CHAPTER – I

AN OVERVIEW OF CHILD RAGPICKERS - A FORM OF CHILD LABOUR

➢ Child Labour in India : A Historical Background

➢ Typology of child labour:
  • Street Children
  • Some Facts on Street and Working Children in India

➢ Child Ragpickers:
  • Characteristics of Child Ragpickers
  • Problems and Risks of Child Ragpickers
  • Pathways and Consequences
  • Child Ragpickers and the Future

➢ Causes of Child Labour

➢ Child Rights and Government Measures
CHAPTER – I

AN OVERVIEW OF CHILD RAGPICKERS - A FORM OF CHILD LABOUR

Introduction:

The existence of child labour in our society is a barbarous practice. It is barbarous because it is illogical, inhuman and against all ethics. In the past, the practice of child labour existed as proportionate to the social development. But lack of human awareness, did not allow people at large and social system in particular to pay any attention to the deprived people in general and child labour in particular (Rehman, etal, 2002).

The phenomenon of child labour in different occupations establishments particularly in unorganized labour dates back to the history of human civilization. The problem of child labour in under developed and developing countries is quite high and abnormal. In India, the problem of child labour has assumed very alarming position. The incidence of child labour is the direct result of poverty and socio-cultural fabrics. Fundamental Rights and other welfare provisions embodied in the constitution have no meaning to them. Despite the enactment of various laws, expressing deep concerns over this issue by social activists, academicians, the magnitude of the problem has not been set-aside rather went on increasing. (Shandily Tapan Kumar and Khan Shakeel Ahmed, 2006)

The exploitive practice of child labour has come to be recognized as a major socio-economic problem. Child labour jeopardizes children’s potential to become productive adults, robbing them of their health, education and their prospects for future. Children are among the most neglected, abused and exploited segment of the population, exposed to such worst form of labour as ragpicking. (Bal Kumar, etal 2001)

Ragpicking is severe and worst form of child labour. The most unhygienic, dangerous job in scrap collection is ragpicking. The children of poverty stricken Schedule Caste/Schedule Tribes/ Other Backward Classes (SC/ST/OBC castes) or slum dwellers are engaged in such activities. They are
collecting waste materials of plastic, tin, iron, bottle from garbage and dirty places of urban area. The glass, metal, iron pieces may injure their bare feet. For their bread and butter, they are working such. In ragpicking the children engaged, face various health problems like tetanus and skin diseases. (Misra, 2004)

Ragpicking is one of the inferior economic activities in the urban informal sector, largely undertaken by children belonging to weaker sections of the society, for the survival and for supplementing their family income. Ragpicking is the profession mostly dominated by children ageing 6 to 15 who do not have any other skills and thus by way of refuse collection contribute to household income or own survival. These are mainly children of slum dwellers and poor people. Some of them are abandoned or runaway children. The continuous exposure to the garbage and hospital waste has led to various diseases. Many smoke beedi and cigarettes and some are also addicted to drugs and indulge in prostitution, homosexuality, robbery and gambling. All this has affected their lives in several ways and shortened their life spans considerably. (Saxena Deepak, Web: www.kuhadtrust.org.)

➢ Child Labour in Ancient India:

Child labour has existed in ancient India. Slavery was common in the past. The adult male and female slaves who worked in their masters’ house and children born to them were owned by the master. The children of such slaves and bonded families were owned by the masters. The masters obviously did not rear them just for the sake of rearing. As soon as they grew up either they were sold to other slave owners or made to work in the masters’ houses and fields as menials and cowherds. In the primitive slave holding stage of history, the slaves were the chief source of labour and income. The process, however, continued till the advent of the industrial era which although freed men from personal slavery to the feudal lords but enslaved them to capitalist means of production

• Vedic Period:

India had been subjugated by invaders from different parts of the world and its long period of subjugation had not only seen material domination but domination of its society by ideological manipulations. Of all the invaders, the
arrival of the Aryans heralded far reaching changes in the Indian subcontinent. It is they, who introduced the disastrous ‘Varna’ system which provided the wherewithals. (Rehman, etal-2002).

As regards child labour in ancient India, it can be said that it existed in the forms of child slaves. The children of less than 8 years were purchased as slaves like articles of trade for doing low and dishonorable works. Children of slave took birth as slaves, lived and died as slaves unless the master liked to release them from slavery.

Kautilya, a great Indian social thinker pointed out that the trade of children as slaves was not prohibited in Mlechchas (Eaters of cow flesh and selling their children for financial gains-Bhavishya Purana 900-A.D), because they were backward and uncivilized. On the other hand, Arya child was prohibited to become a slave. Thus, though there is little evidence of the employment of children for wages, but if child slavery could be regarded as that, the existence of child labour in ancient India cannot be denied.

However, later on Kautilya realized that children were not physically fit to do ignoble work. Therefore, the first reform, in the field of slavery that Kautilya sought to bring about was to impose a ban upon the sale and purchase of children as slaves. Any person pledging or selling his own minor children or children of his relatives as slaves was heavily fined (Rai, 2002).

In the ‘Varna’ system the ‘Shudras’ were given the lowest of the low statuses in the social hierarchy. It is the men, women and their children who basically provided the ‘upper’ social exploiter strata, with surplus product. One can infer from such past operation of social system that the children of the ‘Shudras’, slaves and other conquered groups were obviously made to work for their victorious masters and exploiters (Rehman, etal-2002).

**Medieval India:**

Children however helped their parents in household activities and family crafts. They learnt the skills by observing and participating in such activities. A predominantly rural society is inevitably characterized by small and marginal economic units. India, through its medieval period, was no exception. Increasing
pressure on land led to fragmentation of holdings. Growing families had to look beyond personal cultivation for subsistence. A class of landless labourers came into existence, often bonded to the large landowners. These labourers used their children to help in their economic activities.

The rural artisan rarely worked alone. In fact, the entire family was a work unit with the ‘pater familia’ being the master craftsman. “Occupation” was determined largely on the basis of heredity and children were introduced to their traditional craft at a young age (Shandilya Tapan Kumar and Khan Shakeel Ahmad, 2006).

- **Modern Period:**

  Modern period begins with the advent of Britishers in India. In the late 17 century the most significant change was the growth of organizations involving the employment of large number of artisans. The Dutch silk factory at Kasimbazar in Bengal employed 700-800 weavers. But the characteristic unit of production was still the small unit. The persistent dominance of family-based work units indicates that any disciplined organization of an industrial society at that time.

  In the middle of the 19th century there was an enormous growth of European industry in India especially during 1860-70 as seen by the growth of the tea, coffee, indigo and jute industry. At this time, the factory industry began taking the place of handicrafts. It was in the fifties that the cotton and jute industry and coal mining were started in an organized way. However, even in 1980 the number of people employed in these industries was rather small, even though people were quickly being driven out from their old crafts (Shandilya Tapan Kumar and Khan Shakeel Ahmed, 2006).

  The economic practice of child labour in India dates back to the industrial revolution in the country. Since then the demand of industry for cheap labour grew so rapidly and the poverty of the masses become so acute that the tendency to exploit child labour among the employers increased in an unprecedented manner. As a result, children began to be employed in organised factories and other industrial establishments in large numbers. (Rai, 2002)
• **The British Policy of Land Settlement and Industry:**

The Introduction of ‘Permanent Settlement’ by Lord Cornwallis in March 1793 resulted in the collection of land revenue which far exceeded the volume collected in the past. The small holdings and landlordism were factors which were directly responsible for increase in the indebtedness of the rural population. The British land policy made a deadly assault on the Indian handicrafts. The handicrafts of ancient India had provided jobs to the surplus population and controlled pressure on the land. Industries like Saltpetre, glass making, paper making, handlooms etc., were the worst hit by the British policy on Industry and tariff. The industries started declining, the cities started shrinking and this led to the increasing pressure on the land. It was this policy which put the vicious circle of poverty operating in India, as it resulted in the pressure of population on the soil, mass indebtedness in rural India and created conditions unfavorable to the health of the rural economy. This was the story of small holdings and indebtedness, the two great evils of the agrarian economy in the modern times, resulting in the problems of child labour which continued unabated.

Thus, with the advent of the industrialization and urbanization, children become subject to economic and social exploitation by employers whose main consideration was maximization of profits. This was pointed out by the Royal Commission on Labour (1929-31) which described at length the extremely unsatisfactory employment and working conditions of child workers. (Rai, 2003)

• **Disintegration of Traditional Indian Economy:**

The plunder of the wealth and resource of this vast territory and the life and labour of its people and finally absolute domination for the last two centuries by the Britishers reduced Indian people to a miserably impoverished mass. The East India Company acted as the vehicle for draining India’s wealth into Britain. The sweat and blood of the Indian people, reduced to money, become one of the principle sources of primitive accumulation of capital in Britain.

Wages, working hours, employment of child labour, housing and in all other spheres the extent of exploitation was appallingly excessive. But the nature of that exploitation on the Indian labour during its germinating period and for a
long time therefore, for reasons of its being under a rapacious colonial rule, was more terrifying. (Rai, 2002)

- **Exploitation of Women and Children:**
  
  Fifteen to sixteen hours of working at a stretch was a most common practice during the early phase. Even the women and children as little as between five and six years of age were also inhumanly tied to the grinding wheels of the factory. The exploitation of Indian working class was expressed chiefly in the fact both British and Indian capitalists secured absolute surplus value, working hours of maximum length from dawn to dusk and often longer was the most striking indication of the brutal manner in which labour was exploited.

  The British capitalists owning the jute mills of Calcutta set the record by making the weavers of these mills work for 15 hours and from 15½ to 16 hours in some cases (Rai, 2002).

- **Indian Factory Labour Commission of 1908:**
  
  The employer did not show any sense of proportion or any human consideration in exploiting female and child labour. Children even of such tender age as between 5 to 7 were worked in most cruel conditions everywhere. Investigations conducted by the Indian Factory Labour Commission of 1908 revealed that half of the time, 30 to 40 percent of these employed in the factories were tender aged children. The Commission while narrating the mode of work of a jute mill in Bengal stated that the workers lived three to four miles away from the mill. But when the siren struck at 3 o’clock in the night, the child labourers below 7 years of age attended the factory traveling on foot that distance of three to four miles in the darkness of night.

  Regarding female labourers also the Commission pointed out that their health broke down under the strain of working whole of the night. Many of these women labourers attended the factory with suckling babies in arms. When the workers are physically broke down under strain of this labour.

