CHAPTER - I

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The early years of life are very important in the life span of an individual. According to Ruth Strang, these are the years of the "Flowering of the self". Childhood is the time when children should be given the opportunities to grow and develop in their own best way. Familiar aphorisms such as "The child is the father of the man" and "As the twig is bent so grows the tree" document man's belief in the major contributions of childhood experiences to the personality and behaviour of the mature individual. But for many children, the reality of childhood is altogether different. Right through history, children have been abused and exploited. They suffer from hunger, helplessness, homelessness, deficient health care and limited opportunities for basic education. They have to work in harmful and dangerous conditions and they are denied the basic health care and a favourable environment for the development of growth potentials. Children have the right to be loved, to survive, develop and be protected. Above all they need to have a protected childhood.

Happiness is an innate and natural characteristic of children. A society that denies a child its happiness is a lifeless society. A family that gives regard to the happiness of children is one that strives for true joy. All the signs of happiness that a child reflects are in fact its needs for being happy.
We know that marital life becomes complete when we beget children. We call children our wealth. Begetting children is not just a bodily function. It is an event worth celebrating. The source and focus of life lies in begetting children through marital life. The joy which begetting children gives, is natural, inherent and indivisible. Only because of this parents take pride over their children. Poets and artists, who love nature, celebrate children.

When happiness is denied to children, their needs are denied. And when needs are denied, rights are also denied. The happiness and needs of children are not different. Children are neither mere doll nor are they lifeless corpses. They might not have gained the maturity that is expected by elders. They might not have the talent to look at world experiences minutely. But they are not ignorant. Children grow each day. They project this growth every moment. Children do not do wrong things. It is we, who make mistakes in understanding them. It is because of this problem in understanding them that they become a weaker section. It is the society, which refuses to understand the creativity, innocence and sense of equality that is innate in children that bends children according to its cheap values.

Children are innocent and full of hope. Their childhood should be happy and memorable. Their lives should mature gradually, as they gain new experiences. Childhood can and must be preserved. Children have the right to survive, develop, be protected and participate in decisions that impact their lives.
The existence and perpetuation of child labour is a blot and slur on modern welfare state which seeks to promote the all round development 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 and fate of a nation inextricably depends on the rights and welfare of its children. Sixty member countries of United Nations signing the Convention on Rights of the child on 26th January 1990 is a clear evidence of their deep concern about it. It was realized by the international community that inadequate basic health facilities, shelter, education, material resources and nutrition available for their living adversely affect a hundred million children of the world.

1.2 MEANING OF THE TERM CHILD:

A ‘child’ is one who is dependent on an adult to take care of his or her personal needs. So, child can be defined as "someone who needs adult care and protection for physical, psychological and intellectual development until he or she is able to become independently integrated into adult world." But different environments, purposes and circumstances provide different definitions or meanings of child. Generally, in India one who is under the age of 14 years is considered as child. The Census of India also treats persons below the age of fourteen years as ‘children’. In legal provisions also some definitions of ‘child’ are found, but legal definition of child depends is very much upon the specific legislation. To cites some examples; the Child Marriage Restraint Act, 1929
defines child as “a male below twenty-one years and a female below eighteen years of age”. Under the Vaccination Act, 1880, children have been defined as persons “who have attained the age of 14 years in case of boys and 18 years in case of girls”. Under the Motor Vehicle Act, 1939, child has been defined as a person under the age of 18 years. The Factory Act, 1948; defined a child as a person who had not completed the fifteenth years of age. According to the Child Labour (Prohibition and Regulation) Act, 1986, ‘child’ means a person who does not complete his fourteenth years of age.

From the above discussions the following observations may be offered in defining the term ‘child’ ---

- A child is always a dependent person.
- Upto a particular level a child’s physical, intellectual and psychological level cannot develop properly without the help and care of adult one.
- A child thus always needs care and protection.
- In defining him or her as a ‘child’ fourteen years is generally accepted as a border age level.
- In terms of legal provisions the age level in defining ‘child’ varies somewhat in legislation to legislation but in most cases it is around 14 years.

1.3 LABOUR:

‘Labour’, this word seems as a very common and related term with human beings. According to Oxford Advance Learner’s Dictionary the word
'labour' means 'physical or mental work'. According to the Dictionary of Sociology, 'labour' is meant for, (a) as a general term, any work or effort which is directed towards the attainment of a specific goal, (b) Manual workers, including factory, farm, mining and construction workers and all others whose work has been primary physical rather than social or intellectual including skilled, semi skilled and unskilled workers. According to the Chambers Dictionary the word 'labour' means physical or mental toil, work, especially when done for money or other gain, pains, duties, a task requiring hard work, effort made towards satisfaction of needs, workers collectively, supply or service of workers, especially physical workers.

To understand the meaning of the word 'labour' better, it will be worthwhile to examine the difference of meaning of terms 'work' and 'labour'. Because it is observed that the terms 'labour' and 'work' have been used synonymously and interchangeably. In the 20th Century Dictionary, the 'work' is defined as. "An effort directed to an end employment, the result of work that on which one works, to make efforts to attain anything, to perform, to be in action to be occupied in labour, to bring into any state of action, to carry on operation, to put in motion, to influence, to manage, to solve, to cause, to achieve." According to the Dictionary of Social Science (1977), work is — “(1) any overt motor performance, (2) expenditure of energy in performance of task, (3) instrumental activity, (4) productive activity, (5) gainful productive activity, (6) instrumental activity involving direct or indirect economic obligation".
Both ‘labour’ and ‘work’ are human activities to secure resources and human needs for subsistence. Both ‘labour’ and ‘work’ require human efforts and exercises of body and mind. Thus, apparently we cannot make distinction between the terms ‘work’ and ‘labour’. However, on careful observations, work is found to have much wider meaning. Work is a process linked with all human necessity and developments; be it physical, intellectual, psychological, technological etc. Work is a process associated with all living beings at all levels of their developments. Thus work is a natural process and has direct relation with survival.

On the other hand, the other term ‘labour’ has a very narrow meaning. Work becomes labour when individuals are engaged in the process not necessarily to meet their physiological and psychological needs, but to meet the profit motivated needs of the employer. Both labour and work are profit motivated but in both cases the profit is not applicable for the same person. When profit will be in the direct contract of one’s enjoyment, one’s happiness, one’s psychological and physiological needs and when one is not under any compulsion, it cannot be a labour oriented rather work-oriented. But work when taken up as a means for fulfillment of other’s needs, becomes enslaving in character. Labour needs primarily physical effort or force rather than social or intellectual. Labour is compulsion, one takes up labour to meet one’s necessity of bare survival. Labour does not concern with one’s physical and mental development.
Thus, while work is a natural human activity to survive and therefore a healthy and socially desirable process, labour denies the producer an opportunity for self-direction and control, the insalubrity of which may make it a destructive social process. History tells us that labour is associated with unprivileged and poor section of the society. It leads to exploitation.

1.4 MEANING OF CHILD LABOUR:

Generally, child labour can be defined as employment of children in gainful occupations which are dangerous to their all round development. Encyclopaedia Britanica has defined child labour as “employment of children under a specific legal age.” Again Homer Folks, the Chairman of the U.S. National Child Labour Committee has defined child labour as any work by children that interferes with their full physical development, their opportunities for a desirable minimum of education or their needed recreation.” According to Encyclopaedia of Social Sciences, 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.” Again the Child Labour (Prohibition and Regulation) Act of 1986 of India defines child labour as “employment of children upto the age of 14 years and in case of hazardous employments upto 18 years is child labour.” The definition of child labour is not uniform all over the world. In common parlance, ‘child labour’ is meant for ‘working child’ or ‘employed child’. But this ‘working child’ or ‘employed child’ does not necessarily mean ‘child labour’. For example, when children work only to collect their fees or to get work experience during vacation or off
time it can not be considered as physical or mental toil rather it improves their total development. Thus, some factors of work are to be properly judged like age, occupation and social situations etc.

1.5 CAUSES OF CHILD LABOUR:

'Child Labour' is now considered as one of the biggest worst problem of today's world. Varied factors can be taken as its causes. Following are some of the causes responsible for child labour:

1. **Poverty**: Poverty is the main reason for which the children are forced to work. Chronic poverty is the largest factor responsible for the prevalence and perpetuation of child labour. Poverty compels to live nearly half of the population of our country in a very poor and pathetic condition and make their children as economic necessities. Different studies also reveal that all the miserable condition of human life can be found only in the poverty stricken families. So when little children of privileged and rich families are found in a school, play ground and with nutritious food, children of poor people are found lying on foot-path and in garbage dump, in garages, bus stands, and restaurant with paid and unpaid conditions. So due to poverty and hunger most of the parent unwillingly sends their children to somewhere and earn anything in cash or kind.

2. **Large Family**: With low income and large number of family members one cannot be expected to provide better food, shelter, cloth and education. So children belonging to large family with poor conditions have sometime no choice but to become child labourers. In some cases some families,
parents prefer to send their tiny ones to work for more income and that is why they want to enlarge their families by giving birth to more children. Whatever may be, large family can be taken as another root cause of child labour.

3. **Negligence of Illiterate Parents:** Where literacy helps to minimise the problem of child labour, illiteracy helps to strengthen it. The illiterate parents particularly in rural areas and sometimes in urban areas also prefer their children in works rather than in schools. Instead of sending their children to school they think it profitable when children are at work. According to these parents spending the whole day in a school is meaningless and has no practical gain as there is no job guarantee in future. Thus, these particular parents are direct opposers of providing education to their children. Again unaware of the needs and rights of children, these poor backward parents consider their employment as the proper way of socialization and accepting as a helping hand to grow them naturally.

4. **Unemployment and Under Employment:** Child labour may be the consequences as well as the cause of under employment and unemployment of adult family members. It is the low income and sometimes the unemployment of adult members that compel their children to join in the working class and earn for their families.

5. **Employer’s Preference:** Since child labour is a cheap, employers prefer children to work. Because when the employer can get the same work by employing a child in place of adult worker, definitely he will prefer to
employ the child as adult wage is much more than the child wage. They are exploited in many ways. Poverty of these children is a blessing to these employers. Moreover, as children have less developed ego or status consciousness they do not hesitate to do any type of work. Again due to their age they can be shaped according to the taste and demand of the employer. And while children are found to be more active and quick, more amendable to discipline and control of employer, adults are found less active but with own control and power. As most of the child workers are employed in informal sectors they have no organised Trade Unions and therefore, they cannot protest against employer and demand anything from the employer even though they think it proper.

