CHAPTER - I

INTRODUCTION
Human Rights of Children and Exploitation of Child Labour is a topic of global concern that cuts across major ideological, political and cultural boundaries. The history of mankind has been firmly associated with the struggle of individuals. As we march on, our heart bleeds by witnessing flagrant violations of human rights that are endowed to the human beings and the way in which they are exploited by a few unscrupulous and inhumanistic elements who tarnish the image of the holistic community.

India being the largest democracy in the world and the subcontinent in Asia is a great nation with multidimensional complexities intertwined with multiple religious, multi-lingual, and multi-cultural masses. Still, with an extolled unity in diversity, it always paid high respect to the human rights especially of children. Half a century of nationhood shows that while much has been achieved with greater foresight, diligence, and wisdom, even today millions continue to live in an imcalculable suffering stalked in extreme poverty vast gulf of differences and disparities between the rich and the poor which lead to a large number of women, women, and children leading a life of want, destitution, misery, and pity. Apart from many inhuman heart-breaking incidents such as exploitation of child labour, exploitation of innocent girls for flesh trade, exporting the kids to foreign countries under the guise of adoption for other illegal purposes, stealing of human organs and transportation of human beings especially women, girls, and children for sexual exploitation, pornography, and sexual abuse, have seen the light of the day.

Growing awareness of the economic exploitation of millions of children around the world has catapulted the issue of child labour into the public eye and brought it to the forefront of debate within governments and international organizations. Arouses diverse interests, the debate juxtaposes the multilateral trade regime with international law governing labour standards and human rights. Each of the charters establishing the primary international organisations for cooperation in these areas is premised on the interdependence of economic and social progress. The legal norms governing the various regimes differ in their scope and application to the child labour and international supervisory bodies with labour standards and human rights.

Rights of the child are an integral part of human rights yet protagonists of human rights hardly ever focus their attention to the exploitation and abuse of the rights of the child. Child labour is the major form of violation of the child’s rights. Often when a child is made to work he is paid much less though he is made to work as much and at times more than a grownup. Owing to exploitation of child energy the employer is depriving the bright prospects and basic necessities of the child. In this situation the researcher observes that the need of the hour assumes much greater significance.

1.2 IMPORTANCE OF THE STUDY

The significance and importance of the child lies in the fact that child is the dawn of human race and a bud to become a flower which spreads fragrance for future nation and coming generation. The progress and prosperity of any country depends upon the quality and talents of the child. If there was no child there would be no humanity and there can not be universe without humanity. Therefore mankind owes to the child the best that it has to be given. If there is no proper growth of child today the future of the humanity itself is in dark. It is thus

an obligation of every generation to bring up children who will be citizen of tomorrow in a proper way Today s children will be the tomorrow s leaders who hold the country s banner high and maintain prestige of the nation

A child is the young and the future administrator and architect of the nation So he deserves to have all protective protective and developmental opportunities Compulsion of work at tender age deprives the young of his right Long hours of work both at their homes and at work places is injurious to growth and development creating problems related to physical fitness mental tensions cultivating bad habits On the contrary child labour will reduce the market value of remuneration of an adult labour ultimately leading to an increase in the number of unemployed hands reducing the income of the working people broadening the gap between the rich and the poor Moreover this had created another society facing economic problems illiteracy lacking health and medicare and human settlement

Child labour is a socially realized evil in the present day world Human conscience at the present stage of civilization refuses to promote child labour as a source of capital accumulation in the process of economic development But today in India millions of children are working long hours below the nominal wages or no wages in almost all sectors of economy at the expense of their education play health dignity freedom and future and generate surplus to the economic development Even after 53 years of independence child labour in India is a common sight to everyone in all its inhuman forms


The social scenario however changed radically with the advent of industrialization and urbanization. Under the impact of the newly generated centrifugal and centripetal opportunities the rural poor migrate to urban centres in search of livelihood. The child had to work as an individual person either under an employer or independently. His work environment endangered his physical health and mental growth and led to his exploitation. The protection and welfare of these children therefore became an issue of paramount social significance and justice.

Hence the architects of independent India had dreamt to create a free India to enable the children of tomorrow to avail themselves of the benefits of joys of living and laid down a policy in the constitution for the provision of childhood and youth against exploitation. And a provision under Article 45 to provide free and compulsory education within a period of ten years for all children until they complete the age of 14 years. The constitution also has made a provision under the Article 24 prohibiting employment of children below the age of 14 years in all factories, mines and in all other hazardous occupations.

1.3 REASONS FOR SELECTION OF THE TOPIC

Quite a large number of studies on the problems of child labourers have been made in India but are confined only to textbooks, law journals, periodicals and law reports in the library. This in-house traditional legal research cannot meet the complex socio-economic problems of society.