  Unbearable for any human being one set was replaced by another of new recruits just like replacing a broken cog of a wheel by a fresh one (Rai, 2002).
• **After Independence:**

After independence, the framers of the constitution realizing the gravity of the child labour prevailing in the country, provided in the constitution for its prohibition. Despite the constitutional provision, child labour act and other efforts both at governmental and non-governmental levels, the measures have yielded a very little positive result. The number of child labour is growing at an alarming rate and problems related to wage, health, safety and development are also becoming more complex. (Rehman et al-2002)

**Table 1**

**Child Labour in India (in millions)**

<table>
<thead>
<tr>
<th>Census of India</th>
<th>1951</th>
<th>13.39</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1961</td>
<td>14.47</td>
</tr>
<tr>
<td></td>
<td>1971</td>
<td>10.7</td>
</tr>
<tr>
<td></td>
<td>1981</td>
<td>13.0</td>
</tr>
<tr>
<td></td>
<td>1991</td>
<td>11.3</td>
</tr>
<tr>
<td></td>
<td>2001</td>
<td>12.6</td>
</tr>
<tr>
<td>NSSO India</td>
<td>1987 – 88</td>
<td>17.6</td>
</tr>
<tr>
<td></td>
<td>1993 – 94</td>
<td>13.5</td>
</tr>
<tr>
<td></td>
<td>2004-05</td>
<td>9.07</td>
</tr>
</tbody>
</table>

Source: V.V. Giri National Labour Institute-2001 and Census of India 2001

India accounts for the second highest number where child labour in the world is concerned. Africa accounts for the highest number of children employed and exploited. Though, India is signatory of various international conventions and agreements, there is growing number of child labours in India. They work under very hazardous conditions.

The extent of child labour according to Census and NSSO data is presented in table-1 the data from Census of India reveals from there is decreasing number of child labours from 13.39 millions in 1951 to 12.6 millions in 2001. There is fluctuation in number of child labours in different census years, i.e., in
1981 there is increase in child labour and in 1991 it has decreased, in 2001 again it has increased. However the NSSO data shows constant decrease in number of child labour.

**Table 2**

**Child Workforce Participation Rates (WPR) in India, from 1993-94 to 2004-05 (in percentage)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Male 5-9 years</th>
<th>Male 10-14 years</th>
<th>Male 15-14 years</th>
<th>Female 5-9 years</th>
<th>Female 10-14 years</th>
<th>Female 15-14 years</th>
<th>All Children 5-9 years</th>
<th>All Children 10-14 years</th>
<th>All Children 15-14 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined</td>
<td>0.99</td>
<td>12.08</td>
<td>6.35</td>
<td>1.21</td>
<td>11.64</td>
<td>6.12</td>
<td>1.09</td>
<td>11.08</td>
<td>6.24</td>
</tr>
<tr>
<td>1999-00</td>
<td>0.52</td>
<td>7.90</td>
<td>4.14</td>
<td>0.55</td>
<td>7.67</td>
<td>4.01</td>
<td>0.54</td>
<td>7.79</td>
<td>4.08</td>
</tr>
<tr>
<td>2004-05</td>
<td>0.25</td>
<td>6.35</td>
<td>3.33</td>
<td>0.28</td>
<td>6.42</td>
<td>3.32</td>
<td>0.26</td>
<td>6.38</td>
<td>3.33</td>
</tr>
<tr>
<td>Rural</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94</td>
<td>1.16</td>
<td>13.84</td>
<td>7.20</td>
<td>1.43</td>
<td>14.10</td>
<td>7.26</td>
<td>1.29</td>
<td>13.96</td>
<td>7.23</td>
</tr>
<tr>
<td>1999-00</td>
<td>0.59</td>
<td>8.85</td>
<td>4.58</td>
<td>0.65</td>
<td>9.05</td>
<td>4.66</td>
<td>0.62</td>
<td>8.94</td>
<td>4.61</td>
</tr>
<tr>
<td>2004-05</td>
<td>0.26</td>
<td>6.80</td>
<td>3.54</td>
<td>0.27</td>
<td>7.42</td>
<td>3.73</td>
<td>0.27</td>
<td>7.09</td>
<td>3.63</td>
</tr>
<tr>
<td>Urban</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94</td>
<td>0.47</td>
<td>6.63</td>
<td>3.58</td>
<td>0.48</td>
<td>4.51</td>
<td>2.52</td>
<td>0.48</td>
<td>5.63</td>
<td>3.08</td>
</tr>
<tr>
<td>1999-00</td>
<td>0.28</td>
<td>4.88</td>
<td>2.65</td>
<td>0.21</td>
<td>3.40</td>
<td>1.85</td>
<td>0.25</td>
<td>4.18</td>
<td>2.27</td>
</tr>
<tr>
<td>2004-05</td>
<td>0.21</td>
<td>4.79</td>
<td>2.59</td>
<td>0.30</td>
<td>3.28</td>
<td>1.89</td>
<td>0.25</td>
<td>4.05</td>
<td>2.25</td>
</tr>
</tbody>
</table>

Source: Derived from Respective Unit Level Records of NSSO

Sex wise, Residence wise and age group-wise distribution of child labours in India from 1993-94 to 2004-05 is presented in table-2. NSSO data reveals that the Work Participation Rates of children have been declining as shown by the census data. While the WPR is insignificant for the children in the age group of 5-9 years during 2004-05, it is higher for the children in the age group of 10-14 years. This shows that enrollment of children in primary schools has improved all over the country since the launching of Sarva Shiksha Abhiyan (SSA) since 2000. However the drop out rates from schools seems to be higher at the middle
school level showing higher WPR for children in the age group of 10-14 years. Secondly the WPR is higher in the rural areas than urban areas. The WPR for girl children is higher than boys in general and in rural areas.

Table 3

Estimate of India’s Child Labour by Rural-Urban, areas 1993-2005
(in millions)

<table>
<thead>
<tr>
<th>Year (Round)</th>
<th>5-9 Years</th>
<th>10-14 Years</th>
<th>5-14 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94 (50th Round)</td>
<td>1.13</td>
<td>11.03</td>
<td>12.16</td>
</tr>
<tr>
<td>1999-00(55th Round)</td>
<td>0.60</td>
<td>8.05</td>
<td>8.65</td>
</tr>
<tr>
<td>2004-05(61st Round)</td>
<td>0.26</td>
<td>7.18</td>
<td>7.44</td>
</tr>
<tr>
<td>Urban</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-94 (50th Round)</td>
<td>0.12</td>
<td>1.52</td>
<td>1.64</td>
</tr>
<tr>
<td>1999-00(55th Round)</td>
<td>0.07</td>
<td>1.32</td>
<td>1.39</td>
</tr>
<tr>
<td>2004-05(61st Round)</td>
<td>0.08</td>
<td>1.44</td>
<td>1.52</td>
</tr>
<tr>
<td>Combined</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1993-94 (50th Round)</td>
<td>1.27</td>
<td>12.59</td>
<td>13.86</td>
</tr>
<tr>
<td>1999-00(55th Round)</td>
<td>0.63</td>
<td>9.50</td>
<td>10.13</td>
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<tr>
<td>2004-05(61st Round)</td>
<td>0.35</td>
<td>8.72</td>
<td>9.07</td>
</tr>
</tbody>
</table>

Source: Derived from respective Unit Level Records of NSSO

- **Rural-Urban Divide**

Data on NSSO estimate on rural-urban magnitude of child labour is indicated in table-3. The important characteristic of child labour in India is that about 90 percent of the working children are concentrated in the rural areas. They not only work in the farm sector but also in various non-farm activities in rural areas. The same trend is reflected in census as well as NSSO data. This is also a reflection of narrow jurisdiction of the law which focuses only on visible forms of child labour in urban areas. Further, they remain as reservoir of cheap labour supply to be migrated to urban areas along with their families in the event of any distress in rural areas. Thus, the problem of child labour in India is essentially a
rural problem. As per 2004-05 NSSO data, out of 9.07 millions child labourers, 7.44 millions were in rural areas. Though there is a declining trend in the general magnitude of child labour in India, the concentration of child labour in rural areas continue.

Table 4

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the State/UT</th>
<th>1971</th>
<th>1981</th>
<th>1991</th>
<th>2001***</th>
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<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
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<td>1951312</td>
<td>1661940</td>
<td>1363339</td>
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<tr>
<td>2</td>
<td>Assam</td>
<td>239349</td>
<td>**</td>
<td>327598</td>
<td>351416</td>
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<td>3</td>
<td>Bihar</td>
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<td>1101764</td>
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<td>1117500</td>
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<td>Gujarat</td>
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<td>Haryana</td>
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<td>253491</td>
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<td>6</td>
<td>Himachal Pradesh</td>
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<td>99624</td>
<td>56438</td>
<td>107774</td>
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<tr>
<td>7</td>
<td>Jammu &amp; Kashmir</td>
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<td>258437</td>
<td>**</td>
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<td>20217</td>
<td>16493</td>
<td>28836</td>
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<td>Meghalaya</td>
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<td>44916</td>
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<td>Jharkhand</td>
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<td>Nagaland</td>
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<td>16467</td>
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<td>Orissa</td>
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<td>Sikkim</td>
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<td>5598</td>
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<td>Tamil Nadu</td>
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<td>975055</td>
<td>578889</td>
<td>418801</td>
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<td>23</td>
<td>Tripura</td>
<td>17490</td>
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<td>16478</td>
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</tbody>
</table>
Table 4 explores state-wise distribution of child labours from 1971 to 2001. The data reveals that there are inter-state, inter-regional variations in India, in most of the states the magnitude of child labour is increasing. According to the 2001 census, Uttar Pradesh and Andhra Pradesh states have captured first and second place in terms of magnitude of child labour. The other states with highest number of child labour are Rajasthan (1262570), Bihar (1117500) and Madhya Pradesh (1065259). Kerala, Maharashtra, Tamil Nadu and some other states show decline in child labour.

Table 5
Percentage of Child Labour in Different Economic Activities (5-14 years)

<table>
<thead>
<tr>
<th>Activities</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic activities</td>
<td>4.02</td>
</tr>
<tr>
<td>Domestic duties only</td>
<td>1.67</td>
</tr>
<tr>
<td>Domestic duties plus free collection of goods, tailoring, weaving for household only</td>
<td>1.06</td>
</tr>
</tbody>
</table>
A child develops its cognitive ability, emotional balance and social interaction through education. But, when a child is put to hard labour for economic reasons, these qualities are gravely and adversely affected leading to lopsided development of the child. Table-5 depicts the percentage of child labour in different economic activities (5-14 years) according to census of India-2001. It shows that 4.02 percent children were involved in economic activities, 1.67 percent children were involved in domestic duties only, they all are girls and 1.06 percent children were involved in domestic duties along with free collection of goods, tailoring, weaving in household and 6.75 percent children are working.

Sarva Shiksha Abhiyana is a historic stride towards achieving the long cherished goal of universalisation of Elementary Education through a time bound integrated approach, SSA, which promises to change the face of the elementary education sector of the country, aims to provide useful and quality elementary education to all children in the 6-14 years age group by 2010. SSA is an effort to recognize the need for improving the performance of the school system and to provide community owned quality elementary education with a missionary zeal. It also envisages bridging of gender and social gaps.

- **Objectives of Sarva Shiksha Abhiyana**
  1- All children in school, Education Guarantee Centre, Alternate School, ‘to school’ camp by 2003;
  2- All children complete five years of primary schooling by 2007;
  3- All children complete eight years of schooling by 2010;
  4- Focus on elementary education of satisfactory quality with emphasis on education for life;
  5- Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010;
In spite of Sarva Shiksha Abhiyana only 67.44 children were attending the schools and 18.80 children were neither at work nor at school.

