CHAPTER - II

REVIEW
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2.1. PRELUDE:

In the previous chapter description was made about the meaning of child labour and its development from ancient to modern times. Discussion was also made about the different acts, and legal provisions of the Indian Government for the rehabilitation and relief of child labourers or working children in different times. It also represented present position of child labour in Assam and Guwahati, the capital city of Assam. In this connection, the industrial scenario of Assam was also presented in which the part played by the child labour mainly in the unorganised sectors was highlighted. In the present chapter a review of various literatures available on child labour, from the concept of the problem to its development from ancient to modern times has been presented.

2.2. AVAILABILITY OF LITERATURE ON CHILD LABOUR:

During the past few decades, many studies have been done on child labour in India showing the children as merely ‘capital assets’ and they are important in productive process. When they should be nurtured like a flower, protected from negligence, exploitation and abuse they are used as a cheap commodity. Instead of giving them food, cloth, shelter and education we are giving them a small penny at the end of their whole day’s contribution with their little hands.

Before Independence, no remarkable literature was available on child labour in India. Unlike in America and England, in India there is no remarkable children literature on the issue of child’s negligence or exploitation. In this respect, views of different writers can be given -
Dr. Nidhi Singha in her book 'Child Labour in Indian Silk Industry' (1994) said the following lines - "naturally, therefore, there is scarcity of published materials on the issue of child labour in India until the call came from UNICEF under the aegis of UNO. England and America had produced literature of great merit on the distressed children of the soil, but India had made no such effort, nor the developing countries too."

The late Tara Ali Baig in her article 'The Inhumanity of Child Labour' in the book 'Child Labour Multi Dimensional Problem' (1993) said, "But in the 20th century we have no Dickens in India, though many writers have done a great deal in recent years to create public awareness of the pitiful conditions in which millions of our poorest children work."

Child labour, though is a global phenomenon from historical times it did not attract any real investigation or research work by Government or non-Government organisations in early days. In this connection Dr. Sunit Gupta and Dr. Mukta Mittal in the article 'In Search of Lost Childhood' (1995) mention that "the problem of child labour, in recent years has caught the attention of the researchers, social workers, media personalities, courts and of course the Governments. It is a global phenomenon from historical times. The practice of employment of children inspite of its adverse effects on the society has generated hardly any interest to study and understand its genesis and process. It was only from the year 1979 which was declared as the International Year of the Child by the United Nations that the magnitude and dimensions of this problem have been in the line light."

When there is dearth of children literature on this issue in India, English literature and American literature produced a large number of novels, prose and poetry on exploitation of working children. 'David Copperfield', 'Great Expectations' and 'Oliver Twist' of Charles Dickens are nothing but the best example of social injustice and exploitation of poor working children of England. The incident of 'David Copperfield' of Charles Dickens was based on his own life who as a small boy had to go to the blacking factory when his
father was in the prison for debt. And 'Oliver Twist' of Charles Dickens was also an attack on workhouse management. Dr. Nidhi Sinha says in her book 'Child Labour in Indian Silk Industry' (1994) . . . . . "Earlier Charles Dickens had raised his voice against social injustice meted out to poor children. No novelist before Dickens had treated the lower middle classes on such broad lines or in so frank a way. He had created on 'immediate community' or 'instinctive fraternity' with those quivering images of anguish and soul debasing poverty and the result was a David Copperfield, Great Expectations or Oliver Twist. In America likewise, Mark Twain gave to the world, horrendous figures of masters and the timid lamb-like children working in sun and rain under cruel lashes, in Tom Sawyer, Huckleberry Finn and others. If Dickens observed, felt and created characters as antithesis of the promises of Industrial Revolution and monopolistic opulence, Mark Twain saw the cruel and ignominious features of Negro Slave Trade rampant in America. Dickens workhouse chapters remain singularly impressive. Mark Twain's children, fugitive, hungry and bonded are 'economic' boys and economic issues of American life that were preposterous during the settlement days."

