8 it can be inferred that a substantial majority of the respondents do opine that the menace of child labour deprives the society from a proper direction to human resource resulting in a loss of potential intellectuals in the society. The agreement with the proposition that child labour leads to loss of intellectuals in the society is quite high i.e, 92% respondents agree while as only 4% disagree with it.

Weak emotional ties:
The working children especially household domestic workers who remain away for most of their time develop weak emotional ties vis-à-vis their parents which adversely affects parent-child relationship. 56% of the interviewed domestic servants revealed that they used to feel home sick in the initial days of employment and with the passage of time feel now comfortable. This weak emotional tie up with their parents makes them negligent to take care of their aged parents as adults. More so, these children get exploited at the hands of employers through maximum work and minimum wages and the parents develop merely a commercial relationship with their children.
Child Labour and adult unemployment:
One more serious drawback of child labour is that it promotes adult unemployment in a society. The jobs manned by child workers could have been performed by adult workers and the problem of underemployment and unemployment in the valley could be kept under check. As many as 38,556 persons comprising of 13,426 illiterates and 25,130 educated up to 10\textsuperscript{th} standard are on the live register of employment exchange in Kashmir valley in the year 2004.

Child labour and low liquidity affecting purchasing power:
The child labourers get low return for excess work which makes comparatively lesser money available to a society. The matter has long term implication as a weak purchasing power in a society may tend to slow down the economic growth. A sustained high growth rates are not sustainable if they are not accompanied by a dispersion of purchasing power that can provide the needed demand to support the increase in output or State GDP. Field study shows the following wage structure of child workers who are supposed to work from dawn to dusk:

\begin{table}[h]
\centering
\begin{tabular}{|c|c|c|}
\hline
Wages & \%age respondents & Cumulative percentage \\
\hline
Rs.10/- & 56 & 56 \\
Rs.20/- & 16 & 72 \\
Rs.40/- & 22 & 94 \\
Rs.50/- & 6 & 100 \\
Total & 100 & \\
\hline
\end{tabular}
\caption{Table 4.9}
\end{table}

Source: Field investigation by the researcher
The above table 4.9 reveals that more than 50% of the child labourers get only up to Rs.10/- per day when they are required to work from dawn to dusk and perform even such jobs which adults may be ordinarily hesitant to do. This indicates the extent of exploitation of little children who are voiceless beings by reason of their innocence.

One more social stigma of child labour in Kashmir is non discrimination of opposite sexes generally in handicrafts sector which is otherwise firmly rooted in the cultural and religious ethos of Kashmir valley. This is one of the reasons that handicrafts centres do not command respectable status in Kashmir. During field investigation it has been noticed that in cottage level work centres especially in carpet weaving boys and girls work shoulder to shoulder which is taken as against social traditions and unacceptable under the personal law of the majority population. Workers of both sexes were seen working in 59% of the surveyed work centres.

**Economic Aspects of Child Labour in Kashmir:**

Child labour which has become a cause of concern for the world and about which there is a world wide out cry has numerous economic implications for the poor families. The main cause of child labour as universally acknowledged is the abject poverty of people. The children are forced into labour sector as a result of financial unsoundness at their home which dictates these families to ‘hypothecate’ the services of these tender hands helping them to fend themselves and their families. Many advocates on ‘Child Labour’ are of the view that before sloganeering about the idea of abolition of child labour, we shall have to see as to what will happen to the families from which these children hail. If a blanket ban is imposed on child labour it can render millions of children as jobless which can multiply the economic sufferings of the families. The United Nations Children’s Emergency Fund found that 5000-7000 Nepalese girls moved from the carpet industry to prostitution as a result of ban on import of child labour products by importing country. The countries in the world confronted with the problem of child labour at a large scale feel that there can be no rapid fire solution to the problem which may otherwise need large scale rehabilitation measures.
In Kashmir valley, many people live on hill tops, chilly and other hard-to-reach areas leading a life of acute poverty. The climatic conditions of the valley keep them confined to their households with increased expenditures to face the hardships of winter. An imbalance in their revenue inflow and outflow compels them to send their children for work to supplement family income and to strike a balance. These families are surviving on the income of these children and any ban on child labour can definitely add to their sufferings. Even if a complete ban is imposed on the child labour, there are apprehensions that such children may be forced to beggary or other undesirable ways of earnings.

*Table 4.10*

**Child Labour As Better Alternative To Begging And Prostitution**

<table>
<thead>
<tr>
<th>S.No</th>
<th>Responses</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Strongly agree</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>Agree</td>
<td>62</td>
</tr>
<tr>
<td>3</td>
<td>Undecided</td>
<td>13</td>
</tr>
<tr>
<td>4</td>
<td>Disagree</td>
<td>12</td>
</tr>
<tr>
<td>5</td>
<td>Strongly Disagree</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The table 4.10 above reveals that 71% of the respondents chosen from a cross section of society agree that child labour is better alternative to child begging and child prostitution. However 16% respondents do not agree with this. Their contention is that it is not necessary that children who may be kept away or otherwise withdrawn from labour market may make their inroads into other illegal ways of earning because of the economic conditions of their households. They believe that begging and prostitution can be no alternatives to child labour because parents would never allow their children to abandon the moral values. The experience has however, shown that children who were withdrawn from labour market in Nepal entered into illegal and undesirable occupations.
It is an established fact that generally the deplorable economic condition of households prevents children from seeking admission in a school. The reasons for drop out can however, be varied including poor economic status of the family. Out of total number of child worker respondents, 52% have never attended any school and 48% are school dropouts. The reason for not having sought admission in school was stated as financial unsoundness of parents who are compelled to send the children to labour market to strengthen the economic position of their households. Out of total percentage of school drop outs, 33% of the worker respondents stated the reason as ‘to supplement to the family income’. In spite of the fact that only 3.48% of the State’s population lives below poverty line but still the per capita income at current prices in 2002-03 was Rs.14,507/- which is quite below the all India average of Rs.19,040/-.

Besides other things, child labour involves the use of labour at its point of lowest productivity and is therefore an inefficient use of labour power.

**Business Ethics and Child Labour:**

Business ethics as rules and norms for business world guiding the business activities in a way that do not harm others or inflict any injury to any member of society or de shape the social fabric of a nation are codes of conduct which every businessman shall observe to make business activities advantageous to society. According of Encyclopedia of Britanica, “ethics also called moral philosophy is the discipline concerned with what is morally good and bad, right or wrong. The term is also applied to any system or theory of moral values or principles.” “The subject of ethics essentially comprises issues fundamental to practical decision making and so the discipline though long considered a branch of philosophy is closely linked to many other fields of inquiry including anthropology, economics, politics and sociology. Ethics nonetheless remains distinct from such areas of study so much with factual knowledge as it is with values...namely human conduct as it ought to be, rather than as it actually is. Ethics is generally divided into three major sub disciplines. These are (1) Metaethics (2) Normative ethics (3) Applied ethics.
Metaethics centers on question relating to the nature of moral concepts and judgments. Normative ethics is primarily concerned with establishing standards or norms for conduct and is commonly associated with general theories about how one ought to live. One of the central questions, modern normative ethics has to do with whether human actions are to be judged right or wrong solely according to their consequences. Traditionally theories that judge actions by their consequences have been known as teleological though the term consequentialist has largely supplanted it."

Business ethics does not allow the employers to cause any injury to the society or to the little children for the business interests. In his book “Morality” the great philosopher Bernard Gerts provides a list of ten moral rules that he believes express our considered judgments about the basic norms governing the moral life. These rules are:


However in total disregard to the principles of ethics, the employers in Kashmir valley are engaging little workers to their absolute detriment so as to increase the profitability and get such works done which adults will not be prepared to do. The field investigation shows that the owners of different work centres in the handicrafts sector and also the employers in other establishment are mostly illiterates and 95% of whom have no idea of what business ethics means? Their sole motive is to run the work centre and extract maximum possible production with reduced unit cost and they sometimes feel that they are kind enough to the little workers to provide them employment and teach them the skill for the betterment of their family’s financial condition. Some ethical issues are discussed hereunder:

_Cruelty under the guise of sympathy:_

This is a misconception that the employers are obligating the children by employing them and thereby providing livelihood to the children of poor families and thus save them from starvation.
Study the following responses:

*Table 4.11*

<table>
<thead>
<tr>
<th>S.No</th>
<th>Responses</th>
<th>Percentage respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Strongly agree</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Agree</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>Undecided</td>
<td>9</td>
</tr>
<tr>
<td>4</td>
<td>Disagree</td>
<td>52</td>
</tr>
<tr>
<td>5</td>
<td>Strongly disagree</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

From table 4.11 above, it is clear that a substantial number of respondents disagree about the child labour as a service to society to make the poor as economically sound as they are put to excessive work load with incompatible wages. The public opinion takes a humanitarian and ethical view of child labour so as to protect the voiceless and defenseless children from the clutches of cruelty and any attempt to capitalize on their docility under the guise of being sympathizers of poor families is summarily rejected.

*Fleecing the docile:*

During the field investigation it has been noticed that the children working in different establishments are paid low wages and are supposed to work for long working hours. If business men are really worried about these poor families why then they are not paid adequate wages commensurate with the labour they put in? Children at the beginning are always immature hands, immature brains and immature physical beings. Many children work due to parental underemployment.
If the employers are so much concerned about the poor families why don't they employ their parents or unemployed adults instead of employing the tender hands who are made to work like dumb driven cattle? Many jobs like trash collecting, rag picking are such activities which neither adults would be ready to undertake nor does behove them and thereby making the docile children as scapegoats. It is beyond doubt that employers everywhere are more concerned about the profitability of their organization which can result out of low unit cost of production. The wage component is very important in keeping the cost at minimum, so it is obsession of every employer to pay less for more work which is possible through employment of children as workers. Once children are employed in industrial or in other service sector establishments, it impedes their opportunities of education, intellectual growth and thus pushing the society towards illiteracy and ignorance. Under these situations, the employers cannot claim of fulfilling any social obligation of providing employment to poor families. Karl Marx in Das Capital states, “The result of buying children and young persons of under-age by the capitalist is physical deterioration and moral degradation.”

The other reasons for employers to employ children are that they cannot unionize, grumble against poor working conditions or organize protest rallies. This labour class suits them most for higher profitability and the tall claim of being sympathizers of poor families lacks any substance and is ridiculous. The employers may manipulate the situation but they cannot hood wink the society as almost every research study in this area pierces through the veil and brings forth the real intention behind employment of children and the ugly face of exploitation.

