INTRODUCTION
Chapter I

Introduction

A child of today is a responsible subject of a nation tomorrow. The nations of today are not judged by the capital resources which they possess rather these are assessed in terms of developed human beings whom they own. Indeed this developed, proficient and expert human resource finds its source in children. Children in fact are the budding buds who if nurtured and looked after properly can enthuse the entire nation with their sweat fragrance and beauty. Children are the future hope of every nation and these beautiful flowers of life’s garden are supposed to take over the reins of nation in future times and to shape its destiny through their achievements and excellence so as to confer on it a status of superiority over other nations. Any development conscious nation cannot ignore the proper physical and mental development of the children to keep its future in safe hands. Nations have progressed through their people in economic, educational, cultural, social, scientific, industrial and spiritual fields only when care has been taken of the subjects’ right from their childhood.

The employment and exploitation of children has been witnessed since immemorial past but wide prevalent poverty and illiteracy had made one and all unconscious of the gravest situation. The employment of child labourers in different occupations especially cottage level industries is not of recent origin; its evidence has been found even in the earlier days of human civilization. Not only this but also their conditions of work and wages of these workers have not undergone any appreciable change over decades. Moreover in the absence of any formal agreement between the child servant and his employer the terms of employment are most arbitrary and exploitative and no job security is provided to them. They can be hired and fired on any flimsy pretext by their mighty employers. They have to work right from early hours in the morning till late hours in the evening with or without intermittent rest pauses, for pitifully low wages. The child labour laws appear to have made a little dent on their life and the employers of these establishments enjoy a long rope in regulating their conditions of work and wages.
The general perception that children and women are docile and less resistant to suppression makes them all-time victims and worsens the situation. In the entire world of today, there is widespread concern regarding the rights of children to grow and flourish as respectable and creative minds of a nation.

It is indeed an agony that the children especially in under-developed countries and backward societies are still being deprived of their rights and freedom to flourish by subjecting them to various harassments and exploitations by vested interests. By employing children in various hazardous occupations, we are not only depriving these children of their right to grow but we are consciously or unconsciously losing a large chunk of potential scientists, doctors, engineers, researchers and scholars who could otherwise be of great service to the nation. A great nation is identified as such by virtue of its great people who excel in their life and bring laurels to the nation.

The problem of child labour has become global in nature. ILO estimates that there are 250 million children aged between five and fifteen employed in the world, mostly in developing countries. This is the official figure and the reality can be even uglier. These ill-fated children are supposed to work for 12 to 18 hours a day in polluted atmosphere and hazardous occupations which makes them victims of diseases like asthma, tuberculosis and bronchitis. Their entertainment is confined to eating imbalanced food, smoking and narcotics.

The employment of children in hazardous occupations is fatal to their proper physical and mental growth which is not a healthy sign for a responsible nation. Not only this but the exploitation of children has also taken different ugly dimensions and nowadays children are being used in armed conflicts as soldiers. There are about 3,00,000 child soldiers around the world today.

According to UN report, 42 armed groups in 11 nations are using children in war. These nations are Burundi, Democratic Republic of Congo, Ivory Coast, Somalia, Sudan, Uganda, Myanmar, Nepal, Philippines, Sri Lanka and Columbia. Still surprising is that government forces from Congo, Myanmar and Uganda also appear on the list besides 42 rebel groups. (Greater Kashmir Feb 11, 2005)

The health hazardous jobs to which children are put especially in economically backward societies is yet another cause of concern. In the normal socialization process, children do perform different activities, though not economic in nature, it is only those activities which are economic in nature and bear an adverse affect on the mind and physique of children due to nature of job or excessive work derived by...
unscrupulous employers to the detriment of children which is sounding alarm in the whole of the world and emerging as a cause of concern for children’s rights activists. The practice is undesirable in whatever form and magnitude the exploitation continues. The exploitation has grown to alarming proportions and despite various soft and hard measures the problem could not be controlled to full extent. An absolute eradication of child labour practices seems to be long term plan and a distant dream but efforts are underway to minimize the incidence of child labour through different measures including persuasion and awareness programmes.

Children are being seen in employment in both organized and unorganized sector. The involvement of children in economic and non economic activities is a widespread concern. There are children who are put to much work within their household like fetching of water and other essentials of life, taming of animals and engaged with agricultural work and are all non-paid activities. These activities interfere with their schooling and are put to excessive work which always remains unaccounted for. Though a distinction lies there in child labour and child work but the common fact being that the children in both cases hardly get time to be children and enjoy the bounties of childhood.

