CHAPTER-I

INTRODUCTION
We are guilty of many errors and many faults but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait, the child can not. Right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him, we can not answer ‘Tomorrow’. His name is Today.


Childhood is an age of learning and enjoyment. It is most important as the formative period of life, in which moulding and shaping take place; the behaviour, conduct and sentiments are developed and the child is entitled to all that makes for healthy living, sufficient recreation, schooling, adopted to his natural learning methods, intelligent home care and right to develop his abilities to the fullest extent. Thus, it is the best period for physical, mental and emotional development. The behaviour pattern, attitude and knowledge which are formed in childhood are seldom lost, and never easily.

A child is the future leader of a nation. The future and stability of a society depends upon the quality of its
children which in turn depend upon the manner in which welfare is planned. A child, as an important social unit, has therefore, to be taken care of as a whole instead of some isolated phases in his development and one should forget the saying "let children be children".

THE PROBLEM

Right to life as enshrined in Article 21 of the Indian Constitution is one of the most important rights that every citizen should enjoy, and thus, a child has also the same right which indirectly includes an environment favourable to his physical, mental, emotional and intellectual growth and development.

Child Labour is considered to be a major perennial social evil that is present in this country and no suitable remedy is traced out so far to curb the menace. Child labour has become a common scene and today it is not only a socio-economic problem but also it challenges the judiciary at the same time. Before going to point out the evils of child labour, it will be better to become familiar with its definition and causes.
DEFINITION OF "CHILD LABOUR"

Historically the terms work and labour have been used synonymously and interchangeably as both 'work and 'labour' require human effort i.e. and exercise of body and mind. Although work, as a direct fulfillment of the child's natural abilities and creative potentialities, is always conducive to his healthy growth, but when it is meant for the fulfillment of other's needs, it becomes enslaving in character and deleterious in its impact. When the basic attributes of work i.e., purpose, plan and freedom are conspicuously absent, it becomes labour.

Though the Indian labour legislation concerned with welfare of the children have defined the term 'child', but it is difficult to find a precise definition of the term child labour in any of these enactment. However, the term has been defined by Homer Folks, the Chairman of the United States National Child Labour Committee, as "............... any work by children that interferes with their full physical development, their opportunities for a desirable minimum education or their needed recreation1. "According to World Labour Report the term 'child labour' implies something different, where young people are being exploited or overlooked or deprived of

1 Quoted in Stein, Emanuel and Davis, Jerome (Ed): Labour Problems in America : 1940, pp.112-113.
their rights to health or education or just to childhood”\(^2\).

But Dr. V.V.Giri has distinguished between two implications of the term ‘child labour’. First, as an economic practice and secondly, as a social evil. The first signifies employment of children in gainful occupations with a view to adding to the income of the family and the second, a broad aspect which takes into account the working conditions including the dangers to which the children are exposed which means the denial of opportunities of development\(^3\).

Kulashrestha says that the term ‘child labour’ is at times used as a synonym for ‘employed child’ or ‘working child’ whereas Gary Rodgers and Gay Standing have classified\(^4\) ‘child labour’ into four categories which includes (1) domestic work, (ii) non-domestic work and non-monetary work, (iii) bonded labour and (iv) wage labour\(^5\).

‘Child labour’ generally means the employment of the child and the extraction of the productivity for the economic gain of another, with debilitating ramifications

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\(^3\) Giri, Dr. V.V.: Labour Problems in Indian Industry: 1958, p.360
on the psychological and physical development of the child\textsuperscript{6}. But according to the \textit{New Encyclopedia Britannica, Micropedia}\textsuperscript{7}, 'child labour' means the employment of children under a specified legal age. Also, it is the use of children to work in factories or other places of employment\textsuperscript{8}. So, 'Child Labour' is the work performed by children that either endangers their health or work safety, interferes with or prevents their development\textsuperscript{9}. But it is defined more meaningfully by the United States Department of Labour as "the employment of boys and girls when they are too young to work for hire or when they are employed at jobs unsuitable or unsafe for children of their ages and under conditions injurious to their welfare\textsuperscript{10}. It is, however, sure that children do not work always for wages. They are often found as unpaid workers. Children spend much of their time in household maintenance activities e.g., in helping parents or other adult members of the family in performing their traditional family occupation. As unpaid workers, they enter into these working arrangements by their own will to learn something which may help a lot to earn their livelihood as skilled workers in future. 'Child labour' is, thus, that segment