6. **Idleness of Children:** Idleness can be held as another root cause of child labour. With unsatisfactory home background their leisure time is not properly utilised. Instead of using the time in fruitful activities like attending schools, reading, creative activities, exercises, gardening, tree plantation, etc. they indulge in criminal activities like gambling, stealing, gossiping, drinking, smoking which consequently force them to become child labour to meet their own expenses.

7. **Misuse and Unused Legislation:** Failure of Government legislations, plans and policies is also responsible for child labour. As Government attempts are always remain in papers only, children working in hazardous occupation have to suffer. Of course, it is in the case of non-hazardous occupation also, difference lies only in quantitative ground. Moreover,
absence of inspection by the inspector, non-availability of necessary fund to
Government organizations and other non-Government organizations also
help to contribute to the problem of child labour.

8. **Chronic Diseases of Parents**: Sometime chronic diseases of parents
compel their children to involve in work. To cover the expenses of their
family and to buy the medicine for their parents they enter into different
hazardous and non-hazardous occupations and ultimately at a very tender
age they are bound to do all the activities which are actually not suitable for
their physical and mental health. Sometimes death or loss of their parents
also compels them to work with their little hands. Again there is also a
section of working children who join labour market after abandoning their
home because of ill treatment of their step-mother, drunken father and
brother etc.

9. **Absence of Education and its Facilities**: The provision of free and
compulsory education upto the age of 14 years was laid down in the
Constitution. But it is very unfortunate to say that due to various reasons it is
in reality still a far cry. Since there is no compulsion to take education they
consider it sometimes luxury, sometimes meaningless, sometimes unsuitable
and sometimes expensive. Moreover, non-availability of educational
facilities in places may also be taken as another cause of this problem. These
may include establishment of pre-primary and primary schools at proper
distance, requisite building, proper staff, necessary equipments, library
books, etc. In all these matters non-availability of proper fund can be cited as
one of the reasons. Again it is also found in most of the places irregularity of inspection and sometimes without any inspection schools are run either by the Government, Government aid or by the Non-Government Organizations. So, with a pitiable and poor condition these schools actually cannot provide all the necessary scope for learning. Mostly in the rural areas non-establishment of schools or very limited number of schools cannot give the opportunity of learning to children.

10. **Encouragement of the Family Members:** Sometimes when one or more members of the family are doing the same job, children of that particular family get encouraged to take up that same job. As they are the only earning member of the family definitely they are supposed to get the honour and prestige from the other members of the family and their society. So this type of family status and prestige sometimes attract the attention of their children. Therefore, they also follow the same path along them and become worker at a tender age.

11. **Lack of Special Qualifications:** The work or labour that is carried out by the child generally does not need any special type of qualification and skill. That is why employer also prefers them mostly and children are also bound to accept all the working conditions as they are.

12. **Self Employed:** Some children want to do labour at a tender age but not under any employer rather they prefer to be self employed. As there is no bossism over them, there is more freedom than other employment and more social respect and there is no chance of any exploitation by the employer,
these particular children consider it more beneficial to them. Here rag-pickers are glaring examples who are also one of the major parts of the child worker section. Moreover, some consider it as a social tradition also. In some cases it is also found that these types of children express the need for vocational training through their work. Of course, these are applicable only in cases of self-employed child employee. But whatever may be, like other causes it also helps to strengthen this problem.

13. **Rapid Urbanization:** Rapid urbanization is also another cause for creating this evil problem. Rapid urbanization has disorganized the families, particularly the rural families and children. Thus they are deprived of their family’s care and affection for which the children of these families are ultimately compelled to take shelter outside the home and secure a means of subsistence. So these neglected children represent a large portion of child labour.

14. **Migration:** Migration can be cited as a best example of child labour problem. In most cities the migrant children that are found in the working class are actually because of non-availability of jobs at their native place. So the migrant children of poor family also help to grow the problem.

**1.6 CATEGORIES OF CHILD LABOUR:**

Children are found employed in almost every aspect of human activities. In the present context and in terms of their nature of work, working conditions, environment etc., activities of child labourers can be classified broadly into the following categories :-
(I) Domestic work

(II) Non-Domestic work and Non Monetary work

(III) Bonded or Tied labour

(IV) Wage labour and

(V) Marginal Economic activities.

Domestic Work: Under this category, children both male and female are employed to perform all types of house-hold works, such as cleaning, cooking, child care, etc. Working hours varies from 1 to 12 hours or even more a day. Generally two types of domestic workers are found. One is who performs all types of domestic activities and works, and they work as long as these activities go on in a household. And other is one who is engaged to do one or more particular household activities. This type of workers is found in every society and in both rural and urban areas and constitutes a good percentage of child work force. In this category both boys and girls are found working, though girls are found in more numbers than boys and they also work more hours than boys.

Non- Domestic work and Non- Monetary Work: This type is commonly found in subsistence economy which includes works like farm work, grazing goats, pigs, cows etc., channeling water from one field to another and guarding the crops. These types of works are generally meant for small children of five to seven years. Boys are found in farm work than girls and they can be seen for more hours in farm work and paddy fields than girls. Of course the hours of work is not equal to all, it varies according to the age
groups. These children may be engaged in a type of self employment or in some family activities where she or he can work with parents, strangers or with some other family members. In the household production also children make much contribution. Depending upon the availability to tools, materials and environment of the household children are provided different types of facilities and scope to become apprentices or helpers to fellow craftsman. Of course, in some cases children are employed in some small cottage type industries which are generally their hereditary craft.

**Bonded and Tied Labour:** In this category children are employed as paid and unpaid labour, in rural, agricultural and urban unorganized sectors. The cases of child labour where children working for land-lords as unpaid workers against minimum lodging are the example of bonded labour. In such cases parents employ their children against the loans taken. So, here children have to work in the form of some obligation to some people who can use their economic power upon them.

**Wage Labour:** Wage labour occupies the major place among all types of activities of children. Especially in the modern urban industrialized sector this type of labourers are commonly found. As an agricultural labourer, children can be found working as a part of his family. Again wage labourers are engaged as domestic servants also. In construction works, brick making, bidi-cigar industries and in shops, hotels, restaurants, factories etc. children work as wage labourers. Sometimes as an assistant, sometimes as a helper and sometimes collectively with family members children involve
themselves in either regular or irregular basis. Of course, wages for these activities are not same and equal. In maximum cases they are paid very low wages.

**Marginal Economic Activities:** Marginal economic activities are typically characterized by irregularity and short-term conditions and nature. Children of this type prefer to work independently or on the basis of commission. The children employed for shoe-shining, distribution and selling of newspapers, selling of items on streets, looking after shoes, cars and other vehicles are the activities of this type. Theft, prostitution and other illegal and semi-legal activities may also be classified into this group because they in many times do all these on payment from a third party. Rag pickers and street children are also classified in this category.

1.7 THE IMPACT OF CHILD LABOUR:

The child labourers today will be the paupers of tomorrow, they are the boys and girls who will grow up without either formal schooling or knowledge of a trade; sooner or later, their youthful energies will get exhausted and they will become dull, shiftless and driftless.

The impact of child labour on children, the society and nation is very harmful. In 1989 some countries got together involving people who cared for children and demanded that children should be given their rights, they called it the Convention on the Rights of the Child.
1. **Right to Survival**: When children work they can not enjoy their most important right- the right to survival. Children work both in industrial and domestic setting. Children working in industrial environment also work in various hazardous industries like carpet industry, bidi factory, zari factory etc. which expose them to different health problems. The extreme strain on their delicate organs, their incapacity for sustained concentration, lack of experience in holding machines and tools and lack of appropriate protective equipment make them more prone to accidents. Uncomfortable postures, dirtiness, improper ventilation, lead to various temporary or chronic deformities or disabilities of spine, infectious diseases and respiratory problems e.g. bronchitis, T.B.

Young children are supposed to show high velocity of growth. This age group is more susceptible to infection and malnutrition. Children working as domestic workers or in industries are susceptible to these health problems because they do not get adequate nutrition. Their food needs are taken care of by their employer who does not provide them a healthy diet. The children do not have access to clean drinking water hence they fall prey to various water borne diseases like diarrhoea, jaundice, etc. If they do fall ill they are not taken care of, in fact they continue working for long hours.

If the children are in a mobile occupation like newspaper sales or shoe shining or if they are engaged in street trading of some sort, they are out till late at night exposed to the weather, to the dust and dirt of city streets, to traffic hazards and are in constant danger of being detained by the police on
grounds of vagrancy. Children working in zari industry suffer from eye disease. From ethical point of view every child should be with his family during his growing years. But most of the time children go away to spend most of their working hours at their job or more to the city to work for months together. Hence child labour can be a disorganizing factor in the family. The sources of nurturance which are very essential to the child’s developmental process is not provided because the child is not with his or her family. Children deprived of love and care results in low emotional development.

In these surroundings the Child’s standard of living is extremely low; hence the Childs right to life is completely lost.

2. **Right of Protection**: Children have right to protect from all forms of exploitation and cruel punishment. Children in their early teens or even earlier than that are cheated and deprived of their due by paying meagre wages. Domestic servants are exploited beyond endurance, sometimes suffering from physical and psychological abuse; even they are victims of physical harassment and sexual exploitation. If child labourers make some mistake, employer beat them severely. Lack of appropriate equipments make them more prone to accidents. The tendency among the employers to have quick profits at low costs is a clear case of exploitation. The exploitation of children is one of the consequences of complex situations of insufficient progress.
There is not even a formal contract of employment that ensures the protection of the child, the employer hires and fires at will. Since children wear no protective devices like masks, gloves or boots, they contract skin diseases and infections. Cuts from iron and glass make them susceptible to tetanus and festering wounds. Since these children don’t have any organization, they don’t have any kind of protection from society.

3. **Right to Development:** Education is the fundamental right of every child. Employment of child labour has affected the educational status of the new generation in the country. Children work minimum 14 hours in a day because of this they don’t get time to study. Education is very essential for the growth and development of the child. Puberty which is a period of unstable and delicate equilibrium in juvenile life is influenced by work. Therefore many problems arise in her pregnancy period. Children don’t get time to play and for recreational activities, it may affect their behaviour, attitude, expressions of childhood and their mental, psychological facilities may remain undeveloped and have harmful effects on the harmonious development of child’s personality. In case of an accident the child is obviously not covered by any form of social protection. Because of all these factors a large number of future generations are deliberately pushed into darkness and illiteracy and children become undeveloped.

