he problem of child labour has been persisting in the world since ancient
times but has come to haunt the conscience of nations and the international
community only some decades ago. This can be attributed to growing realization of
human rights as man is born with some natural rights to lead a respectable and
dignified life. If nations are to be placed in sound hands and with sound minds, then
our children are to be nurtured in an atmosphere where they can develop all of their
faculties viz, physical, intellectual, mental and moral. Nations conscious of the need
for proper direction and development of human resource do spend a considerable
portion of their budget towards this sector. Child care and development is the most
powerful instrument for a nation to ensure proper development of human resource
to advance in different fields of economic and technological progress and social
change. Indeed difference in status in terms of development for a nation lies in the
capabilities of its people and not the material assets it possess. The employment of
children in different economic and non economic activities which interferes into
their schooling and retards their moral, mental and physical growth shrinking their
chances to enjoy the freedoms of childhood and impeding their way to become
responsible and capable citizens of tomorrow is a cause of worry for the
international community. The docile children are caught in hazardous and non
hazardous jobs where they are made to work like dumb driven cattle as they cannot
grumble against poor working conditions and atrocities committed on them by their
employers. Such employer behaviour is a heinous crime which needs concerted
efforts of one and all to combat so that these children are not made scapegoats of
circumstantial agonies their families are beset with. The practice of child labour is
worst type of human rights violation in which the poor children suffer unseen and
cry unheard being discriminated against other children within four walls of
households and cottage level work centres and oblivious of public attention. They
are the victims of their innocence punished for being born in poor families or by
that the greedy employers who want to satisfy their business interests by employing children as labourers justify their action as being sympathizers of these families for saving them from starvation and providing employment to the tender souls. The fact of the matter is that the business organizations now-a-days do not grant priority to social responsibilities over commercial profits of their establishments. The development of doctrine of social responsibilities of business itself is of recent origin when the practice of child labour is prevailing since very olden days.

The practice of employment of child labour in the valley of Kashmir has also old roots as the valley is very famous for traditional arts and crafts being practised within close doors in household work centres and in every far and wide area. These work centres are located in remotest areas which are very difficult to monitor on a regular basis giving way to this menace with impunity. The children are also caught in other jobs like automobile industry, restaurants and brick kilns. Kashmir valley being a beautiful and romantic natural scenic place attracts people from all over the world to enjoy the moderate climatic condition during scorching heat outside. This brings many nomad families to this place during summer days and along with these families there is a huge influx of migrant child workers who are mostly seen as rag pickers on the road sides and in many streets in rural and urban areas. The shabby and clad in tattered garments, these children are prone to contract life threatening infection. Many children in Kashmir are caught in domestic labour where affluent class mostly in urban areas do employ little children to look after household affairs which keep these children away from, their parental affection adversely affecting their psycho well being.

The highest percentage of child labourers in Jammu and Kashmir (10.3%) as per 1981 India Census and presence of 175630 child labourers as per 2001 Census is quite alarming and amazing in the sense that the State is providing free education to the aspirants. The State's hefty expenditures on education with a separate Directorate of Education for Kashmir valley running a vast net work of government schools should have left no room for child labour. But contrary to all this, the
working children are being seen in different establishment both government and non-government which do not come within the purview of Factories Act of 1948. The cause does not seem therefore simply incapability of poor families to meet the educational expenditures of children but instead that such families view these tender hands as the best productive factors to supplement to the family income so as to strengthen their financial standing for varied reasons.

Although child labour and child education have a strong nexus and there is negative correlation between the two but still there are many bottlenecks in the way of parents to send the children for schooling. In spite of having a good schooling network, there are still many places where the aspirants have to travel over long and difficult terrain every day to reach the school. There are many places where in spite of having an educational institution, a proper monitoring is very difficult which results in ineffectiveness of the school system due to willful acts of human element involved in the management and running of the schools.

The enactment of laws and to inflict punishment on the violators of laws under the above circumstances seems to be meaningless as checking of violations is a cumbersome job for the government and more say there are no report of violations by the parents and the society due to the reason that this violation is desirable for parents and acceptable to the society. As the state of economic condition of many families do not allow them to shun the engagement of children in labour force, so any law which is banning child labour without ameliorating the financial standing of the poor is not acceptable and hence cannot be effective. Beating the criminals severely cannot put an end to the commission of crimes. Simply punishing the violators of child labour laws is no guarantee that this menace could be put to an end. Punishing the offenders with fines as disclosed by the Social Welfare Minister (J&K State) in the State Legislative Assembly on 01-04-2006 is not going to do wonders.

