8.1. Child labour problem: An overview:

The problem of child labour and children welfare continue to be the areas of great concern for the entire humanity. All the nations of the world have recognised the child labour as a blemish to the civilised society and challenge to humanity. It's a stumbling block to long-term sustainable economic development of a nation for the reason that it badly affects the reasonable growth and development of human resource. ‘The system of child labour bad enough on its own - is made much beastlier still through its congruence with bondage and effective slavery’ (Sen Amartya 2000).

Two schools of thought with divergent views in regard to the tackling of the issue of child labour are discerned. Some economists, eminent thinkers, social workers imbibed with humanistic love and feelings want to do away with the system absolutely. The other school is of opinion that mere attempt to eradicate child labour without doing anything to enhance the economic circumstances of the families may not serve the interests of the children.

India is within the 96 p.c. of the countries that have ratified the human rights convention dealing with child rights and, therefore, obliged to the commitment made in 1992 to implement the ILO’s Convention on the Rights of the child (CRC), 1989 for eradication of child labour practices through different policy framework
without striking the menace of poverty that has taken the ugliest form.

But considering the ground realities of nation’s condition where 26.1 p.c. of population are remaining still below to poverty line, 34.6 p.c. of population out of total 102.7 crore are in illiteracy, the eradication of child labour is not a trivial job. The situation that prevails in Assam and in the district that has been taken up for study is found identical and congruent to the national scenario. To unearth the vivid pictures of child labour prevailing in the district a study has been embarked upon.

Dwelling on the multi-dimensional issues of child labour position of the district of Kamrup, an area under study, some observations have been made in relevant context in the foregoing chapters. The findings of the empirical study have also been accommodated in the analysis under different captions with the summary of the findings endorsed at the end of each chapter. This process has highlighted the findings meanwhile. Here an attempt has, however, been made to appraise the main findings and suggest policy framework based on the findings for alleviation of this social ill.

Prior to undertaking to the task of appraisal of the findings a brief account of the study delineating the objectives aim at, hypotheses postulated and the survey model taken up is considered necessary. An abstract in this regard appears ut infra.

8.2 Objectives envisioned, hypotheses drawn, methodology adopted and the project frame-work taken up in the study of child labour situation in the district:

The synoptic view of child labour in the area under study indicates that though the problem of child labour is not menacing yet it is significant in the district
for the reason that it has the impact of rapid urbanisation, industrialisation and witnessed severe rural-urban, inter-district, inter-state as well as inter-country migration of people unlike other districts. The inter-country migration has resulted in the cheap child labour, specially in urban area. This apart, the chronic poverty, adult unemployment, landlessness, small size of holdings, non-transformed rural economy and undiversified agriculture coupled with recurring flood and sociological factors which interalia include the absence of proper network of educational facilities have attributed to the emergence of child servitude.

The ineffective implementation of legislative provisos and Acts has, further, worsened the situation of child labour in the district.

The district under study with the different socio-economic characteristics is a facsimile of the State of Assam. Its economy exhibits the existence of features of both the rural and urban nature. The district with 13 p.c. workers in Secondary and 41.4 p.c. in tertiary sectors appears to be highest amongst all districts in p.c. distribution of main workers of all ages.

Having highest p.c. of urban population and decadal growth amongst districts @35.81 and 25.75 respectively during 1991-2001, the district is found bearing the burden of child workers of distinct varieties.

Nevertheless of satisfactory literacy and retention rate, the p.c. of non-enrolled children @18.65 and the drop-outs coupled with migrants have paved the ways for child servitude. Among the top 5 districts where child labour is visible, the district is one of them having child worker by main category @7 p.c. as per Census 1991.
The rising trend of child labour in the district is discerned in relative term. In the age group 0-14 years the district’s child workers to total population appear to be 3.5 p.c. and 4.46 p.c. in 1971, 1991 respectively.

Thus the reasons underlying made it important to study the problem of child labour of the district remains yet unaddressed to. The upward trend, changed direction with diverse dimensions and composition exhibit different phenomena of child labour of the district.

The study of the problem of child servitude has been taken up with the objectives that intend to – i) analyse the genesis, growth, magnitude and causes of child labour in the district; ii) analyse the consequences of child labour, its virtues and vices; iii) examine and evaluate the efficacies of Government measures taken up so far to control and remedying the problem of child labour and iv) to find out solution for effective control or elimination of this social evil.

A few hypotheses have been pre-empted against the objectives envisioned and attempt has been made to testify the same. The hypotheses are – i) the abject poverty and adult unemployment are the significant economic causes of the growth of child labour; ii) the child labour assumed serious proportion in the area due to migration and immigration; iii) the sociological factors viz. the tradition of family occupation, parents illiteracy, absence of educational facilities, social tension etc. seem to play pivotal role in the growth of child labour and lastly iv) the ineffectiveness of legal provisons, Acts and Govt. directives for protection of children against exploitation have also resulted in the growth of child labour in the district.
To meet the objectives and to testify the hypotheses drawn, an empirical study has been undertaken and data from primary sources collected, analysed and interpreted in probing the premises. For comprehending conceptual framework of the study the data from secondary sources, relevant to issues have been used. The methodology adopted is out and out a descriptive one. The field study made in two strata, one at village and the other at household level. Random sampling method has been adopted in selecting blocks, wards, villages and households in rural and urban areas. The study covered 4 C.D. blocks. 12 villages, 3 being from each block and 183 households belong to different villages have been covered under the study. This apart 18 households of 2 metropolitan city wards and another 89 samples from commercial and business establishments of organised and unorganised sectors have been taken up. The interview method by canvassing the questionnaires, prepared for, has been adopted. The total units of sample were 290.

The study report has been divided into 8 units (chapters). The units 1, 2 & 3 that deal with data and resources drawn from secondary sources mostly are focussed and analysed *ut supra*. In the following the data collected through empirical study and processed and interpreted vide units 4, 5, 6 and 7 are brought to fore with appraisal of findings.

