PROBLEM OF CHILD LABOUR IN PUNJAB: A CASE STUDY OF SANGRUR AND BARNALA DISTRICTS

SUMMARY
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The problem of child labour is global phenomenon, even today it is not confined to the Third World Countries. It is more or less prevalent everywhere in the world, the difference, if any is only of degree or kind. In every country, irrespective of its economic system, children are working in one form or the other. But it is only recently that the world has begun to recognise it as a burning problem warranting international attention. Undoubtedly this increased attention is due to the fact that child labour often has serious social, moral, economic and demographic implications for children, households, societies and the world. For eliminating or reduction of child labour, national as well as international movement has to be building up.¹

It is a universally recognised fact that children are the blooming flowers in the garden of society. They are the most valuable assets of the nation and their importance in nation building process cannot be undermined. Children of today are the potential citizens of tomorrow. The quality of life they enjoy today would ultimately determine the quality of future population of the nation. A study team of social welfare has rightly stated: The importance of child welfare services lies in the consideration that the personality of man is built up in the formative years, and the physical and mental health of the nation is determined largely by the manner in which it is shaped in the early stages.²

The children have rights like other human beings, to be respected with

regard to their integrity, dignity, interest and opinions. But significantly most of the children in India are deprived of even the basic human rights due to them, as they ought to be in any civilized society.\(^3\) The Second National Commission on labour in India (2001) also notes that children are the future of the society and economy; and every child should have the opportunity to develop his or her skills and potential to participate both as a citizen and as a worker.\(^4\)

Child labour is not new in India. In Arthshastra, Kautaliya prohibited the trade of children as children were in his time being purchased and converted to slaves among some groups of people. In the medieval period, they worked as adults of the parents in the field, but now they work as the representatives of the parents in the workshop. Not only in India but also in many parts of the world, including some industrial countries, the social evils of child labour were evident during the early days of industrialisation.\(^5\)

**DEFINITIONS OF THE TERM "CHILD LABOUR"**

The conventional definition/concept distinguishes between child work and child labour. Child labour can be defined as work that deprives children of their childhood, potential and dignity, and which is harmful to their physical and mental development; and child work refers to the work done by children

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which is normal and beneficial to the child in the socialization process.6

The term "child labour" has been defined differently by different organisations, agencies and countries. Even within the country, the definition of child labour may vary from state to state depending upon the interpretation of the acts related to children. The International Labour Organisation defines, "child labour as work that deprives children of their childhood and their dignity which hampers their access to education and the acquisition of skills and which is performed under deplorable conditions harmful to their health and their development."7

Homer Floks, the Chairman of the United States Child Labour Committee, defined child labour, "as work by children that interferes with their full physical- development, their opportunities for desirable minimum of education or their needed recreation."8

Different agencies give different estimates of child labour on account of multiplicity of concepts, methods of estimation and sources of data in India. As per the global report on child labour released by ILO (2004), there are 191 million economically active children in the world in the age group of 5-14 years in the year 2004. This has come down by 9.6 per cent from 211 million in the year 2000, out of these 64 per cent are concentrated in Asia Pacific Region, followed by 26 per cent in Sub-Saharan Africa, 3 per cent in Latin American

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and Caribbean countries and 7 per cent in others areas.\(^9\)

Although child labour is a worldwide problem. It is rather acute in India. In India the size of child labour force is not only large but it has been increasing from year to year. According to Labour Commission Report (2001), the number of working children is more than 100 million in India.\(^10\) But the recent 61\(^{st}\) Round of the National Sample Survey (NSSO) estimates that the child labour in the country is around 9.07 million in 2004-05.\(^11\) Thus, the estimates of total number of child labour vary widely in India. According to Census 2001, Uttar Pradesh has the highest (19.2 lakh) child labour followed by Andhra Pradesh. (13.7 lakh), Rajasthan (12.6 lakh) Bihar (11.2 lakh), Madhya Pradesh (0.6 lakh) and Punjab (1.1 lakh). In Punjab, out of 1.10 lakh child workers, 0.79 lakh and 0.311akh child workers work in rural and urban areas respectively. Although in Punjab the magnitude of child labour is relatively less as compared to other states but still it is quite large.\(^12\)

Historically, the working force of child workers is more in rural areas as compared to urban settings. Nine out of ten village children are employed in agriculture or household industries land craftwork. In towns and cities, children are more absorbed in service and trading sectors rather than marketing. This is due to the rapid growth of urbanization and industrialization of the modern world.