2. 3. CONCEPT OF CHILD LABOUR:

Regarding the concept of 'Child labour' different opinions and definitions can be found. Also different terms like 'Working Child', 'Employed Child', 'Child Worker', 'Child Labour', etc., are used by different persons in this connection. However, child labour is defined variedly on following lines -

Rajni Kanta Das's ('Child Labour in India', ILO, 1934) definition of the term 'child labour' refers to an economic practice and attendant social evil. Child Labour as an economic practice signifies employment in gainful occupations and a material contribution to the labour income of the family; only an age-line differentiates it from adult labour.
According to Encyclopaedia of Britannica, Child Labour can be defined as "employment of children under a specific legal age."

The Federal Children's Bureau (1968) has defined 'Child Labour' in the following manner - "The employment of young persons is a social problem whenever and wherever it deprives them of the opportunity for normal development. If children go to work too soon or work under unfavourable conditions, the result is harmful not only to the individual but also to society.

... The problem should be visualised as a changing one, which lessens as higher standards are adopted, regulations improved, and employment restricted, but which increases as new light is shed upon the effects of industrial work on growing boys and girls."

According to V.V. Giri, former President of India, the term 'Child Labour' is commonly interpreted in two different ways: first as an economic practice, and secondly as social evil.

Again, the Gurupadaswamy Report of the Committee of Child Labour, 1979, defined child labour as distinguished from work experience has mostly negative attributes. Work when taken up as a means for the fulfillment of some other needs, becomes enslaving in character and deleterious in its impact. Labour in case of the child is especially harmful because the energy that should have been expended on the nurturing of his latent powers is consumed for purposes of bare survival.

Another more comprehensive definition, taking into account the consequences of labour on children has been provided by the International Labour Organisation (1983) according to which:

"Child labour includes children prematurely leading adult lives working long hours for few wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful educational and training opportunities that could open up for them a better future."
Child Labour Prohibition and Regulation Act of 1986 define child labour as “employment of children up to the age of 14 years and in case of hazardous employments up to 18 years is child labour.”

According to the New Standard Encyclopaedia, Volume Four (1988) “child labour” can be defined as “The employment of children for economic gain. The term is most commonly used to mean the employment of minors at the expense of their health, education, or well-being.”

Again Grolier Academic Encyclopaedia (1983) define child labour in the following terms - “child labour is the employment of children under the age of physical maturity in jobs requiring long hours ......”

Dr. Gurusharan Varandani’s book ‘Child Labour and Women Workers’ (1994) mentions that, - “according to Walter Fernandes ‘Child Labour’ is an ‘intolerable evil’ or a ‘harsh reality’ or a multipronged serious problem effecting the lives of an extremely large number of children in an undeveloped country.”

2.4. NATURE OF THE PROBLEM IN INDIA:

(a) IN ANCIENT INDIA -

In India the exploitation in case of children was not same as at present. The form of employment of children in the past was either in the form of slavery or in the form of helpers. Of course, references can be found employing them as learners or helpers of family of adult members. Different writers have given different views on this issue -

According to the report of the Government of India, Ministry of Labour, 1954, “From the earliest times, children were required to perform some duty in the home or in the field. In ancient times agricultural and industrial workers of servile status formed the bulk of population everywhere and their
children were put to arduous work in the house and in the field at an early age.

P.L. Mehta and S.S. Jaswal (1996) in their text book 'Child Labour and Law' say that, "As regard to child labour in ancient India, it can be said that it existed in the form of child slaves. Child slaves could be purchased or sold like commodities. While dealing with slavery Kautilya stated that the purchase or sale of children as slaves was not forbidden amongst the Michele for they were backward and savage but an Aryan child could, in no case be allowed to remain as slave."

J.C. Kuishrestha in his book 'Child Labour in India' (1978) says that - "As regards child labour in ancient India, it can be said that it existed in the form of child slaves. The children of less than 8 years were purchased as slaves like articles of trade for doing low and dishonourable work. Children of slaves took birth as slaves, lived and died as slaves unless the master liked to release them for slavery . . . ."

