Chapter- I
INTRODUCTION

Children are the future of society. The future belongs to them and we have to provide the best possible environment to the children so that they can develop to the fullest extent. Only a well-developed childhood can guarantee the future development of a nation.

But in a poor country like India a large number of children are sent to work to supplement family income. In India children are seen employed in both organized and unorganized sector. However, employment of the children in unorganized sector is quite high than in organized sector. In rural areas, the educational facilities for children are very poor. Poor infrastructure of the schools and illiterate parents coupled with poor economic background of the family motivates the schoolchildren to dropout. Once dropout of the school, the children are left with no other alternative but to work, either with the family members or outside the family. India is a welfare state; the Constitution of India provides enough provision for children's rights. Besides there are legal provision for child right, but in reality these are often violated. It is seen that working children are: exploited regarding wage and working hours; mentally and physically abused; deprived of educational and recreational facilities; and so on which ultimately keep them as less developed citizen of the society. Today child labour is regarded as a global issue, particularly for the developing nations, and more so for India which have the distinction of having the highest number of child labour in the world.
**Definition of child labour**

The definition of Child Labour is not uniform and scholars defined it in different ways. According to *Encyclopaedia of Britannica*, child labour can be defined as, “The employment of children under a specific legal age.”

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) defines child labour in the following terms—“child labour is the employment of children under the age of physical maturity in jobs requiring long hours........”

To the *Encyclopaedia of Social Science* (Vol. 2): “when the business of wage earning or of participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour.”

*Hommer Folks*, the Chairman of the U.S. National Child Labour Commission has defined Child Labour as “any work by children that interferes with them in their full-physical development, the opportunities for a desirable minimum of education and of there needed recreation.”

To the ILO “child labour is work performed by children under 18 of age which is exploitative, hazardous and inappropriate for their age, and which is detrimental to their schooling, or social, mental, spiritual and moral development.”
The Gurupadaswamy Committee on Child Labour (1987) defines child labour as follows: “labour becomes an absolute evil in the case of the child when he is required to work beyond his physical capacity, when hours of an employment interfere with his education, recreation and rest, when his wages are not commensurate with the quantum of work done, and when the occupation he is engaged in endangers his health and safety.”

The definition given by Campaign Against Child Labour (CACL, 2002) is worth mentioning: to it child labour involves, “children prematurely leading adult lives, working with or without wages, under conditions damaging to their physical, social, emotional and spiritual development, denying them their basic rights to education, health and development. This includes children working in any sector, occupation or process, including the formal and non-formal, organized and non-organized, within or outside the family.”

To UNICEF (2001), a child labourer is a child denied the liberating benefit of education, one where health, growth and development are threatened, who risks losing the love, care and protection of family and who cannot enjoy the rest and play that are every child’s right.

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- Is mentally, physically, socially or morally dangerous and harmful to children; and

- Interferes with their schooling:
  - by depriving them of the opportunity to attend school;
by obliging them to leave school prematurely; or

- by requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, child labour involves children being enslaved, separated from their families, exposed to serious hazards and illness and/or left to fend for themselves on the streets of large cities—often at a very early age.

(Adapted from: Inter-Parliamentary Union/International Labour Office, 2002).

Myres (2001) collects ten definitions on ‘child labour’ like: All work of any kind performed by children; Economic participation by children; Full-time work performed by children; Work that is harmful to children; Work that interferes with schooling; All remunerated work; Wage employment; Work that exploits children; Work that violates national child labour laws; and Work that violates international standards.

The following Figure (1) gives a graphic illustration of the definition of child labour.

<table>
<thead>
<tr>
<th>International definition of “child labor”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to age 18</td>
</tr>
<tr>
<td>Up to age 14</td>
</tr>
<tr>
<td>Up to age 12</td>
</tr>
</tbody>
</table>

*activities listed in gray areas are considered child labor, activities in white areas are not.*
Child labour is not child work. Child work can be beneficial and can enhance a child's physical, mental, spiritual, moral or social development without interfering with schooling, recreation and rest. Helping parents in their household activities and business after school in their free time also contributes positively to the development of the child. When such work is truly part of the socialisation process and a means of transmitting skills from parents to child, it is not child labour. Through such work children can increase their status as family members and citizens and gain confidence and self-esteem.

Child labour, however, is the opposite of child work. Child labour hampers the normal physical, intellectual, emotional and moral development of a child. Children who are in the growing process can permanently distort or disable their bodies when they carry heavy loads or are forced to adopt unnatural positions at work for long hours. Children are less resistant to diseases and suffer more readily from chemical hazards and radiation than adults.

There is a large group of critics that disapproves of child labour for a range of reasons, including the following:

- Allowing children to work means stealing their childhood from them;
- Child labourers are subject to economic exploitation because they are paid at the lowest rates, and sometimes not at all;
- Children often work under the worst conditions, which can cause physical deformations and long-term health care problems;
- Some child work can perpetuate poverty because child labourers, deprived of education or healthy physical development, are likely to become adults with low earnings prospects;
- Children often replace adult labour; employers prefer them because they are cheap and docile;
- The widespread use of child labour may result in lower wages for all workers;
- Countries that allow child labour are able to lower their labour costs; thus they attract investors and also benefit from “unfair trade” due to their low production costs.