4. **Right to Participation:** Employer and his surrounding do not give opportunity to child labourers to express their thoughts and feelings. Children cannot express their anger and emotions, even they talk very less,
hence it results in loneliness, low moral development. Because of all this children are not able to develop their own set of values and principles.

Children are not given any opportunity to participate. Even participation in the decision making is not in the hands of children.

Lastly child labour stifles the human potentials; it is a drain on human resource development of any country if the children remain uneducated and unskilled labour. A country rich in material capital but lacking in good human capital would remain poor. Child labour is insufficient power; hence it is a premature expenditure rather than a saving to a nation. If children get education and learn skills they can help to other people and contribute to nation.

1.8 PROBLEMS OF CHILD LABOURERS:

The child labourers are refused and hurdled with remote opportunities to brighten their lives. The playful youth of human life is being spent by them in an atmosphere where there is no fundamental living condition, in deteriorating hygienic surroundings. With rags, sunken eyes, unclean heads, dirty bodies, the phenomenon of child labour has become part of the urban culture and visualized today as part of the city panorama. They have no home. The workplace is the home for these child labourers. They can hope for no security, either familial or social. However, numerous problems are faced by the child labourers in their day today life. They are as follows:
Personal Problem

1. Despair in life and hatred towards parents because of working for a living right from a very tender age of childhood.
2. No self confidence and self–respect.
3. Lack of parental love and affection.

Social Problem

1. No right to express his feelings and his emotions and to get himself redressed from the impeding problems of day-to-day life.
2. Social justice is denied, since they sleep in garages, bus stands, hotels, shops etc.
3. No proper protection from the yoke of social enemies
4. No chance of education, hence literacy reaches an astronomical level.
5. Disturbances caused by suspicious look of police men and women and their courteous glance.

Economic Problem

1. Insufficient daily wages compared to the work done.
2. Work goes up by lifts but wages goes by steps.
3. No chance of cultivating the habit of savings because of low wages.
4. Child labourers are exploited due to ignorance and poverty.
Health Problem

1. Hazardous working atmosphere giving room for occurrence of contagious diseases.
2. Continuous and monotonous work affects health standards.
3. Non-availability of balanced diet leading to virtual panic causing fatigue and partial blindness.
4. Prone to dangerous disease and physical handicaps owing to non-application of vaccines and timely injections to prevent common illnesses.
5. Prone to skin diseases due to unclean bodies and clothes.

Environmental Problem

1. Living places are encircled with both suicidal insanitation and taunted with disastrous elements which make them prone to face ‘death’ at any moment.
2. Facilities for answering the call of nature and cleaning the body and clothes are not available or denied to them.
3. Every chance of inviting death through passing vehicles.

1.9 NEEDS OF CHILD LABOURERS

Work life of the child labourers is generally unstructured and destabilizing. When the child labourers wakeup in the mornings, they are not sure from where their next meal will be coming or whether there will be one. They cannot make any plans for the future since every day is a day of
struggle and misery. The Child labourers also have several needs and most of their needs are unfulfilled.

Social Needs

Man is a social being and the process of socialization is very essential for complete overall growth and development. Most of the social needs of these child labourers are unmet. This is because each one of them is independent and unable to adjust with companions in proper way.

The lack of a settled life is a major obstacle in socialization. Besides, poor or total absence of communication among themselves and few social activities prevent their social needs from being fulfilled.

Psychological Needs

Just as all other children, child labourers also have psychological needs such as need for love and affection by parents, elders, and siblings. However because most of them are staying alone without their families no one cares about them and their psychological needs remain unfulfilled. This has a very great impact on their personality and may also lead to problems like mental disorder such as depression and anxiety. The unfulfilment of psychological needs affects their behaviour and personality to a large extent.

Biological Needs

The basic needs that child labourers have are of a biological nature that includes food, water, the right atmosphere for living, sleep, unpolluted air and ways and means for personal health and hygiene. However as has
been observed, most of these biological needs of child labourers are not met, and hence it leads to overall problems—economic, social and psychological.

**Economic Needs**

As most of the child labourers live on their own earnings they are forced to take-up some kind of employment. It is very common to find however, that most of their economic needs are not met satisfactorily. Even though they may be employed, they do not get an income which is at par with the work that they do. In addition to this they are exploited economically which ultimately leads to frustration among them.

**Educational Needs**

Since a large number of child labourers are uneducated or educated only up to a basic level, many of them realize that they are unable to secure a bright future because of lack of proper education. However, their educational needs are not looked after properly with care and thus they face numerous problems in their life.

It thus becomes clear that the needs satisfaction level of child labourers is extremely poor with the result that most of the children, due to frustration and a total loss of hope suffer a serious damage to their personality and thinking. This in a way results in total collapse of their personality. Ultimately, all this leads to child labourers engaging in anti-social activities, thus creating a society full of tensions, violence, crime and disorganization.
1.10 CHILD LABOUR IN THE WORLD TODAY:

At present child labour is recognized as a global problem. Different studies made by different persons and organizations reveal that child labour existed in almost all the countries of the world in the past and still it is alarming in many countries. In present day world there are about 120 million child labourers in the world as per ILO’s Bureau of Statistics and of which overwhelming majority of these are in developing countries in Africa, Asia and America. According to this estimates, out of total child labourers of developing countries 61% are in Asia, 32% in Africa and 7% in America. Among the countries with a high percentage of their children from 10-14 years in the work force are: Mali, 54.5 percent; Burkina Faso, 51; Niger and Uganda, both 45; Kenya, 41.3; Senegal, 31.4; Bangladesh, 30.1; Nigeria, 25.8; Haiti, 25; Turkey, 24; Côte d'Ivoire, 20.5; Pakistan, 17.7; Brazil, 16.1; India, 14.4; China, 11.6; and Egypt, 11.2. Though primarily developing country’s problem, child labour also exists in many industrialized and advanced countries. In fact, if we go through the history of different advanced industrial countries we find that child labour was originally discovered in the sixteenth century in Europe, though it became more significant by the end of the eighteenth and early part of the nineteenth centuries.

1.11 HISTORY OF CHILD LABOUR IN INDIA:

In ancient India, it was the duty of the king to educate every girl and boy and parents could be punished for not sending their children to school called Ashrams, which were really residential schools under a Guru (a learned sage).
Child labour existed only in the form of child slaves. Children sometimes even less than 8 years of age were purchased to do so called “low and dishonourable” work. Kautilya (4th century B.C.) considered it degrading to make children work on such jobs and hence prohibited the purchase and sale of slave children below 8 years. (Kautilya: Arthshastra,III)

In mediaeval period both Hindu and Muslim Kings used children as personal servants, often as helpers and apprentices to adults. During the Mughal period, especially the condition of a labour was no better than slavery. Labourers had no free will of their own and it is revealed at that time also that child labour existed in the form of helpers and apprentices or in the form of home servants and labourers. In the decree of Akbar of 1594 A.D. it was laid that “a father or a mother might, if forced by hunger and extreme misery, sell their child and afterwards when they had the means to pay, might buy their child back again from servitude.

Thus we see that child labour existed from ancient times and used in economic activities. They were employed in fields and in trade occupations. At that time their workplace was extension of the home and as they grew up found work within family environment. The nature of work was essentially non-hazardous in character. That was how they had been gaining skills and training from their parents and elders in an informal way. However, all these underwent a dynamic change in the modern era especially since the advent of industrialization during 18th century. Child labour has been noticed as “a problem in need of solution” after the industrialization and mechanization which
unlashed a new dimension to labour. Children were separated from home-based work place. They were in a situation where they have to earn wages for themselves as well as for their families.

1.12 MAGNITUDE OF THE PROBLEM:

India has the dubious distinction of being the nation with the largest number of child labourers in the world. According to the International Labour Organization (ILO), an estimated 120 million children from the age of five to fourteen work fulltime or more; of these, India alone is responsible for about 44 million. The child labourers endure miserable and difficult lives. They earn little and struggle to make enough to feed themselves and their families. They do not go to school; more than half of them are unable to learn the barest skills of literacy. Poverty is one of the main reasons behind this phenomenon. The unrelenting poverty forces the parents to push their young children in all forms of hazardous occupations. Child labour is a source of income for poor families. They provide help in household enterprises or of household chores in order to free adult household members for economic activity elsewhere. In India the emergence of child labour is also because of unsustainable systems of landholding in agricultural areas and caste system in the rural areas. Bonded labour refers to the phenomenon of children working in conditions of servitude in order to pay their debts. The debt that binds them to their employer is incurred not by the children themselves but by their parent. The creditors cum employers offer these loans to destitute parents in an effort to secure the labour of these children. The arrangements between the parents and contracting agents
are usually informal and unwritten. The number of years required to pay off such a loan is indeterminate. The lower castes such as Dalits and Tribals make them vulnerable groups for exploitation.

In Assam, child labourers are found in all the nine industrial categories as has been identified by the census of 2001, such as Cultivations, Agriculture, Livestock, forestry, fishing, hunting, plantation and allied activities, Mining & quarrying, Manufacturing, processing & servicing in other household industries, Trade & commerce etc. According to the census report of 2001, there were 351416 child labourers in Assam.

The environmental degradation and lack of employment avenues in the rural areas also cause people to migrate to big cities. On arrival in overcrowded cities the disintegration of family units takes place through alcoholism, unemployment or disillusionment of better life etc. This in turn leads to emergence of street children and child workers who are forced by their circumstances to work from the early age. The girls are forced to work as sex-workers or beggars. A large number of girls end up working as domestic workers on low wages and unhealthy living conditions.

Some times children are abandoned by their parents or sold to factory owners. The last two decades have seen tremendous growth of export based industries and mass production factories utilizing low technologies. They try to maintain competitive positions through low wages and low labour standards. The child labourers exactly suit their requirements. They use all means to lure the parents into giving their children on pretext of providing education and good
life. In India majority of children work in industries, such as cracker making, diamond polishing, glass, brass-ware, carpet weaving, bangle making, lock making and mica cutting to name a few.