The widespread socio-economic inequalities in society have soon paved the way and provided a strong base for a new activist research. The result is that the modern legal research is directed towards the study of social problems and situations that are confronting the social progress, the underlying object of which is to diagnose and analyse the forces influencing the events and thereby to find out possible solutions.
In *MC Mehta Vs Union of India*⁷ People’s Union for Democratic Rights Vs Union of India⁸ and *Bandhua Mukti Mohpa Vs Union of India*⁹ the Supreme Court of India recognised the value of field work and socio legal research by social scientists and social action groups as the basis of factual data for the exercise of its writ jurisdiction under Article 32 of the constitution for the enforcement of the fundamental rights of the socially and economically underprivileged groups of society. This new strategy of the court gave an impetus to academics and social activists to study various chronic socio legal problems which are well connected with the economic logical spectra. Pursuant to the new trend and line of legal research the topic Human Rights of Children and Exploitation of Child Labour in Chittoor District of Andhra Pradesh: A Socio Legal Study has been selected for the present study.

The problem of exploitation of child labour in Chittoor district assumes a serious proportion when seen from the viewpoint of the rights of the child. With India’s commitment to the care and nurture of children as the supreme national asset for human resource development, child labourers wandering aimlessly and living in places hazardous to the health and mind surely comes as a blemish on the national image.

The institution of child labourers far from being an individual affair is the frustrating outcome of a social situation. The gross inequalities in income and wealth which combined with privatization in industrial and agricultural sectors make the rich to exploit the poor not only by way of wage discrimination between men and women but also by engaging children to extract the adult’s work with child’s wages.

Apparently Chittoor district is boarder to three adjacent states Andhra Pradesh, Tamil Nadu and Karnataka. The Chittoor district was part and parcel of Tamil Nadu State till the

⁷ AIR 1997 SC 699
⁸ AIR 1982 SC 1473
⁹ AIR 1984 SC 802
advent of Andhra State. Since geographically it is a backward area, the rural people found their livelihood in agriculture. The agriculture is subjected to vagaries of monsoon and prone to drought. This abject poverty drove the people to urban areas in search of their livelihood.

The researcher was touched and moved with the incidence of exploitation of child labourers at many places in Chittoor district where he happened to visit either as a customer or a common man. He witnessed the ruthless treatment being meted out towards tiny hands when the hands could not do work properly. No doubt there are various fields both hazardous and non-hazardous where the children are subjected to exploitation. In Chittoor district, there are no notable small or large-scale industries. There are few industries where the gates are closed to child employment. So most of the child labourers could be found in the fields of Automobile, Welding, Cycle, Repair Shops, Tailoring, and Roadside Restaurants.

1.4 MAGNITUDE OF THE PROBLEM

Any serious attempt to deal with a problem within a time frame requires a fairly accurate information about its magnitude. In the absence of such data, it is very difficult to plan any action and implement. Child labour in India is one such problem as it is compounded with the twin issues of lack of exact statistics on the exact number of exploited child labourers. Another Census of India is due in the year of 2001. The researcher is able to get the statistics of child labourers till the month of December 2000.

1.4.1 Child Labour: International Scenario

The promotion and protection of the rights of children have long been the concern of almost all countries of the civilized world. The Universal Declaration of Human Rights, 1948 has stipulated under Para 2 of Articles 25 that childhood is entitled to special care and assistance. In a number of other relevant international documents, it was stated that the child should grow up in a family environment in an atmosphere of happiness, love and

understanding Children constitute over 35 per cent of the world's population. The table 14.1 depicts the percentage of economically active children between 10 and 14 years of age.

**TABLE 14.1**

**THE WORLD CONTEXT**

Percentage of Economically Active Children between the Age 10 and 14 (1997)

<table>
<thead>
<tr>
<th>Continent</th>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFRICA</td>
<td>Burundi</td>
<td>48.97</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>42.30</td>
</tr>
<tr>
<td></td>
<td>Kenya</td>
<td>41.27</td>
</tr>
<tr>
<td></td>
<td>Mali</td>
<td>54.53</td>
</tr>
<tr>
<td>ASIA</td>
<td>Bangladesh</td>
<td>30.12</td>
</tr>
<tr>
<td></td>
<td>Bhutan</td>
<td>55.10</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>11.55</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>14.37</td>
</tr>
<tr>
<td></td>
<td>Japan</td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td>Malaysia</td>
<td>3.16</td>
</tr>
<tr>
<td></td>
<td>Nepal</td>
<td>45.18</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>17.67</td>
</tr>
<tr>
<td>EUROPE</td>
<td>Albania</td>
<td>1.11</td>
</tr>
<tr>
<td></td>
<td>Hungary</td>
<td>0.17</td>
</tr>
<tr>
<td></td>
<td>Italy</td>
<td>0.38</td>
</tr>
<tr>
<td></td>
<td>Portugal</td>
<td>1.76</td>
</tr>
<tr>
<td></td>
<td>Rumania</td>
<td>0.17</td>
</tr>
<tr>
<td>LATIN AMERICA</td>
<td>Brazil</td>
<td>16.09</td>
</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>06.73</td>
</tr>
</tbody>
</table>