Other observers of child labour have differences in opinion depending upon the kinds of work that children do. Yet, most observers and researchers - and in a few cases even the whole international community - consider certain activities more harmful, hazardous and/or morally reprehensible for children than others. In many cases, however, the line between “acceptable” and “unacceptable” work for children is difficult to draw. This occurs quite frequently, especially in rural agricultural situations, as certain kinds of work actually form part of socio-cultural traditions.²

Child labour that is prescribed under international law falls into three categories:
- The unconditional worst forms of child labour, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.
• Labour performed by a child who is under the minimum age specified for that kind of work (as defined by national legislation, in accordance with accepted international standards), and that is thus likely to impede the child’s education and full development.

• Labour that jeopardizes the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, known as “hazardous work” (ILO, 2002).

However UNICEF classifies the types of child labour into the following three broad categories:

(A) Within the Family (Unpaid)

(B) With the Family but outside the Home

(C) Outside the Family

UNICEF determined that child labour is exploitative if it involves: full-time work at too early an age; too many hours spent working; work that exerts undue physical, social or psychological stress; work and life on the streets in bad conditions; inadequate pay; too much responsibility; work that hampers access to education; work that undermines children’s dignity and self-esteem, such as slavery or bonded labour and sexual exploitation; and work that is detrimental to full social and psychological development.¹³

Magnitude of child labour

To determine child labour estimates, the International Programme of Child Labour, in conjunction with its Statistical Information and
Monitoring Programme on Child Labour (IPEC/SIMPOC, 2002), adopted an internationally accepted definition of employment. This definition delineates economic activity as children's paid and unpaid work in the formal and nonformal sectors of rural and urban areas. Although children's employment as maids and domestic workers is considered economic activity, children working in their own households do not fall into this category.

The IPEC/SIMPOC (2002) found that 352 million children ages five to seventeen years were engaged in economic activities in the year 2000. Of these, 211 million were between the ages of five and fourteen years; 73 million were under ten years of age. The Asia-Pacific region had the largest number of children from the ages of five to fourteen years at work, an estimated 127.3 million. Child labour rates are higher in rural areas, where the work is predominantly agrarian; 90 percent of child labourers engaged in agricultural work.

The same report found that 171 million children are involved in hazardous employment and 8.4 million engaged in the worst forms of child labour. The following table shows the magnitude of child labour around the world.
Table 1: Regional estimates of economically active children ages 5-14 in 2000

<table>
<thead>
<tr>
<th>Region</th>
<th>Number of children (in millions)</th>
<th>Work ratio (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed economies</td>
<td>2.5</td>
<td>2</td>
</tr>
<tr>
<td>Transition economies</td>
<td>2.4</td>
<td>4</td>
</tr>
<tr>
<td>Asia and the Pacific</td>
<td>127.3</td>
<td>19</td>
</tr>
<tr>
<td>Latin America &amp; Caribbean</td>
<td>17.4</td>
<td>16</td>
</tr>
<tr>
<td>Sub-Saharan Africa</td>
<td>48.0</td>
<td>29</td>
</tr>
<tr>
<td>Middle East &amp; North Africa</td>
<td>13.4</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>211</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: ILO, 2002

Child labour in India

In India, the problem of child labour is well recognized. There are varying estimates of the number of working children in the country due to differing concepts and methods of estimation. The 1991 national census estimates the number of working children at 11.2 million (out of a total of 210 million children aged 5-14 years), of whom 9.08 million are classified as 'main' workers, and 2.2 million as 'marginal' workers. The 55th Round of the National Sample Survey, carried out by the National Sample Survey Organization (NSSO) in 1999/00, indicates that there are about 10.4 million working children.

- The analysis of the 1991 census data reveals that the population of working children is composed of 6.189 million boys and 5.095 million girls. In
addition, it is found that the majority of 'main' workers are boys, whereas the majority of 'marginal' workers are girls;

- According to the 1991 census, about 90 per cent of working children live in rural areas;
- Children are engaged in various types of work, including those that are classified as 'hazardous', i.e. harmful to the physical, emotional, or moral well being of children. An estimated 2 million children work in hazardous industries;

Table 2: Child labour in India

<table>
<thead>
<tr>
<th>Census</th>
<th>Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>10.7 million</td>
</tr>
<tr>
<td>1981</td>
<td>13.6 million</td>
</tr>
<tr>
<td>1991</td>
<td>11.28 million</td>
</tr>
<tr>
<td>2002</td>
<td>12.59 million</td>
</tr>
</tbody>
</table>

Source: Census of India

India has nearly 13 million children (Ministry of Labour, 2001) mainly engaged in agriculture, mining, construction, fishing, carpet weaving, fire works, matches, glass moulding, bidi, gem cutting and polishing, way side eating stall, automobile workshops, metal cutting, polishing, washing and domestic service.