The circumstances which beset many children in the world open doors for their exploitation at the hands of unscrupulous and selfish human beings. The affection of parents for their children is always unquestionable being the outcome of laws of nature. The parents may be rich or poor, high or low, mighty or weak, destitute or self-sufficient; they would always like to see their children far ahead of others. It is only when every increase in the family strength becomes troublesome, that the parents are forced to send the children to ugly work situations for their own survival and survival of the family. Under such a situation, their tender age, innocence and docility becomes a curse and they are dragged to hazardous and non-hazardous occupations at an early stage like dumb driven cattle. These children are deprived of proper schooling, nourishment, mental, physical and moral growth and they always find themselves as an inferior lot. Unsuitable working conditions at an early stage deforms their body structure, blurs their vision, makes them victims of many diseases like chronic bronchitis etc and even reduces their HB level. This seems to be worst kind of human rights violation under the category of children rights violations. These children are even sent for bonded labour and they are made slaves of their employers against meager advances of money which parents get against their...
“Hypothecation” to their masters. Quite often these children are put to inhuman treatment and are put to excessive work load which gets symbolized from their facial expression and disappointment. Children are often separated from their families, subjected to abuse, deprived of education and forced to work in conditions that adults tolerate (Youth Advocate Programme International). Children have, at times, met with accidental deaths on such hazardous jobs and in unsuitable working conditions which call for absolute maturity of mind and precaution expected of adults only.

Child abuse in the shape of child labour has caught the attention of world community and there seems to be launch of a result oriented movement to end the menace and atrocities on children. As human beings, children have their own rights to grow and develop, snatching of which is a sin against the mankind. A number of ILO conventions and laws enacted by different nations of the world to end child labour and to leave no scope for capitalizing on their docility have not been effective in absolute terms. The fact of the matter being that either there is no proper enforcement of the laws or the laws are not acceptable to the society under the prevailing conditions. In spite of stringent measures, the problem of child labour goes on with impunity.

There are many schools of thought regarding child labour. Some people believe that child labour is a best alternative for destitute children who may otherwise have to beg. Yet some others believe that it is a law of nature and any interference in it may have adverse repercussions. Some believe that involvement of children at an early stage in a particular activity makes them expert hands as adults. Some have the notion that working children are exposed to realities of life at an early stage which makes them experienced, bold and responsible to face any odd in future. These notions are taken as a better direction to human resource development by their advocates. All these issues are, however, debatable.

With 250 million children at present, the world is becoming more alert to the situation and various measures are adopted and contemplated at governmental and non-governmental level. The highest population of child workers is in Asia with India in lead. In India, child labour is not only widely prevalent but it has come to be socially accepted. According to the figures of Census 2001, there are 12.5 million working children in the age group of 5-14 years as compared to the child population of 252 million. This is the official figure and other estimates show a higher figure.
India claims to have followed a pro-active policy in tackling the problem of child labour. It has stood for constitutional, statutory and developmental measures, which are needed to eliminate child labour. India's judiciary up to the apex level has demonstrated profoundly emphatic responses against the practice of child labour. New Delhi has ratified six ILO conventions exclusively related to child labour. In spite of all these measures, the country feels that there can be no rapid fire solution to the problem as it has varied implications and ramifications. Among all the States of India, work participation rates of children are high in the State of Jammu and Kashmir (10.53) as per census 1981 (Shameem 2000)