P. Lakshapathi in her article, 'The Plight of Working Children in India' also says that "Employment of Children of India, in the form of slavery was mentioned even in Kautilya's Arthashastra of 3rd century B.C. It describes the existence of domestic slavery in many prosperous households where the slaves were normally from low castes. Child slaves of less than eight years of age were known working in many noble houses."

S.N. Tripathy (1991) in his book, 'Exploitation of Child Labour in Tribal India' also describe about the existence of the child labour in ancient India on the same line as was described by the above writer.

(b) IN MEDIEVAL PERIOD -

During medieval period also references can be given about the child labourers. Mainly in the rural agricultural sector children were used either by the parents as helpers or by their landlord as bonded labourers. Of course
under Mughal ruler poor children were used by them as cheap commodity or slave in the labour market.

In this regard, the report of Government of India, Ministry of Labour, 1954 mentions, "In the guild system of the medieval times children were apprenticed to their parent's crafts. Even today children are required to assist their parents in agriculture and other farm work."

J.C. Kulshrestha in his book, 'Child Labour in India' (1978) says that - “In the medieval period children were put as trainees under their parents to learn their craft. This tradition is also noticed now a days. Children do the agriculture or other farm work to help their parents.”

P.L. Mehta and S.S. Jaswal in their book 'Child Labour and the Law', 1996 also says in this way - "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 land owners. These labourers used their children to help in their economic activities .....” Again they write, “Under the Mughal a labour had no free will of his own. There was difference between him and the commodities he produced. When ordered to move, he must move, and when ordered to stay he must stay. As to the work he might be called upon to do, whatsoever the nature of the work might be, he had to do it. Remuneration was on the good old principle of giving as much to the labourer as would enable him to do the work and to keep him alive. It may be thought that condition of labour were no better than slavery . . . .” Again, it will be best to mention the following lines where Mehta and Jaswal says, “To sum up, child labour in medieval India remained in existence on a large scale and even the rulers encourage it with an intention to make only traffic in child slaves. The child labour was found in the form of child slavery and rulers did not endeavour to weed out this practice and hence the result was that child was always exploited for this selfish ends."
Modern period started with some new changes. With the advent of industrialisation, capitalism brought a total new shape in the life of the general people and in their society. It also affected the fate of working children. Following are the views given by different writers in this respect -

Elias Mandelievitt (1979) says, “this conception, however underwent a dynamic change with the advent of capitalism in the industrialisation during the 18th century and child labour began to be designated as a social problem.”

Musafir Sing, V.D. Kaura and S.A. Khan in their book 'Working children in Bombay - a Study' (1980), say that, “The industrial revolution in the west generated such demands for manpower to handle a wide variety of jobs that even children had to be pressed into service. Contemporary writings reveal under what atrocious conditions these children had to work and how mercilessly they were exploited.”

In this regard Jose Verghese (1989) says that, “Another sociological factor accentuating the visibility of the problematic aspect of child labour was the emergence of welfare consciousness on a global scale. The industrial revolution in the west generated such vast demands for manpower to handle a wide variety of jobs that even children to be pressed into service. Contemporary writings reveal what atrocious conditions they had to work in coal mines and textile mills.”

Again, in Grolier Academic Encyclopaedia published by Grolier International, (1983) we found that - “the Industrial Revolution had brought number of young children into mines and factories where they worked long hours in dangerous and filthy condition. Children had worked hard long before that time, however, in agriculture and in shops where they worked for their parents.”
K.V. Padmakumari in her article 'Child Labour, its Nature and Extent of Exploitation' also says - "Historically, the economic practice of child labour signifying material contribution to the labour economy of the family dates back to the industrial revolution when the child was removed from home field and village and placed in the factory. Since then, the demand of industry for cheap labour has grown so rapidly and the poverty of the masses become so acute that the tendency to exploit child labour increased in unprecedented manner. As a result large number of children began to be employed in organised industries at a cheaper rate ...."