The enactment of laws has not even stopped the employers from employing little children as the well known grievance that ‘laws grind the poor and rich men know how to rule the law’ comes into play. As such we cannot simply depend on
enactment of laws if the problem of child labour is to be addressed in letter and spirit.

Quite often we speak of rights of children. This seems to be ridiculous under the circumstances when children as immature minds can never think of their rights and not to talk of their enforcement. Freeman (1983) has rightly stated."How can you talk about rights inherent in people who are unable to exercise them? Instead, we should be concerned with requiring adults to meet their obligations or duties." If article 21A of the Constitution of India guarantees right to education to children, but it is question of doubt who will invoke right to constitutional remedies if this right is violated. In case of child workers, the parents would never do it as sending children for work is their decision. The children themselves are not mature enough to seek justice. No member of the society would also bother to take the trouble on behalf of children as we are not living in a conscious and responsible society committed to national cause and social justice.

In the light of the above, the abolition of child labour needs preventive measures and not simply curative measures. The preventive measures call for a social set up in which the society itself discourages the practice of child labour so that the problem does not itself take place or to put it differently, the employment of children in different occupations becomes undesirable, meaningless and irrational. The initiatives of government must necessarily enjoy public support in order to succeed.

The war against the problem of child labour is to be waged on two fronts i.e., retaining the children already in school and luring more and more children towards school. This will reduce drop out rate and increase school enrolment. The proposition is more relevant in Kashmir context as no law can check the violations in hard- to- reach areas of the valley which remains decayed with snow for about half of the year making the working of law enforcement machinery virtually impossible. The Government at the national level has initiated many programmes for universalisation of elementary education like Early Child Hood Care and Education (ECCE), Education for children with special needs (CWSN), Shiksha Karmi Project, Sarva shiksha Abhiyan (SSA), National Programme for Education

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*Socio-Economic and Ethical Dimensions of Child Labour in Kashmir*
of Girls at Elementary Level (NPEGEL), District Primary Education Programme (DPEP) and Mid-Day-Meal Scheme etc. Hefty expenditures are incurred in running all these programmes with the common objective to ensure universalisation of elementary education and to bring all the children with zero rejection under the purview of school system so that these tender hands are not pushed to ugly work situation at an early age.

The Government of Jammu and Kashmir is also running programmes like SSA, Mid day Meal Programme, Rehbar-i-Taleem to ensure smooth functioning of schools especially in remote villages by employing resident teachers. The major thrust of all these programmes seems to be development of proper and adequate infrastructure to provide quality education at the easiest convenience of the aspirants. But the question is whether provision of quality education is going to mitigate the sufferings of the poor families whose children work in different establishments to provide some financial succour to their families? The answer shall be definitely negative. Instead of only developing the infrastructure, we must alongside make education attractive and appealing for those whose children are forced to work so that there is inherent dislike in the minds of people towards this menace and they prefer child education. According to social anthropologist and United Nations volunteer Neera Burra, “if there is at all a blueprint for tackling the problem of child labour, it is education.” However mere improving the quality of education and widespread of educational net work is not going to settle the scores.

The system of education must meet acceptability at the hands of the society. Paul Douglas has remarked, “The most effective way in which society protects children is in providing their parents with sufficient income so that they can be brought up properly. It is folly to expect wage earner with unduly low income to feed, clothe and rear their children in any adequate fashion. Give a family of average intelligence sufficient money and it will not only be able to take care of its children, but it will gradually learn to do so. The most pressing obligation is for the industry to put its system of wage payment upon the adequate basis and until this is done, social reform will swing against the child.” All the intellectual perceptions revolve round the pivot of compensating the low income families for the loss they could
suffer by sending their children to school i.e., on account of their earnings in the labour market otherwise and also on account of the expenditure on their education. The ILO Report on the Protection of Children and Young Workers, has rightly emphasized, “the problem of prohibition of child labour is inextricably mixed up with the problem of the maintenance of the child and the provisions of a living wage for all employed persons adequate to maintain the family at an adequate standard.” This calls for review of our education policy in which to incorporate the provisions for providing financial incentives to the children in government run educational institutions alongside provision of quality education. The financial needs of the poor families and the education of their children cannot be taken in isolation but instead these are inter-related. A general prohibition of child labour is incompatible with the existence of large-scale industry and hence an empty, pious wish. Its realization- if it were possible-would be reactionary,........an early combination of productive labour with education is one of the most potent means for the transformation of present-day society .(Marx and Engels 1968) If these children are to be brought to school and saved from the scourges of labour, then their families are also to be taken care of. A marginal stipend can suffice to compensate for the meagre wages the children would otherwise earn in work centres. The field investigation has shown that a substantial number of working children are paid daily wages ranging from Rs.10/- to Rs.20/- with no payment on holidays and days of absence. On an average these children earn Rs.200 to Rs.400 per month. The reimbursement of this amount would certainly pave way for their entry into school system. However, in doing so it is suggested to divide education into two classes i.e., ‘Payment Education’ and ‘Paying or Lucrative Education’. In the former the aspirant shall have to make payment of tuition fee and other charges to receive education while as in the latter case the aspirant shall be paid stipend alongside imparting of education or in other words the education shall be paying to the aspirant in financial terms.