Source: Indian Labour A Select Statistical Profile Manak Publications Pvt Ltd in association with V V Giri National Labour Institute NOIDA 1997 P 159
Their number has already crossed 1500 million and by the year 2000 child population is expected to account for one fourth of the world's population and 40 per cent of the labour force. About 76 million children aged 10-14 were workers in 1995 representing 13.2 per cent of all the children in the age group around the world. There are about 250 million child workers aged 5 to 14 in the world without taking into account those who work with their families in domestic and other occupational activities. In absolute terms, Asia has the largest number of child labourers. Latest estimates (1998) by International Labour Organisation point out that developing countries alone account for 120 million working children between 5-14 years of age. Of these 61 per cent are found in Asia, Africa accounts for 32 per cent and Latin America 7 per cent.

The victory of the so-called developing countries at the World Trade Organisation meeting in Seattle in stopping the inclusion of labour standards in trade issues is hollow as the problem of exploitation of labour, especially child labour, is getting worse in the developing countries. In some areas of India, Ghana, Indonesia and Senegal, according to the recent International Labour Organisation survey, 25 per cent of the children are workers. The percentage reaches 40 in Senegal if seasonal labourers are taken into account while in Ghana more than 75 per cent of the working children aged 10-14 are females. The greatest numbers are in Asia 44.6 millions followed by Africa 23.6 millions and Latin America 5.1 millions. Chart 14.1 shows the percentage of workers in the 10 to 14 age group is 41.3 in Kenya, 31.4 in Senegal, 30.1 in Bangladesh, 25.8 in Nigeria, 24 in Turkey, 20.5 in Ivory Coast, 17.7 in Pakistan, 16.1 in Brazil, 14.4 in India, 11.6 in China, 11.2 in Egypt, 6.7 in Mexico, 4.5 in


12 Choudary Rambly Ray The Worst forms of Child Labour Indian National Magazine-Front Line 16 July 1999 P 7
Chart 1.4.1

NUMBER OF CHILD LABOURERS BETWEEN 10-14 AGE GROUP
A GLOBAL PHENOMENON

Argentina, 1.8 in Portugal and 0.4 in Italy. But this is only the tip of the iceberg. No reliable figures for workers under 10 are available, though their numbers are significant. In central and Eastern Europe, the difficulties connected with the transition from a centrally planned to a market economy has led to a substantial increase in child labour. The same is true of the United States where the growth of the service sector, the rapid increase in the supply of part-time jobs and the search for a more flexible workforce have contributed to the expansion of the child labour market. 13

The problem of child labour in India is also of great magnitude when one considering the number of children involved in it. India is the second most populous country in the world after China. As per 1951 census, the total child population in India was 13.4 crores. In 1991 it went up to 29.7 crores. In 1951, 10 per cent of the total child population were child workers which declined to 7.81 per cent in 1991. The total withdrawal of children from work and also ensuring their rehabilitation is a major challenge facing India. The country has the largest child labourers in the world. According to World Bank Report given in the first week of January 2000, the number of child labourers range to nearly six crores and the percentage of child labour is more in Andhra Pradesh than any in other state. The 1981 census shows the number of labourers was 22.3 crores out of which 1.36 crores (6.1%) were child labourers. As per 1991 census out of 31.4 crores of labourers, the child labourers range to the tune of 1.13 crores.

The estimates of the number of the exploited child labour vary because of the difference in methodology as well as the conceptual difference regarding the definition of child labour. Although the census estimates that there has been a progressive decline in child labourers over the years, yet estimates of different surveys have shown that the problem of child labour has been still increasing over the decades. The number of child labourers in the age group of 5-14 years was 13.6 million as per the 1981 census, which came down to 11.2 million according to 1991 census. The number of marginal workers has also declined from 2.4

14 Hand Book on Child Labour Challenge and Response Noida V V Giri National Labour Institute, 1999 P 8

13 Bhandari Jayanthilal Child Labour The Challenges Ahead Yojana September 2000 Vol.44 No 9 P 40

in 1981 to 2.2 million in 1991. The magnitude of child labour in India is quite evident from the figures depicted in Chart 1.4.2

**Chart 1.4.2**
**DISTRIBUTION OF CHILD LABOUR: INDIAN SCENARIO**

**1.4.3 Child Labour in Andhra Pradesh**

From among the states of India, Andhra Pradesh enjoys the dubious distinction of having the largest force of exploitation of child labourers 16,61,940 in the country followed by Uttar Pradesh 14,10,086, Madya Pradesh 13,52,563 and Bihar 9,42,245 according to the 1991 census. It means that 14.7% of the child labour in our country are found in the State of Andhra Pradesh. Table-1.4.3 and Chart 1.4.3 show the district wise child labour in the state of Andhra Pradesh.