### 8.3 Appraisal of findings on the trend, dimension and composition of child labour:

The upward trend, changed direction with diverse dimensions and comparison exhibit different phenomena of child labour in the district.

**In rural area** in conformity with census operation, 1991 child labour of two
varieties viz. ‘absolute’ and ‘marginal’ have been estimated. 31.14 p.c. of sampled households in rural area have absolute child labour. Every 3.2 households are in possession of child labour. Majority of ‘absolute’ or ‘main’ child workers found migrated from rural to urban area. The p.c. of such migration is 52.63. 80 p.c. of migrants are male child workers. Factors attributing to migration are non-transformed rural economy, absence of income generating avenues, landlessness of rural families (10.90 p.c. of sampled households) and education related problems.

For every 4.3 children of rural area in the age group 9-13 years plus but below 14 years there is one absolute child worker (Table 4.2.1). This is against a third of the 10-14 years aged children in rural India (ILO report 1990). The ratio of absolute child labourers to total children is ostensive in the age group 13 years plus. It is 1 : 1 (Table 4.2.1).

The marginal child workers in rural area are no less ostensible. Of total child workers 46.22 p.c. are marginal workers, the survey indicates (Table 4.3). This is against 24.57 p.c. estimated for the rural area of the district in census 1991.

The annual average working mandays of marginal child workers varying from 60-130 days (Table 4.3.1) are lower than 183 mandays estimated in census 1991 to be the lower limit for gainful employment. The marginal child workers’ ratio to total children of rural area in the age group 9-14 years below is 1 : 5, the survey reveals (Table 4.3.1). These workers are tied down with farming activities and petty business for augmenting family income. But, however, their marginal productivities are not much substantial.
The marginal child workers are, by and large, school drop-outs and out of school children. There is no required provisions of mainstreaming them either through short-term bridge course of SSA or through distant mode education under open schooling system. The state Govt., infact, is yet to launch open schooling system.

The study on age, sex composition and educational status of rural child workers reflects vivid spectra. In point of age, it indicates that all child workers belong to the age group 9-13 years plus. The p.c. of absolute and marginal child workers to total child workers of rural area figure 24.52 and 17.92 respectively in the age group 12-13 years plus (Table 4.5.1).

In estimating the sex composition of child workers in rural area it is found that of total child workers 53.77 p.c. are male and 46.22 p.c. are female. While the p.c. of male child workers are more visible in the age group 11-13 years plus, the female child workers are ostensible in the age group 9-11 years. In the latter case the parents do not prefer to engage their female child to work in other houses of rural area in grown-up-stage (Table 4.5.1a).

As to the educational status of child workers of rural area the survey denotes that 11.32 p.c. of total child workers are non-starters of which 25 p.c. are male and 75 p.c. are female. This is an indicator of gender discrimination in the matter of education in rural area amongst poorer section. The p.c. of male and female child workers taken up the life of child servitude discontinuing their studies in rural area appear to be 76.59 and 23.40 respectively (Table 4.5.2).

The urban child labourers' position in the district with 38.72 p.c. of total
child labourers (rural and urban) evinces a rising trend. This is against 27.27 p.c. estimated in census 1991.

Of total child workers in urban area 80.59 p.c. are in non-hazardous activities and the rest i.e. 19.40 p.c. are in hazardous works, the tables 4.4, 4.4.1 and 4.4.2 underlie the fact. The age group of child labourers of urban area is unlike to that of rural area. Children belong to 7-13 years plus in urban area found working. In hazardous activities children of 10-11 years age group and above found absorbed. The absorption of child workers of lower age is done because it is cheaper and easily available from immigrant / migrant lot.

Out of total child workers working in non-hazardous activities in urban area considerable p.c. is found engaged as domestic servant. It constitutes 22.22 p.c. Another 20.37 p.c. estimated to be transport workers.

The hazardous activities, interalia, include stone-quarry, auto-electrical/steel-fabrication and coke and wool dying industries etc. Of total child workers of hazardous activities 84.61 p.c. are found from unorganised and informal sectors and only an insignificant portion i.e. 15.39 p.c. are from organised sector (Table 4.4.1).

Dwelling on the issues of age, sex composition and educational status of urban child labourers it is found that 11.94 p.c. of child labourers are below 10 years in age. 68.65 p.c. urban child labourers are in the age groups 11-13 years plus. 73.13 p.c. of urban child labourers are male and the remaining i.e. 26.86 p.c. are female (Table 4.6a).
The educational status of urban child labourers is unlike the education of rural child workers. Amongst urban child workers 62.68 p.c are illiterate. The higher magnitude of illiteracy is due to migration. The p.c of illiteracy amongst the male and female child workers estimated to be 61.90 and 38.09 respectively.

Rural child workers are involved in three dimensional activities such as farming, petty business, household industry and crafts etc. Whereas the urban child labourers’ activities are multi-dimensional. 48.11 p.c of rural workers are found engaged in farming, 37.73 in trivial business and 14.15 p.c are in household crafts (Table 4.7.1).

The multi-dimensional activities of urban child labourers inter-alia include street job (vending, rag picking), jobs in shops and commercial establishment, jobs in hotel-restaurant, garage-transport work, job as domestic helper, jobs in hazardous activities such as stone-quarry work, work in steel fabrication, auto-electrical work etc. (Table 4.7.2).

Migration is a common phenomenon of urban child labourers. 88.05 p.c of urban child labourers are found as migrants. The types of migrants are rural-urban, inter-district, inter-state and inter-country migration, the latter one can better be termed as immigration.

Of total migrant child labourers’ 28.81 p.c are considered to be immigrants. The fact that 1.19 p.c of total population of district of Kamrup found born outside India and were staying out of place of enumeration for the periods 1-20 years as per census report 1991 corroborates this denotation. An allusion from
the Times News Network (Times of India dated 11.12.03) – that ‘Though most of
the DUC families (Deprived urban children families) give Assam as their state of
origin there are indication that a large number of them are from neighbouring
countries’, further, justifies the assertion.