According to S.N. Tripathy (1991), following lines can be given which are - "Child Labour - The product of Indebtedness and Industrialisation. The economic practice of Child labour in India, dates back to the Industrial Revolution of the country. Since then the demand of Industry for cheap labour grow 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 establishment in large number."

2.5. MAGNITUDE AND SPREAD OF THE PRESENT PROBLEM - CHILD LABOUR:

Child labour is not a new problem, it existed from early days. It is also not a problem of few countries of the world. It exists almost in every country of the world, however with varied magnitude. Various estimates and reports indicate that number of child labour on increase worldwide.

International Labour Organisation (ILO) estimated the number of children at work as 52 million in 1979 and 88 million in 1980. In 1982 United Nations came up with a report which gave the figures of 140 million working children between the ages of 10 and 14 years. The report VI(1) ‘Child Labour Targeting the Intolerable’ of ILO (1996) writes - "... in the developing countries alone there are atleast 120 million children between the age of 5 and
14 who are fully at work, and more than twice as many (or about 250 million) of those for whom work is a secondary activity are included. Of these 61 percent are found in Asia, 32 percent in Africa and 7 percent in Latin America."

Again according to a report 'Child labour on the Increase Worldwide' published in the Times of India, 30th December, 1996 (p.10) - "The UNICEF's data indicate that in the UK, between 15 and 26 percent of 11 year olds and between 36 and 66 percent of 15 year olds are working. Similarly in the US, growing numbers of children belonging to the ethnic minority or migrant groups are being employed in the agricultural sector and in the garment industry."

The report also said that "increase of children in the labour force can be gauged from the fact that a study by the US General Accounting Office has shown a 250 percent increase in child labour violation between 1983 and 1990. The growth of the service sector and the quest for a more flexible workforce in the industrialised countries have contributed to the rise in child labour."

The same report further said, "Child labour has increased substantially in Central and Eastern Europe and the Russian Federation. In Latin America, one child in five is working. In Africa, one in three children worldwide who are forced to seek employment. Figures range from 75 to 300 million. In India alone it is estimated that there are over 140 million children in the workforce."

It is already clear that the child labour problem is not a problem of only poor countries. The Tribune, 27th December, 1996 (p.15) reported - "The assumption that 'child labour only happens in the poor world is a myth' as the percentage of children working in industrialised countries is surprisingly high says the latest UNICEF report on the state of the world's children."

"Industrialised nations tend to see themselves as having completely eradicated the harsher form of child labour and thus preach that
poorer countries should follow their example. Yet hazardous forms of child labour can be found in most rich countries,” the same report commented.

In the same context author S.N. Tripathy (1991) in his book 'Exploitation of Child Labour in Tribal India', 1991 writes, “Child labour is not the domain of the developing countries alone though they constitute about 78 percent of all such force. Child labour is also prevalent in United Kingdom where more than one million under age school children work illegally. Even in the USA, nearly 800,000 children between 8 - 15 years of age forced to work for long hours for a pittance. In Italy, there are more than 500,000 child labourers working in 911 branches of industry, though this is illegal. In Spain, there are nearly 200,000 child labourers most of them in dye houses and mining industries on the average working for 10 or more hours a day. Even a small country like Bangladesh has a child labour force of 50,000 which comes to more than 22 percent of their country's child population. During 1979 it was brought to light that, 8000 children were involved in organised prostitution in France, millions of children in the cities of Brazil estimated to have been abandoned by their families. The ILO study further, points out that the world's army of working children under 15 years of age has reached the size of about the entire population of France or Great Britain. Millions of children work without pay in family enterprises and particularly family agricultural plots and as wage earners in small workshops in factories. Even in the currently prosperous economies of Taiwan and South Korea thousands of young girls are engaged in the manufacture of fabrics and electronic goods, working nearly 14 hours a day.”

Again the following lines of Grolier Academy Encyclopaedia published by Grolier International, 1983 also says that - “The exploitation of children was one of the scandals of the 19th century. The novelist Charles Dickens and socialist Karl Marx were among those who helped to arouse public opinion against it ......”