- **Child Labour in Karnataka:**

<table>
<thead>
<tr>
<th>Name of The District</th>
<th>6 – 14 Age Group Child Population</th>
<th>Out of School Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BOYS</td>
<td>GIRLS</td>
</tr>
<tr>
<td>Karnataka</td>
<td>4811853</td>
<td>4667318</td>
</tr>
<tr>
<td>1. Raichur</td>
<td>219458</td>
<td>217917</td>
</tr>
<tr>
<td>2. Gulbarga</td>
<td>367314</td>
<td>354822</td>
</tr>
<tr>
<td>3. Koppal</td>
<td>131840</td>
<td>130253</td>
</tr>
<tr>
<td>4. Bijapur</td>
<td>225203</td>
<td>213713</td>
</tr>
<tr>
<td>5. Bellary</td>
<td>207531</td>
<td>203585</td>
</tr>
<tr>
<td>6. Bagalkot</td>
<td>167304</td>
<td>164956</td>
</tr>
<tr>
<td>7. Bidar</td>
<td>176240</td>
<td>168306</td>
</tr>
<tr>
<td>8. Chamarajanagar</td>
<td>71676</td>
<td>69880</td>
</tr>
<tr>
<td>9. Gadag</td>
<td>91957</td>
<td>89469</td>
</tr>
<tr>
<td>10. Haveri</td>
<td>133844</td>
<td>126746</td>
</tr>
<tr>
<td>11. Kodagu</td>
<td>42705</td>
<td>42401</td>
</tr>
<tr>
<td>12. Davangere</td>
<td>163191</td>
<td>156495</td>
</tr>
<tr>
<td>13. Chitradurga</td>
<td>135992</td>
<td>130547</td>
</tr>
<tr>
<td>14. Belgaum</td>
<td>388843</td>
<td>374842</td>
</tr>
<tr>
<td>15. Mysore</td>
<td>227023</td>
<td>220210</td>
</tr>
<tr>
<td>16. Dharwad</td>
<td>109734</td>
<td>104903</td>
</tr>
<tr>
<td>17. Uttara Kannada</td>
<td>117167</td>
<td>111420</td>
</tr>
<tr>
<td>18. Kolar</td>
<td>228852</td>
<td>224957</td>
</tr>
<tr>
<td>19. Chickmangalur</td>
<td>95780</td>
<td>93860</td>
</tr>
</tbody>
</table>
Table 6 indicates that recently, in the month of January –February 2001, a base-line survey was conducted by the Education Department regarding out of school children and as per the survey the figures are 5.6 lakhs boys and 5.547 lakhs girls totally 10.53 lakhs children are out of school.

Table 7

Out of School Children in Karnataka (figures in lakhs)

<table>
<thead>
<tr>
<th></th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total child population between age group</td>
<td>48.12</td>
<td>46.67</td>
<td>94.79</td>
</tr>
<tr>
<td>Out of school children</td>
<td>5.06</td>
<td>5.47</td>
<td>10.53</td>
</tr>
<tr>
<td>SC</td>
<td>1.45</td>
<td>1.64</td>
<td>3.09</td>
</tr>
<tr>
<td>ST</td>
<td>0.67</td>
<td>0.77</td>
<td>1.44</td>
</tr>
</tbody>
</table>

Provisional Source:Survey by Educational Department during Jan-Feb-2001

Table-7 indicates that the total child population between age group of 6 to 14 years is 94.79 lakhs in Karnataka. In this, 48.12 lakhs are boys and 46.67 are girls. The table also indicates that 10.53 lakhs of children are out of school against the total child population. This figure is higher in case of Schedule Castes (3.09 lakhs) and Schedule Tribes (1.44 lakhs). It is sad to note that the girl children out school are more than boys.
Table 8
Child Labour Population in Bijapur District (2011-12)

<table>
<thead>
<tr>
<th>Talukas</th>
<th>Hazardous Sector</th>
<th>Non Hazardous Sector</th>
<th>Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Bijapur</td>
<td>77</td>
<td>15</td>
<td>388</td>
<td>191</td>
</tr>
<tr>
<td>B-Bagewadi</td>
<td>35</td>
<td>14</td>
<td>72</td>
<td>70</td>
</tr>
<tr>
<td>Sindagi</td>
<td>18</td>
<td>02</td>
<td>114</td>
<td>36</td>
</tr>
<tr>
<td>Indi</td>
<td>17</td>
<td>03</td>
<td>109</td>
<td>41</td>
</tr>
<tr>
<td>Muddebihal</td>
<td>17</td>
<td>03</td>
<td>161</td>
<td>39</td>
</tr>
<tr>
<td>Total</td>
<td>164</td>
<td>37</td>
<td>844</td>
<td>377</td>
</tr>
</tbody>
</table>

Source; National Child Labour Project Society; Bijapur2011-12

Table 8 reveals the statistics of child labour population in Bijapur district. According to table Bijapur taluka has the higest child labour i.e. (506) children and mostly all these children are living in the slums of Bijapur city. Mudhbihal taluka has the second higest number of child labours i.e. 220. The table also indicates that there are 186 in B.Bagewadi taluka, 170 in Sindagi taluka and 170 in Indi. According to table 164 male and 37 female children are engaged in hazardous work. 844 male children and 377 female children are engaged in non-hazardous work. According to statistics available at NCLP society, Bijapur district totally 1252 children are engaged in hazardous and non-hazardous sector in Bijapur district in 2011-12.

- **Typology of Child Labour:**

  The problem of child labour can be more clearly understood by identifying types of work in which children are employed. Spatially child labour could be seen both in rural and urban areas. In terms of work types they are mostly found in operations where their ‘unskilled’ labour power could be easily tapped and exploited. Work-types also vary in terms of gender participation. There are some
works where only girls are employed. Similarly there are some works in which only boys are employed.

The types of works in which working children are mostly employed. A variety of works in rural and urban areas are undertaken by the children. The intensity and extent of exploitation also vary according to the types of work, places of employment, domestic area and outside home, requirement of skills, vulnerability of the children in terms of economic conditions, parental security, legal enforcement, alternative employment opportunities. (Rehman et al -2002)

**Figure 1**

![Diagram showing types of child labour in India](image)

Source: Rehman, et al, 2002

Figure -1 indicates types of child labour in India. Employed, self-employed, disguised employed, unemployed, bonded, non-bonded, within family and non-family are the various types of child labour. Ragpicking is one of the child labour in self-employed sectors.

The number and types of occupations in which children are employed is endless and includes almost every aspect of human work and life. In 1981, the census of India adopted nine categories of work for the child labour.

i) Cultivators,

ii) Agricultural labour,
iii) Livestock, Forestry,  
iv) Fishing and Plantation,  
v) Mining and Quarrying,  
vi) Manufacturing, Processing, Servicing And Repairs,  
vii) Construction,  
viii) Trade and Commerce,  
ix) Transport, Storage and Communication And  
x) Other Services.

Generally children are employed in the agricultural operations. Their activities also include looking after animals, collecting firewood, carrying water, and spreading manure and fertilizer in the farmland. In urban areas, they are engaged in more diversified activities such as loading and unloading of goods, looking after parked vehicles, work in hotels and restaurants, mechanical workshops, picking of rags, shoe-shining etc. Children are also engaged in most hazardous and dangerous activities such as mining, beedi rolling, match making fireworks, glass blowing units, slate and pencil manufacturing etc (Kumar Anandharaja, 2004).

**Figure 2**  
The Informal Waste Sector

<table>
<thead>
<tr>
<th>Households separation</th>
<th>Dumpsite waste picking</th>
<th>Business/Institutions separation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street pickers waste picking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Itinerant waste buyers collection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small junkshops separation/temporary storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larger middlemen/junk shops sorting/cleaning/compacting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reuse industry reuse</td>
<td>Source: <a href="http://www.pratham.org">www.pratham.org</a></td>
<td>Recycling industry recycling</td>
</tr>
</tbody>
</table>
Figure 2 explains that there are two types of scrap-collectors: the ragpickers, mostly women, who collect garbage on dumping grounds, in residential areas or in street bins, and the itinerant buyers who purchase scrap directly from households, offices and shops. Most of the itinerant buyers are male and they typically require a certain amount of capital to purchase scrap. Most of the ragpickers are not independent but work for middlemen or contractors who purchase segregated rag from them on pre-decided rates. The middlemen sold the rags to recycling or reuse industry.

- **Types of Ragpickers**

  The Ragpickers can be categorized on the basis of collection peculiarity into three types.

  i) The major portion of this type consists of collectors collecting rags out of community dustbins, garbage heaps, open streets, market places and near railway stations and bus stands (inside not allowed). The major portion of this type consists of boys or men.

  ii) The second type of collectors is made up of girls who like to work in groups or accompany their mothers instead of going alone, to pick rags on the street, because of constant fear of sexual abuse by adult male and older male child ragpickers. They mainly depend on municipal and industrial garbage dumps to collect waste and sell them to merchants or second hand goods dealers, daily or weekly. The collectors thoroughly clean the dirty materials before selling them to fetch a higher price.

  iii) The third type comprises of women or girls working as domestic servants and collect rags from the homes they work. (Deepak Saxena. [www.kuhadtrust.org/ragpickers](http://www.kuhadtrust.org/ragpickers))

- **Street Children:**

  Working children are an exploited lot. As a result they are deprived children. But exploitation and deprivation are generic terms. It does not convey the extent and intensity underlying the word exploitation. There are children whose exploitation is extreme, and inhuman. The level of deprivation undergone
by such children is always devastatingly tragic. It is the ‘street children’ who undergo most cruel form of deprivation.

The street children live in cities and towns without a roof over their heads. They are subjected to ruthless exploitation, starvation, hunger, diseases, violence and death. Today millions of children are abandoned, some orphans, some destitute live in city, streets and pavements. The street children are most helpless children. Most of the street children are ragpickers.

- **Some Facts on Street and Working Children in India:**

  India has also a large number of street children. Though the exact number is not known there presence could found in every cities of the country. A number of studies sponsored by UNICEF have been conducted to assess the street children in Bombay, Calcutta, Kanpur, Madras, Indore, Bangalore, and Delhi. The studies graphically present the pathetic condition of child labour in these cities. The following highlights this phenomenon:

  - Children are an important part of the labour force in many industries. Child labour force estimates vary from 20 million to 100 million.
  - 80 percent of the child labour is found in agriculture sector.
  - 15 million children work in debt bondage.
  - Two million are employed in hazardous industries.
  - Incidence of sexually exploited children is estimated at over 400,000.
  - 100,000 street children were identified in Delhi (1987-88) and their numbers are on the rise.
  - The Government had launched a new initiative to eliminate child labour in all hazardous occupations by the year 2000.