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Furthermore, child labour is mostly dependent on informal sector in almost all the developing countries. It is estimated that informal sector employs 85 per cent of child labour.\textsuperscript{13}

Not only in India but also in Punjab, a large number of children are employed in informal sector. They are mainly employed in carpet industry, sports goods industry, paper looms, fire works, at road side dhabas, garages etc. Children are also employed in such works as car washing, shoe shining and selling newspaper. Moreover India has one of the largest numbers of street children. For their survival, they collect rags, work as collies, hawkers or even as scavengers on rubbish dumps. In hazardous units, they are subject to immense exploitation.\textsuperscript{14} As per Census (2001), 12.19 lakh children are working in hazardous occupations, out of which 2.52 lakh work in pan, bidi and cigarettes industry, 1.85 lakh work as domestic workers, 0.851akh work in brick-kilns, tiles and 0.711akh work on dhabas/restaurants/hotels etc.\textsuperscript{15}

Child labour is a socio-economic problem. There are many reasons for the prevalence of child labour like unemployment, large family size, illiteracy and ignorance of parents, lack of educational facilities but the main reason of child labour is widespread poverty. Poverty compels millions of children to sell their labour at an age at which they should have gone to school. Children work even in unjust conditions when the income oil their family is not


\textsuperscript{14} T.K. Rajalakshmi, “Children as Workers Connections Call for Compulsory Primary Education”, \textit{Frontline}, Vol. 14, No. 17, Delhi, 2000, p. 113.

\textsuperscript{15} \textit{Census of India 2001}, n. 12.
sufficient to meet the basic requirements of the family. Thus poverty is the cause as well as consequence of the child labour.\textsuperscript{16}

Even supply of child labour increases the unemployment in adults; the demand of child labour is high. The reason is employers also want the children. It is easy to handle the child in the factory. They do not create discipline problem and another factor is that children have nimble fingers. The children can do more work than the adults and the children only get one third or half of wages which adults get.\textsuperscript{17}

**Constitutional Provisions and Policy Framework**

India has followed a proactive policy in the matter of tackling the problem of child labour. India has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour. Six International Labour Organisation (ILO) conventions relating to child labour have been ratified and three of them as early as first quarter of the 20\textsuperscript{th} century. The framers of Indian Constitution consciously incorporated relevant provisions in the Constitution to secure compulsory universal elementary education as well as labour protection for children.

Article 24 states, “No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment”.


\textsuperscript{17} Myron Winer, Neera Burra and Asha Bajpai, *Born Unfree : Child Labour, Education and the State in India*, Oxford University Press, New Delhi, 2006.
The Constitution of India in its Directive Principles of State Policy in Article 39 (e) and (f) pledged that (e) the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and that (f) children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 states that, “state shall endeavour to provide, within a period of ten years from the commencement of this Constitution, free and compulsory education for all children until they complete the age of fourteen years”.

The policy of the Government is to ban employment of children below the age of 14 years in factories, mines and hazardous employments and regulate the working conditions of children in other employments.

The Union Government has also enacted. The Child Labour (Prohibition and Regulation) Act, 1986 Right to Education Act, 2009 on October 10, 2006 prohibiting employment of children as domestic servants or servants in hotels and restaurants or in other recreational centres. The Government warned that anyone employing children in this category would be liable to prosecution and other penal action under the act.18

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OBJECTIVES OF THE STUDY

1. To build conceptual framework of the study.

2. To examine the constitutional provisions provided in the Indian constitution for the protection of child labour in India.