The percentages of rural-urban, inter-district and inter-state migration appear
to be 30.50, 28.81 and 11.86 respectively (Table 4.8). The raison-d’etre of migration
are basically the economic, socio-political and natural calamities. 66.10 p.c of
migration are due to economic reason. Of total migrants 61.01 p.c are from minority
community (Table 4.8a). The reason for inter-country immigrants is mainly economic
and partly political. The political reasons of migration/immigration inter-alia include
eviction by local administration’, ethnic violence, encouragement by alien
administration and easy border crossing. These findings, thus
vindicate the hypothesis that the child labour has assumed serious proportion in the
area due to migration and immigration as well.

8.4. Embryology of child labour, factors attributing to it: An appraisal.

The child labour as being a rural as well as urban reality is a social
phenomenon. Developing and developed economies both help it grown
embryologically. Whereas in urban area there is absolute child labourers working
for money income, in rural area there is both marginal and main or absolute child
workers and the latter one only is mean for money income. The urban child labourers
are migrant by nature and working both in hazardous and non-hazardous activities.
Almost all the child labourers are found absorbed in unorganised and informal
sectors. The earnings made by urban child labourers don't commensurate with their strenuous nature of work they render to and the time they devote for. The child workers supplement to the earnings made by adult members of family. The poverty stricken parent pledge the labour of their children to employers in deprivation of childhood education to their wards. In certain cases in absence of adult employment the child labourers' income found to be the only substantial and significant income in rural family.

Child labour is attribution of a great many factors such as economic, sociological and legal. The economic spectrum interalia include poverty, family and family income, size of holdings, parent and adult unemployment, occupational pattern and economic structure etc. The sociological factors include education and literacy, caste, religion and tradition, migration, immigration, social condition, physical environment etc. The legal factor speaks about inoperative and inadequate protective child labour legislations. These apart, the administrative alacrity and political will have also contributed to the emergence of child labour in the area under study.

8.4.1 Economic factor: Poverty in rural area is acute since the benefits of growth consequent upon the transformation of urban economy of the district did not trickle down as expected. Based on the income consumption-expenditure pattern of rural folk it is found that a section of rural population is absolutely in destitution. The agricultural labourer, daily wage labourer, S.C, ST even general category of people who are underemployed, unemployed and disguiseously employed are subject to the
rampant poverty. The poverty stricken people found sent their children for employment to enable them to subsist and survive.

At wholesale price indices of 2004 for the nation as a whole the per-capita monthly expenditure for people below poverty line is calculated as Rs. 416.00 (all commodities) and Rs. 424.00 (primary commodities). Considering the above per-capita monthly expenditure in regard to the state and district under study the economic status of 10 p.c of rural households surveyed has been ascertained. It reveals that 38.88 p.c of households are below to poverty and 61.11 p.c are above poverty line. In terms of population 36.26 p.c are below to poverty line and the remaining 63.73 p.c of rural population are above it (Table 5.2.1).

72.72 p.c of rural families above poverty line have bettered their economy absorbing their children either in their business and in field activities or allowing children to do trivial business and to migrate to urban area for earning their own bread. 54.14 p.c of families in BPL and 36.36 p.c in APL, are indebted (Table 5.2.1). Of total households found in B.P.L. 57.14 p.c are indebted to the village money lenders or to the employers of their children in urban area as the case may be. Thus the poverty and its vicious circle is attributing to the child labour in rural area, the study indicates.

Some pro-poor and pro-growth programmes such as subsidies, concessional credit, training for skill formation and labour intensive employment generating schemes, PDS for social consumption and association of rural people in development work and schemes under panchayati Raj, JGSY, SGSY, PMGY, SGRY etc.
reported to have launched as a part of national schemes for alleviation of poverty but the impact is very rare to be seen in rural area and, therefore, there is a big rush of children and adult to urban area in search of jobs and income for sustenance.

The schemes being centrally sponsored ones with a funding pattern of 75:25 wherein state is to provide 25 p.c as matching grants have not worked well due to state’s, inability to provide the required fund for its economic stringency. This apart the absence of co-ordination and concerted efforts of centre, state and financial institutions the schemes remain in a state of impasse.

The size of family though not so big (5.05) but by income standard it is higher resulting into low per-capita income and consumption in the poverty stricken area.

The per-capita p.m. average income estimated to be Rs. 415 against per-capita consumption expenditure of Rs. 416 for people of BPL in 10% level sample of households. Another sample at 15% level of households having child workers (Table 5.2.2) exemplifies the fact that only 51.85 p.c of families are involved in farm and farm related activities. This is due to pressure of population resulting into the fragmentation of holdings. Average family income and per-capita income per month counted to be Rs. 1917 and Rs. 392 respectively. The parental income and other adults’ income to families estimated to be 51.54 p.c and 27.54 p.c. respectively. The striking feature of family income is the child labourers’ contribution which is estimated to be 20.91 p.c.

The vicious circle of poverty is the cause and effect of size of holdings and
adult unemployment. As per survey 2.18 p.c households are without land (occupying govt land) and another 8.72 p.c of households are occupying Temple's land hence altogether 10.90 p.c of rural families do not possess land. The marginal size of holdings (93.98 p.c of total families), on average, have 0.3 acre of land as their size. 3.27 p.c of families belong to small size and only 0.54 p.c of families belong to medium category (Table 5.2.3). The landlessness and small size of holdings have caused adult unemployment. The annual average working mandays of parent/adult estimated to be 174 days (Table 5.2.3a). The poverty situation has, further, been aggravated in absence of transformation of rural economy and recurrence of natural calamities like flood. To alleviate this distressful condition of poverty parent found pledged the labour of their children to employers in rural and urban areas.