The curriculum for the two shall suitably differ and the former shall be conferred a superior status as compared to the latter. This is required so that only those whose
children shall otherwise have to work are tempted to join the latter system of education where their wards will be getting a reasonable stipend almost equivalent to the wages they would earn in a work centre. The latter type of education shall be a technical type of education which can meet the requirement of technocrats for the State once they pass out from the institutions. The books and uniform to the students of lucrative education shall be provided by the government. The syllabus for superior type of education shall be devised with academic contents commensurate with the professional, executive and administrative positions in the State. The pass outs of superior education shall have the *locus standi* to man such positions. A reasonable fee structure as is in vogue at present shall be there for superior education. This will keep the affluent class away from stipendiary education and attract the poor parents to send the children for schooling in lucrative education system.

The proposed scheme is depicted in the following diagram:
Fig F

Proposed Strategy to Deal with Child Labour

EDUCATION

PAYMENT EDUCATION

Or

CLASS 1ST EDUCATION

Academic/Professional

Shall Produce

Professional/Administrative / Executive manpower

LUCRATIVE EDUCATION

Or

CLASS 2ND EDUCATION

Technical

Technical Manpower
The above scheme once implemented will encourage school enrolment of children from weaker sections and downtrodden families who are otherwise forced to labour market at tender age helping to narrow down substantially the social divide between educated and illiterates and thus bring a healthy social change. The scheme shall end or at least substantially minimize the school drop out rate which has been recorded as 26.71% from class I to VIII in Jammu and Kashmir in the year 2002. This scheme shall pay rich dividends by virtue of its being associated with monetary incentives for the poor children and shall render all other schemes regarding universalisation of education as less important. The budgetary provisions of the scheme towards universalisation of education and other collateral schemes shall be diverted to finance the proposed education policy. Instead of dragging the children from labour sector to education, the sending of children to school would a voluntary gesture on the part of parents. The era of exploitation of tender hands by the employers can be put to an end and additional man days of employment would be available for the adult workers. There would be increased public demand for establishment of primary schools in remote areas and bad pockets. The working children about whom no accurate figures are available can be pinched from work centres to join the school system as a spontaneous reaction by the parents of child workers.

However making education attractive and lucrative for the needy shall not mean the exclusion of development of a proper physical infrastructure for imparting education to the general masses. The development of adequate infrastructure is essential to provide quality education to the people at their easiest convenience. The following few suggestions are offered to develop a sound educational infrastructure and to discourage the practice of child labour through other means so that each and every child is brought under the purview of education:

1. **Ameliorating the Physical condition of Government run Schools:** The field investigation has shown that people on a large scale do not harbour goodwill, reputation and image of government schools even when many of these schools posses more qualified teaching staff than private schools. This is due to the fact that
the physical condition of these schools is quite deplorable and dilapidated buildings, less cleanliness, lesser accountability on the part of employees indicates the neglect of the Government. Even people in the corridors of power in the department of education do not prefer government schools for their children. The enrolment in government schools is declining gradually and these schools are showing dismal performance in results as compared to private owned institutions. It has been noticed that government schools have generally students as first generation learners and educated parents in rare cases send their children to government schools. The J&K Government shall have to develop a sound inbuilt monitoring and evaluation system within the department and also get the physical and academic condition of these schools appraised through independent appraisers. The institutions showing healthy signs of improvement and those standing in good comparison to private institutions shall be distinguished by granting of grades as a morale boosting factor.

2. Expansion in School Education: The net work of schools up to middle standard education shall be increased to cover all the uncovered areas and also set up the institutions in such a way so that the aspirants shall not have to cover a distance of more than one kilometer from their residences. The measures to make school education available to the aspirants at their easiest conveniences shall bring more and more children within its ambit and thus discourage the practice of employment of children in work centres.