Statement of the problem:
Kashmir valley with its difficult terrain and topography coupled with hardships of winter keeps its subjects confined to homes which has kept them economically backward and in order to earn a living, they have adopted many occupations like cottage level industries which they can perform within the households even though these are hazardous to their health and also fetch low economic returns. These cottage level activities are the cultural heritage of handicrafts practised in every nook and corner of the State. The incidence of child labour in this industry is high as the presence of work centers in all geographical areas coupled with the economic backwardness of the State has lured many parents to send their children to these work centers leading to early dropouts from schools even also. The valley's unique geographical features and the presence of workshops and work centres in hard-to-reach areas impedes law enforcement and throws into oblivion the agonies and distressed condition of many ill fated children who are caught into the worst forms of labour. More so, many children are caught into the shackles of deplorable working conditions due to unique political status and the resultant armed struggle prevailing in the valley of Kashmir. The situation deprives a big chunk of children of their right to receive education and instead they suffer unseen and they cry unheard. According to policy analyst Joseph Ghatia, nearly 60% children between the age group of 6 to 10 in Kashmir are deprived of education. While these tender hands have helped to boost industrial production but at the same time the ill effects of child labour far over
weigh the benefits. The children are also made to work in brick kilns and automobile workshops etc at the cost of their proper development. Many children migrate from rural to urban areas to work as domestic workers and many children generally engaged in rag picking are immigrants from areas outside the valley of Kashmir. While the parents have their compulsions, destitute are clamoring for food, clothing and shelter, the greedy employers are all set to enhance their profitability by hiring this cheap and docile labour, the State Government seems to be indifferent and unconcerned about the plight of working children and thus the menace of child labour makes its way without any report of violation of laws or *suo moto* cognizance by the Government. If Article 24 of the Constitution prohibits the employment of children in hazardous establishments and Article 21A makes education as a fundamental right of children but it is a question of doubt as to who will invoke Article 32 of the Constitution regarding right to constitutional remedies when the practice of employment of children has virtually come to be socially accepted. The eradication of child labour in fact calls for a concerted effort on the part of parents, employers and the State.

Every business establishment is socially responsible and anything done by the business which bear a tendency to deform or de-shape the social fabric is really unethical. Child labor is one such area in which employer is a very important player in the convergent approach to discourage it. If the employers understand their ethical duty, they will surely desist from employing these children for their business gains. The *malafide* intention behind employment of these children is to pay them less for more work without facing any threat of unionization or resistance otherwise there is no reason that immature minds and delicate hands will be preferred over mature minds and strong hands.

The present study has been undertaken to discuss the multi-dimensional problem in the context of business ethics, in various establishments operating in the valley of Kashmir. As the climatic conditions, topographical back ground and the on-going turmoil make the valley of Kashmir as differently circumstanced with other parts of the country and hence the present study is unique in its approach and character.
Objectives of the Study:
The study has been carried out to achieve the following objectives:

1. To study the causes, concern and extent of child labour in Kashmir.
2. To study and evaluate the socio-economic-ethical dimensions of child labour in Kashmir.
3. To identify the causes of failure of State Policy to stop penetration of child workers into the total work force in Kashmir.
4. To suggest the measures on the basis of study results that may be adopted as remedies to contain/eliminate the menace of child labour as substantiated by the observations and the empirical data.

Scope of the Study:
The study covers the problem of child labour in various sectors such as automobile workshops, brick kilns, rag picking, domestic servants, restaurants and handicrafts with special reference to carpet weaving and sozni embroidery craft. The study covers all children whether working in a family set up or out of family set up and working on whole time basis. In both these cases these children are deprived of education. The study also brings within its ambit all the marginal workers /part time workers whose schooling gets affected due to such employment or whose health is put to jeopardy. The study, however, excludes children who perform petty jobs in their households as a normal socialization process.

The study covers the children in the age group of 5-14 years for works other than hazardous jobs and 5-18 years for hazardous jobs. The study covers all resident children whether locals or non locals. A resident child has been taken as one who stays in the valley for six months or more in a year and engaged in any economic activity.

Research Methodology:
Coverage:
The study is confined to the geographical area of Kashmir valley of the Jammu and Kashmir State. The sample survey has been conducted in the Districts of Srinagar, Budgam and Baramulla of Kashmir valley where the incidence of child labour is

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

7
witnessed as high. The children working in cottage level industries especially hazardous job of carpet weaving, brick kilns, restaurants, rag picking, trash collecting, automobile industry and the child domestic servants have been chosen as the worker respondents for the study. Every effort has been made to bring under study the children in labour sector as a result of on-going armed struggle in the valley and also the child workers from the families who had been victims of natural calamities. This has been done in order to make the study more objective to bring out all the possible causes of child labour as the valley of Kashmir in view of its unique climatic conditions and topography besides political fall out between two powerful countries of South Asia cannot be treated as similarly circumstanced with other parts of the world.

Both the approaches of research viz exploratory and empirical have been adopted to make the study analytical and scientific. The exploratory approach has been used to unearth the information from the records of the establishments wherever required. The empirical approach has been applied in investigating various issues regarding child labour by field survey.