Inadequate schools, a lack of schools, or even the expense of schooling leaves some children with little else to do but work. The attitudes of parents also contribute to child labour; some parents feel that children should work in order to develop skills useful in the job market, instead of taking advantage of a formal education. From the time of its independence, India has committed itself to be against child labour. Article 24 of the Indian constitution clearly states that "No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment" The Bonded Labour System Act of 1976 fulfills the Indian Constitution's directive of ending forced labour A Plethora of additional protective legislation has been put in place. There are distinct laws governing child labour in factories in commercial establishments, on plantations and in apprenticeships. There are laws governing the use of migrant labour and contract labour. However there is neither blanket prohibition on the use of child labour, nor any universal minimum age set for child workers. All of the policies that the Indian Government has in place are in accordance with the Constitution of India, and all support the eradication of Child Labour.

Though presently child labour has been recognized as a global phenomenon, different studies and report witnessed its existence from the very beginning. No accurate statistical data are available on child labour in the world;
different estimates provide data which are not similar. According to an US study on child labour there were 120 million child labourers in the world in 2010. In 1995 ILO estimated from statistics of 100 countries that there were about 90 million child labourers between the age group of 5 to 14 years. However, later survey carried out by ILO's Bureau of Statistics indicates that there were at least 120 million children between 5 to 14 years of age who are fully at work.

In India child labour is a wide spread problem. Though different suggestions and legislations have been made for prohibition as well as for protection of working children, yet practical implementation of these laws are not satisfactory. Today India is reported to have the largest population of child labour in the world. According to the Census Report of 1991 there were 11285349 child labourers in India between the age group of 5 to 14 years while Census Report of 2001 reveals that the number of child labourers in India is 12666477. The following table shows the details-
Table No. 1.1
No. of Child Labourers in Different States of India

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the State/UT</th>
<th>No. of Child Labourers according to Census of 1991</th>
<th>No. of Child Labourers according to Census of 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>1661940</td>
<td>1363339</td>
</tr>
<tr>
<td>2</td>
<td>Assam</td>
<td>327598</td>
<td>351416</td>
</tr>
<tr>
<td>3</td>
<td>Bihar</td>
<td>942245</td>
<td>1117500</td>
</tr>
<tr>
<td>4</td>
<td>Gujarat</td>
<td>523585</td>
<td>485530</td>
</tr>
<tr>
<td>5</td>
<td>Haryana</td>
<td>109691</td>
<td>253491</td>
</tr>
<tr>
<td>6</td>
<td>Himachal Pradesh</td>
<td>56438</td>
<td>107774</td>
</tr>
<tr>
<td>7</td>
<td>Jammu &amp; Kashmir</td>
<td>258437</td>
<td>175630</td>
</tr>
<tr>
<td>8</td>
<td>Karnataka</td>
<td>976247</td>
<td>822615</td>
</tr>
<tr>
<td>9</td>
<td>Kerala</td>
<td>34800</td>
<td>26156</td>
</tr>
<tr>
<td>10</td>
<td>Madhya Pradesh</td>
<td>1352563</td>
<td>1065259</td>
</tr>
<tr>
<td>11</td>
<td>Maharashtra</td>
<td>1068427</td>
<td>764075</td>
</tr>
<tr>
<td>12</td>
<td>Chhattisgarh</td>
<td>364572</td>
<td>407200</td>
</tr>
<tr>
<td>13</td>
<td>Manipur</td>
<td>16493</td>
<td>28836</td>
</tr>
<tr>
<td>14</td>
<td>Meghalaya</td>
<td>34633</td>
<td>53940</td>
</tr>
<tr>
<td>15</td>
<td>Jharkhand</td>
<td>407200</td>
<td>70183</td>
</tr>
<tr>
<td>16</td>
<td>Uttarakhand</td>
<td>70183</td>
<td>1262570</td>
</tr>
<tr>
<td>17</td>
<td>Nagaland</td>
<td>452394</td>
<td>377594</td>
</tr>
<tr>
<td>18</td>
<td>Orissa</td>
<td>452394</td>
<td>377594</td>
</tr>
<tr>
<td>19</td>
<td>Punjab</td>
<td>142868</td>
<td>177268</td>
</tr>
<tr>
<td>20</td>
<td>Rajasthan</td>
<td>774199</td>
<td>1262570</td>
</tr>
<tr>
<td>21</td>
<td>Sikkim</td>
<td>5598</td>
<td>16457</td>
</tr>
<tr>
<td>22</td>
<td>Tamil Nadu</td>
<td>578889</td>
<td>418801</td>
</tr>
<tr>
<td>23</td>
<td>Tripura</td>
<td>16478</td>
<td>21756</td>
</tr>
<tr>
<td>24</td>
<td>Uttar Pradesh</td>
<td>1410086</td>
<td>1927997</td>
</tr>
<tr>
<td>25</td>
<td>West Bengal</td>
<td>711691</td>
<td>857087</td>
</tr>
<tr>
<td>26</td>
<td>Andaman &amp; Nicobar Island</td>
<td>1265</td>
<td>1960</td>
</tr>
<tr>
<td>27</td>
<td>Arunanchal Pradesh</td>
<td>12395</td>
<td>18482</td>
</tr>
<tr>
<td>28</td>
<td>Chandigarh</td>
<td>1870</td>
<td>3779</td>
</tr>
<tr>
<td>29</td>
<td>Dadra &amp; Nagar Haveli</td>
<td>4416</td>
<td>4274</td>
</tr>
<tr>
<td>30</td>
<td>Delhi</td>
<td>27351</td>
<td>41899</td>
</tr>
<tr>
<td>31</td>
<td>Daman and Diu</td>
<td>941</td>
<td>729</td>
</tr>
<tr>
<td>32</td>
<td>Goa</td>
<td>4656</td>
<td>4138</td>
</tr>
<tr>
<td>33</td>
<td>Lakshadweep</td>
<td>34</td>
<td>27</td>
</tr>
<tr>
<td>34</td>
<td>Mizoram</td>
<td>16411</td>
<td>26265</td>
</tr>
<tr>
<td>35</td>
<td>Pondicherry</td>
<td>2680</td>
<td>1904</td>
</tr>
</tbody>
</table>

Source: Census of India, 1991 and 2001
In all these figures accurate number of child labourers in the true sense can not be found. Because these figures do not cover all types of child labourers as all are not paid workers, especially in case of girls who are helping hands of their family members. Moreover, some other factors also contribute in this ground such as, attitude of employer towards their child, maximum number of unorganized sectors etc.

1.13 CONSTITUTIONAL PROVISIONS IN INDIA:

The Constitution of India, both in the Directive Principles of State Policy and as a part of Fundamental Rights, has laid down that the State shall direct its policy towards securing the health and strength of workers, men and women; the tender age of children not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength, and that children, are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Childhood and youth are to be protected against exploitation and no child below the age of 14 years shall be employed to work in any factory, mine or in any hazardous employment. The framers of the Indian Constitution incorporated relevant provisions under various articles in part III and IV to ensure justice to children.

1.13.1 Articles of Indian Constitution in regard to children:

**Article-23**: Prohibition of traffic in human beings and forced labour.

**Article-24**: Prohibition of employment of children below the age of 14 years in factories, mines, or in any other hazardous employment.
**Article-45**: Provision of early childhood care and education for children until the age of six years (86th Constitutional Amendment Act-2002).

**Article-21(A)**: Provision of free and compulsory education of children of the age of six to fourteen years (86th Constitutional Amendment Act, 2002).

**Article-51-A(k)**: Fundamental duties of parent or guardian to provide opportunities for education of children between the age of six and fourteen Years.

### 1.14 CHILD LABOUR LEGISLATIONS IN INDIA:

The Indian Factories Act, 1881 was the first protective legislation enacted for protection of child labour. The Act prohibited employment of children below the age of 7 years in factories. It also limited the hours of work to nine hours a day and made it compulsory that four holidays a month and rest intervals should be given to children employed. However, this Act was amended and re-enacted several times with some modification in 1891, 1911, 1922, 1931 and 1935. The Indian Factories Act of 1922 was remarkable as it was enacted to give effect to the International Labour Conventions. Under this Act a child was defined as a person who had not completed his 15 years of age. The children under 12 years were prohibited to enter into labour market. Other Acts which have provisions for protection of child labour, enacted in India were the Mines Acts 1901, 1923 and 1935, the Employment of Children Act, 1938.

Another important Act enacted in India relating to child labour was the Children (Pledging of Labour) Act of February 1933. Since then there have been nine different Indian legislations relating to child labour. The strategy of
progressive elimination of child labour underscores India's legislative intent, and
takes cognizance of the fact that child labour is not an isolated phenomenon that
can be tackled without simultaneously taking into account the socio-economic
milieu that is at the root of the problem.

The major National Laws include:

- The Indian Factories Act, 1881
- Children (Pledging of Labour) Act, 1933.
- Factories Act, 1948.
- Minimum Wages Act, 1948
- Shops and Establishment Act, 1961.
- Bidi and Cigar Workers (Conditions of Employment) Act, 1966.
- Inter-state Migrant Workmen (Regulation of Employment and
- Child Labour (Prohibition and Regulation) Act, 1986.
The Government of India is determined to eradicate child labour in the country. The world's largest child labour elimination programme is being implemented at the grass roots level in India. In this a large number of non-governmental and voluntary organizations are involved. Special investigation cells have been set up in States to enforce existing laws banning employment of children in hazardous industries

India has all along followed a proactive policy with respect to the problem of child labour and has stood for constitutional, statutory and developmental measures to combat child labour. The Indian Constitution has consciously incorporated provisions to secure compulsory universal elementary education as well as labour protection for children. Labour Commissions in India have gone into the problems of child labour and have made extensive recommendations. The International Programme on Elimination of Child Labour (IPEC) has the world's largest international initiative on child labour in India.

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

As a follow-up of this commitment, and being a party to the UN Declaration on the Rights of the Child 1959, India adopted the National Policy on Children in 1974. The policy reaffirmed the constitutional provisions and stated "it shall be the policy of the State to provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, mental and social development. The State shall progressively increase the scope of such services so that within a reasonable time all children in the country enjoy optimum conditions for their balanced growth."

India has also ratified on December 2, 1992, the Convention on the Rights of the Child, which came into force in 1990. This ratification implies that India will ensure wide awareness about issues relating to children among government agencies, implementing agencies, the media, the judiciary, the public and children themselves. The Government's endeavor is to meet the goals of the Convention and to amend all legislation, policies and schemes to meet the standards set in the Convention.