- **Child Ragpickers**

  - **Characteristics of Child Ragpickers:**

    - Children who work as ragpickers come from rural area.
    - More boys than girls engage in ragpicking.
    - The majority of boys live on the street and almost all the girls living in rented or family homes.
    - The school drop out rate amongst ragpickers is high.
• The boys are more literate than girls.
• Family size and structure does not seem to directly influence the incidence of ragpicking among children overall.

**Problems and Risks of Child Ragpickers:**
• The working and living conditions are utterly inadequate and unhygienic.
• Children work in unsafe surroundings, crowded, dingy places in severe health hazards.
• Although majority of children somehow manage two meals but there are substantial numbers of children who live on one meal a day. The components of their food are of very low protein value and the major vitamins A, B and C which the growing children urgently need are almost absent in their food.
• Shelter is the most crucial problem of children.
• They are paid low price rate, sometimes nothing is paid in the beginning as they consider them as apprentices.
• Children work long hours from early dawn to late night without rest periods or holidays in crowded dark dingy, unsafe surroundings adversely affecting their health and growth.
• There is no education or training of skills, no recreations or leisure, even home and family for child ragpickers.
• Waste may be contaminated with faecal material. This may include biological pathogens such as parasites and bacteria related to the gastrointestinal tract. This can be passed from hand to mouth.
• Hospital waste often constitutes part of the waste which pickers sort through. This can be hazardous in terms of biological and chemical contamination including exposure to used syringes, dressings, discarded medicines and sometimes body parts.
• Edible materials in the waste can be hazardous when eaten. This can lead to food poisoning and gastro-enteric problems.
• Sharp objects can cause cuts which, in turn, may lead to tetanus or other infections.
Carrying heavy loads of materials over long distances may be associated with muscular/skeletal problems.

In their work child rag pickers are in direct competition with dogs for the waste materials, this sometimes leads to dog bites and the associated threat of rabies.

Rag pickers may get cut injuries from glass pieces or broken tin cans.

Work and life on the streets is unhealthy and dangerous.

• **Pathways and Consequences:**

  The Majority of child ragpickers migrate from poor, rural and landless homes to urban areas. Many of them leave illiterate single parent or stepparent families behind them and are attracted by the prospects of jobs and facilities. Some children migrate with their families or for a specific job and end up ragpicking when other options do not work out.

  Child Ragpickers interact relatively positive with other street children and NGO’s but face negative interaction with the police, civil society, junkyard owners and criminal gangs. They live in the world that teaches them violence and abuse and exposes them to unhealthy behaviors and lifestyles.

• **Child Ragpickers and the Future:**

  No institution has yet addressed the specific needs of child ragpickers and in terms of child labour in general, the many acts and policies that have been introduced to address the issue have had little impact so far. Social awareness of child ragpickers needs to be raised and action plans to help develop the children’s sense of place and belonging in society must be implemented. The children need a means of reintegration to society; skill development and vocational training in the slum poor rural areas may be one way of addressing this. Government and NGOs need to work closely together to fully understand the circumstances surrounding ragpicking and to design effective programmes (Bal Kumar, etal, 2001).

➢ **Causes of Child Labour:**

  A large number of studies had been undertaken in different parts of India, on the problem of child labour. Most of them have paid enough attention to
find out how many children are working and what proportion of total workers are represented by children. Few of the studies have been devoted to explore why in a country like India, where a large section of the adult population is, unemployed or underemployed, a child has to work and earn. There are several causes for continuation of child labour in India. But, main causes are poor economic condition, traditional authority of father, high fertility rate, and lack of status of the child in the society, low level of adult and child literacy, and lack of social security and cheapness of human labour. And at the same time the lack of vigilance of the society to see that all the laws enacted for betterment of the children and really enforced properly is not less responsible for continuation of child labour in India. (Shandilya Tapan Kumar and Khan Shakeel Ahmad, 2006).

The responsible factors have been collected and discussed broadly under the following sub-headings such as poverty, illiteracy, large family size, unemployment, industrialization, population growth, caste structure, school infrastructure, school distance, psychological factors, expenses of education, social structure and other economic factors.

- **Poverty:**

  There are many causes of child labour. However, the main cause is poverty. The problem of poverty is the result of economic processes. In capitalist economics a large segment of working people is wage earners. Their access to means of production is in most of the cases, negligible and insignificant and sometimes nil. In the third world in general and in India in particular (and even in any developed industrial country) large segments of rural and urban population live below the poverty line. Besides, land-man ratio has already become extremely unfavourable. Moreover, the third world is in the grip of foreign debt-trap. These problems have been topped by one more problem which is much more serious and ominous. The problem is the alarming growth of population. The capitalist expropriation process, together with the above problems, has added new dimensions to the poverty scenario. And child labour is one of the pernicious and evil manifestations of the growing volume of all engulfing poverty and exploitation. Today the third world is a basketful bounty of cheap and cheapest
labour force: the adult labour is cheap and the child labour is the cheapest for the capitalists, and for any owner of means of production to reap profits. (Rehman, et al, 2002)

It is generally accepted that poverty is the main reason for which the children are forced to work. Their income is necessary for the survival of their family members and also of themselves. Chronic poverty is the largest factor responsible for the prevalence and perpetuation of child labour (Shandilya Tapan Kumar and Khan Shakeel Ahmad, 2006).

Poverty forces parents to send their children to seek employment. Diseases and other contingencies may need extra money and the employment of children is resorted to as an easily accessible method to earn money. (Shandilya Tapan Kumar and Khan Shakeel Ahmad, 2006). The problem of child labour is inter-related to the problem of living wage of an adult worker. The very inadequacy in the wage of adults compels them to send their children to do some work and the employer also takes advantages of this situation by providing work to the children on low wages. The report of the International Labour Organisation (ILO) also indicated that this problem of child labour is not a problem by itself but it is the problem related to the maintenance of the child and the living wages of the adult wage earner so that they can maintain their families within adequate standards. (Sarna Santosh, 2002)

To the common man, poverty is the main cause of child labour. Even the Government of India’s Report on child labour (1979) concluded that poverty was the principle cause for the social evil, and accepted the institution of child labour as a ‘harsh reality’ (Sen Rajkumar and Dasgupta Asis, 2003) Although there is no single factor responsible for the participation of the children below 15 years of age in the highly competitive job market, poverty seems to be one of the most dominant reasons. In spite of high claims by the Government, the study by Institute of Public Opinion reveals that 41.2 percent of the population is still below the poverty line.

Therefore, child labour is no longer a medium of exploitation by is necessitated by the economic necessity of the parents and in many cases that of
the child himself. Inadequate income of the parents does not fulfill minimum requirements of the children, which is most of the cases, inspires the children to enter into the job market.

Poverty is the most often supplemented by the other socio-economic factors to expose the child to manual jobs (Shandily Tapan Kumar and Khan Shakeel Ahmad, 2006).

- **Illiteracy:**

  Education always plays a vital role in the socio-economic and cultural development of any society. Hence there exists a high positive co-relation between the level of educational attainment and the socio-economic standards of community life. Class membership which can be considered as proxy for the socio-economic status, show an important bearing on the work and schooling of children. Children from the higher class representing higher economic status, usually have a higher school attendance while those from the lower economic strata, have lowest schooling (Shandily Tapan Kumar and Khan Shakeel Ahmad, 2006).

  Literacy rate is a universally accepted variable used to explain the different in child employment ratios in different regions.

  Another factor closely related to low literacy rate is student’s drop out rate, which may be highly correlated to the number of child worker in the country. Nearly half of India’s children, who enter first grade, drop out by the fifth grade. Hence there is positive co-relation between the two factors (Sen Rajkumar and Dasgupta Asis, 2003).

  In India, the lower socio-economic groups like, Scheduled Castes and Scheduled Tribes are illiterate. The majority of them think only about the present, which is their sole concern and worry. They never try to think of the future. They ignore the fact that child labour deprives the children of all the educational opportunities and minimizes their chances for vocational training. It also affects their health and they are converted into labourers of low wages for their entire life (Sarna Santosh, 2002).
**Large Family Size:**

Large families with comparatively less income cannot have happy notions in their mind. As a result, they cannot protect and encourage the childhood to their children. If a family is limited and well planned there will be no scope for sending their children to the labour market and the children can be carefully educated. Illiterate and innocent parents think just contrary to this. Thus, if parents have a small family size, they can provide all facilities to their children which are necessary for their mental, physical and social growth (Sarna Santosh, 2002).

Most of the times, a bigger family size adds to the misery of the parents to maintain the children properly which motivates some of them to search a job even in their teens to supplement the family income. Since education has been expensive these days, those who cannot afford to educate their children indirectly encourage them to go for a job instead of sitting idle (Shandily Tapan Kumar and Khan Shakeel Ahmad, 2006).

The high birth rate or fertility rate and large size of family are the other two factors contributing to child labour. Many poor parents bear children in order to enhance family income. Children are viewed as economic assets, not as economic liabilities. The demographic factors, which are conducive to the continuation of child labour are prevalent in India. Under the conditions of a backward economy, production and income can be increased by increasing the labour power at the disposal of the family. Children can be called to assist in the rather simple and time-consuming tasks, particularly in seasonal peaks of high demand for labour.

The causes of child labour are many and varied, thus, a variety of following factors can be cited for the employment of child labour.

- Loss of an earning member of the family.
- Absence of any state sponsored scheme of family allowance in India.
- Death of parents.
- Bad habits, father spending money on drinking etc.
- Ignorance of the parents. (Sen Rajkumar and Dasgupta Asis, 2003)
• **Unemployment:**

As unemployment creates havoc in our country and there is no adequate provision for maintenance allowance to the unemployed. The children of unemployed parents immediately jump to the job market. (Shandilya Tapan kumar and Khan Shakeel Ahmad, 2006)

Unemployment among elders may be attributable to high incidence of child labour and thus high drop out rate. Unemployment is a strong deterrent and disincentive to the weaker section in putting their children to schools. In our country the agricultural workers are engaged for a maximum for 290 days in different agricultural and allied works, which compels them to engage their children for small sums for the rest of the year. Thus, children constitute a reserve force to be used when the adults cannot fulfill their economic function. Due to non-availability of data on unemployment rate in various states job seekers on live registers of employment exchange have been taken as proxy variable for the unemployment rate.

• **Industrialisation:**

With the advent of industrialisation, the tendency among the employers is to have quick and more profits at low costs. Hence, in every country there was an enrolment of children in a large number of factories, who were paid very low wages, were subjected to excessive hours of work, and were made to work in terrible conditions. Child labour exists not because children are more capable workers but because they can be hired for less money. Thus, the preference for child labour by many employers is mainly due to the fact that it is cheap, safe and without any problem (Sarna Santosh, 2002).

Many employers prefer to engage children, because they are cheap, moreover, children tend to be less trouble some, more disciplined and highly adaptable (Sen Rajkumar and Dasgupta Asis, 2003).