The tables give some first hand information regarding child labour status and situation in India like: magnitude of the problem, state-wise distribution, rural-urban
divide, category wise division, work participation rates, sex wise division etc. (see annexure)

Need & Importance of the Study

Child labour is an extreme form of human exploitation where innocent children are forced to undertake hard and dangerous work for their survival. Child work becomes child labour when it threatens the health, physical and mental development of the children.

Importance of the study lies in the fact that, in a developing society like India and more particularly in Assam, where little industrialization takes place coupled with low literacy rate, particularly in rural and semi-urban areas, child labour is increasing day by day. Poor living and working conditions, often far away from parents and no awareness regarding basic human rights leads to gross violation of human rights of children. There is an urgent need for the state to initiate pro-active policy for those children; as the existing legal provisions fail to address the problem properly. The present study is an attempt to analyse the nature and extent of child labour in Nalbari district, the role of government on this issue, and it will try to provide some suggestions for realization of human rights of children. The study feel that its need lies in the issues like- exploitation of child labour, education of child labour, enjoyment/denial of rights by child labourer, role of laws and constitutional provisions regarding protection of child rights, and assessment of the environment of child labour. In the state of Assam very little study is done in the field of child labour and in case of Nalbari district it is totally non-existent, this necessitated the
study of the problem in order to enhance its comprehension in depth and detail. The central aim of the present study is to explore at the micro level the situation and nature of child labour in the said district.

**Nature of the Problem**

In a poor country like India, child labour is a common phenomenon. However majority of children are working in rural areas and mainly concentrated in agricultural activities; Assam is no exception to it. Although there are enough legal and constitutional provisions to tackle the problem of child labour, in practice child labourer can be found everywhere. In fact in the unorganized sector, 90% of total child labourers are working, where gross violations of children’s rights are taking place. According to the 2001 Census there are 3,51,416-child labourer in Assam, out of it in Nalbari District 12,171 child labourers are found. Children are seen working as labourer in various fields in Nalbari district. However as the table (23) shows Nagaon district has the highest number of child labourer. According to the 2001 census the rural-urban ratio is 97.59 to 2.41 and the literacy rate in the district is 68.08%, which is more than the state rate. In Nalbari district, it has been observed that children are widely employed in the informal sectors.

The present study is confined to the urban areas only. In the urban areas, child labourers have to work without parental supervision and hence have to face more exploitation. In Nalbari district it is found that the government official never visited the site where children are working and there is not a single NGO who is working for the cause of child labour. Even the political party, trade
union and student's organisations are silent in the case of the incidence of child labour. All total 12,171 children are working as labourer in the entire district. Lack of awareness among the local people encourages the employer to employ and exploit the poor children in spite of the existence of all the legal and constitutional provisions. As we know the issue of child labour is a human rights and development issue, poor children who are working they are school dropout children and thus they close their path of future development. Since children are the future of our country, child labour is a loss of human resources, which in turn will adversely affect our country in the long run. For a better understanding of the situation of Nalbari district vis-à-vis to the state of Assam some of the important data are presented in the following table.
Table 3: Comparative data of Assam and Nalbari district

<table>
<thead>
<tr>
<th></th>
<th>Assam</th>
<th>Nalbari</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>78438 sq.km.</td>
<td>999.90 sq.km.*</td>
</tr>
<tr>
<td>Sub-Division</td>
<td>49</td>
<td>1</td>
</tr>
<tr>
<td>Block</td>
<td>219</td>
<td>8 *</td>
</tr>
<tr>
<td>Revenue Circles</td>
<td>155</td>
<td>8 *</td>
</tr>
<tr>
<td>LAC</td>
<td>126</td>
<td>3 *</td>
</tr>
<tr>
<td>Gaon Panchyats</td>
<td>2490</td>
<td>65 *</td>
</tr>
<tr>
<td>Villages</td>
<td>26247</td>
<td>471 *</td>
</tr>
<tr>
<td>Towns</td>
<td>125</td>
<td>2</td>
</tr>
<tr>
<td>Population</td>
<td>26638407</td>
<td>1138184</td>
</tr>
<tr>
<td>Male</td>
<td>13787799</td>
<td>587668</td>
</tr>
<tr>
<td>Female</td>
<td>12850608</td>
<td>550516</td>
</tr>
<tr>
<td>Rural</td>
<td>23248994</td>
<td>1110706</td>
</tr>
<tr>
<td>Urban</td>
<td>3389413</td>
<td>27478</td>
</tr>
<tr>
<td>Sex ratio</td>
<td>932</td>
<td>937</td>
</tr>
<tr>
<td>Density</td>
<td>340</td>
<td>504</td>
</tr>
<tr>
<td>Literates</td>
<td>14327540 (64.28%)</td>
<td>664886 (68.08%)</td>
</tr>
<tr>
<td>Hindu</td>
<td>67.13%</td>
<td>77.48%</td>
</tr>
<tr>
<td>Muslim</td>
<td>28.43%</td>
<td>19.94%</td>
</tr>
<tr>
<td>Christian</td>
<td>3.32%</td>
<td>1.08%</td>
</tr>
</tbody>
</table>

