REVIEW OF RELATED LITERATURE
Chapter II

Review of Related Literature

Children are our future hope and every effort is to be made to develop in them a sound physical, mental and intellectual capacity so that they are in a position to direct the nation towards development oriented goals as responsible subjects. The budding buds need a proper environment to grow and flourish. Now-a-days, it is a global concern that the children are being engaged in various hazardous and non-hazardous occupations by reason of which they are supposed to live premature adult lives. These children are deprived of their right to proper education and other enjoyments which they are rightfully entitled to as children. Not only this but engagement of children in certain occupations also bears serious repercussions for their health and such child workers become victims of various diseases which is an ugly sign of people's well being. The cause of much concern for the world community is not the work which the children may have to undertake during normal socialization process but such laborious jobs which may retard the physical, mental and intellectual growth of children.

Poverty is rightly cited as a main reason for child labour. It is the obsession of every parent to see their children elevated in social recognition and economic status but the unsound economic state of affairs of the household compels them to sacrifice their desires and to send their most beloved ones for some earning at an early age. Some recent studies have found that the employers of these child labourers are usually their parents and that these parents in their saying, accord preference to child education over child work but in doing poverty is the impediment to meet the preference. Poverty is therefore, rightly cited as a main reason for incidence of child labour. It has been found that labour force participation rate of children aged 10-14 years is extremely high at 30-60 percent in countries with per capita income of $500 or less (at 1987 prices). But it declines quite rapidly to 10-30 percent in countries with incomes between $500 to $10001. "Poverty is the greatest single force which creates the flow of children into the workplace......[Acute need] makes it nearly impossible for household to invest in their children’s education [and] the

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Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

14
price of education can be very high [as] most free education is in fact very expensive for a poor family.....poor households tend to have more children [and large family size] has been statistically shown to be associated not only with higher likelihood that children work , but also lower school attendance and completion". (ILO 1996b)
The World Development Report 1995 noted the limitations of legislation and the importance of poverty as a determinant of child labour. The report called for a multifaceted approach with programmes that increase income security, reduce education costs and improve the quality of schooling. It concluded: “as the incidence of poverty falls and education improves, child labour will decline. That in turn will make government enforcement of legislated bans easier, starting with such universally abhorred forms of child labour as prostitution and hazardous work.”
The abolition of child labour calls for a multi pronged strategy with the help of a convergent approach of all the sections concerned. UNICEF has prepared a “chick list” of strategic options that could meet the “best interest of the child” with respect to child labour and other forms of economic exploitation of children, it includes: expanding education opportunities either by ‘time off’ to attend regular school or by providing support services to parents, especially mothers; promoting stricter law enforcement against traffickers and those who ‘bond’ child labour, providing services for children working on the streets , raising the age of marriage and changing cultural values and social norms tolerant of the economic exploitation of children.” ILO proposes actions at country level and improved country level co-operation. At the country level, it calls for a national strategy and specific means for combating child labour. The national strategy shall include elements like improving the data base on child labour to give better knowledge and diagnosis of the situation, creating a national plan of action against child labour, raising awareness of the child labour problem; creating a broad social alliance against child labour and creating institutional capacity to deal with the child labour problem. The ILO report on child labour (1996a) calls for countries that are signatories to relevant ILO conventions on the Right of the Child to adopt time bound action programme to eliminate child labour.
Specific measures suggested by the ILO include improving child labour legislations and enforcement measures, extending and improving schooling for the poor and using ‘positive’ economic incentives to reduce the supply of child labour.
Interestingly ILO cautions against the use of ‘negative’ incentives such as trade sanctions and their unintended effects on child workers. It calls for a further examination of the suggestion that “instead of imposing or threatening to impose trade sanctions against poorer countries resorting to child labour in their export-related activities, developed countries should assist these poorer countries in solving their child labour problems, both in export-oriented activities and in domestic economic sectors, including special rewards in the trade field when it is proven that they have achieved good progress in their fight against this scourge.” (ILO 1996b)

Not only poverty but a dysfunctional family can become a reason for child labour. A child may be forced to work if the head of the household usually a bread earner is extravagant and habitual of drinking, gambling or drug addictions.

“Rapid industrialization and growth of service sector, along with the widening gap between the rich and the poor have aggravated the situation further. Other factors such as neglect of disadvantaged regions/communities, shortage of resources, parental illiteracy, proliferation of informal sector migration, absence of social security measures, large family and misconception that child labour supplement the family’s income and the failure of the programme on compulsory education have led to the continuance of child labour” Dhaka and Narwal (2005)  

The ugly face of child labour is that the working children are subjected to excessive exploitation in terms of payment of low wages, long working hours, job insecurity and excessive work load due to absence of any fear of resistance which enables the selfish employers to capitalize on their docility. The Gurupadaswamy Committee (1979) has observed that labour becomes an absolute evil in the case of a child when he is required to work beyond his physical capacity, when hours of employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done and when the occupation in which he is engaged endangers his health and society. 3

According to Varadhani (1994), the words “child labour” need to be replaced by child servitude as a child worker has no voice, freedom and hence reduced to sub-human conditions. 4

“The industrialization and automation due to advanced technology has drastically reduced the scope for unskilled workers which mainly includes child labourers. The compulsions on their part due to increased poverty on account of population

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Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

16
explosion have further adversely affected the position resulting in surplus unskilled labour and the limited job avenues. Due to these factors they are subjected to excessive exploitation by employers. The position is still worse in unorganized sectors of employment more particularly in rural areas.”

Child Labour: Conceptual Framework

The term child labour has been defined differently by various organizations and the definition differs from country to country. There are countries which define child labour as a work done by children below 15 years of age while in some countries the age of 18 years is taken authentic below which a person’s work shall be defined as child labor. Francis Blanchard, Director General of International Labour Organization (ILO) has stated “The first problem is in the definition inherent in the notion of the child work and labour. Child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging their health and their physical and mental development, separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future.” In 1919, the ILO then associated with the League of Nations approved an agreement establishing 14 years as the minimum age for child working in industry. By January 1997, 72 countries had ratified it. In 1930, the ILO’s members banned “forced or compulsory labour”..... 140 countries had ratified this ban by January 1997. (Greenhouse). For some types of work’ done by children under the age of 18 is also defined as child labour. The ILO also says that child labour includes full time work done by children under 15 years of age that prevents them from going to school (getting education) or is dangerous to their health. As per general definition of child labour, a child is a person less than 18 years age. No person under 18 years shall be made to undertake a work that involves health threatening or hazardous activities. Secondly, the minimum age of legally entering the labour market as a full time worker is set to 14 years for developing countries and 15 in other countries. In all cases, full time work must begin only after the age of completing compulsory education. Thirdly, the minimum age for entering labour market doing light work is set at 12 for developing countries and 13 for other countries. At this age a child can do some work outside of the household, provided that it does not interfere with schooling.
In other words, ILO conventions define child labour as work done by children under the age of 12, work by children under the age of 15 that prevents school attendance and work by children under the age of 18 that is hazardous to the physical or mental health of the child. The ILO convention No.138 and 182 under the Convention on Rights of the Child gives the definition of child labour in regard to age, restrictions, job types and exceptions. The convention 138 which was adopted in 1973, discusses the minimum age for employment of children. The minimum age is defined as 15 in the convention but several exceptions with regard to developing or third world countries and also with regard to light work also exist in the convention. The ILO convention 182 was adopted by the ILO on June 1, 1999 in Geneva on its 87th meeting, its purpose was to help rid the world of the following ‘worst’ types of child labour especially in the poorer countries:

a) Child prostitution;
b) Child slavery;
c) Children involved in illegal activities;
d) Children in hazardous work;

The convention also defined what works/situations were explicitly considered ‘hazardous to children (people under the age of 18) as:

1) Mines
2) Work in Oceans.
3) Moving Machinery
4) Carrying heavy materials.
5) Extremely hot/cold temperatures.
6) Agricultural Works
7) Tanning work
8) Glass work.
9) Working with pesticides and herbicides
10) Working with chemicals and
11) Working with silica dust.

The convention has been ratified by 132 of the 175 ILO members. It was the first ILO convention that was adopted with the unanimous support of all 425 delegates.

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
The Convention on Rights of the Child (CRC) in 1979 defines child labour in terms of the effect that the work may have on child irrespective of the fact whether the work is labour market job or otherwise. The work or activities undertaken by a child (defined as a person under the age of eighteen) should not be hazardous or harmful to the child’s physical, mental, moral or social development. In addition for children of primary school age, the work or activity shall not interfere with the child’s education. The Convention on Rights of Child calls for minimum ages to be implemented, but does not specify them. However, through the work of the UN committee for the Rights of Child, the reference in the CRC to relevant international standards on minimum age for employment has been interpreted as ILO convention 138. ILO convention 182 on the worst forms of child labour covers all children under the age of 18; this convention refers to ILO convention 138 as the basic child labour convention.9 The rationale behind various conventions and legislations is not to stop children to work during normal socialization process which can prepare them for challenges ahead. The intention behind legal framework is to avoid suppression of physical, mental and moral growth of children in any way by putting them to undesirable labour conditions. There are allowable and acceptable areas in which children may be put to work though not as a good practice but under compromise with the circumstances. The international conventions suggest that children up to 13 years of age shall not be put to any work in labour market which can be called as child labour. Full time work in the labour market up to 15 years old children and dangerous and hazardous work i.e., worst forms of child labour for children up to 18 years of age shall be unacceptable.10 Children can be subjected to work as per their capacity and the same should not emerge as an impediment in the way of their development and growth. The matter of concern for the world community is to ensure that an entry of the tender hands into the labour market does not cost them proper physical development, minimum education and recreation. The chairman of the United Nations Labour Commission Homer Folks defined child labour as “any work by children that interferes with their full physical development and their opportunities for a desirable minimum level of education or their needed recreation.” According to Youth International programme International, “Child labour is demanding labour at a far too early age. Children are often separated from their families, subjected to abuse, denied education and forced to work in conditions that adults tolerate.”
To be more specific, child labour is understood to mean:

a) Harmful, dangerous and exploitative work that is done by children under the age of 15 (14 in some developing countries)

b) Work that damages a child's development and restricts his/her physical, emotional, intellectual, social or spiritual growth;

c) Violation of a child's basic human rights including right to education, freedom from exploitation and abuse and the right to be protected from performing any work that is harmful to one's physical, mental, spiritual, moral or social development.