18 The Hillock, Andhra Pradesh Edition, 10 April 1997 P5
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>M in W r k r</th>
<th>M a</th>
<th>f e m a l e</th>
<th>P e n t i o</th>
<th>M e</th>
<th>F e m a l e</th>
<th>T + I (°)</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Godavari</td>
<td>70720</td>
<td>51160</td>
<td>19560</td>
<td>5250</td>
<td>1750</td>
<td>3500</td>
<td>75970 (475)</td>
</tr>
<tr>
<td>Srikakulam</td>
<td>52101</td>
<td>25380</td>
<td>28721</td>
<td>1900</td>
<td>5954</td>
<td>59955</td>
<td>59955 (361)</td>
</tr>
<tr>
<td>Vizianagaram</td>
<td>55517</td>
<td>29637</td>
<td>25880</td>
<td>7110</td>
<td>1740</td>
<td>5370</td>
<td>62627 (377)</td>
</tr>
<tr>
<td>Vizianagaram</td>
<td>61450</td>
<td>32710</td>
<td>28740</td>
<td>8680</td>
<td>2230</td>
<td>6450</td>
<td>70130 (422)</td>
</tr>
<tr>
<td>West Godavari</td>
<td>77304</td>
<td>45170</td>
<td>32134</td>
<td>6093</td>
<td>2033</td>
<td>4060</td>
<td>83397 (510)</td>
</tr>
<tr>
<td>Krishna</td>
<td>76362</td>
<td>38872</td>
<td>37490</td>
<td>4885</td>
<td>1494</td>
<td>3391</td>
<td>81247 (489)</td>
</tr>
<tr>
<td>Guntur</td>
<td>110715</td>
<td>51010</td>
<td>39705</td>
<td>7560</td>
<td>2030</td>
<td>5530</td>
<td>118275 (712)</td>
</tr>
<tr>
<td>Prakasam</td>
<td>68220</td>
<td>29660</td>
<td>38560</td>
<td>5700</td>
<td>1030</td>
<td>4670</td>
<td>72920 (445)</td>
</tr>
<tr>
<td>Nalkote</td>
<td>45563</td>
<td>23713</td>
<td>21850</td>
<td>5880</td>
<td>1320</td>
<td>4560</td>
<td>51443 (410)</td>
</tr>
<tr>
<td>Chittoor</td>
<td>56570</td>
<td>29250</td>
<td>27320</td>
<td>6160</td>
<td>1190</td>
<td>4970</td>
<td>62730 (378)</td>
</tr>
<tr>
<td>Cuddapah</td>
<td>38382</td>
<td>18990</td>
<td>19392</td>
<td>5380</td>
<td>600</td>
<td>4780</td>
<td>43762 (263)</td>
</tr>
<tr>
<td>Ananthpur</td>
<td>83742</td>
<td>44700</td>
<td>39042</td>
<td>8513</td>
<td>1219</td>
<td>7294</td>
<td>92255 (555)</td>
</tr>
<tr>
<td>Kurnool</td>
<td>108012</td>
<td>53387</td>
<td>54625</td>
<td>4025</td>
<td>745</td>
<td>3280</td>
<td>112037 (674)</td>
</tr>
<tr>
<td>Mahabubnagar</td>
<td>119327</td>
<td>60290</td>
<td>59037</td>
<td>5290</td>
<td>970</td>
<td>4320</td>
<td>124617 (750)</td>
</tr>
<tr>
<td>Rangareddy</td>
<td>49580</td>
<td>27460</td>
<td>2120</td>
<td>2580</td>
<td>610</td>
<td>1970</td>
<td>52160 (315)</td>
</tr>
<tr>
<td>Hyderabad</td>
<td>14370</td>
<td>11610</td>
<td>2760</td>
<td>560</td>
<td>320</td>
<td>240</td>
<td>14930 (990)</td>
</tr>
<tr>
<td>Medak</td>
<td>62090</td>
<td>31000</td>
<td>31060</td>
<td>2910</td>
<td>820</td>
<td>2090</td>
<td>65000 (391)</td>
</tr>
<tr>
<td>Nizamabad</td>
<td>55103</td>
<td>23630</td>
<td>31473</td>
<td>3051</td>
<td>825</td>
<td>2228</td>
<td>58154 (350)</td>
</tr>
<tr>
<td>Adilabad</td>
<td>50783</td>
<td>23720</td>
<td>27063</td>
<td>4470</td>
<td>1020</td>
<td>3450</td>
<td>55235 (314)</td>
</tr>
<tr>
<td>Kaminagar</td>
<td>83305</td>
<td>30420</td>
<td>52885</td>
<td>4258</td>
<td>930</td>
<td>3328</td>
<td>87563 (527)</td>
</tr>
<tr>
<td>Warangal</td>
<td>68210</td>
<td>31090</td>
<td>37120</td>
<td>6880</td>
<td>1700</td>
<td>5180</td>
<td>75090 (459)</td>
</tr>
<tr>
<td>Khammam</td>
<td>61447</td>
<td>30939</td>
<td>30508</td>
<td>5568</td>
<td>2078</td>
<td>3490</td>
<td>69015 (403)</td>
</tr>
<tr>
<td>Nalgonda</td>
<td>68420</td>
<td>33090</td>
<td>35330</td>
<td>5990</td>
<td>1060</td>
<td>4930</td>
<td>74410 (448)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1537293</td>
<td>776888</td>
<td>742375</td>
<td>118693</td>
<td>33668</td>
<td>149036</td>
<td>1661940 (100)</td>
</tr>
</tbody>
</table>