\textsuperscript{9} \textit{The Encyclopaedia Americana}, Vol.6, 1976, p460.
\textsuperscript{10} \textit{Ibid}, 1963, p.461.
of child population which participates in paid and unpaid work.\footnote{The Encyclopaedia of Social Works in India. Vol.1, 1987.}

For the empirical study of this research work, only those child labourers who work for wages, especially in roadside dhaba (eateries) are taken into account to know how far they are protected under the Constitution of India and different labour legislation meant for the welfare of the children.

**CAUSES OF CHILD LABOUR**

A child is not born a labourer. Social, psychological and economic environment mostly compel him to resort to an act of earning at such a tender age. It has been officially accepted since 1954 that child labour is no longer a medium of economic exploitation, but is necessitated by economic necessity of the parents and in many cases that of the child himself.\footnote{Government of India : Child Labour in India : 1954, p.2.} But it will be more useful to study some of the principal factors responsible for the child labour problems to have a better idea about this evil.

**(A) Poverty :**

Poverty is no minor ailment in India. It refers to a degree of deprivation of worldly goods. It means the
inability to secure the minimum consumption requirements for life, health and efficiency. According to Government estimate, about 23.76 crore Indians, representing 29.9 percent of the population are living below the poverty line. Of these, 19.59 crores are living in rural areas while 4.17 crores are in Urban areas. This poverty is the main reason which forces poor parents in sending their children to undertake employment. When the earnings of the adult members of the family, including the parents, become insufficient to mitigate their daily livelihood, the only ultimate path before them is the employment of their children for wages to supplement their family income. This condition helps the employers in exploiting child labour by extracting labour for a long hours against low wages despite the existence of various legal safeguards. The report of the International Labour Organisation (ILO) states that this problem is not the problem of the child labourer himself, but it is the problem of the maintenance of the child and the living wage of the adult wage earners so that they should maintain their family at adequate standard.

It was revealed in the seminar organised by National Institute of Public Co-operation and Child Development

14 UNICEF :Needs of Children, p.144
(NIPCCD), New Delhi that in India millions of families were below the poverty line and they had to deploy their children in the labour market in order to eke out a bare subsistence\textsuperscript{15}.

Bonded labour, which takes birth from the indebtedness of the poverty stricken people includes child labourers\textsuperscript{16} and it is mainly significant in the Indian villages since longs.

(B) Lack of compulsory education:

Education is a process through which power of body, mind and culture are strengthened. On the other hand, education at the primary and elementary level is the most effective tool for bringing about macro and micro economic changes in any society.

Constitution of India in its Directive Principles of State Policy provides for the free and compulsory education for all up to the age of 14 years. As observed by the National Commission on Labour (NCL), 1969\textsuperscript{17}, an artisan can not afford to educate his wards even though education is free. For him an uneducated child is an asset; desire to be educated becomes a double liability

\textsuperscript{15}Recommended actions of National Seminar on Employment of Children in India, New Delhi, National Institute of Public Co-operation and Child Development, 1975.
\textsuperscript{17}Report of the National Commission on Labour, 1969, p.386.
because of loss of earnings if the child does not work and expenditure, however small, on education. Not only an artisan, but most of the poor parents who are unable to provide minimum basics, even food to their children twice a day, it is not possible in their part to bear the other incidental costs although the education is free for the children. As such even after fifty years of independence neither this goal has been achieved nor the parents have so far understood their responsibility to achieve this objective by sending their children to schools which has led the percentage of drop outs highest in India and by the end of the 20th century, 50 percent of the World's illiterates would be in India.