India is also a signatory to the World Declaration on the Survival, Protection and Development of Children. In pursuance of the commitment made at the World Summit, the Department of Women and Child Development under the Ministry of Human Resource Development has formulated a National Plan...
of Action for Children. Most of the recommendations of the World Summit Action Plan are reflected in India's National Plan of Action.

India's policy on child labour has evolved over the years against this backdrop and its present regime of laws relating to child labour has a pragmatic foundation, consistent with the International Labour Conference resolution of 1979. The International Labour Organization (ILO) resolution calls for a combination of prohibitory measures and measures for humanizing child labour, wherever such labour cannot be eliminated altogether in the short turn. It should also be mentioned that India is second to none in its commitment to and in the upholding of the core international labour standards such as freedom of association, collective bargaining, non-discrimination, etc. India is signatory to a record 36 ILO labour conventions.

1.14.1 The Child Labour (Prohibition & Regulation) Act 1986 of India:

The Child Labour (Prohibition & Regulation) Act 1986 of India was the culmination of efforts and ideas that emerged from the deliberations and recommendations of various committees on child labour. Significant among them are the National Commission on Labour (1966-69), Gurupadaswamy Committee on Child Labour (1979), and the Sanat Mehta Committee (1984).

The Act aims to prohibit the entry of children into hazardous occupations and to regulate the services of children in non-hazardous occupations. The Act, in particular,

- Bans the employment of children, i.e. those who have not completed their 14th year, in specified occupations and processes
• Lays down a procedure to make additions to the schedule of banned occupations or processes;
• Regulates the working conditions of children in occupations where they are not prohibited from working;
• Lays down penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
• Brings uniformity in the definition of the "Child" in related laws.

1.15 GOVERNMENT OF INDIA'S POLICIES AND ACTIONS:

1.15.1 National Policy for Children:

In October, 1967, the Government of India appointed a committee to look after the problems faced by the children, their needs and support programmes to meet these needs. The committee observed that a comprehensive national policy for child welfare was necessary to take an integrated view of the different needs of children and assign priorities. Accepting the recommendations, the Government of India proclaimed the National Policy Resolution and in 1974 it was accepted. To lay down a policy, by itself is a great achievement, as very few countries have taken this step.

For attaining the objectives of the policy following measures were adopted:
• All children shall be covered by a comprehensive health programme.

• Provide nutrition services for removing deficiencies in the diet of children.

• Provide free and compulsory education for all children upto the age of 14. Special efforts will be made to reduce the prevailing wastage and stagnation in schools particularly in the case of girls and children of the weaker sections of society.

• Children who are not able to take full advantage of formal school education shall be provided other forms of education suited to their requirements.

• Physical education, games, sports and of other types of recreational as well as cultural and scientific activities shall be promoted in schools, community centers and such other institutions.

• Children who are cordially handicapped, who have become delinquent or have been forced to take to begging or are otherwise in distress, shall be provided facilities for education, training and rehabilitation and will be helped to become useful citizens.

• Children shall be protected against neglect, cruelty and exploitation.
• No child under 14 years shall be permitted to be engaged in any hazardous occupation or be made to undertake heavy work.

• In organizing services for children, efforts would be directed to strengthen family ties so that full potentialities of growth of children are realized within the normal family, neighboring and community environment.

The most vital and important requirement for implementing the policy are resources. The policy stipulates the Government shall endeavour that adequate resources are provided for child welfare programmes and voluntary organisations shall continue to develop services for children. Provision of resources for the various programmes, however, is through the state governments who have major responsibility for implanting children's programmes and the Government of India. Actually for the implementation of the policy, suitable action programmes need to be undertaken and this heads to commitment, dedication and determinant.

1.15.2 The National Child Labour Policy:

Increasing attention is now being paid to strengthening the enforcement machinery related to child labour. Soon after the enactment of the comprehensive Child Labour (Prohibition & Regulation) Act, 1986, the Government of India adopted a National Child Labour policy in 1987, in accordance with the constitutional provisions and various legislations on child labour. The idea of adopting a separate policy on child labour was not only to place the issue on the nation's agenda, but also to formulate a specific
programme of action to initiate the process of progressive elimination of child labour. The policy consists of three complementary measures:

- **Legal action plan:** This policy envisions strict enforcement of the provisions of the Child Labour (Prohibition & Regulation) Act, 1986 and other child-related legislation.

- **Focus on general development programmes benefiting children wherever possible:** The policy envisions the development of an extensive system of non-formal education for working children withdrawn from work and increasing the provision for employment and income generating schemes meant for their parents. A special cell - Child Labour Cell - was constituted to encourage voluntary organizations to take up activities like non-formal education, vocational training, provisions of health care, nutrition and education for working children.

- **Area specific projects:** To focus on areas known to have high concentration of child labour and to adopt a project approach for identification, withdrawal and rehabilitation of working children.

### 1.15.3 Central Advisory Board on Child Labour:

The Central Advisory Board on Child Labour was constituted on March 4, 1981. The following are the terms of reference of the Board:

- Review the implementation of the existing legislation administered by the Central Government.
• Suggest legislative measures as well as welfare measures for the welfare of working children.
• Review the progress of welfare measures for working children.
• Recommend the industries and areas where there must be a progressive elimination of child labour.

The Board was reconstituted last on November 2, 1994. The Union Labour Minister is the Chairman of the Board. The other Members of the Board include representatives from the various sister ministries, Members of Parliament, non-governmental organizations, representatives of major trade unions and employers' organizations.

1.15.4 National Child Labour Projects (NCLP):

Under the action plan of the National Policy on Child Labour, there has been National Child Labour Projects (NCLP) set up in different areas to rehabilitate child labour. A major activity undertaken under the NCLP is the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition etc. to children withdrawn from employment. Under the project based action plan of the policy, 12 NCLPs were started in the States of Andhra Pradesh (Jaggampet and Markapur), Bihar (Garwah), Madhya Pradesh (Mandsaur), Maharashtra (Thane), Orissa (Sambalpur), Rajasthan (Jaipur), Tamil Nadu (Sivakasi) and Uttar Pradesh (Varanasi-Mirzapur-Bhadohi, Moradabad, Aligarh and Ferozabad).
1.16 SUPREME COURT DIRECTIONS ON CHILD LABOUR:

The Supreme Court of India, in its judgement dated 10th December, 1996 in Writ Petition (Civil) Number 465/1986, has given certain directions regarding the manner in which children working in the hazardous occupations are to be withdrawn from work and rehabilitated, and the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved. The judgement of the Supreme Court envisages:

a) Simultaneous action in all districts of the country;
b) Survey for identification of working children (to be completed by June 10, 1997)
c) Withdrawal of children working in hazardous industries and ensuring their education in appropriate institutions;
d) Contribution of Rs.20,000 per child to be paid by the offending employers of children to a welfare fund to be established for this purpose;
e) Employment to one adult member of the family of the child so withdrawn from work, and if that is not possible a contribution of Rs.5000 to the welfare fund to be made by the State Government;
f) Financial assistance to the families of the children so withdrawn to be paid out of the interest earnings on the corpus
of Rs.20,000/25,000.00 deposited in the welfare fund as long as the child is actually sent to the schools;

**g)** Regulating hours of work for children working in non-hazardous occupations so that their working hours do not exceed six hours per day and education for at least two hours is ensured. The entire expenditure on education is to be borne by the concerned employer;

**h)** Planning and preparedness on the part of Central and State Governments in terms of strengthening of the existing administrative/regulatory/enforcement frame-work (covering cost of additional manpower, training, mobility, computerization etc.) implying additional requirement of funds.

Thus it is observed that many legislations have been enacted in India to prohibit and to improve working conditions of child labourers from time to time starting from even the time when India was under British Rule. After independence the issue has been persuaded more vigorously and several new legislations have been enacted to eradicate evils of child labour. Amendments were made to old Acts to make them effective. It is also noted that besides legislative measures Government adopted National Policy on Child Labour. However, it is sad to note that child labour continues to exist in India in great numbers. In fact figures of child labour estimated by various
agencies indicate that India has the largest number of child labourers among countries of the world.

1.17 CONVENTION ON THE RIGHTS OF THE CHILD:

The convention on the Right of the Child is an International Treaty that recognizes the human rights of children up to the age of 18 years. The convention establishes an International law that states parties must ensure that all children-without discrimination in any form benefit from special protection measures and assistance, have access to services such as education and health care, can develop their personalities, abilities and talents to the fullest potential, grow up in an environment of happiness, love and understanding and are informed about and participate in, achieving their rights in an accessible and active manner.

The preamble of the convention indicated in the declaration of the Rights of the Child, “the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

Recognizing that, in all countries of the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

1.17.1 Articles of the Convention:

The standard in the convention on the Rights of the child were negotiated by Governments, non-governmental organizations, human rights advocates, lawyers, health specialists, social workers, educators, child
development experts and religious leaders from all over the world over a 10 year period. Having agreed to meet the standards in the convention and to transform the standards into reality for all children, all countries have agreed with the following articles in the convention.

**Article 1** says that State parties shall aspect & ensure the Rights set forth in the present convention to each child within their jurisdiction without discrimination.

**Article 2** says that State parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

**Article 19** recommends that State parties shall take all appropriate legislative, administration, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

**Article 20** on the other hand refers that a child temporarily or permanently deprived of his or her family environment.

**Article 22** mentions that State parties shall take appropriate measures to ensure that a child who is seeking refugee states or who is considered a refugee should receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights.
Article 28 states that State parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity make primary education compulsory and available free to all and secondary education should included general and vocational education. Higher education should be accessible to all on the basis of capacity by every appropriate means.

Article 32 mentioned that the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental spiritual, moral or social development.

Article 33, 36 and 39 include protection of child from use and trafficking of narcotic drugs, all forms of exploitation and securing health, self respect and dignity of the child. Through these articles the convention reflects a new vision of the child.

192 countries had become state parties to the convention as of November 2005. On the other hand, UNICEF also promotes the principles and provisions of he convention and the mainstreaming of children’s rights in a systematic manner, in its advocacy, programming, monitoring and evaluation activities.

1.18 UNIVERSALISATION OF PRIMARY EDUCATION:

Universalisation of elementary education is the constitutional commitment in India. Education is the basic requirement for success of democracy and progress of country. Universalization of primary education is
a provision to provide free educational opportunities to all children of the society irrespective of caste, creed and sex.

Article 45 of the Indian Constitution directed that "The state shall endeavour to provide within a period of ten years from - the commencement of this constitution for free and compulsory education for all children until they complete the age of fourteen years."