From the report of the Government of India, Ministry of Labour 1954, the exploitation of working children of England as well as the nature and
condition of their work can be known. The following lines of this report were: The evil effect of children's work was brought into prominence during the Industrial Revolution in England. The cotton factories established in Lancashire and Yorkshire towards the close of the 18th century were worked largely by pauper children from London and other towns and the atrocities visited on these boys and girls housed in horribly overcrowded and insanitary dormitories and literally driven to death in the mills form one of the darkest chapters in the history of childhood. The pauper apprentices were but a temporary expedient owing to the fact that the early factories were set up in the country near waterfalls and labour had to be imported. With the advent of steam power, factories were set up in towns and on coalfields and they hired children who lived with their parents. The condition of children's work in factories was very trying. There was the heated atmosphere, often 80 to 85 degrees, and there was an enormous amount of dust. The hours worked were from 12 to 14 and the children were all the time on their feet.

Like England and America, in France, Germany and Belgium also, the evil of child labour has existed. The report of Government of India, Ministry of Labour, 1954 said - "Not only in England but in other countries also, in France, in Germany and Belgium and even in the USA during the early days of industrialisation, the social evils of child labour became evident and were combated by progressive labour legislation."

2.6. INTERNATIONAL AND NATIONAL LAW FOR CHILD LABOUR:

International Labour Organisation (ILO) and United Nations Organisation (UNO), the two international agencies from the very beginning called for the protection and welfare of working children and also for eventual abolition of child labour. The adoption and supervision of international convention and recommendations is one of the important tools available to the ILO for combating child labour problem. Moreover, several international labour standards have also been adopted for prohibition and protection of
child labour in different sectors and under different conditions. There is also strong instruments of the United Nations like recent United Nations Convention on the Rights of the Child to prohibit child labour.

Regarding the ILO Convention and Recommendations, 'The Report VI(I) - Child Labour Targeting the Intolerable,' published by International Labour Office, Geneva, 1996 mention the following lines -

"ILO Convention and Recommendations - The ILO adopted its first convention on child labour in 1919, the year of its foundation. The Minimum Age (Industry) Convention, 1919 (No. 5), prohibits the work of children under the age of 14 in industrial establishments. Subsequently, nine sectoral Conventions or the minimum age admission to employment were adopted applying to industry, agriculture, trimmers and stokers, maritime work, non-industrial employment, fishing and underground work. Numerous other ILO standards contain provision setting minimum ages for various activities."

There are some other international agreements also for elimination of child labour and protection of children who work. In this regard A. Bequele and W. Myers (1995) mention the following lines - "... some of these agreements are of long standing, such as various International Labour Organisation (ILO) Conventions concerning the workplace protection of children, some of which date back to the founding of the ILO in 1919. The ILO's minimum age Convention, 1973 (No. 138), is the cornerstone of current international child labour law. Others are very new; they include the convention on the Rights of the Child (1989) and the World Declaration on the Survival, Protection and Development of Children (1990). While they differ in focus and detail, they uniformly underline the importance of protecting children against the hazards of inappropriate employment."

Again, for some other major international treaties 'CHILD LABOUR targeting the intolerable published by International Labour Office, Geneva 1996 mentions - "The other major international instruments relevant to child labour include the International covenant on Economic, Social and Cultural
Rights (entry into force: 3rd January, 1976, 33 ratifications), some of whose provision relate to compulsory free primary education, the International covenant on Civil and Political Rights (entry into force: 23rd March, 1976, 132 ratifications) which deals with the prohibition of slavery, servitude and forced or compulsory labour and the protection of minors, the supplementary convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (entry into force: 30th April, 1957, 114 ratifications) which refers to debt bondage of children, and the convention for the Suppression of Traffic in Persons and of Exploitation of the Prostitution of others (entry into force: 25th July, 1951, 70 ratifications).”