Handicaps of the children, the employer finds child labour as the cheapest labour, malleable and can be easily controlled, hence the encouragement also comes from the profit seeking employers to engage a child to get a good return out of his investment (Shandilya Tapan Kumar ans Shakeel Ahmad Khan, 2006).
Population Growth:

In the developing countries and particularly in India the population growth is the most important problem. The important factors behind it are poor economical condition and also literacy rate in general and particularly of the females (Shandilya Tapan Kumar ans Shakeel Ahmad Khan, 2006).

Caste Structure:

The economic structure of the society is influenced by the caste factor. Social, cultural and traditional factors are equally responsible for the plight of children in India. Traditionally, children of the upper caste families being their lives in schools according to their culture, whereas children of the lower caste starts their lives in work according to their family culture. The families in lower strata though they may not be below the poverty line, send their children to earn skills at different work places. Children are taught a traditional craft at an early stage to make them proficient in a job, which would then be a source of income to them. It is recognized fact that in childhood body is more flexible to acquire posture required for particular job (Reddy Chenna, 2007).

School Infrastructure:

In villages most of the schools have two or three rooms. It is difficult to run two to three classes simultaneously in one room. Lack of infrastructure also leads to increase in the drop out rate and subsequently to the increase in child labour. The lack of adequate infrastructure a part the most common explanation for parents not sending their children to school is that they are too poor (Reddy Chenna, 2007).

School Distance:

In rural areas, the schools are in most cases at a greater distance from home. It is not surprising that children walk or cycle 10-20 kilometers a day to attend school. This proves as discouraging factor. Girl students, especially, are prone to drop out as result of distance. (Chenna Reddy -2007)

It is argued that the economic contribution of the child to the income of the family where by bringing in a wage or by doing house hold maintenance work
and thus, adults for productive work it so important that the family cannot afford to lose this economically productive time for his or her schooling. Clearly, there is some substance in such reasoning, as poor families exist on the margins, of survival (Reddy Chenna, 2007).

- **Psychological Factors:**
  The general below par living conditions in rural areas makes the children and their parents prefer employment, rather than education. Lazy and selfish nature of the parents and other adult members of the family is another factor which makes in accord priority jobs (Reddy Chenna, 2007).

- **Expenses of Education:**
  Assuming that the members a family can earn their livelihood even without engaging children in work they are taken aback when the question of spending on education arises. Education is not altogether free. One is required to buy books, uniforms and stationary. Added to this, sometimes tuition fee has to be paid. This means that the poor parents have to earn not only for survival but also to meet the expenses of their children’s education.

  *As per the assessment of the PROBE survey a minimum of Rs. 318 is incurred annually towards the education of one child per year.

  *If a family fails to earn enough, they are bound to discourage their children from studying.

- **Social Structure:**
  India’s social structure is highly differentiated in terms of caste, religion, race etc. In the social hierarchy those who are placed at the lower rung are generally the labouring masses without any means of production except their own labour power. This forces parent to send their children’s to work instead of school.

- **Other Economic Factors:**
  In India, child labourers belong to the socio economically poor families, the working members are often short of employment, even when they are employed, low wages, bad working conditions coupled with rising prices of essential
commodities deteriorate their already vulnerable economic conditions further. This situation ultimately leaves no option for such families but to lend for themselves by earning their livelihood.

➢ Rights of the Child and Government Measures:

The most valuable of a nation’s resources is its children. The nation that fails to ensure the survival, protection and development of its children is doomed to destruction nay extinction. No nation can, therefore, afford to leave this supreme assert the children at the mercy and caprice of individuals.

In India the post-independence era has experienced an unequivocal expression of the commitment of Government to the cause of children through constitutional provisions, policies, programmes, legislations, etc. The Constitution of India in Article 39 of the Directive Principles of State Policy that the state shall in particular, direct its policy towards securing …. that the health and strength of workers, men and women, and the tender age of children are not abused, and that of citizens are not forced by economic necessity to enter avocation unsuited to their age or strength, that children are given opportunities and facilities to develop in a healthy manner, and in condition of freedom and dignity, and that childhood and youth are protected against exploitation, and against moral and material abandonment.

As a follow-up of this commitment and being a party to UN Declaration on the Right of the 1959, India adopted the National Policy on children in 1974. The policy reframed the constitutional provisions and states that it shall be the policy of the state to provide adequate services to children, both before and 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.

As the responsibility of children’s nurture and solicitude is bestowed on the Government, children’s programmes have occupied a prominent place in the national plans for human resource development. Successive Five Year Plans have provided with wherewithal to deal with these issues. In the last decade of this
century, dramatic technological developments particularly in the areas of health, nutrition, education and related spheres have opened up new vistas of opportunities to reaffirm our age-old pledges for the cause of children.

During 1989-90, India joined the committee of nations in the successive reaffirmations of global commitment to the cause of children. The United Nations Convention on the Rights of the Child (20 November 1989), The World Conference on Education for All (March 1990), The Global Consultation on Water and Sanitation (September 1990), The World Summit on Children (September 1990) and The SAARC Summit on Children soon after the World Summit were part of this redeeming process which transcended national barriers.

**India and the Convention:**

To an extent, the Convention reiterates and elaborates what is already contained in the Constitution of India. According to Article 39 of the Directives Principles of State Policy:

The state shall, in particular, direct its policy towards securing:

1. That the health and strength of workers, men and women and the tender age of children are not abused and that citizen are not forced by economic necessity to enter avocations unsuited to their age or strength.

2. That children are given opportunities and facilities to develop in a health manner and in conditions of freedom and dignity and that children and youth are protected against exploitation and against moral and material abandonment.

The National Policy for Children in 1974 affirmed the Constitutional Provisions and declared 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 balanced growth”.

Government of India, by ratifying the Convention on the Rights of the child on November 12, 1992, once again its commitment of children. This obligates the Government to:
review national and state legislation and bring it in line with the provisions of Convention;

develop appropriate monitoring procedures to assess progress in implementing the Convention;

involve all relevant government, Ministers and departments, international agencies, non-governmental organizations, and the legal profession in the implementation and reporting process;

publicize the convention and seek public input for reporting; and

ensure that reporting is frank transparent.

The Convention draws attention to four of civil, political, social, economic and cultural rights of every child. They are:

1. The Right to Survival
2. The Right to Protection
3. The Right to Development
4. The Right to Participation

The Convention provides the legal basis for initiating action to ensure the rights of children in society.

**Rights of the Child**

**1. The Right to Survival**

The problem of overcoming avoidable child deaths continues to plague several countries of the world. The fact that children die in this day and age when there are simple and cost effective solutions to prevent escapable mortality is a matter of shame.

The convention places primary emphasis on the right of every child to avoid escapable mortality and morbidity, and to healthy life.

The Convention state: State parties recognize that every child has the inherent right to life. (Article 6)

- Child Mortality in India

Most recent estimates place India’s infant mortality rate (IMR) at 79 and the under five mortality rate at 124 per 1000 live births 90 centuries out of 145
had a lower infant mortality rate (IMR) than India’s and 103 countries a lower under five mortality rate.

These included developing countries such as Botswana, Kenya, Zimbabwe, Egypt, Morocco, Sri Lanka, Vietnam, Indonesia and with the expectation of Haiti, all countries in Central and South America and the Caribbean.

India has made progress in reducing its infant mortality rate from a level of 129 deaths per 1000 live births in 1971 to 1979 in 1992. Yet, of the million children born every year in India, two million die before reaching the age of one. A majority of these deaths are due to avoidable infection and malnutrition.

Children in India continue to face unequal chances of survival depending upon where they are born. For example, infant mortality ranges from 17 per 1000 live birth in Kerala to 144 in Orissa. If all of India had Kerala’s child birth and death rates, some 10 million fewer children would be born and some 1.76 million fewer children would every year.

Also, infant mortality in rural areas has always exceeded the IMR in urban areas, and the gap continues to persist. For instance the IMR in rural areas (86) in 1990 was higher than IMR attained in urban areas twenty years ago (82 in 1971), and is much higher than current IMR levels in urban areas estimated to be 51 per 1000 live births.

This does not however, imply that child survival conditions in urban areas are uniformly superior to those prevailing elsewhere in the country. An estimated 38.8 million people live below the poverty line in urban areas, and it is estimated that 15 to 16 million children live in condition of acute deprivations with inadequate access to basic health care, nutrition, safe drinking water, and education. Moreover, the reported high prevalence of HIV sero-positivity among urban prostitutes which marks populations living in urban slums particularly vulnerable to the spread of AIDS.

Chances of children surviving also vary with the socio-economic background of parents. For instance, the estimated 45 MR in 1981 among infants or rural woman who worked as agricultural was 193; the corresponding figure for
those engaged in non-manual employment was only 106. Again in the category of manual woman workers in rural areas, the 45 MR estimated for 1981 ranged from 388 in Orissa to 109 in Kerala.

- Health Services:

  There has a steady expansion in the provisioning of public health and medical services in the country. As a result, children too have benefited. In 1992 for instance, the proportion of one year old children reported to be immunized against DPT was 89 percent, against measles 85 percent, and against polio was 90 percent. The achievements, however, have not been equally impressive in all fields. For example, provider compliance with use of ORT Dehydration Salts for treatment of diarrhea remains very low and at 12 percent; and use of ORT is estimated to be 37 percent.

  Access to and utilization of health and medical services by children have tended to vary across the country depending upon the costs, quality, and levels of public provisioning as well as the effectiveness of demand for such services. While not many studies have focused on the relationship of costs and quality to access and utilization, provisioning in urban areas is undoubtedly better than in rural area. For instance, while 53 percent of children born in urban areas received medical attention in institution like hospitals, maternity nursing homes and health centers, the corresponding figure for rural areas was only 16 percent. Again while Kerala, 90 percent of children received attention in such institution at the time of birth, only 4 percent of children born in Uttar Pradesh received similar attention.

- Nutrition:

  Government of India’s National Policy (1993) draws attention to the serious problems of malnutrition among children in the country. Even though there has been a drop in the population below the poverty line to 29.2 percent in 1987-88, in terms of numbers, a staggering 250 million people presently suffer from varying degrees of malnutrition in India.

  Government of India’s Nutritional Policy recognizes that nutrition is a multi-sectored issue, and has called for evolving a mix of both direct nutrition intervention as well as development policy instruments which will create
condition of improved nutrition. The Oslo Initiative for a World Alliance for Nutrition and Human Rights observes that In order to ensure sound nutrition as much has to be given also to child care and protection and promotion of child health as to food security. Efforts to develop more such integrated approaches will need to be reinforced and strengthened.

2. The Right to Protection:

The convention states: State Parties shall take all appropriate legislative, administrative, social and education measures to protect children from all from of physical, mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse …. (Article 18)

- Child Labour:

Economic exploitation in India is extensive and appears to have increased over the years. The Census of India 1981 estimated that there were 13.17 million child workers (below the age of fourteen) engaged mostly in rural agricultural activities. The National Sample Survey in 1983 estimated that were 17.36 million child workers in the age group of 5 to 15 years. The Operation Research Group placed the figure at 44 million in 1983. Most of these children work under stressful condition in agriculture and other industries, often hazardous. Some are “bounded” and even sold into prostitution. The Planning Commission estimates that there would be around 20 million child workers by the year 2000.