3. To examine the magnitude of the problem of child labour in Punjab.

4. To examine the gravity of the problem of child labour in Punjab with special reference to Barnala and Sangrur Districts of Punjab.

5. To identify the factors that forces the parents/family members to send their children to the labour market.

6. To examine the various international resolution and convergent passed by United Nations for the protection of child labour.

7. To analyse the various schemes/plans adopted by Government of Punjab to combat the problem of child labour.

8. To give suggestions for combating the problem of child labour in Punjab.

SCOPE OF THE STUDY

Scope of the study was confined to analyse the gravity of the problem of child labour in Punjab with special reference to Barnala and Sangrur districts. Few research studies have been made to throw light on the issue of child labour but these attempts have been made in organised and industrial sector. The present study was conducted to cover children working in unorganised sector. Endeavour was made to classify the child labour as school going children, child labour, nowhere children (non-labour and non-school goers). The study examined the constitutional framework relating to child labour. The study also analysed the response of judiciary against the practice of child labour. The study also focused on various legislative and non-legislative
measures undertaken by Government and Non-Government Organisations to curve the menace of child labour in Punjab. The study examined the recommendations of various committees constituted by Punjab Government to curtail the problem of child labour.

HYPOTHESES

1. Child labour in Punjab is prevalent in almost all sectors of unorganized sector of economy including agriculture, households, brick kiln and carpet weaving because of their availability at low wages.

3. Many legislative measures and strategies were adopted to provide protection to children and impart education. The efforts to eliminate child labour and achieve universalisation of primary education have utterly failed in the country.

4. The provision of free, compulsory and quality primary education can help a lot to solve the problem. But inspite of constitutional provisions of free and compulsory education at primary level, the problem of child labour has not been contained due to poor implementation of constitutional mandates.

5. In India in the early stages of the development process, the incidence of child labour is noticed as a symptom of poverty and structural changes in the economy. The government directed its policies towards accelerating the transition process by development efforts to check the growing child labour. But problem could not be tackled due to wide-spread illiteracy and poverty.

6. The legislative measures have failed to eliminate child labour even from hazardous occupations.

7. After the initiation of India’s New Economic Reforms in the early 1990s, the issue of child labour has acquired a great deal of prominence and became increasingly linked with the major forces of globalization.
RESEARCH METHODOLOGY

The data for the present study was collected through primary as well as secondary sources. The primary sources include Annual Reports of Ministry of Labour, parliamentary debates on enactment of child Labour Legislations like Juvenile Justice (Care and Protection of Children) Act, 2000, the Commissions for Protection of Children Act, 2005 and Right to Education Act, 2009 etc. The secondary sources include books, articles published in journals and newspapers.

As the child labour is available in different professions as household servants, Brick kiln, Carpet Weaving, Dhabhas, shops, agriculture etc. So a list of professions was prepared, where the children are working in maximum numbers. The house-hold, the agricultural and brick kiln workers are more in the villages. So the sample was selected on the basis of the nature of work.

The child workers were divided in the following categories:

(a) Household Workers and Domestic Servants
(b) Brick Kiln
(c) Agricultural
(d) Carpet Weaving

Four blocks from Sangrur district and three blocks from Barnala district were chosen and two villages from each block were chosen on random basis as is shown in the following table:
### Districts