Source: Census of India Report 1991
The percentage of child labour to the total workforce is 5.5% in our State compared to the national average of 3.5%. The above indications show that there is a large number of employment of child labourers in the state exceeding the national average.

Andhra Pradesh is constituted of three regions Coastal Andhra, Telangana, and Rayalaseema. Chittoor district falls in the region of Rayalaseema, which is one of the four districts the others being Anantapur, Cuddapah, and Kurnool Districts. It came into existence as such in the year 1911 with Chittoor town as its headquarters. It comprises of 66 Revenue Mandals and 5 Municipalities. The total area of the district is 15,152 Sq Kms consisting of 1,540 villages in which 1,489 are inhabited. The total population of the district is 32,61,118. The Scheduled Caste population is 1,04,938 forming 18.38% per cent. The agricultural labourers are 4,90,360.
marginal farmers 2 82 234 and small farmers 1 11 648. These three segments constitute 27 per cent of the total population. As per 1991 census the child labourers in this district are 62 730.\textsuperscript{19}

Many legislative provisions have been made to protect children from exploitation at work and to improve their working conditions. The Constitution of India through Articles 23, 24, 39 and 45 is protecting the child against all forms of exploitation. During 1999 the government had become more active to control and abolish the exploitation of child labour in setting up a committee to study the conditions of children in India. The Government has also started various projects and schemes for the elimination, reduction and rehabilitation activities of the child labour.

But the number of rehabilitation programmes being implemented by the Government itself and through various NGOs at the grassroots level will not result in desired development. The magnitude of the urban child exploitation is increasing day by day and this problem has become complex in nature due to various factors.

It is now a realised and accepted truth that protection of children against exploitation of their mental and physical development will affect the development of nation as a whole. The present work is a humble attempt to bring forth some of the aspects of this multidimensional problem and to give remedial suggestions for mitigating the acuteness and gravity of this evil.

15  \textbf{REVIEW OF LITERATURE}

Review of literature in the chosen field of research provides necessary knowledge about the quantum of work already done, the findings arrived at and recommendations made there of. It helps the researcher to concentrate more upon the new areas capable of being

\textsuperscript{19} Hand Book on Child Labour for Enforcement Officers Hyderabad Commissioner of Labour Government of Andhra Pradesh in collaboration with UNICEF 1997 P 43
explored. Data and literature relating to child labour are abundant. However, most of the works depict from sociological perspective and there are only few works from legal aspect. The researcher has gone through secondary data like books, journals, reports, newspapers and Acts related to the topic.

Sarma Marla (1977)\textsuperscript{20} has studied the problems of Bonded Labourers in Medak district of Andhra Pradesh, which contained the reference of pledging of children by the parents to clear off the debts. This study reflects the pathetic exploitation of pledged child labour by the creditors. Thus this literature immensely helped the researcher to understand the topic.

J C Kulshrestha's (1978)\textsuperscript{21} Child Labour in India has focussed if one wants to know a nation, one should see in its children. Child is not only to the future of any nation but also the strength in reserve for a nation. If they are healthy and active, educated, disciplined, and trained, the future of the nation is well ensured and if they are wanting in the above aspects the nation's prosperity is well doomed. In this context, the above author has brought forth certain aspects of child labour and its evil consequences in general.

Especially after 1979, the International year of the child, there has been extensive literature available on the problems of child labour. The Central Government sponsored studies on child labour and also undertook a nation wide rapid survey on child labour. The study investigated (i) the dimensions of child and the occupation in which the children were employed and (ii) the existing labour laws their adequacy and implementation. The study clearly showed non-implementation of various pieces of labour legislation. Many disturbing factors like long hours of work and low wages were also brought. The study recommended a model legislation on child labour and also suggested the need to involve social workers.

\textsuperscript{20} Marla Sarma, Bonded Labourers in Medak District, MLI Bulletin 3C, 10 October 1977

voluntary organisations, trade unions and parents to assist in the enforcement of legislative measures. Besides this, the subject has also been widely discussed at a number of national and international seminars and conferences from time to time.