The growing population as a result of high level of fertility and the decline in rate of mortality calls for a correspondence between the size of population and the educational facilities. The regional imbalance in the distribution of schools among the districts of the valley shall be corrected. For instance, there is one primary school for about 278 children in the age group of 0-6 years in Anantnag district while as the district of Kupwara has one primary school for 109 children only. The primary enrolment in district Anantnag is higher in the valley being 121641 children in the year 2005-06.
The orientation of education at primary level shall be modified in order to make it more pleasant and playful for the little children so that the existing students are retained to the exclusion or minimization of drop out rate.

3. Kashmir Cottage Industries (Child Labour Prohibition and Regulation) Act:
The State of Jammu and Kashmir does not have any separate law for prohibition and regulation of child labour and as such Child Labour (P&R) Act of 1986 is applicable to the State. The major draw back with the Child labour Act of 1986 is that it does not cover children working within the family set up i.e., children assisting their parents in family owned and managed units. As the Kashmir valley is very famous for traditional handicrafts which are practised in every comer of the valley within households in majority of cases has a big chunk of children working in these units but surprisingly they remain out of the purview of law and its consequences. More so, these cottage level units do not come under the purview of Factories Act of 1948. The functionaries of the labour department cannot lay their hands on these children or their parents, so the problem of child labour continues in the valley without any threat of legal consequences. Due to this limitation, the Child Labour (Prohibition and regulation Act) 1986 is irrelevant in the Kashmir context and there is need to enact a separate Act for the cottage level industries in Kashmir which can take cognizance of the local conditions and peculiarities to protect the rights of children all alike. The Act shall ban employment of children up to 14 years of age in all cottage level industries and shall suitably regulate employment of children in the age group of 15-18 years. The Act shall, besides other protections lay down provisions for proper working conditions of cottage level units and the mode of wage payment to workers. For other sectors, the Child Labour (P&R) Act 1986 may continue to operate. The employment of children in life threatening jobs shall be made a cognizable offence.
4. Child Line Service at District Level:
The Government shall establish a child line service at district level under the control of Assistant Labour Commissioner wherein any conscious citizen or the out of school child himself/herself shall apprise the authorities about the child labour and the distressed condition the child is confronted with. The Assistant Labour Commissioner shall scrutinize the case and initiate steps to redress the grievance on priority basis and submit quarterly reports to the higher authorities about the working and performance of child line service.

5. Conduct of Survey on Child Labour:
In spite of the fact the valley has a big chunk of child labourers working in different establishment especially in the handicrafts sector, there are no figures available with regard of the magnitude of child labour as no comprehensive labour survey has been conducted in the State so far. The State Labour Department is still unaware about the magnitude and fate of child labourers in this era of information technology revolution.

The Supreme court of India has issued directions to all the state government and union territories about the conduct of a child labour survey but the same has not be followed in the State of Jammu and Kashmir. The State Labour Department attributes the inaction to the constraint of funds to complete the job. The government shall initiate the process to conduct the survey on top priority so that a policy framework is chalked out to rehabilitate the working children in the valley of Kashmir who are at present leading premature adult lives to the trample down of their rights as children.

The survey shall be intended to identify the working children trade wise based on their geographical distribution with the break up as to how many are full time and how many part time or marginal workers.

6. Expansion in the Size of Law Enforcement Machinery:
Kashmir valley with a haphazard geographical area of 15,952 sq kilometers has merely nine labour officers and ten labour inspectors in the State Labour
Department to check among other things labour law violations on account of child labour. This seems humanely impossible when the work centres are spread over entire geographical area and hard-to-reach places and the nominal size of the enforcement machinery indicates the indifference of the government towards this delicate issue of tender souls. There is as such need to expand the State labour department and appoint local voluntaries by integrating local self government and non governmental organizations with the department of Labour.