<table>
<thead>
<tr>
<th>Districts</th>
<th>Block</th>
<th>Villages</th>
</tr>
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<tbody>
<tr>
<td>Sangrur</td>
<td>Sangrur</td>
<td>Mangwal, Badrukhan</td>
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<td></td>
<td>Sunam</td>
<td>Cheema, Neelodal</td>
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<td></td>
<td>Malerkotla</td>
<td>Flaund Khurd, Jaati Majra</td>
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<tr>
<td></td>
<td>Sherpur</td>
<td>Roorgarh, Chaangli</td>
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<tr>
<td>Barnala</td>
<td>Barnala</td>
<td>Taula, Badbar</td>
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<tr>
<td></td>
<td>Sehna</td>
<td>Jodhpur, Taajo</td>
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<tr>
<td></td>
<td>Mehal Kalan</td>
<td>Chhap, Wajid Ke</td>
</tr>
</tbody>
</table>

320 child labour respondents (160 from Sangrur District and 160 from Barnala District) have been chosen on random basis who are working as Domestic Workers, Brick Kiln Workers, Agricultural Workers and Carpet Weavers. 40 child respondents were chosen in Sangrur district from each Block and 20 from each village on random basis. Barnala is comparatively a small district and is comprised of three blocks only. The number of child labour respondents chosen from each block of Barnala District is more than four blocks of Sangrur District. This has been done so as to choose equal number of respondents from each district.

Information was collected from the children and their parents by applying personal interview to elicit their views on the issue of child labour. Information was also collected from NGOs through Questionnaire method on various issues relating to child labour.

### CHAPTERISATION

The study has been divided into eight chapters.

In the first chapter, attempt has been made to build conceptual framework of the study. An exhaustive review of existing literature has also been undertaken. Objective of the study had been identified and hypotheses had also been framed. Efforts have been made to test the
hypotheses in the later part of the study. Research methodology adopted in the completion of the study had also been explained.

The second chapter examines the gravity of the problem of child labour in India with a special focus on Punjab. The pattern of concentration of child labour across regions, states and sectors and literacy level among children have been investigated as they have a significant impact on child labour.

Attempt has been made in third chapter to examine the socio-economic profile of Sangrur and Barnala districts.

The fourth chapter examines constitutional provisions relating to child rights in India. This chapter also examines the steps taken by U.N. at the global level to check the problem of child labour. Apart from it, endeavour has also been made to analyse the impact of various legislations passed by both the successive Union Governments as well as the Punjab Governments from time to time to eradicate the evil of child labour.

The fifth chapter examines judicial response against the practice of child labour.

The sixth chapter is empirical and examines the perception of parents of children on the problem of child labour in Sangrur and Barnala districts of Punjab. Attempt has also been in this chapter to examine the working conditions of child labourers in Sangrur and Barnala districts. The chapter also analyses the level of satisfaction of the children from the nature of work and attitude of employers towards them.

In the seventh chapter the anti child labour agenda of the two Punjab based Non-Governmental Organisations has been examined.

Last chapter sums up the main finding and gives suggestions.
MAIN FINDINGS

- The gender-wise classification of our child labourers indicated that an overwhelming majority of 65.62 per cent child labourers are males. The low percentage of girl child labour might be due to social and cultural factors, which hampers their participation in works.

- From the findings of the study, it has been observed that maximum numbers of child labourers belong to the age group of 12-14 years from both the districts. As regards the education of children is concerned, only 37.38 per cent child labourers in Sangrur district were found to be pre-school passed whereas, 43.56 per cent child labourers in Barnala district were found to be pre-school passed. 62.61 per cent child labourers in Sangrur district were found to be primary passed whereas 56.3 per cent child labourers in Barnala district were found to be primary passed. Thus it can be concluded that as far as education of children is concerned, both the districts are found to be educationally backward.