Source: Statistical Handbook, Govt of Assam 2002 (* District Administration 2007)
Source: Assam Book Depot, Guwahati (2007)
A brief profile of Nalbari District

Nalbari District is situated in lower Assam in between Barpeta and Kamrup (Rural) District. Nalbari is formally declared as a District in 1985. The District is situated in between 26°N and 27°N latitude and 91°E and 97°E longitude. The northern side of the district is bounded by the newly formed Baksa district and the southern side by the mighty Brahmaputra. The Kamrup (Rural) district falls in the east and the Barpeta district in the west. Three new districts were created in Assam in 2003 and Baksa was one of them, which was earlier part of Nalbari district.

The entire area of the district is situated at the plans of the Brahmaputra Valley. The tributaries of the Brahmaputra, Nona, Buradia, Pagladia, Borolia and Tihu, which are originated from the foothills of the Himalayan Range are wild in nature and have enormous contribution towards the agrarian economy of the district.

The District stands covering an area of 999.90 sq. km. consisting of 1(one) Civil Sub-division, 8 Revenue Circles, 8 Community Development Blocks, 7 Anchalik Panchayats and 65 Gaon Panchayats covering 471 villages. According to 2001 census, the population of the District is 1138184, out of the total population, 161616 are children belong to the age group 0-6 years and accounts for 14.20% of the total population. The District with 2.88% area of the State shelters about 4.27% of the States total population. The density per sq. km. in the District is 504 persons. The density per sq. km. for urban area is 1977 and for rural area is 495. The District has a total of 1110706 rural and 27478 urban
populations. Thus, nearly 97.59% of the total populations of the District live in villages. In respect of child population (0-6), 98.19% live in rural area and 1.81% in urban area. (Some of the basic information of Nalbari district is being tabled in annexure)

As per 2001 census, out of the total population (1138184) 664886 persons are declared literate. Thus, the rate of total literacy of Nalbari District is 68.08%, in rural area the rate is 67.55% and in urban area the rate is 88.61%. The Scheduled Caste and Scheduled Tribes population details are not available however, as per 1991 census; the SC and ST population was 89194 and 179641 respectively constituting 8.78% and 17.67% of the total population of the district. However at present majority of the S.T. population falls under the newly created Baksa district, but the data are not available.
Methodology & Sources of Data Collection

The study has to rely on primary sources as little work has been done in this area. However secondary sources, to some extent is used for comprehending the conceptual framework and support the data collected from primary sources. For data collection the method of survey with a structured interview schedule is made to capture background of child labour. It is based on random sampling.

A cohesive social group, which can be labelled as child labourer, is chosen in this study. The target population consisted of the child labourer engaged in different economic activities in the Nalbari District in the year 2005-06. In order to achieve the desired objectives the "scope" of study has been delimited. It confines to the following areas:

(a) Hotel and Dhaba
(b) Garage and Workshop
(c) Brick kilns
(d) Transport (Handiman & Vendor) and
(e) Shop & establishment.

All together 12,171-child labourers were found in the last census out of which 200 were selected at random from the following locations. The sample, thus, constitute about 20.9% of total urban child labour (the urban-rural ratio of child labour in India is 7.85 to 92.15 according to govt census). The present study is conducted with the help of primary field data, which are collected by direct
personal interview (with the help of a structured questionnaire), discussion and observation. The area under the study is listed below:

<table>
<thead>
<tr>
<th>Location</th>
<th>Sample size of Child Labour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nalbari Town</td>
<td>70</td>
</tr>
<tr>
<td>Tihu</td>
<td>65</td>
</tr>
<tr>
<td>Ghograpar</td>
<td>10</td>
</tr>
<tr>
<td>Kailthalkuchi</td>
<td>10</td>
</tr>
<tr>
<td>Mukalmua</td>
<td>10</td>
</tr>
<tr>
<td>Dhamdhama</td>
<td>10</td>
</tr>
<tr>
<td>Nathkuchi</td>
<td>10</td>
</tr>
<tr>
<td>Chamata</td>
<td>5</td>
</tr>
<tr>
<td>Borbhag</td>
<td>5</td>
</tr>
<tr>
<td>Aakhra</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>200</strong></td>
</tr>
</tbody>
</table>
Table 5: Category of child labour

<table>
<thead>
<tr>
<th>Category of the Child Labour</th>
<th>Sample size of Child Labourer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick kiln unit</td>
<td>50</td>
</tr>
<tr>
<td>Hotel and Dhaba</td>
<td>50</td>
</tr>
<tr>
<td>Garage and Workshop</td>
<td>25</td>
</tr>
<tr>
<td>Transport (Handiman &amp; Vendor)</td>
<td>25</td>
</tr>
<tr>
<td>Shop &amp; establishment</td>
<td>50</td>
</tr>
<tr>
<td>TOTAL</td>
<td>200</td>
</tr>
</tbody>
</table>

Children who work in shop & establishment: -

In different types of shops children are employed as helper and some are engaged as self employed. These shops are: vegetable, grocery, stationary, hardware, saloon, etc. Here some children are getting facilities like salary, foods, and lodging. At the same time some other children are engaged in their own shops.