The term child labour rightly seems to be a misnomer for the work environment to which children are put and which vibrates the conscience of every right thinking person in a society. It is better to regard it as child servitude as children by virtue of their age are not in a position to unionize or argue or otherwise fight for their rights as members of labour community. The employers enjoy a free rein to capitalize on the docility of these children and extract work from them which ordinarily is not warranted by their physical and mental capacity. They are under the command of their masters i.e. employers even for oppressive orders.

Effects of Child Labour:

Child labour is most undesirable as it retards the physical, moral or mental growth of children by keeping them away from schools and thus compelling them to lead premature adult lives. When children are forced to work at an early age they can develop serious health problems. According to Parker, "health problems are compounded for children because they are more susceptible than adults to the types of illnesses and injuries associated with occupational hazards. (Parker)"

According to experts on child development, when children sit crouched on their toes for 14 hours a day in front of a carpet loom, they are often left deformed and unnaturally short. In many third world countries, children work in mines, china factories and brassware industry; all dust filled work places that foster respiratory problems, asthma and bronchitis. In Brazil children working in tobacco plantations suffer frequent snake bites while child farm workers in Mexico and the south
western United States often are exposed to pesticides. Child prostitutes risk contracting AIDS and venereal diseases and suffer from lack of love, self esteem and family attachment.

Child domestic labour is a waste of human talent and potential. With the help of constructive and sustainable solutions from the ILO technical co-operation programme, governments, employers and workers worldwide stand ready to put an end to this abuse" (Frans Roselaers, Director of ILO-IPEC)

“A comprehensive survey on health problems of child workers conducted by the IPER west Bengal (India) reveals that the majority of child workers suffer from head lice infection obviously due to ignorance of personal hygiene. More than 50% of the children suffer from worm-infection in gastro-intestinal tract. According to the doctors estimate, cent percent of the child workers suffer from some form of vitamin deficiency, the distribution being approximately 70% from the deficiency of vitamin B.Complex, 20% from that of vitamin A and 10% from that of vitamin B and D. It is an established fact that the deficiency of vitamin A is a major cause of blindness. ENT and eye problems are other common ailments with child workers. A good number of children working in the motor garages develop what is known as oil contact dermatitis.” The Health Care Programme of the project has identified the following ailments with child workers:

<table>
<thead>
<tr>
<th>Disease</th>
<th>%age of incidence</th>
</tr>
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<tbody>
<tr>
<td>Anemia</td>
<td>45</td>
</tr>
<tr>
<td>ENT complaint</td>
<td>30</td>
</tr>
<tr>
<td>Worm infection</td>
<td>52</td>
</tr>
<tr>
<td>Lice infection</td>
<td>25</td>
</tr>
<tr>
<td>Skin Disease</td>
<td>32</td>
</tr>
<tr>
<td>Diarrhea</td>
<td>30</td>
</tr>
<tr>
<td>Eye complaint</td>
<td>22</td>
</tr>
<tr>
<td>Respiratory infection</td>
<td>15</td>
</tr>
<tr>
<td>Asthma</td>
<td>08</td>
</tr>
<tr>
<td>Caries</td>
<td>20</td>
</tr>
</tbody>
</table>

Source: IPER project on Child Labour (1983-85)
“An All India Child Labour Survey by Operations Research Group reveals that the long hours of strenuous and monotonous work cause the effect of fatigue and exertion much more quickly among the children than adults. This fatigue, especially cumulative fatigue lowers the psycho-physical tone and heightens suggestibility—an important factor in the development of neurotic tendencies in children.

Children between the ages of 12-17 years undergo certain physiological changes in the process of attaining puberty. They need enough rest apart from good care and nourishing food that normally they lack due to poverty and involvement in work at an early age. Girls at the age of 12-17 are peculiarly susceptible to the ill effects of over strain and many become victims of pelvic disorders which may interfere with their capacity for maternity.”

It is reported that many mothers are underweight because of malnutrition and working on arduous jobs without necessary amount of food.

**Child Labour and World Scenario:**

Child labour is an endemic global problem. There seems to be almost no part of the world which is not beset by this problem, the only difference being that of magnitude. Child labour first appeared with the development of domestic system (when people became civilized). It was widely practised in England, America and other countries during 16th to 18th centuries. During the 1800s the industrial revolution spread all over the Britain. The use of steam powered machines led to a massive increase in the number of factories. “Many factory workers were children. They worked long hours and were often treated badly by the supervisors or overseers. Sometimes the children started work as young as four or five years old. A young child could not earn much, but even a few pence would be enough to buy food”. Children in England also worked in mines as trappers and also on streets. Those days some people felt nothing in child work to help children to protect themselves and parents do also have a right to send children for work. However people such as Lord shaftesbury and Sir Robert Peel worked hard to persuade the public that it was wrong for children to suffer health problems and to miss out on schooling due to work. The agricultural predominance and the emergence of an era of industrialization entrapped children all over in such occupations which of late caught the attention of various governments of the world. The lust to earn more
profits with cheap labour, to capitalize on the docility of the children on the part of greedy employers on one hand and the compulsions of poverty and ignorance on the other hand have led to the incidence of child labour everywhere. As per ILO estimates there are about 250 million working children in the developing countries aged between 5 and 14 years of whom 120 million are working full time. Of these 61% are found in Asia, 32% in Africa and 7% in Latin America. Relatively few children work in developed countries. Africa is that poorest continent on the face of planet and often considered the most affected by child labour. Over 70% of the region lives and works in extremely poor conditions. In china it is estimated by many that of the 10 million children out of school over 5 million are working in factories. It was reported in Sichuan, China’s most populated rural province that 85% of the children who dropout of school are working elsewhere. In Bangladesh, approximately 6.6 million children worked as child labourers as was found by Bangladesh Bureau of Statistics in a survey. The figure is approximately 2.6% of the world’s child labourers; it is also 19% of the entire child population of Bangladesh. Of these 30000 work in jobs classified by UNICEF and the Ministry of Labour and Manpower as “hazardous”. These include shrimp processing, auto repairs and electrical work. The agricultural industry employs around 65.4% of the Child Labourers in Bangladesh. The Bangladeshi garment industry had to fire many child labourers consequent upon ban on import of the goods produced by child labourers by the importing country. However this made a bad situation even worse by stranding approximately 45000 children without a job or income. However, collaboration between UNICEF, the garment industry and other organizations, this industry could replace its child labourers by the adults and rehabilitate the children by putting them in schools.

Out of all the children in Latin America, an estimated 26% are forced to work. In Columbia an estimated 2.5 million children are forced to work to support their families. 5000 children between the ages of 6-14 were found in secret and illegal workshops in the capital region of Guatemala. They were making fire works and other explosives. Their work was exposing them to toxic, flammable and explosive materials. The workshop was also lacking hygiene and safety measures. Nine children had died from being injured while working in the industry. Four children survived their injuries.

Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
The child labour is a problem in Pakistan too. NIKE in Pakistan has been accused repeatedly of using exploitative child labour in the production of soccer balls. The per capita income in Pakistan is approximately $1900. The average middle class person in Pakistan makes $5 a day. With this income he has to feed nine or ten persons. On the top of that there is the high inflation rate to deal with. As a consequence child labour takes place. Child labour in Pakistan is more concentrated in north eastern provinces called Sialkot which is an important center for the production of goods for export especially sporting goods.

A strange atrocity is being witnessed in US. Around 10,000 child sex slaves are smuggled into the US in large cities like Los Angeles and New York. If these slaves try to escape, they are beaten, raped and killed. The children are sold for $10,000 to $30,000. These girls and boys are smuggled from Europe, Eastern Russia and Mexico. They are promised better life and forced to slavery. The owners have up to 30,000 a week from each slave, so it is profitable business. In US only a small number of children work in factories, where the danger of injury is extremely high. The Human Development Report 1993 documents a 250% increase in violation of child labour laws in US between 1983-90. Reportedly in New York City alone, 15000 children are employed in garment industry.19 The study conducted by Douglas L Kurse, a labour economist at the School of Management and Labour Relations’ “an estimated number of 2,90,200 children worked unlawfully in America during 1996. Of these as many as 1,29,700 were 14 or 15 years old while 59,600 were younger in age. Another study of ILO showed “that there are thousands of children engaged as child labourers in leather industry and agriculture in Italy. In Britain, nearly 43% children in the age group of 10-16 are working under hazardous conditions and 75% child labourers are bonded labourers.20 The problem of child labour is thus all pervasive, the only difference being that of magnitude. In underdeveloped and developing countries, this problem has high intensity as compared to developed world. There are instances even in the most advanced industrialized countries, of large numbers of children engaged in work, sometimes of a super exploitative nature, as in the case of child prostitution and pornography. In this area countries like the USA and the Netherlands are world leaders in a multi billion dollar industry in which children are bought and sold.21 The tender hands are subjected to many abuses and tortures which suppress their proper growth which no nation conscious of children’s rights can tolerate. There has
been world wide out cry to eradicate this problem from globe so that the children, the gifts of God, enjoy their freedom of proper growth and development which is their birth right. The employers who employ these children for their own interests in the guise of being sympathizers of the families to which they belong continue to go on with their nefarious designs with impunity. Although child labour has old roots in different countries of the world but now-a-days the world has awoken towards this grave problem and a number of initiatives are taken at international level.

Child labour is a complex problem as a large number of workers in the world are in unorganized/informal sector, hard to reach rural cottage level industries and also behind mansion walls as domestic servants. Although these children are exposed to dangerous working conditions and physical abuse, they are beyond the reach of official labour inspectors and do not also attract media attention. The unpaid domestic work has trapped a large chunk of children in the world. In 1999 and 2000, UNICEF interviewed children across 30 developing countries. UNICEF discovered that factory work is rare. Only 3% children work outside of their households for pay. Unpaid domestic work is more common than work for pay. UNICEF found that 2% of boys and 5% of girls perform unpaid domestic work for households other than their own. However, most children are employed in their own households, helping with household duties or the family’s farm and business (Edmond and College). Child domestic labour has trapped at least 10 million children, mostly girls in hidden forms of exploitation, often involving abuse, health risks and violence as revealed in a report issued by ILO. The report issued on the eve of third World Day against Child labour (2004) examines for the first time on a global level the plight of children working in sometimes hazardous form of domestic labour. “Millions of children work night and day outside of their family homes, toiling as domestic child labourers. Nearly all are exploited, exposed to hazardous work and subject to abuse” said ILO Director General Jaun Somavia. “This must stop now.”