Since independence many steps have been taken and different commissions and committees have given suggestions to achieve Universalisation of Primary Education. But it is still far from the hope and the national target.

The thrust in elementary education is on three aspects:

i. Universal access and enrolment;

ii. Universal retention of children upto fourteen years of age; and

iii. To bring about substantial improvement in the quality of education to enable all children to achieve essential levels of learning.

In spite of our consistent efforts, a quarter of the total school going age population is outside the formal educational system. According to the District Information System for Education, 2011 (NUEPA) the gross enrolment ratio in Assam is 89.26% for classes I-V and 64.70% for classes VI-VIII.

1.18.1 The Right of Children to Free and Compulsory Education Act, 2009:

The Right of Children to Free and Compulsory Education Act, 2009 was passed by the Parliament of India in August 2009 and received presidential
assent on 26th August 2009. Thereafter it was notified for enforcement from 1st April, 2010 in the gazette of India of 19th March 2010.

This Act is based on the 86th amendment of the constitution of India that brought about the following changes:

1. **Insertion of Article 21 A on right to education after Article 21 of the constitution**: The state shall provide free and compulsory education to all children of the age of six to fourteen years in such a manner as that may, by law determine.

2. **Substitution of the Article**: “Provision for early childhood care and education to children below the age of six years” with a new Article that reads “The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years”

The Right of Children to Free and Compulsory Education Act, 2009 was enacted by the Parliament in the sixtieth year of the Republic of India. The sections under preliminary chapters meant for compulsory and free education.

**1.18.2 Status of Free and Compulsory Primary Education:**

Primary education in India is defined as the education from class I to VII and roughly covers, children form the age of 6 to 14 years. Universalisation of Elementary Education (UEE) has been a national goal since Independence. India’s National Policy on Education, 1986 gives the highest priority to the programme of universal elementary education, and recommends that free and compulsory education of sufficient quality be provided to all children up to the
age of 14 years before we enter the 21st century. The present thrust is on three aspects, namely, universal access and enrollment, universal retention of children up to 14 years of age, and substantial improvement in the quality of education to enable all children to achieve essential levels of learning. All these aspects have been incorporated in the various initiatives taken up by the Ministry of Human Resource Development.

All the State Governments have abolished tuition fees in government schools up to the upper primary level Education. In schools run by local bodies and private-aided institutions is almost free. However, unaided institutions (3% to 7%) do charge fees. Compulsory Education Acts have been enacted in 14 states and 4 Union Territories viz. Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry and Andaman and Nicobar Islands.

1.19 REHABILITATION AND EDUCATION OF CHILD LABOURERS:

Sufficient thought has been given to the problem of child labour covering most of the dimensions. Attempts are being made to rehabilitate the child labourers. Government and Non-Government Organizations started undertaking programmes for child labourers. Funds are also given by Government and Non-Government sectors of National and International level for this cause. Commendable suggestions were drawn from Seminars/Conferences/Workshops held at different levels. Yet rehabilitation
of child labourers at field level has become the rigorous duty of the state and its agencies.

When the mission started work in urban areas very little information was available about the deprived urban children in Assam. However it was necessary for programme planning, designing and implementation. Thus a baseline survey was undertaken to ascertain some vital data about them such as number, profile (sex, age group, nativity, parents, language etc.) work, education, health and desire to study etc. The survey identified and recorded 14110 deprived urban children (DUC) across 39 cities and towns covering 14 districts. A pat from the number, the cause for concern is the variety of situations where such children are found.

NGO government partnership being one of the corner stones of Sarva Siksha Abhiyan (SSA), the Mission decided to implement the programme in town through local NGO’s. Thus 13 NGO’s were selected (4 in Guwahati and 9 in other towns) who are currently implementing the programme. SSA has also committed itself for the capacity building of NGO’s in various areas including training, academics, designing interventions forward to reach children. SSA, Assam aims to reach out to all these Hard To Reach (HTR) children with commitment to Education for All as implementation of recently amended Child Labour (Protection and Regulation) Act, 1986. At present, 1240 Jyoti Kendras (HTR centres) are running in 23 districts covering 39923 deprived urban children. In Guwahati city till 2009 they have covered 58 wards where 304 Jyoti Kendras has been established. They
have covered 8250 deprived urban children out of which number of boys are 3899 and 4351 are girls. Their retention work covered coverage of out of school children, survey in urban areas, survey of Muslim Community children, Community Awareness on Child Labour Act, motivational programmes for children as well as community, library facility in centre, health and hygiene programme, monitoring system, organizing guardian meeting, assessment of performance of sikhsa karmis etc. with the help of UNICEF they have organized awareness campaign in Guwahati urban developed Information Education and Communication (ICE) materials, taken initiatives in respect of regular monitoring organized Life Skill Education Programme, and street drama etc. Most of the students in the HTR centres work in motor garages, hotels, shops or as part time domestic help or stay in railway platforms or on the streets. Everyone has a different story to tell, but they are also similar in some respect i.e., all are from slum dwellers and come from broken homes.

Assam Sarva Siksha Abhijan has developed a special academic package for multi age and multi grade children, and an activity chart for group learning practices in classrooms. Most of the children of he Jyoti Kendras are working children, Date from the Jyoti Kendra’s shows that 2091 working children have been engaged in shops, hotels, brick kiln and garages, 479 have been engaged in factories and 4574 have been engaged in ‘other’s categories of work, including rag picking, petty vending and show shining and manual jobs as porters, helpers or cleaners.
Assam has identified a number of challenges that it must overcome, the irregularity of attendance in centres, seasonal migration, and lack of awareness among parents and the community. It plans to extend the HTR programme to more urban pockets and industrial areas, and form district level task forces to ensure enrollment of all deprived children.

1.19.1 Residential Bridge Course Centre (RBCC):

RBC in Assam has been covering the child labourers and other OSC of 10-14 years age group. 10 RBC Centres were started in 2003-04 in 9 districts of Assam with capacity of enrolling 970 children.

The intake capacity of RBC centres have been enhanced from 970 to 1200 children in.

Subsequent to the recent amendment of the Child Labour (Prohibition & Regulation) Act, 1986, a Special Drive for releasing the child labour from the bondage of work has been conducted in 2007-08 and children were enrolled in RBC centres. In 2008-09, SSA, Assam has been continuing the existing 10 RBC centres covering 1200 children in 9 districts and 33 new RBC centres have been opened in 22 districts, covering all districts except Dhemaji enrolling 3380 child labourers.

1.19.2 Special Programme for Child Labourers:

Sarva Siksha Abhijan, Assam in its bid to achieve the goal of Universalisation of Elementary Education has been facing its toughest hurdles in covering the child labourers. The children engaged in work get embedded in a cobweb where the interest of the children is
diluted and it appears that the parents and the employer has some common interests. The activist advocating the cause of education of the children is often presumed as an enemy of the interests of both the employer and the parents. In case of engagement of child labour the prevailing contract is in between the parents/wards of the children and the employer. The Child has no role in deciding the terms and conditions of their employment. The phenomenon of Child labour is a stark example of exploitation of the children by their employer as well as the parents/wards of the children.

As per the census report of 2001 Assam has 3, 51, 416 child labourers of 5-14 years age group. The number in whole country counted to the tune of 1.26 crore as per that census.

SSA has taken two prong approaches to bring the child labour into the fold of education. One by partial release of the children from works and enrolling them in non residential Alternative Schooling Centres like Sanjogi Siksha Kendra (SSK) and Jyoti Kendra. The Siksha Karmi (SK) of these centres plays a vital role in visiting the employer and trying to convince them to send the working children to SSK or Jyoti Kendra. The coaxing works only after sincere follow up of the first approach made by the SKs. Initially reluctant employers also often finally give in after seeing fellow employer doing the same. But the conflict of works and learning time continues and often the SK faces the challenges of untimely dropping out of the children.
1.19.3 Enrolment in Residential Bridge Course:

The second approach that SSA has taken up has achieved limited coverage in terms of quantity but is more visible as a concrete step towards complete release of the child labour from works. SSA has been enrolling working children in its Residential Bridge Course (RBC) Centres since 2003. It is evident that a residential facility is sine qua non for a child labour rehabilitation programme. We just can not ask the children to leave the work and join the school. Simply it is not feasible. Most of the child labour comes across a large distance from their homes to work somewhere. Hence they need a shelter and free foods and other facilities for their immediate survival and joining in school.

1.19.4 Child Labour Release and enrolment in RBC Centres:

SSA has successfully conducted Child Labour Release Operation in all the districts having RBC centres during July to October, this year. A group was formed to visit the work places and release the children under the leadership of an executive magistrate in each district. Officials from SSA, Education Labour, Transport and Social welfare department along with the Police and NGO volunteers raided the work places and released the children from work. The children are brought to the Residential Bridge Course Centres of the respective districts. 43 RBC centres covered 4580 working children through this programme. SSA has successfully conducted this child labour release programme with the active participation and support of district administration. This programme has been able to draw media attention and it
helped in SSA’s efforts for generation of awareness on education of child labour.

The District wise Coverage of RBC centres are shown in the following table:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>District</th>
<th>Target Children</th>
<th>Coverage in 2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Centre</td>
<td>Boys</td>
</tr>
<tr>
<td>1</td>
<td>Barpeta</td>
<td>430</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Bongaigaon</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Cachar</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Darrang</td>
<td>240</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Dhubri</td>
<td>250</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Dibrugarh</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>Goalpara</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Golaghat</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Hailakandi</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Jorhat</td>
<td>150</td>
<td>2</td>
</tr>
<tr>
<td>11</td>
<td>Kamrup</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>Karbi Anglong</td>
<td>600</td>
<td>4</td>
</tr>
<tr>
<td>13</td>
<td>Karimganj</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>14</td>
<td>Kokrajhar</td>
<td>210</td>
<td>2</td>
</tr>
<tr>
<td>15</td>
<td>Lakhimpur</td>
<td>250</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>Morigaon</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>N C Hills</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>18</td>
<td>Nagaon</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>19</td>
<td>Nalbari</td>
<td>200</td>
<td>2</td>
</tr>
<tr>
<td>20</td>
<td>Sivsagar</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td>21</td>
<td>Sonitpur</td>
<td>250</td>
<td>2</td>
</tr>
<tr>
<td>22</td>
<td>Tinsukia</td>
<td>100</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4580</td>
<td>43</td>
</tr>
</tbody>
</table>

Source: Sarva Siksha Abhijan, Assam

1.19.5 Snehalaya:

The Don Bosco organization has formally launched Snehalaya in Guwahati on August 16, 2000 to mark the 185th birth anniversary of the great educator, saint and friend of youth St. John Bosco (popularly called Don
Bosco). Over the past six years five Snehalaya Centres have been set up in Guwahati as inter-related units of one single coordinated programme. Each centre has its own role to play in the graded process of rehabilitating a child picked up from the street, the railway station or the footpath.