The studies concerning child labour can broadly be divided into journalistic ones and those conducted by social scientists. The latter can be further grouped into macro and micro ones. The micro level empirical studies on child labour have been undertaken both in the rural and urban unorganised industrial sector in the country. Although the studies on working children conducted in rural areas are many, they are beyond the purview of the present study.

Child Labour and Health problems and prospects by Usha S Naidu and Kamini K Kapadia (1981) states that in developing countries like India, the removal of child labour will be a process and not a sudden event. The problems of child labour require a multidisciplinary approach. A group of scholars from various fields, law, administration, population studies, and education participated in a seminar jointly organised by the unit for child and youth research in collaboration with World Health Organisation, Geneva. The theme discussed the terms of concept of child labour and its prevalence and its complications towards physical and psychosocial health, role of governmental and non-governmental agencies, and the researchable areas to improve the conditions of working children. The document contains a group of articles presented by the participants and offers suggestions to mitigate the problems of young workers.

The study Slum Children of India by Dr S P Singh and Dr K P Pother (1982) contains that slum is known as the cancer on the body of the city. Among slum dwellers, worst affected are the children because the slum environment has an adverse impact on the child.


23 Singh S D and Pother K P Slum Children in India New Delhi Deep and Deep Publications 1982
socialisation and personality development. If children are neglected like this, slums are likely to become breeding grounds for juvenile delinquents and criminals.

In the above book, the authors have dealt with the concept of causes and medico-social aspects of the slum social composition. The place of slum child in society, the psychological and behavioural problems of the slum children, their health and nutritional status, and also their educational status, have also been discussed. The book also highlights the responsibility of society towards slum children, the state's role in improving the future of slum children in India.

Another study, Working Conditions of Children Employed in Unorganised Sector Child Labour in Sivakasi (CSR Madras 1984), exposes the worst working conditions and harsh exploitation of child labourers by the employers of match and fire works industry in Sivakasi. Majority of the children employed in match units were girls. Working children found to be main breadwinners in most of the low income families in Sivakasi. The study further indicates that 36% of the families have more than two children employed in match units. It is reported that 95% of the child workers took job in match units because of the poor financial conditions of the their families. This study also reveals that the child workers are found to be working for long hours in ill-ventilated places with out basic amenities rest and pause. This study disclosed only working conditions of the children but not the rights of the children.

B N Juyal (1985) has examined the inhuman exploitation inflicted upon child labourers. He has observed mitigation of inhuman physical as well as mental cruelty towards the child labourers in the Carpet industry in Bulwan District. The observations made by the author inspired the researcher to have deep study how the child labourers are robbed by the selfish inhuman entrepreneurs rob the child labourers.

Praveen Nangia's (1987) study has vividly discussed the reports of committees on child labour. It also deals with socio-economic factors pushing children into labour force and the problems of early employment which are faced by the society in general and not particular.

S K Tripathy's (1989) study has exposed the problems of bonded labour in India, states with special reference to Orissa and its tribal districts. The study has pointed the tribal indebtedness and bondage leading to distressed living conditions of children. The above two studies have dealt with socio-economic factors of child labourers in general but not on socio-legal dimensions.

Child Labour in India by A.N. Singh (1990) focuses the importance of child through various forms. The above study contains a detailed study of the existing conditions of child labour in rural as well as urban areas in India especially carpet weaving industry. It provides only the problem of child labour in the carpet weaving industry and help those in authority in formulating a meaningful program to ameliorate the plight of child labour in the country.

The Rehabilitation of child labourers in India by R.N. Path (1991) has exposed the failure of improved legislation and administrative machinery in elimination of exploitation of child labour and also rehabilitation possibilities.

Tripathy's (1991) study in Exploitation of Child Labour in Tribal India has dealt the concept of child labour and its evolution. The study is presented both from sociological and legal angle. He made an empirical study on exploitation of child labour in Phulbari district.

26 Tripathy S K Bonded Labour in India New Delhi Discovery Publishing House 1989
27 Singh A N Child Labour in India Socio Economic perpex UV s N w Delhi Shilpa Publishers 1990
28 Path R N Rehabilitation of Child Labour in India New Delhi Ashish Publishing House 1991
of Orissa in general but did not take any field in specific. It inspired the researcher to study the child labour in Chittoor district of Andhra Pradesh.

Paras Diwan s (1992) Children and Legal Protection is a master piece covering all the legal provisions relating to children including conventions on child labour adopted by ILO.

Pandey's (1993) analysis on the street children of Kanpur examines the nature and extent of the problems of the street children. The study demonstrates that the majority of the street children are Hindus.

U C Sahoo's (1995) Child labour in Agrarian society illuminates the factors and conditions of child labour in two advanced villages under changing agrarian production process. In brief, the study reveals that advancement of agriculture has in fact made them more vulnerable to economic and social exploitation.

P L Mehta and S S Jaswal's (1997) Child Labour and the Law has dealt with the concept of child labour and its evolution. They made an empirical study on child labour in Slumla Town in general but did not take any field in specific.