The employers are employing these tender hands in violation of the law and thereby at the risk of facing the dire consequences of law any time.
Table 4.12
Reasons For Violation Of Law By Employers

<table>
<thead>
<tr>
<th>S.No</th>
<th>Response</th>
<th>%age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ignorance of law</td>
<td>43</td>
</tr>
<tr>
<td>2</td>
<td>No fear of law enforcement</td>
<td>27</td>
</tr>
<tr>
<td>3</td>
<td>No report of violations</td>
<td>21</td>
</tr>
<tr>
<td>4</td>
<td>Law abidance has high</td>
<td>09</td>
</tr>
<tr>
<td></td>
<td>opportunity cost</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher.

An introspection of the table 4.12 above reveals that 43% of the employer respondents are employing children unconsciously without any knowledge of legal limits. 27% of the employer respondents though aware of law feel that these laws are simply on paper and the enforcement agencies are dummy organizations. 21% of the respondents are conscious of the fact that child labour is neither a cognizable offence nor there is report of any violation from any section of society. They are also aware of the absence of law enforcement and thereby their actions go on with impunity. However, 9% of the respondents take it from a commercial angle and they feel that an abandonment of the practice of employment of children could be more costly as compared to the facing the consequences of law. They cannot leave the regular benefits for one time possible loss at any time due to penal action by the Government.

More so as human beings it may go against their conscience as well but the business considerations make them blind towards their faults. 24% of the employer respondents feel humility for employing children in their establishments. But in spite of all odds they continue to employ children into their establishment because they think their business a top priority even to the prejudice of any section of society.
Work environment and moral degradation:

The main difference between a school and a work centre is that while in the former the aspirants are imparted value based education, in the latter the children are put to an ugly environment where the process itself starts from making these budding buds to fetch water for the hookah as result of which the little child cannot remain immune from smoking. The free time enjoyment has been seen as gambling among working class. This is the main reason that the working in different work centers does not enjoy a good social recognition and status in Kashmir. In many activities like carpet weaving and hook work the workers are treated socially as people of a very low profile with no recognition of their importance by the society. During field investigation many child workers were seen smoking, the effects of which were visible from their emaciated health. All this retards the proper growth and development of children which leads to weak social structure and is thereby unethical. Comenius, the father of modern education has thereby aptly said, “If the superstructure is not to tottle, the foundations must be laid well.” The foundation is early childhood which should be taken proper care of.

The children of the both the sexes with ages of puberty were seen working neck to neck on the same loom which sounds unethical with the apprehensions of any possible social evil. The immoral behaviour with a female carpet weaver by the unit holder led to clashes between two groups of villagers which resulted in the murder of the uncle of the girl worker.²

The moment, the desire for a higher status in a society overrides the parents; they take the most unfortunate decision to send children for work at the cost of their schooling which sounds quite unethical. The parents are the trustees of this gift of God i.e., children till they become mature enough to defend themselves and decide their future.

The ethical behaviour of children is shaped in educational institutions. A child by birth and nature is neither good nor bad; it is the environment in which he is brought up that makes him so. If the environment is good the child can groom with moral values. When these children are deprived of their right to education and
instead sent to work centres, their moral development is put to stake. As such there is no \textit{iota} of doubt about the fact that child labour is unethical on the part of parents as well as employer.

**Child Labour v/s Human Rights:**

All the biological entities are born to enjoy certain rights, to plan their future life and enjoy the bounties of life with dignity and honour. No one has authority to suppress the rights of other human beings which can compel them to lead a life of torture, slavery or otherwise subject them to a sub-human treatment. The real development of a nation lies in the fact that the human beings are allowed to enjoy their birth right to be and remain humans. The expression "human rights" presupposes a level at which biological entities are bestowed with the dignity of being called human. The human beings are denied such a right under a situation when they necessarily shall have to "surrender even those sonorously recited "inalienable" rights of man, where people sell their wives, children or themselves (in bonded labour) in order to survive or surrender their life." The universal Declaration on Human Rights proclaims that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Article 5). The children have the right to be loved and the duty of all is to love them. The expression love occurs in an international instrument inaugurally in the perambulatory recognition to the 1989 convention which recognizes that the "child for the full and harmonious development of his or her personality should grow up in an atmosphere of happiness, love and understanding." \textsuperscript{3}

The employment of children especially in hazardous jobs, bonded labour and domestic labour exhibit worst kinds of atrocities on children to the utter violation of their rights as human beings. As Patrick Montgomery comments "Few human rights abuses are as widely and unanimously condemned, while at the same time being universally practised, as the exploitation of child labour".\textsuperscript{4} And as the MRG report reminds us "There is still no effective guarantee of children's rights in the international arena."\textsuperscript{5} The long hours of work, excess work load on docile children,
Tender Souls Oblivious of Public Eye

Human Asset - The Most Important Asset
subjecting them to the worst kind of master servant relationship, depriving them of the affection of their parents and relatives in many cases, putting the grooming health of these tender souls to jeopardy and snatching their right to education and good health and thus darkening their chances of growth and development are the worst kinds of human rights violations perpetuated through employment of children forcing them to lead premature adult lives.

The agonies at their work places through inhuman treatment meted out to these tender souls is followed by still distressing situation when these children are supposed to help the family in household work after they are let off from the work centre tired and traumatized. Girl children are more vulnerable to such cruelty in their households as the social set up of Kashmir desires the girl children to remain confined to the household and not to take liberties of playing outside and instead have some experience of managing domestic affairs. The responses obtained from the worker respondents about their free time enjoyments and engagements are projected below:

**Table 4.13**

<table>
<thead>
<tr>
<th>Engagement</th>
<th>%age Male working children respondents</th>
<th>%age Female working children respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watch TV/listen Radio</td>
<td>27</td>
<td>30</td>
</tr>
<tr>
<td>Household work</td>
<td>23</td>
<td>40</td>
</tr>
<tr>
<td>Play with fellow children</td>
<td>50</td>
<td>20</td>
</tr>
<tr>
<td>Work on spinning wheel</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The perusal of above table 4.13 reveals that 80% of the girl child workers remain confined to their households after they are free from the confinement of work centre. Out of total number of girl child workers, 50% remain engaged with
domestic and other types of labour and they are deprived of any entertainment or amusement. In comparison, only 23% male child workers remain engaged with household work after they are let off from the work centre. The entertainment of these workers is thus confined to smoking and other narcotics.

The docile nature of girls makes them to pay the heavy cost in the shape of deprivation of their basic right to enjoy the pleasantries of childhood. These children mostly remain engaged from dawn to dusk with some work to the prejudice of their proper development.

In spite of the fact that child labour prevails in almost every part of the world, its position in Kashmir valley is much identifiable as a severe violation of human rights as the work centres are spread over the entire geographical area of the valley and the workers are supposed to suffer within close doors in cottage level work centres and away from public eye. This is due to the fact that no absolute monitoring mechanism is possible in the valley with difficult terrain and topography. The children on carpet looms and the domestic servants suffer due to worst kind of jobs and the atrocities inflicted on them by their masters by means of excessive work load coupled with inferior conditions of work and poor quality of work life. The docile nature of children makes them easy victims of agonies which can rightly be called as human rights violations.

During field investigation it was noticed that the working children in carpet industry suffer frequent finger cuts, peticosys, distortion in back bone, pain in knees and weakening of eyesight. In rag picking the little workers are prone to the risk of attracting different skin diseases and tetanus. The other handicrafts activities bear an adverse impact to weaken the eyesight of workers and the domestic servitude develops psycho problems among the children involved therein. It has been seen that working children are generally weak and invalid. Study has shown that working children have less hemoglobin as compared to school going children. Their unsound body structure and physique retards their mental growth as is rightly said, “a sound
mind in a sound body.” The working children respondents generally complained of headache, backache due to excessive work and the nature of job they are put to. This was noticed mostly among little workers working on carpet looms which is a widespread craft activity in the valley of Kashmir with majority of working children in Kashmir caught in this hazardous job.

Table 4.14

<table>
<thead>
<tr>
<th>Ailment</th>
<th>% age respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head ache</td>
<td>06</td>
</tr>
<tr>
<td>Back ache</td>
<td>33</td>
</tr>
<tr>
<td>Pain in knees</td>
<td>07</td>
</tr>
<tr>
<td>Chest pain</td>
<td>19</td>
</tr>
<tr>
<td>Blurring of vision</td>
<td>13</td>
</tr>
<tr>
<td>Anemia</td>
<td>16</td>
</tr>
<tr>
<td>Body pain</td>
<td>06</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

(Source: field investigation by the researcher)

**Causes of Child labour In Kashmir:**

The practice of employment of children in work situations is the off shoot of many causes both economic and non economic and is taking place since distant past. Generally unsound financial position of the households impedes the proper schooling of children and forces their entry into the labour market. The following diagram based on public responses makes the point more clear:
Fig. D

Resons for child labour

Reasons
1. Schooling unaffordable for family
2. To supplement family income
3. Ailment of father
4. Death of breadwinner

The fig. D above reveals that the major reason for child labour is that schooling is unaffordable for the family which is definitely an offshoot of commercialization of education. In spite of provision of free education by the Government in the State of Jammu and Kashmir, the people at many places are loath to send children to school because of deterioration of quality of education in the government run school arrangement.

The intellectual response about the main cause of child labour also reveals poverty as the strongest reason with mean score of 4.08 on a five point scale on which a simple agreement starts from the score 4.00.