According to report, all domestic child labourers are at risk because of the very nature of child domestic labour, which is not only widely accepted but often considered a ‘better’ alternative for children from poor families.

In cities numerous country estimates including studies showing that more than two million children are found in domestic labour in south Africa, 5,59,000 in Brazil,
2,50,000 in Haiti, 2,00,000 in Kenya, 2,64,000 in Pakistan and 1,00,000 in Sri Lanka. In India 20% of all children under 14 years working outside family home are in domestic service. “They are in work place ……even if that work place is someone else’s home… hidden from public view and labour inspection. The children are consequently at risk not only of exploitation but also of abuse and violence” said June Kane author of the report. “It is vital that child domestic labour, so often neglected because the exploitation and abuse take place behind close doors, receives attention.” (June Kane 2004).

The lack of enforcement of labour restrictions perpetuates child labour. As most of the children work in the informal sector about which even accurate figures are not available, the enforcement of labour laws becomes difficult. The number of enforcement officials is very low, especially in developing countries where the immediate priority of subsistence takes precedence over anything else. Even many inspectors fail to enforce laws in some countries. In communities in Pakistan and India, the owners of carpet factories that employ children are often the richest people in those countries and hold considerable sway over law enforcement officials, often pressurizing them not to crack down on child labour. Many times inspectors tip off factories before they arrive and even when they don’t tip off the factories, inspectors’ often come-up empty handed because children flee as soon as they enter. Many parents in poor countries say they desperately need the money from their children’s labour. As for the child workers, they are often reluctant to tell inspectors they are working for fear of angering their employers and worsening their family’s economic plight. There are also inconsistencies in legislation, which may pose problems. For example in Egypt, Costa Rica, Sri Lanka, Thailand, the minimum age for compulsory education is 14,15,15,15 respectively while as basic minimum work age is 12,12-15,14 and 12 respectively giving children access to employment before they have even completed the minimum amount of schooling. This mismatch makes the things confusing and the loopholes in legislation itself cannot guarantee protection of children’s right to compulsory education. On the contrary in many countries there is a gap between minimum schooling and minimum work age leaving the children who have completed compulsory schooling inactive till they can join the labour market. For example when a poor child from Bangladesh finishes the required schooling at 10 years of age, the child is not supposed to work until the age of 14. Such an expectation seems unreasonable.
Poverty which is the main cause of child labour cannot allow the poor parents to keep their children idle and the violation of law starts from here in fact on sufficient grounds.

Quite often children are prompted to work by the parents. According to one study, parents represent 62% of the source of induction into employment. Children make their own decisions to work only 8 percent of the time (Syed et al 1991). Poverty is being cited as the main reason for child labour. Studies have revealed a positive co-relation and in some instances, a strong one.... between child labour and such factors as poverty (Mehara-Kerpelman 1996). Also a poll taken of child labourers revealed that 63.74% said the reason they worked was poverty.

According to UNICEF Report 1997, "For poor families the small contribution of a child's income or assistance at home that allows the parents to work can make the difference between hunger and bare sufficiency. A study of nine Latin American countries found that without the income of working children aged 13 to 17, the poverty rate would climb by 10 to 20 percent, the report found. Many desperately poor parents pledge their children, sometimes as early as four years of age, to factory owners in exchange for modest loans, sometimes as small as $15. (Greenhouse).

In fact possible reasons parents in developing countries have children is because they can be profitable. Children seem to be much less of an economic burden in developing versus developed countries. Children in developing countries also contribute more time to a household than they deplete as compared to their counterparts in developed countries (Lindert 1976).

Schooling problems have also been seen as a reason contributing to child labour. Inaccessibility to schools, no schools at all and over crowding, inadequate sanitation and apathetic teachers lead to the growing menace of child labour. A 1994 survey by the UN Educational, Scientific and Cultural Organization (UNESCO) found that in 14 of the world's least developed nations, classrooms for first grade students had seating for only 40% of the pupils in that age group. In Bangladesh there was an average of 67 pupils per teacher and in Equatorial Guinea an average of 90 per teacher. Children in many developing countries say that the schools are so rigid and the classes so uninspiring that they prefer to drop out, as early as at age 10, to look for work. The illiteracy of parents too is a responsible factor for growth of child labour. Parents who are educated understand the
importance of schooling from personal experience. As a result parental education plays a large role in determining child schooling and employment (Tienda 1979).\textsuperscript{28} Traditional factors have also been playing their part in promoting child labour. The established female role in certain countries dictates that women will not fit into traditional role if they become educated (Beaquele and Boydon 1988).\textsuperscript{29} There is pervasive notion in some nations that educated females will not get married, nor have children. Therefore many families raise daughters to take over the household duties in order to release the mother for paid labour.

Such cultural practices restrict the education of females and promote child employment. The acceptance of social class separation perpetuates child labour as well (Weiner 1991).\textsuperscript{30} Often parents in developing countries assign different roles to their children. This has been called child specialization and may increase the number of working children (Chernichovsky 1985).\textsuperscript{31} Rapid rural-to-urban migrations is the cause for the increasing rate of child Labour in urban areas of developing countries. In 1950, 17 percent of the population of the developing world lived in urban areas. This increased to 32 percent in 1988. By the year 2000 it was estimated that this proportion will increase to 40% and to 57% by the year 2005 (United Nations 1989). Such increases, coupled with worsening economic trends, force children and their families into urban poverty; Children are soon required to work (Barker and Knaul 1991).\textsuperscript{32}

The problem of child labour has been of global concern in the recent past. Although the engagement of children for work within and outside household has a very ancient history but the rights of children as human beings and their potential role as future country men has caught the attention of social activists and various governments of the world. At international level, ILO is a premier organization meant to ensure the safeguard of rights of workers throughout the world. This organization deals with employment and broader labour issues on tripartite basis.

The ILO has passed two important conventions for child labour viz, the Worst Forms of Child Labour Convention 1999 (No.182) and the Minimum Age convention 1973 (No, 138). Convention 182 ratified by at least 132 countries by 2003.... commits countries to create a national time bound plan to eliminate the worst forms of child labour among boys and girls under the age of 18. The convention defines the worst forms to include slavery, prostitution and pornography, elicit activities and ‘hazardous’ work.... determined by government

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\item[29] Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
\item[30] Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
\item[31] Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
\item[32] Socio-Economic and Ethical Dimensions of Child Labour in Kashmir
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of each country in consultation with employers and workers organizations. The convention on the minimum age for admission to employment states, in part, that the minimum age for light work, work preventing school attendance and hazardous work at 12, 15 and 18 years respectively. While not defined explicitly, light work understood to exclude industrial work. Hazardous work is one likely to jeopardize the health, safety and morals. This convention has been ratified by 120 countries by 2002-03 including United States of America.

**Harkin’s Law and Child labour:**

When “NBC Dateline” the American television news magazine broadcast a story about Bangladeshi children making apparel sold at Wall Mart stores, such reports helped encourage democratic senator Tom Harkin of Lowa to propose legislation to ban imports of goods made with child labour. This indirect negative check on child labour, however, has a tendency to worsen the already bad situation. The United Nations Children’s 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 present day international political system has no room for waging wars to decide international disputes; instead nations can be overpowered by imposition of trade and economic sanctions. In this backdrop Harkin’s Law has every possibility of being used as a tool of excuse to compel the developing and underdeveloped countries to act in a manner desired by the importing country who are generally developed countries.

**Role of NGO’s and other advocates on child labour:**

A number of voluntary initiatives were taken to eliminate the child labour in the world. Four Ball a group based in Washington DC has told tens of thousands of soccer playing youths that the balls they play with are often stitched together by ten year old making six cents an hour. Another group ‘Rug Mark’ has publicized the use of child labour in making rugs. In another important industry effort, the German Parliament, UNICEF, Rug makers and 150 non-governmental organizations in India established the Rug Mark campaign, which places labels on rugs that are certified to be free of child labour. The programme calls for regular factory
inspections and urges consumers to buy only rugs with a ‘RUGMARK’ label as a way to pressure more rug producers not to employ children.

Kailash Satyarthi founded the South Asian Coalition on Child Servitude in 1989. He and his inspectors often risked bodily harm in publicizing child labour, investigating factories and actually freeing bonded labour.

The advocates of the abolition of child labour have emerged from the labour class itself. Iqbal Masih, a diminutive former bonded labourer from Pakistan arguably did the most to highlight child labour. Iqbal was a bonded labourer for a $12 loan taken by parents to help finance the wedding of their first born son. Iqbal worked 12 hours a day and grew up haggard and stunted like many bonded labourers. In 1992, when he was ten years old, he attended a meeting against child labour where he learned about his rights as a child. Then and there, he gave a speech against child labour and refused to go back to the carpet factory. He championed the cause of child labour but was murdered under suspicious circumstances in 1995 at the age of 12 years.

Moved by Iqbal’s story, another young boy namely Craig Keilberg from a suburb in Toronto Canada run the campaign against child labour and formed “Free the Children” in 1995. The organization has dozens of chapters in the United States and Canada and more than a dozen affiliates outside North America. Free the Children has collected more than 150 thousand dollars to bring children out of bondage and build special learning centers in India to help formally bonded labourers make transition back to society and the educational system. Hundreds of children in communities throughout North America have contributed to “Free the children”, often by raising money through back sales or by donating their weekly allowance.

Keilberg who has addressed Canada’s Parliament on child labour persuaded law makers to ban imports of fire works made by children. “I simply do not believe that the adults of the world can put a man on the moon or invent the atom bomb and cannot free the children of the world.” Keilberg said.