The prevailing occupational pattern and economic structure in rural and urban area make it evident that there is a dualistic pattern of economic growth in the district. While the rural economy is represented by primitive peasant agriculture, household industries etc, the urban economy exhibits semi-modern economic structure with slow expanding medium and large scale industries and service sectors.

As per sample of households reflected through the Table 5.2.4 it is seen that 43.16 p.c of families are engaged in peasantry (26.77 p.c are farmers and 16.39 p.c are agricultural labourers). 6.55 p.c of families are engaged in trivial business, 3.27 p.c are engaged in constructional activities (masonry, carpentry), 7.65 p.c are engaged in brassware industries, 22.40 p.c are engaged as daily wage labourers due to
economic hardship. 3.28 p.c of heads of families are engaged in communication and transport while 3.28 p.c have absolutely no occupation.

Thus the foregoing analysis is a reflection of non-transformation of rural economy. The rural folk, majority of them centre round the primary sector. The shifting of emphasis from agriculture to non-agricultural sector is not found and hence a least diversity from occupational stand point is discerned.

Agriculture found undiversified. Of total 49 agricultural families 81.63 p.c are absorbed in farming and 18.36 p.c are found engaged in pisciculture (Table 5.2.4a). Horticulture, sericulture, livestock rearing, plantation, silviculture are not carried on professionally. These have infact no impact in family income. The net result is that the rural adult resort to daily wage labour and found migrated to urban area for earnings along with children.

The vast and frequent geographical, vertical, social movements of population is a feature of urban economy. This mobility of population has resulted in the creation of migrant child labour engaged in unorganised and informal sectors. Service sector of urban area is witnessing the slow modernism in its growth in the district under study.

8.4.2 Sociological factor: The sociological factor such as illiteracy of parent and children, traditional occupation, migration-immigration, parental health etc. have attributed to the child labour. Almost 50 p.c of parents are without or with little education (19.12 p.c. are absolutely without education and 30.05 p.c. are with education of primary standard - Table 5.2.3b). Parent illiteracy have adversely
affected in children's education. The illiterate parents are having no interest in sending their wards for formal education since formal education to them is of little relevance for survival and economic upliftment. 88.67 p.c of rural child workers have not completed elementary education. The non-starter due to lack of schooling facilities in some habitats and the educational dropouts arising out of socio-economic reasons remain to be a problem in absence of alternative schooling and network of distant mode education.

Not-with-standing the fact that the schemes of UPE, UEE have been launched by various agencies like DPEP, SSA and similarly TLC, PLP have been launched by the district literacy samity under the aegis of SLMA, the fact remains that 11.32 p.c. of rural child labourers and 62.68 p.c. of working children of urban area of the district under study are without schooling. 25.31 p.c. of districts' population remain illiterate still.

The caste, religion and tradition found playing no less significant role in emergence of child labour. 53.73 p.c of child labourers belong to minority community, the study reveals (Table 4.8). Further, the study indicates that 72.72 p.c. of child workers of hazardous activities are of minority community. 22.64 p.c of child workers of rural area found picked up parental occupation and profession such as brasssmithy, goldsmithy, blacksmithy and fishing etc. (Table 5.2.5/II). The findings corroborate the UNICEF study report (1997) that dominant group do not send their children to do hazardous jobs even at their own work places but do not mind children of ethnic, racial and economic minority doing such work.
The nuclear family, fragmented unviable holdings, inadequate earnings, adult and parent unemployment in rural situation and other hostile environment etc have resulted in migration of children to urban area leading to child labour. Out of total child labourers in urban area 88.05 p.c are migrant child labour (Table 4.8). Of total migrant child labourers, rural-urban and inter-district migration estimated to be 59.32 p.c. 28.81 p.c of migrant child labourers presumably are immigrants, since they are floating by nature and they do not have permanent settlement anywhere. Thus the veracity of hypothesis that migration and immigration are causative to child labour is testified.

The unhelpful physical environment such as devastating flood, social tension, ethnic violence, insurgency etc have also resulted into the emergence of migrant child labour. 11.86 p.c of child labourers found migrated to urban area for flood reason. 8.47 p.c migrant child labourers are due to social reason (Table 4.8.1). 15.78 p.c of child labourers of main category in rural area are orphan. 35.08 p.c. of child workers of main category in rural area are either without mother, father or parent, the table 5.2.5/IV illustrates. The orphanhood expedited the cessation of children from education and accelerated the growth of migrant child servitude in urban area.

8.4.3 Inoperative and inadequate protective child labour legislations: Inspite of multiplicity of constitutionally mandated legal provisions for child protection, guarantee of child rights and legal enactments to regulate and control child labour, the child labour prevails in unorganised and informal sectors and even in organised
sector due to ineffective operation of legal provisions and implementation of the Acts. The working of child labourers below 12 years with 8 hours working period even in hazardous activities such as stone quarry, coke industry and steel fabrication etc. (estimated to be 19.40 p.c of total urban child labourers) (Table 6.2); the day long work in other undertakings and enterprises and establishment such as transport (estimated to be 16.41 p.c of total child labourers), shops and commercial establishments (estimated to be 11.94 p.c) and servitude at domestic level (17.91 p.c of total child labourers) with much of abuses, assults and the unpledged bonded labour prevailing in rural and urban area all made the Factory Act, 1948, a futile exercise and proved the working of the Motor Transport Workers Act, 1961, child labour (prohibition and regulation) Act, 1986, The Bonded labour system (abolition) Act, 1976 etc. as ineffective in that the child labour in rural and urban situations in the district is in much reckoning still.

8.4.4 Lack of administrative alacrity and absence of political will to deal with child labour:

The ineffective inspection of officials of labour department, absence of follow up actions in implementing the scheme for rehabilitation and mainstreaming of child labourers in formal schools are some of the factors that have attributed to the phenomenal increase in child labour. This speaks about the lack of administrative alacrity. Couple with this there is an absence of political will since no political party at any level is seriously obsessed with the issue and hence the problem of child labour goes unheeded and has become unabatable.