The Convention States: State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral and social development. (Article 32)

The prevalence of such high levels of child labour is attributable in good measure to the fact that primary education for children is not compulsory in India. Children who are out school invariably perform work of some sort, either at home or outside and any wages that are often exploitative, and under conditions that are clearly harmful. Most of the working children also belong to families that are extremely poor. Parents of such children, the selves deprived of basic education,
find it extremely difficult to support their families. Children who work, therefore, are the ones who need education most of all to break out of the poverty and dwell trap.

In addition to legislative measures that will make primary education compulsory and hiring of children illegal under all circumstances, undertaking public advocacy and building social awareness should be regarded as critical elements of public action to ensure the elimination of child labour.

- **Children in Difficult Circumstances:**

  India has several million children living under especially difficult circumstances. These include for instance, an estimated 500,000 street children in seven cities: Bangalore, Bombay, Calcutta, Delhi, Hyderabad, Kanpur and Madras. The majority of these children are over eight years of age, have never attended school and have parents who low paid unskilled jobs. Destitute and orphaned children are another group about which very little is known. Similarly, there is very little information available about children of construction workers, children of fisher folk, disabled children, and children affected by riots and disasters, all of whom fall under the category of “children in especially difficult circumstances”. There is also reportedly sale of such children and girl trafficking across regional and national borders.

  Policy makers have long ignored the special needs of such children. The convention makers a strong case for special consideration to protect the rights of these children.

3. **The Right to Development:**

  There are two types of development emergencies which include natural disasters and armed conflicts that kill, displace or disable children and, silent emergencies resulting from endemic, poverty and widespread deprivations which lead to many more deaths than famines, flood or war, widespread illiteracy, malnutrition, hunger, morbidity, poor health, and neglect of women concerns are examples of “silent” deprivations that have seldom received adequate attention. Prof. John Kenneth Galbraith, while “Looking at the Larger World and Its Present Problems” in a lecture delivered in New Delhi in November 1992 remarked:
“….. Once it was understood an educated population is the first requirement for economic progress. That essential fact was forgotten: impressive steel mills, hydro-electric dams, glistening air-ports, were too often sited amid ignorant people. I have previously made the point in this world there is no literate population that is than poor”.

A pro-children development strategy has to address both these types of emergencies, and also needs to be set in the larger context of the economic development strategy adopted by a country.

- Education:

Recognizing the need to make available free and universal primary education is not to India. Article 45 of the Directive Principles of State Policy declares, “The state shall endeavour to provide within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen”. (The Constitution of India, 1950) The National Policy on Education (1986) as well as the goals for Education for All in India (1990) reaffirms the country’s commitment to universalizing primary education by the year 2000.

There has been progress in the provisioning of primary schools over the last forty years:

- The number of recognized primary schools has gone up from 209,671 in 1951 to 572,541 in 1993.
- The number of primary school teachers wants up from 538,000 in 1951 to 1,637,000 in 1991.
- The enrolment figures in primary schools want up from 19.2 million in 1951 to 99.1 million in 1991.

There has also been a shift in the financial allocations in favour of education, and within education, in favour of elementary education. For instance, spending on education as a proportion of GNP has risen from about 1.2 percent in 1950-51 to the current level of 3.9 percent. Government is committed to increasing the outlay on education from the current to 6 percent of GNP by the year 2000. During the 1980’s public expenditure on elementary education
increased by 4.5 times from Rs. 15.373 million at the beginning of the decade to Rs. 68,883 million in 1989-1990. Expenditure on elementary education today accounts for about 45 percent of the total education budget.

But there is more ground to be covered. While statistics indicate that over 99 million children were enrolled in primary schools in 1990-91, much less is known about attendance, and the quality of education. Data also reveal that an estimated 48 percent of the population remains illiterate today. About 19 to 24 million children in the age group 6-14 and over 121 million adult illiterates in the age group of 15 to 35 (with over 60 percent females in both cases) are estimated to constitute this group.

- Despite the increase in the number of primary schools and teachers, the students and teachers ratio has worsened over the years from 35.7 in 1950-51 to 60.5 in 1990-91.
- Only 52 percent of enrolled primary school children reach Grade V.

There are also several inequities in the system that needs to be corrected. For instance, fewer girls enroll in primary school and more girls than boys drop out before completing Grade V. Also, school drop out rates among children belonging to Scheduled Castes and Scheduled Tribes continues to be significantly higher than among children belonging to the rest of the population.

While universalization of primary education and eradication of illiteracy in the age group of 15 to 35 years are basic objectives of education in the Eighth Five Years Plan (1992-97), a major step in this direction will be to make primary education compulsory. Several other aspects of primary schooling too need to be simultaneously addressed there is need to step up enrolment particularly among girls, keep children in school, reduce wastage, improve the efficiency of resource use in primary schools, and initiate action to enhance the quality of school education. School hours and the annual calendar have to be made flexible to accommodate local needs to parents and children. Above all the teaching and learning environment has to be made more enjoyable accountable and meaningful to children.
4. The Right to Participation:

Included in the right to participation is the right to accused children, for instance to be treated with dignity in the juvenile justice system.

“The state shall ensure that no child is arbitrarily detained or subjected to torture, cruel, inhuman or degrading treatment or punishment, capital punishment or life imprisonment. Accused children have the right to be presumed innocent until proven guilty in a prompt and fair trial to legal or other assistance to be detained separately from adults, to maintain contact with family and to receive a sentence based on rehabilitation rather than punishment”.

Limited data available on juvenile crimes for 1991 reveal that 29,591 juveniles were apprehended for various crimes under the Indian Penal Code and Local Special Laws. Most of the juveniles were apprehended on charges of theft, burglary, riots, and under the Prohibition Act and the Gambling Act. Of those apprehended.

✓ 23,201 were boys and 6,390 were girls
✓ 20 percent were children between the ages of 7 and 12 years
  64 percent were in the age group of 12 to 16 years, and 16 percent were girls in the age group of 16 to 18 years.
✓ 38 percent were illiterate and 36 percent had completed primary schooling
✓ 70 percent were living with parents another 19 percent with guardians and only 11 percent were homeless.
✓ 84 percent were new delinquents and 16 percent were old delinquents.
✓ 60 percent belonged to females who were earning less than Rs. 500 a month.

Little information, however, is available on the more crucial aspect of treatment meted out to these children. Legal representation of poor children is rate; and very few facilities exist for detention of children separately from adults. Much less is known about the availability and effectiveness of rehabilitation facilities.
Again children in India and girls in particular have reportedly little say in the matter of marriage. There are still several thousands of child marriages reported throughout the country. In 1981, for instance, 43 percent of the girls in the age group of 15 to 19 years were married. Although this proportion varied from 7 percent Goa, Daman and Diu to 64 percent in Rajasthan, early marriages are seldom viewed as a violation of child’s freedom to enjoy children. (Mahaja Promila and Chand S, 2006)

**The Labour Welfare Legislation:**

“Ragpicking is a Part of Child Labour”

The child has been subject of special laws and legal provisions. Because of its tender years, weak physique, and inadequately developed mind and understanding, it needs protection against moral and physical harm and exploitation by others. In the formative years of its life, the child needs special care service to realize its full potential for growth and development. There are about 300 central and state legislative enactments concerning children. These have been enacted with an intention to protect and help children and achieve the goal of child labour welfare enshrined in our National Charter.

The constitution makers were conscious the needs for special care of children and, therefore, provisions to the welfare of children dealing specially with the protection of child labour have been envisaged in our National Charter. According, our National Policy resolution for children, 1974, lays special stress on the responsibility of the nation for children. All this calls for great deal of legislative activity. The subject of ‘child’ does not fall exclusively either in the Union (Central) or the State field. Different matters related to child care and developments are distributed among the Union State and Concurrent lists of the Constitution. It is only in India but in other industrialized countries including those developed ones that the present labour legislation is aimed to provide legal protection to child labour who constitute an important section of wage earning population. The underlying conviction of all labour legislations is that it is one of the principal duties of the state to protect and safeguard the interest and well being of workers, irrespective of their age, caste, creed and colour.
The welfare state, as the modern ‘patria potestas’ is required to see that childhood is not abused. The dignity of the individual, the basic of the democratic society has been assumed by the constitution by declaring the fundamental rights of the individual on the one hand, and by forbidding the traffic in human beings, beggar and exploitation of youth are childhood on the other. The traffic in human beings, means buying and selling wrongfully of human beings, and includes slavery, bandhak mazdoor and immoral traffic in women.

It may be submitted that the labour legislation in India including protective legislation for children has been greatly influenced and is the result of various conventions and recommendations adopted by International Labour Organization. Besides constitutional provisions, there are at present 13 major legislative enactments which provide legal protection to children in various occupations. These are:

i) The Children (Pledging of Labour) Act, 1933  
ii) The Employment of Children Act, 1938  
iii) The Factories Act, 1948; 
iv) The Plantations Labour Act, 1951;  
v) The Mines Act, 1952 
vi) The Merchant Shipping Act, 1958;  
vii) The Apprentices Act, 1961;  
viii) The Motor Transport Workers Act, 1961;  
ix) The Beedi and Cigar Workers (Conditions of Employment) Act, 1966;  

Form time to time amendment have been made in most of the above statues, because of the progressive outlook of the government for improving the conditions of the important legislation which regulate the working conditions of child workers and mitigate the adverse effect of employment on their health, education and training etc.
Text of Legislation:

(I) The Children (Pedging of Labour) Act, 1933

The main object of this Act is to eradicate the evils arising from the pledging of labour of young children by their parents employers in lieu of loans or advances.

Previously the Act extended to whole of India except Jammu and Kashmir, but after September 1, 1971, it has been extended to Jammu and Kashmir also. The Act declares an agreement oral or written, to pledge the labour of children, whereby the parents or the guardian of a child in return of any payment or benefit to be received, undertakes to cause or allow the services of a child to be utilized in any employment, to be void. However, an agreement made without detriment in a child and not made in consideration of any benefit other than reasonable wages to be paid for the child service and terminable at more than a weeks notice is not to be deemed to be an illegal agreement. A person who knowingly enters into an agreement with a parent or guardian of a child whereby such parent or guardian pledges the labour of child, or an employer who knowingly employs such a child is liable to a fine upto Rs.200. A parent or a guardian who knowingly pledges the labour of his child is liable to be wished with a fine which may extend up to Rs.50

Child means, under this Act, “A person who has not has not completed the age of 15 years”.

(II) The Employment of Children Act, 1938

This Act is also applied to the whole of India. To prevent employment of children in hazardous employment and certain categories of unhealthy occupations, the Act prohibits the employment of children below 15 years of age in any occupation connected with the transport of passengers, goods or mail by railway, or an authority within the limits of a port.