**Convention on Rights of Child.**

The first comprehensive international instrument in the field ...the Geneva Declaration of the Rights of the Child was adopted in 1924 by the Assembly of the
League of Nations. The Declaration inspired by the English woman Eglantyne Jebb, was cast in terms of duties declared and accepted by men and women of all nations, and according to which the child must be given the means requisite for its normal development, both materially and spiritually. The League’s Declaration was the first official recognition of a common human concern which had previously been relegated to parents and philanthropists. But it only lasted as long as the League and was not resurrected until 1959, when the Declaration of the Rights of the Child, was adopted by the United Nations on 20th November 1959. It remains the most important statement on children’s rights:

1. The right to equality, regardless of race, colour, sex, religion, national or social origin.
2. The right to develop physically and mentally in a healthy manner.
3. The right to a name and nationality.
4. The right to adequate nutrition, housing and medical services,
5. The right to special care, if handicapped.
6. The right to love, understanding and protection.
7. The right to be among the first to receive relief in times of disaster.
8. The right to protection against all forms of neglect, cruelty and exploitation.
9. The right to be brought up in spirit of tolerance, peace and universal brotherhood.

This United Nations resolution, the Convention on the Rights of the Child was passed in 1989. This convention has been ratified by 192 countries. The convention discusses all the rights of any child anywhere in the world and covers much more than just child labour. There are also two optional conventions, accompanying the main convention that discusses the participation of children as soldiers and child prostitution.

The ILO report on child labour (ILO1996a) calls for countries that are signatories to the relevant ILO convention or the UN convention on the rights of the child to adopt time bound action programmes to eliminate child labour. Specific measures
suggested by the ILO include improving child labour legislation and enforcement measures, extending and improving schooling for the poor, and using ‘positive’ economic incentives to reduce the supply of child labour. Interestingly, ILO cautions against the use of ‘negative’ incentives (such as trade sanctions) and their unintended effects on child workers. It calls for further examination of the suggestion that "instead of imposing or threatening to impose trade sanctions against poorer countries resorting to child labour in their export related activities, developed countries should assist these poorer countries in solving their child labour problems both in export oriented activities and in domestic economic sectors including special rewards in the trade field when it is proven that they have achieved good progress in their fight against this scourge" (ILO 1996b).

**International Initiative to End Child Labor (IIECL):**
The IIECL is a U.S based nonprofit founded in 1998 “to eliminate exploitative forms of child labour in the United States and throughout the world.” The group has-helped to lead an initiative to introduce a child-labour-free label for agriculture in the United States.

**International Labour Organization: International Program for the Elimination of Child Labor (ILO-IPECL)**
International Programme on Elimination of child labour (IPEC) is a global programme launched by the ILO in December 1991. The long term objective of IPEC is to contribute to the effective abolition of Child Labour. Its immediate objectives are:

1. **Elevation of the capability of ILO constituents and Non-Governmental Organizations to design implement and elaborate programmes for child labour.**
2. **To identify interventions at community and national levels which could serve as models for replication and**
3. **Creation of awareness and social mobilization for securing elimination of child labour.**
At the international level IPEC has a Programme Steering Committee consisting of the representatives of ILO, the donors and the participating countries. The ILO's International Programme for the Elimination of Child Labor works with governments and local non-governmental organizations (NGOs) in participating countries to prevent child labor, withdraw children from hazardous work and improve working conditions as a transitional measure towards the elimination of child labour. The priority target groups are bonded child laborers, children in hazardous working conditions and occupations and children who are particularly vulnerable.

**International Save the Children Alliance:**
Based in London, the International Save the Children Alliance has 20 member organizations working in 120 countries to alleviate child poverty and advocate for children's rights. The alliance opposes "Exploitation and abuse," one of five program areas, including child labour. "Working children need to be protected in such a way that their rights are respected while at the same time their livelihoods are not severely compromised. There are various levels by which a child is exploited in the workplace and it is vital that we work from the worst forms of child labour down."

**RUGMARK:**
Founded in India, RUGMARK is a non-profit organization working in the textile industries of India, Nepal and Pakistan. Over 3 million carpets with the RUGMARK label have been made and exported by manufacturers that agree to use no illegal child labour, permit random inspections, and give a portion of profits to rehabilitate and educate former child weavers.

**State of World’s Children:**
Millions of children in the world today are deprived of such facilities which are required for their proper growth and development. A new UNICEF report shows half the world's children are suffering extreme deprivations from poverty, war and HIV/AIDS conditions that effectively deny children a childhood and hinder the development of nations. According to The State...
of the World’s children 2005, “CHILDHOOD UNDER THREAT” more than 1 billion children are deprived healthy and protected upbringing as promised by 1989's Convention on the Rights of the Child, the world’s most widely adopted human rights treaty. The report stresses that the failure of governments to live up to the Convention’s standards causes permanent damage to children and in turn blocks progress toward human rights and economic advancement, "Too many governments are making informed deliberate choices that actually hurt childhood,” said UNICEF Executive Director Carol Bellamy in launching the report at the London School of Economics. "Poverty doesn't come from nowhere; war doesn't emerge from nothings; AIDS doesn't spread by choice of its own. These are our choices"

The report offers an analysis of seven basic deprivations that children feel and that powerfully influence their futures. UNICEF concludes that more than half the children in the developing world are severely deprived of one or more of the necessities essential to childhood:

- 640 million children do not have adequate shelter;
- 500 million children have no access to sanitation;
- 400 million children don’t have access to safe water;
- 300 million children lack access to information;
- 270 million children have no access to health care services;
- 140 million children have never been to school;
- 90 million children are severely food deprived.

Millions of children all over the world are trapped in domestic servitude in which they face inhuman treatment at the hands of their masters, according to a 1997 report published by United Nations International Children's Emergency Fund (UNICEF) titled “THE STATE OF WORLD CHILDREN. The other hot pots of child exploitation include:

- **Eleven year old boys in India who work 14 hours a day chained to carpet looms or soldering silver trinkets**
- **Tanzanian children who harvest coffee and tea for 60 hours each week:**
- **Peruvian children who toil in hot acrid brick making factories:**
- **Pakistani children who stitch soccer balls for the equivalent of 50 cents a day.**
According to estimates made by the International Labour Organisation (ILO), the United Nations (UN) branch that specializes in labour matters, there are at least 250 million working children worldwide under the age of 15. Three quarters of those young workers toil six or more days a week, 15 million children work nine hours or more each day. Over half of the working children are in Asia, while in Africa 1 in three children work and in Latin America one in every five. Some atrocities upon children have a past history and some are the developments of the modern times. Armed conflicts are becoming a nuisance in many parts of the globe. The ugly fact of modern life is that almost every conflict in the world is taking recourse to arms and ammunition as a means for its resolution. The children in such areas have been found worst victims either being used as warriors or by losing their guardians in war zones. “In the last decade, 2 million children have been killed in situations of armed conflict, while 6 million children have been disabled or injured. Over a quarter of a million child soldiers are being abused and exploited today in situations of armed conflicts around the globe. Since 2003 over 11 million children have been displaced within their own countries and 2.4 million children were forced to flee conflict and take refuge outside their home countries. Abductions are becoming more widespread as witnessed, for example in Darfur, Northern Uganda, Nepal and Burundi. Thousands of children, particularly girls, are subjected to rape and other sexual abuses in situations of conflict. Landmines kill or maim 8000 to 10,000 children every year.” (UNews 2005)34

In a major and groundbreaking development, the UN Security Council on 26th July 2005 voted unanimously for a series of measures, including the establishment of a comprehensive monitoring and reporting mechanism to ensure the protection of children exposed to armed conflict. The mechanism will monitor grave violations by all parties, both government and insurgents focusing particularly on:

- **Killing or maiming of children;**
- **Recruiting or using child soldiers;**
- **Attacks against schools or hospitals;**
- **Rape or other sexual violence against children;**
- **Abduction of children and**
- **Denial of humanitarian access for children**35

According to Olara A. Otunnu, UN special representative for children, “we have now entered the era of application.” The most tragic part of the situation is that
hundreds of millions of children suffer discrimination and exploitation but are invisible to the world, the UN agency for children says in its annual report. The report said nearly two million children had entered sex trade, 5.7 million were sold into slavery and 1.2 million were trafficked each year. These numbers are very huge and we do have to push several buttons in every case said UNICEF Child Protection Chief Karin Landgrens “so we have to start by shining that light on the plight of these children.”

‘The State of the World’s Children 2006; Excluded and Invisible’ says that exploited children were often overlooked in public debates or news stories. These children cry unseen and suffer unheard.

There are many children who don’t figure in the official records of the governments due to their non-registration on birth. The UN annual report says that over half of the births in the developing world–apart from china–are non-registered meaning they are not recognized as citizens.

According to UNICEF Executive Director Ann M.Veneman, the millennium development goal can be met by reaching vulnerable children through-out the developing world.

This is not merely the job of governments; civil societies and communities have a huge role to play, said David Anthony, the author of the report.

**Child Labour in the Indian Scenario:**

India is said to be a rich country with poor people. Its vast demography, advancement in the field of science and technology and the possession of natural resources are pushed into oblivion when the talk of standard of living of its people and their position on the poverty line comes into discussion. The Royal Commission on Labour in India established in 1929 to enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India brought to light many inequities and shocking conditions under which children worked. The Commission found children working in many cases under conditions which according to Director Public Health of the Central Provinces were harmful to their health. In carpet weaving factories of Amritsar, the Commission found that there was no limitation on the number of working hours of children except that imposed by the exigencies of day light.
With the launch of planned developmental strategy, the eradication of poverty was contemplated through “trickle down theory” so that the benefits of developmental strategies will percolate down the lower strata of society and the prosperity and good living of its people is ensured. But in spite of passing of decades, the country has not been able to lift the standard of its people to the extent that they may not have to live in slums on the road sides and fill their belly by means which includes engaging their little children in menial jobs like trash collecting, working in mines, begging, working under extremely hot and cold temperatures and that too from dawn to dusk at the sweet will of their greedy employers. The grave problem of child labour is so wide spread in the country that it has become socially acceptable. ILO has rightly remarked that,” India accounts for the largest number of child workers in the world, though the country has several laws to tackle the issue.” *(Shamim 2000)*

Reports indicate that more than one-fourth of the child laborers in the world are in India. More than one half of working children in South Asia in the age group of (5-14) are in India. Based on officially available statistics, it is estimated that there are 21.6 million children aged between 5 and 14 years working in south Asia out of a total of 300 million children in this age group. Study the following table:

Table 2.2

<table>
<thead>
<tr>
<th>Country</th>
<th>Working children 5-14 years (in millions)</th>
<th>Total number of children 5-14 years (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>5.05</td>
<td>35.06</td>
</tr>
<tr>
<td>India</td>
<td>11.2</td>
<td>210.0</td>
</tr>
<tr>
<td>Nepal</td>
<td>1.660</td>
<td>6.225</td>
</tr>
<tr>
<td>Pakistan</td>
<td>3.3</td>
<td>40.0</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>0.475</td>
<td>3.18</td>
</tr>
</tbody>
</table>

Source: [http/ www.ilo.org](http/ www.ilo.org)
As per 1991 census, there were about 11.28 million child laborers in India comprising of about 5.5 percent of the total child population of the country. The census 2001 states the figure at 12.66 million indicating an increase of 1.38 million during the decade. The census figures reveal that the child labour magnitude is not behaving in one particular direction as the strength waxes and wanes from one decade to another as is evident from the following diagram.