A study was made on 10 (ten) ‘pohar vidyalayas’ which were established at
Guwahati city for imparting education to child labourers numbering 126 through 10 selected centres. Its finding is a glaring example of absence of alacrity and sincerity of child labour law and scheme implementing agencies of the State Govt. These 10 centres of learning for child labourers established w.e.f. 4-7-98 found defunct 12 months after their establishment for want of corpus fund to be raised by the district administration, non-cooperation of employers/parents' of child labourers and absence of follow up action aught to have been taken up by the labour department.

8.5 Diseconomies and economies of child labour, the findings and appraisal thereupon:

While the working in childhood on the one hand is a social good and national gain, on the other hand it is a social evil and national waste. The evil and economics of child labour are paraphrased and analysed in tandem as under.

8.5.1 Diseconomies of child labour: The environment in which the child labourers work is conducive to harshness, crudity and roughness. These have made the child labourers susceptible to infection, diseases etc.

The rag-pickers of 7-12 years age are found almost susceptible to skin diseases. Hotel boys suffer from bronchitis; garage workers, auto-electrical workers found susceptible to eye diseases. Transport workers vulnerable to accident while they ply standing on the foot board of vehicle. Long duration of work ranging from 8 hours to 12 hours tell upon the health of child labourers (Table 6.2). Apart from retarding the physical growth, the child labour results into child abuse and juvenile crimes. 19.48 p.c of child labourers sheltered in Snehalayas by Childline and other
agencies are found abused, 7.79 p.c. are found as juvenile criminals (Table 6.7).

A striking diseconomy of child labour is the deprivation of education to children. Child labourers without education in rural and urban area estimated to be 11.32 p.c and 62.68 p.c respectively. Most of the child workers are of primary standard. The insidious effects of child labourers accrued in their later age in absence of education are the low-productivity, absence of versality and adaptability to different occupations.

Comparing to their strenuous labour the child labourers are in receipt of a very meagre wage which may be called another diseconomy of cheap child labour. Rag-pickers, vendors, transport workers on average receive Rs. 20-25 per-diem. Being engaged in hazardous activity such as stone-quarry, the child labourers receive only Rs. 30.00 per day. Restaurant worker, shop worker and domestic helper serving day and night with much abuse receive salary ranging from Rs. 3600 to Rs. 4200 per annum. Table 6.4 illustrates the wage pattern of child labourers.

The Factory Act, 1948, none-the-less, prohibits children below 14 years of age to work in factory and disallows to work for more than 5 hours per-diem, it is seen that child labourers of 12 years age working in hazardous enterprises for more than 8 hours, rag-pickers of 7-12 years of age are seen working for the day, vendors are seen vending for commission for the entire day. Transport workers, shop workers work on average for 9 hours, domestic helpers work for the whole day, thus the child labours have become the victim of employers’ exploitation so far working hour in concerned. This is infact another diseconomy of child labour exemplified
Having insidious influence on supply of labour due to adult unemployment, the child labour is seemed to be economically unsound. Child labourer sans education and vocational training remain unskilled and continue to receive low wage. 14.81 p.c of adults estimated to be unemployed at 15% level sample of total households of rural area (Table 5.2.3a). The adults with 174 average mandays work treated to be underemployed. 22.22 p.c. of parents on average work even for 117 mandays per annum.

Among other deleterious effects of child labour are the growth of low profile of children, victimisation of adults' exploitation, absence of docility, prone to hostility, scant respect of child labourers to the normal controls in social life, susceptibility to juvenile delinquency and prone to various child abuses etc. A survey conducted on the sheltered children of 4-14 years of age lodged in 4 houses (Snehalayas) of Guwahati exhibits the fact.

8.5.2 Economies of child labour, an appraisal of findings: Income from child labour is a supplementary source to family income. The landlessness of rural people (10.9 p.c of total families surveyed), insignificant size of holding (0.3 acre i.e 1 bigha in respect of households of marginal category) and the low per-capita per month expenditure amounting to Rs. 384.00 on average against Rs. 416.00 calculated to be the cut off point for poverty line (Table 5.2.1) of rural area in the district underlie the fact that people who are in rigour of poverty push the children to child servitude. A sizeable income i.e 20.91 p.c of total family income which is generated
by child labour is thus treated to be an economy of child servitude. Against the child workers' contribution to family the parent found contributed 51.54 p.c. and other household income estimated to be 27.54 of total family income as per survey (Table 5.2.2).

Tradition rules the roost in agrarian economy. A section of rural people are traditionally running household industries such as brassmithy (brassware) blacksmithy, goldsmithy, weaving and textile and other crafts on professional line. 13.65 p.c of rural families found engaged in these industries since yore and 22.80 p.c of child workers of rural area are absolutely absorbed in these industries and other parental occupations (Table 5.2.4 and 5.2.5/II respectively). The child initially helping their parent in the profession get enthused to it and picking up the art and craftsmanship of the trade absorbed finally in the occupation. The necessary corollary is, therefore, that in the emergence of child worker the traditional household industries and other sociological factors have played pivotal role. And it is the child labourers who in their turn have sustained these traditional household industries and crafts.

The juvenile crimes and teen-aged delinquency while considered to be the outcome of child labour, the child labour itself in certain cases found alleviating child delinquency faced by the parents arising out of school dropouts and non starters in the rural society specially. The out of school children turned out to be the child labourers in rural and urban areas whose p.c to total child workers estimated to be 11.32 and 62.68 respectively (Table 4.5.2 & 4.6.1), if remained unengaged would have obviously been delinquent and prone to juvenile crimes.
The child labourers before they become teens and adults are exposed to the realities of life. It helps them to make a living and choose their careers.