7. Pruning the Size of Handicrafts Training Programme:
The handicrafts training programme which is being run by the government of Jammu and Kashmir for the last more than three decades has become saturated and is bringing children within its purview so as to ensure the survival of the programme. The department which is running a vast net work of 548 training centres in different crafts throughout the State out of which 339 training centres are in the valley alone is lacking an adult response and is luring poor children towards handicrafts training for the simple allurement of stipend. The agony is that besides other things, the Child Labour (P&R) Act is not applicable to State sponsored work centres. Such type of child work is otherwise also difficult to check as these centres are in many cases located in hard to reach areas of the valley. There is as such an urgent need to prune the size of the training programme and confine it to city, urban and town areas where a regular monitoring can be ensured under the above recommended separate enactment on Child Labour prohibition for Kashmir valley. The proposed Act shall cover private as well as government sponsored work centres. The illiterate aspirants of training in this programme shall be asked to produce age proof certificate from the medical board which shall be specially constituted for the purpose. The officials of the labour department shall keep a constant vigilance over these centres so that State sponsored violations do not take place. Besides, the payment of monthly stipend shall be dispensed with so that only those who have real aptitude for training seek admission in the training centre. This will eliminate the bait to lure children of poor families towards work centre and minimize the incidence of child labour in the valley.
8. Public Awareness:
Greater public awareness shall be generated about the importance of schooling for the children. As revealed by the research findings, more and more awareness campaigns shall be launched in rural and hard to reach areas of the valley so as to arouse an interest in the minds of parents about the proper education of their children and wider publicity shall be made about the various schemes and facilities connected with the universalisation of primary education programme.

9. Economic Incentives to Common People:
A peculiarity with Kashmir is that people due to unique climatic conditions of the valley are confronted with the hardships of winter every year during which period the income lessens due to their confinement within households as a result of severe cold and snow while as the expenditures increase to face the vagaries of weather. This creates an imbalance in their income and expenditure forcing many families to lead a miserable life and thus compelling them to send their children for work in order to correct the mismatch between income and expenditure. In order to save the people from such a state of affairs, the government shall allow them winter subsidy on all essentials provided through public distribution system.

10. Strict Enforcement of Attendance Rules in Schools: It has been seen that there are many part time workers who work on roadsides cleaning vehicles, collecting trash etc to meet their personal needs. These children stand on the rolls of the school but become habitual of truancy. These truants can be stopped from working anywhere without the permission of the school and also of parents if norms relating of attendance of students in the educational institutions are strictly followed. The fixing of responsibility and establishing accountability on the part of teachers of educational institutions shall be strictly ensured so that there are no let ups or unwarranted concessions to the students in attending the school.
11. **Social Security for Destitute:**

It has been noticed that many families are rendered destitute as a result of death of the only bread winner due to armed struggle or due to natural death of the only earning member in the family. Such families in order to survive are constrained to send their children for work to meet their physiological needs. This takes place as there are no social security measures of the Government for such families. It is therefore recommended that the Government shall initiate financial support schemes for such destitute families so that their children do not suffer due to financial problems.

12. **Migrant Child Workers:**

A complete ban shall be imposed on migrant child workers who are generally found begging or working in many life threatening activities giving a very bad taste and vilifying the image of the valley in the outside world because of influx of tourists from different parts of the globe every year. The parents of migrant child workers or their employers shall be severely dealt with for violating the ban by employing these little children on Kashmir soil. The violation of the proposed ban shall be made a cognizable offence and the wrong doers shall be prosecuted in courts of law.

13. **Review of Self Employment Policy:**

One of the reasons for not strengthening the self employment drive in the valley is that the aspirants are supposed to undergo rigorous formalities and obtain clearances from various quarters which results in an impediment in timely disposal of their cases. It is therefore suggested that the unemployment cases of unemployed educated youth shall be completed under single window system and expedite the grant of easy loans expeditiously.

In addition to this, the power to grant loans to the educated youth shall be decentralized to Tehsil levels so that the aspirants may not have to run from pillar to post to get the loans sanctioned. This will help to minimize the growing unemployment which has strong implications to change the mindset of the people regarding the compulsory education of their children.
Conclusion:
The problem of child labour cannot be eliminated even after following the above suggestions if the employers do not understand their ethical duty to discourage the practice of employment of tender hands. The ethical principles of business do not allow the employers to engage little children to the detriment of their health and psycho-development for their commercial interests. Alongside the parents shall have to understand their responsibility to ensure better schooling of their children and not to employ them in hazardous jobs or such occupations which can keep them away from education. The problem of poverty shall not be allowed by the parents to override them while deciding the future of their children. The poor parents shall have to give more sacrifices in doing so but the same is to be taken as a challenge to be met with determination and fortitude. The role of the government shall be to check the exceptional cases of violation and not mass violations which go on with impunity. The wrongs of majority become the customs of the society. As a matter of fact the government, employers, parents and the society shall have to play a convergent role to deal with the growing problem of child labour so that this menace becomes a dodo in the future times to come.

In the words of Mr. Kofi Anan, former United Nations Secretary General, "The United Nations once dealt only with Governments. By now, we know that peace and prosperity cannot be achieved without partnership involving Governments, International organizations, the business community and civil society. In today's world we depend on each other." (UNews August 2005)