**Fig. A**

Decadal change in magnitude of child labour

![Decadal change in magnitude of child labour](http://www.globalmarch.org/images/india-rep)

These child workers are working in agricultural activities such as fanning, live stock rearing, forestry and fisheries. This labour is outside the formal sector and outside industry. Moreover, nine out of ten working children work within a family setting working in family based occupations. These children also develop skills in certain traditional crafts, thus augmenting the human capital formation of India’s developing economy. According to ILO sponsored study 1996, there are 23.17 million child laborers in India (12.67 million full time and 10.50 million marginal). The National Sample Survey Organization, in its report for the year 1993-94 estimates that there are 13.50 million child laborers in the country. However, the UNICEF puts the figure between 75 to 80 million. The difference in estimates appears due to the difference in the methodology adopted. As per figures of the census 2001, the number of working children in the age group of 5 to 14 years is
12.67 million. According to the Government of India, there are 2 million children working in hazardous industries as revealed in the ILO website. Children less than 14 years constitute around 3.6 percent of the total labour force in the country. The child labour in India is substantially concentrated in agricultural sector which accounts for nearly 90 percent. The others work in manufacturing, services and repairs. The factory employment is very small (Dhaka and Narwal 2005). According to Commission on Labour Standards and International Trade, child labour has been increasing in India at the rate of 4% a year, while the working conditions of the children have remained unchanged, if not deteriorated. Workers and Social activists interviewed by Human Rights Watch across India confirmed this trend. Social scientists estimate the number of India’s working children to be between 60 and 115 million. About 35% of these children work in agricultural sector: the rest work in small scale industries and the service sector including a large but uncounted number of girls working as domestic servants. About 15 to 18 million children are street children. Some of whom are self employed as shoeshine boys or newspaper vendors, railway porters and rag pickers. Others are forced laborers, working as prostitutes, beggars, drug sellers and petty criminals. In this way children in India are caught in wage labour, marginal economic activity, non­domestic family labour and domestic labour. Study conducted on Mumbai’s child labourers reveals that 26% of the children described work that corresponds to the first three categories and 49% described carrying out some kind of domestic labour. A major reason, India has the largest juvenile workforce is because 82 million children are not in school (Weiner 1991). The result is that only 41% of India’s over the age of 15 are literates. The problem of child labour can be almost witnessed in all the States and Union territories of India. The highest child labour population is in Andhra Pradesh (14.5%) followed by Uttar Pradesh (12.5%) and then Madhya Pradesh (12%). The child laborers in India contributing 20% to Gross National Product (GNP) and comprising 3.6% of the nations workforce are working in agricultural and allied activities, handicrafts activities, automobiles, brick-kilns, trash collecting, match industry, Beedi rolling, diamond cutting, gem polishing, fire works, dhabas and restaurants, domestic servants, rag picking, hawking, cottage level textile industries etc. Kerala is the only State where there is low incidence of child labour. The fact being that the State has higher literacy rate which has been possible through substantial investment in education sector. “A comparatively poor
State Kerala has consistently spent between 36-38 percent of its budget in providing a universally accessible education system which is well above the State average of India of 25%".⁴⁰ According to Myron Weiner, there has not been a single case where a country had successfully ended child labour without first making education compulsory (M-wiener 1994).⁴¹ In spite of stringent measures, the number of child laborers working under harsh conditions and for meager wages goes on increasing every day in India. Given the magnitude of the problem, the country feels that there cannot be rapid fire solution to this complex socio-economic problem, rather the same is to be dealt with through sustained efforts over a period of time. “The policy of India’s government is to ban employment of children below the age of 14 years in factories, mines and hazardous employments and to regulate the working conditions of children in other employments. It is due to this reason that employment of children in 15 occupations and 57 processes has been prohibited.⁴² In spite of all this, even a decade after India ratified convention pledging to protect children’s rights, the country continues to be home to the world's largest number of child laborers. India is a signatory to more than 120 ILO conventions all of which seek to eliminate child labour. The United Nations ‘Convention on the Rights of Child’ was adopted and opened for signature, satisfaction and accession by the General Assembly resolution in Nov 1989. India ratified the convention in December 1992. Article 32 of the convention that relates to child labour regulation lays down that every country ratifying the agreement should prescribe a minimum age of employment for children. While acceding to the convention in 1992, the government of India made a declaration that it would not be possible for the government to immediately do so, since children of various ages in the country do work in to sustain and supplement the family income. Never-the-less the government said that it would take measures to progressively implement the provision of Article 32. A plethora of laws exist in India to eliminate child labour but the lack of political will coupled with other factors gives way to violations with impunity. In spite of commitments at international level and promulgation of many laws, no one has been jailed for violating labour laws (Rajasri Roa).⁴³

Bonded Child Labour in India:

Bonded child labour is another stigma on the face of a civilized society and is prevailing in India as an ancient tradition of slavery and debt bondage. In spite of,
making much head way in the field of science and technology, India has still a large population living in pathetic condition destitute for every grain to fill their belly. Slavery in India dates back at least 1500 years. Various forms of debt bondage co-existed with formal slavery and while the British abolished slavery legislatively through the Anti-slavery Act of 1843, large numbers of former slaves traded their status for that of perpetually bonded servitude. This was in part due to the fact that the British did not abolish debt-bondage; instead they regulated it. The Workman's Breach of Contract Act 1859 (13 of 1859) enforced the obligation to provide labor in lieu of an advance, and Section 200 of the Civil Procedure Code, which was enacted in 1859 allowed landlords and money lenders to seize the property of bonded laborers and provided for imprisonment of bonded laborers who did not honor their obligation when they received advances. The Workman's Breach of Contract Act was repealed in 1925 and Section 200 of the Civil Procedure Code was amended in 1879 to remove punishments for bonded laborers.

The Bonded Labour System (abolition) Act offers the following definition of the practices being abolished:

Sec2 (g) "bonded labour system" means the system of forced or partly forced labour- under which a debtor enters.... or is presumed to have entered, into an agreement with the creditor to the effect that:

i. In consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance or

ii. In pursuance of any customary or social obligation, or

iii. In pursuance of an obligation devolving on him by succession or

iv. For any economic consideration received by him or by any of his lineal ascendants or descendants or

v. By reason of his birth in any particular caste or community, he would;

1. Render, by himself or through any member of his family, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages or

2. Forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period or
3. Forfeit the right to move freely, throughout the territory of India or
4. Forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him.

The wages below minimum wages have been defined as nominal wages and the three elements i.e. working against an advance, with low wages and not free to discontinue their work have been described as three attributes of bonded labourers. District magistrates—called District Collectors or Deputy Commissioners in some States are responsible for enforcement of the Bonded Labour System (Abolition) Act.

The pledging of children by parents to employers in return for small sums of money was of great concern to the Royal Commission on Labour 1929. The Commission was of the view that “mortgaging the labour of the children was indefensible and .......it is worse than the system of indentured labour, for the indentured labourer is, when he enters on the contract, a full agent while the child is not...the giving of advances to secure the labour of children and the execution of bonds pledging such labour could both be made criminal offences” (Government of India 1931:102)

Approximately fifteen million children work as bonded laborers in India. Most of them were put into bondage in exchange for comparatively small sums of money; two thousand rupees equal to about thirty five US dollars is the average amount “loaned in exchange for a child’s labour, with scant alternative sources of credit available........ few rural banks, co-operative credit schemes or government loans........ the poor are forced to turn to the local money lenders who extract the only collateral available; the promise of their labour or the labour of their children”.

Two players create the debt bondage arrangement; the creditor employer who offers money to an impoverished parent in an attempt to secure the extremely cheap and captive labour of his or her child and the parent who accepts this money, agreeing to offer the child’s labour as surety for the debt. The child is a commodity of exchange. She or he is powerless to affect the agreement or its terms ----whether willing or unwilling to serve the bond master.... powerless to refuse.

The creditors-cum-employers keep the parents of bonded child labourers under iron heals by granting loans in consideration for the services of docile souls and tender hands. The arrangement is usually informal and unwritten and pay-back period is
indeterminate. “Many of the children interviewed by Human Rights Watch had already been working for several years, and even among those relatively new to their Jobs, none said that they expected to be released prior to maturity.” The employers of bonded child labourers are generally influential people and they are one way or the other connected with the functionaries of the government who are supposed to protect and safeguard the rights and interests of child workers. The debt bondage gives a long rope to the employers to commit atrocities, trample down labour laws and workers rights as the chained workers cannot seek employment elsewhere and they have no alternative than to tolerate the inhuman and mistreatment at the hands of greedy employers. The menace of bonded labour seems to be against a human being’s right to live with honor and dignity in a free atmosphere. Bonded labourers are extremely vulnerable to negative repercussions should they attempt to organize or otherwise agitate for enforcement of the law. Even requests for minimal improvements can lead to a violent response from employers. This forced labour needs to be dealt with severely.