There is one chocolate factory in Tihu Town, in which almost 25 child labourers are found. Here the children are engaged in labelling the chocolates. Female labourers are more in numbers than male. They generally work for 5—12 hours a day. The working condition is not fair, as they have to work constantly by sitting in a small and dark room. Some time they carry the load of 15—20 kg. to their houses where they do the job and look after domestic works as well.
Children who work in brick kiln units: -

Thirteen brick kiln units were found during investigation in Naibari district. A large number of children were also found working in those industries along with their parents. Here the children have to carry the load of mud and assist their parents in different activities like shaping, carrying of mud, loading and stacking bricks. All the workers are migrated from Barpeta District (Assam), and from other states like Bihar and Uttar Pradesh. Generally they stay for six months in that work place. Their parents receive the wage, which is fixed on piece-rate basis. They generally work for 3 to 8 hours.

Children who work as Handimen & vendor: -

A number of auto — rickshaws and tempos are plying from morning to evening in different parts of the district. Majority of the auto — rickshaws and tempos employ children as handiman. The children have to call passengers and collect money as fare. Their working condition is very dangerous, as they have to climb in the doorstep. They are paid in a daily basis that is 10—25 rupees and free lunch. The handimen have to work at night sometime, for which he gets extra money. Their working hours is 8—14 hours. During investigation it is found that majority of the handiman have bad habits like smoking, drinking and gambling. Besides the passengers often misbehave them. There are some children who worked as vendors and engaged in chocolate, paan, cigarette and newspaper selling in train and bus stand.

Children who work in hotel & dhaba: -

There are numbers of hotel & dhaba in Naibari District. In fact majority of them employ children. Their age group is between 10 to 14. In the hotel
the child labourer have to work from 6 A.M. to 9 P.M. Their monthly income varies from Rs.100—400 with free meal and lodging. But compared to other fields in hotels they have to work more without any rest. It is observed that there in no holiday or leave. Their job is very temporary and they can easily join other hotel, as it needs little skill. Their job is to clear tables, glass, and plates, sweep the floor, serve rice, roti, tea, sweets and biscuits, and in the dhaba they have to serve all these items and wine also. They reveal that they are not satisfied with the treatment of both employee and customers.

Children who work in garage & workshop:

There are motor garage, bike workshop, steel workshop and tyre repairing shops in Naibari District and some of them employ children as workers. Their monthly salary is from Rs. 200—400. Some of them are migrated from other places of Assam and even from other states. Some stay with the employee and they get free meal. But they have to work overtime for that. Surprisingly there are no first aid facilities in any garage. Their general working hour is 10. They have to carry excessive load, engage in fire works and chemicals, which is very much against their physical standard. During summer they face more hardships.

The present study attempts to unearth certain important facts relating to the extent and nature of child labour and their exploitation. This study also examines the income of child labour, educational qualification, working problems, standard of living etc. This study is an effort to look at enjoyment or deprivation of the rights of children by child labourer and role of government regarding protection of rights as well. The Constitutional provisions and specified
laws are examined regarding protection of child rights. The micro study has covered the area of Nalbari District of Assam in informal and unorganised sector and particularly in urban and semi urban areas. It is hoped that the study will through some light on the district as well as the state since the problems are much the same varying in degrees only.

It is seen that the government is neither willing to quantify the child labour population properly nor is ready to divulge the available information on time. The figures on child labour based on the 1991 Census were made available for public only in 1998. The figures from the 2001 Census have not been published as yet. Besides, during investigation, the children are unable to respond properly because of their tender age, illiteracy and ignorance. The employers often suspect the investigator as government official and never desire to answer any questions. Besides the study confines to only five informal/unorganised sectors; deals with the urban areas; and selects only 200 samples. The researcher thinks these developments as the main limitations of the present study.

**Objectives of the study:**

The objectives of the study were to:

1) Explore the causes of Child Labour in the Nalbari District
2) Highlight the problem of Child Labourer at work and its impact
3) Analyse the ways and forms of exploitation on Child Labour
4) Review the role of Government towards protection of Child Rights
5) Suggest measures for better life of Child Labour
**Hypotheses:**

The present study was based on the following assumptions:

a) Poverty, illiteracy and low cost are the main causes of child labour

b) The employers exploit child labourers economically, mentally and physically

**Chapterisation:**

The entire study is divided into the following 6 chapters:

1) Introduction

2) Causes & effects of child labour

3) Legal and Constitutional provisions

4) Policy on child labour and child rights

5) Child labour and education

6) Conclusion and suggestions

**Literature Review**

Child labour is not a new problem, and there is a long history of international efforts to combat it. The International Labour Organization (ILO), for example, in 1919 developed the first Minimum Age Convention that regulated the age at which children could work. Then, in 1973, a more comprehensive Minimum Age Convention, Number 138, was adopted, and it remains the fundamental standard. Although not new and always a thorny problem, child labour has now become increasingly complex, assuming new forms as global realities and
relations have changed. Among the underlying causes, poverty and economic disparities are, of course, critical factors (UNICEF, 2001). 