The migrant urban child labourers are the ray of hope to the indigent parents living below to the poverty line, none-the-less, they are exploited badly by the adults. Of the two categories of child labourers self employed and employed, the saving made by the latter is a significant one since this category of child labourers enjoy food, cloth and shelter including medical amenities freely while staying at employers’ house. The parents of those child labourers with prudence and foresight could reap the advantage of saving in buying land, the durable asset and construction of building etc. while the self employed child labourers (16.41 p.c) could save only 22.00 p.c to 23.00 p.c of their incomes, the employed child labourers (83.58 p.c.) are found saved more. The highest saving i.e. 92.85 p.c. estimated to be made by domestic servants of employed category of child labour (Table 6.12A & 6.12B). Thus, the income, saving and investment of absolute child labourers are found at significant level, the study reveals. These are the tangible effects of child labourers.

None-the-less these considerable concomitant virtues of child servitude found prevalent yet when all is said and done about it dispassionately the devilish character of child labour, a blemish to civilised society is discerned. The vices are such as the child labour is conducive to harshness, crudity and roughness, it retards physical growth, denies love and affection, human values and exposes to abuses and crimes, results insidious effects on supply of labour, adult unemployment and leads to low productivity, absence of versality, adaptability to different occupations in the long
run. The system of child servitude cannot be eradicated completely, it is true but efforts be made on all hands to control and regulate it.

In the subsequent analysis an appraisal of the efficacies of Govt.'s existing legal provisos, policy framework made to combat, control and regulate the child labour system is brought in paraphrasing the relevant suggestions thereon.

8.6 **An appraisal on the efficacies of legal enactments of child labour:**

The child servitude that retards physical growth of children causes moral deprivation and deprives the children of childhood education has been viewed with concern by all treating it to be a blot in the civilised society. To do away with or protect the child labourers from its deleterious effects some protective legislations and legal enactments have been made at national level in pre and post independence period.

Article 24 of Indian constitution debars the children below 14 years from working in factory or any other hazardous enterprises. Article 23 prohibits traffic in human being and forced-labour. Article 39 requires the state to ensure for child protection and care. Article 42 and 43 provide for securing just and humane conditions of work ensuring decent standard of life and full enjoyment of leisure. Article 45 makes provision for free and compulsory education for children till they complete 14 years of age. Based on these constitutional provisions a good number of legislative enactments providing legal protection to children of various occupations were made in the post independent era. But the efficacious implementation of these enactments are still opened to question.

All these Acts aim to provide care, protection, regulation of working conditions, maintenance of health, welfare, training, education and rehabilitation of neglected and delinquent children below 14 years of age and the young and adolescents ones who are beyond 14 years.

In most cases these laws, however, have not been enforced properly and hence these have ceased to be the laws like that of the rights wither away in absence of their proper defence. The inefficacies of the legal enactments in dealing with the child labourers in the state and the district as well are analysed as under.

The Factories Act, 1948, which prohibits the children below 14 years of age from working in factories and in other specified hazardous enterprises and also debars the ‘young’ and ‘adolescents’ to work except without fitness certificate has been misconstrued and implemented wrongly and ineffectively.

The study undertaken in urban area reveals the fact that the minor children in between 10-13 years of age are working in hazardous enterprises in unorganised and even in organised sector. 53.84 p.c of child workers in hazardous enterprises such as stone-quarry, steel fabrication and auto-electrical works are of 12 years age
in average (Table 4.4.1). Some of them are even below to 12 years in age. They are found working for 8 hours per-diem against stipulates 5 hours work as per Factories Act (Table 6.2). These indicate the ineffectiveness and inefficacious implementation of Factories Act, 1948.

The Motor transport workers Act, 1961, with amendment in 1986 which prohibits employment of children below 14 years in transport undertakings is another example of inefficacy of child labour Acts. 90.90 p.c of the child workers working in transport undertakings are in the age group of 12-13 years and they are working for more than 9 hours against the stipulated 6 hours of work on casual basis with nominal daily wage (Tables 4.4 & 6.2).

The Apprentices Act, 1961 provides the scope for apprenticeship to minor if his guardian enter into the contract with the employer for that matter. These provisos are mostly unknown to the occupiers and the parents. The child having education and physical fitness certificates can work as apprentices as per contractual agreement. But the travesty of the fact that none of the child labourers working as apprentices in steel fabrication, auto-electrical works, garage etc. are with required education and working as per contractual agreement hence the inefficacy of the Act is discerned.

The Bonded labour system (abolition) Act 1976, which prohibits forced-labour and advance payment to parent for pledging the labour of children to employer is still in prevalence (Table 6.4) and the district and village vigilance committees contrived to prevent it are found non-existent. In rural area child labourers found working to clear off parental debt.
The 'Assam shops and establishments Act, 1948' and the subsequent Act and the rules thereon in 1971 which prohibit the employment of child below 14 years in shops and commercial establishments for public entertainment and amusement has the coverage in the areas under municipalities, town and urban, semi-urban areas as notified by the Govt of Assam vide no GLR 365/88/67 dt. 18.12.93. The provisos of the Act allow the child to work as apprentices for stipulated hours. The survey, however, reveals situations that are repugnant to the provisos. The child labourers almost all of them are working as paid labourers for more than stipulated hours of work (Table 6.2). They are, further, below the specified age. These are the indicators of ineffectiveness as well as inefficacies of child labour enactments made so far to deal with the problems of child labour in the area under study.

8.7 Policy framework for regulation, control and alleviation of the problem of child labour, suggestions thereof:

At national and state level various legal provisos and policies within the framework of the constitution have been adopted time to time to control, regulate and even ban the deleterious child servitude system. A close scrutiny on these legal provisions policies and measures, however, bring forth the fact that either these provisions, policies and measures are found with legal loopholes and inherent intricacies or these are inadequate in their coverage. The analysis on these aspects are brought in as under.

8.7.1 Inadequate legal coverage, the way out: The Govt enacted rules, regulation, legal provisos and other proactive policies consistently followed and developmental
measures taken up at different levels with the sole aim to tackle child labour situations arising in organised sector only. The problems of child labour of unorganised and informal sector which are pervasive by nature remain unaddressed and uncared to.