Poverty is the main obstacle to the compulsory education and for this reason only children are motivated to work to meet their own family expenses before they can start their education. The parents of poor, illiterate and traditional families feel better to send their children to labour market than to school. According to them, the children should be part of the work-force if circumstances demand it.

Though children have the right to education as enshrined in Article 45 of the Indian Constitution, the

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main reason for the failure of this provision is in the absence of suitable schemes for compulsory education at state levels. The irregularity in the mid-day meal provision which was started with an aim to attract the children to come to the school; political antipathy; lack of proper infrastructure in schools etc., have failed to attract children to education, and thus, lack of proper education is another major factor for producing child labourers which indirectly means that the total implementation of the provision of compulsory education provided by the Constitution, will take another few years.

It has also been pointed out in the Asian Regional Tripartite Workshop held at Bangkok in September, 1986 that illiteracy is one of the major causes for the existence of child labour problem, and therefore, suggested that "protection of young and most vulnerable children, for example, by prohibiting the employment of children below 12/13 years of age or below the age of completion of compulsory education, must be given" 21.

(c) Population explosion:

Population overgrowth is considered as one of the principal causes of child labour. The problem of child labour is prevalent extensively in the lower

socio-economic groups as they have ordinarily a large family size, acute poverty, illiteracy etc. which are definitely the indirect results of population overgrowth22. Rapid population growth is an important factor which has posed a persistent challenge to the socio-economic development programme adopted by the Government. In fact, the whole quality of human life has been adversely affected as a consequence of the population explosion. On the other hand, parents of poor, illiterate families are not ready to accept the inner sense of population control policies and related laws. For them, additional children means extra income. Thus, children belonging to the lower socio-economic groups having large families are automatically deprived of their development facilities and rights. They have no choice but to join the labour force as their parents are not in a position to provide them even a square meal a day.

(D) Employers' Preference:

In India, child labourers are easily available in the society. They are generally hardworking and disciplined. Sometimes they do more work than adult workers without any protest to their employers. Employers prefer to employ child labourers in their establishments to get more profit

on less investments. As the children constitute the cheaper source of labour, it indirectly helps a lot for the existence of this problem.

(E) Lack of foresight and legal awareness:

Lack of foresight of the parents, particularly of lower socio-economic groups is another principal cause of existence of child labour in Indian society. Due to their limited outlook and thinking power, they never think of the future of their children. They believe in earnings of their children rather than their all-round development. They ignore their children's interests in gaining respectability in society like others, by not providing proper care and opportunity for education, vocational training etc.

The parents of this group do not send their children to the schools. They do not want to invest on education of their children. On the contrary, they want their children should work through which they can earn something and obviously the ignorant parents can only do this.

The people of this group are not in the least aware of the legal safeguards meant for the protection of children against abuse, and this is so because of the
inadequate implementation of the legislation for which child labour still exists in the society.

(E) Lack of proper implementation of the legal provisions:

There are number of legislation in relation to child Labour, but these suffers from lack of necessary machinery for proper implementation. The society is aware of the problem and lot of exercises in and outside the Parliament and Legislature along with bureaucracy, NGOs etc. have created a lot of hue and cry throughout the country. While the unorganised sectors are not covered by any of the labour legislation meant for the protection of child labourers, where most of the children are working, it does not serve the purpose in any way even if the legal provisions are properly implemented.

EVILS OF CHILD LABOUR

Child labour is a great social ill and a national waste under the economic necessity as the wage earner to support the family. This deprives the child of the opportunity for education; wholesome play and recreation; stunts his physical growth; interferes with the normal development of his personality and thwarts his preparation for adult responsibility. To quote Singh, Kaura and Khan,
"child labour" thus assumes the character of a social problem in as much as it hinders, arrests or distorts the natural growth processes and prevents the child from attaining his full-blown manhood23.