With the exception of children employed as apprentices or trainees no child between the age of 15-17 years can be employed or permitted to work in these occupations unless he is allowed rest interval of at least 12 consecutive
hours in a day. The period of rest is to include at least 7 such consecutive hours between 10 p.m. as may be prescribed by the appropriate government.

(III) The Factory Act, 1948

The Act extends to the whole of India except the state the Jammu and Kashmir. It applies to establishments employing 10 or more workers with power or 20 or more workers without. A child under the Act is defined as a person who has not completed the fifteen years of age. A ‘young person’ is defined as either a child or an adolescent, who has completed his fifteen years but not eighteen years.

i) Those who are under fourteen years. They are totally prohibited by this Act from entering into employment in factory.

ii) Such persons should have a certificate of fitness issued by a surgeon and should carry a token of such certificate.

iii) The certifying surgeon should follow the procedure laid down in Section 69.

iv) They should work not more than four and half hours a day.

v) The period of work is to be limited to two shifts.

vi) They should not be employed in two separate factories on the same day.

vii) The employer should display a notice regarding the periods of work for such children.

viii) The manager of the factory should maintain a register in respect of such child workers.

ix) No such child be employed except in accordance with the notice of periods of work displayed at the entries against his name in register of child workers.

(IV) The Plantation Labour Act, 1951

The Act covers in the first instance all tea, coffee, rubber, cinchona, cordamory plantation and areas 10.117 hectares or more, in which 30 or more persons are employed, or were employed on any day of the preceding 12 months. Further the state government is, however, empowered to extent, all or any of the provisions of this Act to any land or intended to be used for growing and
plantation even if it measures less than 10.117 hectares and the number of persons employed therein is less than thirty, provided or in which measured less than 30 persons are employed immediately before the commencement of the Act would not be covered.

The Act prohibits the employment of children less than 12 years. An adolescent between 15-18 years cannot be employed for work unless he is certified fit for work by a surgeon. Such certificate is valid only for one year. Use of a false certificate of fitness is punishable by imprisonment which may extend to one month, or with fine or both.

This Act is, however, more comprehensive in the sense that this Act makes the provisions for education as a responsibility of the employers and so is for the housing and medical and recreational facilities. Perhaps the legislators were moved to make all these provisions in this Act because of the fact that plantation labour is commonly known as ‘family labour’ as against ‘individual’ child labour.

(V) The Mines Act, 1952

The Act also extents to the whole of India and includes all excavations where any operation for the purpose of searching for or obtaining minerals is carried out. This Act also defines child as a person who has not completed his fifteen years. This Act not only prohibits the employment of children in mines, but also prohibits the presence of children in any part of a mine which any mining operation is being carried on. Even an adolescent is not allowed to work in part of a mine which is below ground, unless he has completed his 16th year and has a medical certificate of fitness for work. A certificate is valid only for 12 months. The Act also says that adolescent is allowed to be employed in any mine except between 6 a.m. This act also includes.

i) all bearing, bore holes and oil well

ii) all shafts, in or adjacent to and belonging to mine, whether in the course of being suck or not

iii) all levels and inclined planes in the course of being driven;
iv) all converse or aerial railways provided for the bringing into or removal from mine of minerals or other articles or for the removal of refuse there from;
v) all adits, levels, planes, machinery, workers, railways, tramways, and riding;
vi) in or adjacent to and belonging to a mine;
vii) all workshops situated within the precinct of a mine and under that same management and used solely for purposes connected with that mine or a number of mines under the same management.
viii) all power stations for supplying solely for the purpose of working the mines or a number of mines under the same management.
ix) any premise exclusively occupied by the owner of the mines and for the time being used for depositing refused from a mine or in which any operation in connection with such refuse is being carried on; and
x) unless exempted by the central government by notification in the official gazette, and premises or part thereof in or adjacent to and belonging to a mine, on which any process ancillary to getting, dressing or preparation for sale of minerals or coke is carried on.

(VI) The Merchant Shipping Act, 1958

The Act prohibits the employment of children in any capacity, who are below 15 years of age, on sea-going ships. This Act applied to ships registered in India. It also prohibits the employment of young persons under 15 years of age as trimmers and stokers except under certain specific conditions. Such persons, if employed, are required to produce a certificate of fitness. Further the Act empowers the government to make necessary rules regarding employment of young persons as and when the occasion demands.

(VII) The Apprentices Act, 1961

The main object of the Act is to provide for the regulation and control of training of apprentices in trades and for matters connected therewith. The Act extends to the whole of India and provides for the regulations and control of training of apprentices in trade and for matters connected therewith. Under the
Act, an apprentice has been defined “as person who is undergoing apprenticeship training in a designated trade in pursuance of control of apprenticeship.” The Act provides that no person shall be qualified for engaged as an apprentice or to undergo apprenticeship training in any designated trade unless he is at least 14 years of age and satisfies such standards of education and physical fitness as may be prescribed. If he is minor, his guardian is required to enter into a contract of apprenticeship with the employers and it shall be registered with the apprenticeship.

Initially the Act was enforced in 12 industries but in order to meet the growing and changing demands of skilled workers in other industries, the coverage of the Act has been extended to 195 industries. The central government has also specified 56 designated trades for the purpose of the Act.

(VIII) The Motor Transport Workers Act, 1961

This Act applies to the whole of India, it covers every motor transport undertaking employing 5 or more transport workers. The state governments are authorized to apply all or any of the provisions of this Act to any motor transport undertaking employing less than 5 workers. This Act also prohibits the employment of children under 15 years of age in any capacity in the motor transport undertakings. The adolescents are prohibited to work unless a certificate of fitness is granted, which is valid only for 12 months. An adolescent can work only for 6 hours including a rest interval of half an hour and between 10 a.m and 6 p.m only.

(IX) The Beedi and Cigar Works (Conditions of Employment) Act, 1966

The Act also extends to whole of India. The Act provides that no child should be required or allowed to work in any industrial premises; the Act defines the child as a person who has not completed his fourteen years of age. The employment of young persons between 14 to 18 years is prohibited between 7 p.m to 6 a.m. The Administration of Act rests with the states who appoint Child Inspectors or Inspectors for the purpose. The Act provides the penalties for
breach which may be imprisonment upto three months or a fine upto Rs.500 or both.

Provision for canteen, first aid, cleaning and ventilation are also made under the Act.

(X) Shops and Commercial Establishment Act, 1969

Provisions relating to minimum age also exists in different state shops and commercial establishment Acts. These acts applied to shops, commercial establishments, restaurants and hotels and place of amusement and notified urban areas, to which the Factories Acts does not apply. Further the state governments are empowered to extend coverage of the Act in any establishment.

The minimum age of employment in shops and commercial establishment is 12 years in Bihar, Gujarat, Jammu and Kashmir, Madhya Pradesh, Karnataka, Orissa, Rajasthan, Tripura, Uttar Pradesh, West Bengal, Goa, Daman and Diu and Manipur, and 14 years in Andhra Pradesh, Assam, Himachal Pradesh, Kerala, Tamil Nadu, Punjab, Delhi, Chandigarh, Pondicherry and Meghalaya. The minimum age of employment is 15 years in Maharashtra. There is no separate Shops and Commercial Establishment Act in Andaman and Nicobar, Arunachal Pradesh, Dadra and Nagar Haveli, Lakshdweep, Nagaland and Sikkim.

(XI) Contract Labour (Regulations and Abolition) Act, 1970

The Act also extends to the whole of India. The Act applies to establishments and contractors employing 20 or more workers

It is not applied to establishment in which work only of an intermittent or casual nature is performed. There are no specific provisions under the Act partitioning to employment of children

(XII) The Child Labour (Prohibition and Regulation) Act, 1986

The Act states right in the beginning that its aim is to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

According to this Act, the employment of Children Act, 1938 is repealed. All rules made in this Act will be in addition to the provisions of the Factories Act, 1948, the Plantations Labour Act, 1951 and Mines Act, 1952.
i) According to this Act ‘Child’ means a person who has not completed his fourteen years of age.

ii) Again, family units and training centres are not included in the purview of the Act.

iii) The Act provides for the setting up of ‘Child Labour Technical Advisory Committee’ for the purpose of addition of occupations and processes to the schedule. A notice of at least three months will be given by the Central Government before adding any occupation or process to the schedule.

iv) The Act clearly lies down that no child will be allowed to work for more than six hours per day with a rest period of one hour after three hours of work. Once a week he will be given a holiday.

v) No child will be allowed to work between 7 p.m and 8 a.m. No overtime will be permitted.

vi) The Act clearly states that the government can make rules for the health and safety of children who are permitted to work in any establishment. These rules can provide for matters such as cleanliness, ventilation, dust and fumes, lighting, drinking water, and sanitary facilities, etc. But there is no mention of nutrition or medical facilities.

vii) The penalty for violation of the Act will range from three months to one year of imprisonment with a fine of Rs. 10,000 to Rs. 20,000.

viii) If a person is found he will be liable for punishment under the clauses given in Section 14(1 & 2) and not under any of the pervious Acts.

ix) Any person, police officer or an inspector can file a complaint of an offense under this Act in any Court of Competent jurisdiction.

x) Part ‘B’ of the schedule has added one more process into existing list and that is ‘building and construction industry’. All other provisions are similar to the ones already existing in the Act of 1938.

The government proposes to bring in amendment to the Child Labour(Prohibition Regulation) Act, 1986, to make it more effective. (Wall, 2006)
Constitutional provisions on child labour

The framers of the Indian constitution consciously incorporated relevant provision in the Constitution to secure compulsory universal primary education as well as labour protection for children. The following provisions of the Constitution have a direct bearing on child labour.

In spite of the fact that on child below the age of 14 years shall be employed to work under the provisions of the Indian Constitution, the reality is that the child labour still exists.

- Constitutional Provisions on Child Labour such as,
- Article 23: Prohibition of traffic in human beings and forced labour:
  “Traffic in human beings and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.”
- Article 24: Prohibition of employment of children in factories etc.: “No child below the age of fourteen years shall be employment to work in any factory or mine or engaged in any other hazardous employment.”
- Article 39 (e) and (f): Certain principles of policy to be followed by the state: “The State shall, in particular, direct its policy towards securing (e) that the health and strength of workers, men and women 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.”
- Article 45: Provision for free and compulsory education for children: “The State shall endeavour to provide within a period of 10 years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years.”

- Sectors in which Children are Employed in Karnataka: In Karnataka, the main sectors in which the children are employed are silk industry, beedi making, agarabatti rolling, automobile garages/workshops, hotels,
construction industry, domestic work, confectionery units, rag picking and other establishments. Agriculture, forestry, fishing and live stock sectors also employ a large number of children. Amongst these rag picking, beedi making, agarabatti rolling, automobile garages/workshops, hotel cleaning work, construction industry, domestic work, confectionery making and silk twisting/reeling are health hazardous for children. The practice of child labour creates a vicious cycle of illiteracy, poor health and low incomes, which further perpetuates poverty and low quality of life. It also deprives the adult of employment. Hence we employ children; we are not only depriving children of their rights, but also perpetuating poverty.