In the Don Bosco method, the process begins with the ‘street contact”. The child is first contacted was he/ she is found (railway station, footpath, slum, market place, garage or restaurant, temple squares and river banks etc.) This is done by Children’s Assistance Booths in the railway stations, by running pavement literacy centres, by setting up recreation centres in areas where such children are found in clusters, or by the mere presence of street educators in such areas. The child who is contacted is invited to drop in at a shelter home. Snehalaya has a temporary shelter home at the Mission Compound at Panbazar on rental land. Snehalaya shelter home for girls is located at Noonmati. Tow Salesian sisters and two staff members live with the children here. A good number of girls from this home go to school. It has also its children’s home for boy’s at Dhirenpara, children’s home for girls at Beltola called Jyoti Snehalaya. The Silesian sisters also have opened up a children’s home called Auxilium Ashalaya in Holy Child School compound.

Snehalaya also runs a primary school in Dhirenpara in the city, in collaboration with Axom Sarva Siksha Abijan (ASSA) Mission, where about 100 children of whom 40 or so are street kids including child labourers, are from the Snehalaya Institute. Snehalaya has a number of programmes targeting young, at-risk children, and these include education for street
children, vocational training job placement and marriage, savings scheme etc.
it has set up a children’s Assistance Booth in Paltan Bazar Railway Station in
the city that is maned by child friendly staff to contact estranged and run
away children as soon as they arrive at the railway station, before they fall
into the hands of middleman and other anti-social elements operating in the
station.

1.19.6 Indian Council for Child Welfare (ICCW):

With an aim to serve downtrodden children in and around the society,
Indian Council for Child Welfare, Assam State Branch was formed in the
year 1967. From the year 1994-95, ICCW has been implementing the
Integrated Programme for street children project successfully in Guwahati
city. In the year 2008-09 total 315 no. of street and working children under
the age group of 1-18 years has covered under the scheme. The project was
implemented at slum area and nearby railway tract among the slum dwellers
rag pickers, daily wagers, migrant labour etc. Most of the children were
engaged in rag picking, working at the stall, dhaba, garage, roaming at
platform, child rearing and cooking at home in the absence of parents. Most
of the children live with single parent or relatives.

The programme is implemented through five (5) day care centre
named as ‘Surujmukhi Kendra’ and al centers are accommodated in local
clubs as rented house in normal rate. The centers are located in the following
areas:

- Surujmukhi Kendra, Arunjyoti Sangha, Aryanagar, Charabbhati.
• Surujmukhi Kendra, Mazdoor Union Hall, Kalibari, Paltan Bazar.
• Surujmukhi Kendra, Mahila Samity Bhawan, Bamunimaidam.
• Surujmukhi Kendra, Shankar Nager Unnayan Samity, Noonmati
• Surujmukhi Kendra, Anurag Sanskritik Chora, Maligaon.

Each centre is carrying services on Non-Formal education, supplementary nutrition, health services, recreational activities, vocational training, rehabilitation and referral services, Qualified children are enrolled at formal school. One street educator, one Helper and one Vocational Trainer are in charge to conduct all activities of the centre. The programme Coordinator monitors all activities of the project and maintains networking with Government and Non-Government agencies.

Each centre conducts a house to house survey prior to the admission session in the location and motivates parents and guardians to send their children to these centres. Mid-day meals have also been provided regularly to these children as part of the Nutritional Support programme of ICCW. The non-formal education has been imparting in a play way method for learning. The ICCW also bears the cost of school admission fee, uniform and other learning materials for these children.

In is difficult to bring the children regularly to the ICCW centres, although there have been the provision of recreational activities, Mid-day meal schemes and counseling. The priority of the street children is always on earning something rather than coming to the centres. Their parents too
engage them in different income generating activities. Many of them also cannot continue with their education after enrollment in formal schools due to financial crises which results a high rate of drop-out. The ICCW keeps a vigil on these drop outs and puts them into different vocational training programmes. The vocation programmes teach driving and motor mechanics for boys, and embroidery, beautician courses and mehendi works for girls. It also arranges annual exhibition for selling of handicraft works and products made by children of these centres.

1.19.7 CHILDLINE:

Guwahati Childline is a project under Ministry of Women and Child Development, run by Assam State Council as a collaborative Organization. CHILDLINE 1098 is a national 24 hours free emergency phone service for its children in need of care and protection. Since its inception till 2009 it has been able to handle 2852 numbers of cases. They have extended their activities outside India also. A CHILDLINE team rescued an Indo Border trafficked girl from Bangladesh. CHILDLINE handles cases of different categories like-

- Medical Help
- Shelter
- Rescue from physical, sexual mental abuse.
- Death related
- Sponsorship
- Repatriation
- Emotional support and guidance
• Missing children

CHILDLINE started a centre conducting training on meditation, yoga, dance and music for the slum dwellers of Harijan colony. A training programme, Juvenile Justice Act in collaboration with Human Rights law Network, Guwahati Chapter has also been conducted. From March 2009 to June, 43 numbers of awareness programmes were conducted.

1.19.8 World Vision:

World vision India is a registered society serving the poor in India without regard to caste, creed, colour or religion. Over the last 50 years the World Vision has worked in milestone events that have impacted the way they serve the poor. They seek fullness of life with dignity, justice, peace and hope for every girl and boy, in partnership with their communities, the Government and other NGO’s. They pursue their goals through programmes and response to humanitarian crises in over 100 districts around the country.

World Vision India has started Guwahati Street Children Project in May, 1996 with the aim of making a difference in the lives of the street children in the city of Guwahati through health, education, nutrition, and vocational training programmes and income generation programmes. Upto 2008 the project caters more than 600 unprivileged children and reaching out to more than 500 families. Children under the Guwahati Street Children project fall under both the category i.e., ‘on the street’ ‘of the street’.

From October, 2005 the project is also working for the children who do not have parents, live on street, footpaths, railway station, bus stands etc.,
the centre for such children is functioning in Beltola Chariali, Six Mile, Dighali Pukhuri and Bamnimaidam. The community based centres are at Pathar Qwary and Bhaskar nagar and Bamunimaidam. The average attendance of children in these centres is 30, 60, 30 and 30 respectively where children are made familiar with numbers and alphabets etc.

Their networking partners are UNICEF, CHILDLINE, NIPCCD, CBCNI, SOS Children's Village, AIDS Prevention Society, MMC Hospital, Law Research Institute, Bosco Reach Out, Snehalaya, ICCW, Step, State Social Welfare department and Education department. With the Initiative of World Vision's GSCP (Guwahati Street Children Project), the network partners have formed a Child Protection Committee with representative from five partners to address the problems and issues affecting the children. The committee plays the role of Guardian for children in distress.

1.19.9 Rotary School for Street Children:

With the initiative of Rotary Club of Guwahati the Rotary School for street children was started in the year 2003. The school is accommodated in the Rotary Club building near Uzanbazar Ghat. On 14th November 2003 the school was started with 10 children. Its main aim is to mainstreaming the street children who comes to this centre. With this aim they have already brought 15 children into the mainstream in 2004 and 18 children in 2006. The children come mainly from the slum area Uzanbazar and their age group ranges between 6 to 14 years. The school starts at 10 A.M and remains open upto 1 p.m. daily except Sunday's and Holidays.
The Rotary School for street children is getting financial help from the Srichand Dhudhoria Memorial Trust and Charity Trust. It provides uniforms, books, medicines and stationeries to the children. The school also arranges health check-up for the children from time to time. Different festival, days are also celebrated by the school.

1.19.10 sSTEP (Society for Social Transformation and Environment Protection):

sSTEP has always been involved in various activities that relates to the poor. Whether it be a question of their livelihood, or existence or survival, sSTEP has attempted to provide them health, organize them, educate and make them aware of their rights and raise public issues in their favour. Child labourers are among them.

sSTEP came forward to work with the working children of Guwahati city. Initially a loose Network of friends and volunteers started working as a unit in 1998, which was formally registered under the Societies Registration Act of 1860 in the year 2001. sSTEP believe in groups and with collective actions. That is why they work for the working children networking with different NGO’s of greater Guwahati. The have covered poverty pockets of Greater Guwahati. In 2002 they have started some contact points in areas like Nepali Mandir, Railway Station and Ganeshguri Flyover.

The main aim of sSTEP is advocate and promotes social security and ensuring right of poor and to give their childhood through 3R’s. With this aim in view they have started their centre for street children ‘Apunghar’ in
Kalibari near railway station. At present there are 68 street children who are enrolled in this ‘Apunghar’. sSTEP has facilitated them with non-formal education, vocational training etc. They also provide health care services to the street children, organize awareness camp on dead diction, health and hygiene, sanitation. sSTEP has also worked for promoting micro finance, insurance facilities for those children who have savings account in sSTEP. Activities of sSTEP have been financed by ‘International Financing Organization Action in India’ which is a European NGO on right based.

1.19.11 NIPCCD (National Institute of Public Cooperation and Child Development):

The first regional Centre of NIPCCD was established in Guwahati on 14\textsuperscript{th} November, 1978 to cater to the regional requirements of research and training in the field of women and child development in the seven North eastern States. NIPCCD organize training, workshops and seminars and also conduct research/evaluation studies on child labour. Since inception it has organized numerous seminars, consultation meets, workshop etc. on various issues of topical interests concerning child labour for a number of Government official’s representatives of NGO’s and other such functionaries.

The institute has completed a good number of research and evaluation studies in relevant areas and several such studies are currently going on. The regional Centre is also the Nodel Agency for Guwahati ‘CHILDLINE’ a 24 hours free telephone line for children in distress. It is responsible for
coordinating, guiding and monitoring the activities of Guwahati CHILDLINE.