The existence and perpetuation of child labour is a blot and slur on modern welfare state, which seeks to promote the all-rounds developments of its citizens. Indeed, child labour is a curse upon the society, disgrace for the world of mankind, a malady that may wreck the economic backbone of a country. Above all, it is a disgrace for the development of whole human civilization. The future of the human world very much depends on the rights of the children and the fate of a nation inextricably intertwined with the welfare of its children (Shandilya & Khan, 2003).

Child labour is a complex social and political issue with a long and evolving history. This phenomenon has moved to new dimensions over the last couple of centuries. The work of children is a global issue. The manifestations vary widely in impact depending on the conditions of poverty, economy, history, and position in the global social and economic systems. Children’s work can be paid or unpaid; it can be family or employer labour. Poverty is the major precipitating factor, but education, rigid social and cultural roles, economic greed, family size, geography, and global economics all contribute (Schmitz, 2004). 

The considerable upsurge of public and political interest in child labour in recent years, and the activist campaigning which has promoted and fed this state of heightened concern, has not been without its internal controversies. While abuse, neglect and exploitation of children under all circumstances are universally deplored; there is considerable debate as to whether the practice of "child labour" can be definitively classified in all cases and settings as a gross violation of
children's rights. Commentators have pointed to the value of work as an integral part of a child's and young person's learning and psychosocial development process—a value acknowledged freely in industrialized world settings.

Since the beginning of the 1990s, matters relating to child labour have been the focus of increasing attention. There are three factors contributing to this development: first, a general realization that the exploitation of child labour may have become more serious and could well continue to do so in several parts of the world as economic conditions deteriorate and hamper social development, especially in the areas of employment and education; second, an increasingly vehement concern that, by employing children at an age and in conditions that do not conform to universally accepted standards, some countries might gain a comparative advantage in international trade over those that are more strict about applying such standards; and lastly, a stronger commitment of public opinion than in the past to the cause of human rights and of the rights of children in particular (International Labour Office, Geneva, 1996).\(^8\)

The recent surge of interest in child labour has too often been founded upon-and contributed to-four myths about child labour that it is vital to confront. The first is that child labour is uniquely a problem of the developing world. The second is that child labour emerges inevitably and naturally out of poverty and thus always be with us. The third is that most child labourers are at work in sweatshops producing cheap goods for export to the stores of the rich world. And the fourth is that there is a simple solution to the child labour problem—a "trade sanction" or "boycott"—that will end it once and for all (UNICEF, 1997).\(^9\)
Children are universally recognised as the most important assets of any nation. They occupy a prominent role in human resource development. In a welfare state, it is the obligation of the state to promote child welfare through different schemes and policies by which they will not be exposed to any sort of hazards which may damage their growth and ultimately affects the political, social as well as economic development of the society (Kanna, 2003).\textsuperscript{10}

Millions of children worldwide are trapped in mind-numbing subsistence-level labor of little economic value but which saps the creativity and learning potential of entire communities of future workers. While removal of children from the worst forms of child labor is an immediate objective, further interventions are needed to ensure that families have meaningful, sustainable alternatives of support that keep children from returning to hazardous and exploitive labor situations. Tragically, more than 200 million children today have no hope of benefiting from the dynamic worldwide economy because they are locked in a degrading, dead-end subculture of child labor (Law, 2005).\textsuperscript{11}

No nation, community or household can expect to achieve sustainable human development if it tolerates child labour, if it neglects the development of its human resources and if it squanders its most valuable resource, namely the potential capabilities embodied in its children. Child labour is not only morally unacceptable, illegal and an affront to human dignity; it is also extremely poor economics. It retards the development of human resources, reduces lifetime earnings of the individual, and lowers the level of productivity and economic growth for the society at large. Children who work at an early age tend to have a lower level
of education, which reinforces social and economic inequalities and limits their prospects for upward mobility (International Conference on Child Labour, 1997). 

It is widely accepted that four major reinforcing factors generate a vicious spiral resulting in the pervasive and high incidence of child labour. These are: high fertility and infant mortality rates; high rates of illiteracy and non-participation in school education; static and inferior technology attempting to survive in the face of technical progress and unequal trade partnership with weak backward and forward linkages; and indifferent or inappropriate public policies dealing with social infrastructures (Gayathri and Chaudhri, 2002).

The phenomenon of child labour always leads to three types of exploitations, i.e., economic, physical and mental. The economic exploitation is reflected in the forms of low wages and absence of other benefits to children employed in paid occupations. The physical and mental exploitation are self-evident in the long working hours of a child; hazardous working conditions; lack of health care facilities; mental torture because of separation from parents and other family members, which ultimately threaten the health and overall mental development of the child (Jain, 2006).