The problem of child labour involves many far reaching socio-economic implications. Various types of occupational health hazards are the first and most important effects which may sometimes cause certain kinds of deformities in the child labourers. Secondly, this problem gives birth to various other economic problems such as the use of labour at its lowest productivity implying thereby an inefficient utilization of labour power. It frequently precludes the most productive adulthood, thereby causing enormous economic loss to the society. There is an unfair competition created between the child labourers and adult workers by employing the children resulting to the extensive unemployment of the adults. The practice of employing children below the prescribed age interferes with their education and minimises the chances for their vocational training and hampers their intellectual development. The child labourers at their homes are regarded as adult members as soon as they become wage earners and thus tends to interfere with normal family life and encourage the breakdown of the social control

which is largely depended upon to preserve the existing social order.

REVIEW OF STANDARD LITERATURE

Though the child labour problem is not new for India, only scanty literature are available for the earlier period i.e. before 1979. Some of the literature on the problem has come into existence after the declaration of the year 1979 as International Year of the Child. Further, the year 1990 was celebrated as the SAARC (South Asian Association for Regional Co-operation) year of the girl child in India with an intention to focus attention on the plight of the girl child labourers. To ensure a decent life for the child labourers in general, several attempts have been made by various scholars, government of India, labour bureau, ILO etc. on the problem and suggested various measures to tackle the problem. The researcher here attempts to review of the important standard literature to know the past studies on the subject.

(A) Selected Books:

The review may be started from J.C.Kulasrestha (as 1978) who has brought forth some vital aspects of child labour and its evil consequences in his work. According to him, labour is worship, no doubt, but it must be expected
from and exacted upon those who are fit for it. Misplaced labour is dangerous to one who does it and to those who set the fruits out of it. He categorically pointed out that politically, socially and economically child is the seed of natural growth and recognising this fact, the government executive as well as legislative has taken various steps to protect them. But in law, much is to be desired. The employers take benefit of many a loopholes in the law and exploit children.

Though the fourth and fifth chapters of the book contain the steps taken by ILC and protective legal measures respectively, but a detailed study of the legal provisions with case laws on the problem as well as the role played by the judiciary in this regard are not dealt with any where. But Kulashrestha observed that existing provisions regarding working conditions, medical, educational, housing and recreational facilities to the child labourers are inadequate.

Elias Mendelievich (1979) has very aptly observed that to a greater or lesser extent children in every type of human society have always taken part and will take part in those economic activities, which are neccessary, if the group to which they belong is to survive. In the developing countries like India, the driving force behind
the employment of children is poverty. Apart from this, the other causes are to assist their parents in the economic activity of the households, parent's attitudes, absence of earning members in the family etc. Child labour is also preferred as it is very cheap and readily available in the agricultural and rural sector. In most of the factories, where the children are employed, have to work in unhygienic conditions with little or no ventilation and light. In agricultural work, contact with pesticides and fertilizers lead to skin problems and poisoning. In the developing countries, he observed, it is the parents or relatives who first pushed their children to work, but they lack foresight to judge the harms caused by the early employment of the children.

According to Praveen Nangia (1987), apart from poverty, the low educational and occupational status of the parents and inadequacy of the legislative system as well as its insufficient enforcement are the reasons of child labour. Next to it, honesty, sincerity, efficiency and cheap labour are the other factors behind the existence of the Child labour problem in the society. The author recognised that employing child labourers has some positive effects on the child as well as on the society since it accelerated the process of socialization. At the same time, it is also argued that the negative
consequences over powered the positive ones. The physical and mental health of the child labourer is naturally degenerated by the early employment and thus his/her earning capacity at the later age is reduced because of lack of education and formal training. Moreover, the child labourers most often suffer from the incidence of malnutrition and under-nourishment.

B.Dinesh (1988) has analysed that a rural family would prefer to have many children expecting each of them to work and add to the family income. Thus, high fertility is one of the major consequences of the economic activities of children, while another consequences of child labour is that it reduces adult wages. Early participation in hazardous activities shortens their life length and future earnings.