1.19.12 Manikuntala Mahila Unnayan Kendra:

Manikuntala Mahila Unnayan Kendra was established on 30 July 1995, is a voluntary organisation with an aim to all around development of women and children. The organisation started expanding activities like counselling, pre-primary education, pre-primary teachers training, health check up, discussion with women to study their personal problems, art classes, music classes etc. The organisation is offering residential training programme for Anganwadi workers and helpers under World Bank Assisted Integrated Child Development Scheme of Government of India. The Directorate of Social Welfare Department, Assam has recognised the centre as Training Institute for ICDS functionaries in 2003, the centre has trained instructors for various training programme. The organisation started certificate course of pre-primary teachers training for women of low socio economic groups since 2000. Child labour in another serious problem of our society. A significant number of children are out of school only for economic reasons and they are made to work as child labour. The organisation has started to work study the conditions of these child labour. At first one research project has been undertaken on Child Labour in Assam. The project has taken grant in aid from Indian Council of Social Science Research, New Delhi, Dept. of Human Resource Development, Govt. of India. The organisation has set up four special schools for child labour at
four fringe areas of Kamrup district under National Child Labour Project Scheme of Kamrup Metro District Child Labour Programme. They get free teaching learning materials, nutrition services and routine health check up. The organisation has submitted one study report to Axom Sarva Siksha Abhijan Mission on evaluation of functioning of hard to reach centres in urban areas with focus on the coverage of working children. The organisation is also doing some research projects and submitted to the govt. time to time.

1.20 NEED AND SIGNIFICANCE OF THE STUDY:

Now-a-days, the towns and the cities are the centres of business and commercial activities. With the pace of urbanization, there is a rapid increase in the number of Child labourers. Boys and girls clad in torn and dirty clothes with huge gunny bags on their backs, undernourished, searching dustbins and garbage heaps is a common sight in the cities. In recent times there has been a spurt of child labourers in Kamrup District too, more particularly in Guwahati city, with the coming up of many a slums. They are seen to be engaged in diverse occupations like in garages, hotels, shops, factories, buses, trackers, households etc. Some children are also seen engaged in collecting and selling wastepapers, scrap materials, polythin, newspaper, bottles, bagging, shoe-polishing, pock pocketing, stealing etc. at this tender age. Consequently they are robed of their childhood, exploited and much of their potential remains untapped and unexplored.
Now, with its growing magnitude it is time to increase sensitivity, sympathy and commitment to meaningful action on the survival protection and development of child labourers. Children are the most valuable resources of a nation. The nation that fails to ensure the survival, protection and development of its children is doomed to destruction.

It is obvious that there is, rapid migration of rural families to the cities, resulting in transformation of rural society into urban. Slums and shanty towns are emerging with starting speed. Trapped in poverty, children, girls and youth have become the most vulnerable group to the risks of urbanization. Children in cities are nor encountering several problems, including exploitation, sexual harassment, child abuse, neglect and abandonment and variety of unhealthy parent child relationship. When youngsters are abused, neglected, abandoned and maltreated in many different ways, they venture on to the work. Therefore to reduce their agony the present study attempts to find out the causes of child labour, the employment pattern of child labourers, the needs and problems of the day to day life of the working children and to find out the services of different NGOs involved with child labour. The idea is to bring back the children into the mainstream of the society by providing right education and care so that they emerge as responsible citizens of tomorrow.

A number of studies and writings can be found in India on child labour. Different researchers have projected the picture of the case with their own perspectives. Most of the studies or writings are concentrated on the socio-
economic and working conditions of the child labourers. Very few studies are available emphasizing particularly upon the educational opportunities of the child labourers or the impact Child Labour Laws and Act on the educational facilities of the child labourers. Moreover, to the best knowledge of the investigator no study has been done in this regard in to Kamrup district of Assam. It may be mentioned that most of the child labourers are found in Guwahati as the city became the hub of business and trades. Many plans and programmes have been chalked out for social and economic development of child labourers. But these are not realized because of their backwardness. In view of the growing importance of rights of the child labourers, a systematic study seemed to have some special significance. In this context the present study is considered to be contributing to other studies. For accelerating the upliftment of the child labourers as a whole this study in also expected to bring to light certain undiscovered facts of this neglected section of the society. Therefore, an attempt has been made by the investigator to conduct a study on the impact of Child Labour Act on the promotion of Universal Primary Education. The idea is to bring back the child labourers into the mainstream of the society by providing right education and care so that they emerge as responsible citizens of tomorrow.

1.21 STATEMENT OF THE PROBLEM:

Attempts have been made in this investigation to study the causes of child labour and the services provided by the Non-Governmental Organizations to child labourers. The Study also seeks to compare the
magnitude of the problem of child labour based on gender. However, on the basis of the conceptual framework and the review of related literature the investigator has undertaken the present study which has highlighted the impact of Child Labour Act on the promotion of Universal Primary Education. Hence, the study has been titled as “A STUDY ON THE IMPACT OF CHILD LABOUR ACT ON THE PROMOTION OF UNIVERSAL PRIMARY EDUCATION WITH SPECIAL REFERENCE TO KAMRUP DISTRICT”

1.22 OPERATIONAL DEFINITIONS:

i. Child:

A ‘child’ is one who is dependent on adult to take care of his or her personal needs. So, child can be defined as “someone who needs adult care and protection for physical, psychological and intellectual development until he or she is able to become independently integrated into adult world”

According to Longman Dictionary of Contemporary English- “a child is a young person from the time they are born until they are aged 14 or 15.”


Generally in India one who in under the age of 14 years is considered as child. The Census of India also treats person below the age of 14 years as children. In legal provisions definitions of child depends very much upon the specific legislation e.g.
(a) Child is a male below twenty one (21) years and a female below eighteen (18) years of age" - The Child Marriage Restraint Act, 1929.

(b) "Children who have not attained the age of 14 years in case of boys and 18 years in case of girls" - Vaccination Act, 1880.

(c) "A child is a person under the age of 18 years" - Motor Vehicle Act, 1939.

(d) "A child is a person who has not completed the fifteenth year of age" - Factory Act, 1948.

(e) "Child means a person who has not completed his fourteenth year of age" - Child Labour (Prohibition and Regulation) Act, 1986.

ii. Child Labour:

A Child labour can be defined as one who earns full or part of his/her livelihood through his/her engagement in an occupation or a job on full time or part time basis, whose age is below 14 years. International Labour Organization (ILO) has defined child labour as "economically active population under the age of 14 years".

iii. Universal Primary Education:

Universal Primary Education means imparting primary education to all children between the age group of 6-14 years irrespective of their caste, sex, social status, economic condition etc. It also means making primary education free and compulsory for all the children of the country.
iv. Child Labour (Prohibition and Regulation) Act, 1986:

The Child Labour (Prohibition and Regulation) Act, 1986 aims to “prohibit the engagement of children in certain employment and to regulate the conditions of work of children in certain other employments”. According to this Act, “Child” means a person who has not completed his fourteenth year of age. The penalty for violation of the Act will range from three months to one year imprisonment with a fine of Rs. 10,000 to Rs. 20,000.

1.23 A BRIEF PROFILE OF KAMRUP DISTRICT

Historically, present Assam was referred to as Kamrup in many of the ancient Indian literature. Till the Ahom conquest, Kamrup district was known as Pragjyotispur due to the astrology (Jyotish Shashtra) practices that prevailed in this part of the country. The mythologies of ancient Assam reveal that the word “Kamrup” means the land where ‘Kamdev’ regained his “Rupa” (form). During Ahom reign, Guwahati became an important strategic point and saw the famous battle of Saraighat between Ahom and Mughals, and since then Guwahati as well as Kamrup district continue to play the Political, Social, Economic and intellectual leadership of the state.

Kamrup District is situated in the central part of Assam on both side of river Brahmaputra. It is divided into 17 blocks having 1378 inhabited villages. The total geographical area of the district is 4345 sq. km. The economy of Kamrup is both industry based and agrarian. The total population of the district is 25.22 lakh. The number of Cultivators in the
The district was bifurcated into two districts namely Kamrup and Kamrup Metropolitan. However, in the present study both the districts are taken together as undivided Kamrup. The undivided Kamrup district is situated between 25.43° and 26.51° North Latitude and between 90.36° and 92.12° East Longitude. The district is bounded in the North by foot hills of Bhutan and Nalbari district, South by the State of Meghalaya, East by Nagaon and Darrang districts and in the West by Goalpara and Nalbari districts.

Kamrup district falls under the Lower Brahmaputra Valley zone. Soil structure of the district is mainly alluvial in nature. About 90% of total population lives in rural areas and are mainly engaged in traditional agriculture, allied, non-farm and service related activities which is predominantly subsistence in nature. An estimated 1.2 lakh families live below poverty line. A part of the population depends on traditional Muga, Mulberry, Silk and brass-metal works and also as wage earners in organised and unorganised sectors, especially in the city of Guwahati.
1.24 OBJECTIVES OF THE STUDY:

The present study has been undertaken with the following objectives:

1. To find out the causes of child labour.
2. To find out the employment pattern of child labourers.
3. To find out the impact of Child Labour Act on the promotion of Universal Primary Education.
4. To make a comparative study of child labour based on gender.
5. To find out the services of different NGO's involved with child labour.

1.25 HYPOTHESES:

Keeping in mind the above objectives the following hypotheses have been formulated:

H₁ The child labourers are involved in different forms of economic and household activities
The Child Labour Act, 1986 has not been effective in the promotion of Universal Primary Education.

Both boys and girls are involved in child labour.

The services provided by the Non Governmental Organizations (NGO's) for child labourers are inadequate.

1.26 DELIMITATION OF THE STUDY:

The study has undertaken numerous aspects related to activities, socio-economic conditions and educational facilities. As the area of the study was very extensive, it was not possible to cover all aspects in terms of political, cultural, geographical situation and content.

As such the present study has been delimited to the following:

1. The first limitation relates to the area under study. Kamrup district has been taken as the area of the study. This area was selected because most of the child labourers are found in Kamrup district due to its industrialization and centre of business.

2. The second limitation relates to the age group of the child labourers. Children belonging to the age group of 5-14 years have been considered in the present study. This age group is taken since according to International Labour Organization (ILO) no children within this age group can work as child labourers.

3. The third limitation of the present study relates to the category of the child labourers. Child labourers working in the six unorganized sectors of
Kamrup district i.e. working as bus handymen, domestic helpers, garage workers, factory workers, working in hotels and working in shops were considered in the present study.

4. The fourth limitation relates to the strength of sample of the study. 300 child labourers of Kamrup District were taken as the sample of the present study.

5. Lastly, the statistical analysis is confined to percentage only.