Child labourers are denied their rights to education, an adequate standard of living, and opportunities for developing their personality, talents, and mental and physical abilities. They are deprived of leisure and play, of survival and development, and do not have protection from abuse and neglect. Children are future assets of any society, and their arrested growth affects the country as a whole, in the long run. Societies with large number of working children
will be producing more and more illiterate citizens, who are devoid of the skills needed for development (Sekar and Khurana, 2004).  

In India, the phenomenon of working children is far from new; it is, and always has been, a normal characteristic of daily life among the poor that children should contribute to the household economy with work of some kind or another. The significant historical shift is that accomplished in industrialised societies, where working life and the workplace have been formalised and decreed an adults-only area, while at the same time childhood has assumed a special character as a period of growth, learning and socialisation under adult guidance and protection. It is therefore unsurprising that the overwhelming majority of child workers contributing to the household economy are to be found in developing countries, among the poorer sections of the population both rural and urban (Raman, 1997).

The rigidity of the caste system in India has, among other things, contributed to the mushrooming of child labour in the country. In the report "The state of the world's children", the UNICEF said the dominant cultural group in India might not wish its own children to do hazardous labour but it would not be so concerned if young people from racial, ethnic or economic minorities did it. Citing the magnitude of child labour, it said, "In India, the view has been that some people are born to rule and to work with their minds while others, the vast majority, are born to work with their bodies." Many traditionalists had been unperturbed about lower-caste children failing to enroll in or dropping out of school and if these
children end up doing hazardous labour, it is likely to be seen as their lot in life (UNICEF, 1997).  

The Human Rights Watch (2003) takes up the issue of bonded child labour in India, as millions of children are toiling as virtual slaves, unable to escape the work that will leave them impoverished, illiterate, and often crippled by the time they reach adulthood. Bound to their employers in exchange for a loan, they are unable to leave while in debt and earn so little they may never be free of it. They work in agriculture, picking rags, making bricks, polishing gemstones, rolling beedi cigarettes, packaging firecrackers, working as domestics, and weaving silk saris and carpets.

Racial discrimination and child labour perpetuate each other. The children of minority and indigenous communities are born into a vicious cycle of poverty in which they are forced to work since their parents cannot afford their education and depend on their extra income. Denied their right to education, these children are bound to stay illiterate and vulnerable unless we take action to break the cycle of poverty and provide them with an empowering education. These children, and in turn their own children, will all be victims of discrimination unless we face this challenge now (Declaration Against Racism and Child Labor, 2001).

Several socio-economic and political factors are responsible for the existence and perpetuation of child work. Although poverty and inequality are the main factors influencing the number of child workers, they are not the only causes. Child labour is not purely an economic question and we have to opt for a
model that will continuously generate employment, but poverty can no longer be an excuse for child labour. Poverty has not prevented governments of other developing countries from expanding mass education or making primary education compulsory. In many countries, the diffusion of mass literacy preceded the Industrial Revolution and governments often introduced compulsory education when levels of poverty were high. Poverty as one of the causes has to be addressed (Bajpai, 2002).  

Weiner (1991) deals with some dialogues on Child Labour, on Education and a critical analysis of the compulsory education policies. He rejects the argument that for removal of child labour in India, income of the poor should rise and the employers are in need of a more skilled labour force. To him the causes of child labour in India are deep. Rooted in the culture and her policies to combat child labour are designed on the basis of fundamental beliefs. Child labour in India is largely a preindustrial, precapitalist labour force. Almost none of India’s children work in mines or in large factories, as was the case in England and the United States in the nineteenth century. India’s children are mainly in the unorganised informal sector, or in agriculture. Child labour in India is not the product of industrialism and capitalism, but represents the persistence of the traditional role of the child as a worker.

The segmented market for child labour in India is the result of, and is perpetuated through, a complex interweaving of the play of market forces, tradition, culture, family dynamics, and lower wages. However, it could be seen that adult labour and child labour are “substitutable” in all cases including the worst forms and in cases of household industries where children are employed as a part of
socialization process. In this context they held that if a child worker has to be withdrawn from work and put in school, the government has to provide access to free and quality elementary education to all the children. Universalization of elementary education requires an increase in spending on education. Considering the benefits out of the education, this increase is reasonable as well as affordable. Unfortunately, our political establishment has not shown its commitment to divert the necessary resources towards the fulfilment of the rightful educational needs of poor children (John and Narayanan, 2006).  

Burra (1995) observes that working children continue to be employed in large number in the most hazardous working conditions in factories, workshops and mines, in semi-urban and urban areas, in both the organised as well as the unorganized sector in India. Much of child labour is bonded labour, and is therefore offered as virtually “free” labour; often children are made to work for long time under the ruse of “apprentice schemes”, and are not paid for months.

The Child Labour (Prohibition and Regulation) Act was enacted in 1986, to specifically address the situation of child labour. However, this law is inadequate both in its understanding and the framework that it provides for dealing with the problem of child labour. By distinguishing between hazardous and nonhazardous forms of labour, and identifying certain processes and occupations from which children are prohibited from working, it leaves out a large range of activities that children are engaged in and thus continue to be exploited and abused (Bhakhry, 2006).