But B.Chakravarty (1989) has disclosed and discussed the inter-relationship between literacy and schooling on one hand and the gap between the idea of universalisation of literacy and of elementary education and reality on the other hand. He has reviewed various policies and programmes in relation to universalisation of elementary education and of literacy in Andhra Pradesh. Mr. Chakravarty examined this problem in detail through in depth studies in selected rural areas and urban slums. At
the same time his work province a critique of the national policy and suggests a need for a stronger policy thrust for achieving universal literacy within a given time frame.

Ivy George (1990) is of the opinion that children should not be part of the work force, but they should be allowed to work in a good environment and conditions conducive to their growth and development and thus shows a conceptual distinction between 'work' and 'labour'. He suggests to re-examine the widely accepted view that children should not be part of the work force.

After reviewing the date collected during the field study, he concluded that it is not feasible to eradicate the problem at the present stage of economic development and therefore attention has to be focussed on making the working conditions of child labourers better and more acceptable socially. The ultimate goal of abolition of child labour problem can only be achieved where there is sufficient improvement in the conditions of the families whose children are compelled to work. This work is totally from the socio-economic angle and does not deal with any legal provisions.

Dr. Amar Nath Singh (1990) has attempted to study various facets of child labour and confined his study to the carpet industries only. He defined 'children' as those
in the age group of 6-15 years, working for wages in their family owned or non-family owned carpet weaving units. A further attempt has also been made by the author to find out their pre-work life and socio-educational life pattern to locate factors leading them to accept employment, to identify their socio-economic and familiar background; to delineate various positive and negative aspects of their working conditions and also to review the existing legal provisions in a nutshell and their implementation in the carpet weaving units. For this, a field study was done by the author in Sewapuri development block of Varanasi district and opined that the traditional system of employing children in family occupations and economic necessities are the major causes of child labour problem besides large family size and population, employer's preference, absence of compulsory education, illiteracy and ignorance of parents etc. He has mentioned the sorrow plight of the children employed in the carpet industries of the study area who are exploited to the maximum possible extent and in reward how they suffer from head-ache, eye problems, stomach-ache joint pain and chest pain etc. At the same time he suggested various measures for research as well as for action as this study has clearly established that the practice of child labour is due to economic necessity.
Though he deals with the child labour laws, but failed to discuss and touch all the statutory and constitutional safeguards and the author is totally silent about the judicial response on the problem.

According to Ramesh Kanbargi (1991) "child labour" has the potential for exploitation that can have far reaching consequences on the overall growth and development of the children. Unfortunately, research in this area is scattered and inadequate. Though the goal of governments in less developed countries is to totally eradicate child labour, the existing socio-economic and cultural factors along with conceptual, definitional and measurement problems associated with child labour, pose a serious hindrance in achieving these goals in a reasonable time. So, till such time as the goals are achieved, there is an imperative need to understand the problem and to protect the interests of the working children”.

The edited work of Kanbargi mainly aims at improving the understanding of child labour its incidence, correlates and implications. He observed that child labour in rural India is not considered as exploitive, but it is a process of socialisation and the only means of acquiring the necessary skills required for survival in the given
environment. It rather develops the confidence, self respect and personality of the young workers.

Further, pointed out that, in India, although several attempts have been made by the government for the welfare of its children, unfortunately all these efforts seem to have had a very little impact on either achieving the universalisation of primary education or eliminating child labour.

Prof. Myron Weiner's (1991) work is mainly based on the child labour and education policy in Indian context. He has tried his best to explain the problem and reviewed the compulsory education policies and child labour problem and attempted to explain why India is a significant exception to the global trend towards the removal of children from the labour force and the establishment of compulsory, universal primary school education. Basing upon the scores of interviews with government officials, educationists, social activists and children, he has built a convincing case. He spoke to many education officials at all levels, but did not find a single one who advocated compulsory education.

In his work, he has only touched the legislative history of the child labour laws, but neither it is
elaborately discussed nor any emphasis has been given on role of Indian judiciary on the problem.