**Primary Data:**

Separate questionnaires were devised for employers and the right thinking members of the society and a schedule for working children. The schedule for working children was devised on the basis of ILO pattern and was divided into three parts indicating personal profile of the informant, his/her family profile and employment profile indicating quality of work life. The schedule was intended to measure the socio-economic status of the working children alongside their quality of work life. The questionnaire for employers was devised with multiple choice answers on the basis of ranking scale. The employers were asked to give most appropriate answer to a given statement indicating their rankings in case they feel that more than one answers are appropriate. The questionnaires were administered upon 100 employer respondents.

The public perception questionnaire was devised on the basis of five point scale propounded by Rensis Likert and was administered upon 210 respondents from a cross section of society comprising of public functionaries, academicians, social activists and other right thinking members of the society. The respondents were given a choice to agree, disagree or be indifferent to a given statement indicating
the degree of agreement and disagreement. The questionnaire was divided into five parts. Part A and Part B indicating whether child labour is a boon to be sustained or a bane to be eliminated. Part C indicating the most probable causes of child labour in Kashmir scenario and part D and E indicating whether the problem requires positive checks or negative checks to control if advocated as a bane to be eliminated.

The questionnaires were structured ones and were pre-tested before actual use.

**Personal interviews:**
Besides the above questionnaires, direct personal interviews were held with the parents of child labourers to know their compulsions for taking the most unfortunate decision to send children for work. Absolute care was taken to deal with the parents of child workers so as to know their true feelings and illicit every possible information. The principles and rules of direct personal investigation were strictly followed during the course of interaction with the parents who are mostly illiterates. On many occasions interviews were held with the little workers in a child friendly atmosphere exhibiting more humour than seriousness to help children to divulge their inner secrets and true feelings.

Direct personal interviews were also held with the government functionaries connected with child welfare, child education and the administering of law relating to child labour prohibition and regulation.

**Secondary Data:**
The secondary data has been obtained from various agencies which include the following:

5. Office of the Project Director, Sarva Shiksha Abhiyan Srinagar.
6. Research works available in various libraries of the country.
8. Various related web sites.
Tools of Analysis:
Various statistical tools like Measures of Central Tendency (mean), Analysis of variance, $X^2$ test, Co-efficient of Co-relation and measures of dispersion (standard deviation) have been used to analyze the data scientifically and deduce conclusions.

Sampling and sample size:
The study is based on multi stage sampling and the three districts viz, Srinagar, Budgam and Baramulla have been chosen as primary sampling units. These districts comprise of 14 Tehsil areas as per following details:

<p>| Table 1.1 |
| Tehsil wise Patwar halqas and villages |</p>
<table>
<thead>
<tr>
<th>S.No</th>
<th>District</th>
<th>Tehsils</th>
<th>No of existing Patwar halqas</th>
<th>No. of villages</th>
<th>Sample Tehsils chosen</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Srinagar</td>
<td>Ganderbal</td>
<td>32</td>
<td>94</td>
<td>Ganderbal</td>
</tr>
<tr>
<td>2</td>
<td>Kangan</td>
<td>23</td>
<td>41</td>
<td>Srinagar</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Srinagar</td>
<td>46</td>
<td>117</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>03</td>
<td>101</td>
<td>252</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Budgam</td>
<td>Beerwah</td>
<td>28</td>
<td>180</td>
<td>Beerwah</td>
</tr>
<tr>
<td>2</td>
<td>Budgam</td>
<td>38</td>
<td>179</td>
<td>Chadoora</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Chadoora</td>
<td>45</td>
<td>156</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>03</td>
<td>111</td>
<td>515</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Baramulla</td>
<td>Bandipora</td>
<td>15</td>
<td>49</td>
<td>Bandipora</td>
</tr>
<tr>
<td>2</td>
<td>Baramulla</td>
<td>40</td>
<td>104</td>
<td>Gurez</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Gurez</td>
<td>07</td>
<td>27</td>
<td>Sonawari</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Pattan</td>
<td>22</td>
<td>92</td>
<td>Tangmarg</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Sonawari</td>
<td>14</td>
<td>51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Sopore</td>
<td>44</td>
<td>141</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Tangmarg</td>
<td>20</td>
<td>100</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Uri</td>
<td>18</td>
<td>98</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>08</td>
<td>180</td>
<td>662</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Compiled on the basis of information given in the Digest of Economics and Statistics