Considering the inadequacy of legal enactments to deal with the problems of child labourers such as domestic servants both in urban and trivial businesses, vendors, rag-pickers, runout children and other street children that loom large and engage in menial work and begging, the latter one carried on under the aegis of some agents, the appropriate statutory provisions to cover these categories of child labourers of unorganised sector may be considered by the Govts at national and state level. The proposed enactments should be to regulate and control the child labourers and desist the employers from doing oppression, exploitation and other child abuses and to devise beneficial measurers for the wretched children and their families.

Despite volley of constitutional directives and legal enactments made at the state and national level to control, regulate and even ban some forms of child labourers, the entry of under-aged children to certain avocations inclusive of hazardous ones that are unsuited to their ages go unabated, the study indicates. Effective steps as such may be taken to do away with the operational hollowness of the acts. The ineffective supervising machinery be tightened, the network of labour inspection and bureaucratic alacrity should be intensified and strengthened. To gear up the operational machinery a political zeal is a priority. It is the political benediction that might help alleviated the pernicious malaise of child labour by bringing welfare...
measures for the affected circle.

8.7.2 Occupations under banned categories and injurious operations - extension thereof:

The ILO is categorical in the abolition of certain worst forms of child labour. The Govts at different levels, further can enact laws prohibiting certain activities such child servitude arising out of debt bondage, forced and compulsory labour, children entrapped in sex work, street begging (done through agents), children mainly the minor girls engaged in certain religious institutions for dance and prayer purpose etc. The latter one found prevalent in the undivided Kamrup (Hajo and Dubi). The child engaged as ‘Devadasy’ has socially been abolished, but the ‘Akumari puja’ still prevailing in the ‘devalayas’ and temples. The underaged girls’ (Akumari) are engaged for performance of certain rites against money and at the cost of their childhood education.

The child labour Act, 1986 in schedule part A and part B has prohibited certain occupations and processings treating them to be hazardous and injurious. The Act, further, may be amended to include some more child activities attached with stone crushing and stone quarry, demolition and construction of any types of buildings and bridges, transport undertakings in which the child labourers usually plying on foot board of vehicles calling the passengers to get boarded. All those type of works are found to be accident prone and injurious.

8.7.3 Age limit for child labour: To do away with the problem of certification in regard to the age for proving minor, young and adult children etc. and the ineffective supervision for detection of child workers, it is better, if the minimum age limit for
working children is raised upto 16 years i.e the minimum age determined for high school living certificate examination course in this state and others. This would also ensure the implementation of ILO's convention on the rights of the child, 1989 for complete eradication of child labour practices.

8.7.4 **Govt’s policy on free and compulsory education**: Article 45 of constitution which lays emphasis on free and compulsory education to children upto 14 years of age, and the Apex court's observation that 'the right to education flows directly from the right to life' can have meaningful implications provided the free and compulsory education limit to children is extended upto 16 years of age to corroborate the culmination span of certificate examination course in high school. This would avoid the problem of drop-outs, problems of education and illiteracy subsequently in adult age apart from reducing the magnitude of child labour. The compulsory primary education underlie the fact that learning is primary to children and not the work. The combined learning with work experience giving priority to vocational education may be considered for child labourers beyond 14 years.

This would, indirectly lead to control the population pressure limiting the number of siblings and it might be a good strategy for family planning too.

8.7.5 **Schemes undertaken by central Govt to combat child labour, its coverage**:

As per national policy on child labour of 1987 nine project-based plan of actions were started in areas of high concentration of child labour. Further, in 1994, national child labour projects (NCLP) were launched with the components such as non-formal education for functional literacy to the children withdrawn from work,
supplementary nutrition through mid-day meals, skill impartation for income and employment generation, stepping up enforcement of child labour laws etc. subsequently National Authority on Elimination of child labour (NAECL) was setup in 1994. By 1995-96 seventy six NCLPS including 12 other projects sanctioned earlier, had been launched.

The NAECL was setup to look into the violation of provisos of child labour Acts in regard to the working condition, wage rate and health care, adoption of devt programmes for the child labour, their families and undertake projects in various parts for elimination of child labour.

In evaluation of all the schemes, specially the national child labour project scheme and NAECL by different institutions of national importance it has been observed that the coverage of the scheme is inadequate. Opening of new branches as such, atleast in Assam which remain uncovered yet, considered necessary. The insufficient involvement of NGOs with credence and the panchayat is noticed. Most of the project societies of the districts appear to have failed to sensitize the public and generate awareness amongst them against the child labour problem in the society and hence the role of panchyat and NGOs is pivotal in this regard.

In Assam, the NGOs like Gyan-Bigyan Sammittee, Assam Science Society, State Resource Centre (SRC), Jana Sikshan Sansthan (JSS) and ICCW (the Indian Council for Child Welfare, Assam Branch) also the women's studies centre of G.U having been actively involved in education of elementary standard and other socio-economic activities can definitely be involved in sensitizing the society and raising
awareness among the public as to the ill effects of child labour.

8.7.6 State Govt, N.G.O & V.O, their role to control, rehabilitate and eliminate child labour, suggestion thereof:

In point of enforcement of central Govt’s statutory laws and Acts including state’s own enactments the state is not lagging behind but the study evinces the fact that there is operational and implementation gap due to inadequate network of inspecting machinery and ineffective supervision of labour department and administrative machinery. This apart there is inadequacy of laws covering vivid aspects of child labour specially in unorganised and informal sectors. The suggestions put forwarded in this regard at clause 8.7 need perhaps no reiteration here.