Mehta & Jaswal (1997) focuses that working conditions of children in tea-stands and dhabas are far from satisfactory. They are deprived of
basic education, weekly holidays and required medical check-up. The existence of child labour practice is opined to be going against the spirit of the decision of the Supreme Court and violative of constitutional philosophy of the country.

The withdrawal of the state from social sectors, coupled with the privatization of resources and the lack of employment opportunities, has aggravated the situation in our country. Indeed, the jobless growth of the past decade has increased the pressure on the poor to adopt livelihood strategies that have resulted in each member of the family having to earn for a living. With rising job insecurity, children and women play an important role by supplementing the family income by working in tanneries, brick kilns, backyard enterprises, the cottage clothing industry or the sports goods industry (Kak, 2002).26

Three fundamental types of action against child labour can be provided only by the government: (i) child labour legislation and appropriate enforcement mechanisms; (ii) a national child labour policy that sets public priorities and reaches out to engage all the important social actors; and (iii) a publicly funded system of basic education that ensures universal attendance and quality schooling. Education is perhaps the most powerful of all tools against child labour and ways will have to be found how to coordinate effectively a national child labour policy and educational policies (ILO, 1997).27

No children’s rights existed within the larger context of adults’ rights. It was felt that children did not have any rights, as they were not in a position to claim them. Children’s issues were looked on as welfare issues. Now, of course, things have changed. It is universally accepted that children are one of the most vulnerable groups of humanity and, therefore, need extra protection. This extra
protection has emerged in the form of a well-developed system of rights. Even if the children are not in a position to claim any rights for themselves, their parents or guardians or concerned adults or the State can exercise these rights on their behalf (Adenwalla, 2005).  

A child labour as a human being has all the rights enshrined in the human rights regime. But child labour as a special deprived category got to have special rights. It is because children are the future. Therefore, children in general and child labour in particular have to be brought into a right-framework where their growth and development could take place without having deprived of necessary and basic opportunities (Rahman, 2002).  

Bhargava (2003) divide the responsibility of child labour elimination among government, politicians and NGOs equally. Over the years, the government has gradually shifted its responsibility on to the NGOs and private social organisations. But the social problem of this magnitude needs immense supervision, wider authority, munificent funds and mobilisation and for that matter all the three elements should work in unison.  

To Sinha (1996) parents do want their children to be educated and poverty as a limiting factor is highly over-rated. Even today there are poor parents sending their children to school instead of work. Motivation and availability of infrastructure rather than poverty are the key factors. Only compulsory formal education policy is essential to tackle the problem of child labour.  

Mishra (2000) strongly advocate the convergence of various government departments in tackling the problem of child labour. As the elimination
of child labour cannot be the responsibility of a single ministry, department or agency, he points out the involvement of Department of Education, Department of Women and Child Development, Ministry of Rural Development, Ministry of Health and Family Welfare, Ministry of Labour as the vital to the success of any effort in this context.

The eventual abolition of child labour and the protection of working children during the transitional period require not only legislative provision but also a range of complementary interventions aimed at attacking the root causes of child labour and reducing its incidence over time. Child labour policy has to reckon with two major interested parties: households- which in general make the key decisions concerning child work- and enterprises- whose decisions affect the number of child workers in the labour force and the terms and condition of their employment. The level of child employment is also influenced by the volume of demand for the product of child workers and by the degree of government regulation (Bequela & Boyden, 1988).  

Prevention is a cornerstone of virtually all country programmes working towards the elimination of child labour, whether it is of a hazardous nature or not. It usually takes a long-term perspective and includes policies, laws and programmes that combat poverty, provide basic services, develop human resources, administer justice and regulate the behaviour of business and industry with a view to stamp out child labour. Sustainable and long-term results will be achieved only when new generations of children are effectively prevented from entering hazardous occupations. Investment in prevention has proven to be the most economical method in the long run (ILO, 1997).
IPECs experience has shown that because child labour is a complex problem streaming from multiple causes, action to combat it must be holistic and multifaceted so as to result in a positive and sustained impact. It is not sufficient merely to have a programme that withdraws children from work or that rescues them from the worst forms of child labour. These children must be provided with viable developmental opportunities, including education and training, so that they do not return to the same kind of work or enter other, perhaps worse, forms of child labour. Measures against child labour should be linked to combating poverty and unemployment, and low wages overall (ILO, 2004).35

Literature on Child Labour in Assam is very limited. Hazarika (2004) has done studies on child labour with special reference to Sibsagar district; Choudhury (2005) on problems of child labour in Kamrup district; both Sarma (1994) and Mehdi (2006) deals with Guwahati city; Buzbaruahe (2005) on judicial intervention and legislation in India; and Choudhury (2006) studies four different states including Assam. To them low literacy rate, poverty and lack of awareness are the main causes of child labour. The child labourers are denied their human rights. The role of government regarding eradication of the problem is virtually nil in our state where laws are hardly enforced and it calls for specific action by the state government.

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