M.Sumangal and B.S.Nagarajan (1993) have done a micro level study of the problem in a developing country like India with its avowed welfare outlook and discussed several aspects of the subject - economic, sociological and demographic. They found that there really exists a positive relationship between more number of children and practice of child labour and suggested for population education, compulsory enrollment of children in schools, effective implementation of non-formal educational programme package, easily adaptable birth control methods etc. as high fertility rate is one of the major causes of child labour. Further, they emphasized that child labour in unorganised sector too is to be viewed seriously for penal action and regular and innovative income generating employment programmes for parents should be conceived and implemented on a wider scale.

Mohd. Mustaffa and Onkar Sharma (1996) said that the eradication of child labour can only be possible through two term policy; long term and short term. Though certain amendments in the legislative provisions, assistance to the families of child labourers, proper rehabilitation etc. are included in the short term policy, but the
authors stressed more in long term eradication of poverty, illiteracy etc. Because so long as these problems will exist in the society, it will help indirectly for existence of child labour.

The work of P.L.Mehta and S.S.Jaswal (1996) is based upon the constitutional philosophy of child labour welfare with special reference to tea stalls, sweet shops and dhabas in Shimla town. No doubt, the study is quite comprehensive, educative and informative. The problem of child labour has been examined quite seriously and various Acts, Rules and regulations have also been taken into consideration for dealing with the subject of the study. More specifically say, the authors intended to find out the reasons of child labour nature of their work, wage structure, working conditions etc. and reached at the conclusion that unorganised sector employee a large number of children below the prescribed age and they are deprived of their rights. It is argued by the authors that the children should be given adequate opportunity and facilities for developing themselves in to be a good citizens as they are the future of a nation. The study disclosed that children in India and are being exploited by the people for the accomplishment of their selfish ends. They have been exploited more or less in all periods of time, though varied in its nature and dimension,
depending on the existing socio-economic structure of society. The legal provisions and judicial response to child labour welfare are discussed to some extent in this book and certain emendments in the child labour (Prohibition and Regulation) Act. 1988 are advocated.


(B) Selected Research Articles:

There also exists a number of research articles on the subject out of which few standard articles between the period of 1978 to 1997 have been selected by the
reasearcher for the present works as it is not possible to review all the literature available on the subject.

Jan Vitek (1978) observed that children, even of seven years of age are brought from the country-side to the urban cities and are sold into services. In agriculture and related activities, the children are largely employed in the rural areas, but in both the cases, they are exploited and humiliated to a great extent. In both cities and villages, a large number of economically active children are also found in small workshops, cottage industry as well as handicraft undertakings.

Nadeem Mohsin (1980) opined that child labour by and large is a product of unemployment and underemployment of the adult wage earner besides acute poverty and increasing demand for child labour. In ancient India they were exploited in form of child slaves. But their position is much worst in Patna, where considering the physical capabilities of a child the work load is extremely high as observed by the author while conducting a survey in Patna.

S.Kothari (1983) pointed out that illiteracy is the major factor that compels the children to join the labour force. In Sivakashi, children are induced to leave schools to support the family economically. According to the
author, Sivakashi is the largest single concentration of child labour in the world where the children between the age group of three and half years to fifteen years work for twelve hours a day in degrading and hazardous working conditions and suffer from various health hazards.

According to Neera Burra (1986), poverty is considered to be one of the main reasons of child labour. She found that employer has a vested interest in the continuation of child labour as it is highly profitable. Child labour is preferred by a diverse set of social groups, from the urban middle class housewife to the rural household. In almost every sphere of economic life children are found working, exploited to an optimum level and deprived of their development and education. Particularly in the glass factories of Ferozabad, the child labourers are exposed to inhuman exploitation. The combination of heat, dust and intense noise leave severe repurcussions on the health of the workers and thus, the net result is that tuberculosis is rampant and the life of a worker is cut short by 10 to 15 years.

According to M.A.Khan (1988) the number and types of occupation in which children are being employed are endless and include almost every aspect of human work and life. The Industries which are really pits in exploiting
child labour are the carpet, beedi, match, fire work and the glass and bangle industries. Children are also found working as pottery workers and in private mines. The other notorious occupations employing child labour are the previous stone industry of Moradabad and diamond polishing industry of Surat. According to him, “match factories of Sivakashi and Tamilnadu are supposed to huge the highest concentration of child labour in India”.