Child Prostitution by R K Tandon and K N Sudarshan (1997) focuses slavery and sexual exploitation of children. This study has helped the researcher to assess the gravity of exploitation of child labour including juvenile prostitution.

30 Paras Diwan Children and Legal protection New Delhi Deep and Deep Publications 1992
Chandragni S Samon (1998)\textsuperscript{35} in his book \textit{Working Children: A Sociological Analysis} attempts to clarify the nature and extent of working children's conditions selected from slums in Ahmedabad. This study is quite exhaustive.

Umapillai (1998)\textsuperscript{36} Exploring Child Labour issues: An Abstract Series throws light up on the child labour and it is an important piece of work to gain an insight into their living and working conditions. The main emphasis of this study is on the child labour issues in general.

L. Mishra (1998)\textsuperscript{37} Policy and Programme for the Rehabilitation of Working Children is a recent compendium. This study is found to be a reference to planners, policy formulators, programme implementers and research scholars.

P. K. Padhi (1998)\textsuperscript{38} Child Labour Retrospect and Prospect is a collection of articles which indicate the new rights arise from the old ones. It also deals with evolution and rehabilitation of children.


Rajeev Sharma and Nikhil Raj (1999)40 Child Labour in Ghanghroo Industry in Agra Region examines socio economic and general situational analysis of child labour in the ghanghroo industry in the district of Agra of Uttar Pradesh. It covers poverty alleviation programmes improvement of working conditions at production centers

A Report on International Labour Conference (1999)41 prohibits the worst forms of Child Labour beginning with the most exploitative and hazardous one. V V Giri National Labour Institute Noida in collaboration with UNICEF has published a series of books on child labour in various industries like lock industry of Aligarh, Gem industry of Jaipur, Brassware of Moradabad and other working children in India. All these works are based on empirical study and are concluded with suggestions and recommendations.

Mishra Lakshmichhar (2000)42 Child labour in India has documented a state of child labour throughout the country. He looks at child labour in the Beedi Industry in Andhra Pradesh and Tamil Nadu, Glass and Bangle Factory in Ferozabad and Uttar Pradesh, Match and fire works out fits in Sivakasi, Carpet weaving in Kashmir and Uttar Pradesh and the leather, gem and diamond polishing textiles in other States.

Over all the study provides a panoramic view of the child subject without overlooking any aspect of the problem. In certain aspects though it is not well structured the author's understanding of the subject is mature and has grown over the years. Mishra is able to take a bird's eye view of the subject. He discusses the variety of precedents on child labour and even concedes that they all have some merit.

40 Rajeev Sharma & Nikhil Raj Child Labour in Ghanghroo Industry in Agra Region, Noida V V Giri National Labour Institute 1999
42 Mishra Lakshmichhar Child Labour in India Delhi Oxford University Press 2000
Indeed a number of studies along with a few Inquiry Committees Commissions were set up by the government. Surveys in the field were conducted to assess the problems in different areas of children’s employment. But these are primarily based on the problem of child labour who are employed and working under the controlled administration of their employers which do not present the overall reality of the problem. Therefore the study Human Rights of Children and Exploitation of Child Labour in Chittoor District of Andhra Pradesh A Socio Legal Study has been conceived to assess and evaluate the overall aspects of exploitation of child labour and their rights.

The researcher has noticed that there has been so far no specific work on this topic. Hence the present study is selected to explore the exploitation of child labour in the fields of Automobile Welding Cycle Repair Shops Tailoring and Roadside Restaurants in Chittoor district from the Socio Legal angles.

1.6 OBJECTIVES OF THE STUDY

The study has the following objectives:

1. To highlight socio economic background of the child labourers

2. To investigate the working conditions of children so as to determine the form and extent of exploitation

3. To identify the various reasons leading to exploitation of child labour

4. To make an in depth study of international and national standards relating to prohibition of exploitation of child labour

5. To point out inadequacies and gaps in the constitutional provisions and legislations relating to exploitation of child labour and to make necessary suggestions.
To assess the violence and atrocities against children by the employers
To know how far they are legally aware of the safeguards provided for them
To study the different factors which compel the children to join the labour force in the fields of Automobiles, Welding, Cycle shops, Tailoring and Roadside Restaurants in the Municipal areas of Chittoor District

1.7 HYPOTHESES

The following hypotheses play an important role in an empirical research work which helps the researcher to proceed in a definite direction to achieve his cherished goal.

Hypotheses on theoretical contribution

1. Inadequacies and loopholes in the existing legislative frame work on exploitation of child labour result in insufficient safeguards to child labourers.

2. Due to the activists approach of the judiciary much attention of the legislature and executive has been drawn towards the protection of interests of children.

Hypotheses based on empirical studies

3. Population explosion is the main factor (though indirect) behind the problem of exploitation of children in Chittoor district.