The focus of action in national legislation is not same for different countries or nations. So, in national law and practice there is considerable variety in the restrictions on employment of children. However, almost all countries of the world have adopted various legislative measures in line with conventions and recommendations of International Labour Organisation in general. Similarly India has also regulated and reviewed her labour laws in the line of the international standards. Here, Swapan Kumar Singha (1991) in ‘Child Labour’ in Calcutta said that - “Since the very initiation of the ILO, India has retained her active membership to regulate her labour laws in the line of the international standard. Indian laws relating to child workers have been influenced by the standard laid down in International Labour Code ....”

For justice people look to the laws, if they can help. In India laws have been promulgated time to time to save children from evils of child labour, their exploitation and misuse and some of these even dates back to pre-independence period. But Dr. Nidhi Singha in her book "Child Labour in Indian Silk Industry," 1994 observed, “But when 88.80 % of parents confess their ignorance of such beneficial laws, then woe betide them : to save their children is difficult. An ignorant mass lives taking everything as providence's decree. Yet those who are at the helm of affairs should bring awareness of
legal measures at the doors of the unenlightened people whether they live in villages or in cities."

2.7. CHILD LABOUR IN INDIA - PRESENT SCENARIO:

India is a developing country where 25.49% population are living below poverty line (according to 'statistics on children in India, 1996 published by NIPCCD, New Delhi, 1996) and its economy is agriculture based. Bulk of the population of India live in rural areas. As per census of India, 1991 population of India was 836.6 million of which 74.26% were rural people and 25.74% were urban people. Percentage growth rate between 1981-91 was 18.27% for rural population and 34.82% percent in case of the urban population. The unmatched growth rate of urban and rural population indicates rapid urbanisation and large migration of rural people to urban area of India. Today Indian cities and towns are experiencing tremendous pressures from these migration and are witnessing creation of some slum and shanty areas which are polluting the environment. Rajendra Pandey in his book 'Street Children of India - A Situational Analysis', 1991 says - "The process of urbanisation, though common to all countries is very rapid in developing world, throughout most of history people have migrated from rural areas to city largely in response to opportunities in the letter. Today, urbanisation in poor countries results much from uncontrolled population growth and declining opportunities in overpopulated rural areas. Urban pull has been replaced by rural push to a large extent which symptomatic of the frustration of the people." Thus the poor people in cities are the real victim who has been hit hard by ill effect of this rapid urbanisation and so are their children also.

Child labour is now recognised as a burning global problem. So, not only in the international level, but in the national level also the change in attitude of Government has led to some remarkable changes in taking legal policy and perspectives and also technical corporation projected by the ILO and other international agencies. Thus many governments including Indian
Government have now reviewed their plan policies and legislation on child labour and are trying to give them a practical shape.

Today in India, children are found working in almost all sectors of urban and rural economies. They are also not confined to some places or states. They are found in all states of the country, however in varying magnitude.

Numbers of child labourers in India estimated by various agencies are available though numbers arrived at by these agencies shows wide variations. Swapan Kr. Singha in his book "Child Labour in Calcutta" 1991 wrote, "According to the Planning Commission the estimated child labour was 17.36 million in the year 1983. According to National Sample Survey the total child labour was 17.6 million. In the year 1987, the All India Trade Union Congress claimed that India has the highest number of working children who exceeded a little over 10 crores. Operational Research Group of Baroda puts the figure at 44.0 million based on a survey in 1980-81. Generally we have to depend on Census figure of 1981 which puts the figure at 13.59 million, though it does not include domestic child workers and child prostitutes."

The 1981 census of India points out that about 91.2 percent of total child labour lived in rural areas and rest in urban areas. It also tells us that about 42.7% of the total child labour in India were engaged in agriculture and allied services.

In India child labourers are mostly found in unorganised sectors. The National Commission on Labour (1989) comments in its report - "Our evidence reveals that employment of children is almost non-existence in organised industries. It persist in varying degrees in the unorganised sectors such as, small plantations, restaurants and hotels, cotton ginning and weaving, stone breaking, brick-klin, handicraft and road building."