Although poverty is considered as the strongest and widely accepted reason for employment of children, there are many other factors responsible for this menace. Empirical study has shown that even many children hailing from families living above poverty line do work in hazardous and non-hazardous jobs. The child
labourers generally hail from two categories, the first one being children of poor families who might have not been admitted in any school. The second category constitutes the school drop outs. The gross drop out rate of school enrolment from class I to VIII has been 26.71 in J&K State as on 30.09.2002 which means that more than one-fourth enrolment is lost in the State and these children generally make their way towards labour market. According to field survey of selected areas of Kashmir valley carried out by this researcher, 58% of the child labourers belong to first category and 42% respondent child labourers belong to second category. The first category of working children is generally those children who hail from poor families and are forced into the labour market even though against their own will or the will of their parents or guardians. They are the victims of the circumstances, be it abject poverty or loss of the sole bread winner in the family. The following reasons have been cited by the working children respondents and their parents for not seeking admission in any school:

Table 4.15

Reasons For Not Joining School

<table>
<thead>
<tr>
<th>S.No</th>
<th>Reason stated</th>
<th>Percentage respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Was below minimum school age</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>School is too far</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Schooling unaffordable for parents</td>
<td>43</td>
</tr>
<tr>
<td>4.</td>
<td>Family does not allow schooling</td>
<td>04</td>
</tr>
<tr>
<td>5.</td>
<td>Family does not think schooling valuable</td>
<td>02</td>
</tr>
<tr>
<td>6.</td>
<td>School not safe</td>
<td>-</td>
</tr>
<tr>
<td>7.</td>
<td>To work for pay or family business or Farm</td>
<td>21</td>
</tr>
<tr>
<td>8.</td>
<td>To help in household chores</td>
<td>-</td>
</tr>
<tr>
<td>9.</td>
<td>Ailment of father</td>
<td>07</td>
</tr>
<tr>
<td>10.</td>
<td>Death of father</td>
<td>04</td>
</tr>
<tr>
<td>11.</td>
<td>Growing unemployment of educated youth</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher
The above table 4.15 reveals that majority of child worker respondents have not been sent to school due to poverty of parents as they could not afford schooling of their children. The respondents who stated that family does not allow schooling are all female respondents. This is so because in many households generally from under-developed areas of Kashmir valley, people think it against social customs and traditions to send girls outside for schooling especially when there is system of co-education in the school. The parents of respondents who think schooling as less valuable are misguided by the growing unemployment problem prevailing in the valley. 11% respondents who had never been to school were without paternal patronage either due to ailment or death of their father.

The second category who join labour market are those children who are school drop outs and had been confronted with different kinds of problems during their school days, be it the loss of patronage or lack of attractiveness in education. These children have different educational status and the field survey shows the following drop out stages:

Table 4.16
Drop Out Stage From School

<table>
<thead>
<tr>
<th>S.No</th>
<th>Drop out stage</th>
<th>Percentage respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2\textsuperscript{nd} primary</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>3\textsuperscript{rd} primary</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>4\textsuperscript{th} primary</td>
<td>36</td>
</tr>
<tr>
<td>4</td>
<td>5\textsuperscript{th} primary</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>6\textsuperscript{th} primary</td>
<td>30</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The problem of non retention of school going children is a cause of concern for all Governments. The reasons are sometimes controllable and some times non controllable for the parents and the Government. There emerge various pull back
factors which exert their force in bringing school children out of school and forcing
them to join the labour market. The following reasons have been cited by the
respondent working children with erstwhile school record:

Table 4.17

Reasons for Drop Out From School

<table>
<thead>
<tr>
<th>S.No</th>
<th>Reason</th>
<th>Percentage respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Poor in studies</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>Schooling unaffordable</td>
<td>13</td>
</tr>
<tr>
<td>3</td>
<td>Loss of breadwinner</td>
<td>20</td>
</tr>
<tr>
<td>4</td>
<td>To supplement family income</td>
<td>33</td>
</tr>
<tr>
<td>5</td>
<td>To save dysfunctional family</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The above reasons lead to early drop out from schools and consequent incidence of
child labour. The response regarding poor in studies can be attributed to the cause
that the valley is lagging behind in terms of literacy rate and the children cannot be
nurtured in an educational savvy environment as a result of which they remain poor
in studies. 33% respondents work to supplement family income. It does not
necessarily indicate that the families are poor but in this race of materialistic
approach every family wants to take a lead and to be ahead of others in its ‘haves
and possessions’.

The field study and one to one interaction with the working children and their
parents reveals many other reasons for child labour. The major reasons are
discussed below:

1. Failure to meet the needs of Children:

While mere food, clothing and shelter are the basic needs of all human beings, the
things of enjoyment, entertainment and amusement are the next strong needs of
children. The playthings are not merely playthings to enjoy but even more than that
helping in mental growth of a child. "While flying a kite in a thunder storm, Benjamin Franklin made a momentous discovery that lightning and electricity are one and the same". In developed countries toys amount to 0.25% of country’s Net National Product while in India it is merely 0.05% of NNP. 6

If these needs of entertainment of children are not met by the parents, the children may be inclined to join the ugly situations of labour as part time workers and thus purchase such things for their entertainment.

"This is Mushtaq (9 years) busy in collecting trash, bits of iron and plastic rejects for further sale to the tradesmen in the old city of Srinagar. Mushtaq is accompanied by his sister little Nasreen (7 years) who was carrying two polythene bags filled with rejects on her head at the time of interview. Mushtaq is a school going kid hailing from a very poor family. He works as trash collector as a part time worker. "I have to collect money to purchase a carom board for playing, the boy stated". The boy has earned 87 rupees in a day and he is disclosing the fact to other children in the locality. With money in his tattered purse, the boy is feeling himself lucky and superior to other children who are penniless."

Such a situation is verily going to lure other children in the locality to work as part time workers either secretly or with the permission of the parents depending upon the financial standing, social status and standard of living of the family. The matter is of high social concern because of its multiplying effect with higher probability to bring more and more children into the ambit of working class. The situation can lead to an increase in drop out rate from school, as the children who earn as part time workers develop an inherent distaste for education in which they cannot enjoy any financial freedom.

2. Economic Backwardness:

Economic backwardness is the basic cause of child labour. To quote United Nations Centre for Economic and Social Information, United Nations, New York(1972), "How many potential doctors, engineers, teachers, skilled workers etc are we losing because of great majority of the world’s children born today are born into the environment of poor families". Many nations in spite of making much head way in the fields of science and technology continue to have poor people living there in.
These people living below poverty line and living in slums and on road sides have every reason to send their children for work to supplement family income for bare survival.

The valley of Kashmir due to its hilly terrain and topography, chilly climatic conditions and disturbing political environment has not found much favour for its economic development through industrial and business investment. As a result of this situation, the people of the valley continue to live a life of poverty forcing them to employ even their little children in different occupations especially traditional handicrafts including hazardous job of carpet weaving. Even free education is no attraction for the parents of these children as their priority is to fill their belly and to survive.

3. Lack of Education of Parents:
Lack of education of parents has been one of the reasons for employment of children in various occupations and ugly work situations. Field investigation has shown that there is a negative co-relation between education of parents and decision to send children for work. Educated parents understand the importance of education as a means of over-all personality development of their children to make them respectable and responsible future subjects of nation which makes them to discourage the practice of sending children for work. The study on "Effectiveness of Government Handicrafts Training and Follow-up Programme in Kashmir" reveals that 74% of the workers under investigation were either orphans or having illiterate parents. 22% workers had father read up to class 10th and only 4% workers had father with above secondary level qualification. The present study which has been undertaken in different districts of the valley reveals the following position of parental education of the respondent child workers:
The above Table 4.18 shows that a substantial majority of the parents of working children (88%) are illiterates and the remaining 12% are very less educated. This shows that the lack of education of parents associated with financial unsoundness of the family is verily a reason to send children for work at an early age.

4. Lack of reinforcement and reward after Education:

The high rate of unemployment prevailing in Kashmir valley has made many people as pessimistic about the education of their children as they fear that after completion of education, their children will be part of the educated unemployed youth which can cause more anxiety than any relief to the family. These parents are not conscious of all pervasive importance of education but instead they weigh the importance of education in terms of the reinforcement in the shape of State employment their children would be getting after completion of education. During field investigation it was noticed that 19% of the parent respondents are pessimistic that once educated youngsters are unemployed, there does not seem to be any fun to send children for schooling. Instead they feel it better to send children for work at an early stage so that they are productive factors for the family and more so they emerge as highly skilled adults in future.
Again while on the one hand the growing unemployment of educated youth discourages parents to send children to school, on the other hand sending children into labour market shrinks the employment opportunities for adults. The situation is alarming due to reciprocal cause and effect relationship with positive co-relation (0.73) between child labour and adult unemployment. Study the following responses of different respondents in this behalf:

*Table 4.19*

**Perception Difference Whether Child Labour Promotes Adult Unemployment**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Respondents</th>
<th>Yes</th>
<th>No</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Parents</td>
<td>57%</td>
<td>43%</td>
<td>100%</td>
</tr>
<tr>
<td>2</td>
<td>Employers</td>
<td>32%</td>
<td>68%</td>
<td>100%</td>
</tr>
<tr>
<td>3</td>
<td>Public</td>
<td>74%</td>
<td>26%</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Source: Field investigation by the researcher*

5. **Traditional Domestic Occupation:**

There are many activities on which a section of society is enjoying monopoly. This monopoly prevents these families from passing on the job skills to outsiders. In order to sustain such a monopoly these families do not hire work force from outside but instead induct their own children into the occupation. During field investigation it was noticed that making of musical instruments had been a monopoly of some families in Kashmir and they had been always loath to pass on their skill to outsiders. Instead, these families preferred to engage their children in the skill to meet the requirements of additional manpower. Making of Kani Shawls (*shawl woven on a loom with a wooden spool through coded pattern of instructions*) is another instance and the activity is confined to a few families in Kanihama village of district Budgam in Kashmir.

People with agricultural land prefer to employ their children in agriculture to assist their parents lest they may have to hire labour force from outside. During winter season such children become seasonal handicrafts workers and the situation goes on promoting child labour.
6. Commercialization of Education:
The State of Jammu and Kashmir has an institutional base of 18,691 educational institutions of primary and middle status imparting education to the children in the age group of 5-14 years. Out of these institutions, 15,974 are run by the Government and 2,717 are recognized by the Government as private educational institutions. The private educational institutions of primary and middle status as such account for only 14.57% of the total institutions of such a status. But in view of the fact that the position of private institutions is better than government institutions with higher accountability on the part of teachers due to business stake of the proprietor, the parents prefer to send their children to private institution for education. However, as these institutions charge hefty fee and donations besides exorbitant amounts on admission, so many poor parents are prevented from admitting their children into such schools. The situation becomes even grave in areas where there are no Government schools and the locals are dependent on private institutions. The privatization is a welcome gesture but when it gets tainted with commercialization it impedes the entry of poor children to such schools due to high fee structure and other educational expenditures and they are consequently forced into labour sector.