4. Children working in Chittoor district are living in abject poverty highly deplorable and inhuman conditions.

5. Parental or personal background has a relationship with the incidence of exploitation of child labour.

6. The endless exploitation of child labourers in Chittoor district is due to their ignorance of rehabilitation measures legal and legislative provisions.
18 METHODOLOGY

The very title of this research suggests that the study is an analytical exercise on the Socio Legal problems of child labourers. For the success of any analytical research it is imperative that an appropriate methodology is adopted. A good methodology serves the purpose of a strong backbone of the research from which a smooth flow of results of the research can be ensured. In its expansive scope research methodology includes choosing the relevant techniques, formulation of appropriate research design with a choice of suitable methods of research and the techniques thereof. The method adopted and tools chosen are based upon the requirements of both doctrinal and empirical methods. The present doctrinal study has been based upon the secondary source material which is available in abundance. The material required for doctrinal research has been truly and duly acknowledged. As the topic of research relates to a socio legal phenomenon the appropriate method is sample survey in the empirical study. The emotional and personal intensities involved necessitated the use of an interview schedule during the survey. These aspects of empirical research are elaborated in Chapter VI of the thesis. Appropriate graphical and figurative representations with necessary tabulations are given to analyse and draw the findings. Care has been taken to observe standardised patterns of giving footnotes and bibliography. The researcher is mainly guided by Modern Language Association of America (MLA's) Handbook for writers of Research Papers. 

19 LIMITATIONS OF THE STUDY

The present study is limited to male child labourers between 6-14 years of age. Though there are a few female child labourers (4.75%) their number is so small and disproportionate that it is felt not worthwhile at least for the nonce to introduce sex as a variable factor for the

simple reason that every available female child labourer had to be included in the study. This would seriously affect the sampling procedure and it was felt that it would introduce an element of bias. Therefore to keep the study clear from a sampling bias only male child labourers were considered in the study.

1.10 SCHEME OF CHAPTERISATION

The study is presented through seven chapters.

By way of Introduction in the First Chapter an attempt is made to spell out the significance of the problem. Reason for selection of the topic Magnitude of the problem Review of the Literature Objectives of the study Hypotheses Methodology and Limitations of the study.

The Second Chapter is devoted to Conceptual Study of Child and Exploitation of the Child Labour. It deals with the concept of childhood and the definition of child concept of exploitation of child labour, modes of exploitation, causative factors and the need for protection against exploitation to Chittoor district.

Third Chapter focuses on the Protection of Rights of Children. International Parameters with Reference to Eradication of Child Labour. In this chapter five areas have been mentioned. In the first area eradication of child labour under League of Nations has been dealt with. In the second area eradication of child labour under the United Nations Organisation has been discussed. In the third area human rights law pertaining to the child slavery trafficking, child prostitution, forced labour and other international labour standards have been presented. In the fourth area the rights of the child which include civil, political, economic, social and cultural have been examined in detail. Finally there are some of the international initiatives to eliminate the child labour in the state of Andhra Pradesh particularly in Chittoor district have been presented.
Chapter Four deals with The Status of the Children Constitutional and Legal Reality in India for Prevention of Exploitation of Child Labour. It includes the evolution of exploitation of children prior to Independence. The prevalence of exploitation of child labour has been more or less in all periods of time i.e. ancient, medieval and modern. Historical background will also be more useful to initiate measures both at present and in future to suppress the said evil as far as practicable. It covers the deliberations of the framers of the Constitution. The entire discussion has been dealt with under three heads i.e. Civil and Political Rights of Children under Indian Law, Economic Rights of Children under Indian Law, Social and Cultural Rights of Children under Indian Law. It also deals with fundamental duties of children statutory framework pertaining to the protection of the rights of the children and strategies to combat child labour in India in general and in Chittoor District in particular.

Chapter Five throws light on the Contribution of Indian Judiciary against Exploitation of Child Labour. The study discloses that the Judiciary has always given a lead to save the child labourers from exploitation and to improve their working conditions. Judicial mandate clearly demonstrates that right to education is necessary for the proper flourishing of child's mind and personality. Various landmark decisions have been discussed and analysed. An earnest attempt has also been made to assess the role of the subordinate judiciary in Chittoor district with an objective to see how far it is successful in this direction.

Chapter Six highlights the Exploitation of Child Labour in Chittoor District of Andhra Pradesh. A Socio Legal Survey. It presents a brief description of the locale of the study area and the statement of the research problem. It also includes the socio economic background of the child labourers, their jobs, working conditions, status and future plans. It also describes the selection of suitable samples, field experiences during data collection, the methodology adopted, details of survey tools used, organisation of the study and findings.

Chapter Seven comprises of Conclusions and Suggestions.
Every child is potentially the light of the world. From his infancy the child must be nursed at the breast of God's love and nurtured in the embrace of His knowledge that he may radiate light, grow in spirituality be filled with wisdom and learning and take on the characteristics of the angelic host.

Abdu'l Baha*