➢ **Enforcement of laws:** To eliminate child labour in the state, 2051 inspectors were appointed by the state government under Section. 17 of the child labour (Prohibition & Regulation) Act, 1986, and various measures are being carried on to check menace. Enforcement and social development programmes have to hand in hand to tackle the problem of child labour effectively. (An Action Plan to Eliminate Child Labour in Karnataka, Dept of Labour Govt. of Karnataka, India-2001)

- **The child Labour (Prohibition and Regulation) act, 1986,** a central legislation and the Karnataka Shop and Commercial Establishments Act, 1961, have clear provisions to prohibit employment of children below the age of 14 years and to protect them from exploitation.

**The ILO and Child Labour:**

The International Labour Organization postulates protection of children through its Conventions on elimination of child labour. The minimum age, Convention No.138, was adopted as back as 1973 (not ratified by India), which aims at overall abolition of child labour and stipulates the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling. The unanimous adoption of Convention on the worst form of child labour 1999 (No. 182), states that irrespective of their economic situation, all nations to deal immediately with the problem of worst form of child labour, because, worst forms cannot be tolerated. The less exploitative form can be
addressed as a resource, alternative and capacity are improved. The worst forms of child labour includes slavery, debt bondage, prostitution, pornography, forced recruitment of children in drug trafficking and other illicit activities and all other work harmful or hazardous to the health, safety or moral of children.

➢ **UNICEF and Child Labour:**

UNICEF acknowledges the need to seriously address the child labour. UNICEF emphasizes to promote compulsory primary education as the fundamental strategy for the prevention and elimination of child labour. UNICEF has been funding governmental and non-governmental organizations for withdrawal and rehabilitation of child labour. UNICEF advocates the implementation of the Convention on the Rights of the Child and the achievement of goals for improving the conditions and well being of children. The Labour Department in Karnataka, in close association with the UNICEF, has conducted several sensitization programmes for Enforcement Officers, NGOs and various officers of other Departments of the State Government.

➢ **National Policy on Child Labour:**

The National Policy on Children Resolution, adapted in August 1974, emphasizes for development of human resources. Free and compulsory education for all children up to the age of 14, provision of health and nutritional programmes and services, providing alternative forms of education for children unable to take full advantage of formal school education for whatever reasons and measures for protecting children against neglect, cruelty and exploitation from part of the National Policy for children. Subsequently the Government of India appointed a committee (Gurupadaswamy committee) to go into various aspects of child labour. The Committee had submitted a report in legislation called “The Child Labour (Prohibition and Regulation) Act, 1986”, to prohibit the engagement of children in certain employments and to regulate the conditions of work of children in certain other employments.

Thereafter, the National Policy on child labour was formulated in 1987 with the following objectives-

(a) A legislative Action Plan:
(b) Focusing of general development programmes for benefiting children, wherever possible; and
(c) Project-based Action plan in areas of high concentration of child labour engaged in wage/quasi wage employment.

➢ **NCLP Special Schools in Karnataka:**

Management of this Project is the responsibility of the District Child Labour Project Society registered under the Societies Registration Act for which the Deputy Commissioner of the District is the Chairman. The Society is also having its own staff, like Project Director and field officers to look after the day-to-day functioning of the Project. In Karnataka, special schools are sanctioned under the project in the following Districts:

- (i) Bijapur - 40
- (ii) Dharwad - 25;
- (iii) Haveri - 10;
- (iv) Raichur - 30;
- (v) Gadag - 5;
- (vi) Bangalore Rural – 40;
- (vii) Bangalore Urban – 40;

In each school, 50 child labour can be admitted. The NGOs are actually running the special schools. The specific address of the school can be obtained from the Society at district level.

➢ **Courts on Child Labour:**

- **Supreme Court of India on Child Labour**

The Hon’ble Supreme Court of India has taken serious note of the problem of child labour and dealt at length the causes, obligation in the state under the Constitution and the measures for its prohibition in the landmark Judgement in December 1996 (In M.C.Mehta -vs- State of Tamilnadu and others -1996 (8) Supreme 450)
**High Court of Karnataka on Child Labour:**

The Hon’ble High Court of Karnataka also had taken a serious note on the issue of child labour while dealing with a public interest litigation filed by Sri A Srirambabu and others – Vs – State of Karnataka.

**NGOs and Child Labour:**

The growing public opinion against child labour is reflected in India where child labour is endemic. Non–Governmental organizations are playing a very vital role in the task of elimination of child labour. Also however, NGOs may initiate certain measures of creating awareness among the employers and parents regarding the evils of child labour. The existing penal provisions may be highlighted among the erring employers. The NGOs are, in fact, encouraged to become partners in elimination of child labour. They may add to the efforts of the Government in elimination of child labour. The enforcement staff must seek the involvement of NGOs at all stages.

**Trade Unions and Child Labour:**

Major Trade Unions working in Karnataka: As on date there are 4088 registered trade unions with the membership running into lakhs of workers. The National level Trade Unions operating in Karnataka are;

(i) AITUC (All India Trade Union Congress)
(ii) CITU (Centre of Indian Trade Unions)
(iii) HMS (Hind Mazdoor Sabha)
(iv) BMS (Bharatiya Mazdoor Sabha)
(v) INTUC (Indian National Trade Union Congress)
(vi) KTUC (Karnataka Trade Union Center)
(vii) HMKP (Hind Mazdoor Kissan Panchayat)
(viii) KIPLU (Karnataka Industrial Plantation Labour Union)
(ix) KEU (Karnataka Estate Union)
(x) CUWU (Centre for Unorganized Workers Union)

The trade unions have to be approached and encouraged to take up activities, which can shun the employers from engaging child labour. The trade unions can also run rehabilitation centers for child labour on Project Societies.
They can reach the workers in all sectors through child labour, if some volunteers are identified by them among trade unions to take up the work of child labour as full time activity. Organizing the unorganized workers is a necessity to end exploitation of woman and child workers. Most of child labour is in the unorganized sector and posing serious problem to check exploitation of children. Therefore, the trade union has to be encouraged to take up the issue of child labour as theirs own agenda in the national interest.

➢ **Employers’ Organizations and Child Labour;**

There are national level employers organizations, like FICCI (Federation of Indian Chambers of Commerce and Industry), CII (Confederation of Indian Industry) and several other organizations. Similarly, there are at State level, FKCCI (Federation of Karnataka Chambers of Commerce and Industry), GMCI (Greater Mysore Chambers of Commerce and Industry), and KASSIA (Karnataka Small Scale Industries Association), AIAMA All India Agarabathi Manufacturers’ Association, KEA (Karnataka Employers’ Association) and several others associations at state level and at district level. All these employers’ associations also have to be approached and encouraged them to involve in the process of elimination of child labour.

➢ **Rehabilitation of child labour:**

The Government has approved an Action Plan for elimination of child labour and it was formally launched by the Hon’ble Chief Minister of Karnataka on 31-05-2001. The rehabilitation network is the major activity under the Action Plan. The existing NCLP special schools will be converted into Special Residential Schools. Similarly, Special Residential Schools will be started in the Districts, where NCLP is not in operation. The released child labour will be admitted in these SRSs and they will be given educational inputs and also vocational training. Generally, they will be admitted in main schools after initial rehabilitation.
Effective Enforcement of Legal Provisions to release Child Labour

There are two Acts mainly covering the issue of child labour. One is the Child Labour (Prohibition & Regulation) Act, 1986, and the other one is the Karnataka Shops & Commercial Establishments Act, 1961. There are other Acts, which also prohibits employment of child labour. However, under the Child Labour (Prohibition & Regulation) Act, 1986, employment of child labour is totally prohibited in 57 notified occupations/ process. Therefore, irrespective of the organizational set up of an industry, action can be taken under the Child Labour (Prohibition & Regulation) Act, 1986, if employment of child labour is found in all these 57 types of occupations / processes, the inspectors appointed under Section 17 of this Act can take action in all these cases. (Venkataiah-2001)

Committees on Child Labour

A number of Commissions or Committees on Labour have looked into the working conditions of children and made recommendations which resulted in enactment of Labour Laws having provisions aiming at the overall development of children.

I. 1929 – Royal Commission on Labour

- Reported the prevalence of child labour in various parts of the country in the bidi, textile, carpet, match and fire work etc.
- Paid specific attention to child labour working in the Tea plantations and recommended that owners contribute to the establishment of facilities for ensuring their minimum education.
- It recommended the legal prohibition of children below the age of ten for work and the entry of all the names in wage books.
- Recommended for the prohibition of children working overtime and taking work home.

II. 1944- Labour Legislative Committee (REGE Committee)

- Observed increase in the number of child labour during wartime and in the small-scale industries.
Specific observations were made on the incidence of child labour in the Match industry of Tamil Nadu, Cement industry of Rajasthan, the Spinning industry of Kerala and the Carpet weaving in Kashmir.

Recommended for the adoption of positive measures to wean children away from industrial employment.

III. 1979- Gurupadaswamy Committee

- Looked into various dimensions of child labour
- Examined status and implementation of child labour legislation and recommended for strengthening of enforcement machinery.
- Recommended for the setting up of Child Labour Advisory Board and fixing the minimum age of entry into employment.
- Recommended adoption of uniform definitions of a child and adolescents while prescribing the hours of work, conditions of work etc.
- Recommended for formulation of an effective education policy with emphasis on integration of educational requirements with local crafts.

➢ Extracts from the National Child Labour Policy - 1987

The National Child Labour Policy was adopted in 1987 to deal with a situation where children are compelled to work, on a regular or a continuous basis to earn a living for themselves and their family, and where conditions of work result in their being disadvantaged and exploited. Main ingredients of the policy,

➢ The Legislative action plan:

- Setting up of Child Labour Technical Advisory Committee to advise the Central Government on addition of occupations and processes to the Schedule contained in the Child Labour (Prohibition and Regulation) Act, 1986.
- Envisages the strict enforcement of the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 and other child related legislation.

➢ Focussing on General Development Programmes for Benefiting Child Labour:

To successfully rehabilitate child labour withdrawn from employment and to reduce the incidence of child labour progressively, the focus is on the
environment of the child. By utilizing the ongoing development programmes of other Ministries and Departments for the benefit of the child and his family, child labour can be discouraged.

- By providing better and readily accessible education, through formal or non-formal systems of education.
- By improving health conditions for child labour.
- By providing nutrition through schemes like the “Integrated Child Development Services”.
- By intensifying the anti-poverty programmes such as Integrated Rural Development Programme, National Rural Employment Programme etc.

➢ **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. (Sekar Helen-2001)

In 2001, waste-picking was included among the hazardous occupations banned under the Child Labour (Prohibition and Regulation) Act, 1986. But apart from this very brief mention, ragpicking is ignored in legislation regarding child labour. Contrary to most child labourers, ragpickers are self-employed or working with their parents and therefore not answerable to any employer. (www.pratham.org)