- Poverty is primary reason for child labour. It is also observed that household’s impoverished conditions, the economic backwardness and rising prices of consumable goods are the compelling reasons for sending their children at work. Other reasons identified in the study for child labour are uaffordability of paying school fees, lack of socialization, broken families, domestic help, untimely death of bread winner, chronic illness in the family, large family size, drinking and gambling habits of family members etc.
The study revealed the fact that two NGOs namely Rationalist Society of Punjab in Barnala district and Umeed Khanna Foundation in Sangrur district differ with each other on the issue of providing compulsory elementary education to the children. Rationalist Society of Punjab in Barnala district takes the view that education is a fundamental right. It stressed the need for providing elementary education compulsory to all the children. But this view is not shared Umeed Khanna Foundation in Sangrur district. It argued that making education compulsory would be tantamount to punishing poor families who are dependent on the labour of their children. The quality of education in mainstream government schools and the lack of resources to provide universal coverage are mentioned as further justifications for not making education compulsory. A more extreme corollary to this position maintains that children also have the right to work and to organise. It argued that school is not the only arena where children learn; they can acquire life skills at the workplace as well. But the view expressed by Umeed Khanna Foundation is not acceptable. But it may gain ground on account of getting linked to international movements of working children and because of the pressure generated by certain quarters of the donor community.

A variety of educational services are offered by these two NGOs in their attempt to provide an alternative to child labour. They provide full-day schools that mirror the mainstream formal system in many respects. But
these schools are regarded as non-formal on the grounds that they offer the primary school curriculum in a compressed time frame and their teachers are less qualified and are paid lower salaries than government school teachers. They demand that such schools must be funded by the Government. The rationale for setting such schools is to improve school access to the children of educationally backward areas of Barnala and Sangrur districts. These NGOs also demanded that more conventional non-formal programmes such as evening classes and on-the-job literacy classes for working children should be offered.

- This study found wide variation in the importance of working children’s contributions to household livelihood. In some poor households, a male bread winner was earning enough to feed his household. In such families, children are not working full-time. But sometimes due to dire economic necessities arising from sibling’s marriage or religious ceremony, these families are compelled to send their children to work part time or full time. 30.62 per cent of children are found working as well as attending school. A majority of such children consists of children working as domestic servants in homes and in agricultural fields. In other household, working children’s contributions is considered important, because an adult male member of the family is not working or diverting economic resources to the purchase of drugs and alcohol. In some households, where labour is sporadic rather than constant, girls work part-time after attending the schools.
The study revealed that certain jobs were seen as having high moral risks for children specially girls. The girls who work outside their homes are facing sexual as well as mental harassment at the hands of employers.

The study also revealed that that maximum number 88 male child labourers (84.61 per cent) in Sangrur district are employed as agricultural labourers. Contrary to this, in Barnala district, only 43 male workers (40.56 per cent) are doing the job of casual or as permanent labourers. In regard to female child workers, majority of both the districts are working as domestic workers i.e. 44.64 percent in Sangrur district and 44.44 per cent in Barnala district. The majority of the female children i.e. 44.64 percent in Sangrur district and 44.44 per cent in Barnala district are working as permanent agricultural workers or casual workers. The participation of male child workers is comparatively low in domestic work as compared to the participation of male child workers in brick kiln and agricultural works in both the districts. But on the other hand, female child workers participation is high in domestic works and carpet weaving in contrast to brick kiln and agriculture works in both the districts.

It is found that the parents of 150 child labourers are not aware of constitutional provision of compulsory and free primary education in Sangrur district whereas in Barnala district parents of 148 child labourers are not aware of these provisions. Parents of 12 child labour
respondents in Sangrur district are aware about Right to Education Act, 2009, whereas parents of 12 child labour parents are aware in Barnala district about Right to Education, Act, 2009.

- The study also revealed that that very small proportion i.e. 5 per cent parents of working child respondents expressed the view that they are aware about child labour laws and regulations. On the other hand, in Barnala district, only 6.87 per cent parents of working child respondents held the opinion that they are aware of child labour policies and regulations.

**SUGGESTION:**

- There is a need for building effective mechanism and structural pattern to ensure that all the laws framed by the Government for the eradication of child labour must be implanted. If the laws are effectively implemented, the rights of the children shall not remain on paper but shall be translated into action.