7. Social Stratification:
The agony with the social system in Kashmir is that the society stands divided into different sections and the sections placed on the lower strata suffer from an inferiority complex and they feel that they are the creation of a lesser God. The field investigation has shown that people who are socially backward alienate themselves from the basic human right to be counted as equals among the human beings. Even if the society does not block their way for advancement but still they feel that education is the locus standi of higher classes and they cannot be among the ones who may run the country tomorrow. The flimsy and false notion on the part of these socially downtrodden that education is meant for upper classes and is the prerogative of affluent class leads them to take the unfortunate decision of sending their children to labour market.
8. Faulty State Planning and Lack of Co-ordination:

In Kashmir valley the inefficient State planning and lack of proper co-ordination among different Government departments has led to emergence of child labour. The government in order to promote cottage level handicrafts units has opened hundreds of training centres under the auspices of various departments like Department of Handicrafts with 553 training centres, Handloom Development Department with 87 training centres, Social Welfare Department with 154 training centres and societies like Markazi Behboodi Khawateen where aspirants are imparted free training in different handicrafts and handloom activities with payment of monthly stipend. All these schemes though well conceived were mismanaged as a result of which the training programmes are confronted with the problem of saturation. The fate of 2.08 lakh trainees trained by the Directorate of Handicrafts from 1975-76 to 2004-05 and 8,085 trainees trained by Directorate of Handlooms from 1977-78 to 2003-04 is unclear. Studies have shown that these programmes have lost every attraction for the adult aspirants because of ineffectiveness of training and follow up. The departments in order to keep their water of training boiling to ensure survival of training centres are admitting children as trainees from poverty stricken families who seek admission for the simple allurement of stipend. The field investigation substantiates the findings of earlier studies that children are trying their tender hands in work centres under State patronage. The situation has arisen as there is no inbuilt monitoring and evaluation system present in the departments to revitalize and rejuvenate the training programmes so that industrial concerns are met with and more so the violations of child labour laws do not occur.

The functionaries of State Labour Department have never bothered to check such violations and there is no tie up between the departments, to ensure that children are not admitted in these work centres. This may be due to the fact that children in government sponsored institutions are outside the purview of Child Labour (Prohibition and Regulation) Act 1986.
9. Lack of Proper Educational Infrastructure:

The valley of Kashmir although having 5,076 primary schools and 2301 middle schools run by the J&K Government as in the year 2005-06 along with 2717 private recognized schools (1413 primary and 1304 middle) as in the year 2001-02, still there are many areas where students have to undertake long, rough and tough journey of 3 to 4 kilometers to attend the school. Many a times it becomes an impediment for the parents to send their children to school and instead direct them towards nearby work centres. It is quite strange that the work centres whether in organized sector or unorganized sector are functioning in every nook and corner of the valley nearer to the residences of the aspirants while as educational institutions are located at distances. The unsatisfactory spread of school system has deprived many children of education and they have been forced to join the labour sector.

In spite of having 7,377 Government schools in elementary education in Kashmir as in the year 2005-06 spread over the entire geographical area of the valley with about 2.5 square kilometers area per school and more so having free elementary education, the valley of Kashmir is still lagging behind in attaining universalisation of elementary education and national average rate of literacy. This is attributed to the ailing educational system and deplorable conditions of schools, lack of commitment on the part of teachers, absence of monitoring of Government schools resulting in weak academic atmosphere and consequent low pass percentage as compared to private schools. During the course of investigation, many informants were appalled to state that the working of Government run schools is below mark. Due to the poor performance of these schools, people harbour no goodwill about Government run school system and they are constrained to send their children to private schools as against high fee structure. The Government run schools have response only in bad pockets or at places where private schools do not exist. The lack of adequate physical infrastructure in Government schools and their poor upkeep has resulted in deterioration of quality in education and misdirection to proper human resource development.

On technological side also these schools are worse-off and the students remain devoid of computer education in this era of information technology revolution. The
Government schools in Kashmir which have the prestige of producing the great thinkers, scholars and administrators in this valley are now-a-days the nominal institutions surviving to fill the belly of their employees. It is being witnessed that the private educational institutions are taking lead over government schools in urban and town areas while in rural and remote areas, Government schools have still some base because of nominal fee structure for the poor and non existence of private schools at those places.

10. Apathy of Public Servants in Educational Institutions:
Lack of commitment, will, energy and enthusiasm on the part of teachers is leading to emergence of child labour. During investigation 60% of the respondents revealed that the teachers working in government schools do attend late and leave early without any sense of responsibility or fear of accountability. This has vilified the government run educational system and the people have developed a bad taste about government sponsored educational arrangement in the valley. The problem is being severely felt particularly in areas which are hard-to-reach and oblivious of vigilance or monitoring. This situation discourages parents to send children for schooling and the alternative being child labour especially in areas where private educational institutions are not existing.

11. Poor Law Enforcement as a Reason for Child Labour:
Parents and employers by employing children on different jobs do not harbour any fear about violation of laws on rights of children as the law enforcement is virtually in the negative. The violations are going on with impunity and the selfish employers are encouraged to employ children to meet their business interests at the cost of proper growth and development of tender souls. About 100% sample employer respondents in the unorganized sector stated that no labour functionary has ever visited their work centre to monitor and check the violation of child labour laws. The position in the organized sector does not also seem to be different. Given the clumsy topography and terrain of the valley of Kashmir, the law enforcement is not only poor but it is difficult as well with the nominal strength of nine labour officers and eleven labour inspectors with a jurisdiction of about 15,952 square kilometers.
12. Children Poor in Studies:
It is the obsession of all parents to see their children well developed in every field and to be ahead of all others. This dream of parents can materialize when the children have aptitude, potential, the required IQ and the inquisitiveness to receive education. Many a times it has been seen that the children of financially sound families and sometimes those of educated parents are employed in different work situations. The reason is not poverty but inherent dislike of the children to go to school. Parents seek their admission in a school but they frequently remain absent and do not show any interest in studies. Every day they have to incur the wrath of their teachers and complaints go to parents for their poor performance. These truants are ultimately destined to drop out from school forcing their parents to send them to some work centre. The gross drop out rate in the year 2002 from class I to VIII has been worked out as 26.71% in J&K leading to increase in child labour. The poor performance in studies sometimes occurs as a result of lack of proper educational care of the children at home and also the association of street children or nowhere children i.e. children neither in school nor in labour market.

13. Death of Breadwinner:
The children of many families whose sole breadwinner had died were forced into labour market to save the family from starvation. Many children into the labour market were noticed as orphans during field investigation. Some of the children under investigation had lost their head of the household either due to natural death or due to ongoing turmoil in Kashmir. This is an uncontrollable cause of emergence of child labour in Kashmir in the absence of any social security for such families. This accidental situation can make a self sufficient as destitute and the ultimate brunt to be borne by the children by their forced entry into the labour market. This ugly situation not only deprives these children of the affection of their father usually the head of the household but it also snatches from them joys of childhood and a chance to receive education.

14. Social Transition:
One of the main reasons for child labour in Kashmir has been witnessed as social transition. The difference of ‘haves’ and ‘have nots’ has lead to a situation where
lower and middle class families are striving every nerve to achieve a higher status in social order i.e. from lower to middle and from middle to upper class. To run this race of social transition and to have all the facilities of modern life, the people need to strengthen the economic position of their households which sometimes forces them even to send the children for work. That seems to be the reason why as per census 2001, there are 1,75,630 child workers in the State of J&K otherwise the State has only 3.48% population living below poverty line which is far below the national average of 26.10% and lowest among 25 states and 7 union territories.

15. Social and Cultural Traditions Creating a Mismatch Between Income and Expenditure:
There are many traditions prevailing in Kashmir whereby it is customary to incur such expenditures which can lead to a collapse of the domestic budget of these families. In order to avoid such a probable imbalance in income and expenditure and to be best fits in the society, many families are constrained to send their children for work. For instance the extravagant expenditures on marriages forces middle and lower class families to strengthen their financial resources by engagement of little children in different occupations and thus insure the future expenditures on marriages and construction of houses. The field investigation has revealed that majority of working children hail from poor families with either kacha (houses made of unbaked bricks and with roofing of hay) or semi-kacha (partly made of baked and partly of unbaked bricks) houses. There is an urge on the part of such families to have residences according to modern engineering and architecture. This calls for increasing the household income and child labour is thought as better means to transform such plans into reality.

16. Dysfunctional Family:
The field investigation has revealed that there are many families where the head of the household generally father is an extravagant being habitual of social evils like narcotics, drinking, gambling etc which leads to wasteful expenditures in the family. The family members are left high and dry despite reasonable monthly income and have to live from hand to mouth. In order to meet their financial requirements fully, these families sometimes are constrained to withdraw their
children from school and send them to work centre and thus adopt a two pronged strategy to save school expenditure and earn in the centre.

17. Family Size:
Family size has a bearing on the decision of the parents to send the children to school. Parents with more children and less income find it difficult to meet the physiological and educational needs of their children which compel them to send the children to work centres with the dual purpose to avoid expenditures on their schooling and also make productive use of them to supplement family income. Working children as per empirical investigation have been seen generally from families with strength of children three and above and where the economically active members in the family are less in number than economically inactive members.

Study the following table:

*Table 4.20*

<table>
<thead>
<tr>
<th>Family strength</th>
<th>Economically active members</th>
<th>Economically inactive members</th>
<th>Percentage households</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>3</td>
<td>6</td>
<td>5.5</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
<td>7</td>
<td>5.5</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>5</td>
<td>5.5</td>
</tr>
<tr>
<td>7</td>
<td>3</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>6</td>
<td>5.5</td>
</tr>
<tr>
<td>6</td>
<td>2</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>4</td>
<td>5.5</td>
</tr>
<tr>
<td>5</td>
<td>3</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
<td>3</td>
<td>5.5</td>
</tr>
</tbody>
</table>

Total 100

Source: Field investigation by the researcher
The above table reveals that 5.5% of the households have nine members while as 22% households have eight members. The percentage of households with seven members is 33.5 while as six and five member family size constitute 28% and 16.5% respectively. During field survey no working child was found from any family whose size is less than five or from two child norm families.

18. Political Uncertainty as a Reason for Child Labour in Kashmir:

The growing problem of child labour is being seen as a consequence of political uncertainty which is prevailing in the State of Jammu and Kashmir for a long period now. "Children are the principal victims of war, poverty, over population and internal unrest since their helplessness during such events makes them the most vulnerable of the population." The armed struggle which started as an off shoot of this uncertainty has led to economic depression on the one hand and on the other has snatched away the breadwinner of many families. The survey conducted by a Non Governmental Organization gives the break up of incidents of death of husbands of all women respondents.... “Cross firing (21%), killed by army/security forces (26%), custodial killing (15%), militants (9%), surrendered militants (17%), killed by bomb/mine blasts (7%) and at the line of control (5%).”