**Constitutional / Legal Framework to Combat Child Labour**

In the post independence era, Indian government is very concerned about the menace of child labour and this national issue is being addressed through constitutional provisions, legislations, policies and programmes. Being a party to the UN Declaration on the Rights of the Child 1959, India adopted the ‘National Policy on Children’ in 1974. The policy reaffirmed the constitutional provisions and stated that "it shall be the policy of the State to provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. The State shall progressively increase the scope of such services so that within a reasonable time all children in the country enjoy optimum conditions for their balanced growth. India has also ratified on December 2, 1992 the convention on the “Rights of Child” which came into force in 1990. This ratification implies that India will ensure wide awareness about issues relating to children among government agencies, implementing agencies, the media, the judiciary, the public and children themselves. The Government’s endeavor is to meet the goals of the convention and to amend all legislations, policies and schemes to meet the standards set in the convention.
India is also a signatory to the World Declaration on the Survival, Protection and Development of Children. In pursuance of the commitment made at the World Summit, the Department of Women and Child Development under the Ministry of Human Resource Development has formulated a National Plan of Action for children. Most of the recommendations of the World Summit Action Plan are reflected in India's National Plan of Action.

The Bonded child labour has been considered as the most undesirable thing. Article 21 of the Constitution of India guarantees the right to life and liberty. The Indian Supreme court has interpreted the right of liberty to include among other things, the right of free movement, the right to eat, sleep and work when one pleases, the right to be free from inhuman and degrading treatment, the right to integrity and dignity of the person, the right to the benefits of protective labour legislation and the right to speedy justice. The practice of bonded labour violates all of these constitutionally mandated rights. Article 23 of the constitution prohibits the practice of debt bondage and other forms of slavery both modern and ancient. In a landmark judgment in the case of bonded quarry workers in early 1980s, the Supreme Court ruled that it is the plainest requirement of Article 21 and 23 of the Constitution that bonded laborers must be identified and released and on release, they must be suitably rehabilitated... any failure of action on the part of the State Governments in implementing the provisions of the Bonded Labour System Abolition Act would be the clearest violation of Article 21 and Article 23 of the Constitution.”

Article 24 prohibits the employment of children in factories, mines and other hazardous occupations.

Article 39 requires the State to "direct its policy towards securing.(e) That the health and strength of workers... and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations "unsuited to their age or strength.(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”.

The 86th amendment of 2002 to the constitution of India under Article 21A makes right to education as a fundamental right and provides that the State shall provide free and compulsory education to all children of the age of 6-14 years in such manner as the State may by law determine.

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Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

44
Different labour legislations were enacted wherein provisions were made for prohibition and in certain cases proper regulation of child labour. These legislations are stated as under:

1. **Children (Pledging of Labour) Act 1933:**
The first Act in India relating to child labour was the enactment of Children (Pledging of Labour) Act of February 1933. The Act calls for penalties to be levied against any parent, middleman or employer involved in making or executing a pledge of a child’s labour. Such a pledge is defined as an “agreement written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment." Lawful labour agreements are limited to those made in consideration of reasonable wages and terminable at seven day’s or less notice. The fines for violating this law are fifty rupees against the parent and two hundred rupees against either the middleman or employer.

2. **Factories Act of 1948:**
The Factories Act strictly forbids the employment of children less than fourteen years old in factories. The draw back, however, with this enactment is that this Act applies only to factories employing ten or more people with the use of electric or other forms of generated power or twenty or, more people without the use of power. This leaves scope for many small scale industries to fragment the manufacturing process into separate units to circumvent application of the Act.

3. **Minimum Wages Act 1948:**
The Act sets the minimum wage for certain enumerated occupations and requires that overtime be paid to all workers who work beyond a "normal working day". In the case of children under fourteen a normal working day is four and a half hours.

4. **Plantation Labour Act 1951:**
This Act regulates the work and wage conditions of plantation workers including children over the age of fourteen.

5. **The Apprentices Act 1961:**
The Apprentices Act regulates the rights and work hours of apprentices and sets the minimum age for apprenticeships at fourteen years.
6. Shops and Establishment Act 1961:

This law, which applies to shops, hotels, restaurants and places of amusement, regulates the hours of work and prohibits the employment of children below a certain age, to be determined by the States. In eleven States, the minimum age for a child worker is fourteen years, in thirteen States, the minimum age is, twelve years.

7. Beedi and Cigar Workers (Conditions of Employment) Act 1966:

The Beedi and Cigar workers Act (Beedi Act) was enacted by the Central government in response to beedi workers movement mounted in the early 1960’s in Tamil Nadu. The Beedi Act prohibits the employment of children under fourteen in any Beedi or cigar factory. It also sets maximum hours for work (nine hour a day and forty eight hours a week), prescribes half hour rest intervals after five hours of work, and limits the work week to six days. In the case of child workers, Beedi Act puts the onus of proof of age on the employer........ an example that the writers of the Child Labour (Prohibition and Regulation) Act 1986 inexplicitly and unfortunately chose not to follow.

8. Contract Labour (Regulation and Abolition) Act 1970:

This Act regulates the use of contract labour and provides for its abolition in certain industries, at the discretion of the appropriate government (State or Central). Among its provisions are requirements that no wage period exceeds one month.

9. The Bonded Labour System (Abolition) Act 1976:

Forced, bonded or indentured child labor is prohibited under Indian law. India has ratified on 30 November 1954 the ILO Convention No.29 (Forced Labor Convention, 1930) and the bonded labor system has been abolished throughout India by an Ordinance with effect from 25 October 1975. The Bonded Labor System (Abolition) Act was passed by the Parliament of India in 1976 and given effect from 25 October 1975. The Act provided for the abolition of bonded labor, the bonded labor system, and bonded debt. Any child found in a bonded situation as per the Bonded Labor System (Abolition) Act is entitled to immediate release and rehabilitation. Moreover, prompt and exemplary punishment as, per the law is being meted out to any violators of the Act.

The Act also provided for statutory institutional mechanisms to prevent bonded or forced child labor in the form of Vigilance Committees at the district and sub-district levels functioning under the Chairmanship of District and Sub-Divisional Magistrates. Anyone who wants to file a complaint about the existence of bonded/forced labor in any part of
India can do so before this Vigilance Committee. By the Act, Executive Magistrates have been vested with powers of judicial magistrates for summary trial of offences committed by employers under the Act, for releasing bonded laborers, as also for issuing a release certificate. The Act also lays down stringent penal provisions against offending employers, including imprisonment up to 3 years and a fine. To assist the State Governments in the rehabilitation of released bonded laborers, the Indian Ministry of Labor launched a Centrally Sponsored Scheme in May 1978 for rehabilitation of freed bonded laborers. Under the Scheme, the Government of India extends rehabilitation assistance of Rs.10, 000/- per freed bonded laborer.

The Bonded Labour System (Abolition) Act purports to abolish all debt agreements and obligations arising out of India's longstanding bonded labour system. It is the legislative fulfillment of the Indian Constitution's mandate against 'begar' the forced labour. It frees all bonded laborers, cancels any outstanding debts against them, prohibits the creation of new bondage agreements, and orders the economic rehabilitation of freed bonded labourers by the State. It also criminalizes all post-act attempts to compel person to engage in bonded labour with maximum penalties of three years in prison and a 2000 rupee fine.

10. **Child Labour (Prohibition and Regulation) Act 1986:**

Child Labour (Prohibition and Regulation) Act was enacted in 1986. The Act regulates the hours and conditions of work for child laborers and prohibits employment of children in some hazardous industries. Three of the enumerated hazardous industries namely beedi (hand rolled indigenous cigarettes) industry, carpet weaving and cloth printing, dyeing and weaving rely heavily on bonded labour and were included in the Human Rights Watch investigation. The other industries are subject to the regulatory aspects of the Child Labour (Prohibition and Regulation) Act. However, implementation of the regulatory provisions of the Act requires each State to formulate an Act-specific set of rules and regulations, the majority of States have not done so. For the first convictions under the hazardous industries prohibition, the Act prescribes imprisonment of three to twelve months or a fine of 10,000 to 20,000 rupees. Second offenses are to be punished with a mandatory six months to two years in prison. There are no standing requirements for the filing of a complaint under the Child Labour Act. Any person, including but not limited to any police officer for government inspector is authorized to file a
complaint before any court of competent jurisdiction. The Act also authorizes Central and State governments to appoint inspectors charged with securing compliance with the Act.

**Government of India’s Policies and Actions for Elimination of Child Labour:**

The government of India in order to tackle the growing problem of child labour has constituted various committees and Commissions such as National Labour Commission (1969), Harbans Singh Committee (1977), Gurupadswamy Committee (1979) from time to time.

In August 1974, a National Policy for Children was adopted which recognized that the “nation’s children are a supremely important asset.” The identified Programme priorities in the Policy include, “prevention and promotive aspects of child health; nutrition for infants, children in the pre-school age and nursing and pregnant women; maintenance, education and training of orphan and destitute, crèches and other facilities for the care of children of working/ailing mothers and care, education, training and rehabilitation of handicapped children.” The drafts of 5th and 6th five year plan stated that the total abolition of child labour is not possible at the present juncture but special attention must be devoted to the problem including prevention of the exploitation of child labour. Many laws were enacted from time to time to suppress the menace of child labour. “However the problem of child labour has been the focus of proper attention in India since 1980’s as a sequel to a fatal accident that took place in the industrial town of SIVAKASI, popularly known as Minijapan in Tamilnadu (Raamayana 1986).  

Soon after the enactment of Child Labour (Prohibition and Regulation) Act 1986, the Government of India adopted a National Child Labour policy in 1987 in accordance with the constitutional provisions and various legislations on child labour. The policy intends to place the issue of elimination of child labour on national agenda and also to formulate a definite programme and course of action for progressive elimination of child labour. The policy consists of three complementary measures:

1. **Legal action plan:** This policy envisages strict enforcement of the provisions of the Child Labour (Prohibition and Regulation) Act 1986 and other child related legislations.
2. **Focus on general development programme benefiting children wherever possible**: The policy envisages the development of an extensive system of non-formal education for working children withdrawn from work and increasing the provision for employment and income generating schemes meant for their parents. A special cell Child Labour Cell was constituted to encourage voluntary organizations to take up activities like non-formal education, vocational training, and provisions of health care, nutrition and education for working children.

3. **Area Specific Projects**: To focus on areas known to have high concentration of child labour and to adopt a project approach for identification, withdrawal and rehabilitation of working children.