- The action plans for the eradication of child labour must be multifaceted and multidimensional and have diversity of approaches so as to provide solution to the complex and deep-rooted problem of child labour. Several issues like the child’s perspective, context and environment must be incorporated and properly addressed to meet the growing challenge of child labour.

- A campaign to promote awareness of the Convention, the constitutional provisions and the situation of children in Punjab must be launched. The
campaign should focus on information dissemination on child rights at the State, District and village levels. It should also demand the implementation of the commitments made by both Union and the Government of Punjab. The campaign must undertake initiatives at national level through awareness building, networking, and child-centered policy advocacy, for building a conducive institutional environment wherein all the internationally agreed and accepted child rights are fully practiced and promoted. One of the objectives of the campaign must be to mobilize public opinion for the protection and promotion of child rights through information dissemination, awareness.

- The Indian legal system has to evolve a great deal in securing the rights of the child. Firstly there has to be some synchronization of the upper age limit for childhood if the rights of childhood have to be realized. The Convention on the Rights of the Child creates, for the first time, a balanced and clearly articulated framework for determining the rights that a child has under international law. Even with its inherent problem of enforcement, the Convention can be a catalyst for legal reform since it sets out the rights, a child should be able to claim at some point in the national legal system.

- The multilateral International treaties which have given a new dimension to the concept of child rights that must be appreciated at the national level. The domestic legal systems should also incorporate this holistic perception of rights.
- There is a need to include the provision for mandatory enforcement of the orders of the National Commission for Children and the Commission should be given powers to initiate contempt proceedings against those not complying with its orders within a time frame.

- The Government of India should ratify the International Labour Organizations Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. The Government should also ensure compliance of the Supreme Court ruling on child labour.

- The district-level vigilance committees should be strengthened to identify and eliminate bonded child labour.

- The provision mentioned in the education policies should be implemented to reduce children dropping out of schools and becoming child labourers.

- The Factories Act should be amended to cover all factories or workshops employing child labour.

- A few children in Barnala and Sangrur districts have not any other earning member in their families; in such a case, the Government should pay some allowances, so that the child should not compelled to work.

- The Government should improve the quality of education by introducing innovations in textbooks, teacher training, and classroom teaching methodology to create a more meaningful and engaging classroom experience for students.
• India should have a statutory National Minimum Wage (a living wage) equivalent to the first-day wage of the lowest paid government employee.

• The government must formulate a comprehensive plan to check the use of alcohol in low income areas.

• Adequate medical and recreation facilities should be provided to the deprived children for their emotional and psychological development.

• Hazardous and exploitative forms of child labour, including bonded labour, sexual exploitation at work that hampers the child’s physical, social, cognitive, emotional or moral development, must not be tolerated, and government must take immediate steps to check this evil.

• All children should be registered at the time of birth. Registration is essential to permit the exercise of the child’s rights, such as access to education, health care and other services, as well as to provide employers and labour inspectors with evidence of every child’s age.

• The media should play an important role in educating the public about child rights. It should draw attention of the policy-makers to violations of child rights. Media should give children a voice, expose shortcomings in the system, highlight the achievements of children—their aspirations and the risks they face.

• There is an urgent need to encourage community participation in all the areas relating to child labour such decision making, priority setting, planning and implementation of poverty alleviation programmes, rural development.
NGOs should play an important role to ensure effective assertion of the rights of children. At the regional level, NGOs must explore ways of using regional human rights machinery and instruments to address regional specificities and disparities and developing regional positions and strategies regarding issues relating to children. At the international level, NGOs’ vital role should include identifying specific areas for international cooperation and technical assistance to realize the rights of the child. The challenge for child rights NGOs lies in applying a participatory empowerment approach to the development of the rights of the child.

The various agencies like Juvenile Justice Boards, Child Welfare Committee members, the bar, school teachers, government officials from various ministries like the Ministry of Human Resources, Development, Department of Women and Child Development, Ministries of Labour and Social Justice and Empowerment which are involved in childcare system must be trained to protect the interests of the children.