Javed who has started to work since the tender age of 6 years says, “My father was killed in an accident with an army truck in 1993. From that dreadful day I have been striving to earn my living on these roads. As a sole bread earner of my family I couldn’t make both ends meet so my brother Ramiz (11 years) started to work in a garage.” Ramiz adds, “So what we couldn’t study but we have installed all our hopes in our youngest brother Parvez saying proudly that Parvez is efficient at studies and one day he will turn into a proficient lawyer and seek justice for our father.”

Farida, a 12 year working girl dislikes socializing in view of her own plight. “My father disappeared ten years back. He worked as labourer. One day he left for work and did not return. We didn’t get anything from the family property. My mother is a half widow; she had no other option than putting me and my brother to work. My brother works as a bus conductor, says Farida.” Irfan (11 years) my brother is on track of drugs and all his friends are involved in petty crimes, Farida adds.
"The education system has suffered a lot. The Government figures on teachers and school enrollment suggest an education system that is in ‘great trouble’ as at the primary level, the number of schools has remained about the same from 1996 to 1999. However, the number of students rose by 27 percent and that of teachers by 81 percent. While the number of middle and high schools rose by 13 percent and 17 percent respectively, as did the number of teachers (18 percent), the number of students fell sharply. The number of boys in middle school fell by 44% and those in high school by 24%. The report on Kashmir, both the Indian and the non-Indian parts, issued by the Centre for Strategic and International Studies (CSIS) cites anecdotal and journalistic evidence that education has been “badly disrupted” in the insurgency hit districts.”

During the ongoing turmoil 712 school buildings got destroyed causing a lot of inconvenience to the students and affecting their education adversely. However with the active intervention by the J&K Government, all these buildings have been reconstructed/ repaired to bring the ailing educational system back on rails. A regional comparison of the educational scenario within the conflict ridden State of Jammu and Kashmir reveals that the valley of Kashmir has the lowest rate of literacy which seems to be the fall out of the armed struggle prevailing in the valley. The turmoil has crippled the economy of the valley and the economic condition of people is going from bad to worse with every passing day. Many families have been pushed to abject poverty especially those who were connected with the tourist industry of Kashmir. According to report on Kashmir authored by former US ambassador Teresita Schaffer for Centre for Strategic and International Studies (CSIS),“In the past two decades, India has enjoyed unprecedented growth but Jammu and Kashmir has to a large extent been left behind.” In view of the political uncertainty prevailing over a long period of time, the real development and progress has remained a distant dream. Between 1980-81 and 1990-91, the State Domestic Product grew by only 29.5 percent compared with the overall Indian figure of 71.9 percent. “That places Jammu and Kashmir near the bottom in growth among Indian States.” 14 The pathetic condition on economic front has led to high incidence of child labour with dual benefit to poor families to avoid expenditure on the schooling
of the children and at the same time to make productive use of these tender hands to supplement family income.

According to the report, "More than a decade of insurgency, following a much longer period of mis-governance, has created far-reaching distortions and anomalies in the economy.”

Studies on impact of conflict on women and children in Kashmir have revealed that a significant number of children have become orphans as a result of death of their fathers who were the sole bread earners in their families with the result that living conditions of these families have become worst as there is no continuous financial support from the government. The studies further reveal that there are over 50000 orphans in Kashmir. Among these orphans, 57% work under despicable conditions as handicrafts workers & 5% as domestic workers, 8% in automobile workshops and public transport, 9% as salesmen and 4% as hotel bearers usually in the inhospitable environment earning meager wages and usually exploited.15

The armed struggle in Kashmir has led to a warlike situation in which it is very difficult for the locals to move about without taking a risk of losing their life in any untoward incident as a result of clash between militants and the government forces. At many places this has discouraged parents to send their little children to schools at a distance with security pickets on the way and instead they preferred to send their children to work within the locality. Not only this but also the fear psychosis among school going children has forced them to drop out from school and join a work centre in total disregard to their health and future prospects.

"This is Neelofer D/o Mohammad Youusuf Kath of Bhat mohalla near Moti Mohalla Dal Lake Srinagar. Neelofer aged 16 years is working as a carpet weaver for the last four years. Initially a school girl, Neelofer has given up her studies in 6th primary. The reason was that she had to face a security forces bunker on her way to school which is 3 kilometers away from her residence. The threat of bunker resulting in a fear psychosis has forced Neelofer to leave school and to join work centre. Her dreams have shattered and she is reeling under the vagaries of destiny in work centre by sustaining injuries, back ache and knee pain as a fall out of sitting in doubled up posture during work and without exercise and movement."

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

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The startling fact is that children at some places seem to join workplace to protect them in an unsafe environment of armed struggle. The children feel that they need to develop ties with such agencies which can come to their rescue in case they are caught hold of by the security agencies on suspicious grounds or even mistakenly. They can do so even if they may have to associate themselves with any organization as workmen.

"This is Wasim...12 years old boy...a student in class 6th working in a restaurant in Srinagar as a part time worker for the last four years from 4pm to 9pm after attending school against Rs.1000/- per month. Wasim is an orphan and the family is being looked after by his grandmother (mother's mother) with the pension she is getting after death of her husband who was a government employee and died in harness. The boy has an obsession to become a lawyer but is very willing to serve in the restaurant as a part time worker...Many sahibs like police officers, administrators and the teachers come into this restaurant. My mother says that I may learn a lot from them. Moreover, I have developed a personal rapport with these people and nobody can harm me in this strife torn valley. If any security or police person will try to tease me, I can quote reference or ring the 'sahab' and escape unhurt the boy said."

It seems that state of being an orphan has been a responsible factor to send Wasim for work. Otherwise the little boy has desire to be a great person and to learn more and more. Wasim rightly says that association of great people is education in itself and by doing so he can learn many good things. But the way he has been supposed to choose by the circumstances for getting this education may adversely affect his studies and his dreams to be a lawyer in future may get shattered. It is unfortunate that no body is taking care of those children who might have lost their parents at an early stage and they are left to their destiny. The feeling of insecurity in war zones becomes another reason for children to develop an interest in such occupations at the cost of their schooling where they can develop such contacts which may come to their rescue in any eventuality. The boy has to attend the school in day time and work in restaurant after school till late evening which may put his mind and physique under strain. The meager monthly income of the boy may lure the poor family to allow him to work as a part time worker but the boy has mainly developed
interest in work so as to be powerful to face the challenges of security situation in
Kashmir.

Many working children in the prevailing commotion are faced with hardships of
war related dangers putting their life at stake. The children in rag picking and trash
collecting are subjected to dangers to their life as a result of turmoil in addition to
the dangers associated with the nature of the work. Many children in Kashmir
associated with such jobs have fallen victims of armed struggle and either lost their
lives or became partially or permanently disabled. Study the following report:

"Three children were injured in a mysterious blast in Sopur town of northern Varmul District on
Sunday. The explosion took place in a sack carried by scrap dealing children at Reshipora Bomat
on Sunday morning, injuring Showkat Ahmad Mir 15, Shahnun Akhter 11 and Irfan Ahmad
lone 5, all residents of Reshipora. However, according to DIG Varmul, the kids were fiddling
with a pile of garbage when the explosion took place."

Adult unemployment or underemployment is also responsible for child labour. The
J&K State being politically unstable, the national and international investors are not
prepared to invest in the State as a result of which the State is industrially backward
which has led to scarce employment opportunities for adults. The growing adult
unemployment leads to poverty forcing the parents to send their children for menial
jobs to supplement family income.

19. Natural Calamities and Child Labour:

The valley of Kashmir has a distinction in many ways when compared to many
parts of the world. Its topography, climate and way of living of people makes it
differently circumstanced and as such it is prone to many calamities dictated by its
unique character. These disasters befall in the shape of floods, avalanches and
earthquakes. The people whose crops and houses do get destroyed by these natural
calamities are pushed into a state of poverty and they fail to make economic
headway to keep pace in this competitive economic world race. In order to
withstand the pressures of seismic and climatic vagaries the children of these
families are forced into labour sector to supplement to the family income and also
not to become nuisance for their schooling.
Study has shown that fall of avalanches in 2005 and the earthquake which hit Kashmir valley on October 8, 2006 has rendered many families destitute for pennies to ensure their survival. The unfortunate decision on the part of such families has been to send the children for work. The rate of child workers has increased as a result of such changes in these areas.

**Public Perception and Child Labour**

*Child labour... A Boon or Bane:*

The child labour issue although being condemned worldwide is still considered as a debatable issue by sociologists, human rights activists, labour rights advocates and many other thinkers. They argue that employment of children in labour sector has many positive implications for the families of child labourers, the society and the country as a whole. Their plea is that only such children in the world are forced into labour sector whose families are destitute for every penny and have no means to afford the education of their children. More so, the school drop outs poor at studies also make their inroad into the labour market. Labour sector is the best alternative to such children in the absence of which they may become the stray children and fall prey of many social evils for which the society shall have to pay a heavy cost. Moreover, by employing these children in labour sector at an early stage, there is every reason for them to become highly skilled and experienced adults. Their contention is that children have a sharp pick up power and are docile to obey every direction in their job by their masters. This makes them patient workmen committed to their job leading to proper human resource development in the area to which they are attached. Some advocates are of the view that poverty is a law of nature and it has to prevail till there is life on earth so that there are always people who could perform the menial jobs and work against low paid and low status employments. They believe that to think of all masters and no servant is absurd. They plead that when the difference of rich and poor is to prevail, then child labour is succour to the poor families. Children as workers help the poor families to escape from starvation and therefore they are stimulants to the economic growth of these families. The abolition of child labour cannot be brought about without ameliorating the economic condition of poor families. However, this school of thought feels that to
mitigate the difference of rich and poor is impracticable. The countries where a
certain level of economic prosperity has been attained, there workmen are imported
from poor and under developed countries to man menial and low status jobs. They
further argue that any blanket ban on employment of children into the labour sector
shall precede with the proper rehabilitation of their families and wide spread of
educational base so as to send these children to school. The governments in many
countries are also confronted with the problem that a complete ban on employment
of children into the labour market shall render lakhs of families destitute and the
children as jobless for whom there are no adequate arrangements of rehabilitation
and schooling.