Bhagaban Prasad Singh (1990) opined that there is an urgent need for attitudinal change, social awareness and crusade against the scourge of child labour. The creation of human working conditions along with strict enforcement of Child Labour (Prohibition and Regulation) Act, 1986 and National Policy on Child Labour, 1987 coupled with improvement in the economic condition of parents would help in the elimination of the problem of child labour.

S. Shrinivasan (1990) has discussed the problem from the angle of supply side and demand side by classifying the child labour into rural and urban area and concludes that if the child labour is eliminated, thousand of families will be affected. Instead of eliminating it, the child labour can be protected from exploitation by taking proper action against the employers and improving the standard of working conditions.
N. Sharma (1990) elaborates that Indian conditions do not permit to prohibit the child labour totally because it will be injurious rather than good in the absence of possible alternatives. It is therefore, realised that children who are not able to take education are to be engaged in work so that they will be saved from being misguided.

Pawan Sharma (1994) is of the opinion that childhood is the most formative period of one's life; a time of learning and formation of habits. The issue of child labour, therefore requires attention of not only of legislature, executives and courts but also of the NGOs' social reformers and academic institutes and all those who care for the growth and development of the nation. Until this problem is tackled at all fronts, the child can not be protected from this abuse.

Dr. N. R. Madhava Menon (1995) gives much stress on the importance of the United Nation's Convention on the Rights of the Child, constitutional provisions, gaps and inadequacies in legislations concerning children and role of voluntary agencies in implementation of "rights of the child".

But Dr. M. A. A. Baig (1995) suggests that to abolish child labour, the first step will be to provide regular...
and meaningful employment to the adult members to assure a certain minimum income to the household. Only then, the legislation against child labour can be respected, the employers monitored and the education system made meaningful.

Soumitra Kumar Chaterjee (1996) has examined how population overgrowth is the root cause of child labour through an empirical study in the Cuttack city and suggested for a social awareness against this evil and stressed on the role of NGO's in this regard.

Sukhjinder Sing Tiwana (1997) is of the opinion that India has failed to tackle the problem due to wrong policies adopted by successive Union Governments. Poverty, systematic destruction of rural life, menacing spread of urbanisation, commercialisation of education, callous attitude towards various poverty alleviation schemes, proper non-implementation of legislative provisions etc. are the main causative factors of child labour in India. The author, therefore, stressed much on improvement of the living and working conditions of the parents of working children. Further, it is the duty of the government to convert working children into productive and participative members of the society for which more attention has to be given towards rehabilitation measures , proper educational
facilities and the involvement of NGOs, trade unions and
group root level workers of various political parties etc.

Thus to sum up the review, it can be stated that the
existing literature available is scanty, fragmentary,
incoherent and incomplete. The socio-legal problems of
child labour are greatly attracting the attention of
scholars and academicians. Comprehensive works based on
empirical studies are very rare. As far as socio-legal
problems of child labour in road side dhaba is concerned
it remains an unexplored field, no work has been done so
far. The present study represents a humble contribution in
this direction and attempts to fill up this gap.

Selection of the Area:

Child Labour in road side dhaba has been taken up for
study because of the following considerations: (i) It is
an "untrodden" field. The legal study of child labour with
a special reference to road side dhaba has not yet
attracted the attention it deserves of the scholars. Any
study in such unexplored and neglected area is likely to
be appreciated not only because of its pioneering nature,
but also because of its importance and (ii) the
researcher's general perception of child labour and his
contacts with district administration also influenced the
choice.
Objectives

Keeping the above facts in view the following objectives have been formulated for the present research work:

(1) to explore and analyse the problem of child labour.