The sample Tehsils were selected as every alternate Tehsil from among the alphabetically arranged Tehsils separately in respect of every district under study. These sample Tehsils comprise of twelve Handicrafts Blocks and the study has
been further confined to nine such blocks selected systematically as every odd serial from the alphabetically arranged list of Blocks subject to minimum selection of one Block from each Tehsil. From each block survey was carried out in some villages selected randomly and with “hit and run method” to catch hold of child labourers where ever noticed and every effort has been made to study the child workers from all the targeted sectors. A sample size of more than 30 child workers was taken from each Tehsil to provide a normal approximation by virtue of Central Limit Theorem. In order to give due representation to all the sectors under study the sample of the working child respondents was chosen as follows:

Table 1.2

Activity wise Sample of Respondents

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the activity</th>
<th>Sample respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Handicrafts</td>
<td>120</td>
</tr>
<tr>
<td>2</td>
<td>Automobile industry</td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>Restaurants</td>
<td>35</td>
</tr>
<tr>
<td>4</td>
<td>Rag picking</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>Brick kilns</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>Domestic servants</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>245</td>
</tr>
</tbody>
</table>

The above number was decided in accordance of percentage of child workers found in different activities in a selected area during pilot survey.

Limitations of the Study:

Every effort has been made to make the study objective, analytical and representative of the population to suggest policy recommendations which can help to overcome the growing menace of child labour in the valley. But in spite of all this, the researcher has been confronted with many problems which made the job more difficult if not impossible. Some of the limitations of the study are as under:

1. Absence of a comprehensive labour survey by the Labour Department of Jammu and Kashmir government emerged as a strong impediment in making a more realistic selection of optimum sample size.
2. The conflicting secondary data available in different reports about the

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
same issue led to difficulties during the course of analysis of the data. However, care was taken to depend on the most reliable data.

3. As most of the working children in Kashmir are working in household handicrafts units, the informant children were at times found reluctant to divulge their true feelings about their job in the presence of master craftsman, the head of the work centre.

4. Many respondents showed their inhibition to reveal their true feelings and were as such excluded from study.

5. Non co-operation on the part of the officials of Indian Statistical Institute New Delhi created some difficulties.

**Design of the Study:**

The Study has been divided into the following four chapters:

1. **Introduction**
2. **Review of Related Literature**
3. **Child Labour in Kashmir and Extent of State intervention**
4. **Socio-Economic and Ethical Facets of Child Labour in Kashmir (Data Analysis and Discussion)**
5. **Conclusion, Suggestions and Policy Implications**

The **first chapter** deals with the problem of child labour in general with special reference to child labour in Kashmir highlighting the need to attend to the problem in view of the distinctive character of the valley of Kashmir. The chapter states the objectives and scope of the study besides giving detailed account of the methodology adopted to collect data from various sources and its subsequent analysis. The limitations of the study form part of the chapter.

The **second chapter** gives a comprehensive account of the review of related literature. The chapter presents a summarized account of different research studies, legal enactments, government and non governmental interventions, ILO conventions. The problem of child labour has been explained with reference to
international conventions, national stipulations and state level policies in the light of related literature.

The third chapter deals with a detailed account of State interventions and the policy decisions taken from time to time to counter to the growing menace of child labour. The chapter takes recourse to secondary data to analyze the most probable estimate about the magnitude of child labour in J&K in the absence of a comprehensive child labour survey in the State. The chapter discusses the measures adopted by the government which can contribute to the minimization of the incidence of child labour either directly or indirectly in the State of J&K.

The fourth chapter forms the essence of the study and is based on empirical investigation conducted by the researcher on sampling basis. The chapter gives a detailed account of the findings bringing out the causes and concerns of child labour in Kashmir. The chapter highlights the plight of Kashmiri children involved in various types of hazardous and non hazardous jobs with statistical facts, figures and the case studies.

The fifth and the last chapter makes a number of recommendations on the basis of findings through analysis of data which are intended to be used by the policy makers in formulating plans and policies to combat the problem of child labour in Kashmir scenario. The chapter identifies the areas for ‘focused attention’ on the part of different agencies to find a sustainable solution to the age old problem of child labour in this differently circumstanced part of the world.