**Central Advisory Board on Child Labour:**

The Central Advisory Board on Child Labour was constituted on March 4, 1981. The following are the terms of reference of the Board:

A. Review the implementation of the existing legislation administered by the Central Government

B. Suggest legislative measures as well as welfare measures for the welfare of working children.

C. Review the progress of welfare measures for working children;

D. Recommend the Industries and areas where there must be a progressive elimination of child labour.

The Board was re-constituted last on November 2, 1994. The Union Labour Minister is the Chairman of the Board. The other members of the Board include representatives from the various sister ministries, members of Parliament, non-governmental organizations, representatives of major trade unions and employers organizations.

**Child Labour Technical Advisory Committee**: Under section 5 of the Child Labour (P&R) Act 1986, the government of India is empowered to constitute a child labour technical advisory committee for the purpose of addition of occupations and processes in the Schedule to the Act; the committee consists of a Chairman and members not exceeding ten. The Committee has been re-constituted on February 5, 1996 under the chairmanship of Director General of Indian Council of Medical Research.
National Child Labour Projects (NCLP):
Under the action plan of the National Policy on Child Labour, there have been National Child Labour Projects set up in different child labour endemic areas to rehabilitate children released from work. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocationalised training, supplementary nutrition etc to children withdrawn from employment besides conducting door to door surveys, launching awareness generation programmes to sensitize employers, parents and children. For the ninth five year plan period (1997-98 to 2001-02), an allocation of Rs. 2610 million has been made for the National Child Labour Projects. Under the project based action plan of the policy, 12 NCLPs were started in the States of Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orrisa (Sambalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi) and Uttar Pradesh (Varanasi-Mirzapur-Bhadoli, Moradabad, Aligarh and Ferozabad). Study the following table:

Table 2.3
State wise Distribution of National Child Labour Projects

<table>
<thead>
<tr>
<th>States</th>
<th>Districts</th>
<th>Sanctioned Schools</th>
<th>Coverage Children</th>
<th>Actual Schools</th>
<th>Coverage Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>20</td>
<td>807</td>
<td>43550</td>
<td>610</td>
<td>36249</td>
</tr>
<tr>
<td>Bihar</td>
<td>08</td>
<td>174</td>
<td>12200</td>
<td>173</td>
<td>10094</td>
</tr>
<tr>
<td>Gujarat</td>
<td>02</td>
<td>040</td>
<td>2000</td>
<td>023</td>
<td>1254</td>
</tr>
<tr>
<td>Karnataka</td>
<td>03</td>
<td>100</td>
<td>5000</td>
<td>024</td>
<td>1200</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>05</td>
<td>138</td>
<td>9800</td>
<td>087</td>
<td>6524</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>02</td>
<td>074</td>
<td>3700</td>
<td>024</td>
<td>1200</td>
</tr>
<tr>
<td>Orrisa</td>
<td>16</td>
<td>430</td>
<td>33000</td>
<td>239</td>
<td>14972</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>02</td>
<td>060</td>
<td>3000</td>
<td>054</td>
<td>2700</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>08</td>
<td>379</td>
<td>19500</td>
<td>307</td>
<td>14684</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>04</td>
<td>150</td>
<td>11500</td>
<td>105</td>
<td>7488</td>
</tr>
<tr>
<td>West Bengal</td>
<td>04</td>
<td>219</td>
<td>12000</td>
<td>164</td>
<td>8250</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>76</strong></td>
<td><strong>2571</strong></td>
<td><strong>155250</strong></td>
<td><strong>1810</strong></td>
<td><strong>104615</strong></td>
</tr>
</tbody>
</table>


Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

50
The children who have been identified as child labourers and who are between the ages of 5-8 would be put into the formal schooling system. The child labour in 9-14 age group would be put through a special schooling mechanism before mainstreaming them into the formal system. It is expected that these steps will lead to mainstreaming into the formal system of all children in 5-14 age group who are found working in hazardous occupations and processes by the end of the 10th plan. The budgetary allocation for the scheme during the 9th five year plan was Rs. 2694 million. It has been substantially stepped up during the 10th plan to Rs. 6675 million.

The Government of India has also launched the INDO-US child labour project Feb 16-2004. The INDUS project would be supportive of government initiative towards complete elimination of child labour and help to achieve the target set for the 10th plan period. The basic objective of this project is withdrawing, rehabilitating, preventing and progressively eliminating child labour in the 10 hazardous occupations in 21 identified districts of U P, Tamil Nadu, Maharashtra, Madhya Pradesh and national capital territory of Delhi.

Rehabilitation of Children working in Hazardous Occupations:

A major programme was launched on 15th August 1994 for withdrawing child labourers working in hazardous occupations and for rehabilitating them through special schools. Under the programme a total of two million children are sought to be brought out of work and put in special schools where they will be provided with education, vocational training, monthly stipends, and nutrition and health checks. As a follow up, a high powered body, the National Authority for Elimination of Child Labour (NAECL) was constituted on 26th September 1994 under the Chairmanship of the Minister for Labour, Government of India. The functions of NAECL are:

a) To lay down policies and programmes for the elimination of child labour, particularly in hazardous employment;

b) To monitor the progress of the implementation of programmes, projects and schemes for the elimination of child labour;

c) To co-ordinate the implementation of child labour related

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Socio-Economic and Ethical Dimensions of Child Labour in Kashmir

51
projects of the various sister ministries of the Government of India to ensure convergence of services for the benefit of the families of child labourers.

Secretaries to Government of India in the ministries of Labour, Information and Broadcasting, Welfare, Rural Development, Textiles and the Departments of Expenditure, Education, Health Family Welfare and Women and Child Development are members of the National Authority for Elimination of Child Labour.

**Assistance to Voluntary Organizations:**

Under the grant-in-aid scheme, voluntary organizations are being financially assisted to the extent of 75% of the project cost for taking up welfare projects for working children where the children are provided with education, supplementary nutrition, health care and vocation/skill training. In spite of all this, it is being felt that a small number of non-governmental organizations cannot help to mitigate the sufferings of millions of children in a vast and diverse country like India. Dr. Lakshmидhar Mishra remarks on the contribution of NGO's as "it is evident that the State as an agent of society has failed to provide any protective cover to millions of vulnerable children at their most crucial stage of development. Even though a handful of NGO's have undertaken highly innovative, cost-effective and result oriented initiatives in a few pockets of the country and produced striking results, the fact remains that in terms of coverage or spread this is negligible and uneven."  

**Free and Compulsory Education:**

India's National Policy on Education 1986 gives the highest priority to the programme of universal elementary education and recommends that free and compulsory education of sufficient quality is provided to all children up to the age of 14 years. This access to free education was contemplated before entering 21st century. The thrust is on three aspects namely universal access and enrollment, universal retention of children up to age of 14 years and substantial improvement in the quality of education to enable all children to achieve essential levels of learning. All the State Governments have abolished tuition fee in government schools up to the upper primary level education. In schools run by local bodies and private aided
institutions it is almost free. However, unaided institutions (3% to 7%) do charge fee. Compulsory Education Acts have been enacted in 14 States and 04 Union Territories viz, Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, west Bengal, Chandigarh, Pondicherry and Andaman and Nickobar Islands.

The National Human Rights Commission (NHRC) in India has also been monitoring the implementation of Government policy and programs on identification, release and rehabilitation of child labor in selected districts of the country. The Commission entertains complaints related to child labor and bonded labor and after investigations, gives appropriate orders for compliance. The Supreme Court of India in its order-dated 11-11-97 has requested NHRC to be involved in dealing with the issue of bonded labor. In pursuance of the Supreme Court Order, a Central Action Group (CAG) was constituted in 1998. Two Special Rapporteurs have been appointed by the NHRC to review and look into bonded labor and child labor issues. They make periodic visits to districts and interact with local people, NGOs and Government functionaries to ascertain the position at the ground level. Their reports are studied by the NHRC and follow up action initiated in consultation with the Ministry of Labor.\(^4\)\(^8\)

The National Authority for Elimination of Child Labor (NAECL) was established in 1994-95 to set the policy and program for the elimination of child labor, particularly in hazardous industries, and to coordinate the various child labor programs implemented by the various Ministries of Government of India. A Standing Group to evolve a mechanism for dealing with the problem of child labor was constituted under the Chairmanship of the Cabinet Secretary in April 1998. Members of the group include the Secretaries of the Ministries of Textiles, External Affairs, Commerce, Labor, Rural Development and the Department of Education, Women & Child Development, Legal Affairs, Health and Chief Secretary of Uttar Pradesh.

A Central Monitoring Committee on child labor constituted by Government of India on 30.12.98 under the Chairmanship of Union Labor Secretary is responsible for the overall supervision, monitoring and evaluation of National Child Labor Projects in various States.

A National Resource Center on Child Labor (NRCCL) was set up at the National Labor Institute in Noida, UP, in March 1993. The Center is engaged in the documentation, publication and creation of a data bank on child labor, research and training, media management and technical support services etc. and assists Union and State Governments,
NGOs, policy makers and others. A Child Labor Cell has also been set up at the National Institute of Rural Development, Hyderabad with a similar mandate.

The State Governments have set up State Level Monitoring Committees for monitoring the implementation of National Child Labor Projects in their respective States and similar bodies also function at the district level under the Chairmanship of the District Collector & Magistrate.

Several other programs have contributed substantially to the reduction of the number of working children in India. Thus, the Integrated Child Development Service (ICDS) is the single largest program in the whole world for pregnant mothers and children in terms of immunization, nutrition and pre-primary early childhood education. To fulfill the constitutional commitment to free and compulsory universal primary education, nearly 6,00,000 schools have been set up. A massive non-formal education program with the involvement of NGOs, with thrust on enrolment of girls has been launched for those children who cannot be enrolled in the formal system as also for school dropouts. The National Literacy Mission has been launched since 1988 to remove parental illiteracy and promote functional adult literacy. The Department of Education is also implementing the District Primary Education Program that covers working children in a large number of child labor endemic districts. The programme of universal primary education known as Serva Shekhsha Abiyan has been launched throughout the country. At least one school has been set up in each of the six thousand villages of India.

Many States have mid-day meals programs in school to improve the nutritional level of school going children and also to induce the parents to send their children to school rather than to work.\textsuperscript{49}

The child welfare programmes of the Ministry of Social Justice and Empowerment focus on children in conflict with law and the children in need of care and protection.