(2) to identify the factors which compel them to accept employment/wrok from such an early age as well as to know the opinions of the employers and parents of the employed children regarding the issue;

(3) to analyse the type of work they are doing including the working conditions and the extent of exploitation by the employers;

(4) to provide a brief review of international and national level provisions in relation to child labour;

(5) to examine the legal protections available to them;

(6) to provide an indepth study of the problem of child labour in some of the selected occupations of unorganised sector (where high incidence of child labour is found) in the state of Orissa; and

(7) to suggest various measures to tackle this problem.
HYPOTHESES

On the basis of the standard literature, personal observational studies, discussion with intellectuals and available reports on child labour, the following hypotheses are formulated to be tested by this study.

(1) The poverty, illiteracy and large family size are the main causes of the problem of child labour.

(2) The child labour is prevalent extensively in the lower socio-economic group.

(3) Most of the child labourers are between 10-14 years of age,

(4) The child labourers are being exploited to a great extent by the employers.

(5) The working conditions in most of the occupations are unhealthy.

(6) Legislative measures to protect child labour are mere institutionalisations

Scope of the study:

The scope of the present study is confined to child labour of road side dhaba with a special reference to State of Orissa. National Highway No.5 (N.H.5) is the
major Highway in Orissa which joins Bihar and Andhra Pradesh and it passes through eight districts namely, Mayurbhanj, Balasore, Bhadrak, Jajpur, Cuttack, Khurda, Puri & Ganjam. N.H.5 connects Madras and Calcutta, two major cities (business centres) of India. Therefore, the goods are transported generally on road, obviously, lorry is the only transport used for the purpose. Therefore, number of road side *dhabas* are constructed to cater the need of the lorry drivers etc. The researcher thought it proper to make in depth study of the problem of the child labour engaged in road side *dhaba*.

**DATA COLLECTION**

**(A) Tools**

Suitable tools taken for the present study to collect necessary data are:

1. Interview
2. Schedule
3. Observation
4. Official documents, reports, census data, standard literature etc.
(B) Sources

The data required for the completion of this work were obtained mainly from two sources: Primary and Secondary. Personal interviews, observational studies and by using a structured schedule data were collected from the primary sources. To get relevant informations for making the study a detail and successful one, high officials were contacted from the Department of Labour (Government of Orissa), State Labour Commissioner's Office, various voluntary organisations, some labour welfare officers, legal professionals and academicians.

In addition to the primary sources, informations from various other official documents like census data, data of ILO, UNICEF, research groups and other standard literature etc. were also taken into account for the preparation of the critical part of this research work wherever necessary.

LIMITATIONS

The present piece of research work may not be claimed as completely perfect. Due to the scattered nature of the sampling units, the study was based on a smaller size of sample and hence its findings may be generalised. Despite the best efforts made by the researcher to establish
purposive rapport and requisite support, free and frank responses could not be fully available. Still, the field study conducted in the state of Orissa gives a sample picture of the problem in the aforesaid categories in the State.

**SCHEME OF CHAPTERS**

The present research work has been divided into seven chapters including introduction and conclusion.

Chapter-I Introduction: gives the introductory note on the problem, definition, causes and evils of child labour problem, review of standard literature including detailed methodology adopted for this study.

Chapter-II deals with the retrospect, introspect and prospect of child labour in India. Here, an attempt has been made to have a close observation on statistical profile and place of work of the child labourers including occupational health hazards etc.

Chapter-III describes the steps taken in international and national level to protect this evil which includes the efforts of international bodies like UN, ILO and UNICEF. Regarding the attempts made in national level. Five year Plans, National Policy on Child Labour and Education, steps taken by the government, role of NGOs etc are dealt within this chapter.
Chapter-IV highlights the constitutional and statutory provisions meant for the protection of child labourers. Under statutory provisions, a comparative study of the Central Acts and Rules on child labour including the provisions of state (Orissa) Acts and Rules are mainly given.

In Chapter-V the role of Indian Judiciary for the protection of child labourers by referring the decided cases laws have been discussed.

Chapter-VI provides a survey analysis of child labour working in roadside dhaba in NH.5 of the State of Orissa.

Lastly, Chapter-VII; Conclusion of this study contains a summary of the above chapters, conclusion and some suggestions to tackle the problem.