Alongside there are many advocates against the child labour in whatever shape and
magnitude it exists if it affects their health, schooling and the pleasantries of child
hood. They argue that by compelling these children to lead premature adult lives we
are snatching from them joys of childhood which is a gross violation of their
rights as human beings. Besides, by employing these children in different jobs we
are depriving them of education and thus we are losing a big chunk of potential
great thinkers, scholars, academicians, administrators, scientists etc every year.
They believe that child labour is a social stigma and a national loss due to wrong
direction of human resource. The majority of children in Kashmir valley are
concentrated in handicrafts sector with substantially a higher percentage in carpet
weaving which has been identified as a hazardous job to the health of the children.
Study has shown that children working on carpet looms have lesser hemoglobin as
compared to school going children. During the course of field investigation 39%
working children complained of back ache and head ache while working on carpet
looms. 7% percent complained frequent pain in knees. Their faces were pale with
signs of disappointment, deformed bodily structure and had suffered frequent
injuries and finger cuts during the course of work. An earlier study carried out by
UK based NGO, "Save the Children" in collaboration with Srinagar based NGO
"Better World" in Budgam and Srinagar districts of Kashmir valley revealed that
nearly 80% of the children engaged with carpet weaving suffer from myopia and
retinal detachment due to the constant eyestrain. The children in automobile
industry according to report faced immediate and long term implications including accidents, cuts and burns, chronic bronchitis, chest pain, cough, dysphasia and bacterial endocarditis. The extreme poverty and starvation at home, the absence of a goal for which they live coupled with work stress at the hands of employers who capitalize on the docility of these children become sufficient reasons and blows for child trauma and a number of internal changes occur in the child which can stay active for years often to the detriment of the child.

"Traumatic stress also referred to as psychological distress may lead to a variety of difficulties affecting individualism from mental health disorders, behavioural problems and somatic symptoms to distortions moral learning."

During the course of field investigation, 52% of the working child informants revealed that they suffer from health problems as a result work.

In between these extreme schools of thought, there are moderate voices from governments, international labour organization and such other allied agencies. Their contention is that there is a need to strike a balance between these extreme positions so that children are allowed to work to supplement to the family income provided it does not interfere with their schooling and the work is not hazardous to their health. This safe passage to the children working on light jobs and as marginal workers is taken as an escapement from starvation for poor families especially for the families who might have lost their sole adult breadwinner.

In Kashmir valley, rampant poverty prevailing in many areas and the death of the head of the household leaving behind children and widows is as common as in other parts of the world. But the peculiarity with the valley being that it is beset with many other problems like political uncertainty, and vulnerability to natural calamities in view of its haphazard topography coupled with unique weather, climatic conditions and seismic factors. As a result of this many children are forced to labour and service sector.

In view of its controversial character, there are divergent views about abolition of child labour. The abolition is to be viewed in the context of opportunity cost. The higher the opportunity cost, the lesser would be desirable to abolish child labour.
However, the practice of employment of children in different trades is being considered as undesirable by the right thinking members of society.

On an analysis of responses of twenty statements on a five point Likert scale to decide whether child labour is a boon to be sustained or bane to be avoided, it was found that the aggregate scores of cent percent respondents were less than the point of indecision which reveals that child labour is a bane to be avoided.

**Fig. E**

![Perception of general public about child labour](image)

*Source: Field investigation by the researcher*

There is absolute unanimity of opinion among the respondents about the fact that labour is injurious to the well being of the children and the society and hence be eliminated. However, the controversy emerges when the kill and cure effects of the child labour make it debatable. The fact remains that there should be no controversy in so far as ill effects of this menace trample down the basic rights of children which plunges the nation into darkness of illiteracy and makes us to lose the prospective intellectuals to manage the affairs of the country tomorrow. The elimination is indispensable but the same is to be taken in hand alongside the rehabilitation of millions of poor families who may suffer as a result of withdrawal of little working children from the labour market.

Some advocates believe that child labour can be abolished with a firm determination while some are of the view that it can simply be minimized. Some have the conviction that it needs coercive measures to eliminate it and some invoke
their plea for persuasion. In order to know the perception of the right thinking members of society about the problem of child labour and measures to control it, a questionnaire with five point Likert type scale was administered on the respondents to know their opinion so as to work out a common strategy to deal with the problem.

The public perception holds that child labour cannot be taken as desirable for poor families in so far as its positive aspects in the opinion of optimists are concerned but instead it is an outcome of compulsion generally dictated by economic needs. The mean of mean scores of positive assertions is 2.60 indicating that the respondents either strongly disagree or simply disagree about the assertion that child labour is desirable and be continued.

Respondents with mean score of 3.56 and standard deviation 1.15 agree that child labour is a respite for poor families with large family size. Respondents with mean score of 3.61 and standard deviation 1.14 agree that it is better alternative to child begging and prostitution. The respondents further simply agree that child labour saves a dysfunctional family from starvation with their mean sore being 3.46 on five point Likert scale.

However with regard of child labour being a service to poor families by the employers the sample respondents virtually disagree about the same as the mean score has been worked out at 2.08 and standard deviation 0.73 As there is no strong disagreement, the respondents have some reservation in deeming child labour as instrumental in keeping away children from begging and immoral trafficking. The beliefs that child labour is desirable as it helps in attaining higher standard of living, making children as skilled and experienced adults, helping survival of industry, giving children a good exposure to life and a decision of parents for the welfare of children has low mean scores of 2.00, 2.85, 2.08, 1.85, 2.00 and 2.62 respectively which reveals that these assertions are not agreeable to right thinking members of society which makes child labour as undesirable and its abolition as indispensable. The belief of the respondents is not very strong but a simple disagreement which always makes the problem of child labour as a controversial issue.
In so far as the negative aspects of child labour are concerned, the respondents are in agreement as to ill effects of child labour upon the little children and the society as a whole. The mean scores of the responses reveal that the respondents are placed in a position of “more than agree and less than strongly agree” and by all means they are in agreement that child labour is a bane to be avoided.

**Table 4.21**
Public Perception vis-à-vis Child Labour

<table>
<thead>
<tr>
<th>Responses</th>
<th>Mean Score</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forced decision upon parents</td>
<td>1.69</td>
<td>0.46</td>
</tr>
<tr>
<td>Breeds illiteracy</td>
<td>1.54</td>
<td>0.50</td>
</tr>
<tr>
<td>Promotes bad habits and extravagacy among children</td>
<td>1.62</td>
<td>0.62</td>
</tr>
<tr>
<td>Affects Psycho-physical and moral well being of children</td>
<td>1.62</td>
<td>0.72</td>
</tr>
<tr>
<td>Is a moral crime</td>
<td>1.46</td>
<td>0.50</td>
</tr>
<tr>
<td>Has high opportunity cost</td>
<td>1.85</td>
<td>0.49</td>
</tr>
<tr>
<td>Hazardous job conditions are heinous crime</td>
<td>1.92</td>
<td>0.67</td>
</tr>
<tr>
<td>Promotes inferiority complex among children</td>
<td>1.46</td>
<td>0.49</td>
</tr>
<tr>
<td>Docile nature makes children prone to exploitation</td>
<td>1.69</td>
<td>0.61</td>
</tr>
<tr>
<td>Punishment to children for no fault</td>
<td>1.38</td>
<td>0.47</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The above table 4.21 reveals that there is unanimity of opinion among the sample respondents who hail from a cross section of society that child labour is harmful to the well being of children and the society as a whole. The mean of above mean scores works out as 1.62 which signifies nearly strong opinion of the respondents regarding the fact that child labour is a nuisance which cannot be tolerated by a conscious society.

There are varied reasons which contribute to the growing menace of child labour. Although poverty is held as a strongest reason for child labour but the same is not
the only reason. There are many other issues which need to be addressed if the problem of child labour is to be controlled.

Table 4.22
Public Perception regarding Causes of Child Labour

<table>
<thead>
<tr>
<th>Cause Stated</th>
<th>Mean Score</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unequal distribution of wealth</td>
<td>4.08</td>
<td>0.62</td>
</tr>
<tr>
<td>Disobedience of laws by poor</td>
<td>3.69</td>
<td>0.83</td>
</tr>
<tr>
<td>Lack of reward after education</td>
<td>2.92</td>
<td>0.75</td>
</tr>
<tr>
<td>Commercialization of education</td>
<td>2.54</td>
<td>1.08</td>
</tr>
<tr>
<td>Corruption</td>
<td>3.69</td>
<td>0.72</td>
</tr>
<tr>
<td>Illiteracy of parents</td>
<td>4.15</td>
<td>0.28</td>
</tr>
</tbody>
</table>

Source: Field investigation by the researcher

The above stated facts make it clear that abolition of child labour needs a convergent approach of government, society, parents and the individual so as to ensure that any drive in this direction may yield positive results and help to fulfill the local, national and international commitments. The mean of the above mean scores works out as 3.51 which indicate that the respondents' bear a general agreement about the above stated causes as instrumental in spawning child labour. In spite of tall claims by the governments and despite launching of various people welfare and ameliorating schemes by the government, a total abolition of child labour could not be brought about. As the problem has different ramifications some warranting its abolition and some its continuance with slight legal amendments, the problem of child labour is becoming complex issue especially under the circumstances when the government of the countries feel that there can be no rapid fire solution to the problem given the economic condition of the families whose children are engaged in different types of labour activities.
The total abolition of children in the Kashmir context is becoming still difficult as the valley has remained politically very sensitive and unstable as a result of which a real development could not be possible and more so, its geographical conditions are an impediment in the way of law enforcing agencies to apprehend the culprits and ensure a child labour free valley of Kashmir. In order to deal with the problem in Kashmir valley the respondents during empirical study were asked to give their opinion regarding the hard and soft measures to be adopted to put an end to the problem.

The respondents are in complete agreement that a complete ban on child labour can render many children jobless for whom there are no adequate arrangements for education and rehabilitation.

The respondents have a belief that soft measures are going to pay rich dividends as against hard measures. The mean score of their responses on a five point Likert scale for soft measures is 4.32 indicating that they have a firm faith on persuasion rather than coercion to minimize the incidence of child labour while as the mean score of their responses for negative checks is 3.18 on the scale. This indicates that the respondents are against negative checks but perceive that these have the second preference after positive checks fail to entail the desired results. The respondents strongly agree that educational system should be overhauled to make it more effective, poor friendly and market friendly with mean score of 4.60. Launching of welfare measures for the poor (mean score 4.42) and promoting awareness about ill effect of child labour (mean score 4.38) shall be the other strategies to combat the problem of child labour.