"More than 20 percent of the country's GNP comes from child labour" according to a article written by Rita Panicker, published in the 'Times
of India,' 22nd December, 1996. The report further said, "But it is more worse as in the actual field the above estimate does not cover all child labourers, as some are still hidden from the view and are most exploited and neglected one. They are generally domestic helpers, rural labourers, rag pickers, etc., and other working in the urban informal sectors."

Again Rashme Sehgal in the 'Times of India,' 20th December, 1996 said, "The majority of working children is in the agricultural sector, as domestic servants in households, in garbage collecting or rag picking. Only five percent is employed in export industries perceived as the most visible face of child labour."

The news item published in the 'Tribune' dated 18th November 1996 also stated that, "The lakhs of primary school-age boys and girls working under humiliating and often cruel circumstances in households as "mundus" of "babus" and the thousands being kept in virtual captivity in sub-human conditions by owners of wayside dhabas or street shops do not figure in the general surveys or censuses."

On the problem of invisibility the ILO in its report (1989) in 'Still so far to go : Child Labour in the World today' said, "Child worker remain concentrated in agriculture, domestic service and the urban informal sector because there they are most hidden from public scrutiny. The abuse of child labour today depends greatly on the invisibility of its victims; employers often enclose their child workers in a tight veil of secrecy and isolation. In many countries, most exploited children are not even covered under child labour laws, and even when covered they are not reached by enforcement agents. The essential first step in extending protection to these children must be the development of means to discover and reach them."

Thus, it seems that lot of hue and cry have been raised in India in the last two decades or so against the evils of child labour by various social organisations, NGOs, research scholars, writers, investigators, printing media, etc. Even the Supreme Court of India has to intervene in the matters while
delivering the judgement in the case of M.C. Mehta versus State of Tamil Nadu and others (1996). The judgement contained entire gamut of the issue of child labour in India. In the very nutshell of the judgement, the Court observed:

"....appeal lies at the back of the saying that 'child is the father of man'. To enable fathering of a valiant and vibrant man, the child must be groomed well in the formative years of his life. He must receive education, acquire knowledge of man and materials and blossom in such an atmosphere that on reaching age, he is found to be a man with a mission, a man who matters so far as the society is concerned."

The Supreme Court further observed, "Our constitution makers wise and sagacious as they were, had known that India of their vision would not be a reality if the children of the country are not nurtured and educated. For this, their exploitation by different profit makers for their personal gain had to be first indicated. It is this need, which has found manifestation in Article 24 which is one of the provisions in Part IV of our Constitution on the fundamental right against exploitation. The framers were aware that this prohibition alone would not permit the child to contribute its mite to the nation building work unless it receives at least basic education. Article 45 was therefore inserted in our paramount parchment casting a duty on the state to endeavour to provide free and compulsory education to children. (It is known that this provision in Part V of our Constitution is, after the decision by a Constitution Bench of this Court in Unni Krishnan, 1993 - 1 SCC 645, has acquired the status of a fundamental right)."

IN ASSAM:

It has already been said that there is paucity of informative literature on child labour in India until recently. The declaration of 1979 on the International Year of Children gave a fillip to many writers to produce books of noteworthy. Some of such works are Leela Gulati's 'Child Labour in Kerala Coir Industry', Alakh Narayan Sharma's 'Child Labour in Patna'. 'Working
Children in Bombay - A Study' published by the National Institute of Public Cooperation and Child Development, New Delhi, K.R. Pichoholoya's 'Child Labour in a Metropolitan City' (A Study of Ahmedabad) in the Journal of Labour Economics Conference, J.C. Kulshreshtha's 'Child Labour in India' Dr. Nidhi Singha's 'Child Labour in Indian Silk Industry', Neera Burra's 'Born to Work' and many other who have produced works either of micro-level / National level or have given us regional studies, e.g., of Kerala, Tamil Nadu, Uttar Pradesh, Bihar, Maharashtra, Jammu & Kashmir, Rajasthan and many other parts.

But despite known presence of child labour in Assam in many fields of occupations, there is total lack of such published informative and investigative literature in the context of the state. It appears that the issue is mainly confined in discussions in seminars and conferences and reports and articles in print media. Most of these discussions, articles, etc., are quite general in nature. There is no investigative works into the condition of living, working conditions, health, economic status of working children in Assam. Informations contain in official documents, reports, etc., are concerned mostly with numbers which are often quite inadequate.