To rehabilitate and eliminate the growing child labour, the state Govt and its different agencies have taken up certain schemes launched by the central Govt. Some of these schemes indirectly or directly aim at eliminating and solving the problem of child labour. These are mainly the poverty elimination schemes and child labour rehabilitation projects. The survey that made a detail study of the schemes and projects has brought to fore meanwhile some of its inefficacies at relevant paragraphs in clause 8.7 of chapter 8 and clause 5.2.1 of chapter 5. However, an attempt is made here only for overseeing and paraphrasing the fact and to put forward suggestions as remedial measures.

The national schemes/programmes such as SGSY, JGSY, SGRY and PMGY and NSAP etc which aim at alleviation of poverty in rural area would have considerably controlled and eliminated the child labour had these been effectively implemented. The state Govt’s financial stringency, lack-lustre attitude and diversion of scheme
fund etc. have made these scheme almost defunct. 38.88 p.c of surveyed households and 36.26 p.c of rural people remaining below to poverty line compelled some of the unemployed adults and children to move out of their habitats in search of income avenues in urban and semi-urban areas. The latter situation has further been accentuated due to non-transformation of rural economy, landlessness (0.3 acre holding marginal farmers), lack of occupational, agricultural diversification and gainful employment (only 174 mandays) for head of household and adults.

To alleviate this distressful condition of poverty-stricken rural people who found pledged the labour of their children to employers on economic reason, the State Govt, it is suggested, may consider to launch some poverty elimination programmes to generate self-employment opportunities for rural people through investment made in trivial business and cottage and household industries etc out of the grants to be given to them by the Govt. The State Govt may also create opportunities for rural unemployed youth launching pro-poor and pro-growth programmes through DRDA and other developmental agencies operating in rural area ensuring at least 100 mandays of work per annum. These measures, it is believed, would prevent the occurrence of child labour than to cure it through legal enactments.

The State Govt. and other agencies have taken up certain programmes for rehabilitation of child labourers. But the study conducted on the working of the programmes exposes their intricacies and inefficacies on many scores. The Assam sarba siksha abhijan mission (Assam) launched a scheme for achieving universalisation of elementary education (UEE) ever since 2001 aiming at 100 p.c
enrolment of school going children and mainstreaming the school drop-outs. As per the scheme new schools started, teachers recruited, infrastructural facilities for additional enrolment of students were provided to existing institutions. The study as to the performance of the scheme during last 3 years, however, evince an aghast picture. In the district and the state as a whole the p.c of out of school children in the age group 6-14 years appear to be 18.65 and 25.26 respectively (Annexure-VI). The p.c drop-outs in the district and state figure 2.69 and 4.97 respectively. For mainstreaming drop-outs Education guarantee schemes opened only in 14 districts till the end of 2003. The non-starter/out of school children and drop-outs still loom large only to fall back on employers prey as child labourers.

The Prabhati kiran programme for children of 6-14 years old launched by SSA has failed to attract out of school children and child labourers for the reason that classes are held irregularly and at a time in which child labourers are at work. Siksha Sarathi (teachers) are getting meagre and irregular remuneration and hence reluctant to work. Mid-day meals hardly provided. Lastly, the State govt’s financial stringency affected the working of SSA.

To unearth the actual picture of street children, out of school children, drop-outs and child labour, a complete and exhaustive survey unlike ‘Alokar Jatra’, hurriedly done by SSA, is considered necessary. ‘Prabhati kiran programme’ to make it full proof and effective should arrange teaching learning programme for child labourers in convenient time when they are off the engagement. The rigidity in time table as such be removed. Regular payment to Siksha Sarathi and mid-day
meal upto elementary level school children should be considered. State Govt should provide fund to bail out SSA suffering from financial crunch.

The District administration of Kamrup through 7 N.G.Os run 10 educational centres named as Pohar which enrolled 126 child labourers since middle of 1998. The aim was to make the illiterate child labourers literate and mainstream them in formal education. The project run for 1 year since 1998 and found defunct thereafter for the reasons of inadequate corpus fund, non-cooperation of employers, poor attendance of child labourers, absence of follow up action of labour inspectors, instructional problem (medium), non-provision of uniform, unhelpful attitude of parent etc.

To make the institutions functional Govt may provide fund raising it from corporate sector. NGO & V.O should work hand in hand with Govt and play active role to erase the blot of child servitude from the society.

The Indian council for child welfare (ICCW), Assam State Branch, a national level voluntary organisation established at Guwahati in 1967 is working through 15 district branches with the sole aim of taking care of street and destitute children and orphans etc. Its activities interalia include provision for education to child labourers, vocational training for rehabilitation and other welfare measures to the distressed children and the victims of child abuse. It has 6 centres and 5 schools (pohar) in the district under study. An unbiased overseeing of the working of ICCW help us to suggest that the ICCW should put more emphasis on rehabilitation aspect of child labourers through different vocational and skill development training programmes.
It should provide functionally effective alternative schooling facilities and non- 
formal education in-lieu of formal education to child labourers. The functional 
education is more important than the literary one. The open schooling system 
preponderating with vocational scheme is considered necessary.

In mobilizing all efforts of V.Os and N.G.Os and to tackle the problem of 
child labour the State Govt is expected to play a catalytic role. Realising child 
labour problem not only as a socio-economic one but as also a problem with strong 
human dimension, a holistic and integrated approach to alleviate it is considered 
essential. Concerted and sustained efforts as well as appropriate interventions by 
state and V.Os, N.G.Os are necessary. The state in its bid to control, regulate and 
eradicate child labourers may set up a task force judging the problem from humanistic 
angle.

Given the existing conditions of rural society where the poverty rules the 
roost, total prohibition and elimination of child labour is very difficult if not 
impossible, but the appropriate rehabilitation measures by different agencies 
including the govt may obviously alleviate the magnitude of the problem, it is true. 
In this regard, multi-dimensional strategies that provide access to educational 
opportunities to children/child labourers, integrated child development, income 
generating opportunities, avenues for gainful employment for poverty stricken rural 
families, eradication of parental illiteracy etc. may eventually alleviate the problem 
of child labour.

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