The respondents feel that enforcement of laws shall be geared up and nearly agree that law enforcement agencies shall be pulled up to make them more effective. The above discussion reveals that the respondents do not suggest hard, punitive and direct attacks on child labour but instead suggest creation of a congenial atmosphere where child labour becomes undesirable. This calls for bringing about environmental changes on the economic front and taking such steps which are
intended to improve the economic condition of the people so that employment of children becomes discretion for poor parents instead of compulsion at present. By bringing about greater awareness about the ill effects of child labour and making education system people friendly and rewarding, the parents would be tempted to exercise their option against child labour and thus the problem could be rooted out. The abolition needs a convergent approach of society, government and the individual and cannot be a one shot activity but instead concerted efforts are needed through long term plans so that gradual minimization leads to ultimate abolition of the menace of child labour.

**Child Labour.... Dilemmas and Discussion**

Child labour has been a debatable issue ever since the mankind became conscious of ill effects upon children and the nations as a whole. Undoubtedly the child labour is not a choice decision of parents who are very much conscious of the education and proper growth of their children. There have been always compulsions economic and non economic forcing parents to send their children for work. Under many circumstances the undesired and unfortunate decision to send children for work becomes unavoidable, be it poverty, lack of interest on the part of children to go to school, their poor performance at school, lack of educational facilities or otherwise. The child labour as such is the result of many such off shoots and any endeavour to eliminate it cannot be successful unless such issues are first addressed in letter and spirit. A poverty stricken family cannot put its survival at stake by abstaining from sending the children to school. The Government of India also feels that there can be no rapid fire solution to this problem because the Government shall have to first think of rehabilitation of such families which need larger resources difficult for the Government to manage. There is now a shift from idea of elimination to idea of regulation of child labour. The premise being that children even though may work shall not be subjected to worst quality of work life and inhuman treatment. The divergence of views on the part of advocates on child labour is due to various myths associated with the problem. Some of these myths as noticed during field investigation are analyzed below:
1. *Child labour is an offshoot of poverty which is law of nature:*

The question of poverty or difference of ‘haves and have nots’ has been there since the beginning of human civilization. This difference will continue as a natural law. Child labour which is mostly outcome of poverty of households shall not be construed to mean that this problem shall persist and no intervention is warranted. The abolition of child labour is essential as it has adverse consequences on the health and future prospects of children depriving them of schooling, joys of childhood and causing injury to their health. This is a matter of concern for all conscious societies in the world. The international conventions are very clear that child labour is undesirable in case it interferes into the schooling of children and is injurious to their health. These conventions require that let there be minimum schooling before children are put to work and let the nature of work be decided keeping in view the age status of a child. As such it is not the work but the exploitation of child workers at the cost of their proper development which is a cause of worry. Besides poverty, there are many other causes of child labour and one should not feel pessimistic that it is outcome of poverty which cannot be eliminated completely. Let the nature’s law of poverty prevail but let us not be cruel to tender souls by exploiting and taking undue advantage of nature’s law. A direct action to attack the menace of child labour is thus justified and in compatibility with the human rights and ethical considerations.

2. *Children are inquisitive and can learn the skill better:*

The belief that children can learn the skill better is not backed by any rationale as the mental capability of the children improves with every passing year. For practicing any trade, the worker has to learn every day a new thing and thus learning is not a one time activity but a continuous process. Thinkers are of the view that a doctor has been treating the same human being from times immemorial but a skilled person has to try his hands on new and improved designs, models and makes as a result of every day improvement in the field of technology. The
workman is thus always in the learning process. Thus it is no sound argument that kids can learn better as they are always learners as children and as adults.

3. Employers oblige poor families by employing their children

The notion that employment of children by the employers is a service to society for uplift of the poor and downtrodden of whom government fails to take care is totally unfounded as the primary concern of every employer is to earn more and more profits. As the child labour is a cheap labour so it helps the employers to reduce the unit cost of the product to broad base the marketability of the products and enhance profitability. If employers are really helpful to the families of child labourers then why do not they pay them wages equivalent to their work? Field investigation has shown that the employers pay very less to these workers for the more work extracted from them through long hours of work and making them work like dumb driven cattle due to their docile nature. This trend is increasing adult unemployment and the employment of children can in no way be treated as a service to the society. “The owners and the management of (carpet industry of Kashmir) refused to give me a job. They openly say that the young children suit them better. Low wages are the chief reason. To cap that children are not the ones who could grumble against bad working conditions or organize protest rallies says Bashir Butt.”

The employers are not even paying adequate wages to the adult workers and thus making lesser money available to society forcing poor families to employ their children in labour market. The National Commission on Labour has very aptly remarked, “Quite often it is the feeling of sympathy rather than the desire to exploit which weighs with employers in employing child workers......it is most cruel form of hypocrisy to pay insufficient wages to fathers of families and then to show sympathy by employing child workers and by contributing to child welfare agencies to feel that the duty has been done.”

4. Nimble Finger argument

The nimble finger argument by some people claiming that children can work faster and extract best production due to fineness of the work with their agile fingers lacks
any substance. The master craftsmen of carpet weaving in Kashmir have a different opinion about the nimble finger argument. They are of the view that a fine knot is one which is fastened tightly by strong hands which children do not possess. They are of the view that it is a misconception that industry meets its commercial interests by employing children to have fineness of work. A study conducted by the Madras Institute of Development Studies for the Government of India also disproved the nimble fingers argument. A carpet manufacture V.R. Sharma admitted in an interview that ‘it is a myth that child labour is essential and the children are capable of weaving better carpets than adults.’ Even though the nimble finger argument would have been correct, still it was unjustified to mar the psycho-physical and moral development of these children to the economic interests of industrial survival.

5. Child Labour is better alternative to child begging:
Child labour and child begging are both undesirable practices due to their social stigma and a misdirection to human resource development. The adverse effects of both are almost similar. Efforts are on to keep the society away from both. However, it would not be wise to substitute one wrong for another. If the rights of children are to be protected then they have to be saved from the ill effects of both. Field investigation in Kashmir has shown that the working children hail from families with different economic and social status. If working children from work centres will be forced to exit, these families would never send these children for begging which is socially unacceptable. The children are working to supplement the family income for acquisition of high standard of living only to be parallel to economically well off families and thus gain an equal social status. It is the transition from lower to upper class that spawns child labour in most of the cases and not for bare survival. Poverty is only one reason out of many reasons for child labour.
6. **Ends justify the means:**

Many business men believe that enhancement of profitability is the sole purpose of a business enterprise and the worth of a business enterprise is judged in terms of its financial gains. While an effort to increase profits is unquestionable, but at the same time business ethics demands that the profitability shall be justified by values, respect to laws and regulations for the conduct of business and shall not be opposed to public policy. If the ends to meet are lawful, the means to achieve such ends can not be unlawful as otherwise the ends get tainted with illegality and result can attract penal provisions of law and is unethical even though oblivious of the law enforcement agencies. It is therefore a flimsy notion that whatever the means, the increase of financial gains is to be ensured as the same is not permitted under the ethical rules of business. If businessmen lose the sight of distinction, the business can become a nuisance for the society.

**Law enforcement and Child labour in Kashmir.**

Child labour seems to be a lesser concern for the government of Jammu and Kashmir which is evident from the fact that no child labour census has been conducted by the State Labour Department so far. In the absence of consolidated information, the launch of welfare and remedial measures regarding rehabilitation of working children is impossible. The State labour department which is the premier organization for regulation of labour laws and launch of welfare measures could not provide comprehensive information about the quantum and magnitude of child labour. Not only this but even there is no sufficient monitoring mechanism in the State to check the violation of child rights and labour laws as a result of which many children are caught into the shackles of worst forms of labour and are invisible to the State agencies.

Many laws have been promulgated to curb the menace of child labour all over the world. Many international conventions have been passed by the International Labour organization to regulate and protect the rights of children to flourish and grow in a growth friendly environment. The ILO has shown much concern about
the sub-human treatment meted out to children in their work life. The governments of different countries have also enacted laws to regulate the child labour so that these tender hands are treated as human beings at their work place. India has also framed laws to prohibit and regulate child labour in the right earnest. Under these enactments the enforcement machinery has been conferred with powers to enforce child labour laws to end the social evil and also to meet the commitments at international level. In Jammu and Kashmir the Labour Department is empowered besides other things to keep an eye on the growing menace of child labour and bring those to book who circumvent law. It is however flabbergasted to notice that the enforcement machinery for the valley whose geographical area extends to 15,984 square kilometers with very clumsy and haphazard terrain and topography is virtually ridiculous. Study the following table:

*Table 4.23*

**Labour Laws Enforcement Machinery**

<table>
<thead>
<tr>
<th>Name of district</th>
<th>Labour officers</th>
<th>Labour inspectors</th>
<th>Area in sq. kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Srinagar</td>
<td>04</td>
<td>04</td>
<td>2227</td>
</tr>
<tr>
<td>Budgam</td>
<td>01</td>
<td>01</td>
<td>1371</td>
</tr>
<tr>
<td>Pulwama</td>
<td>01</td>
<td>01</td>
<td>1397</td>
</tr>
<tr>
<td>Anantnag</td>
<td>01</td>
<td>01</td>
<td>3988</td>
</tr>
<tr>
<td>Baramulla</td>
<td>01</td>
<td>02</td>
<td>4587</td>
</tr>
<tr>
<td>Kupwara</td>
<td>01</td>
<td>01</td>
<td>2382</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>09</strong></td>
<td><strong>10</strong></td>
<td><strong>15952</strong></td>
</tr>
</tbody>
</table>


The result of inadequacy of enforcement machinery is that only six cases of child labour working in hazardous occupation in Kashmir are pending before the designated authority. This is in spite of the fact that the government claims that all Labour Officers, Inspectors, Tehsildars, Naib Tehsildars, Panchyat Officials, District Magistrates, Deputy Commissioners are delegated powers to conduct inspections and detect violations of child labour for its eradications. The situation is alarming and calls for an urgent need to bring to lime light the position of tender
souls who are caught in the undesirable and health hazardous occupations due to family compulsions but oblivious of every attention, every sight and every mind whether government, non government or media. The above figures speak volumes about the lack of interest on the part of State government to ensure constant vigilance on the employers employing child workers. This inference is substantiated by the fact that in view of the secluded character and unique topography of the valley, work centres are located on hill tops and hard-to-reach areas which cannot be monitored on regular basis by the strength of the enforcement machinery as indicated above. In spite of the fact that census 2001 has stated that there are 1,75,630 child workers in J&K State, although including working children in family set up, the State Labour Department has a quite different to say.