The State Government a few years back ordered a survey on the child labour in the state in response to a Supreme Court directive. The Supreme Court in its judgement of 10th December, 1996 had directed all the State Government to complete the survey within six months from the date of the said judgement. The Assam Tribune of 7th June, 1997 in a news item ‘Survey data as State’s child labour create confusion’, reported, “However sources in the State Labour Department are sceptical about the data being received from various districts and describe the figures ‘incredibly low.’ The Labour Department is now considering whether a re-survey will be required to get the actual picture.”

The report further said, “It is pertinent to mention that Tinsukia, Dibrugarh and Jorhat District have large number of tea gardens where allegedly huge number of child labourers are being employed. But this is not
reflected in the data received for these three districts providing ground for Labour Department Officials to become suspicious about its authenticity."

However, it is only the child labourers of tea gardens of Assam who are finding some sort of prominence in news papers, seminars, etc. for quite sometime though in-depth study into their conditions is still awaited. In a report, 'ITA refutes allegations on Child Labour' in the Assam Tribune, 4th July, 1997, it was reported, "The Indian Tea Association (ITA) the premier body of tea plantations in the country has refuted press reports that nearly 50,000 child labourers are working in tea gardens of Assam and West Bengal under extremely unhygienic conditions suffering from malnutrition."

The report further said, "... the ITA Secretary General Sri R. Das has termed these reports based on a background paper prepared by the Institute for Plantation Agricultural and Rural Workers (IPARW) an Non-Government Organisation (NGO) as far from the truth and highly motivated. Saying that the IPARW's version should not have been taken as authentic or authoritative as to the best of his knowledge and information, the IPARW has never made any study on the condition of child labour in tea plantation...

However, there is no denying that child labour exists in tea gardens of Assam. Anita Basu in a report in the Telegraph, 4th June, 1993 wrote, "Tea gardens in Assam may have to work out a scheme to eliminate child labour following a circular of Indian Tea Association issued in September. ITA had asked tea gardens to phase out child labour in four to five years... The circular, when implemented, will affect 844 tea gardens in Assam employing about 45,000 child labourers in the state."

Again the Assam Tribune, 21st September, 1995 reported, "The Labour Minister, Sri Dileswar Tanti, today informed the House that 638 odd tea gardens in the state employ 53,127 child labourers."

Whatever the number, it is now established that child labour exists in tea gardens and in other fields in Assam and so in Guwahati city. One can
easily spot children working in city's numerous numbers of restaurants and small tea stalls, working automobile repairing garages and workshops, picking useless waste in streets and garbage dumps of city, working as a domestic helper in city's large numbers of households and but not certainly least in the list, in the large flat of city buses including Government bus also, one can often see children working as handyman or helper as observed one — "... at the same time, I would like to bring to the notice of the Press and concerned authorities that some private as well as Government in Guwahati city are seen to employ child labour in their vehicles..." the Assam Tribune, 15th April, 1998 (Letters to the Editor column).

Yet from other report published in the Assam Tribune, 5th July, 1998, few details about the child labour of the Guwahati city can be known. The report said, "Over 72 percent of the child labourers are illiterate..." According to the report rag pickers and beggars comprise of the highest number of child labourers in the city. The report further said, "... over 80 percent of the total child labourers in the city are male and highest percentage belong to the age group of 11 to 12 years... a substantial number of the child labourers are not paid any salary by the employers which reflects the extent to which the innocent souls are exploited."

The above report was based on a Pilot study being conducted by Assam Human Rights Commission sponsored by the UNICEF, the report of which is not yet published.

Thus very little is known about the working children of Guwahati city nor there is any published comprehensive works into the working life of these children. Therefore, the proposed study entitled, "A study of Child Labourer in the Greater Guwahati area of Kamrup District with special reference to Education" would be a humble attempt in this direction.