**An Integrated Programme for Street Children:**

The objective of this programme is to cover children on streets and facilitate their withdrawal from a life of distress and destitution. The programme provides for shelter, nutrition, health care, education, recreation facilities to street children and seeks to protect them against abuse and exploitation. The strategy is to develop awareness and provide support to build the capacity of the Government, NGOs and
the community at large to realize the rights of the child in the Juvenile Justice (*Care and Protection of Children*) Act, 2000 and also those enshrined in the UN Convention on the Rights of the Child (CRC). The target group of this programme is children without homes and family ties i.e. street children and children especially vulnerable to abuse and exploitation such as children of sex workers and children of pavement dwellers.

State Governments, Union Territory Administrations, Local Bodies, Educational Institutions and Voluntary Organizations are eligible for financial assistance under this programme. The Government of India provides up to 90 per cent of the cost of the project and the remaining has to be borne by the organization/institution concerned. Under the programme no pre-defined cost heads are stipulated. Depending upon the type of activity and the nature of service an appropriate amount not exceeding Rs.15 lakh per annum can be sanctioned as recurring cost for each project. The grant under the programme is released to selected organizations in two equal half-yearly installments.

This programme has spread to 39 cities of the country and the expenditure incurred the three years from 1999 to 2002 is as follows:-

**Table 2.4**

**Expenditure on Integrated Programme for Street Children**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of NGOs</th>
<th>Expenditure (Rs. in lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>102</td>
<td>717.13</td>
</tr>
<tr>
<td>2000-2001</td>
<td>77</td>
<td>623.03</td>
</tr>
<tr>
<td>2001-2002</td>
<td>88</td>
<td>601.48</td>
</tr>
</tbody>
</table>


Dated April 19 (Monday) 2004 circulated by Press Information Bureau, Government of India

**Child Line service:**

The Ministry under "An Integrated Programme for Street Children" has initiated child line, a 24-hour free phone service for children in distress, which can be accessed, by a child in difficulty or an adult on his behalf by dialing 1098. Child line, presently, has expanded its services to 42 cities.

The basic objectives of the child line service are as follows:-

- To respond to children in emergency situations and refer them to relevant Governmental and non-Governmental organizations
• To create a structure, which ensures the protection of the rights of the child as, ratified in the UN Convention on the Rights of the Child and the Juvenile Justice Act.
• To provide a platform for networking amongst organizations and to strengthen the support systems which facilitate the rehabilitation for children in especially difficult circumstances.
• To sensitize agencies such as police, hospitals, Municipal Corporations and the railways towards the problems faced by these children.
• To provide an opportunity to the public to respond to the needs of Children in difficult circumstances.

Child Line India Foundation (CIF) has been established as an umbrella organization to identify, provide support and to monitor efficient service delivery of the centres at various locations. CIF serves as a link between the Ministry and the NGOs in the field. The Secretary, SJ&E is the chairperson of the Governing Board of the Foundation.

Child line has responded to 27.30 lakh calls from children/concerned adults till August 2002. These calls have been for medical assistance, shelter, repatriation, missing children, protection from abuse, emotional support and guidance, information, referral to services, death related calls etc.

The details of grants released for the child line project in the three years from 1999 to 2002 is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Organizations assisted</th>
<th>Total Grant released (Rs. In Lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>45</td>
<td>66.74</td>
</tr>
<tr>
<td>2000-2001</td>
<td>46</td>
<td>102.97</td>
</tr>
<tr>
<td>2001-2002</td>
<td>83</td>
<td>204.37</td>
</tr>
</tbody>
</table>

Dated April 19 (Monday) 2004 circulated by Press Information Bureau, Government of India
Supreme Court Directions and its follow up Action by Government of India:

The Supreme Court of India, in its landmark Judgment dated 10th December 1996, in a Writ Petition (Civil) number 465/1986 in *M.C. Mehta v. State of Tamil Nadu* has given certain directions regarding the manner in which children working in the hazardous occupations are to be withdrawn from work and rehabilitated, and the manner in which the working conditions of children in non-hazardous occupations are to be regulated and improved. The judgment of the Supreme Court envisages:

a. Simultaneous action in all districts of the country;

b. Survey for identification of working children *(to be Completed by June 10, 1997)*

c. Withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions;

d. Contribution of **Rs.20000** per child to be paid by the offending employers of children to a welfare fund to be established for this purpose;

e. Employment of one adult member of the family of the child so withdrawn from work and if that is not possible a contribution of **Rs.5000**/to the welfare fund to be made by the State Government;

f. Financial assistance to the families of the children so withdrawn to be paid out of the interest earnings on the corpus of **Rs.20000/25000** deposited in the welfare fund as long as the child is actually sent to the school;

g. Regulating hours of work for children working in non hazardous occupations so that their working hours do not exceed six hours per ay and education for at least two hours is ensured. The entire expenditure on education is to be borne by the concerned employer;

h. Planning and preparedness on the part of Central and State Government in terms of strengthening of the existing administrative/regulatory/enforcement frame-work (covering cost of additional manpower, training, mobility, computerization etc) implying additional requirement of funds.
Consequent upon the directions of the Apex court, guidelines were sent to all the
State Governments on December 26, 1996 for implementation of directions, a
conference of Labour Ministers of State/Union territories was convened on January
22, 1997 to finalize an action plan for the withdrawal of working children. In the
conference, it was recommended that the survey envisaged in the judgment of
Supreme Court would be in two phases. The first phase would identify hazardous
Jobs in urban, semi urban catchment areas and the working children would be
withdrawn with action to recover \textit{RS.20000} from the offending employers. The
door to door survey for the purpose of identification and enumeration of working
children will be taken up in the second phase. The other recommendations of the
conference are as:

Funds for conducting the survey would be provided by the Central Government to
the agencies at district level immediately. The enforcement machinery be
strengthened by the State government and for any delay in conducting the survey,
the State Government concerned shall file an affidavit with the Hon’ble Court about
the reasons for delay. Further more, if for any reason, the State governments find it
difficult to give effect to any one or more directions of the Supreme Court, they will
seek necessary clarification /directions from the Hon’ble court well in advance.

\textbf{International Programme on Elimination of Child Labour and
India:}

India was the first country to join IPEC when it signed a Memorandum of
Understanding with ILO. The country has constituted a National Steering
Committee of which the Labour Secretary is the chairman. This is tripartite in its
composition with representation from NGO’S as well. There is a National
Programme coordinator based at New-Delhi who coordinates IPEC work between
the Ministry of Labour, the agencies receiving assistance and ILO Headquarters.
ILO has made an allocation of $4.15 million between 1992-96 for the IPEC
programme in India.
State Wise Projects Under IPEC and Number of Children Covered (92-97):

Table 2.6

State wise Number of Projects Approved under IPECL

<table>
<thead>
<tr>
<th>States</th>
<th>Projects approved</th>
<th>No of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>15</td>
<td>15455</td>
</tr>
<tr>
<td>Bihar</td>
<td>03</td>
<td>1340</td>
</tr>
<tr>
<td>Delhi</td>
<td>06</td>
<td>4200</td>
</tr>
<tr>
<td>Gujarat</td>
<td>05</td>
<td>1350</td>
</tr>
<tr>
<td>Haryana</td>
<td>01</td>
<td>300</td>
</tr>
<tr>
<td>Karnataka</td>
<td>02</td>
<td>1320</td>
</tr>
<tr>
<td>Kerala</td>
<td>02</td>
<td>2000</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>06</td>
<td>2050</td>
</tr>
<tr>
<td>Manipur</td>
<td>01</td>
<td>500</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>07</td>
<td>1750</td>
</tr>
<tr>
<td>Orissa</td>
<td>04</td>
<td>1500</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>07</td>
<td>5800</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>17</td>
<td>6710</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>11</td>
<td>13939</td>
</tr>
<tr>
<td>West Bengal</td>
<td>19</td>
<td>22890</td>
</tr>
<tr>
<td>Regional</td>
<td>02</td>
<td>NA</td>
</tr>
<tr>
<td>All India Institutions</td>
<td>11</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>119</strong></td>
<td><strong>81154</strong></td>
</tr>
</tbody>
</table>

Source: Govt. India’s Policies and actions http/www/nembassy.org/policy/child_labour/child_Labor

As per MOU between government of India and the ILO, the IPEC programme was to continue till December 31, 1996. The MOU was extended on January 28, 1997, until December 31, 1997 in the first instance. Thereafter Memorandum continues with mutual agreement.
Conclusion:
Child labour is a global problem and a large number of world’s children are subjected to inhuman treatment and are denied their basic rights to be human beings by engaging them workers in different establishments. The entire world is caught in a dilemma as an abolition of child labour in its entirety has an opportunity cost in the shape of economic sufferings to which the families of the working children will be put to if they are withdrawn from work centres. The problem has however taken an ugly dimension as now-a-days many children in the world are engaged in armed struggle, begging and prostitution. A number of international conventions have been passed to protect the children from exploitation and a plethora of laws have been enacted in different countries to provide children an enabling environment in which they can groom as physically, morally and mentally developed subjects of their respective nations. In spite of all these measures, the problem of child labour still persists and there is dire need to reconsider and re-devise our policies and programmes so that people are not forced by economic necessity or otherwise to send their children for work. There is need to devise such strategies to combat this growing menace by dint of which people develop an inherent dislike to send their children for work so that there is no scope for their exploitation at the hands of those elements who harbour vested interests to capitalize on the docility of the tender hands.
REFERENCES


5. Ibid p.14


10. Ibid: p.5


15. **The Indian council of Medical Research, Special Report (1971),** Series No. 60: p.5 as reported in ibid p 48.


19. Shamim: **Op cit.**

20. **Ibid**


23. **Ibid**


27. Sidiqi and Patrinos ,**op cit**


34. *UNews*, Monthly News letter of UN information center N. Delhi (August 2005) vol.60 No. 8

35. *Ibid*


37. Shamim: *opcit* p7

38. Dhaka and Narwal: *opcit*


40. http://www.une.edu/child labour


43. Roa Rajyasri, BBC correspondent in Delhi, 'India losing Child Labour Battle', BBC News South Asia, http://www.bbc.co.uk/southasia


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Socio-Economic and Ethical Dimensions of Child Labour in Kashmir