The Deputy Labour Commissioner Kashmir has been able to detect the following number of child labourers in Kashmir and Ladakh provinces of J&K State:

\[ \textbf{Table 4.24} \]

\textbf{District wise Information Regarding Child Labour Detection In Kashmir Division As On September 2003} 

<table>
<thead>
<tr>
<th>District</th>
<th>No of Child Labour Detected</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Srinagar</td>
<td>Nil</td>
<td>-</td>
<td>As reported by Assistant Labour Commissioner Srinagar.</td>
<td></td>
</tr>
<tr>
<td>Budgam</td>
<td>Nil</td>
<td>-</td>
<td>As reported by Assistant Labour Commissioner Budgam.</td>
<td></td>
</tr>
<tr>
<td>Pulwama</td>
<td>20</td>
<td>16</td>
<td>04</td>
<td>20</td>
</tr>
<tr>
<td>Anantnag</td>
<td>Nil</td>
<td>-</td>
<td>As reported by Assistant Labour Commissioner Anantnag.</td>
<td></td>
</tr>
<tr>
<td>Baramulla</td>
<td>43</td>
<td>42</td>
<td>01</td>
<td>43</td>
</tr>
<tr>
<td>Kupwara</td>
<td>08</td>
<td>03</td>
<td>05</td>
<td>08</td>
</tr>
<tr>
<td>Leh</td>
<td>Nil</td>
<td>-</td>
<td>As reported by Assistant Labour Commissioner Leh.</td>
<td></td>
</tr>
<tr>
<td>Kargil</td>
<td>Nil</td>
<td>-</td>
<td>As reported by Assistant Labour Commissioner Kargil.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>71</td>
<td>61</td>
<td>10</td>
<td>71</td>
</tr>
</tbody>
</table>

Source: Office of Deputy Labour Commissioner Srinagar, J&K Govt.
The above table reveals a negligible number of child workers which cannot be considered as a matter of much concern while as the reality seems to be altogether different. On a visit to a locality with a few units of carpet weaving, more than above number can be witnessed on a single glimpse. If such concocted information is believed then one can say with absolute certainty that the problem of child labour is no problem in Kashmir and the census figures also get falsified. The above information comes into severe clash with the sample survey conducted by the Labour Department in merely 302 selected areas of Kashmir valley in the year 1993 bringing some establishment under investigation and wherein 10,858 child workers were detected. Even if the Labour Department reports about the children working outside family set up under Child Labour (P&R) Act 1986, still the information cannot be relied upon as a large number of child workers are being witnessed working in automobile industry and other establishments on the roadsides.

The most distressing part as regards enforcement is the inherent lacunae in Child labour Prohibition and Regulation Act 1986 in so far as it is not applicable to children working under family set up. As a substantial number of child workers are concentrated in cottage level industries which are mostly functioning as family set up units, so the functionaries of the labour department do not have any legal access to such children. It sounds quite strange that the Act does not recognize such children as workers even though they are working in hazardous occupations and are supposed to work from dawn to dusk. By ignoring these workers the Act cannot help the enforcing agencies to eliminate the excesses upon children in letter and spirit. The approach is discriminating as a child working in the family set up and a child working outside family arrangement are treated differently while they in no way differ as children. The difference in approach does not seem to be rational and logical. This emerges as a strong impediment in the way of law enforcing agencies to address the problem of child labour and the poor workers continue to suffer at the cost of their development as responsible and respectable future subjects. This is happening under the circumstances when there is no State law to regulate the employment of children as workers and the State has to necessarily rely on the Child Labour (Prohibition and Regulation) Act 1986.
Even in non-family set up establishments the law enforcement is not quite satisfactory. Social Welfare Minister of J&K State said in the legislative assembly on 01.04.2006 that child Labour (Prohibition and Regulation Act 1986) is being enforced in the State of Jammu and Kashmir. He divulged that 7,316 inspections have been conducted during last four years and 33 prosecutions were launched and a fine of Rs.18,500/ has been imposed on violators. The disclosures made by the minister lead to the conclusion that the enforcement is virtually negligible and imposition of average fine of approximately Rs.4,500/ annually throughout the entire State where the magnitude of child labour is noticed as high means almost no State intervention into the matter. The parents and employers enjoy a free rein to employ the budding buds with impunity.

The Supreme Court on December 10, 1996 issued directions to Union of India and all State governments about the introduction of the welfare fund at the district level for those children who are to be disengaged from the hazardous jobs. Although the child welfare committees have been set up at the district level, the J&K Government has done nothing so far to implement the directions of the apex court. The State governments were required to conduct a comprehensive child labour survey to identify and determine the magnitude of child labour. It is however quite disappointing to note that no child labour survey has been conducted in the State of Jammu and Kashmir to know the magnitude of child labour in accurate terms. The reasons attributed to the delay are stated as the financial constraints by the State Labour department though the present situation of turmoil cannot be ruled out.

**Recent Extended Ban on Child Labour and Kashmir:**

The Government of India, in order to address the problem with strong and firm hand through punitive measures for employment of children in specified jobs imposed ban on employment of children under the age of 14 from 10th October 2006 on the recommendations of Technical Advisory Committee on Child Labour headed by the Director General ICMR. The ban now stands extended on employment of children in 15 occupations including domestic servants, dhabhas (roadside eateries), restaurants, hotels, motels, teashops, resorts, spas or in
other recreational centres and 57 processes under the Child Labour (Prohibition and Regulation) Act 1986 making any violation as punishable with fine up to Rs.20,000/ or imprisonment up to one year. The above committee while recommending a ban on employment of children in these occupations had said that these children are subjected to physical violence, psychological traumas and at times even sexual abuse. The committee said that invariably such incidents go unnoticed and unreported as they take place in the close confines of the household or dhabas or restaurants. The committee has divulged that these children are made to work for long hours and are made to undertake various hazardous activities severely affecting their health and psyche. The committee further justified the recommendation of imposition of ban by stating that the children employed in road side eateries and highway dhabas were the most vulnerable lot and were easy prey to sex and drug abuse as they come in contact with all kinds of people. By initiating all these measures, the Government of India is contemplating concrete results throughout the country to eradicate the practice of employment of children in such occupations which are harmful to the physical and moral well being of children.

When we analyze the relevance of child labour in Kashmir context, one does not feel much optimistic about the results of such a ban due to following reasons:

The ban in question is being implemented under child Labour (Prohibition and Regulation) Act 1986 which does not cover children working in family set up arrangements or working in any state-funded or state supported institutions. In Kashmir valley the majority of children are working in cottage level handicrafts units including the hazardous job of carpet weaving assisting their parents in their households. As Child labour (P&R) Act 1986 is not applicable to such child workers, so the ban as aforesaid is not going to entail the desired results in the valley of Kashmir.

Keeping the haphazard topography of the valley of Kashmir in view coupled with quite inadequate law enforcement machinery comprising of merely nine labour officers and eleven labour inspectors for the entire valley, the child labour outside family set up cannot even be kept under check as it is not humanely possible for a handful of officers in the labour department to bring the culprits to book on regular
basis so that the problem of child labour is kept at bay. The ban on employment of children as domestic servants was in fact in force earlier upon public servants but still many under 14 age children do work in the houses of public servants with impunity. This can be attributed to lack of proper enforcement by the State Department of Labour. As a post ban reaction, the State labour department officers feel it difficult to enter the households of people to check the incidence of domestic child labour for which, as according to them, they require physical and legal protection. The officials had visited some of the roadside workshops in the vicinity of their office to check the incidence of child labour and had returned satisfied with the assurance given by the employer regarding eviction of child workers from their establishments.

The working children in the age group of up to 14 years are mostly illiterate children without any school record. The determination of age to ascertain whether child labour in a particular instance attracts the penal provisions of law becomes a difficult job and the functionaries in the labour department are left handicapped when the parents or the employer produces an age certificate of above 14 years from the medical practitioner which may seem contrary to common sense or physical appearance of the child and obtaining the same is not too difficult in the set up we are living in.

The ban on child labour in specified occupations and processes should have been associated with proper rehabilitation measures for the families of the little workers who are likely to be affected by the ban. However the government has not made the policy clear as on date of ban as to how the rehabilitation measures will be initiated to make the ban as effective. In the absence of proper rehabilitation which is not an easy job in itself, the ban may not be honored by the public and the effectiveness of such a ban can always remain in the interrogative. The legal experts have well opined that a law which is not acceptable to people cannot be effective.

The absence of commitment by the government and lack of political will can vitiate any programme even though it is well conceived and properly designed for public good. The Government of India had sanctioned three National child labour projects for J&K State but unfortunately none of the projects was taken in hand due to
government apathy. The post ban announcement by the Labour Minister, Government of India that more National Child Labour projects will be established throughout the country with due coverage of all the districts is not going to do wonders in Kashmir as the government of Jammu and Kashmir could not go ahead with the nominal number of projects already sanctioned.

Due to these reasons, one does not feel optimistic about the ban in Kashmir context imposed by the Government of India which is applicable to State of Jammu and Kashmir as well. The valley of Kashmir due to its unique peculiarities is not similarly circumstanced with other parts of the country and hence there cannot be a uniform law to deal with the problem including Kashmir. There has to be a law which can take into cognizance the unique character of the valley to suit to the local conditions so that the problem of child labour in the valley can be addressed in a meaningful way.

**Conclusion:**

The above discussion reveals that the children working in different establishment in the valley of Kashmir are leading a distressed life as handicrafts workers, domestic servants, restaurant waiters, trash collectors etc. The laws in the present form are not helpful to overcome the growing number of child workers. Both under aged boys and girls are seen working in handicrafts centres in organized and unorganized sector. The problem of child labour is more prevalent in rural areas as rural people lack educational awareness due to absence of proper educational infrastructure in the valley. The ongoing turmoil and frequent weather disturbances add fuel to the fire and more are more children are pushed towards labour market. The drop out rate of children from schools is high and every year we are losing a good number of potential intellectuals in the society. The employers who are mostly illiterates are unaware about the legal limits and they are not even socially conscious about the menace of child labour. The employers of these children enjoy a long rope to exploit these children to the detriment of their psycho-physical and moral development. Being away from public eye, these children suffer unseen and unheard they cry. They pay the cost for taking birth in poor households.
The continuous monitoring, vigilance and enforcement of laws is virtually impossible due to topographical reasons, inadequacy of enforcement machinery and more so, a big chunk of children are working in family set up arrangements. In order to eradicate the problem of child labour, there needs to be created an environment in which parents can develop an inherent dislike for employment of children and alongside most convenient means of providing education shall be evolved. This necessitates an educational policy which can take care of ground realities and address the problem in a meaningful way.
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